



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

3 May 2001

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Thursday, 3 May 2001

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.

**Death of Robert Beatty
Condolence Motion**

MS TUCKER: Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Robert (Bob) Beatty, who made a significant contribution to the causes of sustainable energy, socially responsible industry, and mental health services and advocacy; and tenders its profound sympathy to his family and friends in their bereavement.

Bob Beatty's death over Easter this year was and is cause for deep sadness and great distress. I feel it is a great privilege to move this motion of condolence in the Legislative Assembly today.

Bob Beatty died on 15 April aged 46. He has left behind not only his family but also an extraordinary range of friends and associates who, without exception, remember him as generous, optimistic, and forward thinking.

Bob's legacy will never be more apparent than at his funeral at Ainslie All Saints Church on Monday, April 23. Although a profoundly sad occasion, it was, like Bob, marked by humour, generosity, and hope. It was conducted very much in and with his spirit, and was an extraordinary celebration of his life, with over 400 people attending.

Bob's family spoke eloquently about the young Robbie growing up in Darwin and then Canberra, his shining intelligence, his fearlessness, his enthusiasm and his warmth. University colleagues spoke of Bob's buoyancy and confidence, his academic and sporting prowess, his energy and good humour. It was clear, from the beginning, that Bob really was an exceptional character who gave generously on every front.

Bob's shift from electrical engineering to journalism reflected his commitment to activism, and to using his skills and understanding to effect real change in how we organise our society. He was a brilliant and insightful writer for industry publications including *Engineers Australia*, *ERT Energy News*, *National Constructor* and *Business Daily*, and radical in his time for campaigning for environmental and ethical responsibility. Bob was instrumental in founding the Society for Social Responsibility in Engineering, which was active in the 1980s.

As virtually the founding editor of *Electricity Week* in 1987, Bob created a publication which leapt beyond the bounds of public relations to set the Australian standard for industry newsletters. As Hugh Saddler wrote in an obituary published in the publication last Thursday:

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Under Bob's editorship, *Electricity Week* ... is especially remembered for the highly original process for exploring alternative market models, which Bob set up, and threw open to all points of view. With hindsight, it can be seen that many of the contributors Bob encouraged, not to mention Bob himself, were far more prescient about how the National Electricity Market would evolve, than were those who actually designed the Market.

Furthermore, it was Bob's innovative consultation on the proposed national grid that provided the conceptual basis for the various Green schemes that are now expanding across Australia—schemes that function, as Bob knew that they would, on the positivity and commitment of ordinary people. Everyone who knew and worked with Bob will miss that extraordinary insight and open mind.

The achievements of activists are not sufficiently celebrated in our society, which measures importance more in fame and in money. Yet it is the optimism, commitment and energy of activists such as Bob Beatty that drive the changes that have to happen. Bob was an activist in his work, his recreation, and in his friendships.

Bob was an enthusiastic outdoor and adventure sportsman, and, whilst spearheading an engineering critique of the Hydro Electric Commission during the Franklin campaign with the Wilderness Society, he saved himself from almost certain drowning in the Franklin River through his sheer strength and spirit. One of the many themes that emerged at Bob's funeral was this zest for life.

His friends and family spoke of the lift he brought to social events in every setting. Always prepared to talk, laugh, sing, dance and engage with, and to care for, everyone who shared his life.

Bob's last few years in Canberra included several episodes of mental illness, yet the Bob who was manic was different only in degree to the brilliant, open-hearted, inspired and inspiring man that he otherwise was. In a manic episode at the funeral of a friend last year, Bob called for a song and beat time on the coffin, threw his guitar in the grave, and swam naked in the cemetery's duck pond. His partner Margy, and his other good friends, could see that action needed to be taken, and he was later hospitalised for six weeks. Nonetheless, Bob's actions had a sense of their own, and Margy learnt a year later that the bereaved mother at that funeral had found Bob's actions so very comforting. She asked Margy to pass on her thanks, to which Bob replied that the circle was complete.

Many of the speakers at the end of Bob's funeral spoke very personally of the insight and support and interest that Bob had shown them. People from all walks of life speaking very much from the heart, finding strength and sometimes even humour in their loss, cast a very clear light on Bob's legacy; as did his coffin, which was decorated by close friends with layer upon layer of colourful art, representing the layers of memory and experience, and expressing their loss and their love for this extraordinary man.

Bob's activism and his commitment to social change was passionate and unstinting. Over the past few years he made a substantial and vital contribution to developing the Mental Health Consumer Network in Canberra and worked to change the mental health system so that it is the most respectful of, and caring for, mental health consumers and their carers. Bob organised for and wrote, with his usual clarity, precision and bravery, about the support we need most, and the rights we must have and assert if we suffer from

a mental illness. He wrote about his condition and how it formed in him. He wrote about the right to give informed consent and about the right to be treated with respect at all times.

Bob took this activism to the wider community sector through his role as secretary of the ACT Council of Social Services and as an active and valued member of ACTCOSS' Health Policy Resource Committee where he strongly represented the view of mental health consumers.

In his partner Margy Wylde-Browne, Bob found someone who was not afraid of his illness, who understood the support that he needed, and gave him an unconditional love that he returned. With Margy and her son Jesse, Bob became an integral part of a joyful family and believed that he had found a real and profound contentment. Bob's death on 15 April is all the more tragic for the short time they had together, and the family he has left behind.

At the funeral, Jonathan Millar, for whom Bob was a very dear friend and guide, said:

Throughout the time I have known Bob he has worked passionately and thought creatively to try and effect social and environmental change. But he also believed there was another way to turn our planet's woes around—by living life with joy and love. He didn't see that as a particularly hard task for all of us to achieve, because for him, loving purely and simply was a pretty easy thing to do. So he worked on two fronts—through love and through activism. He would want us to do the same.

I believe that we should try to learn how to live with, and love and care for, people in every space the mind can take us. As individuals and as a society we need to understand that the qualities that can send us over the edge or cage us in constructions of our mind, the traps of despair and the exultant delusions, are the things that make us human. They are part and parcel of our creativity and our spirit.

Bob's coffin reflected his impact on the world. Despite the unarguable grief and loss they faced, it was a brave, positive and exuberant creation by his friends.

A Bob Beatty Sustainable Energy Fund has been set up with the Commonwealth Bank, but Bob Beatty's sustainable energy also lives on in the hearts and minds of an enormous number of people who have shared his life.

MR MOORE (Minister for Health, Housing and Community Services): It was with much sadness and a great sense of loss that I learnt of the death of Bob Beatty on Easter Sunday at the age of 46, and I will be responding to Ms Tucker's motion on behalf of the government.

Those of us who had the pleasure of working with Bob or just knowing him through his extensive involvement in a wide range of activities in the community have very fond memories of a very special person. Bob was an advocate and a very active person in the local mental health community. He had the ability to pass on his enthusiasm as he worked tirelessly to stamp out the stigma associated with mental illness. He was personally involved in enhancing the quality of life for many people affected with a mental illness.

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Bob took on the role of chair of the Mental Health Advisory Council last year. In doing so he became the first person in Australia who identified as a mental health consumer to take on such a role. Bob's moderation, his thoughtfulness, and his capacity to build a consensus made him a very effective chairperson.

Bob also took a very active role in the ACT Mental Health Consumers Network. Ms Tucker has spoken about this. He assisted their transition to becoming a funded service provider. He was always assiduous in absenting himself from advocacy and representational work when he was feeling unwell, and in this sense he was an excellent role model for other mental health consumers.

Bob was strongly involved in the ACTCOSS Mental Health Providers Network, which he often chaired. He was a key player in strengthening and unifying the voice of the non-government sector in providing advice to government about the needs of both consumers and the service sector. He was one of those rare individuals who could effectively span a range of roles. In doing so, he was universally respected for his fair and his compassionate approach.

Bob was also an enigmatic human being. His contribution to the ACT community and the ACT mental health sector was phenomenal. Bob's commitment to quality of life issues ranged from protection of our environment to human rights, as Ms Tucker has outlined. In particular, he was strongly committed to sustainable energy within our community, and to the care of people with mental health needs. Bob publicly and positively identified as a consumer of mental health services. In the mental health sector, Bob's professional acumen and understanding of the issues meant that he held a pivotal role in creating community change in attitudes and practice.

Bob's personal experience fuelled his actions for change in social attitudes and reform in mental health service delivery. In fact, he coined the term "better mental health". This term embraced the notion of being able to live one's life in a society that truly understands, respects and accommodates the needs of people living with mental illness along the continuum of mental health needs. He had great ideas for strengthening community action, creating opportunities for partnership in workplace practices, and participating with governments. His enthusiasm was ceaseless.

Bob was a kind, gentle, extraordinarily talented human being whose life touched many. I have a vivid picture of having talked with Bob in his role as adviser and chair of the Mental Health Forum and a couple of weeks later seeing Bob at the hospital. He came over to me and said, "How are you going?" and I could not believe that the person I was talking to was the same person who had been chairing the committee. He said, "Look, I'm in the middle of one of my episodes, but I know I'm getting better." He was simply so forward about it and so relaxed. It helped somebody in my position understand dealing with mental health in a much more effective way. His ability to be able to do that was quite extraordinary. It's that dual picture of Bob that I certainly will not forget.

I am sure all members join me in acknowledging his great contribution as an advocate and for all he cared about in the community. So, on behalf of the government and along with other members of the Assembly, I wish to express our sympathy to Bob's family and his friends because I know he will be missed.

MR QUINLAN: Bob Beatty commenced his working career as an electrical engineer with the ACT Electricity Authority. He worked with the authority for some time, as did his father. I knew him personally, and I knew him well before the emergence of his mental illness.

As Ms Tucker has pointed out, fairly early in life he took to industry journalism, and I continued to run into him in that role because he would attend all conferences. He was quite assiduous in garnering information to support things that he wanted to comment on, or those things that he wanted to argue very forcefully in favour of. He did become a very significant figure within the electricity supply industry because of his unique talents and the boundless enthusiasm that he had for what he was doing.

I am aware that in more recent times he became an articulate advocate for people suffering from mental illness. He undertook that activity despite the stigma that was attached, and does still attach, to mental illness. He was a model for society to observe that mental illness is an illness that can strike down the most beautiful people. Often eulogies overstate or are selectively kind to people, but I have to say that Ms Tucker's words were not an overstatement of Bob Beatty. His very tragic passing is Canberra's great loss. I support the motion.

MR RUGENDYKE: I also rise to briefly express sadness at the loss of Bob Beatty. As a child I grew up in the same area of Ainslie as Bob's family. He was in the same year as my younger sister. In recent times I have only known of Bob since his appearance before the health committee as a very articulate, thorough and good advocate for people with mental illness.

I think it is important to note that we, as a community, do not realise the tragedies that beset some people in our community through mental illness. I certainly had no idea that Bob suffered in this way, so I do express my sadness for the loss of such a good advocate for people with his condition and people with other illnesses that he spoke for. I do express my great sadness for the loss of Bob in this way.

Question resolved in the affirmative, members standing in their places.

Financial Management Legislation Amendment Bill 2001

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.51): I move:

That this bill be agreed to in principle.

I have presented to the Assembly an important bill which is integral to the government's program of financial management improvement in the ACT public service. The bill will remove the prohibition on the use of financial derivative instruments for investment purposes, subject to the future issue of financial management guidelines issued under the

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Financial Management Act 1996 and the Territory Superannuation Provision Protection Act 2000.

Financial derivatives are one of the many asset classes available to fund managers to ensure diversification of the funds resources to manage risk and return. A financial derivative is defined as a financial asset or liability whose value depends on or is derived from other assets, liabilities or indices—in other words, the underlying asset. Derivative transactions are financial contracts and include a wide assortment of instruments such as forwards, futures, options, warrants, swaps, share ratios and other composites.

Recent budgets have highlighted the importance of assets put aside by the territory to meet the long-term emerging employer superannuation costs. The future earnings of the superannuation provision account are dependent upon prudent investment decisions and the adoption of appropriate risk management models, and ultimately the tools and processes available to fund managers to minimise risk and maximise returns within the individual manager investment mandates.

In addition, there is a significant amount of surplus government cash held and invested through external funds managers. Similarly, there is an explicit responsibility upon government to ensure that investments processes are undertaken in a manner of minimal risk for appropriate return.

Financial derivatives are an integral part of the funds management industry and are an important tool to assist in balancing risk/return objectives in timely and cost-effective ways for both the territory's assets and liabilities. The use of derivatives by external funds managers has been identified by members of the Finance and Investment Advisory Board as being critical to improving the territory's investment processes and for the long-term financial benefits of the ACT.

Subject to passage of legislation, I will then table the financial guidelines as disallowable instruments in the Assembly. These guidelines will set the control mechanisms and clearly state the circumstances under which the use of derivatives is allowed by fund managers to ensure that the territory's investments are made within appropriate risk management strategies. I commend the bill to the Assembly.

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

First Home Owner Grant Amendment Bill 2001

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.54): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, this Bill introduces amendments to the *First Home Owner Act 2000* (FHOG Act), which will provide the necessary legislative support for the ACT Government to administer the Commonwealth's additional \$7,000 grant to eligible first home purchasers of new homes.

Members will recall that the original \$7,000 grant was introduced on 1 July 2000 to eligible first home purchasers to alleviate the effect of the GST.

On 9 March 2001, the Prime Minister announced the Commonwealth would fund an additional \$7,000 grant for first home owners of new homes with the intention to provide a short-term stimulus to the housing industry. This means that eligible first home owners of new homes are now entitled to a maximum grant of \$14,000.

Mr Speaker, subsequent to the Prime Minister's announcement, I obtained agreement from a majority of Members of this Assembly to pay the additional \$7,000 grant through an administrative arrangement until appropriate legislation could be introduced.

This Bill will give legislative effect to the payments made under those administrative arrangements, allowing the full compliance and investigative powers to deal with any abuse of the system to obtain the additional \$7,000 grant.

Mr Speaker, the additional \$7,000 grant will only be available to those who have contracted to build or buy their first home between 9 March 2001 and 31 December 2001 and, in the case of owner builders, they must commence construction of their first home between 9 March 2001 and 31 December 2001.

Mr Speaker, all existing eligibility criteria under the current FHOG Act will also apply for the additional \$7,000 grant, while the Bill also contains various other requirements that must be met by applicants concerning the commencement and completion date for construction of new homes that have been stipulated by the Commonwealth.

Mr Speaker, as is the case for the current grant, the additional \$7,000 grant will also be administered by the Commissioner for ACT Revenue.

In conclusion Mr Speaker, this Bill will give support to an initiative, which will offer considerable financial assistance to genuine first home owners and will also provide a short-term stimulus to the building industry.

Mr Speaker, I commend this Bill to the Assembly.

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

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Gaming Machine Amendment Bill 2001

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.55): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, the *Gaming Machine Amendment Bill 2001* is a very simple piece of legislation that extends the current restrictions on the number of gaming machines that can be licensed in the Territory.

Currently, the *Gaming Machine Act 1987* restricts the number of gaming machines in the Territory to a maximum of 5,200. However, this restriction only applies up to 30 June 2001.

As all Assembly members would be aware, Mr Speaker, this Government is committed to ensuring that gambling is not allowed to proliferate in the Territory. We are committed to encouraging harm minimisation measures in relation to all forms of gambling, particularly with gaming machines.

To this end, I have asked the ACT Gambling and Racing Commission to conduct a comprehensive review of the *Gaming Machine Act 1987* to ensure that it meets community and regulatory needs. This review will be quite detailed and will take the best part of this year to conduct. There will be extensive community consultation as part of the review. Indeed, the Commission advertised for public comments on the first stage of the review on 3 March 2001 to obtain the ideas and thoughts of individuals and the industry on the operation and control of gaming machines. The first period of public consultation has now closed and I understand that the Commission is currently analysing the submissions it has received.

I trust all Members of this Assembly will take future opportunities to present their views to the Commission on this important review of a very topical and critical piece of legislation.

I wish to emphasise, Mr Speaker, that as part of this review, the Commission will be addressing the long-term question of the number of gaming machines that should be licensed in the Territory. At the end of the review, the Assembly will be presented with a properly considered proposal for the number of gaming machines that is appropriate for the ACT along with the necessary controls for their operation.

Mr Speaker, the Commission has also recently announced the conduct of a major research study into gambling in the ACT. This research, which has already commenced with the conduct of a comprehensive survey of ACT residents, should

provide some very valuable insight into gambling patterns and gambling behaviour of people in the Territory. The results of this research will be carefully analysed and will be incorporated, where relevant, into the review of the *Gaming Machine Act 1987*.

While the ACT Gambling and Racing Commission conducts these important tasks, it would be inappropriate for the restrictions on the number of gaming machines permitted in the Territory to be relaxed. We do not want to pre-empt the results of this review in any way.

It therefore makes sense, Mr Speaker, to extend the current restrictions on the number of gaming machines that can be licensed for a further 12 months to allow for this comprehensive review to take place and the results made available.

I commend the *Gaming Machine Amendment Bill 2001* to the Assembly.

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

Rates and Land Tax Amendment Bill 2001

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.56): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, I am pleased to present this amendment of the *Rates and Land Tax Act 1926* which will define the rating factors for 2001-2002.

Members will recall that the current rating system was introduced in July 1997. This system is designed to reflect both the property owner's capacity to pay and the level of services received, and to minimise the fluctuations in rates bills from year to year.

Features of the current rating system include:

- a fixed charge for all properties except rural properties;
- a value based charge using the average of the most recent unimproved values incorporating a threshold below which no charge applies;
- different rating factors for residential, non residential and rural properties; and
- separate revenue targets to apply to the residential and non-residential sectors respectively.

Mr Speaker, this Bill adjusts the rating factors, taking into account:

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- the estimated total rates revenue for 2001-2002;
- the fixed charge;
- the average of the 1999, 2000 and 2001 unimproved land values; and
- limiting the total rates revenue target each year to the forecast increase in the Consumer Price Index.

For 2001-2002, rates revenue is budgeted at \$109.1 m. This represents an increase of 2.25% in rates revenue from existing properties, reflecting the forecast increase in CPI for 2001-02 and also includes an estimate of rates revenue from new property growth in 2001-2002.

Municipal rates charges have been included in the Federal Treasurer's Division 81 Determination and are exempt from the Goods and Services Tax.

Mr Speaker, this bill includes an adjustment to the fixed charge which applies to properties within the City Area, from \$280 in 2000-01 to \$300 in 2001-02.

I have announced the Government's intention to increase the fixed charge to \$320 in 2002-2003 to reach 40% of total rates revenue.

A gradual increase in the fixed charge reflects more closely a "user pays" principle, without causing major impact on individuals' rates bills. It distributes the rates more evenly according to the benefit received by property owners, by recognising the minimum fixed costs of providing essential services to each ACT property, regardless of its location or land value. The fixed charge also reduces the proportion of rates based on the property value, and, therefore, reduces the impact of movements in valuations from year to year.

The other features of the rating system for 2001-2002 are unchanged from 2000-2001, including the rate free threshold of \$19 000 and the revenue targets of 85:15 for the residential and non-residential sectors respectively.

Mr Speaker, this Bill continues to improve the rating system that applies to around 120 000 rateable properties in the ACT. The combined changes to the fixed charge and the rating factors for 2001-2002 result in the best possible outcome for the largest number of ratepayers, and at the same time meet the revenue target required to provide municipal type services to ACT residents.

Mr Speaker, I commend this Bill to the Assembly.

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

Utilities (Telecommunications Installations) Bill 2001

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.57): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, all Members of this Legislative Assembly recognise the importance of ready access to high quality telecommunications infrastructure and services to the future well-being of the ACT community. Access to high quality affordable services will underpin the future competitiveness of a growing number of ACT businesses and also help to improve the quality of life of ACT residents.

Telecommunications based services are increasingly being used to improve access to a broad range of Government services. They are increasingly important to the provision of educational services and in linking the ACT to opportunities around the world.

ACT residents and businesses have a proud record in engaging with the new digital economy and the many employment and entertainment opportunities it offers. Australian Bureau of Statistics data shows that the ACT is leading Australia in home use of computers and access to the Internet. The ACT is also leading the way through the roll-out of the TransACT fibre optic network and the broadband capability it will bring to ACT households over the next few years.

Mr Speaker, the Utilities (Telecommunications Installations) Bill 2001 is a further element in the Government's efforts to facilitate the provision of telecommunications infrastructure and services to the benefit of the ACT community. The Bill addresses the particular circumstances of the ACT. It seeks to ensure that unnecessary costs are not imposed on businesses and consumers in the ACT by providing a mechanism for avoiding undue administrative burdens and costs that would arise in the absence of the provisions in the Bill.

As Members would be aware, the Commonwealth has primary responsibility in the regulation of telecommunications infrastructure and services. The Commonwealth regime, however, recognises that in the installation of some telecommunications infrastructure such as cabling, local circumstances, interests and issues may be important. As a result, the Commonwealth regime makes provision for States, Territories and local governments to put in place their own laws to supplement the Commonwealth provisions, if the particular jurisdiction identifies a particular need to do so.

In many parts of Australia, telecommunications cabling is installed on electricity poles and related infrastructure. Under the Commonwealth regime, carriers would need to consult and seek the agreement of every landholder whose property the cables passed over. In most parts of Australia this approach would be of limited cost as power poles are generally located to the front of properties, on public land.

In the ACT, planning over many years has resulted in the utility infrastructure such as electricity poles being located in back yards. This poses potential problems for any telecommunications carriers wishing to install new infrastructure such as cables. Resistance by only a few landholders could delay or deny installation of cables to certain areas and the provision of services to many other households and businesses.

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Within the ACT, the Commonwealth regime has the potential to significantly increase the costs of installing new infrastructure and the associated access to enhanced services. These costs would ultimately be borne by ACT households and businesses.

The ACT's particular circumstances resulted in the Government introducing the Building and Services Regulations 2000 under the *Building and Services Act 1924* to facilitate the installation of telecommunications facilities, including cabling. Those regulations have enabled the potential costs and difficulties under the Commonwealth regime to be avoided. Most notably, TransACT Communications Pty Ltd has relied on provisions in the regulations to facilitate the roll-out of its broadband cable network.

As Members of this Assembly would be aware, the Building and Services Act 1924 is being repealed with effect from 30 June 2001. This repeal was an element of the Utilities Regulatory Reform package which was passed with the unanimous support of this Assembly in November 2000.

The facilitative approach provided by the provisions of the Building and Services Regulations 2000 is still required to ensure that the ACT avoids unnecessary costs and potential difficulties associated with the Commonwealth provisions. For this reason, the Utilities (Telecommunications Installations) Bill 2001 contains provisions which will continue to recognise the ACT's particular circumstances and needs. The Bill facilitates the installation of telecommunications infrastructure on utility network infrastructure. The provisions are carrier and utility non-specific. They are available equally to any interested carriers licensed under the Commonwealth *Telecommunications Act 1997*.

But the Bill does not give telecommunications carriers a blank cheque. Existing safeguards such as the requirement for relevant planning approvals are maintained. So is the requirement to obtain consent from the relevant utility or owner of the utility network facility.

The Bill also requires advance notification to be provided to landholders. Carriers are required to minimise disruption, inconvenience and damage and to restore land and structures. The Bill also provides for compensation where a person suffers loss or expense because of the actions of a carrier in installing the telecommunications facility on utility network infrastructure.

The Bill will only apply to the initial installation of relevant telecommunications facilities. Any subsequent maintenance or modification will be regulated under the existing Commonwealth *Telecommunications Act 1997*.

Mr Speaker, I commend the Bill to this Assembly.

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

Community Title Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.58): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, the Community Title Bill 2001 (the Bill) provides for the packaging of land to allow people to have separate ownership of a primary lease, whilst having a shared interest and responsibility over common land on an adjacent Crown lease.

Community title legislation is in place in Queensland, South Australia, New South Wales and Tasmania and has been very popular. Queensland has over twenty nine thousand registered community title schemes, South Australia has over five hundred and New South Wales has approximately five hundred and fifty community title schemes.

In New South Wales, the Merryville Estates in Murrumbateman and Rally Park in Kensington (NSW) are of particular note.

Merryville Estates consists of 77 lots that have been developed over the past nine years. The over arching principles of the development are self-sufficiency, continuous improvement and creating a resurgence of community spirit. Merryville Estates has programs aiming to reduce pollution, reticulate the water supply, increase biodiversity, revegetation and rehabilitation of the land. Merryville Estates won the Housing Industry Association Award in 1996 for Estate of the Year in the Canberra Region.

Rally Park in Kensington is a sizeable urban development consisting of four twelve story blocks of units and a large number of attached and detached two-storey homes. The units share a common park, recreational facilities and a child minding centre.

The Community title is similar to unit title, as they both provide for community living, however community title has the security of ownership of a separate lease and greater flexibility in use of the land and variations to the scheme. The *Community Title Bill 2000* provides for a wider mix of land uses in one scheme. For example, a community title scheme may contain different types of housing, including units, recreational facilities, shops, parks, car parking and a community centre, whereas a units plan may only contain units, common property and unit subsidiaries.

The key features of a community title scheme under the Bill are that:

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- A scheme must contain at least three Crown leases, one of which contains the common property.
- A scheme must comply with all relevant ACT and Commonwealth legislation, and the Territory Plan, before it can be approved.
- A scheme must be registered with the Registrar-General's Office, as must any variations to the scheme.
- On registration of a community title scheme, a body corporate is established to manage the common land.

