DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 May 2001

Wednesday, 2 May 2001

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

Administration and Procedure—Standing Committee
Report on proposed amendments to standing orders

MR SPEAKER: I present a report of the Standing Committee on Administration and Procedure entitled *Proposed Amendments to Standing Orders relating to Disorder, Questions without Notice and Voting*.

MR CORBELL (10.32): I move:

> That the report be noted.

Mr Speaker, the report you have presented on behalf of the Standing Committee on Administration and Procedure this morning is the result of a reference from the Assembly at its last sitting. The proposed amendments to the standing orders were referred to the committee by the Assembly on Tuesday, 27 March. That preceding sitting Thursday the Assembly had adjourned much earlier than anticipated following the naming of a member for refusing to withdraw offensive words, and, the question that the member be suspended from the service of the Assembly being negatived, the votes being equal.

The Manager of Government Business, Mr Moore, had proposed to the Assembly amendments to the standing orders relating to disorder. Mr Kaine had moved amendments to the motion proposing time limits on questions without notice and answers, and also proposing that each alternate call of the Assembly for a vote be conducted in reverse alphabetical order. Also, the motion of Mr Moore and the amendments moved by Mr Kaine were referred to the Standing Committee on Administration and Procedure for report by today.

The committee conducted an inquiry, Mr Speaker, and the committee sought the views of all members who were not members of committee. A number of members representing parties, and Independent and crossbench members, responded to that request. During the committee's deliberations the committee reviewed and examined our current procedures, as well as reviewing practices in other Australian jurisdictions as well as New Zealand, the United Kingdom and Canada.

I would like to move now to the report itself, Mr Speaker. Mr Moore proposed amendments to standing orders 202 and 203. The committee recognised that the proposed amendments incorporated provisions found in many other jurisdictions in Australia and elsewhere, and the uses that are made and could be made of the procedures proposed. The committee did, however, have misgivings on the merits of introducing the procedure in the Assembly. The committee was of the view that the adoption of the procedure would be an overreaction, was on the whole unnecessary, and would send the

wrong message to the community, it being felt that the adoption of the proposal would be seen as an admission that members could not take responsibility for their own conduct.

A number of members of the committee also expressed the view that the procedure could lead to the legitimisation of disorderly behaviour. By that, Mr Speaker, the committee felt that it would allow members to draw inappropriate attention to themselves and the issues of the day by being ordered to withdraw from the Assembly but still being able to participate in votes of the Assembly.

The committee was strongly of the view that any suspension should remain in the hands of members of the Assembly and be decided by a vote, and that the requirement for a motion to be moved for the suspension of a member should be retained. I should point out, Mr Speaker, that, whilst the discussions the committee held were very cordial, effective and constructive, the committee was not unanimous in reaching these conclusions and recommendations.

One point of interest that the committee noted was the practice sometimes used in the House of Representatives—this is something that could be useful in this place—of members being able to apologise to the Speaker before a motion is moved for their suspension. This is one practice that could, at the Speaker's discretion, be used in the Assembly.

The committee has proposed to keep a watching brief on this matter. A majority of the committee is of the view that at this stage the existing standing orders should remain, but if, towards the conclusion of this Assembly, this practice does not seem to be appropriate, it will review the provisions proposed by Mr Moore.

In relation to the proposed time limits on the asking and answering of questions without notice in question time, the committee has recommended that the Assembly not support the proposed time limits, but has recommended that all members make themselves aware of their obligations under the standing orders in relation to asking and answering questions. There are time limits set in the Australian Senate and the Queensland Legislative Assembly. The committee has concluded that the current standing orders do provide the necessary direction and powers to enable the Assembly to improve the operation of questions without notice without the imposition of time limits at this stage, and that the Speaker does have the authority required to rule questions out of order and to terminate answers where required.

Mr Speaker, in relation to the conciseness of answers, this was a matter of some debate in the committee. The committee wants to draw to the Assembly's attention the dictionary definition of the term "concise". If members bear with me, I will endeavour to find this definition in the committee's report. It is on page 11 of the committee's report. The dictionary definition of the word "concise" is "expressing much in few words; brief and comprehensive; succinct; terse".

The committee feels that this definition of the word concise is an appropriate guide for members, particularly ministers, in answering questions, and that, equally, a better understanding of the obligations placed on all members in the asking and answering of questions can only improve the operation of question time. Again, the committee has decided to keep a watching brief on this issue because it feels that if the conduct of

question time does not improve over the remaining life of this Assembly there may be a need to revisit this issue at a future time.

Finally, there was the proposal to change the call in relation to the way votes of the Assembly are conducted. The proposal, the amendment before the Assembly, is to amend standing order 160 to provide for members' names to be called in reverse alphabetical order on every second call of the Assembly. Regrettably, the committee was not able to reach a position either in favour or against this proposal. The committee is composed of an even number of members, and there are three members favouring each of the alternative points of view on this matter.

Normally, of course, Mr Speaker, when the Assembly refers a matter to the committee, it should be expected that the committee will reach some sort of conclusion. However, on this occasion we were unable to do so. We believe it is appropriate that the Assembly itself decide this matter if a member chooses to bring it on for debate.

I commend the report to the Assembly.

MS TUCKER (10.39): I will be very brief. Mr Corbell has explained the committee's findings and recommendations very well. I think it is worthwhile to make the point that this is a place which we would hope inspires confidence in the community, and we know too well that there is quite a poor opinion often held in the community of parliaments because of the way the proceedings are often presented. It is actually often quite unfair. We know in the case of the federal parliament that it will often be the most unpleasant scenes which are broadcast on television throughout the country, but a lot of good and sensible debate occurs. The reality also is that there are occasions when debate is not conducted in a dignified or credible way.

I believe that what happened in this place that caused the committee to be looking at these issues was a wake-up call for everyone in this place, and that, in a way, to legitimise that behaviour by adding a further discipline procedure is not a good response at all. Basically, it means the community will see that people in this place are not capable of conducting themselves with dignity and seriousness and that we have to have these new punitive measures introduced. There is a defence sometimes put to that by members of this place, which is that this is robust parliamentary debate and it is the way of parliaments. Well, that is exactly what we have to challenge.

What it looks like to people in the community is a lot of men behaving badly, basically. In fact, the Westminster system was designed around parliaments mostly comprised of men. I believe that if we want to attract people into politics who are not inclined to get into such so-called robust parliamentary debate, we have to change how we work.

We want more women in politics. We want to encourage men into politics who may have a gentler approach. For that reason I think it is very important that we are prepared to challenge this notion of the so-called robust parliamentary debate and call it what it is, which is basically a lot of rudeness and bad behaviour. For that reason, I do not think we need to be introducing penalties. I know that every single person here is capable of behaving in a serious and dignified way; we just have to make sure that we do.

When things get a little bit passionate, the Speaker has great responsibility here. We need to respect that responsibility. The Speaker has acknowledged that this is a wake-up call for this parliament basically. I think we can show the community that we are quite capable of managing how we behave without introducing these new measures.

MR OSBORNE (10.43): Mr Speaker, I will speak briefly to this report. We have a unique situation with the Administration and Procedure Committee. It is made up of six members. In relation to this inquiry, you will recall, being a member of the committee, that when we deliberated on this issue Mr Hird was unavailable, so the numbers on the committee supporting knocking off the sin-bin without my involvement was three to two. I indicated at the time that I am still open to all the suggestions that have been made in relation to this report, and I understand that they will come before the Assembly at some time in the future.

At this stage I have not made a firm decision on the sin-bin or on changing the way of calling votes. I indicated to the committee that I would like to talk to Mr Kaine about the way the votes are called, but we were not able to get together before he headed off overseas. I do intend to do that in the future, and I also hope to speak to Mr Moore further about his sin-bin motion.

As I said earlier, we deliberated and the committee made some recommendations. The Clerk then brought them to the next meeting, but the dynamics of the committee had changed again, because Mr Kaine was overseas and Mr Hird was present. So, for the sake of expediency and in an attempt not to bog us down, I supported the recommendations of the committee that were made at that first meeting.

I thought it important that I put on record, Mr Speaker, the fact that I am still considering whether or not to support these options when they hit the floor of the Assembly. The reality is that this is the place where the decisions are to be made, and I want to speak further to those members who have put these proposals forward before I make a final decision.

MR HIRD (10.46): Mr Speaker, I must join with my colleagues on the committee. In particular, I thank Mr Corbell for giving an overview of the position of the committee and for his tabling speech on this report. The committee believes that there are positives and negatives in relation to this proposal, and that is a fact. At the end of the day I could not join with the committee on a number of matters, in particular recommendation 1. I think this place will always have a minority government under the current arrangements, and from time to time we all get a little bit hot under the collar in the heat of the moment and the pressure of debate, and we say things that sometimes we may regret in retrospect. We do need a cooling off period, and other parliaments have devised what is known as the sin-bin, whereby a member is removed for a period at the discretion of the Speaker.

I believe, as Ms Tucker indicated, that this chamber has a responsibility to respect the Speaker. The Speaker holds high office under the procedures and practices of the parliament, and we should fully support the presiding officer in the task that he or she has to undertake. Because we have minority government and because of the need for a cool-off period, I believe that the practice which has been adopted in other places of the Speaker having the power to remove a member for a time is well founded. Because of

the minority government arrangements, an irresponsible person sitting in the chair may well take advantage of the crossbenchers or opposition and remove a member for an hour, so the idea of a member not being disenfranchised when a division is called and being able to come back into the chamber to vote is warranted.

I believe most sincerely that the standing orders are there as a guide. They are the rules under which this place operates. However, I think the standing orders introduced at the time of the first Assembly in 1989 have evolved as successive parliaments came into being, and this is an opportunity for us to introduce this system for trial during the remaining term of this Assembly. At the discretion of the presiding officer, members could have the opportunity to cool off.

As to the other part of the report dealing with rotation when a vote is called, this place adopted the procedures of the House of Representatives standing committee and was set up under the Westminster system. Under the Westminster system the tradition relating to calling the roll goes back many hundreds of years. We are a young parliament but I believe that our traditions should be guarded and treasured. The predecessor to this place, the advisory body, had similar arrangements on divisions, and I believe they should be retained as a part of the history of this place.

There is no real reason for a change, according to my understanding, except that one member has indicated that the crossbenchers might not know where they stand on a division. Well, Mr Speaker, I think that is pretty flimsy. I have seen members who have been doing business outside this chamber walk in when a division has been called, and they need to get some direction, not only from the crossbenchers, but also from the opposition and the government. That is not to say, sir, that they are not aware of their responsibilities, but they need to know the state of play or where the debate is at when the division is called. That does not occur only in this chamber, but also in other parliaments.

I urge members to take note of recommendation 1 and to give the Speaker the power to give a member the opportunity to cool off by means of the sin-bin, as they call it. I also ask members not to support rotation of the call of the house when divisions take place.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.52): I would like to make a brief comment on this report. Obviously I have not read it in full yet, but we probably will not get back to this debate so I thought I should make a comment now. I will only comment on the first two recommendations about the discretionary power to remove a member of the house.

As members know, this report resulted from an incident earlier this year when the Speaker's authority was not supported by the house. The fact that the Assembly committee has decided not to support this particular option may reflect the views of the committee but it leaves unresolved the question of what to do to resolve that issue of the Speaker's authority. I view that incident with utmost seriousness and I think the motion that was moved on the subsequent day or during the subsequent sitting to affirm confidence in the Speaker did not, by any stretch of the imagination, resolve the problem which the failure of that earlier motion had given rise to.

I simply say, Mr Speaker, that I think the issue is now back in our laps. How do we deal with that particular problem, given that the option put forward here has not been supported by the committee?

MR BERRY (10.53): I had not intended to speak on this matter, but that is a very curious approach. The matter is resolved. It is as plain as the nose on your face. The Speaker is still in the chair and still has the confidence of the house. If he did not have the confidence of the house he would not be there. It is as plain as the nose on your face. For Mr Humphries to say that the matter is now back in our laps because something has not gone his way in terms of a committee report is just ridiculous.

As I have said before, motions of dissent and so on are available to members in this house. If an event such as gave rise to the proposal which came forward from the government benches were to occur again and the Assembly did not support the ruling of the Speaker, I suppose it would be up to the Speaker to decide whether he should or should not be in the chair. I have made it clear, from these benches anyway, that if we do not have confidence in the Speaker we will set it out clearly in a motion and move it, and that will be the end of that.

To say that something is unresolved when clearly it is, I think is mischievous at least. It is an extraordinary description of what occurred here. Simply put, the Speaker lost the support of the house over his decision, but the Speaker did not take it too badly and did not resign. He did not spit the dummy and go, and nobody here sought to move a motion of no confidence in him. If there had been such a motion and if it had been successful, the Speaker would not be here. It is as simple as that.

MR MOORE (Minister for Health, Housing and Community Services) (10.55): Mr Berry has the great ability that I have admired since 1989 of being able to argue that black is white. The reality was that we had a situation in this chamber when the government was forced to adjourn the house in a circumstance—

Mr Berry: That was your stupid decision, you dill.

MR MOORE: A member had been named as required by the standing orders and, as a member was away, it was not possible to get an absolute majority. Mr Speaker, it seems to me that we are trying to prevent that situation arising again and making sure we can avoid the problem. It is quite clear that, although the final recommendation of the committee is as it is, this is a decision for the Assembly, and I hope we can bring the matter back to the Assembly soon. The government probably will seek to bring it on tomorrow. We take the report seriously. We will read the report and see whether we need to modify our motion, having read the report.

I am still determined that there should be power for the Speaker. It does not interfere with a member's right to vote, but does allow reasonable control of this house to avoid what I saw as a stupid situation previously—one that was based more on politics than on the good order of the house.

Question resolved in the affirmative.

Mr Berry: I withdraw my intemperate description of Mr Moore as a dill.

MR SPEAKER: Thank you, Mr Berry.

Estimates 2001-2002—Select Committee
Membership

MR SPEAKER: I have been notified in writing of the nominations of Mrs Burke, Mr Hargreaves, Mr Hird, Mr Quinlan, Mr Rugendyke and Ms Tucker as members of the Select Committee on Estimates 2001-2002.

MR MOORE (Minister for Health, Housing and Community Services) (10.58): I move:

> That the members so nominated be appointed as members of the Select Committee on Estimates 2001-2002.

I do have an opportunity to speak to this motion, Mr Speaker, but I will decline that opportunity.

Question resolved in the affirmative.

Fair Trading Amendment Bill 2001

Mr Rugendyke, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR RUGENDYKE (10.59) I move:

> That this bill be agreed to in principle.

I table the Fair Trading Amendment Bill 2001 with the aim of restraining the practice of credit providers issuing unsolicited credit card extensions. This is an amending bill to the Fair Trading Act of 1992. This amending bill inserts a new section to make it compulsory for credit providers to conduct an appropriate assessment process when issuing unsolicited credit contracts and increases in credit limits.

The uniform national consumer credit code allows credit providers to increase the credit limit under continuing credit card contracts only at the request of the debtor or with the written consent of the debtor. However, the code does not require the credit provider to assess whether the debtor has the capacity to repay the increased credit limit. The Fair Trading Act 1992 also contains provisions preventing the issue of unsolicited credit and debit cards, but this does not include the issue of unsolicited credit card limit extensions.

Credit providers presently utilise a practice of mailing out pre-approved credit extension applications to customers, sometimes in the vicinity of three times the existing limit. The debtor only has to sign the form, and the credit provider does not carry out any assessment of the debtor's financial situation before activating the increased limit. This amending bill compels credit providers to conduct such an assessment to determine

whether the debtor has the capacity to repay the amount of credit offered prior to approving credit limit increases.

Unfortunately, credit providers are not assessing whether the consumer has the capacity to repay the increased credit limit, nor checking to see whether the income of the consumer has varied since the credit card was issued. The only way to solve the problem is to pass legislation that makes it compulsory for all applications to be thoroughly assessed.

According to Australian Bureau of Statistics figures issued last year, new and increased credit limits in the ACT increased from $359 million in 1997-98 to $554 million in 1998-99, a blow-out of $194 million or 54 per cent. The ABS confirmed to my office that the majority of new credit limits comprised credit cards and personal loans. On a national level, personal debt has increased between 10 per cent to 15 per cent every year since 1995. Credit providers have displayed no shame in driving these figures upwards, and the unsolicited credit card extensions are a contributing factor.

I am disturbed about the credit explosion in recent times and that credit providers are utilising reward schemes, such as frequent flyer points, to induce customers to take on more debt. Although credit providers have a duty to act responsibly, the Legislative Assembly also has an obligation to ensure that the spirit of the consumer credit code and Fair Trading Act is adhered to.

If a customer requests a credit extension it is reasonable for credit providers to determine a new figure; but it is a different story when these pre-approved credit extensions are being sent out unsolicited. In one of the examples I have seen, the letter from a credit provider said:

> It is pleasing to know that a higher credit limit can increase your opportunity to earn more reward points.

I believe this is a dubious inducement when the provider did not even inquire to see whether the customer was still working.

Once upon a time you had to go through a rigorous exercise to obtain credit from an institution, but now such institutions appear to be on a blatant revenue-raising exercise. The Australian Bankers Association code of banking practice states in relation to the provision of credit to a customer that a bank shall take into account a range of factors to establish whether the "customer has or may have in the future the capacity to repay". Under the pre-approved credit extension practice, there are obviously no relevant factors that the institution takes into consideration. On one of the forms the credit provider included a tagline providing the debtor an option of inserting details of any income increases since obtaining the credit card so that "you may qualify for an even higher limit in the future".

Other examples that have been brought to my attention involving ACT residents include: a single student, relying on Austudy and a part-time job for income, was invited to increase from $1,700 to $3,700; a working mother was invited to increase from $2,000 to $6,000; and a single working male was invited to increase from $8,000 to $12,000.

Last month the Chief Minister issued a media release entitled "Canberra's Retail Boom—14.8 per cent Growth in Just one Year". My question is: how much of this increased spending was on credit cards?

Mr Speaker, in researching this topic I consulted extensively with CARE, the financial counselling service. Their advice to me was that the marketing of credit cards and limit increases in the lead-up to last Christmas was aggressive. I would call it saturation of these pre-approved credit limits that are ticked and flicked without appropriate assessment. There have been reports in the Sydney media that checks were not being performed by credit providers because the employees got paid for how many customers they signed up.

Would you believe that one of the pre-approved credit forms was recently sent to the CARE financial counselling service itself? Westpac Business Banking issued a pre-approved certificate with a $15,000 limit. The letter said:

> To accept your card, just complete the enclosed pre-approved certificate and return it in the reply paid envelope.

This is just another example of the type of marketing that is in vogue.

Reserve Bank figures show that expenditure Australia-wide on credit cards provided by banks alone jumped from $4.5 billion in April 2000 to $6.2 billion in May 2000, a rise of $1.7 billion, or 38 per cent. It is a huge temptation for people in need of quick money to accept such offers. They are attractive to people who are already juggling debt, but if they are a student or unemployed it can quickly get them into trouble.

Mr Speaker, I am concerned about this practice not just locally but also on a national level, and I am urging the Assembly to lead the way in ensuring that credit providers act responsibly and within the spirit of existing laws and codes.