The powers and functions of the body corporate, as well as the rights and responsibilities of owners, are set out in a registered management statement. A breach of the terms of the management statement gives rise to an action for breach of contract.

The Bill permits lots in a community title scheme to be developed in stages. In these cases there will be additional management requirements.

Some of the innovations that have been included in the Bill are:

- the boundaries of a scheme may be altered on registration, following unanimous agreement or a court order;
- schemes may be varied, eg. by adding or removing blocks, by unanimous agreement or a court order; and
- all administrative decisions may be appealed to the Administrative Appeals Tribunal.

This Bill has been prepared in consultation with the ACT Law Society and the Registrar-General. In addition, a discussion paper on community title was released in 1998 for public comment. At this time eleven submissions were received on the proposal.

Mr Speaker, this Bill also amends the *Land Titles Act 1925*, the *Land (Planning and Environment) Act 1991* and the *Unit Titles Act 2001* to give effect to the new community title legislation.

The *Community Title Regulations 2001* are to be tabled following the passing of this Bill.

Mr Speaker, I now move that this Bill be agreed to in principle.

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

Long Service Leave (Cleaning, Building and Property Services) Amendment Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.59): Mr Speaker, in December 1999 the Assembly passed the Long Service Leave (Cleaning, Building and Property Services) Bill 1999. That act sought to establish a portable long service scheme for employees in the contract cleaning industry.

It was the intention of the act to provide a portable long service leave scheme for employees of the contract cleaning industry. The act established a board to administer the scheme by registering eligible employers and employees, by managing employer contributions to the scheme, and administering long service leave payments to employees entitled to the benefit.

The Long Service Leave (Building and Construction Industry) Act 1981 was used as a basis for drafting the private members bill which became the act. However, the differences between the cleaning industry and the construction industry were not adequately taken into account when the private members bill was drafted.

The scheme is managed by a board responsible for the payment of long service leave to employees and the collection of funds from employers. In August 2000 the chairman of the board, Mr Robert Yeomans, wrote to me to advise that in the board's opinion the act needed substantial changes to enable it to work as intended. This bill therefore aims to align the operation of the scheme with the nature and circumstances of the contract cleaning industry.

Mr Speaker, the amendments address the themes of how the coverage of the act is defined, the method used to measure service in the contract cleaning industry, and the method used to measure rates of pay and calculate employees long service leave pay.

The act is currently linked, by definition, to the Cleaning (Building and Property Services) ACT Award 1998, which is a federal award. This leaves any government of the ACT in a difficult position if the federal award is changed. In this circumstance the Assembly would have no remedy to address the problem except to amend the act. By linking the whole of the federal award, other industries in the territory are unintentionally affected.

Mr Speaker, the proposed solution is to replace the inappropriate reference to the award with a stand-alone definition. The definition will mirror the award's definition of cleaning work and will focus upon the contract cleaning industry. The bill introduces a measure based upon employees total period of employment rather than the present quota of work days. The current method used by the act to measure rates of pay and calculate long service leave is modelled upon the construction industry's week-day work in daylight hours. By contrast, the cleaning industry operates any time in a 24-hour day

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over a seven-day week. Remuneration for unusual times of work and hours of work is integral to the contract cleaning industry.

The amendments are to apply retrospectively, effective from the date of the commencement of the original act. However, the bill will not be detrimental to any benefits received; nor will the bill penalise any breach of the amended act that took place before the introduction of the amendments.

Mr Speaker, this bill solves a number of problems that the government pointed out at the time. This bill will enable the act, when amended, to operate as was originally intended and to operate effectively. I move:

That this bill be agreed to in principle.

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

Land (Planning and Environment) Amendment Bill 2001 (No 2)

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.03): Mr Speaker, I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave not granted.

MR SMYTH: Mr Speaker, so much for cooperation.

Mr Corbell: You did not advise us that this bill would be incorporated.

MR SMYTH: Mr Moore had agreement from Mr Stanhope and it was confirmed here in the chamber. It is a shame that Mr Corbell has not spoken to his leader to find out what arrangements were made. We often do this. As a courtesy, we seek leave and we warn the opposition that we will be doing so. It is a shame that Mr Corbell and his leader, as so often in the Labor Party, do not talk to each other. But, Mr Speaker, I will read my speech. I am delighted.

The Land (Planning and Environment) Amendment Bill 2001 (No 2) makes two very simple but crucial amendments to the Land (Planning and Environment) Act 1991, the "land act" as we know it. This short bill has only two substantive effects. The first change amends subsections 184C (2) and 187C (2) of the act to provide that the minister "must", rather than "may", remit or increase the change of use charge in circumstances prescribed under the regulations.

The second change imposes a requirement on applications for a lease variation to provide a valuation report when their application is lodged. Both changes will add certainty to the change of use charge system which, as we all know, has long been plagued by confusion and controversy.

For several years the act and regulations have allowed a ministerial discretion to approve or not approve a remission or increase in a change of use charge. There has been, over those years, general agreement that there should be no such discretion. Just as any prescribed increase should be mandatory, so should there be certainty that any remission will apply. Accordingly, the act and relevant regulations have been amended to make it clear that if a remission or increase is provided for, then that is what must be done.

The amendment of sections 184C and 187C completes the government's undertaking, given some time ago, to make remissions and increases of the charge clearer. Clearly, there will be circumstances in which any government would wish to relieve a person of a legal obligation to pay an amount of money. There will be hardship cases, or there may be policy reasons for encouraging an activity through providing financial incentives. In those circumstances it will still be possible for the Treasurer to waive the charge.

There is an opportunity to remove another of the main sources of uncertainty in the change of use charge. When the land act commenced in April 1992 the system for determining and enforcing change of use charges, or betterment, which was a judicial process under the old legislation, became an administrative process. Determinations of the charge became the responsibility of the minister, and decisions as to how much is to be paid became subject to review in the Administrative Appeals Tribunal.

While there is nothing fundamentally wrong with that process, the practice has been that proponents generally seek to have any significant charge reviewed. The evidence relied on in the AAT is often only that prepared by the Australian Valuation Office.

In May 1999, when Professor Des Nicholls presented his report entitled *A study of betterment and the change of use charge in the Australian Capital Territory*, he noted that relevant evidence can be difficult to access and that, because property valuation is an inexact science, valuers often struggle to agree on the appropriate level of change of use charge. The government's valuers often have to determine a charge without any obligation on the proponent to divulge any relevant information. Professor Nicholls recommended, at recommendation 6, that lease variation applications must be accompanied by detailed valuations of the before and after values, together with a calculation of added value and the resultant amount of change of use charge.

This bill therefore introduces a requirement, at the point of lodging a lease variation application, that the application be accompanied by an assessment that sets out the before and after values required to assess the change of use charge should the application be approved.

In respect of that change, I note the following points. The assessment must be prepared by an accredited valuer. It will be possible for the territory to require, as a condition of any lease variation approval, a new assessment. This might be necessary if the approval differs in any way from the original application, or if the original assessment is not satisfactory. The territory will not be bound by the assessment provided by the

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proponent. It will be provided for the purpose of informing the territory and will be forwarded to the AVO for advice. Assessments of change of use charge will still be reviewable in the AAT.

Regulations might provide that certain applicants would not be required to provide a valuation. Such exemptions, which would apply only in limited circumstances, might relate, for example, to applications involving community uses or lease variations that clearly will involve no added value.

Mr Speaker, again I find myself before members of the Assembly urging their thoughtful consideration of an initiative that the government believes will greatly improve the administration of leasehold, no matter what their philosophical background on this vexed issue may be. I repeat that there are two real changes. The existing discretion as to whether to grant a remission or impose an increase, which was never actually exercised, is removed, and valuations for the purpose of calculating the change of use charge must be provided by the applicant to be confirmed by the territory.

Both changes add certainty. Both changes add clarity. Both changes help to restore some of the balance between public and private interests which was to some extent lost when the assessment of betterment became an administrative and appellable process in 1992.

Mr Speaker, the government will continue to examine ways of improving our system for charging for development rights. We believe that this amendment is an important step forward.

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

Waste Minimisation Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.10): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, it gives me pleasure to bring to the Assembly today a Bill for the best practice management of waste within the ACT.

Waste reduction is a key requirement for the success of Canberra as a sustainable city. The Bill will be the legislative framework for addressing the objectives of the "No Waste by 2010 Strategy", and will build on the very successful kerbside recycling program in the ACT.

The ACT Commissioner for the Environment in his recent report titled "Progress Towards a No Waste by 2010 Strategy" recommended waste legislation as an important element in meeting the Strategy's goals.

The impetus for this legislation has also come from our obligations to the National Environment Protection Council to implement the National Environment Protection Measure on Used Packaging Materials. The scheme is designed to greatly reduce the amount of used packaging which ends up in landfill.

This national measure will be implemented by way of an industry waste reduction plan or IWRP. This will provide a level playing field for the packaging industry, by ensuring that those brand owners of packaging who choose not to join the voluntary National Packaging Covenant will be regulated by this Industry Waste Reduction Plan.

Brand owners of packaging within the ACT have signed the voluntary national Packaging Covenant, either directly or under their parent company. By introducing this legislation, we will ensure that there is no safe haven within the ACT for brand owners who refuse to take up their responsibility to reduce waste from packaging.

The Bill also makes provision for me to control the delivery of the Territory's garbage and recycling services and to set fees and charges for the delivery of these services as well as for disposal. These powers are being transferred from the Building and Services Act and the Garbage Regulations, which will be repealed on 30 June 2001.

The Waste Minimisation Bill 2001 provides a strong framework, which can be built upon over time. Both negotiated and non-negotiated industry waste reduction plans can be developed for specific industry sectors if and when the circumstances require.

Other provisions of the Bill are for the making of regulations on related matters. Part 4 of the Bill covers enforcement issues; rights of authorised officers and Part 5 deals with miscellaneous issues including the review of decisions by the Administrative Appeals Tribunal and the determination of fees.

By implementing this legislation not only will we meet our obligations under the Used Packaging National Environment Protection Measure, but we will now be eligible for accessing funding of up to \$280,000 for the Territory from the Industry Transitional Fund, established under the National Packaging Covenant. This money can be used for projects such as the nationally significant "No Waste Education Centre".

Importantly, this legislation will have no adverse impact on business in the ACT.

This Bill provides a significant step forward in the implementation of the "No Waste by 2010" strategy and puts the ACT at the forefront of waste minimisation within Australia.

I commend the Bill to the Assembly.

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

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Guardianship and Management of Property Bill 2001

Mr Moore, on behalf of **Mr Stefaniak**, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR MOORE (Minister for Health, Housing and Community Services) (11.11): I move:

That this bill be agreed to in principle.

I ask for leave to have the speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker,

The *Guardianship and Management of Property Act 1991*, which this Bill amends, provides for those who are unable to make appropriately reasoned decisions about their welfare or personal affairs. It establishes the Guardianship and Management of Property Tribunal, which can appoint someone—

- as a *guardian*, to make decisions about matters involving day-to-day living and medical treatment on the person's behalf; or
- as a *manager*, to manage all or some of the person's property, and to enter into transactions on behalf of the person for his or her benefit.

Requirements that currently exist in the Act for the appointment of managers are different to requirements for the appointment of guardians. The Act requires, for the appointment of a guardian, that the represented person must be unable to make reasonable judgements about matters relating to his or her health or welfare, or that the person is unable to do anything necessary for his or her welfare. In contrast, the single requirement for appointment of a manager is that the person is, 'legally incompetent' to enter into a transaction relating to his or her property. The term 'legally incompetent' is not defined.

The ACT Supreme Court considered the criteria for appointment of managers in a recent appeal from the Guardianship and Management of Property Tribunal. The represented person suffered from a mental illness, and a guardian was appointed for decision making about his health and welfare. He received a lump sum compensation payout as the result of a motor vehicle accident, and wanted access to it. It was recognised that he would most likely squander it rapidly. Psychiatric opinion before the Tribunal was that the distress of having the money managed by someone else outweighed the risk of his squandering it.

Nevertheless, the Tribunal determined that this advice did not relate to the represented person's psychiatric condition, and that it was in his best interests that his finances be managed by the Public Trustee and ordered accordingly.

The Supreme Court rejected the Tribunal's approach, and ruled:

- Firstly, that a person's wishes as to the management of his or her property should prevail over the view of the Tribunal that he or she is incapable of making reasonable decisions about financial matters; and
- Secondly, that the Act requires that the test for appointment of a manager requires simply 'legal incapacity' in relation to either a specific likely transaction or the preservation of the person's property, rather than the inability to make reasonable decisions.

Those two findings resulted in the Court holding that a person who requires a guardian, and was likely to squander his finances through irrational spending, was not 'legally incompetent', did not require a manager of his finances and he could deal with his money as he wished. The Court noted with concern that there was no definition in the Act of 'legally incompetent' and applied common law principles, which were developed for contract law.

The Court's decision thus appears to indicate that if a person knows how to enter a financial transaction, that person is competent to enter the financial transaction, and the financial soundness of such transactions may not be relevant. The potential outcome of such transactions can ultimately be destitution and homelessness.

Related to this issue is uncertainty under the current Act about the relative priority of principles to be applied by decision-makers who are acting for protected persons.

The *Guardianship and Management of Property Amendment Bill 2001* addresses both of these issues.

Firstly, the Bill establishes a single consistent test for the appointment of both guardians and managers rather than the two separate tests under the current Act, which I have outlined above.

I believe that in deciding whether to appoint a manager of the financial affairs of those with impaired decision-making ability, it is necessary to take into consideration not only the person's capacity to enter contracts but their capacity to make reasonable decisions in relation to their interests prior to entering such contracts.

People who are incapable of decision-making to such an extent that they require a guardian to make personal decisions for them in relation to their day-to-day living are generally also at a distinct disadvantage in understanding financial implications compared to those who are able to manage their day-to-day affairs. They are less likely to be able to 'pick themselves up' and make good any losses they may suffer through unwise financial decisions. I am concerned to ensure that the financial resources of such people are also protected when this is necessary.

The Bill requires the Tribunal to apply a similar test for the appointment both of guardians and managers of property. The test will require:

- that the person concerned has impaired decision-making capacity in relation to his or her property (for appointment of a manager) or health and welfare (for appointment of a guardian); and

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- while that incapacity endures decisions will be required about the relevant matter, or the person is likely to do something in relation to it may cause unreasonable risk to his or her welfare or property; and
- without the appointment the person's needs would not be met, or the person's interests would be significantly adversely affected.

The Bill retains the provision of the Act that people shall not be taken to have such a condition merely because they are eccentric, have particular religious political beliefs, have a particular sexual preference or be under the influence of drugs or alcohol.

I now turn to the principles to be applied for making decisions under the Act for those with impaired ability to care for themselves. The Act currently sets out a list of principles to be followed by anyone (such as the Tribunal, guardians or managers) making a decision about people protected under the Act.

The first principle is that the wishes of these people should receive paramount consideration. The list then goes on to require that the decision should be as nearly as possible the decision the protected person would have made if not impaired, that it should cause the least interference with the person's life, and encourage the person to look after himself or herself, live in the community and join in community activities.

The application of this list of principles has the potential to create conflict between the person's wishes and their welfare. Giving effect to the person's wishes may endanger his or her personal and financial welfare. Indeed, as the Supreme Court held, the person's wishes override the Tribunal's view that he or she is incapable of making reasonable decisions.

This approach creates potential conflict between the various considerations that must be taken into account when making decisions. The Act does not cater for conditions that disable the intellect or reasoning power but not the capacity to form and express views.

To address the issue of priorities, the Bill introduces the concept of a 'person's interests'. The term 'person's interests' is defined to include the preservation of safety, the prevention of deterioration of physical and mental health, the ability to live in, and take part in, the community, and maintain the non-harmful aspects of his or her lifestyle.

The concept also includes the promotion of financial security, and prevention of dissipation of financial resources or destitution.

The Bill then sets out a basic principle to apply to making decisions under the Act. It provides that the person's wishes, as far as they can be ascertained, should be the basis for decision-making.

This basic principle applies unless to do so would significantly adversely affect the person's welfare and interests. In that case, the person's wishes should be carried out to the greatest extent possible that will not significantly adversely affect his or her welfare or interests.

If effect cannot be given to the person's wishes at all, or they cannot be known for some reason, then decisions are to be made according to their interests, as established in the Bill.

The amendments retain the general principles that should apply to such decisions, that is, the principles of autonomy, freedom from unnecessary interference, self-care, participation in community life and maintenance of the non-harmful aspects of the person's lifestyle.

This approach should provide more certainty and direction to those who are required to make a decision about a person under the Act.

The amendments have the support of stakeholders in the community and agencies involved in assisting those with impaired decision making ability, who responded to a discussion paper seeking their views on these issues.

These amendments are also in line with legislation in other jurisdictions. The ACT is the only jurisdiction to apply the 'legally incompetent' test to management orders. By adopting the amendments we will ensure that we have a common practice with other jurisdictions. This will give added certainty to those subject to management orders and paves the way for recognition of orders by other jurisdictions.

I urge members of this Assembly to support this Bill to clarify the issues that must be considered by the Tribunal in making orders relating to guardianship and management of property.

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

Drugs of Dependence Amendment Bill 2001

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

Title read by Clerk.

MR MOORE: (Minister for Health, Housing and Community Services) (11.12): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, I would like to introduce a Bill to amend the Drugs of Dependence Act 1989. The Drugs of Dependence Amendment Bill 2001

These amendments will provide the ACT with flexible protocols for the safe handling, storage and destruction of cannabis seized by the police. The amendments provide the government analyst with the power to properly destroy excess cannabis in the event of a large quantity, such as a plantation, being found in the Territory.

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The amendment will ensure that the ACT employs cannabis-sampling processes that are consistent with the United Nations Convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances.

Members should note that the Bill installs a number of protective measures for persons accused of, or charged with, cannabis offences under the Act. These include the provision of a right to apply for an order to prevent the destruction of excess cannabis and the right to be informed of this right at the time of being charged.

The amendments will ensure that staff at our government laboratory is not unnecessarily exposed to large amounts of cannabis, that present many occupational health and safety risks, and that there is adequate secure storage facilities in the event of large amounts of cannabis being seized by police.

Over the past two decades the amount of cannabis material received by our government laboratory has risen from just 50 Kilograms in 1980 to over 400 Kilograms in 1999.

If this trend continues and these amendments are not adopted the government would need to invest further significant resources into the secure storage of this material.

The amendments have been developed in consultation with the Director of Public Prosecutions and representatives of the ACT Legal Aid Office.

I commend this Bill to the Assembly and trust it will receive the support it deserves.

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

Tobacco Amendment Bill 2001

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

Title read by Clerk.

MR MOORE: (Minister for Health, Housing and Community Services) (11.13): I move:

That this bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, I am pleased to present the *Tobacco Amendment Bill 2001*.

Last year, the Government proposed, and the Assembly agreed, to a range of important amendments to the *Tobacco Act 1927*.

These amendments have transformed the way that tobacco and other smoking products are advertised, promoted and displayed in the ACT—and our legislation has provided a benchmark for similar legislation in other States and Territories.

The display of smoking products has been greatly reduced, advertising for these products has been virtually eliminated, there are no more tobacco promotions involving competitions, giveaways and gifts, and the right to sell smoking products is now directly linked to compliance with tobacco control legislation, through a licensing system.

The success of this legislation is due to several factors, including strong community support and the efforts of the Department of Health, Housing and Community Care to work with businesses to ensure that the highest possible levels of compliance are achieved.

As a result of on-going discussions with businesses and health groups, and building on the experience of public health officers in implementing the legislation over the past months, a number of practical issues have come to light which now require attention.

In order to address these issues, the *Tobacco Amendment Bill* proposes two minor amendments to the *Tobacco Act 1927*.

First, the Bill proposes that the definition of a tobacco 'point of sale' be modified to include reference to regulations.

The legislation currently defines 'point of sale' as 'a place where smoking products are sold within a retail or wholesale outlet'.

Because of the variety of configurations of arrangements within outlets, the notion of a 'place' within the outlet has proved problematic, and retailers seeking to comply with the legislation have indicated that they would welcome greater clarity about the application of this term.

The inclusion of a specific regulation-making power will enable more detailed guidance to be provided in the form of a regulation.

Second, the Bill proposes to place the detailed requirements for point-of-sale health warning notices in regulations. These specifications are currently contained within Section 22 of the *Tobacco Act*.

Placing these detailed requirements in regulations is consistent with other public health legislation and is intended to provide greater flexibility for the Government in ensuring that the notices are kept effective and up-to-date. It is intended that the regulations will also provide greater flexibility for retailers in displaying notices which are visible and effective, without being unnecessarily restrictive.

The intention is for the regulations under new section 22 to be notified upon commencement of the Bill, and that a transitional period will be provided during which the display of signs which meet either the 'old' or the 'new' requirements will be permitted.

In summary, the Bill addresses some practical issues in a manner consistent with the Government's commitment to high standards of public health legislation and to working in partnership with the business to achieve compliance in a fair and reasonable way.

Mr Speaker, I am pleased to present the *Tobacco Amendment Bill 2001*.

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

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Planning and Urban Services—Standing Committee

Representation for witnesses

MR HIRD (11.14): I ask for leave to move a motion concerning witnesses appearing before the Standing Committee on Planning and Urban Services.

Leave granted.

MR HIRD: Mr Speaker, members will recall that this matter came up in our inquiries into draft variations 158 and 163. It is to do with the interpretation of standing order 246 which deals with witnesses' rights to advice. I was pleased that the parliament saw fit to give my committee the ability to undertake what is spelt out in the motion; that is, that the Assembly orders that during the remaining term of the Fourth Assembly, witnesses appearing before the Standing Committee on Planning and Urban Services in relation to inquiries concerning variations to the Territory Plan may be represented by counsel or advisers. The operative words are "may be". This is to be determined, as it should be, by the respective committees. My committee asks, as they have previously, for your support in our endeavours to undertake our task as prescribed by this place.

I move:

That this Assembly orders that, during the remaining term of the Fourth Assembly, witnesses appearing before the Standing Committee on Planning and Urban Services, in relation to inquiries concerning variations to the Territory Plan, may be represented by counsel or advisers.

MS TUCKER (11.15): I would like to make a couple of comments about this. I understand that the Assembly is generally supportive of it, but this motion relates to standing order 246 that states:

Witnesses before a committee may not be represented by counsel or advisers unless ordered by the Assembly, but a witness may consult with counsel or advisers while giving evidence.

Presumably this standing order was intended to ensure that committee hearings did not become quasi legal hearings with the inequity that this generates for community groups and individuals who do not have the resources to pay for this sort of support while business often does.

I understand that this motion has arisen because of circumstances arising in hearings of the committee where advisers to proponents of particular developments, such as planning consultants or architects, have appeared on behalf of the proponent rather than the proponent appearing for themselves. I have to ask why this motion is needed.

I think it is fair enough that proponents should speak directly to the committee and be questioned by committee members. If the proponents feel that they do not have all the technical knowledge then I would have thought there was a provision in the standing orders for witnesses to consult with advisers while giving evidence, and the advisers themselves could also seek to appear before the committee in their own right rather than on behalf of someone else.

Maybe there are good answers to these questions. I do not know. I think it would be better to have this referred to the Administration and Procedure Committee for a more thorough process than this piecemeal approach that is occurring today in the Assembly. I just want it on the record that I am not comfortable with this process.

MR CORBELL (11.17): The Labor Party will be supporting this motion today. I take on board the concerns Ms Tucker has raised in relation to this motion and I want to stress, from the Labor Party's perspective, that we certainly would not want to view this as a precedent towards allowing the widespread use of legal advisers or counsel representing witnesses before committees of the Assembly.

There are very good reasons why Assembly committees should have the power to hear directly from proponents of development applications. In fact this motion still provides for that to occur because, if approved by the Assembly, it effectively empowers the Standing Committee on Planning and Urban Services to decide where it is and where it is not appropriate for witnesses to be represented by counsel or advisers.

It is interesting, Mr Speaker, that we are at this point because for the period in which the Standing Committee on Planning and Urban Services and its predecessors have been charged with statutory obligations under the land act to inquire into draft variations to the Territory Plan, it has had people who are effectively counsel or advisers appearing before it in relation to variations to the Territory Plan. In fact it has been a very rare occurrence, not only in the history of this committee but of previous committees, from my knowledge, and its predecessor committees, for the proponent, the actual lease holder if you like, to be represented in relation to draft variations to the Territory Plan. Almost invariably, as is the practice in the industry, the proponent, the leaseholder, engages a planning consultant, or an architect, or some other person with relevant professional expertise, to address concerns and raise concerns in public hearings conducted by the committee.

What we are effectively doing by this motion is ensuring that the conduct of the Planning and Urban Services Committee's hearings into such draft variations is in accordance with the standing orders in case there is any doubt as to the conduct of those hearings. I do not believe that there is, but I think this is an important precautionary approach that the committee has taken following advice from the Clerk and other members of the Assembly Secretariat. I think it is important to stress that this is in no way a precedent, but it does reflect the rather unique circumstances that the Planning and Urban Services Committee faces in relation to its statutory obligations under the land act.