The Australian uniform credit laws agreement of 1993 says that the states and territories should, as far as possible, be uniform in their laws; but the agreement also says that, where any state or territory is not uniform, it should be consistent with the uniform laws. What I am proposing is certainly consistent with the spirit and the intention of the existing laws. If credit providers are required to provide checks in the first instance, then they should be equally as prudent when it comes to offering credit limit extensions.

This bill will not negate the operation of the present legislation. In fact, I firmly believe that it will enhance the situation. I also encourage the ACT's fair trading minister to take my proposed reforms to the ministerial council for consideration.

I should also point out to members that the New South Wales Fair Trading Minister, Mr John Watkins, has also tried to lead the way with credit legislation. Earlier this year he introduced the Consumer Credit (New South Wales) Amendment (Pay Day Lenders) Bill 2001 which proposes to clamp down on questionable conduct in the short-term credit business. The ACT can similarly lead the way with unsolicited and pre-approved credit extensions.

As a community we have to be aware that low-income earners are being targeted, and we do not want young people burdened with massive credit debt in the early stages of their working careers. If credit providers are not prepared to accept this social responsibility, it is up to this Assembly to step in, and that is why I urge members to support this initiative. Mr Speaker, I commend the bill to the Assembly.

Debate (on motion by **Mr Humphries**) adjourned to the next sitting.

Land (Planning and Environment) Amendment Bill 2000 (No 3)

Debate resumed from 28 February 2001, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.11): Mr Speaker, it will come as no surprise that the government is not supporting this bill. This bill purports to do many things, yet delivers none of them. Mr Corbell's bill proposes the re-establishment of the position of chief planner as head of the ACT Planning Authority. Presumably, although it is not stated, that person would also be the head of the Planning and Land Management Group.

The position of chief planner was abolished in 1996 to provide for officers of the former Planning Authority and Land Division to operate within a single agency. This amalgamation—the formation of PALM—was announced in the government's response to the 1995 report of the inquiry into the administration of the ACT leasehold, commonly known as the Stein report.

The bill proposes to separate, once again, the planning and land administration functions that have been so closely linked since 1996. However, the co-location of planning and land management functions within PALM has reduced both the duplication of effort and the cost of planning in the ACT. Re-establishing the position of chief planner will not at this stage increase either clarity or accountability in planning decisions. Mr Corbell's bill does not really establish the chief planner as an independent authority. Under the Corbell bill, the chief planner has no independent budget or functions and the authority remains subject to ministerial direction.

I would urge members to consider very carefully the implications of this bill. I would urge them to do that in the context of a couple of other events that are happening or about to happen in Canberra. First and foremost, as we debate this bill in the chamber today, the Australian National Development Assessment Forum is meeting somewhere else in this city to endorse a major report as to a national strategic planning guide to complement the national leading principles of development assessment. Senior executives of PALM are in attendance at that meeting today.

That very important national work is the culmination of over three years of effort and is being supported by representatives of peak planning, design and other associated professions and groups, including property, local, state and Commonwealth government delegates. I would simply put the question: in seeking to amend the system of planning governance in one of the world's great planned cities, have the members of the Assembly

been fully briefed on the outcome of this national work and the implications for Canberra? I fear that the answer is no. As the culmination of that significant body of work is about to take place, we should not be establishing what Mr Corbell purports to put together today. What we cannot have is the making of an important pre-emptive policy decision without knowing the merits of the model that will be proposed and it would be reasonable to delay passage of this bill, if it were likely to get up, today.

The other event will occur next week and it will be a very significant moment in the history of the city of Canberra. Next week in the National Museum of Australia, in the presence of the Governor-General, the Canberra community will celebrate 100 years of planning and development for one of the world's great planned cities. On behalf of the community, a draft statement on the future of Canberra will be presented to delegates of the Future Canberra conference. Also, the OECD will present its recommendations on the way forward to build on the success of the future Canberra process.

Why would we in this chamber have the audacity, in advance of both of those considerations, to adopt an untested model for planning administration in Canberra? Why would we not wait for the benefit of this advice? Where there are legitimate concerns about the current planning process, perhaps we should work collectively as an Assembly and take their advice, as best as possible, to ensure that Canberra's interests are protected. There is no evidence to suggest that what Mr Corbell offers is in Canberra's interests. Many of us in this place have heard use of the term "precautionary principle". It is used often in regard to planning. Surely we should show a bit of caution here today.

Going to the bill itself, there are a number of instances where it is either unclear or unworkable. It seeks to create the position of chief planner as an independent planner. What we have already in place following the implementation of the Stein report is PALM and then as an independent position, in this case a truly independent position, the position of Commissioner of Land and Planning was created, an independent decision maker on significant development proposals.

The aim of Mr Corbell's bill appears to be the restoration of the independence of decision-making on planning. The bill does not, in fact, create an independent chief planner as it does not provide the chief planner with the independence that the position needs to carry out its functions. The bill does not define the functions that the chief planner would carry out and, of course, the chief planner would remain subject to the direction of the minister and of the Assembly.

Some parts of this bill are inherently contradictory. The bill purports to strengthen the independence of the chief planner, but that is severely compromised by the proposed provisions for effective direction of the chief planner by the Assembly and the express obligation of the planner to comply with any direction. If the proposed chief planner is to be truly independent, if we are being genuine in this regard, surely the bill would provide that the chief planner not be subject to direction. Surely we would have the Auditor-General model, for example.

The Auditor-General Act provides at section 9 that the Auditor-General is not subject to direction by the executive or any minister in the performance of the functions of the Auditor-General. That is independence. What Mr Corbell offers here today is just

a sham. As Mr Moore pointed out on the ABC on 20 February, how can the chief planner appointed under this model be held accountable if the chief planner's decisions can be varied by the Assembly? If the Assembly does not intervene in any decision of the chief planner, the members themselves are accountable. The proposal simply does not sit well with the Westminster system of government.

Mr Speaker, there are many other examples of inconsistencies in the bill. But let us look at Mr Corbell's intentions here. I refer to an article in the *Canberra Times* of Sunday, 25 February, which states:

> Although praising the talents of the PALM planners, Mr Corbell decried the culture of present-day government which he said expected nothing less than politically correct advice from its bureaucrats.

Mr Corbell went on to say:

> We have very good planners in PALM, but they've been ignored, and that's the real problem.

Let us look at the latest example of planners being ignored and who ignored them. Mr Corbell himself did so. It is the planners that put together the revision of ACTCode. The planners spent three years or more putting it together. They had lots of consultation and they did a vast amount of good work, some of the good work that Mr Corbell says the good planners in PALM do. But who is the first to ignore them when it does not match his political agenda? It is Mr Corbell.

What could we expect from a Labor planning minister were the unfortunate circumstance to occur of Labor getting into government in October? Supposedly, he would be the planning minister and we would have an individual who would, on his own record, clearly ignore the advice of planners when it did not suit him. Mr Corbell went on to say that the reason we should have this independent planner is that, unfortunately, his Assembly colleagues just are not up to it. The article continues:

> Mr Corbell points out that while the current Assembly line-up boasts a bevy of ex-policemen, a gaggle of former lawyers, one medal-winning accountant and a clutch of past public servants, it doesn't have any qualified planners in its ranks.
>
> And that means it is planning in a vacuum.

If we are going to go on the qualification stakes, we do not have a doctor in the Assembly. Does that mean that we cannot make decisions on health? As Mr Wood is an ex-teacher, obviously we can make decisions on education. The proposal there is just ludicrous. This Assembly is charged by the people to represent them and make decisions. We are qualified by the fact that we have the trust of the people to make legislation and we should carry that out. But here is the clincher. In the article, the journalist then says:

> Mr Corbell is quick to point out that although independent, the Chief Planner would be subservient to the planning Minister and the popularly elected Legislative Assembly …

By Mr Corbell's own admission, the chief minister would not be an independent planning officer. Mr Speaker, what we have here is something that should be rejected. It should be rejected because, like so much of what Mr Corbell says and does on planning, it is not well considered. I will quickly run through a litany of things in that regard. He pointed out that the government had decided on a 5 per cent urban open space threshold in development, whereas it was the previous Labor government that did that. He said that we have a constant dash for cash in the land sell off, yet they sold something like 11,000 blocks in four years and we sold just over 3,000 blocks in five years.

Mr Corbell said that we were the dual occupancy kings and half a suburb was disappearing every year, yet they approved dual occupancies at twice the rate that we did. Mr Corbell stated that we did not care about urban open space because we were doing an audit and it has been shown that again he was wrong on that. He said that we were not protecting the environment, yet we are the ones that are putting the land back into the reserve system with the 100 hectares of yellow box/red gum ecological community. Mr Humphries, when he was the planning minister, shifted an entire town centre. We will not go ahead now with the Jerrabomberra town centre. With so much of what Mr Corbell says you take at face value. When you hear it said up front, you think that he is being forthright and telling us that it is what it is, but when you look into what he says you find that so much of it is just incorrect.

Mr Speaker, I will finish by saying that the government will oppose this bill. The bill should not be supported. It does not establish what it purports to establish. The case for having such an independent planning person has not been established either. As Mr Corbell is quick to point out, although independent, the chief planner would be subservient to the planning minister and the Assembly. Mr Speaker, this bill should go down.

MR OSBORNE (11.22): Mr Speaker, I have been fortunate in that in my electorate of Brindabella there have been very few planning disputes. Perhaps that is a reflection of the lessons learned by planners from mistakes made in other parts of the city, but it is a new part of Canberra. To help me to come to grips with Mr Corbell's legislation for an independent chief planner, I met several times with Ms Jacqui Rees, who is well known to most people in here. She was very helpful and quickly brought me up to speed with the pros and cons of Mr Corbell's legislation.

I will say from the outset that I will not be supporting this legislation. However, I do agree with many of the sentiments of Mr Corbell's ideas and with the concept of having an independent chief planner, but I also support having an independent planning authority. I think that they need to be done together. I believe that whatever changes are needed to achieve that really need to be made as one, rather than having one piece at a time, as this bill proposes.

An even greater concern for me is that I believe that these changes really need to be done from the position of government. That would ensure that whatever changes made would be adequately funded, because I do not think you can make changes of this nature without allocating the funds for the independent planner or the independent planning authority actually to operate.

I think the most sensible thing would be not to support the bill. We are just a few months away from our own election and to take only half a step towards providing some sort of independence in the planning process is not really sensible. I believe that having an independent chief planner would only work within the framework of having an independent planning body.

As a final comment, I think that the Labor Party has been somewhat creative recently in its version of Canberra's planning history. Several of the problems that have been pointed out with our present system are, I believe, the result of ALP decisions when they were in government a number of years ago—not Mr Corbell, of course, because he was not part of that government—and not, as they would have us believe, as a result of the actions of somebody else.

The sorts of problems that this legislation is supposed to solve do not have a solution in the bill as it now stands. There is no reason why the Labor Party could not have gone further, rather than putting something like this on the table that is, in our opinion, underdone. To her credit, Ms Rees has spent some time on my behalf looking at Mr Corbell's legislation to see whether we could amend it to satisfy both of our concerns. However, there has not been time to work out a firm proposal by today. Also, it became very clear that, as I said earlier, one could not be done without the other.

I think that at this late stage in the life of this Assembly it probably would be better, and I imagine that it will be so, for the Labor Party to take it to the electorate and have the next Assembly look at it, I would hope from a position of government. I will just say that, generally speaking, I support the concept of having an independent chief planner. I also support the concept of having an independent planning authority. Hopefully, Mr Corbell and I will be back here after the next election. I look forward to working with him on that.

MR CORBELL (11.26), in reply: Mr Speaker, I would like to begin my remarks this morning by referring to some comments I was very grateful to receive from Dr Brendan Gleeson, who is director of the urban frontiers program at the University of Western Sydney. The urban frontiers program, for those members who are not aware of it, is one of a number of academic bodies charged with developing and studying planning policy and implementation. I asked Dr Gleeson to give me his comments in relation to the bill. This is what Dr Gleeson said:

> Planning is about the public interest, and it is vital that this decision making framework is kept as transparent as possible and separated clearly from ordinary commercial or private interests. The land market, amongst other markets (housing, employment, etc.) is prone to systemic failure (hence the need for planning) and corruption of regulators. Land scandals have marked the cards of all major political interests. It is therefore vital that the independence of the public officers entrusted with planning be rigorously maintained. Of course, at the end of the day, the executive has a responsibility to direct those officers that serve the public. But this direction should be:
>
> 1. undertaken with careful reference to established and agreed strategic goals and plans, laid out in law, regulations and policy instruments, and not subject to day-to-day whims and fancies (in short the propensity for rushed decision making must be

> reined in, without foreclosing on the need for timely responses to new policy needs); and
>
> 2. transparent and on the public record, at the time that the direction is given.

Dr Gleeson goes on to say:

> Your amending legislation and the proposed office of Chief Planner will, in my view, correct a vulnerability to failure on both counts that characterises the present administrative framework for planning in the ACT.
>
> The legislation, by making the administration of planning more robust and publicly accountable, directly addresses the public interest in this policy area and can hardly be seen as "political". No-one could object to the intention behind the proposal to establish the Chief Planner's Office …
>
> In short, the amending legislation will:
>
> 1. strengthen the democratic foundations of planning in the ACT by establishing a public advocate for planning, and by enhancing the Assembly's power to scrutinise planning;
>
> 2. protect the integrity of planning in the ACT by reducing the potential for ad hoc and/or venal decision making; and
>
> 3. protect the Minister's integrity by ensuring that her/his relationship with the planning administration is transparent and not clouded by private interest or secretive process.

Mr Speaker, that is the comment in relation to this legislation of one of Australia's leading planning academics. But I want to argue this legislation not just on its academic grounds and its academic merits, but on its political merits for our city.

Mr Smyth says that this legislation would apparently mean that the chief planner would be also the head of the Planning and Land Management Group. Mr Smyth clearly has not read the legislation, because the legislation indicates that the chief planner cannot be a public servant. Therefore, it is not possible for the chief planner to be the head of the Planning and Land Management Group. The legislation makes clear that its purpose is to separate what we currently call the territory planning functions from the Planning and Land Management Group. The purpose of that would be to provide for, as Dr Gleeson argues, an independent advocate available to the executive, the Assembly, the public and the planning industry on planning issues and on the need to advance, amend and enhance the Territory Plan. That is the purpose of the chief planner legislation. We do need a public advocate for planning in our city and one that has the robustness of office to argue those positions without fear or favour. We do not have that scenario at the moment.

Mr Smyth went on to say that my bill proposes that land management be separated from the planning agency. Perhaps Mr Smyth has not noticed but this government, effectively, has already done that, whilst my bill does not propose to do that in any way. Who could forget that it was the Department of Treasury that started doing planning studies on whether areas of urban open space should be developed for residential or commercial

purposes? Who divided the planning function and the land management function? It was not the Labor Party and it was not done by this bill. This government did when it started doing its audit of private open space, work done not by the planning agency but by the Department of Treasury, the bean counters.

Mr Speaker, it is appropriate that we strike a balance in this legislation between elected government and planning advocacy through an independent planning office. We are not in a period in the history of this city where there is an all-benevolent dictatorship guarding and guiding the planning and development of the city. We have self-government. We have the responsibility to govern ourselves on almost all matters and we have the capacity and the responsibility to make sure that we do that in an accountable way. Therefore, Mr Speaker, we cannot have a situation where planning, which is by its very essence a public activity, is entirely separated from the views, the perspectives and the election commitments of elected governments and other members of this place, so we need to strike a balance.

Dr Gleeson makes the point very well that what my bill establishes is a public, independent advocate who can be directed in the performance of his or her duties, but can only be directed in a transparent and accountable way in accordance with set guidelines and overall policy directives. That is the balance that we have had to strike and that is the appropriate balance in the context of self-government in our city.

Mr Smyth went on to talk about a few other things as well. He talked about the Australian National Development Assessment Forum. I am aware of the forum, but I do not know whether other members of this place are. Mr Smyth makes the point that it is about something which has enormous impacts for our city. If it has such enormous impacts for our city and has important ramifications for decisions we take about planning, why has Mr Smyth not told us about what his government has been talking about at that forum? Why has he not reported to the Assembly on what undertakings his government has made at that forum? Why has he not said that this forum does have important ramifications for our city and he wants to tell the Assembly and the community about it?

The reality is that he has not. The reality is that he has failed to do that. I believe that that only enhances my argument that planning is done in a secretive way to suit the interests overwhelmingly and solely of the market. In fact, the sort of approach that Mr Smyth is taking in relation to forums such as the Australian National Development Assessment Forum only undermines the role of planning as a public activity and only continues to further alienate ordinary citizens from the policies, guidelines and perspectives that guide the form and function of their city and home. I think that Mr Smyth argues a case for a more independent, responsible and transparent planning system rather than the proposal that he has put up today.

I would like to respond to some of Mr Osborne's comments as well. Mr Osborne makes the point that he would prefer to see a fully blown independent planning authority. So would the Labor Party, and the Labor Party will be proposing such a policy at the next election. But we also believe that it is appropriate to start taking steps towards achieving that and that it would be negligent of an opposition not to put forward proposals that seek to meet those policy objections. That is why we have proposed what I have always

admitted is half a step. It is the first step towards achieving an independent planning agency.

It would be entirely possible, if this legislation were passed, for this government to separate the territory planning function of PALM, to establish an independent statutory office of chief planner and to set out the relationship between the Assembly and executive and that office. That is what this bill does. It would appear, however, that a majority of members are not prepared to support this bill today. I think that is a great tragedy, because we have seen over the past 12 to 18 months a resurgence in the level of community debate about planning in our city. We have seen a resurgence in community concern about the directions the city is taking. We have seen continued concern expressed about the approach that the government takes to involving the community in planning decisions and we have seen the lack of confidence that people in the community have in the present administration of planning.

I am disappointed to see people such as Michael Moore walk away from a bill like this. Michael Moore in particular has long stood in this place and argued for good planning principles. On this occasion he has walked away from that. I cannot see for what reason he has done that. I cannot accept that he believes that it is no longer necessary. Mr Speaker, that man actually put out a press statement on 27 June 1996 which said:

> Our only hope of ensuring a comprehensive and equitable system of administration was to have an independent statutory Planning and Land Management Authority.

Mr Moore was right when he said that and he would still be right if he was still saying that.

The Labor Party, like any political party, has to review the operation of planning. It has to review the operation of any government agency and any process of administration. When we identify a problem with it, when we identify that decisions made in the past were not the appropriate decisions, we have to respond to it. That is what we are doing in this case. I would have thought that if anyone in this place understood that approach, it would be Mr Moore, the prince of politics, the man who reinvents himself at every election. I would have thought that he would understand why the Labor Party has come to this decision and I would have hoped that he would stand by his principles, but he has not.

What does Mr Moore propose? What does the man who has been the advocate of planning in this city for many years propose to improve the planning system in our city? Does he have any proposals? Have we seen any proposals from Michael Moore in the past 18 months or 2 years? Have we seen any advocacy on planning issues? Have we seen any comments that represent the constituency that time and again has elected him to this place? Have we seen anything from this man on that? The answer, disappointingly, is no. I would hope that people in the community will judge him on that, judge him on his failure to continue to advocate those principles that have seen him elected to this place time and again.