MR HARGREAVES (11.20): I understand that the motive for introducing this is to protect the standing committee while undertaking its statutory obligations, because it would be dreadful if these statutory obligations were found to be suspect, but other committees who take on inquiries, or have inquiries referred to them, could be very well in the same boat. I refer in this instance to the Standing Committee on Justice and Community Safety. I remind Mr Hird of the time we looked into the siting of the prison issue when we received submissions from people who were developers, or we may have received submissions from people who were developers or people representing interested parties.

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As my colleague Mr Corbell has said, we will support Mr Hird's motion, but I suggest, rather than move an amendment, that the Clerk advise all of the secretaries of the other standing committees to bring to the notice of those committees and their chairs the issue that we are speaking about today and for them to examine their own circumstances. Without wishing to change standing orders in this regard, it may very well be that there is some way in which we can introduce an introductory statement. I know not, but perhaps that may be the issue.

MR HIRD (11.22), in reply: I will answer some of the questions. Standing order 246 has been in the standing orders over the last three parliaments. Mr Moore would understand that only in recent times has there been some challenge and some query in respect of this standing order. I did write to all chairs of all the committees and brought this to their attention. The respective committees may care to take the matter up with the Clerk or the Speaker. As for the Administration and Procedure Committee looking at this problem, that is up to Ms Tucker if she wishes to raise it as a member of that committee.

In fact, the committee is doing no more or no less than what it has been doing over the last three parliaments. As my colleague Mr Corbell indicated, this is just a tidying up because the Secretariat had some concerns. This is the way to correct it, as was the case with draft variation 158 and 163. It goes until the end of this parliament. I look forward to Ms Tucker raising the matter for inquiry by the Administration and Procedure Committee. I commend the motion to the house.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Report No 2

Debate resumed from 30 June 1999, on motion by **Mr Osborne**:

That the Assembly takes note of the report.

Question resolved in the affirmative.

Chief Minister's Portfolio—Standing Committee Public Accounts Committee Report No 19

Debate resumed from 1 July 1999, on motion by **Mr Quinlan**:

That the Assembly takes note of the report.

Question resolved in the affirmative.

Chief Minister's Portfolio—Standing Committee Public Accounts Committee Report No 20

Debate resumed from 1 July 1999, on motion by **Mr Quinlan**:

That the Assembly takes note of the report.

Question resolved in the affirmative.

Urban Services—Standing Committee Report No 7—government response

Debate resumed from 2 July 1999, on motion by **Mr Smyth**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny Report No 6

MR HARGREAVES: I seek leave to present Scrutiny Report No 6 of 2001 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee, and I ask for leave to make a statement.

Leave granted.

MR HARGREAVES: In the absence of the chairman, I present the following report:

Justice and Community Safety—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee—Scrutiny Report No 6 of 2001, dated 3 May 2001.

Mr Speaker, the committee considered two bills, the Children and Young People Amendment Bill 2001 (No 2) and the Appropriation Bill 2001-2002, and in the context of our terms of reference makes no comment on them. I commend the report to the Assembly.

Planning and Urban Services—Standing Committee Report No 69

MR HIRD (11.27): As chairman of the Standing Committee on Planning and Urban Services, I present the following report:

Planning and Urban Services—Standing Committee—Report No 69—Draft variation to the Territory Plan No 152—Community Facility Land Use Policies—Forrest section 24 blocks 1 and 3 (Part of St Christopher's Precinct—Manuka), dated 27 April 2001, together with a copy of the extracts of the minutes of proceedings.

I move:

That the report be noted.

This is straightforward, Mr Speaker and members. There were public hearings held by my committee. The matter was deliberated upon by the committee after the public inquiries. The report is now in the chamber for consideration by members. I urge members to support the committee's report.

Question resolved in the affirmative.

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Planning and Urban Services—Standing Committee Statement by Chairman

MR HIRD: Mr Speaker, as Chairman of the Planning and Urban Services Committee, I seek leave, in accordance with standing order 246A, to make a statement concerning new inquiries for the Standing Committee on Planning and Urban Services.

Leave granted.

MR HIRD: I wish to inform the house that on 6 April 2001 the Standing Committee on Planning and Urban Services resolved to inquire into and report on three issues: the proposed development at South Bruce section 21 blocks 1, 3 and 4, and traffic arrangements on Haydon Drive in the district of Belconnen; section master planning for Turner sections 46, 47, 48 and 62; and the proposed Amaroo community precinct.

Each of these inquiries arise out of concern about proposed developments expressed particularly by local residents in these areas. They are similar to the Mawson, Athllon Drive inquiry that was recently completed by my committee. These inquiries demonstrate the local government role of this parliament. This committee is the vehicle by which residents can get issues and opinions drawn to the attention of this place. My committee is already hearing these issues and we will report to the house in due course. I commend those referrals to the house.

Executive business—precedence

Ordered that executive business be called on.

Routine of business

Suspension of standing order 77

MR MOORE: (Minister for Health, Housing and Community Services) (11.30): I move:

That standing order No 77 be suspended to allow:

- (1) Executive business to have precedence over other business on Wednesday, 13 June 2001;
- (2) Private Members' business to have precedence over other business on Thursday, 14 June 2001; and
- (3) the routine of business for a sitting Thursday to apply to the sitting of the Assembly on Friday, 15 June 2001.

Mr Speaker, this is because at the next sitting we are meeting on Wednesday, Thursday and Friday instead of Tuesday, Wednesday and Thursday.

Question resolved in the affirmative.

Children and Young People Amendment Bill 2001 (No 2)

Debate resumed from 1 May 2001, on motion by **Mr Moore**:

That this bill be agreed to in principle.

MR WOOD (11.31): Mr Speaker, the opposition supports this bill. I am informed, and I agree, that it is a fairly technical matter to accommodate a couple of features. When the new legislation was passed a year ago it did not pick up a couple of the issues from the legislation that it superseded. I understand that these are fairly technical and sensible, but they are also urgent and they should be passed, as they will be today.

MS TUCKER (11.32): Yes, the Greens will also be supporting this bill. I understand the need for urgency. I would like to thank the minister and the department for the briefings. As we understand as well, it is really ensuring that the transition from the old to the new act is fair and seamless.

MR MOORE (Minister for Health, Housing and Community Services) (11.33), in reply: I appreciate the support from members and their willingness to deal with this as an urgent matter. We are always reluctant to introduce legislation on a Tuesday and seek to have it debated on the Thursday, as is the case in this situation. I appreciate the positive response I have had from all members from the time I first presented to them that this was necessary. That applies to members who have not spoken as well. I appreciate that support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Appropriation Bill 2000-2001 (No 2)

Debate resumed from 8 March 2001, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR QUINLAN (11.34): Let me say at the outset that the opposition will be supporting the passage of Appropriation Bill (No 2), but we still reserve the right to keep our powder dry in relation to the budget itself. The seemed shift from the traditional position is based on events relating to the passage of the budget last year when a couple of crossbenchers, Mr Rugendyke and Mr Osborne, actually voted against the budget because it contained a measure they did not like. We would have expected those crossbenchers who actually voted the government into office to have been the primary members to support the budget or give the government its budget for the year, which would have left the opposition in the traditional position of saying that we do not support all of the budget.

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Since the government has a majority, we would normally vote against the budget, but that process went a little pear-shaped a year ago. Within a couple of days of that, we notified the government that we were happy to support the budget because we thought at that point that the original budget was being hijacked. We still contend that that was the case. We have all played politics with that situation since then and, every time an issue has come up, it is said that the opposition voted against it because for about three days it had withheld support for the budget.

I have to say that no commitment had been made in any way publicly by the government up to the point where the opposition did say that it would support the budget; nevertheless, agreements seemed to have been done and the budget was modified to satisfy a minority of the Assembly and, in fact, a provision that had been given majority support by this Assembly was removed from the budget. I think that that was an unfortunate episode. It does point up some of the difficulties we have in the ACT with minority government. You can say a lot of good in relation to the Hare-Clark system and it has dimensions to offer a unicameral parliamentary system in the territory. However, minority government does also carry with it some significant disadvantages. I do hope that in the course of this significant year some of those disadvantages can be pointed up.

In turning to Appropriation Bill (No 2), let me say that we still believe that it is more of a mini-budget than a supplementary appropriation. Many elements of it do fit neatly under the banner of supplementary appropriations. It does, however, also contain a little bit of mopping up of spare cash and what looks fairly much like some blatant manipulation of the final bottom line for this year. We have now seen what the government projected it to be on Tuesday, but we have seen the projection for even this year's bottom line all over the shop over the last few months.

In relation to the specifics, let me reiterate what I have said in relation to this supplementary appropriation. The fact is that the government is claiming to have brought down a draft budget and keeps using the term "draft budget" when all we saw was a steady stream of initiatives. That is where the term "piecemeal" came from, Mr Treasurer. We could see the pattern of this budget—the bottom line, the future bottom line and the piecemeal approach—even within the draft budget process. It was telegraphed fairly clearly, I think.

It was very disappointing to receive this document in the context of the government saying, "We have an elongated budget process. We are on top of this. We have a draft budget process," when all of the forward estimates contained in this supplementary budget paper remain the same as were contained in the budget brought down a year ago, despite the fact that there had been quite heroic press releases coming out to say that the government had looked at the bottom line and the bottom line had improved. As far back as, I think, December there was a claim that the bottom line was going to be \$35.5 million at that point, just one of the many changes. The government did not see fit to inform this Assembly of that fairly essential context for this appropriation. Many of the items in this appropriation bill are one-offs, but not all of them. Several of them at least imply a commitment to recurrent funding, funding that would affect forward estimates, and you would have thought that the government would have included those.

In the hearings on this matter there was some discussion as to whether the government was required by the Financial Management Act to include only the old forward estimates. I have had a look at the Financial Management Act. I do not know that I accept that yet, but I am not a lawyer. I do know that there was still a possibility, a very manageable possibility, for that information to be provided along with this document, whether or not you still had to put the old numbers in because of some interpretation, I think cockeyed, of the Financial Management Act. I advise the Assembly that I do intend very shortly to bring forward legislation in this place that will require a government that brings down a supplementary appropriation to bring down with it the latest forward estimates so that future supplementary appropriations can be viewed in their context and their implication for outyears can be seen and evaluated along with evaluating the particular line items in it.

Like the budget that we have on the table, pretty well all of the things in this appropriation do look like reasonable expenditures in themselves. There is not evidence or communication of a structured approach or a priority-setting approach to it. It seemed to be: "How do we get this \$43 million spent and how do we get a fairly low surplus for the current financial year so that there will be no funds around in an election year?" For presentation it is disappointing, but we will be doing something about that.

I have in this place earlier discussed the report of the public accounts committee on this appropriation paper and I have also alluded to my dissenting report from the other report that I signed, so I will gloss over lightly some of the specifics of this appropriation. Consistent with my concerns about forward estimates in this paper, I have expressed concerns about the information content of monthly financial reports coming to this place that might otherwise have been used to give context to this paper. They are pretty well useless. I do not know of any Assembly members actually reading them. I have never heard any questions arise out of them. I think we all look at the bottom lines and the bottom lines are all quite out of context with the probable final bottom line, but nobody has worried about them to date.

Again, I advise the Assembly that I will be bringing forward legislation to reduce the reporting periods to quarters rather than monthly, but I have been assured by bureaucrats that it would be possible, once that is done, to have comprehensive quarterly financial reports come to this place which include balance day adjustments and include accounting for timing differences of expenditures and revenues, and we will have reasonable estimates of where we are at and where we are likely to finish in a given financial year. I expect from that that the four reports will have technically a far greater information content than do the 12 reports that we get at the moment. In the context of just that point that I am making, I do recommend the Auditor's report for last year's financial statements. Part of his introduction to that report, that is last year's financial statements, talks about the need for statements like this and financial statements to be brought down surrounded by general discussion so that they become meaningful and useful.

There is within this bill a couple of things that are little shockers. I will go to the perennial of the Bruce Stadium. A couple of people have groaned when I have mentioned Bruce Stadium in recent times as an issue on the ground. Let me say that anybody who expects me to talk about the ACT economy and financial management between now and the election and not mention Bruce Stadium has to be kidding himself.

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Mr Moore: There was a \$344 million operating loss under Labor.

MR QUINLAN: Keep going. I am happy to have that circulated, too. In relation to Bruce Stadium, there is a writing off of debt. Effectively, that money has all gone. It has all gone under the banner, as described by the Chief Minister, of a community facility; yet all our other community facilities are not written off. So we have a different accounting treatment for the Bruce Stadium than we do for our other community facilities. Why? It is because we are embarrassed about the bottom line and we are embarrassed about the real cost of delivering that community facility, if it is one—or have we changed our mind?

Mr Moore interjected earlier about the \$344 million. There is a consistency here at least. The accounting treatments used back then are different from the accounting treatments used today and you get quite exaggerated differences between then and today as a direct function of that; but do not let the truth get in the way of a good line.

Mr Moore: And don't listen to the Auditor-General.

MR QUINLAN: I will tell you this much, Mr Moore: the Auditor-General will be appearing before the Estimates Committee to discuss this topic in detail. In relation to Bruce Stadium, we have an increase in the operating costs of \$1.7 million per year. Speaking of the Auditor-General, his assessment of the present cost of Bruce Stadium and the Olympics was \$82 million. Add to that the continuous stream of \$1.7 million and we are up and away; we are well over the \$82 million barrier. He has not done his calculations. I asked him about that in committee and he said in his understated manner that \$82 million has to be at the bottom end of the possible range of any evaluation now, which does imply a much greater expenditure than just \$1.7 million if you look at it as a stream in perpetuity.

There are not many other issues that I want to address in any great detail. I am concerned that all of a sudden we are pulling out—I presume that we have not done anything about it yet because this bill is yet to be passed—\$3.7 million at Urban Services for spending between now and the end of the financial year under works contracts. We have been advised that due process in terms of calling tenders for that will not occur: there will be an extension of or variation to existing contracts. That is a bit concerning.

We would think that for expenditures heading towards \$4 million, given the tightening economy, given that we are post-Olympics and post-GST and given that we are heading for the doldrums possibly, except maybe for the government's assessment, there would have been sharper pencils out there amongst the contractors. We do want to register some concern that we are really trying to spend as much money as we can and trying to look like we are doing as much as we can so late in a financial year which is all about an election. I have to say that in some cases I have seen very nice white lines being painted on pretty crappy roads. That is a quick way of making the place look a bit better and of giving the impression of improvement and activity. I would like to think that things are a bit more structured than that.

It is a bit disturbing to have an urgent need to spend \$2 million on the boarding house program only to find when the minister and his officers come to committee that they do not know what that implies for ongoing costs. The government has actually decided to

spend \$2 million in haste on setting up the boarding house program and has not even done the work to say how much it will cost once it is set up. That does give you a clear impression of programs being cobbled together in haste. I return to my original thesis that, quite clearly, the government has been for a number of months on a program of trying to ensure that there is no money in the bank, although we might all have been released this morning by the Chief Minister for the election.

I think he said this morning that our investments have gone up so much that there is ready cash there; we have just got to go to the bank and take it out. For all of the candidates who were concerned when they received news of the budget on Tuesday and saw that there was no spare money in the outyears, there may well be, according to the Chief Minister today; so go back to your original programs and possible initiatives for the election. I think Mr Humphries is saying that he could fund them or that they could be funded within our current capacity, which is great news.

I close by saying that we think that this appropriation bill has got a few things wrong with it. The motivation behind quite a lot of it is quite obvious. But for the serious reasons that I expressed at the beginning of this speech, we will actually be supporting the passage of this bill.

MS TUCKER (11.53): Mr Speaker, the normal process of appropriating money for government expenditure is to have one annual budget. Where unforeseen expenses arise during the year, there is scope for having additional appropriation bills, but normally these bills are few and far between. From looking at the appropriation bill before us, I have to question the urgency of many of the expenditure items listed in it. The government divides the items in this bill into three categories. There are those of a technical nature, there are those for unforeseen budget pressures and there are those that are considered worthwhile to pursue at this time. It is with the last category that I have concerns, because there is less than two months to go to the end of this financial year and it would be difficult to spend all the money included in this extra appropriation.

Two days ago we had the government release its budget for 2001-02 in which many of these expenditure items have been or could be accommodated. The technical items primarily relate to accounting for GST payments which are budget neutral. Whilst not being a fan of the GST, obviously we have to work with it because we have it. There is also a further appropriation for Bruce Stadium. Mr Quinlan just spoke at some length on that. It is the result of a reduction in the expected revenue. It is a total financial disaster and it looks like it is going to continue as such. As Mr Quinlan said, \$82 million is now the bottom end of the cost. I just do not think that there are words strong enough to express how the whole exercise has been a total and dismal failure. No doubt, this government will live on in history as having failed totally in this regard.

Turning to the new initiatives in this extra appropriation, there are some that are good. The particular item that I have concern about, of course, is the one for Bruce Stadium. There is money for nurses, but not enough to cover the pay bill of the Canberra Hospital. There is money for the Gallop inquiry, which is necessary. There is an appropriation for corrective services and youth justice services for the rising costs of holding offenders, which also seems necessary.

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The problems for the Greens include the \$250,000 for AFL football games in Canberra this year. I do wonder whether that is a wise use of public money. There is a big question mark over whether the \$100,000 of additional funding for the Rally of Canberra is wise spending. There are very serious question marks over the way that this government enters into contracts with the private sector and its adherence almost to a philosophy of corporate welfare with very little accountability attached to it.

I do not know why the government could not have waited until the 2001-02 budget to set aside \$300,000 for the digital divide program. Approximately \$1 million has been set aside for police and emergency services that do not seem urgent and could have been dealt with in the 2001-02 budget. Equally, I do not know why appropriation of \$3 million to Urban Services for street lighting and road improvement is so urgent. The Greens also will not be voting against this bill, but we are not happy with a number of elements of the package.

MR BERRY (11.57): Mr Speaker, as may well have been said, budgets are a time for oppositions to test the authority of the government. If for one moment Labor thought that it had the numbers to test the authority of the government on this document, it would do so. I heard my colleague Mr Quinlan make reference to the last time Labor voted against a budget. From sitting back and reflecting on that, I have now formed the view that the government was so keen to get rid of Mr Moore's injecting room proposal that they foresaw this vote as an opportunity to do so and jumped at it.

On reflection, I think that that is a pretty fair call. Given the circumstances that had developed around that injecting room proposal and that Labor had indicated that it was going to support it, the government was in fear that it would be supported in here. That was what sent the government running to the crossbench members to make sure that they ditched it. The government had sensed that its traditional conservative supporters were running away from it on this one and grabbed the opportunity with both hands.

Mr Speaker, this appropriation bill again draws attention to the litany of failures by this government which have impacted upon the people of Canberra. This approach to appropriation bills has its origins, as I recall, in an appropriation bill which was brought forward to deal with the illegal spending over the Bruce Stadium affair. These documents are really a certificate of incompetence. Each time one of them comes forward, we are reminded of that tawdry affair and its impact on the community then and for future generations. The sum of \$80-odd million will be spent on that stadium, whereas we were told, as we all recall, that it would cost us no more than \$12-odd million. Well, well, well! There was a second appropriation bill, a mini-budget, to patch up some unlawful expenditure.

Mr Speaker, peppered throughout this document are move events which show up the incompetence of this government and demonstrate to the people of the ACT that the time is past for this government. The members of this government are well and truly out of puff and the impact of their actions on the community has been so severe that it is time they paid the price. I am confident that they will.

Mr Speaker, on flicking through this supplementary budget paper, the first item that hit me in the eye when I came to page 9 was the one for \$100,000 of additional funding for the Rally of Canberra. Who will forget the imbroglio over the claims and counterclaims

about who had contacted whom about an appropriate sponsor for the championship in the ACT? What a mess it was! It was all tied up with FAI Insurance and, of course, FAI Insurance has somewhat disappeared off the map, seemingly drawn into the vortex of HIH Insurance, which is now in a state of collapse. That collapse will also impact on the ACT because HIH Insurance covers us or does not cover us for the impacts of the hospital implosion; there is going to be a legal argument about whether it covers us.

These little blunders all seem to link together and they all paint a map of incompetence about this government. These sorts of events merely strengthen the argument that the time is well and truly past for this government. The Rally of Canberra is setting itself up for this weekend's round. I hope that it will be very successful. It is an event that has many supporters in the ACT. It is one that has been carried out in the ACT for many years and brings good publicity to the ACT. I do not think that it gets the interstate support it deserves. That is merely an issue of my own preference, I suppose. I think that it is pretty good entertainment to follow these sorts of rallies and I think that we could get more out of this one, but it takes good management to get something out of these rallies. The amount of money that goes into the Rally of Canberra pales into insignificance with the amount of money that goes into the V8 car race. I suppose one could also draw comparisons between what goes into the V8 car race and what is put into local motor sport.

While on the subject of motor sport, I was involved recently in a request of the government for funds to do a preliminary assessment of a site which has been found for drag racing in the ACT. We know that it was because of the inaction of this government that drag racing lost its venue in the ACT. If this government had acted in the interests of drag racing and motor sport in the ACT, that venue would still be operating. But the government did not; it acted in the interests of the airport. The government forgot about its obligations to the wider community.

Several million dollars have been lost to a community motoring organisation because of that failure to act. I know that the minister will bowl in here and spout that he has been vindicated by the courts. All the courts said was that he did not do anything illegal. But what the courts did point out in the course of all of the proceedings about the matter was that this government had failed to act in support of drag racing in the ACT. If the government had been listening and had any conscience about the consequences of its inaction over the drag racing site I am sure that, along with the \$100,000 of additional funding to the Rally of Canberra, we would have seen \$40,000, \$50,000 or \$60,000 being appropriated to help the drag racing people find a new site. Incidentally, Mr Speaker, drag racing has been responsible over the years for bringing millions upon millions of tourism dollars into the ACT without any significant—

Mr Humphries: I cannot resist myself, Mr Speaker. We are talking about the second appropriation bill. There is no appropriation there for drag racing. I would ask Mr Berry to try to focus, if he can, on the bill. I know that there is not much to talk about in the bill, but what are we talking about here?

MR SPEAKER: Order! I have had a look at this matter and, unfortunately, standing order 58 (b) states that, on the motion for agreement in principle to appropriate bills for the ordinary annual services of the executive, matters relating to public affairs may be debated. I am afraid that I cannot do much about it.

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Mr Humphries: This bill is not a bill for ordinary annual appropriations; it is only for certain select appropriations.

MR SPEAKER: It says “appropriation bills”, Minister.

Mr Humphries: For the ordinary annual requirements of the executive, the budget bills. This is an appropriation bill for a separate select purpose.

MR BERRY: You are stretching it. Are you telling us that the Rally of Canberra is not going to be an annual event?

Mr Humphries: No, but it is not a general appropriation.

MR BERRY: Mr Speaker, I know that Mr Humphries stings every time there is mention of the lost dragway and of the loss of revenue to the ACT, but it has to be mentioned. It is one of the public affairs—

MR SPEAKER: You will have the opportunity in the debate on the appropriation bill, if you wish.

MR BERRY: This bill is one of those varieties; it is an appropriation bill.

MR SPEAKER: I am told that it is not.

MR BERRY: Mr Speaker, I think it is fair enough to talk about the government’s commitment to motor sport in the wider context, rather than limiting it to this appropriation of \$100,000 and avoiding the broader debate about the government’s commitment to local motor sport. Of course, we have seen that, sadly, that has been deficient. As I was getting to, Mr Speaker, without a government contribution the drag-racing venue out near the airport brought tens of millions of dollars to the ACT. The last measure I saw was around \$2 million per year in tourism money without government support or only very minor government support, nothing like the support that goes to the high-flying areas. I just draw it to the attention of members that in considering support for this bill they should also consider the government’s performance in the past.

Mr Speaker, it is pretty hard not to think about Bruce Stadium when one looks at each page of this document. I looked at a class 1 output on page 23 and saw multicultural affairs as a heading under the quantity. Recently, we were subjected to an extraordinary community debate about multicultural affairs in the ACT. We had the sacking of the director of the multicultural festival by CTEC. It has been claimed that he has not been sacked and is now being paid in accordance with his contract and that sort of stuff, but from any vantage point it is pretty clear that Mr Mico is not in the job that he once had. In my opinion, he is being shown the door because of his criticism of this government over its management of multicultural affairs matters in the ACT.

With each page we have our attention drawn to more areas of incompetence by this government and more reminders that its time is up. Oh, Bruce Stadium is mentioned again on page 53 with reference to the central financing unit. It refers to the BOPL debt which was incurred as part of the stadium redevelopment.

Mr Moore: Mr Quinlan has already spoken on that.

MR BERRY: Mr Quinlan did say that he did not think that there was anything wrong with reminding you quite often about Bruce Stadium. I think that he is right and I think that it will echo right through until October.

Mr Hargreaves: You didn't do that on Impulse, did you?

MR BERRY: That is right; it was an impulsive move. The debt incurred as part of the stadium redevelopment and subsequent operational costs has been wiped, \$5.4 million. The debt of the Kingston Foreshore Development Authority also has been wiped. Gee, that was another good deal!. Mr Humphries will say in his response, if I can guess correctly, that the building of the National Museum on the Acton site created lots of jobs and all that sort of stuff and resulted in massive inputs to the ACT economy. It would not have mattered where the National Museum was constructed, whether it was on the Acton site or anywhere else, as it still would have created lots of jobs and there would have been lots of inputs to the ACT economy. I merely draw attention to the fact that the land swap was a crook deal and the territory did badly out of it.