Mr Speaker, this is a good proposal. This is a proposal that the community is asking for. This is a proposal that the community is insisting upon, because it is a proposal that delivers transparency and an independent advocate, but with appropriate accountability

mechanisms. It is the approach recommended by the Stein inquiry into the administration of the ACT leasehold—a review, I should say, which was a result almost entirely of the lobbying of people such as Michael Moore. This bill is consistent with that approach. This bill is consistent with the approach of Stein.

For Mr Smyth to stand up in this place and say that the government had implemented the reforms of Stein is a joke, because the two key reforms of Stein were the establishment of an independent planning authority and the establishment of an independent land management authority. Those were the two key structural reforms of Stein, both of which were ignored by this government and continue to be ignored by this government. We will respond to those concerns. This bill may be defeated today, but it will not be the end of the planning debate in Canberra. The Labor Party will continue to advocate robust, independent and transparent planning mechanisms for our city. We will take these proposals to the electorate and, if elected to government, we will implement them.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 6		Noes 8	
Mr Berry	Mr Wood	Mrs Burke	Mr Osborne
Mr Corbell		Mr Cornwell	Mr Rugendyke
Mr Quinlan		Mr Hird	Mr Smyth
Mr Stanhope		Mr Humphries	
Ms Tucker		Mr Moore	

Question so resolved in the negative.

Electoral Amendment Bill 2000 (No 3)

Debate resumed from 6 December 2000, on motion by **Ms Tucker**:

> That this bill be agreed to in principle.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.46): Mr Speaker, while Ms Tucker's bill contains several shortcomings, its central point that disclosure obligations should be imposed equally on all MLAs, not just Independent MLAs as at present, is a reasonable one. The bill, however, significantly and, in the government's view, unnecessarily changes the requirements imposed on MLAs to disclose details of their personal affairs. It would impose an obligation on all MLAs to submit an annual return to the Electoral Commissioner showing details of income, expenditure and financial interests of each MLA, and the MLA's spouse and dependent children. At present only Independent MLAs are required to submit more limited annual returns under the Electoral Act. These are similar in scope to the annual returns submitted by the registered political parties.

Mr Speaker, the obligation for all MLAs to submit an annual return would also replace the current arrangements whereby MLAs submit financial details for inclusion in the Register of Members' Interests held by the Clerk of the Assembly. Annual returns submitted by MLAs would be available for conditional public inspection. Anyone wishing to see an annual return would be required to provide proof of identity to the Electoral Commissioner, and the identity of anyone looking at an annual return would have to be passed on to the MLA concerned. The requirement to submit these detailed annual returns would impose a legal obligation on all MLAs that currently does not apply. Failure to comply with that obligation would be subject to a penalty of 20 units, currently $2,000.

Mr Speaker, in the government's view Ms Tucker's bill has several flaws, both in policy terms and in items of detail. While there is some merit in treating the disclosure obligations of all MLAs equally, the measures contained in this bill are both onerous and inconsistent with the disclosure provisions applied to political parties.

The government does not consider that the stated purpose behind this bill—essentially the public's right to know whether MLAs have any conflict of interest arising from gifts received or other financial interests—justifies the high level of disclosure required. While most of the requirements set out in this bill are intended to replace the current requirements in respect of the declarations of the private interests of members provided by MLAs to the Clerk of the Assembly in accordance with a resolution of the Assembly, elevating them to a legislative level with pecuniary penalties attached significantly changes the nature of the disclosure.

The government is of the view that it is not appropriate under the Westminster model for the Electoral Commissioner and the courts to oversee the disclosure of MLAs' detailed financial interests, as it is more appropriate for the Assembly to regulate the ethical behaviour of its members, and as the increased disclosure proposed would extend the responsibility of the Electoral Commissioner beyond matters related to elections.

Mr Speaker, the government does not consider it is appropriate to apply legislative penalties for failure to comply with the reporting requirements set out in the bill. The reporting requirements are detailed and complex, and it would not be appropriate to pursue MLAs through the court for failure to comply with what may be a relatively trivial breach. It would be more appropriate for MLAs to face censure in the Assembly for failure to comply with the existing requirements to make declarations of the private interests of members.

The provisions in the bill that would require persons viewing MLAs returns to identify themselves to the Electoral Commissioner and that would require the commissioner to make those persons' identities known to the MLA concerned would be inconsistent with other disclosure provisions in the Electoral Act. All other disclosure returns are freely made available to the public with no conditions attached. The most common form of access to existing electoral disclosure returns is through the Internet. This would not be possible under the scheme set out in this bill. Imposing these conditions on MLAs' returns could be seen as a restriction on the free communication of information legitimately on public display and could arguably be seen as a form of intimidation.

Mr Speaker, for these reasons the government does not support the bill in its current form. However, should the Assembly be minded to support the bill, there are a number of drafting issues that the government considers would need to be addressed. The bill does not remove all relevant references to "independent MLAs", missing references in sections 231B and 237. These changes should be made if the bill is to proceed.

The new provisions related to the annual return by MLAs are problematic in a number of ways. They are inconsistent with other annual return provisions for parties and associated entities as they do not state clearly which, if any, details of the person or organisation paying funds to or receiving funds from MLAs are to be provided in the annual returns. In some respects they require less detail than the current provisions applying to Independent MLAs. Redrafting would be desirable to clarify the intent of these provisions. Notwithstanding an explanatory note in proposed section 230B, it is not clear that personal gifts are exempt from disclosure, as the operation of clause 230B (1) (c) could be taken to require disclosure of any personal gift of $1,000 or more.

Mr Speaker, the provisions requiring the electoral commissioner to make MLAs' returns available the day after the day on which the return is received by the commissioner is inconsistent with the treatment given to all other annual returns, where the commissioner has some weeks between the date returns are due to be submitted and the date returns are to be published to allow time to audit the returns, resolve any problems with the returns and to copy them in a form suitable for public inspection. There does not appear to be any valid reason for making this distinction in the case of these returns.

While Ms Tucker's bill contains several shortcomings, its central point—that disclosure obligations should be imposed equally on all MLAs, not just Independent MLAs as at present—is a reasonable one. Consequently, the government proposes that rather than proceed with the scheme set out in this bill, the Assembly instead extends the existing disclosure requirements currently imposed on Independent MLAs to all MLAs, while leaving the details currently submitted to the Register of Members' Interests held by the Clerk unchanged.

On that basis, the government intends to oppose this bill, while giving an undertaking to include amendments in its forthcoming Electoral Amendment Bill 2001 to extend to all MLAs the existing disclosure requirements currently imposed on Independent MLAs.

MR STANHOPE (Leader of the Opposition) (11.53): Mr Speaker, when the government in September last year introduced legislation to amend reporting requirements for MLAs, Labor supported its intent to ensure that, as far as practical, the requirements are the same for Independent MLAs as those relating to MLAs who are members of political parties. In fact, Labor proposed by way of amendment that, instead of reducing the obligation on Independent members, the obligation on party members should be increased. Labor proposed at that time that the disclosure bar be raised. We proposed that all members should disclose all amounts received by them, all amounts paid by them, and debts incurred by them. In the event, Mr Speaker, as I am sure you and other members recall, only the Labor Party supported that proposition and our amendments were unsuccessful, to say the least.

Ms Tucker's bill has the effect of putting all members on the same footing as far as disclosure goes, as Labor proposed last September through our unsuccessful amendments. I understand from what the minister just said that the government may be introducing amendments along those lines again. I am pleased to hear that.

Ms Tucker's bill also takes the requirements for the Register of Members' Interests into the provisions of the Electoral Act. I will perhaps dispense with the Labor Party's attitude to that initiative. Mr Smyth has just indicated that he would be prepared to proceed with this issue in some form in the future.

We wondered whether we might divide Ms Tucker's bill so that we could support the provisions that we previously supported or introduced and which were unsuccessful. However, on the basis of the statement that has just been made by the minister, I have to inform you now, Ms Tucker, that we will not be supporting this particular bill. I am pleased that at least those aspects of your bill that we have previously raised will be further pursued and debated when the government brings forward a further electoral amendment bill.

The Labor Party is not inclined to support taking the requirements of the Register of Members' Interests into the provisions of the electoral bill. The reporting requirements of the Electoral Act and the Register of Members' Interests reflect the electorate's right to know the pecuniary circumstances of their political representatives and those who are striving to become members. This right to know is the basis of Labor's view that the disclosure bar should be set as high as practicable.

Ms Tucker's bill, however, raises two questions, and I acknowledge that these same two issues were very much the focus of the comments just made by the minister. The two significant issues that arose for discussion are: firstly, should a distinction be drawn between members and candidates; and, secondly, how intrusive into family and members' circumstances do we need to be to satisfy the public's right to know?

In regard to the first question, Labor believes a distinction should be maintained between candidates and members, although I do concede in relation to the amendments we previously moved that it is difficult not to blur the distinction. The Electoral Act, however, regulates the conduct of elections and candidates. The Assembly's requirements are confined to members and their dependants. Thus the distinction between candidates and members will be maintained if the current system of reporting is maintained—that is, the Electoral Act dealing with all candidates and the Assembly, through its own members, dealing with the pecuniary interests of members.

Ms Tucker's bill would give a public servant, or at least a statutory official in the office of the Electoral Commissioner, a role in checking on the affairs of members and initiating, were the circumstance to arise, punitive action in the event of a breach. This would mean, as the minister indicated, a weakening of the separation of powers doctrine and it would also raise the possibility of abuse through the executive using the power to direct inquires against particular members.

Further, if the Electoral Commissioner were to act against a member, the commissioner would have no option but to take legal action. This would mean either no action or inappropriate action if the proper sanction should be political rather than legal. I must say

that I do have some concerns about an arrangement or a system that would, in the case of breaches of statements relating to pecuniary interests, see a public official forced into the circumstance of initiating legal action against a politician. The present arrangements allow the public and the Assembly knowledge of members' interests, and allow the Assembly to act if it thinks sanctions are needed.

In regard to the second question—the extent of intrusion necessary to protect the right to know—it is obvious that the reporting requirement has to go beyond the individual member to cover the interests of others that could have an influence, and to cover the manipulation of finances to avoid or distort reporting requirements. On the other hand, family members have a right—some right—to privacy for their affairs.

The current arrangements, where amounts and values of assets and payments are not disclosed—as is currently the case in relation to members' disclosure of interests here in the Assembly—are in the view of the Labor Party a reasonable compromise on this issue. While Labor supports the contention that the public has a right to know the pecuniary interests of members—indeed, it is vital that they do—it does not believe that this bill achieves that. Rather, it blurs the distinction between members and candidates and unnecessarily complicates current reporting arrangements.

The Labor Party is pleased to see that the government is prepared to introduce a further electoral amendment bill to deal with the first part of Ms Tucker's bill. As I said, were the bill more simply structured, the Labor Party may have been prepared to move amendments today in order to support that part of the bill. But this would not be an easy task in the context of the way the bill is structured. In addition, as I said, when the Labor Party sought to pursue the same amendments last September we did not attract any support at all in the chamber and we were not all that hopeful that we would succeed. But having said that, I am very pleased to see that the government is prepared to pursue this particularly important issue.

In regard to the second aspect of Ms Tucker's bill to essentially transfer to the Electoral Act the pecuniary interest disclosure arrangements that apply in the Assembly to members, we are not inclined to accept such a proposal and we will not be supporting the bill.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services): Mr Speaker, I seek leave to speak briefly to explain something I said.

Leave granted.

MR SMYTH: Mr Speaker, the amendments that I spoke of are in the government's Electoral Amendment Bill 2001 that is currently before the house. They were made and inserted in the bill before it was tabled so they are on the table already.

MS TUCKER (12.01), in reply: Mr Speaker, I understand that obviously members are not going to support my bill. I am disappointed about the drafting errors being pointed out at this point by Mr Smyth. I have said before that clearly it would be reasonable for the government, which has the resources to do so, to communicate drafting errors to any

member before legislation is dealt with on the floor of the house. I would have thought this would be a reasonably cooperative approach.

I would like to deal with the main issues of concern that have been expressed by the members who have spoken in the debate. Obviously, the fundamental aim of this bill is to increase accountability within the system of politics. I hear the argument that somehow this is an infringement of separation of powers. I disagree with that argument. The Electoral Commission already has responsibilities for matters to do with elections. There somehow seems to be a very big division in the argument being put in this place between elections and what occurs while we are members. I do not particularly understand that because—and I think Mr Stanhope did acknowledge this—the argument cannot be divided in that way. What occurs in this place obviously has implications for elections and the two aspects of the political process are not that separate at all.

What this bill is fundamentally about is ensuring that the community has a right to know what public figures are receiving in income. I acknowledge Mr Smyth's concern about a possible lack of clarity between personal gifts and gifts as a representative. I understand that is already an issue, so it is not something new.

This bill strengthens the disclosure requirements by putting them into the realm of the Electoral Commissioner. That clearly is a strengthening. The Electoral Commissioner has a statutory role which gives him or her the capacity to check returns for accuracy. The situation in the Assembly is that information is given to the Clerk. We have guidelines passed by the Assembly that set out how that information is managed. As I understand it, the Clerk basically is custodian of that information. He does not have the powers to check and he does not even particularly know what is in them. If a concern were to eventuate, there would be the capacity, as I understand it, for perhaps a privileges committee of some sort to be set up to look at it. Such a matter could probably be resolved by the member concerned being found to be in contempt of the Assembly. Some members might argue that that is adequate but I do not think it is.

If you want to look at what can go terribly wrong with a political system, the use of influence particularly comes to mind. One only has to look at the United States and the huge political debate now in that country about soft money. In the Australian federal parliament we have had instances of members having shareholdings which have definitely given the perception at least of conflict of interest. You need to intrude into the privacy of what are immensely powerful people. Let us not forget that the people in this place and in every parliament are immensely powerful and for that reason they have to accept a greater degree of scrutiny and accountability in terms of their private business. If they do not want to do that, they should not come into this place, or any other parliament, and be a public figure.

I have heard the argument that there are already enough requirements under the guidelines. You have to say that there is some income but you do not have to say how much it is. The argument has been put that the fact that you say you are receiving an income is adequate. I have to reject that argument as well because clearly the issue of scale has to be of interest to people in the community. If you are receiving income of $1,000 it is probably not going to be as interesting to people as it would be if you were receiving an income of $100,000 from some other occupation.

So I believe—and I think most people in the community would agree with me—that there is a clear argument in favour of seeing the actual amounts that people are earning while they are in public office, while they have a charter and a brief to represent the community and while they are in a position of immense power and, as we know, are being approached by all sorts of people in the community who want to lobby them and influence their decisions. This is the reality that we live with as politicians.

I believe that this piece of legislation should have the full support of everyone in this place. I am very disappointed that that is in fact not the case. I have not heard any arguments, apart from the technical ones—and as I said, obviously they need to be addressed—which need to be addressed. I acknowledge that Brendan Smyth has said that he will pick up part of this legislation and pursue it, but that is not good enough.

In conclusion, I would remind members that we hold in our hands a very precious institution, which is the institution of parliament and democracy. If we do not show ourselves to be always doing all we can to ensure that the community has confidence in the integrity of the institution of parliament, we will be doing a disservice to this community.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes, 1	Noes, 13	
Ms Tucker	Mr Berry	Mr Osborne
	Mrs Burke	Mr Quinlan
	Mr Corbell	Mr Rugendyke
	Mr Cornwell	Mr Smyth
	Mr Hird	Mr Stanhope
	Mr Humphries	Mr Wood
	Mr Moore	

Question so resolved in the negative.

Sitting suspended from 12.12 to 2.30 pm

Visitors

MR SPEAKER: Before I call for questions, I would like to recognise the presence in the gallery of graduate administrative assistants who are on a training program here. Welcome to your Assembly.

Ministerial arrangements

MR HUMPHRIES: Mr Speaker, in the absence of the Attorney-General and Minister for Education, I will field any questions that are asked of him.

MR SPEAKER: Thank you, Chief Minister.

Questions without notice

Impulse Airlines

MR QUINLAN: My question is to the Chief Minister. In April 2000 the government and Impulse Airlines entered into an agreement to develop a regional airline industry in the ACT. In return for $10 million in government funding, taxpayers' funding, and payroll tax waivers Impulse agreed to develop a heavy engineering facility at Canberra Airport, a training centre of excellence, to transfer its regional headquarters to Canberra Airport and to establish a call centre in the ACT. $8 million of the government's incentive was in the form of a loan to be written off as Impulse reached an agreed list of milestones. Yesterday, Impulse announced a joint venture with Qantas, a move that has been reported nationally as a takeover. Can the Chief Minister tell the Assembly whether in fact Impulse received the full $8 million, or what part they did receive? If so, how much has been written off as a result of the airline reaching agreed milestones, and which milestones remain unachieved?

MR SMYTH: Mr Speaker, rightly that question is mine. I am responsible for the management of that part of the portfolio. The loan in fact was $8 million and there were waivers of $2 million. I would like to read from the combined Impulse/Qantas press release yesterday to put this into context. I quote:

> Mr McGowan said Impulse intends to honour all agreements it had established with governments, including the positioning of its national reservations centre in Newcastle under a Commonwealth grant, and support packages obtained from the Tasmanian and ACT Governments.

Mr Speaker, it was a loan. There were 18 milestones in that loan. As the milestones were reached, debt was forgone. Currently they have reached two milestones and they are concerned with the delivery of air routes between Canberra and Sydney, and Canberra and Melbourne. That saw $900,000 forgone. There is a third milestone which is under consideration. They have applied to say they have reached that milestone. There are milestones four to 18, some 15 milestones, remaining, and they account for $6.7 million. If those targets are not achieved that money is returned or paid off.

MR QUINLAN: I have a supplementary question. In that case, can the minister assure this Assembly that the contract is watertight, unlike the contracts for ActewAGL and a gas-fired power station or a GMC 400 where the additional costs have been dictated by the promoter? Is this contract watertight?

MR SMYTH: Mr Speaker, it is a contract that has been approved by the Government Solicitor's Office. It is a contract that the government has signed, and we expect it to be honoured.

Budget

MRS BURKE: My question is to the Treasurer, Mr Humphries. I refer to claims made by Mr Quinlan in the media in his speeches over the past 24 hours that the ACT budget would put the ACT in a dangerous financial position and that the budget surplus was not

achieved by blood, sweat and tears. Can the Treasurer advise the Assembly of the reaction to the ACT budget of the business community and economic commentators?

MR HUMPHRIES: I thank Mrs Burke for that question. Yes, I can give some advice about that. Mr Peters, from the Chamber of Commerce and Industry—

Mr Hargreaves: Ticket holder No 1.

Mr Berry: I wonder what he said.

Mr Stanhope: What did he say?

MR SPEAKER: Order! I want to hear what he said, thank you.

Mr Stanhope: He said it last year and the year before, and the year before that.

MR SPEAKER: Repetition is not unusual in this place either, Mr Stanhope.

MR HUMPHRIES: Mr Peters has hailed the budget. He says it strikes the balance. It provides the support and services so business can contribute to the ACT's economy, and it still has the resources to contribute to social welfare. Obviously those opposite do not like Mr Peters, so I will quote some other people.

Mr Stanhope: No, no.

Mr Hargreaves: He is a lovely bloke.

MR SPEAKER: Do not provoke.

MR HUMPHRIES: Well, he took you to dinner last night, didn't he. I suppose you would have to say that, wouldn't you. Mr David Dawes from the MBA welcomed the investment in capital works. "There is no doubting the confidence that these budget measures will instil," he said. Mr Michael Capezio from the Australian Hotels Association was particularly pleased with the tourism measures in the budget, and I quote him: "$1 million for a festivals development fund in Canberra and an additional $1.123 million to the Canberra Tourism and Events Corporation for destination marketing activities, and more money for arts organisations to develop new and innovative projects will ensure Canberra continues to increase tourist numbers."

Mr Phil Newton from the NRMA was also happy about the registration costs for cars falling, of course. "We are happy to congratulate the government on the actions that they are taking." I cannot help but quote the *Canberra Times* editorial:

> In all … Mr Humphries has done a fairly good job ….

It also says:

> Secondly, the additional spending … has not been done in an economically irresponsible way. The Budget remains in surplus. The ACT retains its triple-A credit rating.

It is worth noting in this respect that the retention of the triple-A credit rating was always the indicator used by the former Follett government as proof of its economic credentials; that it was a good manager of the territory's finances. Well, I would agree on that score.

I heard Mr Quinlan say this morning that he did not agree with the contention that the territory had been left with a $344.5 million loss—let us not forget the $0.5 million—by Labor. He added that he did not believe the figure had been independently verified or that the documents on which it was based were sighted.

I am intrigued by that comment because the Auditor examined the territory's accounts and produced an audit report on the operating position that the territory was facing. In fact, he produced several audit reports over a period of years in which he made comment on the progressive treatment that the territory had given to its operating loss. In his report No 8 for 1998 he cited the losses for three successive years after reporting on the previous years and said that the operating loss for 1995-96, after extraordinary items and abnormal items, was $344 million.

I am intrigued at the suggestion that the Auditor-General did not sight the documents on which he based that audit opinion. It seems to me like a terrible slur on the Auditor-General to say that he must have advised the community and the government and the parliament that this was the size of the loss without looking at the figures that underpinned it. That is an extraordinary suggestion, Mr Speaker, and one that I think has no basis in fact. The figures were repeated in successive years.

I point out that he also affirmed that there was an improvement in the territory's position between 1995-96 and 1997-98 of about $170 million. Again, that was his audited figure. There was a greater decrease in the size of the operating loss between 1995-96 and 1996-97. Again, Mr Quinlan finds it hard to believe that that figure could have been sustained. Perhaps we all might find it hard to believe in some respects, but the Auditor signed it off. He put it in writing to the parliament, to the government and to the community. So, who am I to argue, Mr Speaker?

I have to confess, Mr Speaker, that I have no idea whether it is the right figure or not. I have taken the view that if the Auditor-General of the Australian Capital Territory tells us it is the right figure I will take that as read. I would very much like to understand when it is that the Auditor's opinions are optional to be taken on board and when they are not. Would someone please produce the protocol on that? I would love to know that. When can we discard the Auditor's views and when can we not discard the Auditor's views? Mr Speaker, I think the Auditor's view is quite clear.

I quote again from the editorial this morning in the *Canberra Times:*

> In many respects Mr Humphries has earned the reward of being able to dispense with a few goodies before the election. The Liberals inherited a budgetary position blown out by overspending based on debt … However, since attaining Government … the Liberals have done a lot of hard work in reducing the size of the public sector and with it the unsustainable deficits.

Mr Speaker, I commend if not my words about this budget then the words of the other commentators I have quoted and the Auditor-General to the Assembly.

Impulse Airlines

MR STANHOPE: Mr Speaker, my question to the Chief Minister and Treasurer follows on from the question which my colleague asked of the minister for business. In April last year the ACT government and Impulse entered into an agreement, as we have just heard, to develop a regional airline industry in the ACT in return for $10 million of government incentives. In announcing the deal the government claimed the development of the airline's operations base would create 400 direct jobs and hundreds indirectly. Amongst a raft of other benefits were construction works, which alone were worth $21 million. As we have also heard, regrettably in the minds of most of us, yesterday Impulse Airlines announced a joint venture with Qantas, a move that has been nationally recognised and regarded as a takeover.

Also yesterday, Mr Speaker, the Chief Minister brought down a budget that relies on a growth rate of 4.25 per cent this year and 4.6 per cent in the next, a growth rate that dramatically exceeds the 1.3 per cent prediction by Access Economics for the ACT this year. At a budget breakfast this morning the Chief Minister conceded that the budget's projected surplus is dependent on the optimistic growth forecast and he said that if the rate is not achieved he would inevitably have to put back expenditure. Can the Chief Minister say what impact the failure of Impulse to deliver what it promised—a call centre, its heavy engineering maintenance facility, a training centre and its operations headquarters—would have on the capacity to achieve a 4.6 per cent growth rate.

MR HUMPHRIES: Mr Speaker, first of all, this is a hypothetical question. Impulse has not failed to deliver on the terms of its contract with the ACT government. As Mr Smyth has just made clear, Impulse's obligation was to deliver a number of benefits to the ACT community over a period of time and they would receive a benefit from the ACT government for each of the achievements, the milestones, that they notched up in delivering those benefits. No benefit, no conversion of the loan into a grant.

So the assertion, almost, in this question that there was a failure to deliver by Impulse is an assertion not based on any fact. As Mr Smyth pointed out, a claim from Impulse has already been put to the ACT government that three of the milestones have in fact been achieved, as specified in the contract. An indication came from Impulse yesterday by way of media statement that it was the intention of Impulse, or Impulse/Qantas, to deliver on other commitments made to the ACT government in that contract. I do not know whether that is the case or not; I am relying on the media release. The government's intention is to find out as soon as possible what exactly the position is with respect to this. We will hold urgent meetings with Impulse and Qantas to discover what exactly is the state of affairs.

I reserve comment on this merger or takeover, whatever it is, until I have more information. But I will say that I think it is wrong to assert that this deal has fallen through in the ACT. It certainly has already been at least partially delivered on—at least that is the claim that Impulse have made to the government, which we are currently in the process of verifying.

I think it is important for us not to talk down those things which have been potentially at least very successful for the ACT community in respect of the creation of jobs. The commitments are in the contract. We will expect them to be met in full or the consequences that flow from the contract ought to flow—that is, for moneys that have been loaned to Impulse to be repaid.

MR STANHOPE: Mr Speaker, I ask a supplementary question. I understand from advice received in my office today that there is absolutely no prospect of the call centre, for instance, proceeding. If that is the case, and if that is the advice that the government has, will the government demand repayment at least of the funds that have already been paid that would have been relevant to that particular initiative? Having regard to the dramatically changed nature of the arrangement—the fact that the arrangement the ACT government entered into with Impulse has now basically been completely overridden by the new arrangements—has the government considered demanding the return of the full $8 million?

MR HUMPHRIES: I think I have already answered this question, Mr Speaker. I have made clear that it has not been overridden. At least it is not clear to me that that is the case. If Mr Stanhope has information which is not available to the ACT government, he can put it on the table. But Impulse's public statement was that they would stand by the commitments they have made to the ACT government and, indeed, commitments they have made to the Tasmanian government and the Commonwealth government in a joint statement issued by both Impulse and Qantas.

So I do not know what information Mr Stanhope relies on to say they are not going to fulfil their obligations. If you would like to tell us what that information is, we would be happy to investigate it. We intend to put to Impulse and Qantas, assuming that Qantas is now de facto a party in this, that those obligations should be carried out or the territory's money refunded.

PALM funding

MR CORBELL: My question is to the Minister for Urban Services. Minister, Budget Paper No 2, at page 30, reveals something that has not been broadly outlined by the government in its usual range of budget press releases, and that is a $600,000 cut to the Planning and Land Management group. Minister, how will a $600,000 budget cut to PALM assist in restoring the community's confidence in the territory's planning process and how many staff will be lost as a result of this budget measure?

MR SMYTH: Mr Speaker, if Mr Corbell would like to go to page 184 of Budget Paper No 4 he will find under the heading "Other expenses" an item that for this current year is valued at $500,000 of expenses and next year at zero. It is actually the money that we have been using to change the arrangements inside PALM that have been going on for some three years to give better service to the people of Canberra as well as achieving efficiencies. That change management program is basically finished and, hence, it no longer needs the funding.

MR CORBELL: Mr Speaker, I ask a supplementary question. What programs will be reduced as a result of this change? There is still reduced expenditure this year in the Planning and Land Management group compared to last year. So what programs will be reduced and what staff will be made redundant?

MR SMYTH: Mr Speaker, Mr Corbell, as always, refuses to listen. What I have said is that the program that has been going on for three years is now finished. If he looks at page 184 of BP4 he will see that other expenses, which amounted to $500,000 this year, will be zero next year. I do not expect any drop in the staff level. There are always some minor adjustments as staff come and go. But we have been re-recruiting. We have been recruiting experience to make sure we get on with delivering the planning outcomes that the people of Canberra deserve; so that we deliver better planning outcomes. That change process has taken some three years and that is the money that was being used to carry out that process. There is no need for it any longer.

Walking race

MS TUCKER: My question is to the Minister for Urban Services and relates to his responsibility for CTEC and its role in the organisation of the V8 supercar race. Minister, you may be aware that there is another sporting activity that normally happens on the June long weekend, that is, the Lake Burley Griffin walking race carnival, which has been held in Canberra for, I understand, 35 years and attracts walkers from all over Australia. The walking race course is on roads and bike paths around the lake. Last year, this event was significantly disrupted by the closing off of Flynn Drive behind the Hyatt Hotel for the supercar race.

It appears that the changes proposed to the supercar race which are being funded by the government's additional appropriation will virtually cut off the use of this area for the walking race. The organisers of the walking race have been attempting to work with CTEC to find a way for the walkers still to traverse this part of the lake's foreshore but, basically, have been fobbed off. There was a meeting with CTEC six weeks ago at which action was promised, but the walkers have not heard anything since. There is now five weeks to go and the walking course still has not been finalised, which is jeopardising the whole race.

Minister, what will you do to ensure that this environmentally sound and healthy walking race can still be held around Lake Burley Griffin, or do you not think that it deserves support against the environmentally and socially destructive car race?

MR SMYTH: Both events clearly are of great value to the ACT and we value both events. What we need to do is find a way forward. We need to make sure that CTEC and officials of the walking race are communicating properly. I am saddened to hear that there has been a lack of communication. I will make sure that CTEC contacts the race officials to work out a solution that, hopefully, can meet the needs of both events.

MS TUCKER: I have a supplementary question. The walking club has proposed that a paved walking track be built right on the lake edge around Lennox Gardens and up to the Commonwealth Avenue bridge along which the race could be held as an alternative to using the bike path. Would you consider the urgent construction of this track as a cost that should be borne by the supercar race organisers?

MR SMYTH: The dilemma here, as always, is that the ACT has two planning authorities. That land is NCA land and any construction there would have to go ahead with NCA approval. I am willing to look at and take up with the NCA whether it is an option to improve the walking track around the edge of the lake.

Social capital

MR HIRD: My question is to the Treasurer, Mr Humphries. I refer to claims by the Deputy Leader of the Opposition and shadow Treasurer, Mr Quinlan, in today's *Canberra Times* about the implementation of social capital initiatives outlined in the budget. Can the Treasurer advise the parliament of the responses of the community to initiatives on social justice, education, health and the police?

MR HUMPHRIES: Indeed I can. It is the view of the ACT government and, I think, the view of other people that we have made provision in this budget for social justice—I think we can use that phrase as much as we can use the phrase "social capital"—in respect of initiatives in the area of welfare, health, education and the creation of jobs. The important point about our initiatives in those areas is that we perceive that these things operate on a range of levels; that you do not simply attend to somebody's unattended cavity, for example, and assume that you have dealt with a range of problems that that person might be experiencing; and that, if there are underlying social problems, you address underlying causes.

I believe that that is the approach we have taken in this budget; hence, the level of integration that we have seen in this budget between a range of initiatives in a way which has not been the case in ACT budgets in the past, budgets either of our creation or of anybody else. Fundamentally important to that approach is the sense of using this budget to create jobs. The best antidote to a range of problems stemming from a lack of income is to provide an appropriately paid job to a person. Therefore, we see the creation of jobs, a central plank of our budgets for six years, as continuing in this budget. Indeed, it is very much manifested in measures such as the $240 million capital works program which is a central feature of this budget.

Today, Mr Quinlan described as piecemeal particular initiatives in particular areas. I note that Mr Quinlan used that phrase about the initiatives in the budget being piecemeal before the budget itself had been presented. That is interesting because, although some initiatives were put on the table before the budget itself was tabled yesterday, the majority of them were put on the table yesterday at 3 o'clock in the afternoon. At that time they were put on the table as part of the budget. It is hard to know how Mr Quinlan divined somehow before the budget was presented that the initiatives contained in it were not going to be related to one another; they were going to be piecemeal, as he put it. It sounds to me like he had a line worked out before the budget arrived and it was convenient to use that line irrespective of what the budget actually said.

I quote from the *Canberra Times*:

> Even if the amounts are often small, these initiatives are commendable. Things like spending on people about to be released from jail or early intervention in child development or disease prevention are not going to sound in immediate budgetary

> savings that can be translated to vote-buying. They show some welcome long-term thinking which has been quite rare on the Australian political landscape recently.

I note in respect of that that Mr Quinlan, when asked yesterday by the ABC's Keri Phillips whether he would have done much differently in the budget in terms of the initiatives themselves, responded, "Not much." I think that this budget does address the underlying issues of social capital—if you like, social justice—in a more than adequate way. I take it that our friends opposite will tell the Assembly and the community what difference they would have taken to this budget had they had their druthers, that they will tell us on Thursday, tomorrow, what different things they would have done in this budget. They had the opportunity in the draft budget process, but did not take it up. Tomorrow is their chance to put all the cards on the table.

We heard from Mr Quinlan yesterday that the Labor Party, if it had had its way with the budget, would not have invested money in reducing motor vehicle registration fees; it would have taken the money off household rates. That is a perfectly reasonable suggestion to make. We considered it. I do not much quibble with Mr Quinlan's choice; it is his choice and I respect the option that he chose there. But I will just note that Mr Quinlan was the chairman of the Assembly committee which was charged with the task of considering that draft budget suggestion. If he thought it was a good idea to put the money into rates, he should have said so in his report.

Cancer

MR WOOD: My question is to the minister for health, Mr Moore. I am sure that the minister has seen in the last week two letters in the *Canberra Times* about the radiation oncology section of the Canberra Hospital.

Mr Moore: No.

MR WOOD: In that case, Mr Moore, I will give you the subeditor's headings on those two letters. One said, "Government uncaring about cancer." The other said, "The sorry state of radiation therapy." One letter claimed that the waiting time for cancer patients of that section is two months. Two months would be a lifetime for cancer patients. Whatever the current year's funding has been, clearly it has not addressed the need, so I have two questions for Mr Moore. Is that claim of two months correct? Secondly, what specifically is there in the budget announced yesterday to improve the service in this most important area?

MR MOORE: I will start with the last part of Mr Wood's question, about what was in the budget yesterday. If he looked, Mr Wood would see that we are putting in $100,000 this year, going to an expenditure of $730,000 to provide for enhanced cancer services through the provision of integrated ACT-wide public oncology services and a lymphodema clinic for patients.

The government is particularly concerned about the issue Mr Wood raises, but it is an issue that is not only a problem here in the ACT and in Australia but a problem internationally with radiation oncology. There is a significant shortage in this area worldwide. We have been losing radiation oncologists from Australia, particularly to Canada and the United Kingdom, which are offering very large sums of money for

people with their qualifications. I have asked the hospital to look at the issues and try to come up with strategies for dealing with them and for finding radiation oncologists. I have discussed this matter with Dr Wooldridge, the federal health minister, and highlighted to him that there is an education problem as well. No doubt he will speak to his colleague in this area, Dr Kemp. It is a problem.

Mr Wood was very specific about the two-month waiting list. That does depend on the particular diagnosis of the person. My understanding, when I spoke to the people from oncology about six or seven weeks ago, was that they were still within the clinically required timeframes, but there was stress in that area of the hospital because of shortages.

Budget surplus

MR RUGENDYKE: My question is to the Chief Minister and Treasurer. A couple of years ago the former Chief Minister and Treasurer presented the full monty budget. In her tabling speech she said the following:

> For the first time, the ACT Budget is moving into a genuine surplus in 2000-01. This is a tremendous achievement, particularly as it will occur four years ahead of the Government's original timetable.
>
> However, a surplus needs to be sustainable. This means that the surplus needs to be of a size at least sufficient to cover the capital works program and to guard against any unforeseen economic shocks in the future.
>
> Without a sustainable operating surplus, borrowings (or potential asset sales) would still be required to fund capital investment, even if the Budget is in balance.
>
> The Government has estimated that by 2002-03 the ACT's operating surplus will be approximately $67 million which puts the Territory well on the way to a position of long-term financial sustainability.

Minister, last year, in your first budget, the forecast operating result for 2002-03 was downgraded to $57 million and estimated at $66 million for 2003-04. Let us fast forward to yesterday's figures in what I have called the Brewster's millions budget. The forecast operating result for 2002-03 is $20 million and the forecast for 2003-04 has been downgraded to $13 million. Can the Treasurer please explain the rationale for this apparent change in direction?

MR HUMPHRIES: Yes, Mr Speaker, I can. I thank Mr Rugendyke for that question. It is a good question. I make no bones about the fact that I have taken a different view from the view that was taken before on the way in which the territory's budgetary policy was laid out. Had we not made a change in direction in this year's budget, we would certainly have a surplus in the order of the $50 million that was projected in our forward estimates in last year's budget. There was a decline in successive years, as you have pointed out.

We could have left that budget to continue to rise, as it was slated to do under the forward estimates, or we could have taken the view that the accumulation of that surplus was unnecessary. I think the more sustainable view is that surpluses of that size are not necessary in the interests of the territory. If we expect a serious economic tragedy to

occur to the ACT sometime in the next couple of years, then I think there is a case for a bigger surplus than the one we are projecting for the next couple of years. We do not anticipate such a tragedy and therefore we do not anticipate that we will need to have a surplus of that size.

The suggestion in particular that was made by Mrs Carnell that we would need to have a surplus large enough to cover our capital works program is a suggestion which frankly I do not believe is sustainable. What that means is that you do not have to borrow at all for your capital works program. As it happens, we do not need to borrow for our capital works program, because we have a very strong cash position and therefore the capacity to pay for our capital works without significantly borrowing more than we have already borrowed.

Even if that was not the case, I would say that there is a strong argument for borrowing to a significant extent to fund your capital works program. There is a philosophical question involved in that. When you build something such as a school, a hospital or a new road, and you pay for it from a single year's budget, you get the taxpayers of that particular year to meet the whole cost of that particular asset. But the taxpayers of many years in the future will continue to enjoy the benefit of that asset. There is an argument that says that the taxpayers who are enjoying the benefit should be paying the cost had the money been borrowed and was being repaid in each year.

In summary, I do not support the view that we should have a surplus large enough to cover our capital works program. Indeed, I do not believe we should have a surplus which is larger than it needs to be, barring any economic tragedy.

Mr Berry: I knew I would win you over one day, Gary.

MR HUMPHRIES: We know what Mr Berry's philosophy about these things was—when you have cash you spend it. This is "Working Capital" all over again.