Not only did we do badly out of the land swap in terms of the costs that we had to bear to clear the Acton site, but also we have now been subjected to the incompetence of this government because of the implosion and the ongoing legal costs, the total for which I do not think anybody would be game to guess. Nobody has any idea where they are headed. That is another one of the vortexes that we are in and cannot get out of. The legal costs are continually climbing. We now have the problem of the insurer against those legal costs challenging its obligation to pay. Who knows what the legal costs will be to test that or whether HIH Insurance will be there to pay anyway?

Each time one turns a page of this document one is reminded of the incompetence of this government. Each time we receive an additional appropriation bill we get a certificate of incompetence. Mr Speaker, this document is no different. Labor will be supporting this bill ever so reluctantly because this year the final test will come for this government and this document will serve as a reminder to the rest of the community why it is necessary to turf out this lot.

MR HARGREAVES (12.13): In my comments on Appropriation Bill (No 2), I will address the Urban Services issues initially, but I will not take very long, Mr Speaker. We are seeing \$3.7 million being put into activities which could have waited until the budget was delivered in the Appropriation Bill which will be before us later. For the life of me, I cannot work out how these items, \$3.7 million worth, can be approved by this Assembly in May and contracted out and paid for by 30 June. I do not think that we have anybody in our public service who can do that, particularly when this government says at page 66 of the document that \$1 million will be specifically allocated to addressing streetlight upgrading issues along major roads and establishing, in consultation with the ACT region of the Australian Federal Police and the local community, Neighbourhood Watch groups. We will have six weeks to get the work done and paid for. That is going to be a great consultation process, is it not? It is a hallmark of the consultation process. That is rather pathetic.

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What we are going to see in real time between now and the end of the year is a whole heap of little white marks popping up on the road; we are going to see line marking. I have to say that, if that came forward in the Appropriation Bill 2001-02, my attitude probably would be a little different, because I do not see the urgency in that appropriation bill. My understanding of the bringing forward of these sorts of pieces of legislation is that it is to provide money where costs have been unavoidable, but I do not see how they are unavoidable if we can wait an extra six weeks. I am also concerned about the extent to which these little white lines are appearing in road marking and I have to ask myself why, Mr Speaker.

It was drawn to my attention that in some of the roundabouts round town the white lines are actually being marked by the melting of plastic onto the road. That is not a problem for four-wheel vehicles as they will not skid too far when they hit the white lines, but it is for motorcycles. I am sure that Mr Rugendyke would know that. Certainly, ex-sergeant Bill Mackie, who would be known to Mr Rugendyke and who used to teach police officers and other people how to ride motorcycles, drew it to my attention that, if you are surrounded by motor cars when you are coming into a rather major roundabout on a wet day and you hit a nice little piece of wet white plastic, you will be taking your life into your own hands, even if you are only doing 10 kilometres an hour round that roundabout. I question that. Mr Speaker, I have made my point about the non-urgent nature of this expenditure. I think that it is just farcical.

I turn my attention to the justice and community safety issue. The sum of \$400,000 or thereabouts is being allocated to pay for an additional Comcare premium. That is in the nature of an urgent payment. It is actually for a significant payout to an officer at the Belconnen Remand Centre which, I am told by officers of the department, was atypical and, because the premiums are determined on our record, we have copped that extra \$400,000 premium. Mr Speaker, a \$400,000 jump in the premium is one significant payout; that is really a significant payout.

Let me put a warning on the record, Mr Speaker. If we look at the budget which will be coming up for debate this afternoon, we will see that the government is providing funds to augment the Belconnen Remand Centre by 15 cells. It is also providing \$349,000 for additional staff there. That \$349,000 is an increase of about \$100,000 on the draft budget figure which was provided to us. When we had the committee hearings on the draft budget process, I asked the officers what the \$250,000 was for and they told me that it was to bring the staffing level up from 45 to 51 for the number of cells which existed at the time.

That meant, therefore, that the \$250,000 equated to roughly six staff. What we are seeing in the appropriation bill for debate this afternoon is an extra \$100,000 being provided. It is not going to provide the funds for 15 staff, Mr Speaker. I am putting the government on notice here. It has a bad track record for compensation at the Belconnen Remand Centre because the staff there are under strength, overstressed and overworked. This government is not providing enough allowance for staffing in its budget to have the correct number of staff to service 66 cells and it is a stand-up start to receive an even bigger compensation claim than one which caused the \$400,000 payout which is contained in Appropriation Bill (No 2). When this government goes to the incredible pain of paying out a significant compensation case, I intend to rise in this place and say, "I told you so. You should have provided more money in Appropriation Bill 2001-02."

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (12.20), in reply: Mr Speaker, I want to make a few remarks in closing the debate on this bill. First of all, I do note the significance of the fact that we have had today a real change in attitude on the part of the Australian Labor Party towards the issue of budgeting. Today, we have had for the first time a commitment by the Labor Party in the Legislative Assembly to support an appropriation bill, which is a very significant development, Mr Speaker. It is not significant enough, I might say, for any members of the Labor Party to be here as I am saying so, but—

Mr Rugendyke: I am listening.

MR HUMPHRIES: Are you taking the title of a member of the Labor Party, Mr Rugendyke?

Mr Rugendyke: No.

MR HUMPHRIES: I am sure that you would not be. It is a very unfortunate title for anyone to have to take. Mr Speaker, in their absence, I will pay them a compliment. I think that they have made a symbolically important step today. The Liberal Party has never opposed an appropriation bill in this place and, as a result, has delivered Labor governments in this place with the capacity to be able to bring forward their budgets in some confidence. Liberal governments in this place have never enjoyed that confidence. I have to say that I welcome the sense of acknowledgment of the circumstances that have led to a change in the Labor Party's approach.

Mr Quinlan made the comment that there was a view put about that it was the job of an opposition to oppose a government's budget, being the most significant step that a government takes in a given year, and so it is. I think that the acknowledgment that this cannot work in an Assembly where there is invariably a minority government is a good one. I thank the opposition for its view about that. I hope that it will extend to the budget to be debated in June, but I will say to the opposition very clearly that, without a clear indication of what the opposition is going to do, we will go to the crossbenchers of this place and negotiate the passage of our budget with them.

Mr Speaker, I will not bring the Assembly and the government to the brink of crisis by putting on the floor of this house a bill which I do not know is going to pass, so I urge members of the Labor Party not to put me in that position. I hope that they will extend the same acknowledgment of the need for stable government with respect to Appropriation Bill 2001-02 as they have provided for this appropriation bill. I am not trying to put the Labor Party in a bad position. I welcome the development that they have announced today and I commend them for the sense that this provides stability and certainty for ACT governments.

Mr Speaker, I will not say much about Appropriation Bill (No 2). There are three things that we try to achieve in the bill. We try to ensure that technical issues are taken care of. Indeed, probably the majority of the bill deals with technical matters. Although the bill, as presented at the moment at least, appropriates \$43 million or so, the real additional call on territory resources is more in the tune of \$16 million. The rest is taken up by technical transfers, such as GST-related matters.

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The second item that the bill deals with is about unforeseen budget pressures and the third is about a category of matters which are considered necessary and worth while to pursue at this time. Obviously, we could have dealt with them using other mechanisms, but I might say at this point that the Assembly has changed its view on several occasions about the approach that we should take to such matters. When we first came to office we said that, for example, when health budgets were under pressure the government should come back and appropriate additional moneys for them. That is what we did in 1995 or 1996. I might say that at the time we got very considerable criticism from the opposition and from Mr Moore, I think, for not using alternative mechanisms to deal with budget pressures. There are, indeed, provisions in the Financial Management Act to deal with such situations. We were criticised for not using those. We were told that we should have gone back and used those.

I might note that when other issues arose subsequently where alternatives to appropriations were used, such as in respect of the Bruce Stadium, we took the Assembly's advice and went to a different course of action. We also got into considerable trouble for that course of action. We are now being told that going back to an appropriation-based approach is also the wrong way to go. Methinks, Mr Speaker, that whatever we do will be unsatisfactory to some in this place and I will not, therefore, attempt to satisfy them. The second appropriation, however, does amount to a courtesy to the Assembly to advise it of the plans that the government has for spending the territory's money and, as such, we will approach it on that basis.

I want to make a few comments about a couple of remarks made in the course of the debate. I have to say that the overwhelming impression I had from this debate is of there being a very piecemeal approach to the issues that were being raised. A number of things were put forward with a scatter gun and were all over the shop; indeed, some were not even relating to the second appropriation. Ms Tucker complained that there was nothing for the Canberra Hospital nurses. The Canberra Hospital nurses have not agreed to anything and they cannot expect to obtain anything. I am reminded of the line from *King Lear*, "Nothing will come of nothing; speak again."

Mr Berry gave us the intriguing concept that the government had somehow planned to do in the injecting room, so put forward the Appropriation Bill last year with the plan of having it knocked off. That was a real doozey, although it did remind me of what Mr Berry said at the time of the VITAB issue, which was that it had been the Liberal Party which had caused the territory's deal with VITAB to collapse by going off and persuading the Victorian government somehow to push the ACT out of the betting pool; therefore, we caused the whole VITAB affair in the first place. Mr Berry is at least being consistent.

Mr Berry: I think that is spot on, actually. I think I got to the bottom of it.

MR HUMPHRIES: Mr Speaker, the conspiracy theories are alive and well, I am pleased to say.

The third point I want to make is about the speech by Mr Hargreaves, who suggested that consultation on line marking on roads would not begin until after this Appropriation Bill was passed and there would not be time, therefore, to do the work before the end of the

year. I would have thought that it would have made sense to begin that consultation before today, not after today, so Mr Hargreaves need not worry about that. I am also advised in respect of his comments about people being injured by plastic line marking that the line marking practices in the ACT conform to Australian standards. He can make those sorts of hysterical claims if he wants to, but the reality is that we comply with the best Australian standards at this time.

This bill is an appropriate way of being able to deal with the territory's needs. We have put those on the table in an up-front and open fashion. It is a mark of this government that we are prepared to put appropriations on the table in this way. I wonder whether we will have second appropriations under a Labor government; in other words, whether we will have the opportunity to debate them in this place. Clearly, members opposite do not like the idea of second appropriations, so we have to assume that under a Labor government we will not see these sorts of debates facilitated in the Assembly; but while we are in power, we will make sure that the community has the chance to comment on these things in the appropriate way.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (12.29): I seek leave to move together the four amendments circulated in my name.

Leave granted.

MR HUMPHRIES: I move the four amendments circulated in my name [*see schedule 1 at page 1507*]. I present a supplementary budget paper and a supplementary explanatory memorandum. Members will recall that when we passed Appropriation Bill 2000-01 (No 3) earlier this year, dealing with some urgent matters, we said that we would come back to this bill and excise from this bill the matters that related to Appropriation Bill (No 3). The amendments will achieve that.

Mr Moore: We also added the boarding house item which was examined by the Estimates Committee.

MR HUMPHRIES: That is right.

Amendments agreed to.

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

Bill, as amended, agreed to.

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Road Transport Legislation Amendment Bill 2000 (No 2)

Debate resumed from 7 September 2000, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

MR HARGREAVES (12.30): I agree with this bill in principle. I have been bullied into doing so by the Chief Minister and the Deputy Chief Minister, by the dark look from Mrs Burke and by a winning smile from Mr Moore.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (12.30), in reply: Mr Speaker, I thank the house for that support. There will be some amendments when we get to the detail stage that will ensure the continuation of the speed cameras in a legitimate way.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (12.31): Mr Speaker, I seek leave to move together the 35 amendments circulated in my name.

Leave granted.

MR SMYTH: I move the 35 amendments circulated in my name [*see schedule 2 at page 1508*].

MR HARGREAVES (12.32): Mr Speaker, we support these amendments. Most of them are machinery amendments, as Mr Smyth has indicated. They allow for legislative support for the technicalities of the speed cameras. Whether we like them or not, they are here and we need to make sure that they do have legislative support.

The withdrawal of the public passenger component has implications for the future of ACTION buses. We will talk about that at some other stage. I was pleased to see the government pull it out and treat it separately, because we can now regard them as separate issues.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.33 to 2.30 pm

Questions without notice Impulse Airlines

MR STANHOPE: My question is to the minister for business development. According to minutes of its meeting of 14 March 2000, when the ACT government's business incentive scheme panel considered the application for assistance from Impulse Airlines, it was told the Victorian government was actively engaged in trying to attract the airline to that state. I quote from the minutes:

The Panel was informed that the Victorian Government was prepared to provide \$10 million in a cash grant and tax concessions for the operation to be based in Victoria.

This information was also passed directly to the then Chief Minister in a minute from her department dated 10 March 2000. The Chief Minister was told:

Impulse has an offer on the table from Victoria.

I understand that that minute went on to reveal that the offer on the table constituted \$10 million in incentives. Can the minister say whether the government, or any of its officers, ever in fact saw the formal offer? Has the government had any contact with its Victorian counterpart over the supposed Victorian offer? Would the minister be surprised to learn that in fact the Victorian government made no offer at all to Impulse, as indicated in a letter from the premier of Victoria, Steve Bracks, which I seek leave to table, for the information of members. It is about negotiations with Impulse Airlines.

Leave granted.

MR STANHOPE: I present the following paper:

Impulse Airlines—Copy of letter from Steve Bracks MP, Premier to Mr J Stanhope, Leader of the Opposition, dated 8 June 2000.

MR SMYTH: I was not the minister at that time. I will have to seek advice—

Opposition members interjecting—

MR SMYTH: The point of questions with notice is to ask questions. If you ask a question about a meeting that occurred when I was not the minister, a meeting that I did not attend, how can I answer? I cannot possibly answer. I was not there. Mr Stanhope is allowed questions, and he has asked me for some information. I will now go and seek that information for him. Some members very kindly give us notice of questions that we can have no idea about.

Mr Corbell: It is called questions without notice.

MR SMYTH: Mr Corbell interjects that it is questions without notice. That is true. He is very astute. I am being asked about something that I cannot possibly have any knowledge of, firstly, because I was not the minister and, secondly, because I did not attend that meeting. I am happy to take the question on notice.

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MR STANHOPE: My supplementary question is: given that the ACTBIS panel's recommendation to approve the Impulse application was subject to a legally binding contract to protect the territory's interests, will the minister reverse the decision previously taken not to provide members with a copy of the contract between the government and the airline and now release that contract for the information of members and the community?

MR SPEAKER: I am not sure that that is a fair question. If the minister does not know what the original arrangement was, you cannot ask him to unequivocally make a statement, I would think. It is hypothetical.

MR SMYTH: Mr Speaker, I will look at the letter Mr Stanhope has tabled. I will seek the information for him. Based on information, not on supposition, I will come back and answer his question.

Mr Stanhope: I beg your indulgence, Mr Speaker. I am not quite sure whether or not the minister undertook to answer the supplementary question, having regard to what I think was a ruling from you. Could you clarify that for me, please? Is the minister undertaking to answer the supplementary question I asked?

MR SMYTH: I will take both the question and the supplementary question on notice. Quite clearly, I was not the minister at the time. I did not attend the ACTBIS meetings. I will gather that information for the Leader of the Opposition and I will get back to him.

Budget operating results

MRS BURKE: My question is to the Treasurer, Mr Humphries. I refer to a media release put out by Mr Quinlan this morning claiming that Grants Commission figures show that the ACT budget incurred a \$138 million deficit in 1995-96 which blew out to \$258 million in 1998-99 and has fallen to a \$32 million deficit. I recall that Mr Quinlan offered to resign if the government could produce independent verification of an operating loss in 1995-96 of \$344 million. Can the Treasurer advise the Assembly what the government's operating results have been since 1995-96?

Mr Stanhope: That is Ted's question.

MR HUMPHRIES: I have saved him a question at question time. In the last hour or so, I have seen this quite extraordinary press release from Mr Quinlan. "ACT Economy Improvement—the true story!" it says in a big box. It publishes a table which comes from the Commonwealth Grants Commission, showing what is supposed to be a standardised result for the ACT for each of six years, beginning with a deficit of \$138 million for 1995-96, going up to a deficit of \$32 million for 2000-01, the present financial year.

Let me say a few things about this. This press release and the use of those figures demonstrate, I believe, the desperation that is now creeping into the opposition's response to the budget. The operating loss for 1995-96 was, as I have said, \$344 million. It improved to \$171 million by 1996-97 and to \$129 million by 1997-98. It deteriorated to \$162 million in 1998-99, and then a strong economic performance led to an

\$81 million surplus in 1999-2000. All of those results were produced originally by either the Office of Financial Management, as it was then called, or the Treasury, as it then became. They were then independently audited and confirmed by the Auditor-General.

Mr Quinlan has produced these figures from the Grants Commission. The figures that he has produced first of all, particularly for the year 1995-96, are figures produced on a cash accounting basis. He talks at the bottom about misleading claims and the true story. When you read the fine print in that document, Mr Quinlan, the years we are talking about there are cash accounting years. We have moved off cash accounting to accrual accounting. Haven't you noticed that? That process was one that you people over there welcomed. You welcomed the move to accrual accounting.

Mr Stanhope: Tell us about 1996-97.

MR HUMPHRIES: Indeed, 1995-96 was the first accrual accounting budget produced, or backcast budget produced, in the ACT.

Mr Quinlan: It is their assessment of you in 2001.

MR HUMPHRIES: Just listen for a moment. Those figures are still cash figures. They are cash accounting figures.

Mr Stanhope: The 1996-97 ones?

MR HUMPHRIES: Yes. The 1995-96 and the 1996-97 figures are in cash accounting terms. They do not in any way repudiate the claim that the ACT had a \$344 million loss in accrual terms, which is what we have been talking about now on a comparative basis for some time, in 1995-96. Not for one moment. Mr Speaker, this is "Working Capital" all over again. "Working Capital" and the mistakes and the stuff-ups from that period are being revisited on us all.

The figures quoted in Mr Quinlan's press release, it needs to be remembered—

Mr Quinlan: There are no extraordinary items in here.

MR HUMPHRIES: Mr Speaker, I ask for—

MR SPEAKER: Order!

MR HUMPHRIES: Thank you. The figures that Mr Quinlan is quoting are not full government figures. The Grants Commission admits that in its report. Those are the figures only for standardised parts of state and territory budgets. For example, those figures do not include assessments of our municipal budget in the ACT. In case you have not noticed, we have a Department of Urban Services which basically delivers municipal-type services in this community. You are relying on a set of figures which do not include a huge chunk of the ACT budget relating to the Department of Urban Services.

Mr Quinlan: Is that what you say is \$170 million in a year?

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

MR HUMPHRIES: What kind of result would that be, Mr Speaker, to rely upon? They do not take into account the \$102.4 million or thereabouts, for example, that the ACT raises in rates each year. You talk about a deficit now.

Mr Quinlan: So you put rates up by \$170 million.

MR HUMPHRIES: Do you think the deficit might look different if you added the rates revenue to that figure? Is that conceivable, Mr Quinlan? I think it might be. Mr Quinlan also asserts in this press release that the ACT in the present financial year is incurring a \$32 million deficit. Quite apart from the obvious ludicrousness of the fact that the Auditor-General of the territory has repeatedly affirmed the figures that the government has put on the table for succeeding years since 1995-96, and that we have published reports to demonstrate that, I have to ask the question: why—

Mr Quinlan: \$170 million in one year.

MR SPEAKER: Order! Mr Quinlan, would you like to be here to listen to the Opposition Leader's response to the budget or would you not?

Mr Smyth: Probably not.

MR HUMPHRIES: Probably not, actually. Yes, if the truth be known. If he thought that the territory was experiencing a \$32 million deficit in this financial year, why did not Mr Quinlan say so when his committee reported on the supplementary appropriation which we discussed earlier this morning? Why did he not mention at that stage that he thought we were actually experiencing a deficit of \$32 million? Mr Speaker, I think Mr Quinlan knows that this is a stupid piece of evidence to cite in support of his claims. He has been badly caught out. All I can do, Mr Speaker, is quote the final words of Mr Quinlan's own press release:

Personally, I am tired of misleading claims!

MR SPEAKER: Mr Quinlan, before you ask your question, I would like to acknowledge the presence in the gallery of members of the University of the Third Age. Welcome to your Assembly.

ACT assets

MR QUINLAN: My question is to the Treasurer. This morning, Treasurer, in attempting to deny that you were running down the cash surpluses of the territory to a point where there is a grave risk of us declining into deficit, you stated that it is okay, our investments are increasing, and if in a pinch we will cash in some of those investments and everything will be okay. Can you advise this place that during the course of the rest of this year before the election you, as the incumbent, will be quite comfortable with any other party or candidate for election in October promising further initiatives beyond those that are in this budget, to be funded out of the liquidation of investments? You have confirmed what you said in a press release that came out today where you said, "Look, we have total cash and investments running up to \$1.9 billion." I think that was

the figure you used this morning. Less the superannuation liability, which is less than \$1.5 billion, you have nearly a spare \$500 million.

Are you aware that the balance sheet for 30 June 2005 in your own budget says that employee entitlements exceed \$2.2 billion? Given that the single item, employee entitlements, in the balance sheet for 2005 is in excess of \$2.2 billion, and your own press release says our total cash investment is \$1.9 billion, will you still be happy to see other candidates or other parties during the election campaign making further commitments because they can liquidate the investment assets held?

MR HUMPHRIES: Mr Speaker, no, of course I would not be, because it would be irresponsible to run down the territory's assets in that way. The point I am making, Mr Speaker, is that the territory does not have a problem with its cash position. If it did have a problem with its cash position, which it will not, under this government at least, it will not need to dip into that kind of reserve in order to be able to fund its requirements. If the territory was faced with a cash crisis, not a recurrent crisis but a cash crisis, obviously you would liquidate a readily liquidatable asset such as a short term investment in order to be able to produce the cash you need to carry on. It does not detract from the requirement to have a recurrent position which is sustainable into the future.

This is the very problem you have with "Working Capital". You were funding recurrent promises—Mr Berry is sitting on the backbench over there—from your cash position. Mr Speaker, we know what that produces. It produces an unsustainable basis for operating. We know that Mr Quinlan is interested in the cash position because we know what happened the last time Labor was in office with a cash position. I have a table here showing what the ACT's cash balances were over the period between July 1990 and June 1995. Look how those figures go down, down, down, down, down, down to virtually nothing at the time of the election. The territory's cash reserves were virtually gone.

Mr Quinlan might well like to fund his promises from cash reserves, but once you have spent the cash it is gone. No rational budgeter will use their case to fund recurrent programs. Cash is fine to fund things like capital works. Yes, it is a one-off cost. You meet that cost. There is no recurrent cost except for the underlying cost of maintaining the asset, which hopefully you build into your recurrent base. But if Mr Quinlan is talking about funding programs from cash, then he has made a very serious mistake. I look forward to his party promising that for this election, because that will produce another "Working Capital" fiasco which my party will be very happy to point out to the ACT electorate.

MR SPEAKER: Mr Quinlan, do you have a supplementary?

MR QUINLAN: I see. So it is okay for the government, okay for you this morning but not okay for anybody else. It sounds fair. Mr Speaker, I ask a supplementary question.

MR SPEAKER: We could do without the preamble. Please ask your supplementary.

MR QUINLAN: It is a supplementary in a way, Mr Speaker, in as much as Mr Humphries—

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MR SPEAKER: It either is or it is not, Mr Quinlan.

MR QUINLAN: He did not answer my first question in full. In a press release released today he said that our cash and investments will be worth \$1.94 billion by 2005. His own budget says that our employee entitlements will sum to in excess of \$2.2 billion at the same date. How can there be flexibility in the investment? Are you going to be spending people's long service leave and annual leave to get you through these cash crises which you have set yourself up for?

MR HUMPHRIES: Mr Speaker, yes the territory will have employee entitlements accruing of a certain amount—I will not adopt the exact figure Mr Quinlan has put before I check the figure in the budget. But, yes, there may well be employee entitlements of that sort, particularly with respect to superannuation. We do not expect our employees to retire all at once in 2005 or 2004-05. That is a long-term liability for which this government has been building up our superannuation account to cover in the future.

Mr Speaker, we have, as you know, a plan in this budget to produce \$50 million a year into our superannuation account for the next 20 years, by the end of which time we will have substantially catered for the ongoing emerging need of the territory with respect to superannuation payments into the foreseeable future without further budget supplementation. That is the provision we are making in this budget.

As far as other entitlements are concerned, Mr Quinlan said to some of the television media that the government's figures do not take into account things like holiday pay, long service leave and so on. Mr Speaker, you do not make provision in accounts of this kind for those things. You ask the agencies concerned with the payrolls to fund those things and that has always been the case in the ACT, including the time when those opposite were in office.

Mr Quinlan: \$2.2 billion—it is in here.

MR HUMPHRIES: You do not put holiday pay into these accounts, Mr Quinlan. And your party did not do so when you were in government in this place. The provisions made there for employee entitlements were essentially superannuation entitlements.

Mr Quinlan: It is \$2.2 billion.

MR HUMPHRIES: Yes, we do not have those covered at the moment. That is why we are putting in \$154 million this financial year to cover those things, which is about \$130 million more than you ever put into the superannuation account. And \$50 million a year for the next 20 years will further support and sustain that position.

Mr Speaker, the accountant of the year has made these sorts of basic fundamental mistakes. Perhaps it is the shape of things to come.

AFL matches at Manuka Oval

MR OSBORNE: Mr Speaker, I am more confused than ever after listening to what has been said over the last 15 minutes. My question is to the Chief Minister. Chief Minister, the budget that was released on Tuesday places some emphasis on sports-based tourism and in particular attracting at least six Australian Football League matches to Manuka Oval next year.

This year there are four matches planned to take place in Canberra. The next of these, and the first of the regular season, is between North Melbourne and St Kilda on 19 May, just over two weeks away. Negotiations for this match between the AFL, the North Melbourne Football Club and the ACT government began at the beginning of September last year. With the match just 16 days away and with thousands of tickets for the match already sold, can you inform us if the contract for this match has been signed by all parties.

MR HUMPHRIES: Mr Speaker, I—

Mr Osborne: I have got the answer, Mr Speaker, if he wants it.

MR HUMPHRIES: Can he provide it, Mr Speaker, because I do not have the answer? I will take the question on notice. Mr Osborne wants to tell us what the answer is.

MR SPEAKER: Mr Osborne, do you have a supplementary?

MR OSBORNE: Thank you Mr Speaker. The answer is no, and this concerns me.

Mr Wood: You are not very good on contracts over there.

MR SPEAKER: Order! The member is asking a supplementary.

MR OSBORNE: I would encourage the government to look into this because we are 16 days away and I would hate to think that the match would fall over.

MR SPEAKER: Resume your seat, Mr Osborne.

MR OSBORNE: I am going into my supplementary, Mr Speaker.

MR SPEAKER: You are not allowed to give a preamble. In fairness to other members, we are finishing question time at 3 o'clock. Speed it up.

MR OSBORNE: Thank you. I will read to the Chief Minister a small piece from a two-page letter of Tuesday of this week from the Kangaroos to the ACT government. It says that there are a number of significant issues that require resolution before the AFL and the Kangaroos can sign off and there are 19 issues that need to be resolved within two weeks.

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You may need to take this on notice as well, but is part of the problem that the AFL and the Kangaroos are in fact being forced to negotiate with the ACT Cricket Association, which effectively controls the use of Manuka Oval, rather than with the ACT government or even CTEC?

MR HUMPHRIES: Mr Speaker, I am concerned that there could be some problem or issue which might affect the match scheduled for 19 May. I have not been informed of any problem of the kind that Mr Osborne has raised, although the letter he has referred to obviously suggests that there might be a problem. I would be very happy to examine that issue as quickly as possible and make sure that if there is a problem it is fixed as quickly as possible so that the game on 19 May can go ahead.

Research and development grants scheme

MS TUCKER: Chief Minister, a year ago, in the 2000-01 budget, your predecessor announced the establishment of a research and development grants scheme, with \$11 million to be spent over three years, to assist local businesses and institutions in the early stages of product development to advance to the commercialisation stage. In fact, Mrs Carnell, in her media release about this new scheme, said that, due to overwhelming demand, the \$2 million proposed in the then draft budget was increased to \$4 million. She also said that she was confident that this boost to local R&D funding would enhance the ACT's reputation as a clever capital and a suitable location for establishing knowledge-based industries.

However, in the latest budget we find that only \$2 million of the first year funding of \$4 million was actually spent in 2000-01 because of the low level of applications. The remaining \$2 million has been rolled over to 2001-02 and the rest of the \$11 million has just disappeared from the forward estimates. I note that there is no mention of this R&D scheme in this government's initiatives for the budget, even though the government has included innovation as one of its key themes for the budget. Could you explain why this R&D scheme has failed and has been abandoned by the government?

MR HUMPHRIES: It has not failed and it has not been abandoned by the government. The government has allocated a budget, as Ms Tucker mentioned, of \$4 million for this financial year to the research and development fund. At the end of March 2001 the panel which oversees the distribution of moneys from this fund had approved approximately \$3.4 million in grant applications since the program was introduced in the previous July. I think \$3.4 million out of \$4 million by March is a fairly good achievement.

MS TUCKER: I have a supplementary question, Mr Speaker. That was not an answer. Chief Minister, does the fact that you have had to reduce the amount of money to such a degree show that there has been, basically, a media-spin exercise rather than a fully thought out industry development policy that has supported your original estimate of expenditure of \$11 million?

MR HUMPHRIES: I do not know what I have to say to satisfy Ms Tucker. We said that we would spend \$4 million. We have approved the expenditure of \$3.4 million out of a \$4 million budget by the end of March. In fact, if Ms Tucker said to me, "You have spent too much of the budget. You have not allowed enough for the last quarter of the

year. You should have spent only \$3 million by this stage of the year,” she would have a more legitimate concern. I do not understand what is the problem.

We have a program designed to fund important projects. In fact, we have funded some very important projects and the money is being spent. The projects include a grant to the Centre for Sustainable Energy Systems—I thought you would be interested in that, Ms Tucker; it is for a pretty good sort of program—for optimisation of thermochemical energy storage for application as 24-hour solar power technology, to Environmental Research and Information Consortium Pty Ltd for the development of techniques in the analysis of biophysical data for the Canberra district wine industry, to NR Pty Ltd for international testing of a leading edge ground sensor system, and so on and so forth. On the face of it, they seem to me to be pretty good investments and they are spending the money that we said we were going to spend.

Alcohol and Drug Service counselling

MR RUGENDYKE: My question is to the health minister and relates to the Alcohol and Drug Service’s streamlined one-number contact—62054545. Of the people who contact that number for the purposes of receiving counselling and are given an appointment at some time in the future, what percentage actually turn up for their counselling sessions?

MR MOORE: I will have to take that question on notice, Mr Rugendyke, as I do not know the exact numbers. I do know that quite a number of the people who make an appointment do not turn up for a session. That is what we would expect, because there are people who approach that line when they are still somewhat intoxicated and think that they want to get off something and then the situation changes for them. I will take the specifics on notice.

MR RUGENDYKE: As a supplementary question, I ask: minister, could you also provide a comparison as to the number of people who have failed to show up for counselling since the implementation of the one number contact and the number of “no shows” for the same period prior to its implementation?

MR MOORE: I am happy to provide that, Mr Rugendyke, but I have to caution you as to the appropriate way to analyse what is provided for you. The change to a single number means that more people are likely to phone a single number as a first approach, so we have to be very careful with our comparisons.

It being 3.00 pm, questions were interrupted pursuant to order of the Assembly.

Appropriation Bill 2001-2002

Debate resumed from 1 May 2001, on motion by **Mr Humphries:**

That this bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (3.00): Mr Speaker, on 5 February 1995, the Canberra Liberals’ then leader, Mrs Carnell, got to her feet in the Canberra Raiders League Club in Mawson to deliver her party’s campaign launch for the looming election.

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It was, of course, the election that was to see her return as Chief Minister for a term and a half until the gloss wore off and the can-do culture caught up.

The 1995 election, said Mrs Carnell, was an election that would be fought on issues, not personalities. The Canberra Liberals would not play a game in which there was no strategy, no vision and no direction. The Canberra Liberals would not promise what they could not deliver, she said. She promptly promised to give Canberra 1,000 public hospital beds by the end of the decade, to cut elective surgery waiting lists by 900 patients to 3,600 in her first term, to establish a long-stay convalescent unit at Bruce and, of course, to provide free school bus travel. And they would not promise what they could not deliver!

Mr Speaker, in January 2001, there were just over 600 public hospital beds in Canberra. The elective surgery waiting list stood at nearly 3,900, just under 4,000, not counting an unknown excess of Canberra Hospital patients passed to Calvary, and the government has finally decided to look at the convalescent issue and an all-zone school bus ticket for one term costing \$99.

The Canberra Liberals delivered none of these key promises of 1995. The first two have just dropped off, but on Tuesday, the spectre of the former Chief Minister hanging large over him, the Chief Minister and Treasurer resurrected the school bus travel promise.

Mr Speaker, I dwell on the promises of the Canberra Liberals in 1995 to make two points. The first is: what is the difference between an election campaign promise and a budget commitment in an election year? Can the people of Canberra have any confidence that the commitments made in yesterday's budget will be honoured by the same mob that said they would not promise what they could not deliver? Remember, the promises of 1995 were made without qualification. There were none of the excuses we heard yesterday from Mr Humphries when he was questioned about the failure to deliver on the school bus promise until a month out from this year's election. There was nothing about having to get the economic conditions right. There was nothing about it possibly taking six years. What we were told was: "We will not promise what we cannot deliver." Will Mr Humphries be able to deliver on Tuesday's commitments?

Mr Speaker, this budget is predicated on growth forecasts that even the Chief Minister and Treasurer concedes are optimistic. The budget proposes a final growth in gross state product in 2000-01 of 4.25 per cent, written down from the previous 4.9 per cent in recognition of the downturn in Australian economic conditions.

It forecasts growth in 2001-02 of 4.6 per cent and an average of 4.4 per cent in the outyears. Yet in its most recent five-year business outlook, released three weeks ago, Access Economics forecast a growth rate of only 1.3 per cent for the ACT for 2000-01 and 2.7 per cent in 2001-02. So in 2001-02 Access Economics predicts a growth of less than 60 per cent of that forecast by the government. This is in an environment in which the national GDP growth in the December quarter was negative and the International Monetary Fund is forecasting that GDP growth will be only 1.9 per cent this year.

Even the Treasurer admitted at yesterday's Business Council budget breakfast that his growth forecasts were on the optimistic side and that, if push came to shove and the figures looked like they would slide, some spending might have to be shelved. What

does that do to the commitments in Tuesday's budget? What does that do to the confidence Canberrans can have that the free bus travel promised by the Liberals will in fact be delivered this time round?

The Treasurer has made much of the government's record of economic management. In response to doubts cast over his growth forecast in the past couple of days, he has boasted about the reliability of government predictions. The government was closer to correct than Access Economics in the boom year of 1999-2000, Mr Humphries said. He has basked in the glory of successive surpluses and used that achievement to boost his government's capacity to manage responsibly.

But Mr Humphries continually refuses to acknowledge the basis of the government's achievements. It is true that the ACT economy has outperformed other jurisdictions in the last couple of years. As Professor Tim Brailsford from the ANU told yesterday's Business Council breakfast, the ACT economy has been an overperformer. But what Mr Humphries and his leader before him have not acknowledged is that the good times have flowed from a series of one-off circumstances: expenditure on the Y2K bug, GST compliance, IT outsourcing, a surge in stamp duty from building sales and the most recent major construction, the National Museum.

Perversely, it results from the hard times delivered to Canberra by John Howard. A significant component of the extra Commonwealth funding recommended by the Grants Commission reflected the territory's reduced revenue-raising capacity following the Howard assault on Canberra. This growth, based on one-off circumstances, cannot be sustained.

But Mr Humphries appears to have put the blinkers on. How firmly are they fastened? Will Mr Humphries' blinkers prevent him from heeding the warning signs in the commentaries from the experts about anticipated growth rates? Will they prevent him from reading today's news—building work in the ACT fell a staggering 26.4 per cent in the December quarter, according to the Australian Bureau of Statistics? It is a result the Master Builders Association describes today as terrible. How does Mr Humphries describe it, and how does he translate the impact of such news to his budget bottom line?

Mr Speaker, I said earlier that there was a second point to be drawn from the Canberra Liberals' 1995 campaign launch. This is it: how blatant does an election promise have to be—whether it is made in a campaign launch or as a commitment in an election year budget—before the electorate recognises it for what it is?

The Chief Minister was at some pains on budget day to rebut suggestions that his budget was a mere vote-buying exercise. He denied it, point blank, to the *Canberra Times*. He denied it on television. He denied it on radio. His minders told journalists they should not write it that way. I think it was Hamlet who thought the "lady doth protest too much", and I think the Chief Minister does too.

Mr Speaker, I smell, everybody here smells and I think the Canberra people smell porkies. The Chief Minister left the lid off the barrel. This budget must rate as a classic in terms of electioneering. Whatever the Chief Minister might say, this is a classic of the genre. This is a textbook example.

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Even the *Canberra Times* editorial conceded “there was a certain amount” of vote-buying in the budget. From the *Canberra Times*, that is criticism indeed. And Geoff Pryor got it right on the mark in his editorial page cartoon. It is simply ludicrous for the Chief Minister to deny the fact. The scattergun approach to funding—as the *Times* said in its page 1 headline “Something for everyone”—is evidence enough of the essential nature of this election year budget. But the very initiative that raises the point is the most telling example.

Mr Speaker, with all-zone school bus tickets costing \$99 a term, the decision to introduce free travel will be welcomed by parents. But the community is right to question the merit of the initiative. There is no question that the government needs to put more into education. The Productivity Commission has shown that quite clearly. Where once the ACT led the nation in what it put into education, it now lags.

Over the last decade, our expenditure on education grew less than anywhere else in Australia. As the Productivity Commission shows, between 1994-95 and 1998-99 expenditure growth on education in the ACT was 1.3 per cent a year. The Australian average was 4.3 per cent a year.

The states are catching up. Indeed, some, if not most, have passed us. We have lost our pre-eminent position. As a community, we are entitled to ask: if things are as good as the Liberals keep telling us they are, why has this happened? Why did they abandon our pre-eminent position in education? That point has been put long and hard by all the interest groups—the teachers, the various parents and community groups, and parents, whether drawn from the public or private systems. The government has failed to live up to its 1995 commitment to maintain education funding in real terms. It has failed to keep pace, and in doing so has failed parents and students and the Canberra community.

Labor has long seen the government’s failures, and we have listened with interest to the arguments in favour of increased educational resources. The future of the ACT, particularly in the further development of important high-tech industry support, relies on a quality output from the education sector. We have an advantage in our highly qualified work force. We will maintain it only if we maintain a high-quality education system. Indeed, it is our major and enduring advantage relative to the other states and territories in Australia.

Labor understands that education is more than bricks and mortar. Learning is the very fabric of what makes up our community. Education is the very basis of modern society and of economic growth. As I announced recently, Labor’s commitment is to reinstate education quality and spending as our main focus. We will not waste our children’s futures.

Labor will support the class size initiative announced by the Chief Minister in response to sustained community pressure and funded in the budget. We support budget provisions for early intervention programs at schools—though, at an additional \$200,000 a year, not much was put in, and there are continuing staff cuts in colleges. But we question, as do the teachers, whether the government has got its priorities right in putting more money into getting kids to the school gates rather than into education programs that will redress the territory’s slide from pre-eminence.

In this budget, perhaps more than any other in the history of self-government, the government had the opportunity to do something special, to do something that would create a new benchmark, particularly in public education. Instead, it chose to put four times as much towards getting children to school as it does to educating them. Why? Because in its desperation at the mess it has made of things it thinks it can buy votes.

Mr Speaker, the government says it wants to be tough on crime and smart about crime. It wants to tackle the causes of crime, and that means tackling the drug problem. Patently obvious perhaps but commendable, and not before time. Canberra under this government, as we all know, has become the burglary and car theft capital of Australia. So much of that property crime has a direct relationship to drugs. So how does Mr Humphries propose to deal with this issue in the budget? There are more police, 10, to establish a patrol in Gungahlin. Commendable, but where does it place us against the national averages? Still way behind.

As the Productivity Commission showed in its latest report on government services, the territory has lagged behind the other states for years in regard to the number of police we have on hand per head of population. In 1993-94, when Labor was in office, we had 223 police officers per 100,000 population. The national average was 218. The Liberals took office in 1995. In 1996-97 we had fallen behind the national average: 208 per 100,000, compared to 217 nationally. By the most recent year reviewed, the situation had deteriorated further: 202 per 100,000, compared to the national average of 211. The government is just playing catch-up. While it has been playing catch-up, Canberra has become the burglary and car theft capital of Australia.

There is a package of around \$2.5 million to combat the drug problem. Commendable of course, but look closer. Almost \$2 million of that goes to provide a four-bed residential withdrawal service in conjunction with the Ted Noffs Foundation youth facility. This has been a glaring gap in service provision in Canberra for years, and it is most pleasing to see some action. But it does not leave much else to go around other essential programs. And this from a government that says it wants to get smart about crime.

I have already outlined previously Labor's broad approach to community safety. It is an approach that is much more comprehensive than any indication in this budget.

There are two major initiatives to support business in this budget—the capital works program and the payroll tax threshold. At first blush, both appear worthy. But, as Professor Brailsford pointed out yesterday, both are open to question. Canberrans, including the business sector, should not take them at face value.

The capital works program is the largest in the history of self-government. But there are no major works included, and last year capital expenditure in the ACT was the second lowest in Australian on a percentage basis. Most of the capital works expenditure is on roadworks and other essential community infrastructure, like schools, that the government has allowed to run down.

The fact that more than 40 per cent of the four-year allocation is to be spent in the first 12 months, drying up in the outyears, leaves a legacy for future budgets and future governments. While the quantum of capital works expenditure might be a hedge against

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a receding economy, there is no indication of any strategic approach to the issue in this budget.

The government's decision to lift the payroll tax threshold puts the ACT in a pre-eminent position nationally. The ACT tax-free threshold, at \$1.5 million from July 2000, will be Australia's highest. But is lifting the threshold the most efficient way to address the issue? Lifting the threshold narrows the taxation base, whereas cutting the rate would broaden the base and advantage more small businesses. Business taxation in the ACT is already among the nation's highest, as the Commonwealth Grants Commission attests. Yet there is no sign in this budget that the Liberal government is prepared to address the issue.

Professor Brailsford yesterday sounded the alarm. In terms of support for business, this budget, he said, is one of lost opportunity. Those are the words of the dean of the faculty of economics at the ANU. The budget represents a lost opportunity for the business and community sector. Economic circumstances presented the government with an opportunity to do more, to stimulate business development and to attract new business, but it has not done that.

There is no indication of an industrial development strategy, nothing more than this government's tired dependence on its business incentives scheme, the scheme that brought us the Impulse Airlines deal to achieve milestones that now look considerably distant.

Similarly, the government missed another business opportunity in this budget in regard to the tourism sector. Sure, there is money—money for CTEC, money for the Convention Bureau and money for destination marketing. But there is no money for what the industry has been calling for, no money for industry's primary objective—implementation of a tourism master plan. The government instead maintains its fixation with events, in the sure certainty that there are more photo opportunities in car races than there are in strategic plans. Again, the government is more concerned with the short term, not the strategic vision. That is just too hard for this government.

Mr Speaker, in many ways this budget can be characterised as a catch-up budget. The capital works program catches up on infrastructure maintenance left neglected. Community safety initiatives try to catch up on falling comparisons with national averages. Education initiatives are too little, too late. As they are formulated in this budget, they will not allow the territory to regain its pre-eminent position nationally. Even the centrepiece—the free school buses—has a capital component to catch up on the bus replacement program the government has let run down.

Mr Speaker, it has to be said: the budget in many respects plays catch-up with Labor. There is, for instance, funding for e-commerce export action plans, a need identified by Labor and articulated months ago. I have already committed Labor to funding extra police and to restoring education quality and funding, although Labor's priorities may have been different.

Just over a week ago my colleague Bill Wood delivered a paper addressing service delivery to attack poverty and disadvantage. In this respect, yesterday's budget was in many respects a case of *deja vu*. Labor committed to an audit to identify the extent of

unmet need. I see this in the budget. Labor will develop a social plan. The Liberals will appoint, I see from the budget, a community planning adviser.

Under Labor, ACT Housing will provide support and guidance to tenants it knows are in difficulty. I see again that that is in the budget papers. Labor has committed to funding youth-link programs, like that run by the St Vincent de Paul. This is in the budget.

A week and a half ago Bill Wood said Labor would give greater physical support to people with mental health problems. A schizophrenia rehabilitation program is funded in the budget.

Labor has long campaigned for additional funds for the public dental program, to replace funds provided by a federal Labor government but abolished by the Liberals and allowed to languish by the Canberra Liberals as well. We committed recently to providing significant additional funds to the program, and the budget has specific provision to reduce dental waiting lists.

Mr Speaker, it is self-evident that something has to be done about the provision of disability services in the territory. Labor committed to the provision of additional resources in disability services but, more importantly, to responding to the forthcoming reports of the coroner and the Gallop inquiry (an inquiry fiercely resisted by the Moore/Humphries government) after true consultation with those affected—the providers, purchasers, users and families. The budget provides for additional disability services and for a disability service improvement scheme. Labor's concern is to ensure these initiatives are not the sole response of the government to the pending inquiry reports.

These are examples of the government following Labor in dealing with poverty and disadvantage. They are welcome signs that the government is at least making some effort to deal with the untenable situation uncovered by the poverty inquiry. In this most affluent of Australian cities, too many people are doing it tough.

One in 12 Canberrans lives below the poverty line. In a community that prides itself on its sense of civic responsibility, that is simply disgraceful. Think of it. Up to 30,000 Canberrans are living in households with a weekly income of between \$250 and \$300. Just imagine it. Just think about that. And this government had the temerity to argue to the Industrial Relations Commission that the only fair wage increase for low-income earners was the bare minimum.

This government did not even have the integrity to argue a figure. Even its federal partners did that. John Howard and his colleagues thought it would be appropriate to raise the minimum wage from \$400 to \$410. But at least it made a submission. At least it was prepared to give some indication of how much it thought Australians should be asked to live on. The Howard government thought \$410. The Humphries government did not even have the integrity to argue a figure. They just suggested, "Give them as little as you can." And that is what they got. As the TLC secretary, Jeremy Pyner, said today, the outcome was "miserable".

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The government had an opportunity in this budgetary context, as in no other, to do something significant, to mark a sea change. As ACTCOSS points out in its response to the budget, there was an opportunity in this budget to come to grips with poverty and disadvantage. In this budget cycle, like none before it, the government had the wherewithal to fund a meaningful and effective approach to poverty. It had the wherewithal, but it did not have the commitment and it did not have the vision. It had the chance to resurrect an aspiration held by many Canberrans, a vision of Canberra as a caring, supportive community. The government has given lip-service to the aspiration over the years but has not been prepared to put the words into action. It has chosen instead to bow to its chief priority—re-election—and in so doing has squandered another opportunity.

Mr Speaker, if there is one glaring example of how the government has followed Labor, it is in the centrepiece of the budget's response to the demands on the health portfolio. The government has decided to abolish the hospital cost-efficiency dividend, at a cost of \$21 million over three years. This is a massive admission by the government that for years they have got it wrong. For years they have been blaming Canberra Hospital for its inefficiency compared with institutions in other jurisdictions. The reality, of course, is that the government—as Labor, the nurses and salaried officers have been saying unheard until this budget—has been comparing apples with oranges.

Labor has long understood that it is fundamental to get the basic assumptions correct in formulating budgets, whether they are hospital budgets or territory budgets. On this point, I understand that the minister has released a report just today, within the last hour or two. I am pleased to have the report and even more pleased that, I am advised, it vindicates almost absolutely the positions that I have taken on this. I should congratulate the staff at the hospital, the nurses and in particular salaried medical officers, especially Dr Gerard McLaren, on the work that they have done on this issue.

Mr Speaker, planning, environment and sustainability are the big losers in the budget. The government has made much about creating a more sustainable city. That mantra of Mr Smyth has been a key plank of the government's planning and environmental agenda. But there is just about zero in budget initiatives to support this aim. The largest spending item on sustainability is the refit of lighting in Macarthur House to save energy as part of greenhouse commitments. At face value, that is commendable. But what is it in reality except a project to upgrade the offices of the department that proposed the initiative?

As my colleague Simon Corbell drew your attention to yesterday, there is a significant cut to planning administration in this budget—\$600,000 in total across all three branches of PALM. Yet PALM staffing is already at critically low levels. The agency is already unable to cope with its significant workload and the increasing planning tasks coming up over the next three years. The community will be a loser as a result of this continued reduction in funding, through rushed or poorly prepared planning documents. Labor's very real concern is that it will also mean that the government will continue to outsource planning activity, effectively privatising it.

Mr Speaker, in the area of environment the only initiative is the funding for the joint management arrangements for Namadgi with the Ngunnawal people. The total increase for environment is 2 per cent, barely enough to keep pace with inflation. The government has ignored the pressing need for additional resources in nature conservation,

management of parks and reserves, and implementation of endangered ecosystems and species action plans.

In short, sustainability, environmental management and planning have been further undermined. They are key policy areas for the future of Canberra, and this government chooses to ignore them.

Mr Speaker, this government says it has listened to the community. Mr Humphries says his government has heard the outcry over the Floriade fee and responded. The Floriade fee is gone, with great embarrassment to the government. But the fence stays. Either the government is hard of hearing or it hears with only one ear in an election year. It must be hard of hearing, because it has taken so many years to catch the outcry over the fee. And it still does not get the point about the fence. This is not genuine consultation, and Canberrans will understand that. This is just desperation.

Mr Speaker, I spoke earlier about the economic assumptions that underlie this budget—the optimistic growth forecasts that Mr Humphries so vigorously defends against what we regard as the better judgment of the Melbourne Institute, the International Monetary Fund and Access Economics. The fact remains that even the Treasurer concedes they are optimistic. Yet the budget relies on them.