Mr Berry: Keynesian—

MR HUMPHRIES: Leave Mr Kaine out of it. When you have the cash sitting in an account somewhere, you spend it. That was your philosophy of running a budget, Mr Berry. If I were you, I would be the last person in this place to interject in a debate like this.

Mr Berry: Do you want to bet?

MR HUMPHRIES: Yes. Have a look at "Working Capital". You want to spend cash.

Mr Berry: How many promises have you picked up?

MR SPEAKER: Order! I will not have interjections across the chamber.

MR HUMPHRIES: I do not believe in spending cash to fund recurrent programs, as some others in this place have advocated. I think cash could and should be spent on capital programs. I think borrowing for capital programs is also an appropriate thing to

do. There are some circumstances where it is not, but generally it is an appropriate thing to do.

Therefore, the view that there should be a very large surplus beyond what has been projected by this government at this time is a view I do not share. I think we have a sustainable surplus, and that is the most important thing the ACT community should be relying upon.

MR RUGENDYKE: I ask a supplementary question. The forecast $11 million operating surplus for 2004-05 seems fairly skinny. Is it your view that that is a sufficient margin to combat the economic shocks you mentioned?

MR HUMPHRIES: I do not have the over-the-horizon capacity to see what might happen in 2004-05. I think at this stage $11 million is sufficient. If circumstances facing the territory are not so positive as they are today, then I would probably support increasing that surplus somewhat. As you have indicated, each year these things may change. My view is that at this stage, looking that far over the horizon, $11 million is adequate for the territory's needs.

School buses

MR BERRY: My question is to the Minister for Urban Services and relates to the hitherto unaffordable $6 million per annum free bus scheme which was first promised by the Liberals in 1995. It has been a bit like the Belconnen pool proposal, really, which has been around for a couple of days. It has some grey whiskers on it. Yesterday's budget contained as its centrepiece, I think is a fair statement, a commitment to provide free school buses. On closer examination, this promise will be available only to "eligible" students. I would like the Minister for Urban Services to tell us how many students will be eligible and whether free travel will be available only on dedicated school buses.

MR SMYTH: Mr Berry, in his preamble, asked why it took so long. There was a hurdle to overcome, a $344.5 million audited hurdle that said we were in the red. Why were we in the red? It was because of the economic mismanagement of those who governed the territory before us and governed badly. The program for the implementation of the delivery of the free school travel is that we will now communicate with all the parents. We will send out a kit detailing how they can apply for the school bus pass. The answer to Mr Berry's question about whether it is only for dedicated school routes is that it is not, because a large number of our students already use the route system. The travel will be between 7.30 am and 5.30 pm each school day.

MR BERRY: I have a supplementary question, Mr Speaker. Will the free travel be available for every student who chooses to travel to a school that is more than the minimum distance specified?

MR SMYTH: There will be exceptions to all the rules. We have set up a process whereby the schools will now send out to the parents via the students a form asking the parents to apply for a free student travel card for the students. The forms will come back to the schools and they will collate them and give them to ACTION. ACTION will determine, based on the advice from the schools, who is and who is not eligible. If

parents wish to appeal against that decision, they can appeal to the Department of Urban Services, which will make a decision on whether such students are eligible.

Prison—funding

MR HARGREAVES: My question is to the minister for corrective services. Minister, one glaringly obvious omission from the budget is funding for the ACT prison. You have said in recent days that you have only just received the consultants' report and you need time to read it before any decisions are made. Minister, you have stated publicly that the building of the prison will start this year. I presume that is this calendar year. However, the Treasurer has left little in the cash reserves and he has said that there will be no new borrowings. If the building is to start this year, where do you think the money is going to come from?

MR MOORE: Through you, Mr Speaker, I thank Mr Hargreaves for the question. In one of the media releases we issued yesterday there was a clear explanation of that. At the end of media release No 24 "Rehabilitating offenders in the ACT" we stated with regard to the ACT prison project:

> During 2000 the government decided a multi-faceted correction facility incorporating a men's prison, a women's prison and remand facilities would be established at Symonston.

I will come back to Symonston. The media release continues:

> Work is progressing in regard to the operational ownership and management options, including the most beneficial financing structure for the complex. With crucial decisions yet to be finalised, financial details for the Symonston complex have not been included in the 2001-2002 capital works program. Once the necessary financial assessments and decisions are complete the project will either be included in the capital works program or, if privately owned and financed, included as an operating expense for the Department of Justice and Community Safety.

That is the background, Mr Hargreaves.

I am hoping to have that submission to cabinet by the end of this month. I want to say to you, Mr Hargreaves, that it is interesting you should raise this question because, on a number of occasions, it has been drawn to my attention that you have suggested that Majura would be a better alternative than Symonston. I suggest you go back and look at your report, as I have, because the committee actually eliminated the Majura site; it left the possibility of Kinlyside, as I recall, and Symonston. The committee that you were on eliminated the Majura site. It was eliminated for a number of reasons. One, of course, was that the expense of preparation of the site was significantly more than at Symonston—a comparison of over $1 million at Majura to a cost in the hundreds of thousands at Symonston. The main reason given was that the lights at Majura would cause a problem for the airport.

Mr Hargreaves, you had an opportunity, as part of that committee, to suggest whatever you like; to consult widely with the community—and I hope the committee did consult very widely with the community. That is what it was charged to do—to determine a site.

That report having been presented, the government said, "Yes, we have looked at the committee report; we have taken it into account; we take your recommendation, which gave us a couple of options, and we choose the option which is consistent with the Territory Plan, Symonston." That was the logical thing for us to do, and that is why I say that it would take a decision of a catastrophic nature for us to say, "No, it goes to a different site." We are following the recommendation of the Assembly committee and remaining consistent with the Territory Plan. That is the correct thing for us to do.

That does not mean to say that we shouldn't continue our consultation processes, as we are doing, to make sure that where issues are raised by residents of the area we listen to them and see if we can resolve any of the issues that they raise, while still continuing to remain consistent with the Territory Plan and consistent with the recommendation of the Assembly committee. That is what we are intending to do.

I say to Mr Hargreaves, through you, Mr Speaker, that at this stage there is no financial allowance in the budget for the prison because we haven't decided yet that we will have a prison.

MR HARGREAVES: My supplementary is this: isn't it then a financial reality that because of the government's spending spree there won't be any money left to pay for the prison and that this whole process is a farce because the prison will be privately funded? Even then, you still won't have the money to rent this place from the private owner?

MR MOORE: In effect, Mr Speaker, I am being asked to announce government policy.

MR SPEAKER: You are. There is a hypothetical in that.

MR MOORE: I can see you looking at standing orders. There is a way we can work around that.

Mr Hargreaves, there is a series of options for government. Those options for funding a facility like this will be considered by cabinet—later this month, I hope. That decision will be made after I have taken the Rengain report to cabinet. I have indicated to members of the Justice and Community Safety Committee that I will provide them with a copy of the Rengain report as quickly as quickly as possible so that they can see the information upon which we based our decision.

Just as an aside, Mr Speaker, it is interesting that one of the consultants who helped prepare the work for the corrections facility has been involved in many jurisdictions in considering these issues. No jurisdiction has looked anywhere near as thoroughly at the decision-making process as has the ACT. We are doing it thoroughly; we are doing it carefully; and we are doing it in an open fashion.

Drugs

MR OSBORNE: Mr Speaker, my question is to the minister for health and it is about drugs. He is probably reluctant to take a question on drugs but I am sure he can handle it. I have been reading through the budget tabled yesterday and I am struggling to find any major significant money that has been spent either on drug education or rehabilitation. Could he point it out to me?

Mr Moore: On which?

MR OSBORNE: Anything on drug education or rehabilitation. I did find the extra four beds for the Ted Noffs Foundation. Given that just about every other person who asked or anything else that asked got money, I was wondering whether it was still a priority for you?

MR MOORE: Thank you for that question, Mr Osborne. One of the things that are most interesting about drug education is finding a system that actually works. I think it is important to go back, wherever drug education has been used and where it has been analysed properly by independent authorities, and find one that actually works. For example, there was analysis recently of the Dare program in the United States which has been widely purported to be an excellent program. It has been used in Australia. I know it is used in the Northern Territory and I think in other jurisdictions. When assessed, people who had been through the Dare program had a significantly higher chance of using drugs and getting into strife with drugs than those who had not been through the program. So we have to be very careful whenever we are talking about drug education and make sure that we get it right.

The most important drug education initiative that we have, Mr Osborne, and I hope you will agree with me, is the one on the killer drug, tobacco. We have put in some $200,000 for health promotion associated with that drug. If we get our education programs right, that $200,000 will be helping people to learn how to say no and to be self-confident in dealing with these issues. As such, it will be drug education that applies not only to the killer drug tobacco but also to cannabis, heroin and so on. That is the most effective way that we know of now, and we will be assessing programs and looking at their evaluation before expenditure of that money.

With regard to drugs generally, there is a package of about $2.5 million a year. It includes the one you mentioned, the residential youth detoxification program. There is recurrent funding for the youth rehabilitation after-care service of $82,000. There is recurrent funding for the pilot college-based education and support program, another specific program, of $60,000. There is extension and recurrent funding of the family support and education project based on the New South Wales family support model at a cost of $82,000.

Additional indigenous case management and outreach services, including drug and alcohol workers, are to get $250,000. There is funding, $125,00, to enable the ADFACT to implement a new clinical program by upgrading its counselling and life-skills services for individuals and families. I think that is an education program in the broader sense. Additional methadone places and the capacity to provide new pharmacotherapy treatments such as bupremorphine will cost $261,000.

Other parts of the package are: recurrent funding for the community-based health program for opiate dependent people through general practice surgeries, $240,000; recurrent and enhanced funding for supported withdrawal services, including additional beds for Arcadia House and a new outreach and support service for women and children, $345,00; funding for growth in demand for injecting equipment under the needle and syringe program, $50,000; recurrent funding to upgrade the women's halfway house to

enable clients to be adequately cared for in the community, including those who are on methadone and benzodiazepines, $150,00; funding to enable drug and alcohol doctors to be upgraded to specialist level to meet the national standard, $70,000; training for drug and alcohol and mental health workers in dual diagnosis issues, $90,000; coordination of methadone and pharmacotherapy accreditation, $20,000; and a night shelter in the ACT, some $240,000.

Mr Osborne, thank you very much for that question. I greatly appreciate the opportunity. You can see that we have taken this matter very seriously.

Mr Hird: Is that all?

MR MOORE: I hear my colleagues saying, "Is that all?" I can see that I will have to go back into discussions with them about some of the other things we could do. I am reminded by Mr Smyth that we put an extra $400,000 into health promotion. A better coordinated health promotion system about healthier lifestyle, healthier living, good nutrition, fitness and early intervention will enhance our ability to intervene.

Mr Osborne, I could go on a little further, but if you keep looking through the budget you will find more and more. If you like, I can search them out for you.

MR OSBORNE: I ask a supplementary question. It is a bit like the Duracel bunny. You let him go, and off he goes talking about drugs. Can you tell me how many rehabilitation beds there are in the ACT for illicit drug dependent people that the ACT government actually pays for?

MR MOORE: Mr Osborne, I would like to give you an exact answer to that question, so I will take it on notice.

Mr Humphries: Mr Speaker, I ask that further questions be placed on the notice paper.

Papers

Mr Speaker presented the following papers:

> Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—Authority to broadcast proceedings concerning:
>
> The public hearings of the Standing Committee on Finance and Public Administration relating to its inquiry into the Appropriation Bill 2000-2001 (No 2) on 27 April 2001, dated 26 April 2001 and on 6, 12 and 18 April 2001, dated 4 April 2001.
>
> The public hearings of the Standing Committee on Justice and Community Safety relating to its inquiry into the prison project on 17 April 2001, dated 11 April 2001.
>
> The public hearings of the Standing Committee on Planning and Urban Services relating to its inquiry into Turner sections 46, 48 and 62 on 11 and 12 April 2001 and its inquiry into DV No 152 Community facilities land use policies—Forrest section 24 blocks 1 and 3 (part of St Christopher's precinct, Manuka on 12 April 2001, dated 12 April 2001.

The public hearing of the Standing Committee on Finance and Public Administration relating to its inquiry into the Auditor-General's Reports Nos 1 to 12 of 2000 on 20 April 2001, dated 18 April 2001.

The public hearings of the Standing Committee on Planning and Urban Services on 27 April 2001 relating to its inquiry into proposed developments at South Bruce section 21 blocks 1, 3 and 4 and its inquiry into the proposed Amaroo community precinct on 4 May 2001, dated 18 April 2001.

Presentation and consideration of the Appropriation Bill 2001-2002 for Tuesday, 1 May and Thursday, 3 May 2001, dated 1 May 2001.

Purchase agreement

Third quarterly report on outputs as stated in the 2000-2001 purchase agreement between the Speaker and the Clerk of the Legislative Assembly.

Paper

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): For the information of members I present the following paper:

Trans-Tasman Mutual Recognition Act, pursuant to subsection 5 (4)—Endorsement of proposed Trans-Tasman Mutual Recognition Amendment Regulations 2001 of the Commonwealth, notified in Gazette No 14, dated 5 April 2001.

Mr Speaker, I ask for leave to make a statement, but on account of its dreariness I ask for leave to have the statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

Mr Speaker, as the designated person under subsection 5 (4) of the ACT's *Trans Tasman Mutual Recognition Act 1997*, I have endorsed the proposed regulations of the Commonwealth to roll over the Special Exemptions that apply to the *Trans Tasman Mutual Recognition Arrangement 1997*.

When the *Trans Tasman Mutual Recognition Agreement* was signed and agreed to in 1997, there were six industry areas where further examination of both Australia's and New Zealand's regulatory requirements was necessary to determine whether mutual recognition was appropriate. As a result, Special Exemption status was given to the following six sectors:

- automotive;
- consumer product;
- electromagnetic compatibility and radiocommunications;
- gas;
- hazardous substances; and
- therapeutic goods.

The current Special Exemptions expired on the 30 April 2001. All have been recommended by their relevant regulatory bodies to be rolled over for a further 12 months to continue to work towards achieving mutual recognition.

All States and Territories have endorsed the roll over of the Special Exemptions by gazetting the regulations in their respective Gazettes. on behalf of the ACT I endorsed the agreement on the 30 March 2001. Subsequently the Commonwealth regulations were printed in the ACT Gazette on the 5 April 2001.

Papers

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long term contracts:

Laurann Yen, dated 29 March 2001.

Megan Smithies, dated 2 April 2001.

I note that Megan has recently become a mother and I congratulate her on that august achievement. The list continues:

Graeme Dowell, dated 19 April 2001.

Anne Thomas, dated 19 April 2001.

Stephen Ryan, dated 12 April 2001.

Temporary contracts:

Brad Page, dated 19 April 2001.

Nic Manikis, dated 22 March 2001.

Martin Hehir, dated 19 April 2001.

Schedule D variation:

Kimberley Pierce, dated 26 March 2001.

I ask members to treat these contracts with the usual privacy we accord to such contracts. I also present for the information of members:

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Part-time holders of public office—Determination No 81, dated 29 March 2001.

Chief Executive and Executives Relocation Allowance—Determination No 82, dated 21 March 2001.

Administrative Arrangements
Paper and statement by minister

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): For the information of members, I present the following paper:

> Administrative Arrangements, dated 19 April 2001—(Gazette S19, dated 23 April 2001).

I ask for leave to make a short statement in relation to the arrangements.

Leave granted.

MR HUMPHRIES: The administrative orders I have tabled today have been prepared for the purpose of updating references to legislation. They came into effect on 23 April. The arrangements include references to new laws. The arrangements are also made at this time to amend the schedule in order to facilitate the transfer of responsibility for the Firearms Act 1996 and the National Crime Authority (Territory Provisions) Act 1991 from the Attorney-General to the Minister for Police and Emergency Services.

Papers

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services): Mr Speaker, under standing order 80, on behalf of Mr Stefaniak, I present the following papers:

> Annual Reports (Government Agencies) Act, pursuant to section 14—Canberra Institute of Technology Annual Report 2000, dated 7 March 2001.
>
> University of Canberra Act, pursuant to section 36—University of Canberra Annual Report 2000.

Papers

Mr Smyth presented the following papers:

> Australian Capital Territory State of the Environment Report 2000—Executive summary.
>
> Land (Planning and Environment) Act, pursuant to paragraph 229A (7) (b)—Revocation of Development Applications—Statements—
>
> No 20006895—Redevelopment of Latham Shops, dated 10 April 2001.
> No 20006863—Development of a waste transfer and recycling facility in the District of Gungahlin, dated 1 May 2001.

Paper

MR SMYTH: (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services): For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 29—Variation (No 89) to the Territory Plan relating to the Murrumbidgee and Lower Molonglo Rivers—River corridors land use policy: Public land categories and other minor changes, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

In accordance with the provisions of the act, this variation is presented with the background papers, a copy of the summaries and reports, and I seek leave to have a short statement incorporated in *Hansard.*

Leave granted.

The statement read as follows:

> Mr Speaker, Variation No 89 to the Territory Plan proposes to make some minor amendments to the overlays and land use policies in the Territory Plan for the areas within the Murrumbidgee and Lower Molonglo River corridors. The changes in this Variation reflect changes recommended by the Conservator of Flora and Fauna to make the public land categories in the Territory Plan consistent with management objectives.
>
> The Variation was released as a draft for public comment in January 1998, and 7 written submissions were received.
>
> The draft Variation was then referred to the then Standing Committee on Urban Services which called for further public submissions. Public hearings were held by the Committee on 6 and 13 November 1998, followed by a site visit on 20 November 1998. The National Parks Association made representations to the Committee along with three rural lessees (Mr Coonan, Mr Tanner and Mr Gale on behalf of Mr Austin lessee of "The Rivers" property incorporating "Huntley").
>
> In the case of Mr Tanner and Mr Coonan, the public land boundaries were revised to address their concerns. However after additional consultation it was not possible to reach a fully agreed position with Mr Gale. Although Environment ACT staff inspected the proposed new public land boundary alignment with Mr Gale, he was unhappy about losing stock access to the Molonglo River in the future.
>
> It should be noted that the proposed boundary, when fenced, would not prevent access to the river for water extraction, but rather that stock would be restricted in their access to the river. The boundary would not be fenced until the lease is renewed. A new lease would not include the area of public land (Nature Reserve) along the river.
>
> Mr Gale has argued that fencing the river area would deprive a number of existing paddocks of water. As a general policy, Environment ACT would provide assistance with off-river stock watering points and provide poly-piping to assist with water reticulation, but more substantial capital works would be the responsibility of the lessee. Any change from this policy would be inconsistent with the practices implemented in other areas along the river and other rivers including the Murrumbidgee.

The Variation was revised to respond to additional recommendations made by the Conservator of Flora and Fauna, following a consideration of the written submissions, and representations to the then Standing Committee on Urban Services made by several lessees.

The Committee's Interim Report of November 1998 did not endorse the draft Variation and recommended that Government officers liaise closely with rural lessees affected by the draft Variation in an effort to resolve the outstanding areas of dispute. The report further recommended that the liaison should extend to clarifying how the Government expects to manage the land once it is covered by a management plan.