If gross state product is slower than forecast, ACT revenue collections will reduce. It is as simple as that. Mr Humphries says we will achieve 4.6 per cent growth in 2001-02. Access Economics says it will be closer to 2.7 per cent. That is a discrepancy causes some concern. It suggests this budget is on something of a knife edge. But don't worry. Mr Humphries has a fallback plan if the forecasts prove unachievable. He will simply put his expenditure initiative on the backburner, he told the Business Council budget breakfast yesterday. He will simply reallocate.

This is an election year budget. It is a budget on which Mr Humphries asks electors to judge him and his party. He has an obligation to come clean with the electorate before the election on October 20. The Auditor-General dealt with this issue in his report No 1 of 2001. As the Auditor points out, the Financial Management Act requires financial statements certified by the Treasurer and relevant chief executive to be provided to the Auditor by the end of October. The current legislative timetable means that audited financial statements will not be publicly available until December this year. Yet as the Auditor points out:

The quality of a Government's economic management is a regular issue assessed in Australian elections. One significant matter in assessing a Government's economic management is whether or not it has achieved its overall budget targets.

The timetable operative now was set when Assembly elections were held every third February. With the move to an October electoral cycle, the opportunity is there for a government to go to an election on a fundamental promise. It is not good enough, particularly in a year when the budget is concocted on questionable assumptions. Mr Humphries should commit to releasing audited statements before the election, as his federal colleagues have committed to in their charter for budget honesty. If he will not do it, then Labor will, even if it means that there have to be legislative changes.

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Mr Speaker, at first blush, this budget reads well. There is something for everyone. There is a raft of commendable initiatives, and a whole group of community organisations and interest groups who welcome the news that their lobbying has had a result. But the stardust sprinkle can blind onlookers to what lies beneath. Canberrans need to take a moment to wipe the stardust away and look more closely.

Budgets are about setting priorities, about setting out government strategies across all the range of activities governments manage on behalf of the communities they represent. A government's annual budget has to be read not only for the year it describes but also as part of a continuum across the ups and downs of the economic cycle.

It is not sufficient, responsible or competent to present a single budget as a stand-alone blueprint for economic management. Budget cycles last more than a single year. We are entitled to look at this budget in that light and ask what it says about this government's sense of priorities and the manner in which it deals with the vagaries of the economic cycle—Mr Humphries' forecast of stormy seas.

The answers are disappointing but not unexpected. We are entitled to wonder whether the Humphries government wants to pay any real regard to economic cycles or just ignore them, or deal with what happens when it happens rather than plan ahead. Why else the optimistic growth forecasts? Why else the rundown of the cash reserve over four years, when the outyears do not look so promising?

What does this year's budget say about the government's sense of priorities? The answer is clearer but just as disappointing. The No 1 priority of this government is, of course, its re-election. That much is clear. The commitment to that priority has blinkered the government's consideration of how it might more judiciously and strategically allocate the resources available to it in the interests of the community it represents.

That is the explanation for the stardust that Mr Humphries has scattered over the political landscape in his attempt to buy office next October. It is the reason so many community organisations and interest groups feel a little better after the budget but still have a sense of "what if" or "if only". It is the reason this budget is such a classic example of the election year budget. And it is a fact that will be apparent to those Mr Humphries is relying on for a vote.

Mr Speaker, one thing more needs to be said about the nature of budgets and the formal responses to them. As I said earlier, budgets set government priorities and strategies to manage the operations governments are elected to deal with. They are not about the plans and priorities of oppositions. We are entitled to use this address to critique the Treasurer's announcement of two days ago.

Mr Humphries has been quick to seize on what he regards as favourable reviews of his budget. But he either quotes the usual suspects or he quotes the more independent observers selectively. He liked the *Canberra Times* editorial, he told us yesterday in question time. He liked it of course, but he read only every second line. He missed the bit about the cynical view being that the budget was a vote-buying one. There was a certain amount of that, said the *Times* in glorious understatement, but Mr Humphries missed that line.

He missed the bit about Labor having a point when it says the Liberals have exaggerated the extent of the black hole they say they inherited. He missed the bit about the government getting a deal of help from the Commonwealth and an economy that has done well in adverse conditions. He missed the bit about it being reasonable to question the wisdom of free school buses rather than spending the money more directly upon education. But Labor, the Assembly and the community are entitled to read the full review and to ask the questions. We are entitled to quiz the government about its choice of priorities and about its lack of vision.

Despite the expected challenge from Mr Humphries yesterday to use this address to deliver our campaign launch, we will instead use the opportunity to discuss the shortcomings of his efforts. Labor has its own timetable by which we will detail the approach we will take to government and the priorities and initiatives we will concentrate on.

We have already started on that process. It is well advanced and we will continue to make announcements to our timetable. We will tell the electorate exactly what we plan and how we will fund it in plenty of time but a time of our choosing. We are happy to let the electorate judge us on what we say and what we commit to. One thing is sure: we will not be asking them to vote for stardust.

MS TUCKER (3.33): We obviously have not had time to go into all the detail of the budget. We will be able to do that through estimates. So I will make some general comments about what we have been able to get through so far. We welcome many of the initiatives in this budget. After five years of cutbacks and fiscal tightening in ACT government, with mounting pressure on an overstretched community sector, and following considerable analysis and agitation to address pressing problems in a profound and systematic way, the government has responded with an extensive array of initiatives.

I do not intend to address all the initiatives targeted to addressing poverty and early intervention. Almost without exception they are focused on genuine and unarguable need. I congratulate the government for recognising this need and acting through this budget.

While the initiatives themselves are new, the needs are not. The ACT Greens are concerned that a few months out from a difficult election the government, which is struggling for credibility, particularly in the areas of social justice and community development, has put on the table a raft of small initiatives, most of which can cost considerably less than a V8 supercar team competing in the GMC 400, and very many of which are considerably smaller than the \$400,000 allocated to canteens at Bruce Stadium next year.

This government's version of social capital needs to be scrutinised carefully. It seems at times to be more about loading more responsibilities onto community service groups than about the government taking on its responsibilities to maintain public assets and services.

Much of the new expenditure in the community services portfolio is simply returning to the departments and, on occasion, community sector partners a little of the capacity to respond to need that has been stripped away from them over the past few years. In regard

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to the community sector, such an approach falls way short of addressing the basic needs of the services, such as the capacity to adequately pay their workers and look after basic occupational health and safety issues.

One point of support the community sector has been patiently asking for over many years is adequate funding to cover the SACS award—that is, to adequately pay community sector workers who provide the basic social work which governments are responsible for. This year we have an increase to cover SACS awards for supported accommodation assistance providers in a joint arrangement with the Commonwealth. That is good, but it is the only area where this is occurring. I am concerned about the other areas. What about disability services? What about drug and alcohol services? What about advocacy services?

I understand that Mr Humphries has said today—and I am happy for him to correct me if it is not true—that it is not government policy to fund organisations to a level that would allow the full implementation of the SACS award. This stands in stark contradiction to the government's claims that social capital is about working with trust and in partnership with the community sector. We know full well what the cost has been to community organisations that have attempted to integrate the SACS award. They have had to reduce their capacity for training and support for workers, as well as salaries and so on.

A sustained investment in these services, rather than in car races and football stadiums, would have seen a more effective and timely response to the needs identified in this budget. Canberra people would then be in a position at the next election to judge the government on its achievements in addressing the issues of early intervention, poverty and innovation across the community, rather than on its stated intent.

Another part of social capital that the government has trouble with is the crucial role of freedom to voice dissent, to criticise and to bring to light problems. Community service groups and their peak bodies need funding for advocacy and policy comment, not only particular projects. The community as a whole should hear the problems, not only the government of the day. This means that advocacy agencies and community agencies generally need to feel free to speak their mind on the situation and the social condition in Canberra.

Over the past few years many invaluable community organisations have found that government, its partner in building social capital, has become quite specific about whom it chooses to work with. The Women's Legal Centre is one such organisation which has suffered at this government's hand. While its refusal to fund the CARE financial counselling's legal service to the tune of \$80,000 in the face of significant community agitation and support stands in stark contrast to this government's impulsive approach to supporting industry and sporting facilities.

A plethora of fairly small initiatives also raise questions of sustainability. A number of these programs, while clearly addressing acknowledged need, have a tremendous capacity to grow further as they develop. This government's unabated enthusiasm for tourist promotion, business support, free school buses and reduced car registration charges inhibits the capacity of government to develop these programs further.

Consequently, in order to meet the needs of people trapped on the fringes of our society, the government must ensure that it can work effectively with community partners. Unfortunately, bridging the divide between government and the community sector is not at the heart of the approach of this government.

Mr Speaker, I would remind members that community organisations are dealing, and have been dealing over a number of years, with increasing demand on their time and services. They are dropping further behind the rest of society in staff conditions and resources. For example, it would be interesting to see how much rent CTEC could have saved if it had moved into facilities such as the Griffin Centre or Gorman House rather than shifting to A grade or premium accommodation at the Brindabella Business Park. Perhaps the Legislative Assembly could meet in a community venue just so that everyone in this place could get a sense of this other divide.

A concern I have in regard to these tightly targeted budget initiatives, where they are built on such partnerships, is that the upshot for people working in the community sector is likely to be increased pressure and more limited capacity to respond with flexibility.

On major initiatives, the same general concerns emerge. It is pleasing to see the government allot \$2 million for additional disability services and to enhance the quality of existing services. Cynically, one could argue that such an investment is simply a pre-emptive response to the ongoing inquiry into services for people with disability in residential care. Even presuming a more thoughtful intent, I would remind members that the inquiry is a result of ongoing concerns about the quality and stability of staff, the poor pay and working conditions offered to permanent and casual staff, inadequacies in service provider and funder/purchaser arrangements and the government's general approach to group housing for people with complex needs. It is not as if the service providers, advocacy groups, clients and carers have been unable to contribute to decisions regarding planning, priorities and funding.

It seems that the government can find the investment in community services when there is a crisis but is unable to work in collaboration with its social capital partners to develop a more thoughtful approach. I would like to have seen additional funding in this budget for service providers to enhance the delivery and evaluation of services, support for existing advocacy services to provide independent feedback and a review of consumer complaint mechanisms right across the human services sector. The fundamental issue remains, however, that the bottom line for all community partners is to fund them to adequately deliver the services they are committed to. It is not going to be an integrated approach to say, "We are going to check on the monitoring and quality assurance mechanisms and improve them in the area of service provision" unless you acknowledge that perhaps some of the issues are a result of underfunding and undersupport for the services themselves.

In this context I have to ask what exactly \$400,000 and \$600,000 of Building Community Capacity initiatives will do for community service. Will these sums allow them to pay their staff adequately? Will they fund them to address any shortcomings found in last year's audit of community services infrastructure? What if the audit report—presuming it has been completed, which we do not know—finds that there are pressing occupational health and safety problems? And will the disability service

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improvement scheme look at and address problems within the government's side of this service—the purchasing and funding?

In health, the decision by government and the hospital in particular to remove the efficiency dividend from the Canberra Hospital is another belated acknowledgment that the government has had its priorities and its analysis wrong. While we can now breathe a sigh of relief that things may change in the future, enormous damage has been done to the relationship between government and the work force.

Health workers have argued emphatically over the past few years that the pressure of increased throughput, increased acuity and the erosion of pay and conditions relative to the wider community are undermining our health care system's capacity to attract and retain staff and that health outcomes are being compromised.

The minister's inability or unpreparedness to negotiate with the ANF only highlights the inadequacy of the approach and points to long-term problems in addressing the health system's needs. In other words, it is not just the money but the way the expenditure is negotiated which lays the ground for real improvement.

Housing has to be mentioned. Once again, there are some good initiatives in the budget, but the fundamentals—the need for more affordable housing, medium and long term—have not been addressed. In fact, according to the ownership agreement, the total stock of ACT Housing will be reduced in this year by 314 properties, and that figure includes the projected transfers to community housing.

I am pleased to see that the budget allows for an increased amount of rent rebates, assuming at this stage that that is due to an increase in the number of people assisted. However, this increase could also reflect rises in market rent, which we know is a feature of the Canberra rental market.

What is worrying, though, is ACT Housing's apparent lack of foresight in assessing the impacts of the transfer of stock and the reduction in full market rent paying ACT tenants. The ownership agreement says:

The transfer of properties means that ACT Housing not only loses the rental income stream from those properties but there is also a reduction of funding from the purchaser. The increased targeting of housing assistance and the transfer of properties to the community housing sector will affect ACT Housing's cashflow position. The implications of this will be further investigated and addressed.

I do not understand why this work was not already been done. We have had these reforms on the table since the 1999 budget. We have had a committee investigation and report into the matter, and quite a bit of debate which pointed out exactly these impacts. I remember raising these impacts with the minister on several occasions.

If the result of targeting ACT Housing resources is a more difficult financial situation for ACT Housing, which implies less service, then surely it would have been more sensible to invest in more properties to address the demands. If Mr Moore is going to be talking a \$400 million figure again, I would like to have that broken down and more fully explained. We still have not heard that explanation.

The boarding house initiatives sound promising. This is a need that has been identified by the community. But I believe \$2 million was allocated for a boarding house project in last year's budget too, so I would like to know whether that money has been spent. If not, why not, and why is the new boarding house initiative presented as new if we have not carried out last year's initiative. There are more questions for estimates, obviously.

Exit points from SAAPs have been identified. Support accommodation providers have been identified in the past as a need. However, while a boarding house for older women escaping domestic violence would assist them to move out of refuges, an urgent need as reported by the community sector is a refuge. These older women need specialised support—where to go, what to do next, how to begin to deal with the abuse, which the community report said may have been going on for a long time—or maybe a sudden change from someone they have looked after all their lives. A boarding house, as I understand the model, cannot provide that support. I look forward to finding out more about that through estimates.

Education is a particularly interesting area in this budget. We have had a major announcement about free school buses. There are really big questions about the amount of money being spent on that relative to the need within education. I understand that there will be some enthusiasm for this in the community because of the way it has been presented. People, of course, would like to save money any way they can. Having free buses will quite possibly be attractive to the community, but I think the community in Canberra is more sophisticated than that. The question that has to be asked is: did the government consult with the community about whether or not they would prefer to have free school buses or prefer to have that amount of money invested in our schools?

We clearly recognise that through the free school buses you are supporting a number of trends in education across Australia which not all people in the community are at all happy with. The notion of choice is that parents need to have the choice. As members in this place well know, the social consequences of making education fit the free market model are not desirable. There have been many discussions about that in this place which are obviously being ignored totally by the Liberals.

I take it as a responsibility to raise these broader questions. If you make all the schools compete with each other, you will have a couple of results. First of all, you already have a two-tiered education system in some ways. You have the independent schools and the public schools. Clearly, the first thing that has to be noted is that the free school buses are going to be supporting the independent schools as much as the public schools. The government has not said that that is not the case. I am not saying that they are misleading. I am just pointing out that about 60 per cent—that is one figure I have been given—of the students who will benefit from the free school buses are children going to independent schools. That is fine. We understand that. That is the government's policy.

We then look at the other implications of the facilitation of competition between the public schools which obviously free school buses is going to assist quite significantly. It threatens the local neighbourhood school concept at all levels. I think we need to have a discussion about whether that is good or not. I have seen social analyses from other countries showing that the middle-class upwardly mobile families choose to move from school to school. There is obviously competition and advertising between schools trying to attract fee-paying students to their schools. You have this competition. You have

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a movement of the student population. Some of the neighbourhood schools will become quite small. I understand that the Liberal government likes the idea of closing as many schools as they think possible, given community sentiment.

Mr Humphries: Hardly.

MS TUCKER: We do not have an opposition. I think Mr Moore or someone got up and made that statement. I do not want to misrepresent the government. They do not have a position against closing the schools, and neither do I. But the government has to acknowledge that the free bus initiative is going to have an impact on schools and on school populations. They cannot get away from that, although they might try to. We know that this policy is going to have an impact on school population. That is another thing the community needs to fully understand. The question of school closures will come up again, because we will see this shifting of the school population.

Apart from all of that, we are talking big money for other social initiatives. We are talking about millions and millions of dollars. I think it is \$9 million to purchase the buses and something like \$4 million for the first year of subsidisation. Who knows how many more millions of dollars as it goes on? The really big question the ACT community would like to be involved in is whether they want to spend the money in education or whether they would rather see those millions of dollars spent inside the schools. When asked that question, a lot of people, not all people, in the public school system and possibly in the private school system—we know they are lobbying for more support within their schools—would prefer to see the money spent within education services, because we have some major problems within our schools which I will not go into now. It is clear from all the committee work I have done and the report that hopefully I will be tabling soon on children at risk within the education system.

The government may well say, “How dare you oppose this. If you encourage more people to get on buses, that is good for the environment.” Of course it is, but it is always about understanding all the implications of a policy decision and then making it. I am asking whether the government has considered the implications for educational outcomes and social equity and the local school’s existence in the Canberra community.

Another initiative in education is maintenance money. That is really catch-up money. I find that pretty insulting. I think most of the community do. This so-called huge initiative is to help maintain and refurbish schools that have been run down as a result of negligence. The buildings were allowed to run down not just under this government but under Labor as well.

Another issue in education is the CPI. My understanding—I can be corrected if I need to be—is that 2.25 per cent is the CPI figure. I have seen calculations that that is about \$500,000 less, which calls into question the government’s commitment to maintaining funding in real terms.

I see some pretty serious gaps in the government’s initiatives in mental health. I am still waiting for a full implementation of the Nurcombe review of child and adolescent mental health services. There are still a number of major areas in mental health which I believe need attention. I look forward to pursuing those further in estimates.

There are some indigenous initiatives which are welcome, but I feel that there is not a holistic approach or a substantial and systemic approach to these issues.

On the environment, I notice Mr Smyth put out a very cranky press release. Apparently he thought I was out of line in something I said on ABC radio this morning. He said I had said the government was doing virtually nothing on the environment and listed a number of what he called initiatives. I know there is \$22 million in the environment budget. I was talking about significant initiatives. The \$22 million that is spent on the environment is the job of the government and Environment ACT, so I am not going to give huge brownie points to the government for maintaining those programs.

My comment was about what were highlighted as significant new initiatives. One of them was the garden waste strategy, which is an ongoing initiative. Funding for greenhouse gas initiatives has decreased from what was projected last year or the year before.

A number of the items Mr Smyth listed in his press release are existing programs. Some of them I am interested in. We have not been able to find them in the budget. He says there is \$970,000 in capital works funding for the implementation of nature-based tourism. We could not find that amount, but we are happy to be corrected if that is true. I might go through that later if I need to, after I have made more general comments.

Spending on the environment has not increased as much as spending in other areas. Total expenditure in the budget is up 6 per cent on the 2000 budget, yet the \$22 million in the environment budget is only up 2 per cent from last year, which is not even keeping up with inflation. Despite this, there is a need to fund new measures such as the new firewood licensing scheme and the tree protection scheme, which I point out would probably not exist if it had not been for non-government members pressuring the government to adopt them. The animal welfare legislation will also have to be implemented.

They are listed in the media release from Mr Smyth. Mr Smyth says that there is \$200,000 for the implementation of the interim tree protection register, including three additional positions created in Environment ACT. I would be happy if Mr Smyth could tell me all the initiatives he has listed are to be funded by new money. I wait for that statement as well.

One environment measure deemed worthy enough to be included in the government's list of budget initiatives was the garden waste recycling service, which is just a continuation of the existing service. On the other hand, the initiative from last year's budget to establish a domestic organic waste collections systems seems to have vanished, and the government still has a long way to go in achieving the target of no waste to landfill by 2010.

Another initiative, the ACT greenhouse strategy, is just a continuation from last year. In fact, it was a motion from the Greens in the last Assembly that forced the government to adopt a greenhouse gas reduction target. The total money allocated in this budget for the greenhouse strategy is a reduction on the amount promised in last year's budget. Last year the government said it would provide \$160,000 per year for the greenhouse strategy, but in this budget it has cut the forward estimates to less than \$60,000 per year.

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Some of the smaller environmental initiatives announced by the government are also misleading. For example, there is a new \$100,000 sustainable catchments program, which appears to be just a renamed version of the old Decade of Landcare program but with less money, as it was \$125,000 last year.

The additional funding for the new joint management arrangements for Namadgi National Park is good, but I wonder how much of this is going into new administrative arrangements and how much will be spent on the on-the-ground project. There are also increased demands on the Canberra Nature Park but no extra funding.

I stand by my statements that this government is not committed to the environment. For a government that is supposedly committed to ecologically sustainable development, it has demonstrated no idea at all of how to integrate environmental concerns into its broader decision-making.

While on the one hand the minister says he is committed to the environment, we have as major initiatives in this budget the handover of \$10 million to car owners as a reduction in their car registration and over \$100 million in new roads. It is not enough for a government to say that cyclists and buses can use these roads too. A government that is truly committed to the environment would be looking at ways of reducing our overall transport demands. It would be developing an integrated transport strategy that favours public transport and non-car modes rather than treating them as an afterthought for those people who cannot or do not want to use cars. Car owners get money while the bus service is left struggling. ACTION may be getting some new gas buses, but the government has done nothing in this budget about the inequitable and unattractive zonal bus fare system for adults.

The government is still giving away millions of dollars to the dinosaur sport of car racing, through the V8 Supercar race and the Rally of Canberra, which brings me to the question of industry development. I am running out of time, but I will just a few comments on the government's industry strategy, which it appears to me is pretty well non-existent and very random.

I asked a question about the R&D grants scheme. We have seen a considerable reduction in what the government is estimating it will spend on research and development grants. They have not been able to spend the money they said they would spend. It makes you wonder whether the government has any well thought out industry policy.

We see government handing over significant amounts of support to certain sectors of the business community. We see particularly technology parks, high-tech parks, getting support. Micro Forte at CIT campus at Watson is receiving more support, or maybe it is the AIE. Anyway, there is more support for that technology park. The Brindabella Business Park is going ahead with the blessing of the government. On the other hand, the zoning at Fern Hill Park is changing to residential because they cannot sell the spaces in the technology park. It just makes you wonder what on earth this government is doing.

In the draft budget process—we have got a response from government—we asked the government to make clear in its operating statements how much we are giving up through revenue forgone, waivers and grants of land. The government said this was not

what you did. The committee also asked that the government work with the Auditor-General to see how you could account for this particular financial or economic activity, how it could be accommodated in accounts so that the Assembly and the community can see what revenue we are forgoing in an attempt to support business. We need to know that. We need to be able to evaluate how successful it is. This is the thing about corporate welfare. There is very little accountability attached to it. We keep seeing money handed out.

Impulse Airlines is a classic example in the news this week. I remember asking to see the contract with Impulse. I wanted to know how tightly the contractual arrangements would guarantee that the handing over of millions of dollars was not going to be a problem. Now Mr Humphries is assuring us that we are going to get money back for the items that have not been provided, although I must say I found it absolutely fascinating that they will not have to pay back the component of the loan which refers to cheap flights, because the cheap flights were there for a while. I find that very interesting. I could get a huge grant from government to provide something for a while and then take off and sell. That does not sound like good business to me. It does not sound like accountability at all. It sounds like a waste of public money from people who are much too free with handing it out to the business community. It would be good to see the accountability that is now attached to the welfare of ordinary citizens in this country attached to the corporate welfare supported so enthusiastically by this government, the federal government and other governments around Australia.

In the budget the government claims that there is going to be no increase in taxes and no sale of assets, but we see quite a large increase in the sale of land, which some think is an asset even if this government does not. I was going through some clippings and I found that in the 1995 election campaign Michael Moore made pretty loud statements in the *Canberra Times* when I was running the first time, saying, "Do not ever vote Green, because they will support abolition or reduction of payroll tax." He said it was such an evil. It is interesting to see how things turn around. It did not work, but I think of it when I keep hearing this government now proclaiming, with Mr Moore on side, the benefits of reducing the threshold of payroll tax because it is a tax on labour, which is what we were saying in 1995.

A number of social issues deserve really detailed attention, but they will have to wait until after estimates. I want to make a comment about justice. We see, through legislation in this place as well as through budget initiatives, a strong law and order response, and we see this government appealing—Labor too, to a degree—to a fear in the community about crime, which I understand is quite reasonable in a lot of ways. What worries me a lot is that we do not see an equal focus on justice. We had that debate last week on the Bail Amendment Bill. I will not reflect on the vote, but I would like to have seen in this budget a much greater focus on access for people to legal support, legal aid, community legal services and so on, because I think it is getting quite dangerous when we get this overemphasis on the crime and punishment aspect of dealing with crime in our society but we do not have an equal focus on ensuring the rights of people who get caught up in the criminal justice system. The other side of that that always comes up—and I hear everyone bringing it up now—is prevention, which government claims it is addressing through prevention and early intervention initiatives. I have already commented on those aspects of the budget and applauded some of them.

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I still do not have the feeling that we are getting a budget that is the result of a long-term view. This is obviously a budget about getting re-elected. Everyone has already said that. I do not need to say it again. I am concerned that there will not be the capacity to develop and improve some of the good initiatives that have been presented. As Mr Humphries has said several times today, recurrent funding of programs is quite a different matter from the one-offs, and the capacity to sustainably support the intervention/prevention focus that they are finally and belatedly bringing into their policy approach is in question. In estimates I am hoping I will be able to unpack the rest of the detail more efficiently.

MR QUINLAN (4.08): Last year, in speaking on the budget, I think I observed that the ACT economy at the time was in very good shape. In fact I congratulated the Treasurer on it being a good year to be Treasurer. The economy had been boosted by Y2K expenditure within the public sector, GST preparation within the tax office, a high level of expenditure on recruitment in the tax office and the flow-throughs from that, the construction of the National Museum being well under way and boosting the building industry, and a generally more buoyant national economy.

I am since warmed by the fact that that little collection of boosts to the economy has been recognised and repeated since by Access Economics and as recently as yesterday by Professor Tim Brailsford in assessing the budget of today. I also record for the Assembly's benefit that there was a concession that that was the case in the briefing on budget parameters for this year that was given to the Select Committee on the 2001-2002 Budget late last year, prepared under the name of the Treasurer. It appeared at the hearing that he was not aware of the detail of the submission that he signed, but it had been prepared by his department.

I also observed last year that in many of its claims the government was making a virtue out of necessity. There was a fair bit of that in last year's budget, and there is a continuation of that kind of exaggeration and hyperbole in this one. I guess you can expect that to some degree from any government, but I would like to go on record as saying that if this government was as good with financial management as it is with PR we really would be genuinely well off, and well off for the indefinite future.

I had made an issue of the exaggerated claims of financial management over the years, and I have a simple challenge for the government and for the Treasurer. In his own document, *The 2001-2002 budget at a glance*, there is a graph that shows the dramatic improvement from 1995 onwards in the first year.

Mr Moore: That one?

MR QUINLAN: Yes, that one. All I want to know is just a few details of how that improved by \$173.1 million in one year, because that is the claim—an improvement of \$173.1 million in one year.

Mr Moore: Have a look at 1998-99 and 1999-2000. It is a similar amount.

MR QUINLAN: No, that is all I need to know at this stage. If that can be explained—

Mr Moore: Ted, you have to resign. If you have any sense of self you will resign.

MR QUINLAN: To whom did I make that promise?

Mr Moore: Keri Phillips, on radio.

MR QUINLAN: What did I say? I said that if an independent body can give a rational explanation for that and attribute it to the government, that is fine.

Mr Moore: You believe the Auditor-General on some things, but you don't believe him when it affects us.

MR QUINLAN: Okay. Today I have referred to the Grants Commission's assessment, their standardisation accounts, and yes, the Treasurer is absolutely right that these are different from accrual accounting. They are cash accounting, and they are cash accounting for the territory as opposed to the territory and the city. They are virtually the state or territory level of expenditures. If you look at cash expenditure versus operating expenditure and cash revenues versus operating revenue, you will find a very high degree of correlation, and that is quite understandable, really, because one is only an adjustment of the other.

That correlation exists in our reports, but particularly in the early years, and particularly this famous year. This independent document puts the lie to the government's claims. Given a choice between a set of back-cast accounts prepared more than a year after the event, when the government possibly was trying to find the best base year from which to commence accounting, given a choice between believing that and believing this, I know what I would believe, and I know what the reasonable man would believe. It is as well that the Grants Commission does their standardisation of accounts and assesses our funding on that basis. If they assessed it on the basis of the outrageous claims made in early years in the Carnell and Humphries era we would be getting nothing like the Commonwealth funding that we get now.

Speaking of Commonwealth funding, one has to observe that if you accept that that first year's claim might be an ill-based claim, then Commonwealth funding accounts for pretty well the quantum of improvement in our financial position from 1996 through to now. So there is no economic miracle, and the inclusion in budget papers about blood, sweat, tears and ticker is so much of that PR hyperbole that we have come to expect and to sneer at that has arisen from this government.

One thing that strikes me about this budget is the fact that despite the spin and the tags to previous budgets, like clever and caring capital, it appears that the government has only now recognised, in an election year, the great need in the community for basic and essential services. They have only now realised that there is poverty in Canberra. They have only now realised that getting kids to school costs money. They have only now realised that there are things you can do to alleviate many of the social problems that exist and have become worse over the previous five years of this government's term in office.

The government will claim that they were concentrating on getting the budget in balance, getting the fundamentals right, and now that things are in order they can focus on social need.

Mr Temporary Deputy Speaker, I don't buy that. In fact, I reject it entirely. Wasn't

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it this government that considered that the fundamentals were right enough to spend money on a futsal slab? Wasn't it this government that felt the fundamentals were sufficiently in place to blow a heap of cash on a Feel the Power campaign? Wasn't it this government that thought the fundamentals were so right that we could spend \$82 million, and still counting, on Bruce Stadium and Olympic Soccer? You cannot come to this place in an election year and claim that you could not do anything about the social ills of this town because the fundamentals were not there when you have in your wake such a litany of obvious waste. This government did not focus on the pressing social—

Mr Moore: You always mix capital and recurrent, don't you? You deliberately mix it.

MR QUINLAN: How much capital value is left at Bruce, Mr Moore? Read the balance sheet. Zip. This government did not focus on pressing social need in this community because they didn't particularly care.

I rather suspect that one of the driving forces behind the change in attitude and the attempt to paper over so many holes with dollar bills, one of the ingredients for that change, is some recent polling. There are a lot of similarities between the way this government behaves and the way their federal counterparts behave, and they are largely poll-driven. It is not about serving the community; it is just about staying in government. As a result of that we see this scattergun approach of this whole plethora of programs that will imply an impossible management load.

Whether these programs are delivered by government agencies or whether they are delivered by NGOs, there is going to have to be individual accounting for every one of them. There is going to have to be accounting in the NGOs for the ones that they deliver, and then they are going to have to put the reports in to government and the government is going to have to check them. There are all these small programs.

So what does this disjointed process have to offer? It has to offer a list of 55 pages worth of photo opportunities. This is the photo opportunity program launch government. The photo opportunity is the bottom line. You would say, "Well, okay, some of these programs go for several years, so maybe the money might really go to the sharp end of the problem in the second year." But that is generally not the case because we launch them again.

Last year I went over the road here to the gallery. There was a launch attended by what we would call the cheer squad, the glee club. They were all called in to assist the government—things were not going well at the time—for the launch of the second edition of a three-fold brochure on Canberra. I think, from those that I have attended, that that had to take the cake as being the most Pythonesque in its nature.

The line, "Oh, we had to get the fundamentals right, and now we can become a socially aware government", is just not believable. This budget of this government is about getting re-elected. It's about: "Whoops! We have seen the polls. We are way behind on social issues. Our values are not the values of the people of the ACT. Therefore, we had better make the move. As quickly as we can, with all the spin that we can muster, we had better put together as many programs as we can and appear to be doing as much as we can. All you ministers fill up your diaries, start getting out the tea and bikkies and putting

on the launches or the press conferences or whatever that would go with, effectively, public-funded election campaigning.”

There is so much in this budget, line by line, that you would say is a good thing. There is just so much of that. However, the piecemeal approach to delivery, the conscious running down of every dollar that might be available during an election campaign, which is so blatant and so cynical, does deserve a degree of condemnation.

MR RUGENDYKE (4.23): After looking at the budget papers on Tuesday afternoon I said that the government’s budget screenplay had reeled from the self-proclaimed *Full Monty* to a spin-off of *Brewster’s Millions*. Now that I have had further time to reflect, I have a more considered observation to make. It appears that the appropriate analogy rests on the theatre stage rather than the movie screen. In 1999 we had the full monty budget. Of course, this film featured the disco lyrics of Hot Chocolate: “I believe in miracles ... you sexy thing.” At the time this was an appropriate line. Many of us thought that turning around the massive operating loss and getting the budget back into the black would be a miracle, and the former Chief Minister was talking up a future big budget surplus as a sexy thing.

At the conclusion of my budget reply that year I said, “Considering this budget has been coined the full monty by the government, I would like to know whether this means that Mr Humphries will get up on the table and perform that famous Hot Chocolate song in the chamber.” This year it would be more fitting that he do a Shirley Bassey impersonation. I don’t think anyone would argue that *Hey Big Spender* would be the request from the aptly named musical *Sweet Charity*.

Members are aware that I questioned Mr Humphries on the government’s sudden shift in budget surplus policy yesterday, and in particular the forecast operating result for 2003-2004 being slashed by \$53 million. In Mr Humphries’ first budget last year the forward estimate for 2003-2004 was set at \$66 million. That figure was consistent with the policy statement from the previous Chief Minister, Kate Carnell, who said that the government should have a surplus large enough to cover the capital works program and to guard against any unforeseen economic shocks. However, this week’s figures saw the forecast operating result for 2003-04 reduced dramatically to \$13 million as a result of the free-spending budget. My concern is that projects promised in the \$214 million capital works program would be on the chopping block if the revised direction proved too skinny.

Last year Mr Humphries retained the policy of working towards larger operating profits, with \$26 million set for the current financial year, \$57 million for 2002-03 and \$66 million for 2003-04. But there has been a clear change of direction in this budget with the forecast operating results being downgraded to \$20 million in 2002-03, \$13 million in 2003-04 and \$11 million in 2004-05. The \$11 million figure is certainly not consistent with the previous policy that was in place until this budget, when the government wanted money in the bank as a safeguard for the bad times. My main concern is that if the \$11 million is too skinny, the raft of promises for spending on new projects may have to go by the wayside.

There is a range of good initiatives in this budget and these have been given wide attention. While I have made light of the Brewster’s millions analogy, there is no question that this is an election budget, but no government would release an unfriendly

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budget in the lead-up to an election. The difference between this election budget and the last election budget is that there is a surplus to spend. And when it comes to giving credit where it is due, this government has done a good job of balancing the books, particularly when you consider where we were six years ago. There have been examples of disasters such as Bruce Stadium, and the government has paid the price, but, as far as the overall picture is concerned, we are in good shape. The government has managed this process and they have earned the right to use this budget as they please.

But I would like to take this opportunity to put some concerns on the record about how the government has allocated this free-spending. There are a lot of promises in both the social capital and capital works initiatives, and I know that the community will hold the government to these commitments, particularly in my electorate of Ginninderra. There is a perception that many budget initiatives are tilted towards the central electorate of Molonglo. You may recall that Richard Pryor was the star in *Brewster's Millions* and he had to spend his fortune in quick time to secure an inheritance. Obviously the government is spending up big to secure an election inheritance, and it appears that a hefty part of that investment is in the crucial electorate of Molonglo.

Mr Temporary Deputy Speaker, I called for enhanced facilities for West Belconnen, including a skate and recreation park at Charnwood and a revamped Kippax Library. The government said the skate park would be funded in the next budget and that it would conduct a feasibility study on the library in this budget. But both projects are still very much promises, and the Ginninderra community will not tolerate them following the same path as the proposed Belconnen Pool.

There appears to be plenty of concrete activity in Molonglo, which is highlighted by the summary of minor new works. If you exclude maintenance at the Canberra Institute of Technology's Bruce Campus, not one of the 121 new projects listed is designated specifically for Belconnen. There are minor new works projects for places like Civic, Gungahlin and Weston Creek, but it is difficult to find minor new works, especially for Belconnen, and that is a concern.

I am not saying that there is no activity in Belconnen. I do not think any government would be silly enough to totally ignore an area. But since being elected to this place there has been a continued emphasis on the redevelopment of the city, and I am concerned that this is at the neglect of other areas.

This is my fourth budget, and I must say it has been an intriguing journey from 1998 to 2001. I suppose one of the disappointments is that every year we have had to bring up the Belconnen pool which has been promised at at least two elections. Our city's growth and confidence has certainly been commendable in this period. I recall that in my first budget we were still referring to a \$150 million operating loss, so there have been some tough decisions to endure to get to where we are today.

It is certainly interesting to compare the Brewster's millions budget to 1998, when there were no free school buses or car registration cuts. In fact, in 1998 it was the reverse. At the time I talked about my concern for the impact the budget would have on families. I was worried about families who require larger cars to transport their kids to school or to sport. In that budget they were asked to pay up to \$114 extra a year to register their vehicles. These same families also faced a rise in house contents insurance, the flow-on

effect from the emergency services levy placed on insurance companies. In 2001 the car rego has been wound back a bit and the emergency services levy has gone.

In 1999 the government was rethinking its strategy after the sale of Actew was rejected. I will never forget the government's fervent desire to off-load Actew. I was less than a year in this job and I was told, in no uncertain terms, that the sale of Actew was an absolute must to preserve the future of our city. The government said that we had to sell Actew to address the operating loss and the superannuation debt. This budget proves again that there was another approach. This budget shows that plans to control the superannuation debt are on track and rams home just how right my decision was to oppose the sale of Actew two years ago.

My budget reply last year was reasonably short and sweet. It is a topic I have to raise again, particularly in light of the comments made by the shadow Treasurer in this place this morning. It is important that we put on the record the correct chain of events from last year so that there is no distortion. Yes, Mr Temporary Deputy Speaker, I voted to block the budget last year, but my position was consistent and gave ample warning. The former Chief Minister stated publicly that the 2000-01 appropriation papers comprised an all or nothing budget. In the corresponding speech on 25 May last year, more than a month before the final budget vote, I made my intentions perfectly clear and I did not waver from them. I said the following at the time:

I expect that the members who wanted a shooting gallery will pass this aspect of the budget. I will not support this aspect of the budget and the Assembly should know full well that, if the Labor Party gains government, I would not support a shooting gallery in its budget, either.

I must remind members that the Liberal Party gave its members a conscience vote when the shooting gallery issue was debated. My conscience tells me that I cannot support this facility, so I cannot endorse financing it. It is not just a matter of giving the government its budget. This line in the budget is about a fundamental principle. If you want to approve financing for it, you will have to go and talk to the members who fundamentally support it.

... ..

Michael Moore and Kate Carnell joined Jon Stanhope and the Labor Party to make it happen. If this is an all or nothing budget, you are going to need the Labor Party to get it passed.

I could not have been clearer, and I am totally bemused that the shadow Treasurer is still whining because his party had a genuine decision to make. The luxury of opposing for opposition's sake was removed, and it was totally hypocritical to say that it is okay for the Labor Party to oppose budgets but deny me the same right.

I would also like to remind the shadow Treasurer that this surplus budget could well have been his to hand out. However, in the ensuing negotiations after the last budget was rejected, the only proposal that the Opposition Leader put forward was that he was prepared to take government but he was not prepared to drop the shooting gallery. He knew what he had to do to gain government. The Labor Party made their choice and the government made theirs, so it is Mr Humphries who is now in the position of spending Brewster's millions.

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The government has made a concerted effort to highlight that there are no increased taxes in 2001-02, but I would like to mention briefly a couple of revenue earners that are, I suppose, pseudo taxes. I note that the four-year forecast for traffic infringements fines released last year reached a peak of \$7.5 million. The estimated revenue for 2001-02 was \$7.3 million, but that has been revised to \$11.5 million, a jump of \$4.2 million. It is now expected to peak at \$12 million. That certainly is a substantial income that has been generated in this electoral term, and the budget has another \$847,000 for additional red light and speed cameras, so the revenue can only increase.

The other example is gaming machine taxes. My disdain for poker machines is well known in this place, but it is important to raise this social issue again in light of the government's apparent concerns for dealing with poverty. Poker machines are targeted at the most vulnerable people and the people who can least afford it. There has been no increase in the poker machine cap, and it is to be extended, yet we have seen an increase in revenue and forecast revenue from poker machines. Last year the four-year forecast was estimated to peak at \$22.6 million, but this budget estimates returning \$29 million in the 2001-02 financial year, rising to almost \$31 million in 2004-05.

I am aware that the Gambling and Racing Commission is conducting a review of the gaming laws in the ACT. I am also aware that Victoria and New South Wales are moving well ahead of the ACT in introducing reforms to curb the problem. I remain committed to supporting such initiatives, and I urge the government to adopt measures that will drive down poker machine usage, regardless of the impacts on revenue.

The draft budget process has again attracted criticism. I reiterate that I like the concept and I would like to see it continue. There is still some tweaking required to get the process right. In the first year we had too much information to consume in a short period of time. This year there was not enough information. So we have to find a balance somewhere in between.

I would also like a greater effort to promote more involvement from the community. There were some excellent submissions received from the community this year, and I believe that the Assembly should strive to build on this platform.

There are some other issues that I look forward to hearing more information on in the Estimates Committee process. For example, how will the resources for the 10 new Gungahlin police be utilised? The Gungahlin community has been waiting a number of years to have police personnel devoted to their area. Will these police be taken from other areas? I personally would like to see the suburban police program—the beat police—extended and expanded. I would like to see police more closely associated with schools and communities as a key measure of getting on top of crime in the suburbs.

Hospitals and schools are two key areas we have to examine closely to determine whether the government has got the allocations right. It is clear that in the last couple of years the government has shovelled onto schools, under school-based management, too many expenses that should have been provided for in the first place. I use the airconditioning issue at Gordon over the last summer as a case in point. Crucial school funding should be invested in educating our kids rather than on fundamental maintenance and infrastructure.

Dealing with the drug problem is another aspect of the budget. We heard the health minister rattle off a range of initiatives in the chamber yesterday, but it is important that we analyse how they interact and complement each other, and this will be another task in the coming weeks. I note the additional \$2 million for disability services, and I am interested in obtaining further detail, particularly as to how this will relate to the pending recommendations of the Gallop inquiry.

I am also awaiting feedback from the small business community, but I look forward to raising their issues when scrutinising the budget further in the Estimates Committee process.

MR BERRY (4.41): Mr Temporary Deputy Speaker, the most telling remark I have heard in all the discourse on this budget was when, at the budget breakfast, it was said that this was a budget of lost opportunities. I think that is true. As everybody has said, it is a budget targeted at the next election and it was available for the government to make because of a fortuitous convergence of the stars in economic terms. The government found itself cashed up in the lead-up to an election, and used that to its own advantage.

I do not think the community will be fooled by this. The community have long suffered the consequences of this Liberal government and the previous one and will be very concerned about the performance of this government and those who supported it. It will be interesting. We would say that the community will not be sucked in by this sort of budget. Next October will tell. We will be sending a message to the community: have a look at the government's performance, have a look at the promises of the past and take that into account when you estimate the value of the promises of the future.

One of those great promises was to rein in health costs. After all the years of being focused on reining in health costs, the government has decided—now that it is cashed up—that they are costs that no longer need to be reined in. That is a revelation that will set an interesting trend for the future of health funding in the ACT. I suspect it will also set an interesting trend, should this government find itself in opposition, in what it might find to criticise the health system for.

There has been much froth and bubble around the health system lately in relation to nurses, and there has been significant antagonism towards the nurses, in particular towards the secretary of the ACT branch of the Australian Nursing Federation from the minister for health. In fact, at one stage I thought the health minister had the nurses union secretary confused with somebody else because he thought she was the president of the TLC and accused her of all sorts of things, when she had not been president of the ACT Trades and Labour Council for six months. I found that to be most interesting coming from a health minister who prides himself on being up to date.

After the industrial action over pay rises, the teachers got their pay rise, the police got their pay rise and, most importantly, the politicians got their pay rise—a significant one, on the basis of comparative wage justice—but not the nurses. It was said—and it is still said—that one of our problems in the hospital is that we cannot recruit enough nurses, so we cannot provide enough services. That is not the government's fault; it is because there is a shortage of nurses.

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On the other hand, it is well understood that nurses' pay rates are not as attractive as they ought to be. They do not compare well to other places. If you want to get nurses, you have got to have decent wages and conditions—and working conditions include the attitude of their potential bosses—under which nurses can work productively in the interests of the community.

The government had an opportunity to do that. This Assembly ordered the government to put the nurses in a position to be able to bargain, within the meaning of the Workplace Relations Act, for an outcome following the wages offer they had rejected. The rejection was a result of the government's hunger to rip some conditions off nurses out on the job. But the government did not want to do that; all it wanted to do was tell the nurses what they should have.

When the nurses did not take up the offer, all we got was tantrums from the health minister and anybody else associated with the government who felt it was necessary to criticise the nurses. The tantrums did not get us anywhere: we still have not got a decent pay outcome for the nurses, and we still have ongoing antagonism between the parties, which is not helping patients within our public hospital system. It is something this government will not be and should not be forgiven for. It is an absolute disgrace.

It was disgraceful to hear the health minister say that the reason the Labor Party was pushing the motion in the Assembly was so that nurses could take industrial action. Nowhere in Australia does anybody say that the Workplace Relations Act, created by Peter Reith, enhances one's ability to exercise strike action. It is the most restrictive piece of legislation on industrial action we have had in this country for many years, probably since just after Federation.

The power of arbitration was taken away from the commissioner and, while politicians in this place, particularly the executive, rejoice in the power of arbitration over their own pay rates, they have not been prepared to put the nurses in an equal bargaining position, as was intended by the Workplace Relations Act. That is the truth of the matter, nothing else. The government wanted to impose its will on employees by abusing the Workplace Relations Act and abusing its position of power.

It has failed to resolve the situation in favour of the nursing work force. That will be remembered; there is no doubt about that. So, too, will the long and festering dispute with the teachers in our education system, when negotiations in relation to teachers were drawn out until the government worked out that the resolve of teachers was stronger than its own and folded in the face of it. Happily, teachers got a satisfactory outcome from this government. The government's performance in industrial relations has been cruel in many respects. I will come back to that a little later.

Mr Temporary Deputy Speaker, I will deal just briefly with education funding because it has been dealt with by Mr Stanhope to a fair degree. The government—Mr Moore in particular—have based much of their existence in this place on their claim to maintain education funding in real terms. In effect, that meant that the government sat on their hands as far as education funding was concerned. They relied on the consumer price index rather than on trends elsewhere—the Productivity Commission exposed the government's failure to keep up with trends elsewhere. The ACT government's pre-eminent position in education funding slipped well back. That cannot be denied and

neither can the government's appalling industrial relations record. I need only refer to the "departure lounge" to emphasise the appalling attitude this government has had to its workers.

Let us not forget the government's attitude to the forestry workers who have been ditched or to the Totalcare workers who will lose their jobs as a result of the government's failure to come to a reasonable arrangement with Totalcare over the contract with Housing. We saw all the claims by the government about Housing and Totalcare. It was interesting that Totalcare was not aware of any complaints about the service it was providing or of the costs, but the knife was drawn behind its back. Those workers at Totalcare were stabbed in the back by the Liberals but would not have been surprised at that. They know the way conservatives treat workers; there is a long history of it in this country. What this government did will not be forgotten.

Let us look at some other aspects of the government's performance. Bruce Stadium has been mentioned ad nauseam and will continue to be at the forefront of the community's memory of this government's appalling performance in financial management: unlawful expenditure leading to massive blowouts that future generations will have to pay for one way or another.

There was the CanDeliver debacle; the attempt to sell Actew after the government, lying to the community, said it was not on their agenda; the ridiculous Feel the Power campaign—which, incidentally, was used at the Liberals' last election campaign launch—and the silly aeroplane debacle. Money was paid to paint "Feel the Power" on the side of an aeroplane that travelled a couple of thousand metres at 500 or 600 kilometres an hour. One might wonder how anybody could ever see the thing. But it flew within the terms of the contract, and the money was never recovered. This government has a bad record on contracts, and that is one of them. Any time they go near aircraft we seem to get into trouble—now we have some problems with the Impulse deal as well.

Mr Temporary Deputy Speaker, you will remember the Woodies tennis game, which was so appropriately funded out of forestry. The rights to have the game in Canberra were won over a couple of glasses of red in Sydney—at significant expense to the territory. The ACT embassy in Sydney is another curious matter that this government was associated with. Cutting the School of Music funding was another thing. The futsal slab will never leave our memory, nor will the Floriade fee and that silly black fence.

Of course, the fence was there to stop people getting in for nothing. That is what it was put there for: to make sure they could only get in through the gate so they would have to pay. My bet is that the contract to put the fence up had been let well before the government made the decision to ditch the Floriade fee, so I rather suspect that the government was in a big hurry to ditch the Floriade fee little while ago. It was interesting that, when I called for the ditching of the Floriade fee at about 9.30 in the morning and set up a press conference, shortly after 10.30 the government was able to announce that it had been ditched. I would say that was an extraordinary coincidence.

People have had to suffer the insurance levy and the emergency services levy—so much for the emphasis on fighting poverty in the ACT. There are still a lot of people who remember the wiggly lines on the roads—the squiggles. And, of course, we remain in

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significant financial danger as a result of the tragic hospital implosion. That decision was made by a Liberal cabinet of which the current Chief Minister was a member.

The ACT has been riddled with scandals that nobody could possibly forget, although it is possible that some of the community might have been hardened to this. It has been the everyday expectation. You could climb out of bed in the morning, pick up the local paper and, almost weekly, choke on your Weeties over some aspect of this government's performance. But the ones who have most felt this have been their workers—the thousands who have been ditched on the road to this convergence of the economic stars that has given the government the ability to come up with an election grabbing budget.

Mr Temporary Deputy Speaker, the promise of free school buses is as old as the promise of a Belconnen pool, and it has been as long getting here. Not once in the last six years has anybody said to me that free school buses would add anything to the quality of education in the ACT.

What I have just gone through demonstrates that this government, over its six years in office, has got to the position of being cashed up on the back of a lot of pain and suffering. That has been routine with this government.