Some minor amendments were made to the public land boundary for "The Rivers" following the site inspection and the revised Variation was forwarded to the lessees on 18 June 1999 with comments invited by 12 July 1999.

Planning and Land Management (PALM) conducted further consultation with the lessees in July 1999 and addressed the concerns which directly related to the draft Variation. The lessees raised a number of broad rural policy issues which did not relate specifically to the draft Variation but had already been considered as part of the Government's response to the Rural Task Force Report.

The current Standing Committee on Planning and Urban Services considered the Revised draft Variation and, in Report Number 62 of November 2001, recommended:

• the revised Draft Variation 89 of the Territory Plan be endorsed, and that it incorporate the adjustment to the public land boundary agreed to by Environment ACT and Mr Tanner (a rural lessee);

• the boundary of this land be surveyed and a valuation of the site then be undertaken in order to facilitate final agreement on the matter of compensation; and

• this process occur as quickly as possible.

Environment ACT and Mr Tanner, the lessee concerned, have reached agreement on the new boundary, this has been surveyed and the new boundary has been included in the final Variation.

A valuation of the site is being undertaken in conjunction with the lessee.

I now table Variation No 89 to the Territory Plan for the Murrumbidgee and Lower Molonglo Rivers.

Paper

Mr Moore presented the following paper:

Territory Superannuation Provision Protection Act—Authorisation under subsection 14 (1)—Instrument No 89 of 2001, together with an explanatory statement (S22, dated 1 May 2001).

Information technology and communications
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mrs Burke proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The necessity of everyone in our community having access to high-quality information technology and telecommunications and knowing how to use these services.

MRS BURKE (3.29): My Assembly colleagues, everyone who wants access to, and education and training in, information technology and telecommunications deserves the right to be able to do so. As many of you would know, the ACT has the highest rate of home computer usage and Internet access in Australia. Some 68 per cent of ACT households have a home computer and 35 per cent of ACT households have some Internet access.

The ACT government has strongly promoted the ACT as the leader in information technology for both the public and the private sectors. This includes appropriate ACT government services being delivered on line by the end of 2001.

Mr Speaker, it is my belief that governments have a social responsibility to ensure that the community at large has the necessary skills and abilities to physically access the ever-increasing information economy. To this end, this government has met its social responsibility and initiated the establishment of a digital divide task force which I chaired.

What is the digital divide? Many in our community would ask this. The concept of a digital divide is commonly being used to describe disparities in awareness of, access to, use of and required training in the Internet and new telecommunications services across different social groups. There currently exists an inequality of distribution in IT knowledge, skills and resources necessary to access online services and information among the different groups in our modern society.

The other task force members were Daniel Stubbs, chair of ACTCOSS, and Professor Michael Wagner, head of the School of Computing at the University of Canberra. My task force colleagues and I wanted to ensure that in the time available we consulted with a broad as possible cross-section of government, business, education and community sectors in developing the framework of the report and its recommendations.

The task force established a support reference group comprising representatives of government, business, education and the community sector to consult with. A very dynamic and successful round table of reference group members was held on 15 March 2001 to identify and prioritise digital divide issues. These are specifically reflected in the task force report.

Access to hardware is one small part of a much bigger picture. People need to be taken through awareness raising, education and training. The task force understands that simply throwing more resources at this problem will not solve it. There is a diverse range of target groups that have been identified through the task force and reference group

consultations, and many of these groups are also often classified as being in poverty. The task force believes that the solution is to develop a more dynamic social policy agenda, targeting communities and families and individuals disadvantaged by the so-called digital divide. It is envisaged that business, government and the community sectors will work together in developing this.

The task force strategies were to adopt an incremental approach to implementing digital divide initiatives that included, but not exclusively, identifying target groups and their needs; focusing on highest priority/critical needs of the most in need target groups and developing several major initiatives which cover these requirements; linking the ACT poverty task force report; and identifying links between education, income and age factors.

The task force recognised that there are significant opportunities to leverage off other ACT government programs, both existing and in the 2001-02 budget—that is, for organisations to cooperate in the development of digital initiatives using both existing resources and, where available, some additional resource, for example ACT library services, the Centre for IT Excellence, CIT Virtual Campus, Canberra Connect, Schools as Communities, Community Online, PoGo Generation x~plore (the youth Internet portal) and other community IT access projects.

Underlining the task force strategic approach, a package of specific service delivery initiatives were also developed and are implicit in the recommendations. The task force set out many recommendations and key initiatives in its report, which is currently being considered by the Chief Minister. The task force believes that the adoption of some or all of the recommendations and key initiatives will represent a giant leap in bridging the digital divide in the ACT.

Recommendations included:

- allocation of funds to provide IT hardware, software and telecommunications access costs to identified government and community public access locations across Canberra, to enable their customers to have better access to the Internet;

- establishment of a roving trainer's program to provide awareness raising, training and education to enable members of the public to receive training at identified government and community public access locations;

- in addition to targeted funding allocations, establishment of a grant program for community groups to develop proposals to address the digital divide—proposals which may include initiatives which enable awareness raising, training and education programs and the provision of computer and Internet access targeted to the needs of the most disadvantaged sectors of the identified target groups, including the aged;

- funding for enhancements to ACT government public library IT facilities, including additional PCs, large-screen monitors and specialised equipment for people with disabilities and seniors, to enhance IT and Internet access in ACT public libraries;

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- establishment of a pilot program for public IT access centres within ACT government schools (for example, using centre schools arrangements like colleges and secondary schools already open to the public after school hours); and

- a pilot program to provide a community IT facility in a public housing complex.

The only constant is change. We must ensure that we include and bring along as many people as possible through any process of change in our society to ensure that people do not feel isolated. There are many facilities on line that low socioeconomic groups, older persons and people with disabilities cannot currently access—for example, employment opportunities or banking on line. This issue is about community—the potential for people to come together in an environment where they may not otherwise do so.

Access to technology is a self-empowering tool for anyone and everyone, from young and old alike to unemployed, to people with a disability. The fact that the ACT has the highest ownership of computers per capita in Australia, bar the Northern Territory, is no reason for governments to become complacent. Indeed, this gives strength to the fact that there is even more reason to ensure that the have-nots do not feel a sense of isolation already exacerbated by their socioeconomic situation.

And, finally, we as a government are about the business of building social capital. We do this because we believe we have a social commitment to our community, not just as politicians but as real people identifying with the needs of the community. I thank my colleagues.

MR CORBELL (3.37): The Labor Party is pleased to join this debate today, simply because the issue of the digital divide is one which will be a growing equity and social justice issue for many ACT governments to come. The Labor Party is strongly of the view that Canberra can become the first city in the world to have effectively bridged the digital divide. That should be both our goal and the challenge we present to ourselves. Our relative affluence and our relatively compact size allow us to address that challenge in a far more hands-on way than many larger cities interstate or internationally can.

The government's proposals in relation to the digital divide and the work conducted by the task force of which Ms Burke was a member are certainly welcome. But it does not in and of itself say that this situation is under control. Indeed, I would like to remind members in this place that it was the Labor Party that initially raised the issue of the digital divide in public debate last year when we started to call on the government to look at the issue. We recognised this ourselves in the establishment of an information society portfolio—as compared to an information economy portfolio or an information technology portfolio—to recognise the very wide-ranging aspects that information society is bringing to how we as citizens conduct ourselves in our city and in our community.

The response from the government at that time was that the Labor Party was playing catch-up; that the Labor Party did not realise that we had a high degree of connectedness; that the Labor Party did not realise that we were doing all sorts of wonderful things with TransACT. Unfortunately, the government's response along those lines really missed the point, because what the Labor Party was highlighting at that time was the need to address the unmet needs of those people who did not have access to information technology in

the way that they needed to, to get better access to government services, facilities and information as well as services, facilities and information provided by the private sector. We were pleased to be raising the issue then, and we are going to continue to raise the issue all the way through to the next election.

A couple of issues in the government's task force report need to be addressed. They have not been addressed to date. The first of these is: what substantive steps are being taken to address the issue of access to technology in a way in which those who can afford information technology take advantage of it, and that is through having access to technology in their homes? The beauty of information technology is that it can be used in the most convenient way possible, and for a lot of people that is in the evenings in their homes, outside of working hours.

Yet we continue to see a focus from this government which says, "We will provide information technology access through public facilities such as libraries, seniors areas and other facilities." That is commendable, but it does not address the main concern. The main concern is making sure that people can access technology in the way which is most convenient for them. To travel outside of the home to go to a kiosk, a touch screen or an information technology point is simply saying that you have to overcome the barrier of distance to get to that technology.

I admit that this is a very difficult issue, but we should not be avoiding it. We should instead be addressing it head on. I do not see the initiatives from government doing that to date.

Another point I would like to raise in the debate today relates to the provision of information through broadband cable systems. The rollout of TransACT is progressing across the territory. TransACT does provide a very high standard of services and information to residents who connect to it. The hoopla associated with the rollout of TransACT is a little different from the reality. We have heard a lot of hoopla about how the ACT is going to be connected to this wonderful system. If only it were true that every household was connected to the system. Then we would be a truly connected society.

The reality is very different from that. There are substantial barriers to connection. TransACT has responded to some of these issues in a variety of ways. The first is in relation to the waiver of the connection charge in return for residents taking up the whole suite of packages that TransACT is offering. It is an integrated package of TV, online access and telephony.

That is a good step. But, again, what practical steps are we seeing for those who are not already part of the information society, who are not already participating? The TransACT step is a good one for those who are already participating or have the capacity to participate. But for those who do not, a discounted deal to join TransACT misses the point.

We need to look at opportunities for low-income households, for fixed income households and for a range of other people on lower incomes. It is lower income families and lower income people who are the main element on the wrong side of the divide. We need to look at measures for engaging those people too and getting them connected to systems like TransACT—measures such as a community service obligation for

TransACT, Telstra or whoever else is providing broadband services. In return for a community service payment from the government those providers can undertake to provide access to their broadband network for those in public housing or on a low income base or for health care card holders. Something along those lines would be a very practical step in ensuring that the digital divide was addressed.

I return to the issue of hardware for a moment. Another issue that needs to be addressed is having technology in your home so that you are able to access the information services you need. Other states and other jurisdictions around the world are grappling with this problem and are seeking to address it in very practical ways—some better than others. I am not particularly advocating any one of these, but I would highlight some of the measures that are being taken.

For example, the government in Singapore, a city state very much like us but with a much larger population, have a recycled computer scheme whereby computers no longer required by business are refitted and provided to people so that they can go on line. That is a practical scheme which provides a level of access.

In Australia we have seen perhaps one of the best measures—the Australian Council of Trade Unions' scheme for people on lower incomes to get cheap access to a home PC and Internet connection. That is a scheme provided through the membership of a trade union. That is another good reason to be a member of a union. The ACTU scheme provides a level of access to information technology. Often the difficult barrier for people to overcome is getting a PC in their home.

The government could be looking at a range of measures in addressing the digital divide. The measures we have seen to date only continue to walk along the same paths we have followed to date—touch screens, information kiosks and training for people in particular categories, such as older people or young people. That is all fine. Those are all commendable steps, but they do not address the substantive issue of getting online access for people in the way that is most convenient for them, so that they do not have to catch a bus or drive a couple of kilometres to use a computer. They do not need to leave the confines of their home. That is one of the key challenges with the digital divide.

The only other point I would like to make in the time remaining is about the capacity for those in a range of occupations in government to use, and become familiar with, information technology. The digital divide is not just about access. It is also about knowledge and the ability to use information technology. Many employees of the ACT government are not, as part of their day-to-day work, involved in the use of information technology—for instance, bus drivers, people working in the Parks and Conservation Service and people who are working in CityScape services who are doing manual labour tasks or other tasks that do not involve them sitting at a desk and using a computer.

What are the responses from government in addressing the capacity for those people to learn about information technology, to understand the uses of it and become practically involved in using that technology and therefore being able to access the range of services and facilities that are available on line? There need to be measures to address those issues as well. To date we have not seen those.

There are a range of challenges ahead of the city. They are not simply resolved through touch screens and kiosks and more computers in libraries. They have to be addressed by a range of other measures as well. The Labor Party will be continuing to advocate the need for those sorts of measures. I would hope that the government continues to follow Labor's lead in advocating that need and addressing the concerns.

MS TUCKER (3.49): The Greens also are pleased to see attention being given to access to technology. There are a couple of concerns I have. I understand that Ms Burke's task force produced a report with recommendations. That is as far as her work went, and it is now up to Mr Humphries to respond and fund the recommendations. I think there were some useful recommendations in the report, but I am more interested in understanding what the detail of Mr Humphries' response would be, which obviously will come later, so I will not go into that in too much detail now. As we have the opportunity to talk about these things today, I would like to raise some of the things I will be looking for in his response.

I am interested to know about the methodology of the task force. I am interested to see that 27 groups will be receiving a $11,000 grant or amount of money to assist them in dealing with these issues. When I asked who the groups were, I was told that that still has to be determined and that Mr Humphries' office is dealing with that. The question that comes out of that is: how was it decided to have 27 organisations? I would have thought most people would think that if you were interested in determining how best to bridge the so-called digital divide in the community you would do an assessment of need and you would look at the organisations currently supporting the community in the ACT. You would look at the situation in Canberra. You would then make a decision about where you thought people could most usefully be engaged and you would come up with the number after looking at who was doing what. It would not be a question of saying, "We are going to have 27 organisations, and we will tell you later who they are." You would say, "We have identified these groups who are key to bridging the digital divide, and we feel we have to fund 27 organisations," or 30 or whatever it is.

The next question I have is about the $11,000. Ms Burke did not go into detail on that, but I did speak to the person who was working with her and the information I was given—and Ms Burke can clarify whether it was incorrect—was that the $11,000 was determined by Wagner, the person working on the task force; that it could accommodate the purchase of two or three PCs plus maintenance for one year. If Ms Burke wants to say that that is not correct, then she can certainly do so. I am sure we will give her leave.

If that is the case, then I am interested in understanding how that amount was determined. It is a very small amount, depending on how the community organisation picks it up. If a community organisation decided to use that $11,000 to purchase three PCs, they would not be high-quality ones for that price, and there would be less money for maintenance. If they purchased only one PC, they would have more maintenance money. I am trying to understand the detail of this, and I am happy to have it explained.

I am particularly concerned, because everyone I have talked to in the industry and in the community has expressed concern about whether this is enough money to deal with what could be quite a large support requirement. I note that for InTACT, which services us and the ACT government, for telephones as well—I have not done the full calculation—we are talking about $54 million for 17,500 employees in 1997, the most recent figure

I could get in the time I had to prepare for this discussion. If we are talking $54 million for 17,000 in InTACT to deal with IT and telephones, then I would love to know from the government how much per employee is allocated to maintenance. This package is $300,000, which includes the purchase of PCs. I would hope that Mr Humphries' response is clear on this.

I think most members in this place have been getting constant feedback from the schools that what is happening there is not working; that apparently bridging the digital divide there is causing serious problems, because maintenance is not properly supported. The cost of the maintenance is causing a huge burden on staff and a is very inefficient system.

Ms Burke said that this is the key to empowering people. It is actually the most fundamental key for disempowering people if you cannot make the computer work. Mr Humphries is frowning. If he does not know that from personal experience, I am surprised. If you do not understand what is happening with the PC or the programs you are working with, it is incredibly disempowering, because it requires quite a considerable expertise to deal with the various problems you can get yourself into with a computer. We are finding a burden in the school system because maintenance has not been adequately accounted for.

There has also been a recent study, I understand, of the situation for students who are using PCs and the fact that they have not had adequate ergonomic support. Pre-RSI symptoms are appearing in children across our system. That issue is not going to go away. It is going to become more and more obvious. That is another matter that has to be taken into account when you look at how you support people to bridge the so-called digital divide. You have to look at the whole picture, which I want to be satisfied, and I am sure anyone in this place would want to be satisfied, is being looked at by government when they come up with these sorts of initiatives. If this is just a tokenistic asset, it is not good enough. The consequences are quite negative. It would be almost better not to do it than to do it in a half-hearted way.

I am also interested in the roving trainer idea. I have not been able to get a clear answer on this either. The roving trainer is apparently going around, as I understand it, training community service providers as well as members of the community, the individuals who come into community service organisations to be assisted in learning to access technology. If the roving trainer is going around training community service providers and the community, we would like to know how time is going to be allotted, how many hours per organisation, and how this particular component of the package was decided. Mr Humphries will explain to us how much money he is putting into that training. You would want to see a clear breakdown of how that is going to work.

That leads to the next question. If you are training the community service providers to do the work of training members of the community, you have given a significant new task to community service providers. How well this training is going to equip community service providers to deal with training people is another question. You may already have expertise in the community service; you may have no expertise. There is going to be a varying degree of necessity to assist training these people to assist members of the community. Once again, this can be a major source of frustration and stress if it is not properly done for the community service involved.

The next matter is that if you are going to give the community service organisations this task of being support people and trainers of the community in the use of information technology it has to be acknowledged as an output coming from that organisation. There have to be very clear processes about how community organisations are going to be paid for taking on that work. If they are not, it is going to be another burden on community service providers, and that in itself is not going to be a useful thing.

The community sector cannot afford to have these extra pressures put on them. A divide already exists between the community sector and business and government in terms of everything—how they operate, the buildings they work in, the computer technology they work with, their expertise and training opportunities. A lot of community service organisations have given up training. They had to sacrifice training to pay the SACS award. That is now being picked up by government, but there has still been quite a neglect of training opportunities for the community sector.

You have this divide between the community sector and the government and business, and it is important that we make sure that we do not widen the divide by having this poorly thought through. I understand there is potential for it to be well supported. I hope that is what happens, although I cannot see it with the amount of money that has been allocated so far.

The last thing I would like to quickly touch on is the whole question of knowledge technology. We know that that is a growing field. We know that knowledge-based technology—

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! The member's time has expired.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (4.00): I want to make a brief contribution to this debate. I am astonished at how much negativity members have been able to dredge up to throw into this particular issue. Both Mr Corbell and Ms Tucker have risen in this debate, saying that they believe that this is an important issue and welcome it being raised in this way, then proceeding to regale the Assembly with all sorts of reasons why, with the work that has been done so far on this particular initiative within the task force Ms Burke chaired, you have to look behind the cup to see what flaw in it is, to see where the weakness, the disadvantage or disbenefit might be. For an issue that is supposed to be so important, we are finding lots of reasons why this initiative being taken to deal with it should not be treated all that seriously.

Mr Tucker used the word "tokenistic". What exactly is tokenistic about this effort, Ms Tucker? That is the word you used. You said it was tokenistic. It is quite insulting to the members of the task force that they are being told that they did their job in half-hearted way. I was not on the task force. I do not know the amount of work they put in. But I do know that it is not exactly fair in this place to receive a report of this kind, to see it on the table, and to comb through it looking for the nits you can find and to throw cold water over it.

We need to acknowledge that this as a major exercise and to try to be positive about efforts being made to deal with it. When I was a first year student at the University of New England, quite some time ago—I spent a year at the University of New England before I came down to the ANU—one of the lecturers in the politics course was Professor Colin Tatz, a black academic who had some very interesting views about power. He said that in a contemporary society, where the rule of force has been displaced by other factors, power goes to those who are best informed, and those with a capacity to obtain and use information effectively will be those ultimately who rule. That is a very telling comment in light of this debate. The Internet presents, above anything else, an enormous avenue for access to information. If the information is flowing unevenly to certain parts of the community, it follows that certain parts of the community are less likely to have the power that information provides.

Mr Corbell said in his remarks that he believed the central issue in providing that access was overcoming the inconvenience people faced by not having the technology in their own homes. I disagree with that. I do not think that is a central issue at all. I think access, by which I mean the form of information that is available to you, whatever place you might happen to go to get it, is the central issue. People with very poor and limited means of access in a public library, a workplace or a home, wherever it might be, will be significantly disadvantaged versus those with very good access. The issue is not where you obtain the access; it is the extent of your access and the nature of your access.

Acquiring the skills to access the Internet is a much more significant issue than the places where it is actually undertaken. Rightly, the task force focused on how people acquire the skills. The public already have free access to the Internet in all of the ACT's eight public libraries. But that does not overcome the barrier of the digital divide, because many people who pass through the doors of those libraries would no more go to the computer terminal and sit down and access it to find out about what is happening in the United States or how to solder a piece of metal, or whatever it might be they want to find out about, than they would think about going to the section on Swahili and pick up a book and read it. They do not have the skills required to make that transition. That is why it is vitally important that one of the first tasks we undertake in this exercise is to give people who have access—that is the first step—the skills to be able to use the access.

Mr Corbell made the comment that it should be our goal to provide for a completely accessed city where everybody is digitally connected. I suppose that is an ambition that we would all hope for, in the sense that we would all hope that there would no longer be any poor people or no longer any people who are unhappy, or whatever it might, but I think, with great respect to Mr Corbell, that is a somewhat unattainable goal. There will always be people who do not want access to the Internet, for whatever reason—some perhaps very good reasons—and we should not expect that they will be obtaining that access if they do not want it. But for everyone who wants it, we should be focusing on the attainable goal of reasonable means of getting it.

At the moment the biggest barrier is not getting to the terminals. I do not think the libraries would say that the terminals are completely inaccessible because of the volume of people wanting to use them. The problem is the skills needed and the sense of it being an attainable goal to sit down at a computer terminal and get logged on and go off and find out what you want.

Without judging in detail the issues that have been raised in the task force that Ms Burke chaired, we would see the breadth of issues that they have presented in that report as being a good foundation, a good base, on which to proceed with this debate. Empowering community organisations in this task is very important. We have to decide what those organisations are. I do not know whether it is 27 organisations or what number it is. It is only a recommendation, Ms Tucker. I would not get too upset about the words used in that case.

If you can look beyond the words to the intention, the point that was being made is that we can facilitate good access in this community by getting into those organisations which have significant memberships and have the capacity to outreach and giving them either training capacity themselves or means to access a training capacity to give their members what they need. A very good example of that is the Council on the Ageing. The Council on the Ageing has a room full of computer terminals in their office in Hughes. They are constantly getting members of that organisation and others into that room to sit down and be trained in how to use computers. They give them access and give them a sense of empowerment. As I understand the task force report, it suggests that that be multiplied across a range of other organisations which presently do not have banks of computers for people to use. That is a worthwhile suggestion. It does not deserve to be dumped on, in my view. Whether we ultimately fund 20, 27 or 47 organisations to do that is not particularly important.

Mr Corbell said that he had raised the issue some time ago and the government had attacked him for raising it. That is not true. What the government was concerned about was the claim that he was making that the government had no interest in it and had taken no steps towards bridging the digital divide. That is patently not true. I point to the enormously important step that was taken a couple of years ago to provide students in our schools with access to computers and training in those computers—a computer between every two students in our schools. That was a huge step towards increasing the bridging of the digital divide. There was access to every student going through our schools. That gives us a very good chance of ensuring that the next generation of Canberrans, if they do not have a computer in their own homes, will not be afraid to use a computer when one is available. That is an enormously big step towards bridging the digital divide. We have also done a number of things to increase that access which I do not have time to go into now, but they have been very significant and this is only a further step in bridging the digital divide.

I will view the recommendations of the report in a positive way. The efforts put in by the members of the task force deserve that much, and I hope others will give the report a chance to be properly discussed and ventilated into the future.

MR QUINLAN (4.10): I do not understand why it was necessary to have this matter of public importance today pending a report. That aside, I want to agree with the Chief Minister in his observation that some people do not want access to the Internet. Some people cannot; some people do not feel able; some people are frightened of technology.

Listening to this debate, I was reminded of an American comedienne who, during a stand-up routine, said, “The bank in our town is so small it has only two tellers, except when they are busy. Then they have one.” That is a description of the banks we have

today. There is a process within Australian, at least within business enterprises, to try to force people who do not want to use electronic technology to use it.

I was also reminded of the submission from ACTCOSS during the many budget rounds we now have. It included a plea to maintain the personal touch for those people who do not wish to embrace or do not feel capable of embracing modern technology. We have all been annoyed by the robotic phones that we call from time to time and by what appears to be a declining personal touch within services.

I rise only to commend to the Assembly and to the task force the view that we should retain the personal touch for those people who desire it. I would also like to endorse Ms Tucker's point that I think was somewhat Gary-ed during the last address. We do need to strive for absolute equality in the process.

MR TEMPORARY DEPUTY SPEAKER: The discussion is concluded.

Job applicants—administrative fee

MR BERRY (4.13): I move:

> That noting that the Agents Amendment Act 2000 makes it unlawful to 'demand or receive any fee, charge or other remuneration' from a job seeker, this Assembly resolves that the Government discontinue forthwith the $44 administrative fee for job applicants charged by the Department of Education and Community Services, along with any other fees levied as a condition on applications for ACT government jobs.

Members may recall that as far back as 1996, I think, I moved a motion in an attempt to defeat this ugly practice of ripping off job seekers. I was unsuccessful at that time. In the year 2000, with the support of members of this place, I was successful with a bill I introduced to amend the Agents Act to create certain conditions for employment agents, one of which was to prohibit the charging of a fee to a job seeker in a case where an employment agent was providing the job seeker with a job.

Mr Temporary Deputy Speaker, in more recent times it came to my attention that the hitherto $25 fee had risen to $44 and that it was not only for teachers but also for a range of job seekers in the Department of Education and Community Services. A constituent from Brindabella, not of mine, applied for a job with the Department of Education and Community Services as a BSO and kitchen hand. I am not sure what a BSO does.

Mr Quinlan: A blackboard services officer!

MR BERRY: Is that what it means? That sounds pretty good. You are better on acronyms than I am. Unfortunately, the department could not proceed with the job application until certain documentation was provided, namely, a copy of a birth certificate or passport, which is reasonable, a certified copy of a permanent residency or citizenship certificate, if applicable, which is reasonable, and an administrative fee of $44. Before this person could have his name included on the list of job seekers with that department, he had to provide $44.

It had become illegal in the ACT for job agents to charge a job seeker for a job that they find for them, but the department had continued with the practice in the wake of that legislation of charging persons $44 to get their names on a list—not to get a job; to get on a list. That was extraordinary, in my view, and it raised the ire of the community. Nowhere in nearby states is it permissible for people to be charged for getting a job. It was extraordinary to have that situation continuing in the ACT. I prepared a motion immediately for introduction into this place at the earliest possible moment. That is the motion I have moved today.

I should also draw to the attention of members for effect the conditions that apply for people who might be paying this $44 fee. I refer to some information I got from the Internet on Centrelink. I will just talk about the allowance per fortnight for some people. I refer firstly to single people with no children. For those under 18 years of age and living at home, it is $158. For those under 18 years of age and living away from home it is $290. The allowance goes up to $380 for a single person with children. For a partner with no children it is $290 and for a partner with children it is $318. For a single person living at home it is $234 and for a single person living away from home it is $352. For partners with no children it is $318.

Those amounts are not a king's ransom. Taking $44 out of them would knock a big hole in the budgets of those people seeking to get on a list for a job. In the case which drew my attention again to this matter, the guy could not afford the $44. He did not want to pay it, either; he thought it was extraordinary.

I will take the information from Centrelink in relation to youths and students a little further. It says that full-time job search means that people need to actively look for suitable paid work, apply for jobs and attend job interviews. In brackets underneath that it says that up to 10 job applications per fortnight may be required and they may need to be recorded in a job seeker diary. If this fee of $44 were widespread, people would be in a bit of trouble if they were out of work and on the jobsearch allowance.

All of the reasons stack up for ditching this fee. I said before that I think that it is particularly grubby to charge this fee. I suspect that over the years hundreds of thousands of dollars have been collected from job seekers, probably mostly teachers who are seeking part-time employment, such as teachers at university who are seeking practical teaching in schools. It is probably mostly about teachers, but there would be other people as well.

I offer as an example the case of the person who brought this matter to my attention. He was looking for a job as a kitchen hand, for heaven's sake, so it is not about somebody who is going to be a high-flyer by any stretch of the imagination. A full range of people have been charged this fee over many years. My recollection of when I was involved in recruitment in the fire service is that we did not force fellows wanting a job there to pay $44 before they could apply for the job. Before they were recruited, they went through a police check, but that was all paid for by the department. That is a quite routine process in other government departments, as far as I can make out. It is only for the Department of Education and Community Services. The government will say that it is necessary to have a police check of people who are dealing with kids. I do not have any objection to that. There is no problem with that. Somebody has to pay for it, but the point I make is that it should not be the job seeker.

That struck me as a particularly unfair charge for people who might be in poor circumstances. It would be a bad charge if it was against somebody who was well off. It is extremely cruel where it applies to somebody who is in poor circumstances. In this case, this person had a partner and some kids and could not afford the $44. I am not quite sure whether he has a job now. I suspect that he did not get a job with the department because he could not afford to pay the application fee.

At the earliest moment, I sought to have this matter raised in the Assembly. That is why it appears on the notice paper. What do you reckon has happened, Mr Temporary Deputy Speaker? Eureka, I have hit the jackpot again! Bear in mind that the notice paper turned up at 10.30 this morning with my motion on it. I think the government could see the wisdom of the motion because, rather than going through the process of being literally wrestled to the ground, they tried to claw back some decency out of the process and Bill Stefaniak stuck out a press release at 1.38 pm today saying that the government had scrapped the police check fee within the education department. I reckon they figured, "We are going down on this, boys." The press release is headed "Government scraps police check fee within Education Department", and states:

> The ACT Government announced today that the collection of an administrative fee to cover the costs of police checks for employment would now be absorbed by the ACT Department of Education and Community Services.

Isn't that amazing? I have to say that I looked at the government's budget and saw their claims about social capital, which is one thing I was particularly interested in, and their new initiatives. I searched through the budget with a fine-tooth comb. I brought the budget papers down because I thought I might have missed it and would have been embarrassed if the government said, "You fool, look in the budget papers; it is in there." I thought, "Double check, Wayne, don't get caught." I checked the budget papers, thoroughly searched through them, and I still could not find anything about it, so I felt secure in the knowledge that the government had not done something about it, not even in social capital terms. Here we had a situation that deserved some social justice.

I am very pleased to claim credit for this matter. This is another victory; another win for Wayne, if you like. I know that I have overwhelming support in this place for this matter because sensible people in this place wonder why it is that the government has been so rusted on to this cruel charge for so long. Why would you want it? You would not want anything to do with it.

Mr Quinlan: Are you enjoying yourself?

MR BERRY: I am having a great time. This is good news for the community. Yes, the government has lost a bit of face over it, but we should rejoice in the fact that at last they have been wrestled to the ground by a motion which has such good sense attached to it. It just alarms me that it has taken so long for the message to sink in that this fee is unacceptable. I thank those members who have nodded their support on this matter and, in a quiet way, have been supportive of the motion.

Mr Rugendyke: It sounds like it is unanimous.

MR BERRY: I now know that the government is going to support me. I look forward to a unanimous vote in this Assembly to remove this terrible pain that has been inflicted on society over so many years. I wonder about those hundreds of thousands of dollars that have been ripped out of the pockets of these people. All they wanted was a job and this government was standing there with the cash register. Every time they fronted up to a job they had to pay up. There was not even a process where they could take it out of their first pay if they got a job, not that that would make it fair. This $44 fee was to get on the list of people who might get a job.

Thankfully, the government has been wrestled to the ground, though it stubbornly hung on to this one for a long time. It seems to me that the government was using the fee collected off job seekers to add to its surplus so that it could claim some credit for the surplus. As I have said before, a lot of the surplus that this government has dug up has been achieved on the back of the hardship suffered by others. In this case it has been on the back of hardship suffered by job seekers. I am pleased that the government has at last seen sense. I look forward to the government's overwhelming support for this motion.

MR STEFANIAK (Minister for Education and Attorney-General) (4.26): I have a small amendment which relates to an incorrect legal point in Mr Berry's motion. I move:

> Omit "noting that the Agents Amendment Act 2000 makes it unlawful to 'demand or receive any fee, charge or other remuneration' from a job seeker,".

I will speak to the amendment as well. I will address it first. It relates to the first part of Mr Berry's motion, which asserts that it is unlawful under the Agents Amendment Act 2000 for the Department of Education and Community Services to charge this fee of prospective employees. The first part of his motion says, "That noting that the Agents Amendment Act 2000 makes it unlawful to 'demand or receive any fee, charge or other remuneration from a job seeker'..." We got legal advice in relation to that and were told that there was nothing unlawful about doing that. The advice indicates that the Agents Act of 1968, as amended in 2000—in fact, section 19 (b)—does not apply to the Department of Education and Community Services. The act, as amended, applies only to licensed employment agents. The department is not a licensed employment agent, nor under the act is it required to be. That is the legal reason for my amendment. The motion then would read:

> That this Assembly resolves that the Government discontinue forthwith the $44 administrative fee for job applicants charged by the Department of Education and Community Services, along with any other fees levied as a condition on applications for ACT government jobs.

We are more than happy to accept that. I am pleased to announce to the Assembly, as was announced in the press release, that the collection of an administrative fee to cover the cost of police checks will be discontinued immediately. Yes, Wayne, you have had a victory. You have been persistent on this one and you will have unanimous support, I take it.

The charge to cover the cost of police checks was introduced some years ago. The police used not to charge, but the introduction of the user pays principle resulted in the police charging for doing checks and people had to pay them. I think we have had the debate

before about how a number of agencies would have prospective employees actually pay the fee. Certainly, that occurred in the private sector.

When Mr Berry reintroduced this matter as a result of some young bloke bringing it to his attention a couple of months ago, my staff and I made a few checks. We like being a model employer. We found that there were a couple of areas where the fee for the police check was actually paid by government agencies and, wanting to be a model employer, we decided that, if that was the case elsewhere, it should certainly be the case with the Department of Education and Community Services. Accordingly, we are happy to support that part of Mr Berry's motion which calls for the abolition of the fee. As I have indicated in the press release, that will apply forthwith.

One other point I would make is that police checks remain an extremely important part of the way we take care of students in our schools. They are done to ensure that people applying to work in our schools do not have a police record of a nature that could constitute a threat to any student. We will, of course, continue to ensure that checks are conducted before anyone is employed in our schools. I need to make that point quite clear. However, the costs involved will be absorbed by the department. I believe that should end the debate on this matter today.

I thank Mr Berry for his persistence here. We certainly like to regard ourselves as a model employer. It shows that if Mr Berry brings up sensible legislation, the government will accept it, just like I note that yesterday the opposition very sensibly voted with the government in relation to the Bail Amendment Bill. I close by reiterating that we will continue to make these checks as we must do so to safeguard our children, but henceforth the department will bear the cost of those checks and pay for them itself.

MR BERRY (4.30): I wish to speak to the amendment. I will not close the debate yet. I think the government has been a bit oversensitive about the issue. The motion clearly notes that the Agents Amendment Act makes it unlawful to demand or receive a fee. It makes no insinuation that the government was acting unlawfully. I think the government is being a bit precious about wanting to amend the motion for some reason. I was responsible for the legislation. I knew very well that the department was not acting unlawfully. It has been left outside the scope of the legislation because one would hope the government would behave much like private agents out there in the real world.

I do not see any reason to amend the motion, but it does not matter whether it is because the job seekers are not going to be charged any more. I am happy to oppose the amendment, but I make no insinuation about the department, I just want to make that quite clear. I merely draw attention to the fact that the Agents Amendment Act does that and it still will do so, even if the motion is amended, so I am relaxed about that. Mr Stefaniak congratulated me on being persistent and said that he was glad that this change had happened at last and that the government has really responded to pressure—

MR TEMPORARY DEPUTY SPEAKER: I think the member is now reflecting on the motion.

MR BERRY: I am not finished with it yet. I am just over the moon that it does not take so long to get a tooth pulled out.

MS TUCKER (4.32): I will be brief in speaking to the motion and the amendment because there is no need to have a full debate, but we did go to a lot of trouble to work out how we would vote on this issue, as usual. I will just point out that when we did research on this matter we came to the conclusion that Mr Berry was quite right in what he was saying. We also had a look at what is happening in other places. We agree that having the police checks is fine as we do want to protect our children, but whether it is fair to pass on the costs of those checks to job applicants was not clear.

We had a look at what was happening around the place. We heard of quite high costs for the job application process, such as flying to interviews being covered by some recruiting organisations. We checked with the recruitment office of the federal Department of Education, Training and Youth Affairs and ascertained that they have a different process. They run police checks only for successful applicants and the department covers the costs. The ACT department's advice to my office at the time was that they run police checks on all applicants for casual teaching positions because, they were arguing, the applicants need to be able to commence work immediately, but in the same situation the New South Wales education department did not charge job applicants for the police checks.

Just on the amendment, Mr Berry's motion points out that the department's charging of applicants has strong parallels with job agencies charging fees for their services and that that is illegal in the ACT. It has been illegal since our vote just over a year ago to amend the Agents Act by passing the Agents Amendment Bill 1998. The parallel is that both organisations are offering work and charging persons in order to cover some of the costs of the service. The Assembly has already decided that it is not fair for job agents to charge fees to job seekers. This decision was taken after the Justice and Community Safety Committee inquired into that bill. In conclusion, I am glad to see that the government has changed its position and acknowledged belatedly its goodwill in this regard.

MR RUGENDYKE (4.35): Goodness me, don't the last few days remind us all of the movie *Brewster's Millions* and aren't we pleased that Mr Berry has come up with this motion alerting Mr Stefaniak to the small fortune that he still must give away to receive his inheritance this year! I support the motion, which is a good one. Congratulations!

Amendment agreed to.

Motion, as amended, agreed to.

Proportional Representation (Hare-Clark) Entrenchment Amendment Bill 2001

Debate resumed from 14 February 2001, on motion by **Ms Tucker**:

> That this bill be agreed to in principle.

MR MOORE (Minister for Health, Housing and Community Services) (4.36): I rise to oppose this piece of legislation. The concept that Ms Tucker has put forward is not a concept that I find foreign; it is actually a concept that I quite agree with. But my understanding of this legislation is that, effectively, it requires a referendum to be

conducted. It is putting up a proposal for a referendum that entrenches a specific date for an election.

We have seen it demonstrated in this house that members are unwilling to change the date of an election, and I think that will remain the case. If we were already going to a referendum, I think that I would have a different attitude. I think that I would say that this proposal has enough merit to warrant being put with a series of other issues at a referendum. There is still quite some months left before the next election, which is when a referendum would be likely to be held. Under those circumstances, I would be prepared to reconsider my position on this piece of legislation.

I have separated myself from the government on this issue. It may have a different perspective. I do not know what is its perspective, I have to say. We have been rather busy on other things and have not had a chance to discuss this one, which is quite unusual. Normally, even if I have separated myself, I do understand the government's position and perspective because I discuss these things with the government. The other issue is that, should this Assembly have a government that already carries two-thirds of the membership, it would be able to carry such a decision anyway. As I say, the most important part of this matter is really a pragmatic one as to whether this issue warrants a referendum. I think that, on its own, it does not.

MR STEFANIAK (Minister for Education and Attorney-General) (4.38): Ms Tucker's bill is an entrenching law under section 26 of the Australian Capital Territory (Self-Government) Act of 1988. It as an entrenching law that the Assembly may prescribe restrictions on the manner and form of making particular enactments. To be effective, this bill would have to passed by a two-thirds majority of the Assembly and it must be submitted to referendum and be approved by a majority of electors.

Her bill, if passed, would entrench any law made by the Legislative Assembly that relates to the day on which an ordinary election is to be held, meaning that the current fixed election date and the three-year term of the Assembly would not be able to be changed unless an amending bill was passed by a two-thirds majority of Assembly members or by a simple majority of Assembly members and a majority of electors voting at a referendum. Whilst the government supports the concept of having fixed election dates, it does not consider that there is any demonstrated need to hold a referendum to entrench the fixed election date provisions.

Whilst it is currently possible to change the election date with a simple majority, the difficulty of one party gaining a simple majority in the ACT Assembly under the Hare-Clark system makes it unlikely that any one party would be able to manipulate the election date for its own political advantage. Even if a major party could gain enough support from the crossbench to change the election date, the likely public opposition to any such attempt for short-term political gain would be a very powerful disincentive. In fact, the rejection late last year of the idea of calling an early election demonstrated that the current system is robust enough to withstand opportunistic attempts to bring forward the election date for political reasons.

With regard to entrenching the three-year term of the Assembly, it may well be that the Assembly and the community itself may wish the Assembly to move to a four-year term in the foreseeable future, which would bring it into line with the practice in other states

and the Northern Territory. However, the Assembly is unlikely to make such a change without bipartisan support and a public consultation process. Certainly, that is a change which members on this side of the house and perhaps some on the other side have indicated they would consider favourably. It is something that we would not do immediately but I would not be surprised if a majority of people around this place thought that it may not be such a bad idea if we went along that path. Consequently, there does not appear to be any justification for holding a referendum to entrench this provision.

The Electoral Commission estimates that the cost of holding a referendum on this bill concurrently with the election that will be held on 20 October 2001 would be $260,000. That cost includes printing and distributing the Yes and No cases, printing ballot papers, additional advertising, additional forms, equipment and staff manuals, modifications to the electronic voting system and additional staff costs. The Electoral Commission would need budget supplementation for this amount in the 2001-02 budget. I do not think it is there.

Given the absence of a demonstrated need for entrenchment of the fixed election date and the election term provisions of the Electoral Act and having regard to the considerable cost of holding a referendum, the government has decided to oppose Ms Tucker's bill.

MR QUINLAN (4.42): The ALP will support this bill. The concept of a fixed term is fundamental to the ACT parliamentary system. We do not have a Governor-General to whom we can go to dissolve the parliament and call an early election with his approval. The only intervention that the Governor-General can conduct is on the basis of this parliament becoming totally unworkable.

The Select Committee on the Report of the Review of Governance, the Pettit review, our own Assembly's review of that, concluded that the fixed-term election is one of the strengths of our electoral system. I think that the *Canberra Times* has endorsed that. Its editorial of 16 October 1998 included the statement that the whole aim of the fixed term is to take away from the Chief Minister the power to set the election date so that there would be no short-term advantage taken by the executive, with all that entails, for the engineering of spending and vote buying.

I have to say that the events of the last week or so have demonstrated that the engineering of spending and vote buying are far from dead. Without raking over old coals in detail, we have recently witnessed at least posturing on the part of some members of this place in relation to using loopholes within the Electoral Act to force an early election. Some members were ready to compromise the constitutional arrangements of the territory for short-term political gain. I think that it was only in the face of a public outcry that some of those members found a late-developing concern for the stability of our system.

It is important to preserve the original intent in the setting up of the structure of the ACT. If we have to go through a little gymnastics with a referendum which can be conducted quite easily in parallel with an Assembly election, I think we should do so, and we will support this bill.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 7		Noes 6	
Mr Berry	Ms Tucker	Mrs Burke	Mr Stefaniak
Mr Corbell	Mr Wood	Mr Cornwell	
Mr Hargreaves		Mr Humphries	
Mr Quinlan		Mr Moore	
Mr Rugendyke		Mr Smyth	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

> That this bill be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Mr Berry	Ms Tucker	Mrs Burke	Mr Stefaniak
Mr Corbell	Mr Wood	Mr Cornwell	
Mr Hargreaves		Mr Humphries	
Mr Quinlan		Mr Moore	
Mr Rugendyke		Mr Smyth	

Question so resolved in the affirmative.

MR SPEAKER: I must draw members' attention to paragraph 5 (1) (a) of the Proportional Representation (Hare-Clark) Entrenchment Act 1995, which states that this act or any amendment or repeal of this act has no effect unless it is passed by at least a two-thirds majority of members of the Legislative Assembly. The vote, you will recall, was seven for the ayes and six for the noes.

Remuneration Tribunal (Amendment) Bill 1999

Debate resumed from 5 May 1999, on motion by **Ms Tucker**:

> That this bill be agreed to in principle.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (4.55): Mr Speaker, this bill has two aspects. First of all, it restricts membership of the Remuneration Tribunal and, secondly, it provides for disallowance by the Assembly of Remuneration Tribunal determinations. The government, not surprisingly, opposes both

aspects of this bill. The bill excludes virtually everyone with practical and relevant knowledge about ACT public administration from being a member of the Remuneration Tribunal.

Mr Speaker, the quest to avoid conflict of interest, or perceived conflict of interest, in this case goes much too far. The provisions are unrealistic and unreasonable, and I think that, if they were passed, they would seriously limit the competence of the tribunal in the future. The bill disqualifies past territory employees of any description, anyone who worked as a consultant for the territory, former MLAs, any office holder whose remuneration was set by the tribunal, and so on, from serving on the tribunal.

I have to say that Ms Tucker's bill also calls into question the integrity of current tribunal members, and the way they carry out their independent role. I think those members do fall under the terms of Ms Tucker's bill and, under those provisions, some if not all of them would be disqualified from holding the positions that they now hold on the remuneration tribunal. I am not sure why we should view people of the kind who currently serve on our Remuneration Tribunal in that way.

We have been fortunate in having substantial stability in the tribunal's membership. There have been only four appointments since the tribunal was created in 1996, and in that time those people have built up a substantial body of knowledge about the ACT public sector, and what amounts to fair remuneration for office holders within that system. As a result of these proposed amendments, it is quite possible that some or all of the current members would be disqualified, as I understand that all either currently hold or have held other ACT board positions that fall into one of the categories excluded in the bill.

The stated goal of the amendment is enhancing the independence of the tribunal, but I think the proposal would have the opposite effect. Excluding those with previous ACT experience ignores the critical issue of attracting the best people for the tribunal.

The other issue to which the bill gives rise is the question of disallowance of the decisions made by the Remuneration Tribunal. Having cleaned up the tribunal, which I suppose is what Ms Tucker was trying to do, having ensured that members were patently without any conflict of interest or any affection towards the ACT public service, or people who might hold office in the ACT public service, apparently, the bill goes on to provide for politicians to have the power to enter into decision-making process about Remuneration Tribunal processes and decisions.

It would seem to me that the whole point of having an independent tribunal is to remove the question of remuneration for public officials, and indeed members of this place, from the public arena. While this bill, in setting the terms of membership of the tribunal, strives for a highly apolitical goal—in fact a structure of the tribunal that is divorced from the possibility of external or inappropriate influence—it goes to precisely the opposite end of the spectrum with the next amendment in the bill by requiring that politicians step in and make decisions about the tribunal process and the decisions that the tribunal makes.

Arbitral decisions made by bodies such as the Remuneration Tribunal, and other independent bodies such as courts and tribunals, are generally not disallowable by the legislature, for very good reason. Such bodies are established specifically to be independent of public service and political processes, not subject to them. The tribunal invites submissions, of course, on all its annual reviews, and bases decisions on the submissions that it receives. Of course, that may include, on occasion, submissions from the office holder whose pay or conditions are being determined by the tribunal. That is quite appropriate. And, of course, they listen to those views, as well as the views of anybody else who comes forward.

Members of the tribunal, of course—at least, traditionally in the ACT's case—have a very strong background of experience in related areas, and that background gives them knowledge about the work that the tribunal has to do.

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

MR HUMPHRIES: If we invest in high-quality appointments to the Remuneration Tribunal, if we have members of the tribunal who have experience in related areas of public service, or who have an understanding and knowledge of the way in which work of this kind is done and rewarded in our community, if we trust them enough, in other words, to allow them to take up these appointments on this tribunal in exactly the same way that they serve in equivalent tribunals all over Australia—and probably all over the Western world—why should we then be prepared to reject their decisions by political fiat.

If members of the Assembly wish to contribute to the annual review cycle, they can make submissions. There is little point in making a submission to this independent tribunal, as from time to time members of this place do, hearing what the tribunal has to say, and then deciding, "No, I do not like result. I want some different result." That, it seems to me, is entirely inappropriate. It is as good as the members of the Assembly setting their own remuneration. It has been said that there is never a good time for making favourable adjustments to the remuneration of members of this place, for example. No doubt that is true.

I believe we ought not to be tempted in any situation, however, to make determinations about these things, when a perfectly acceptable, rational and justifiable process exists elsewhere. An independent process is surely in the public interest. If the Assembly intends to amend the act as proposed then, in my view, it would compromise the independence of the tribunal.

Imagine what could happen, Mr Speaker, if the tribunal makes some decisions that are overturned by the Legislative Assembly, particularly where it relates to the pay of members of the Assembly, or the pay of office holders such as senior public servants who work for ministers, ministers themselves, or whoever it might be. The tribunal will begin to make decisions not on the basis of the submissions put before it, and the expert experience that the tribunal members have in this exercise, but on the basis of what their political masters want them to decide.

If you are knocked back because you grant wage rises that are too small, do you want to keep getting knocked back or do you start to learn the lessons, and start to give people more generous pay rises? And the reverse situation also applies. What is the point of having a tribunal in those circumstances? It would be more honest, I think, of Ms Tucker to propose that the tribunal be dispensed with altogether with respect to decisions affecting members of this place, or indeed affecting any statutory office holders in this place, and require that an Assembly committee considers these matters, and makes recommendations to the Assembly that the Assembly then approves.

Or perhaps she should propose that ministers make disallowable instruments, and that they be tabled on the floor of this place. It would be an entirely political process. I have to say that the overpowering impression I have is that Ms Tucker has reacted to very venal popular political concerns about the pay that members of this place receive, and has decided to exploit that concern by saying, "Yes, I am standing up for the poor little tax payer, who does not want to have to pay these fabulous salaries to members of the Assembly, or other people sponging off the public purse. And yes, I, Kerrie Tucker, will stand up for you and I will hand back the wages that are being given to us overgenerously by this foolhardy Remuneration Tribunal."

We all play politics on occasions. I do not pretend to be any angel on that score, but I think that we ought to recognise this process for what it is. Ms Tucker wishes to grandstand about this matter. She should feel free to do so, but I suggest she does so without the cooperation or support of other members of this place.

Everybody in this place, in their heart of hearts—and I include Ms Tucker in this—knows that it is fundamentally better to have these decisions made by people who are independent of political processes. I invite members to respond to that sentiment accordingly by voting against this legislation.

MR BERRY (5.05): It is rare that I disagree with Ms Tucker. We are soul mates on many things. The only difference is that I am greener than she is.

I disagree with Mr Humphries' assessment of Ms Tucker's motives. I can see how you could come to a position such as this. My concern about pay rises for politicians here goes back to the most recent pay round for public servants. At the same time as public servants were getting poor pay results, the Remuneration Tribunal was awarding very good pay results to the executive and other members in this place.

I must say that I felt uneasy about that at the time myself. A natural reaction is to try to fix the problem by going after something that you have some control over, and that is the Remuneration Tribunal.

Now, I take the view that the government's response to the union's claims for pay rises was very unfair. It was unfair because the government encouraged or agreed with the Remuneration Tribunal's assessment of the claimants' worth on the basis of the old and often used—it has been around for a long time and I say old, not because it is a bad approach, but because it has been less popular in recent times—comparative wage justice.

The Remuneration Tribunal looked at the wages of executive members and members of this place compared with what went on in other states, with the sorts of duties they carried out, and came up with a figure that they thought was fair, and, in effect, arbitrated it after submissions were called for, and so on.

I was very anxious about that, and I make no apology for the fact that I was embarrassed to some degree because others out there were not getting the sorts of pay rises that my colleagues in this place were getting. They looked to people like me to do something about it.

I take the view that the way you do something about that is to get rid of the government, and that is what I have been working towards, and I think I am getting close. They will get more pay justice out of a Labor government than they will out of this mob, that is obvious.

But I think that, if that comparative wage justice had been applied to earlier rounds of wage claims in the ACT, then we would not have had the long drawn-out row with the teachers, for example, and now with the nurses, about what their pay rates ought to be. The teachers dispute was eventually settled with a tendency to comparative wage justice, but it took a long time, and there was a lot of disquiet in our government schools while the wrangling went on. That was not good for education, it was not good for future relations with the teachers union, or the students in our schools. The same applies now with the nurses.

I have long been a supporter of the concept of arbitration. I suppose you could call our pay rates in here an industrial matter of one sort of another, using the old interpretation of the term. I find it quite uncomfortable that we have an arbitration process, if you like, when other workers do not. I mean, they have to suffer under the Reith legislation, which is punishing legislation, and limits the powers of workers quite substantially.

Now, I heard Mr Moore say, I suspect in defence of that legislation, that the reason that we had moved to get the nurses back into an equal negotiating position with the government was so they could go on strike. That was never the reason at all. The reason was that they could then get back into a more even situation and negotiate outcomes fairly, and then possibly have access to the assistance of the Industrial Relations Commission to get an outcome.

Regrettably, arbitration outcomes in the Australian Industrial Relations Commission have been severely limited by the current federal government. That is a shame and I trust that, after the next federal election, there will be a turnaround on that issue, so that there are fairer outcomes.

The reason I raise this is that I want to draw attention to the fact that the fairest outcome is the one that is out of our hands, and the fairest outcome for other workers in the ACT should be out of our hands as well. That is why Mr Moore should have allowed the nurses to be in an equal bargaining position with him, to ensure a fair outcome on their wages, and a possible arbitration of the matter in the case of a dispute that could not be settled.

What I am anxious about is that the government does not mind this sort of arbitration by the Remuneration Tribunal for itself, but it does not like it for its workers. That is what makes me uncomfortable, and I suspect that is what makes Ms Tucker uncomfortable as well. I am pretty confident that Ms Tucker is not so shallow as to just use the disallowance powers to make a name for herself, as has been suggested by Mr Humphries. But I am concerned that, if we go down the path suggested by Ms Tucker, there could be others following in our tracks who would.

We are having an election soon, and it is pretty easy to leap up in this place and say, "I move that we disallow the salary increases to the executive." A whole heap of people would go, "Whoopee." It is a pretty shallow approach to the whole issue.

No. As you would expect from the Labor Party, we support the principle of a separate tribunal settling our wages. It is a sort of arbitration to which we can all make a contribution, if we wish, and it is settled at arm's length, as it should be. Labor will not be supporting Ms Tucker on this particular matter.

Neither will we be supporting the provisions about the qualifications of tribunal members. I think these provisions run the risk of thinning the ranks of people who might be available for those sorts of positions—people of experience—and we are particularly reluctant to go down that path. I think that, if we start on this path, it could get to a position in which, whenever there is an outcome from the tribunal, we might be attracted to the idea of changing the qualifications again, and so forth. I think there are lines that you cannot cross over.

But, again—and I do not want to be patronising—I can see why people are anxious about wage outcomes for politicians here, as compared to the wages and working conditions outcomes, because of the Reith legislation, for people in a weaker position out amongst the ACT workforce. And, of course, the government has wielded the Reith legislation with a firm hand. The results have shown up in the disarray in the health system now, because of the lack of a pay rise, and in the long and drawn-out festering dispute with the teachers in our school system, which was only settled when the government started to get the wobbles about its prospects in the next election.

Labor will not be supporting either of these concepts as set out in the legislation that is being proposed by Ms Tucker. It will be one of the rare circumstances seen by this Assembly in which we disagree with Ms Tucker on matters of principle.

MS TUCKER (5.15), in reply: I do not think I will even respond to Mr Humphries' comments about motivations. Basically, we know that this legislation already exists in the Commonwealth parliament. It is not something the Greens have invented and I wonder whether, if Mr Humphries goes into the federal parliament at some point, he will put up his own legislation to remove this abomination from the federal parliament's workings.

It is really about accountability and accountability for expenditure of public money, and it is very odd to me that the Remuneration Tribunal is not accountable for its decisions, even though these decisions affect the expenditure of public money. All I am doing is asking for the capacity for a disallowance. It has not happened in the federal government. People seem to be very frightened of it happening here, in some way. I think, if someone

was going to challenge the salaries of politicians, there is a reasonable debate to be had on the matter and people should not be frightened of that either.

There is a huge concern in the community. We are seeing increasing polarisation between the top of the public service and the bottom of the public service, and MLAs clearly have a responsibility to take an interest in issues of comparative wage justice. I think Mr Humphries said that, somehow, we are doing something awful to the Remuneration Tribunal, and taking away its responsibilities.

I think the response here is more about members of the Legislative Assembly refusing to take responsibility for the expenditure of public money when it comes to their own salaries and senior people in the public service. I think that is not particularly good.

As I said, it is not something unusual. It occurs in the federal parliament. I think it is quite unsatisfactory that people here want to keep separate from those decisions.

I remember Mrs Carnell saying that she would write a submission to say, "No, it is not the right time for a pay rise" but, if the Remuneration Tribunal had said, "Well, you are getting one anyway," we would have been powerless to do anything about it. So the government of the day has the political view that it is not okay and expresses it.

However, this other group, the Remuneration Tribunal, will have the right to override that political will, which is informed by the government of the day, which understands the budgetary pressures of the day in the community. We have no chance to even move disallowance, as we do in so many other pieces of legislation where we have serious issues of consequence. It is just about accountability and, I would say, democracy, but I see the numbers are not there, so that is how it is.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes, 1	Noes, 12	
Ms Tucker	Mr Berry	Mr Quinlan
	Mrs Burke	Mr Rugendyke
	Mr Corbell	Mr Smyth
	Mr Cornwell	Mr Stefaniak
	Mr Hargreaves	Mr Wood
	Mr Humphries	
	Mr Moore	

Question so resolved in the negative.

Adjournment

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

> That the Assembly do now adjourn.

Assembly adjourned at 5.22 pm