MR WOOD (4.56): Mr Temporary Deputy Speaker, I will make some comments on this occasion about housing and the way it is treated in the budget. I will be making further comments on that and other matters during the detail stage.

It has been said often enough that the budget has something for everyone: a little bit here and a little bit there—lots of little bits. And that is the case with housing. It is nice to see the boarding house proposal there; that sort of emergency accommodation is very much needed. I am particularly pleased to see an indication to fund support for people in housing complexes who need it. I find that very necessary and have been saying a bit about that need for some time myself.

With respect to the boarding house, while we would want to see it as soon as possible, I hope that it is not rushed to such a degree that it is not purpose built. I recall strong pressure that it should be purpose built because it has to attend to specific functions. I am not sure that there is any house in Canberra that could be spot purchased that would fill those functions.

I will give little pats on the back there for housing and some rather stronger kicks, I hope, for some of the things that have not been done.

Mr Humphries: That's more like it!

MR WOOD: It has been said we are addressing poverty; a great deal has been made of it. The ACTCOSS report leads us very strongly to the conclusion that there is much to be done. One of the main areas to attend to if we are to do something about poverty is housing, and that is where this budget falls down. It is not possible to claim that we are attending to poverty while more attention is not paid to the desperate need for housing of people on low incomes. This budget fails to attend to the lack of affordable housing for a fairly large sector of the community on low incomes.

This budget does not look at options for affordable housing either in the public sector or in the private sector. It is certainly not looking in the public sector for more affordable housing. There are no increases in stock—that might be optimistic. It is worse than that: there is a marked decline in housing stock. It is a very sad state of affairs that we are reducing our stock. I hope that we will see some measures in the next period to address this basic problem of affordable housing. I want to impress upon the minister and the government that it is a most significant problem. I know Mr Moore is amenable to all sorts of suggestions, so I will gently and nicely give him a briefing that I do not think he has yet had from ACT Housing.

In this chamber a little while ago he responded to some comments of mine by saying that I was “wrong, wrong, wrong” about housing. I think I was right, right, right. I will table some data here, not sourced from me but sourced from ACT Housing. If I can impress upon Mr Moore that the housing stock is declining, the need to help alleviate poverty by looking at housing might start to get some priority. I will not go back very far. On 30 April, the 1998—

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 WOOD: I am pleased that Mr Moore wants to hear this briefing. As I was saying, the 1998 ACT housing ownership agreement indicated 12,215 units of housing stock. About a year later, the 1999 ACT housing ownership agreement indicated 11,992 housing units. In January 2000, the 2000 ACT housing ownership agreement indicated a further decline to 11,712 housing units.

Mr Moore: And an increase in community housing at the same time.

MR WOOD: No, this is the stock number. This is where Housing actually claims that we have this many properties.

Mr Moore: But we are doing community housing at the same time. Remember, we change varying properties to community housing.

MR WOOD: I am coming to that. I have not forgotten that—rely on me. This is a very reliable briefing, Michael. On 31 December, the 2001 ACT housing ownership agreement indicated 11,699 housing properties, and the 2001 target that we see in the recently tabled ACT Housing business plan takes us down to 11,399 for the current year. In three years, from 1998 to 2001, we have gone down by 815, from 12,212 to 11,399. The balance is 200 houses to community housing in that time, so take off those 200. If that is not a decline, I do not know what is.

Let us look at the complexes. Condamine Court once had 214 units. Housing figures said there were 70 units provided in the change to that—a drop from 214 to 70. Macpherson Court went from 143 to 15 ACT Housing and 15 community housing units. Lachlan Court went from 119 to zilch. I am not sure about Burnie Court; there used to be 264 there. Initially, ACT Housing and the then minister said 50 older persons units and 74 units for single people—124—which I thought was quite a reasonable target. The other day here, in response to a question of mine, Mr Moore suggested there were

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25 older persons units, maybe some more. But I think that is looking a bit dicey. Mawson Gardens has gone from 54 to zero. From a total of 794 units just in the larger complexes it has gone down to under 100. That is one area.

I acknowledge that, while these areas are being sold, others are being purchased. Spot purchases are going on all the time, but the figures I gave you just before this indicated that the purchases nowhere near match the sales. So we have a very significant net decline in housing, and people out there are feeling it.

There is nothing for low income people in the private market. There is just nothing there. It is too expensive and it is very tight. I saw the other day that the vacancy rate was 1.6 per cent. It was zero not so long ago. I am not even sure about that 1.6 per cent, but that is too low by anybody's standard. There is no competition out there in the private sector, so rents are quite high. They are as high in Canberra as anywhere around Australia except some parts of Sydney. So the low income earners are removed from that market. They have to have government housing, and in a period of decline that is not easy.

Mr Moore, in his answer to me, says that the waiting list has come down. Was that the briefing you gave Mr Humphries? If you look at what the waiting list was, however it was set up, and what it is now, however it is set up, I do not argue the point. But that is no use to anybody—like the lady I was talking to about half an hour ago who has not got a roof over her head. She is relying—

Mr Humphries: There will always be such cases, though.

MR WOOD: Our aim should be none. Through circumstances entirely beyond her control—

Mr Humphries: They always are.

MR WOOD: Not always. I have to tell you, Mr Humphries, that a lot of the people who come to my office who are in difficult circumstances darn well put themselves there. Some people have a great capacity to make a mess of things—you won't dispute that—but I also get a very large number who are in difficulty through no fault of their own. This lady was effectively kicked out of her house. Her husband changed all the locks, and out she went. She is bedded down in her sister's house at the moment. That is a crowded house, a small unit. These are real difficulties. When I hear, "There will always be someone in strife," my aim is to try to find something for them.

I have to say—I will give you credit here—that I find Housing generally very sympathetic and helpful. When there is a genuine case they are most helpful; there is no question about that. I have said it at estimates, and I have said it a number of times. But at the present moment this lady has no house, and while she has got no house she cannot get custody of her child. You tell me about that. But with the cooperation of ACT Housing, Mr Moore, I think we can find a solution to this.

Let us make it clear that there is a problem of people unable to find a roof over their heads. I understand the difficulties: there are a lot of government houses in Canberra that are very badly run down. I have seen some. It is not the government's fault; it is not the

former Labor government's fault. Some houses I have seen have not had a thing done to them in 30 years. Some houses that were built in the 70s are a disgrace, like the Melba flats. We have to pick up that problem.

But I say this: for some people who come into my office any roof over their head is a very considerable improvement to what they have now because they do not have anything now. If you want an example of how tough it is out there, I have the case of a 60-year-old woman with fused bones in her back who cannot bend, so she is sleeping in the bed while her 82-year-old mother sleeps on the floor. There are problems around that, but we have got to work to try to overcome some of these things.

Let us look at the number of houses that ACT Housing have. Let us review the policy of downsizing, difficult as it is to get repairs done and maintain acceptable homes when the income from rents does not provide the revenue to do that. I know the difficulties, but let us look at this problem of downsizing. Let us understand that there is a very significant problem of housing out there, and the public sector has a major role to play. I am not convinced that the budget has attended to that problem.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (5.10), in reply: I will close the debate, Mr Speaker. I suppose I should thank members for their contributions to the debate. It was much as I would expect; that is, there was much criticism about the budget. I hark back to the headline in the *Canberra Times* yesterday, "Something for everybody". I do not think there was ever a budget devised that ever pleased an opposition.

Mr Woods: You praised our budgets.

MR HUMPHRIES: I do not think I did. I do not think I did, Mr Speaker, so I suppose I should not whinge.

Mr Wood: No, I withdraw that remark.

MR HUMPHRIES: I should not whinge about the reaction of people opposite, but I will deal with the substance of what has been said in a number of cases. I will start by observing that there has been a lot of discussion in the last few days, not so much in this debate, although there has been some, about the operating loss in 1995-96. Someone who had only come late to the debate said to me today, "Why is everyone talking about the 1995-96 budget in 2001-2002?" I said, "Well, that's a good question."

Mr Wood: You started it.

MR HUMPHRIES: Well, there was a one line reference in the budget speech to that financial year. It has become the issue. Mr Speaker, if you think about it, it is not surprising that some would want to talk more about the 1995-96 year than they would about 2001-02. I take that as a very perverse form of flattery. Indeed, Mr Speaker, the reality is that there is not very much to say about this budget which could be described fairly as biting criticism. Some of the criticism that has been made has been, I think, quite fairly, shot down in flames.

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The suggestion that we are denuding the territory's cash position, for example, is conceded to some degree at least, except we put up in our defence the fact that we are stoking up the territory's investments in exchange for that reduction in cash. The net position of cash and investments from this present financial year to 2004-05 improves from about \$1.38 billion to \$1.95 billion. So I think any fair observation would be that we have more than adequately catered for the ongoing needs of the ACT over that five-year period. The argument you get quite a lot just before elections, "Oh, we fear the cupboard may be bare when we get to government", does not really cut any mustard in this particular case.

Mr Moore: What they left wasn't an empty cupboard. They had taken the cupboard as well.

MR HUMPHRIES: That is right. Mr Speaker, I want to try to summarise the debate so far. Everybody seems to agree in the debate that our dastardly spending cuts between 1995 and 2000 were dreadful things. They were shocking and they attacked the community; that we went on a rampage that sort of denuded the community of all its dignity. Somehow the, I suppose, rather stupid community voted us back into office in 1998 in the midst of all of this, but, nonetheless, this is the argument; that somehow we have robbed the community of all their programs in the period between then and now. So they do not like our spending cuts in the first six years of office.

They apparently love, more or less, all of our spending promises or spending commitments in the 2001-2002 budget, but no-one seems to put the two things together; that you could not have had the capacity to spend in this financial year coming up without having made the decisions that we made about reducing the cost of running the territory. I suppose that that reconciliation might have occurred does not really align with any reasonable expectation of the way politicians would react in these circumstances.

I want to run through a few comments made in the course of the debate, Mr Speaker. Mr Stanhope repeated the claim that Canberra has fallen behind other states in education funding. He has modified the claim that he made this morning on the ABC radio in the debate I had with him when he said that education spending is being cut under this government. The reality, of course, is that both those things could conceivably be true, both those statements, but one does not confirm the other or contradict the other.

The promise that we made to the ACT community to maintain education spending in real terms has been delivered in full, without the slightest shadow of doubt. In fact, it has been over-delivered. We have, every year we have been in office, maintained spending in real terms, and in some years increased it. Even the Parents and Citizens Council's submission recently on the budget made it clear that over the period of us being in office we have increased education spending in real terms by 1.3 per cent. I think that is the figure that they use. They point out that there has been a decline in education spending over the last 10 years, but of course, Mr Speaker, that occurred entirely during the years of Labor government. So I have to reflect on the irony of Labor thundering about how we have not quite achieved real term maintenance of education spending when each and every year it was in office it cut education spending. Mr Speaker, I do not think our record is flawed, but, if they think it is flawed, I would rather put that record in issue in this coming election campaign than the reality of what the Labor Party has done.

Mr Stanhope has claimed that Labor has announced many of the initiatives in this budget already and that the government is now playing catch-up. He cited, for example, the comments made by Mr Wood just last week in his announcement about poverty. He says this is proof that the government is catching up to what Labor is saying.

I am sure Mr Wood could explain to Mr Stanhope that you do not put the budget for any particular year together in the last seven or eight days before it is delivered. In fact, any government usually has the budget more or less put to bed and entirely immutable by about seven or eight days before it is delivered. So how we had the prescience to enter Mr Wood's mind and work out what he was going to say before he said it and put it in our budget is a matter that I would like to hear about.

Mr Speaker, we are told that we are using optimistic growth forecasts. Mr Quinlan, I think it was, or Mr Stanhope, supported that claim by saying that I had conceded that at the budget breakfast yesterday. Well, that is rubbish. I said nothing of the sort and I repudiate that suggestion. Our growth forecasts are not optimistic. I was asked to say what we might do if they prove not to be optimistic, and I gave some comment on that. To make such comment should not be read as saying that I am in any way conceding that there would be a failure of our growth forecasts, and I repeat that I think those forecasts are sound and will be sustained over this coming financial year.

The issue that Labor is raising here, of our forecast being too optimistic in their view, poses a significant problem for them which they may not have twigged to at this stage, but I will assist them by telling them what it is. If they believe that our surpluses over the next three or four years are not sustainable, Mr Speaker, they clearly cannot, in all conscience, go into this coming election campaign and promise to spend a cent of those surpluses if they do not think they are sustainable.

Mr Moore: In fact they had better explain how they are going to deal with the unsustainable surplus.

MR HUMPHRIES: Indeed; as Mr Moore suggests, they are going to have to explain how they put money back into the system to provide surpluses of the order that they would like to support. If they think our \$10 million minimum surplus is not adequate, or it is adequate but they do not think we are going to get to \$10 million, they will have to explain how they get there.

Mr Moore: Increase registration. An insurance levy.

MR HUMPHRIES: So they will have to reverse some of the decisions that we have made. I will give you a few suggestions for you to take back to your party room and to your caucus and talk about. You could reinstate the registration cut we have just made. You could whack Floriade fees back on. You could do what you have already done in your own period in office; you could cut education spending. You could do all those things, but, whatever you do do, you need to tell the community about, first of all, and, secondly, you need to explain how you are going to spend so much money in the course of the next few years. You made a number of promises in your speeches today, uncostered of course, about how you are going to spend all that money, and yet save enough money to save the bottom line of the budget and the out years of the budget.

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We have heard today about spending promises on policing. There will be more police numbers under Labor. We have heard promises to spend more on poverty, and promises to reverse what they describe as the outrageous decline in education spending. I assume they mean that they will boost education spending more than we have done. We have had promises just now on housing; that there needs to be more spent on the housing base.

Mr Moore: And Wayne did on nursing as well.

MR HUMPHRIES: I am reminded also that Mr Berry promised more money for nursing. I accept that you do not wish to outline your promises for the election campaign now. Fine. But you will have to explain how you are going to fix our supposedly wonky bottom line and how you are going to fund your promises.

Mr Speaker, if Labor at any instant in the next five months goes out into the public and says, "We are making a promise here and we will pay for it from the surplus," everything they have been saying in the last 48 hours about this budget collapses in an ignominious heap. We can treat it all as garbage. If they do not believe, as they say here, that our surplus is sustainable, they cannot in all conscience promise to spend a single cent of it in their own coming election campaign. Let us see what they do in the next five months.

Mr Speaker, I have already commented on the question of cash reserves. Mr Stanhope attacks the proposition that we should increase the payroll tax threshold. He says this is a bad thing. He made a fairly extraordinary statement. He said, "What good is that to small business? You are better off cutting the rate of payroll tax for small business." Well, Mr Speaker, the answer to that is no. Mr Stanhope has got that absolutely wrong.

If you cut the payroll tax from, say, 7 per cent to 6.5 per cent across the board, then everybody gets a half a percent break, and that is all they get. Big business, small business, everyone gets a half a percent break. If you raise the payroll tax threshold then every small business in the territory, without exception—and by definition they are small businesses if they are under the threshold—gets to be freed entirely of payroll tax.

If you want to claim that it is bad to erode the payroll tax base, that is fine; go right ahead, but do not claim that it is better for small business to reduce the payroll tax rate as opposed to raising the threshold, because it is not. Confirmation of that comes from Deloitte Touche Tohmatsu which just a couple of weeks ago issued a national report on payroll tax regimes, and I quote:

The ACT is the only state or territory to raise its payroll tax threshold enough to help increase small business employment, a study by business consultant Deloitte Touche Tohmatsu has found.

They said that we had the best regime for payroll tax in Australia.

Mr Moore: And what is the unemployment level?

MR HUMPHRIES: Our unemployment rate is reflective of that fact. Small business is a big soaker-up of unemployed people in this community. That is where future job growth lies. Mr Speaker, that is why we have invested in the vitality of small business. Labor's promise, which I think is what we should take it to be, to reduce the payroll tax

threshold is a big, big, mistake. I would urge members not to succumb to that silly temptation.

I will say two things about Ms Tucker's contribution. I timed it. We had one minute of praise for the government and 36 minutes of criticism, which I think is a record.

Mr Moore: We have never had that much praise before.

MR HUMPHRIES: We have never had that much praise before from Ms Tucker, and I thank her for giving us so much credit in this budget. I am very impressed that she gave us a minute's worth of praise.

She also made one other comment. She said that reducing the CPI from 2.5 per cent in the draft budget to 2.25 per cent amounted to a cut in education. I think it was education she was talking about, but it might have been something else. Whatever area it was, she said we were cutting it by virtue of reducing the CPI rate.

Mr Speaker, a real increase or decrease is measured by the rate of CPI. So if the rate is actually 2.25 per cent, which is what we are told it will be by our economists—I think that is confirmed by the Commonwealth's economists, by the way—then pitching increases in outlays at that level can be neither an increase nor a decrease. It must be exactly matching and retaining the value of those existing outlays. It cannot be anything else.

Mr Berry listed a litany of what he called failures of the government. We have heard those many times before, and I am sure we will hear them many times again between now and October. He repeated again and again that the government is on the nose; the public have seen through this government; the government is going to fall when people next get the next chance to vote. I note that warning and I take that very seriously indeed. But I also note that Mr Berry said almost identical things before the 1998 election. (*Extension of time granted.*) I thank members. The vision people had of this government somehow did not stop them, for some mysterious reason, from voting us back into office in 1998.

He also poured cold water on the free school buses concept, as did Mr Stanhope. Mr Speaker, I read into those comments nothing but a clear indication that Labor sees this as its way of finding some spare money when it gets into government, as it says it will in October.

Mr Wood: No, you don't read it that way at all.

MR HUMPHRIES: Well, let's have an unequivocal statement in that case, from one of you—anybody, I don't care—saying that Labor will protect and respect the free school buses provided by the Liberal government. When I hear that, Mr Speaker, I will withdraw my comments and apologise.

Mr Hargreaves: You should listen to the speeches.

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MR HUMPHRIES: I did listen very carefully to the speeches. Mr Berry said that school buses will not add anything to the quality of education in the ACT. That does not sound like a ringing endorsement to me, Mr Speaker. No. In fact, it sounds to me like: "Here is our escape hatch, guys. Here is where we find a few cool million to make ends meet when we find we need to." He also made the statement, one which I feel I should correct on the record, that we are spending more on free school buses than we are spending on lower class sizes. That is not the case. If you look at the budget, the outlays over four years are that we spend more on reducing class sizes than on free school buses, in recurrent terms.

Mr Speaker, I just want to indicate that the most important question which is going to be faced by this Assembly in the next few weeks is going to be what exactly is the Assembly going to do with the budget? We have presented what we think is a pretty good budget, and we think that is what the public reaction has been so far to that budget.

I need to know from the Labor Party whether they intend to support this budget or not. Mr Quinlan and Mr Stanhope, I think, have been in the media today saying that they think it is likely that they will support the budget, or that they probably are going to support the budget. That is not good enough. I am not going to take this government and this territory to the brink of catastrophe and instability again, as was the case last year. I want a commitment from the Labor Party as to whether or not it is going to support his budget. If they cannot give me that commitment I will go and talk to others to pass this budget, Mr Speaker. I need to know that. Labor say they probably are going to support it now. They have realised that there was something of an error of judgment made in the tactics used last year.

Mr Hargreaves: No, we didn't. Don't be silly. Don't be silly as well as wrong.

MR HUMPHRIES: Well, listen to what Mr Quinlan said earlier today.

Mr Hargreaves: I did.

MR HUMPHRIES: I think you will find his words were something like: "We realise that the way politics were played with this last year meant that it was not appropriate to have blocked supply last year."

Mr Hargreaves: Is that a direct quote?

MR HUMPHRIES: No, it is not a direct quote, but they were words to that effect.

Mr Hargreaves: Then get it right before you start accusing him.

MR HUMPHRIES: I ask for a chance to be able to finish my remarks, Mr Speaker, without interruption.

MR SPEAKER: Yes, please.

MR HUMPHRIES: You see what Mr Quinlan said. He conceded that there was a problem with Labor's approach last year.

Mr Hargreaves: No, there was a problem with your approach.

MR HUMPHRIES: The record is there, Mr Speaker. Mr Hargreaves can go and read it. Whatever was said, I think we need to know what is going to happen with this budget. We do not have the capacity to muck around with this budget as we did last year. The ACT, we are told, Mr Speaker, is facing the possibility of economic waves buffeting it. Some are already suggesting that the national economy could go into recession. I think the ACT can withstand that, but we will not contribute one iota to the stability of the ACT community, and in particular we will not contribute to the soundness of business investment in this territory, if the budget is being thrown into doubt by the tactics used by the Legislative Assembly, Mr Speaker.

Mr Berry: What are the tactics, Gary?

MR HUMPHRIES: The tactics are the tactics you have always used, Mr Berry.

Mr Berry: That we will not commit to it until after—

MR SPEAKER: Order! I will not have a debate across the chamber. You have spoken already.

MR HUMPHRIES: Mr Speaker, the uncertainty is the uncertainty created by a traditional position of opposing budgets and forcing governments to go to others to pass their budgets. The Liberal Party has never done that in this place. It has always supported the Labor government's budgets.

Mr Wood: Well, that's news to me.

MR HUMPHRIES: It is true. You check *Hansard*.

Mr Hargreaves: Why are you talking to me? Talk to the Speaker.

MR HUMPHRIES: Well, you said it.

Mr Hargreaves: Excuse me. I take a point of order, Mr Speaker. The Chief Minister is accusing me of saying something I did not say. I was referring him to you. I said nothing to you, so you can withdraw that, thank you.

MR HUMPHRIES: That's wonderful to know, Mr Hargreaves.

Mr Speaker, the Labor Party has opposed every budget that the Liberal government has brought down. The Liberal government has supported every budget that a Labor government has brought down. That is the record. Go and check it. That is the record. I seek some indication. I want to know what they are going to do, Mr Speaker, because I am not going to leave the budget to face a crisis in the last days before this is debated in June of this year. Mr Speaker, it is up to the Labor Party to decide what they want to do with that.

Question resolved in the affirmative.

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Bill agreed to in principle.

Reference to Estimates Committee

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (5.33): Mr Speaker, pursuant to standing order 174, I move:

That the Appropriation Bill 2001-2002 be referred to the Select Committee on Estimates 2001-2002.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence be given to Mr Stefaniak for today.

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

That leave of absence be given from 5 May to 12 June 2001 inclusive to all members.

Absence of Speaker

The Clerk informed the Assembly that the Speaker would be absent from the Assembly from 15 May to 4 June 2001 inclusive and, in accordance with standing order 6, the Deputy Speaker, Mr Wood, would perform the duties of Speaker during the absence.

Questions without notice **TransACT**

MR HUMPHRIES: Mr Speaker, I want to answer a question I took on notice earlier this week. Mr Quinlan asked me about prospective issues of shares to staff, management or directors of TransACT. TransACT Communications Pty Ltd is a private company that is not owned or controlled by the ACT government. Actew Corporation holds 20,063,732 shares, which represent 26.8 per cent of the issued shares in the company.

I am advised that TransACT staff have formed a company and have committed to buy a relatively small shareholding in TransACT, less than one per cent. Consistent with normal practice in the industry, key staff and managers have been granted share options as part of their salary packages. Similarly, directors have been offered the choice of share options or a standard directors fee. I am advised that disclosure of much of this information will be required under the Corporations Law in TransACT's annual report. TransACT's competitors will be required to make equivalent disclosures.

Study trip Paper

Mr Speaker presented the following paper:

Study trip—Report by Mr Hird, MLA—Sydney, NSW—19 April 2001.

Annual reports—directions for 2001-2002 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:

Annual Reports (Government Agencies) Act—Annual Reports, 2001-2002—
Chief Minister's Directions for 2000-2001, together with an instrument revoking, declaring,
directing, and fixing matters as set out in the schedule to the instrument.

I ask for leave to make a statement.

Leave granted.

MR HUMPHRIES: This instrument is issued in accordance with section 15 of the act and provides the framework for the 2000-01 annual reports. The instrument includes the annual reports directions for the reporting year. Under the annual reports act, these instruments must be tabled, although they are not disallowable. While there are some mandatory requirements, the directions should be seen as setting the baseline for reporting. Because the directions cover a wide range of reporting bodies, they must be sufficiently flexible to permit accurate and appropriate reporting across a range of operational requirements.

Under the act, all reports must be presented to ministers within 10 weeks of the end of the reporting year. This means—members of the Labor Party should note this—that all financial year reports must be presented to ministers by 8 September 2001. Ministers will then have six sitting days in which to table reports. Reports will again be tabled as soon as possible. This year, all reports will be formally tabled during the first six sitting days following the scheduled 2001 Assembly election.

Coronial inquest into death of Katie Bender—government response— second report 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:

Coronial inquest into the death of Katie Bender—Government response—Second report.

I ask for leave to make a statement.

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Leave granted.

MR HUMPHRIES: On 17 February 2000, the then Chief Minister, Mrs Carnell, tabled in the Legislative Assembly a report prepared by Mr Tom Sherman AO which assessed the government's response to the coroner's recommendations arising from the inquest into the death of Katie Bender at the demolition of the Royal Canberra Hospital. Overall, Mr Sherman's findings were positive and noted that a considerable amount of work had already been done at that point to implement the coroner's recommendations.

In his first report, Mr Sherman stated that seven recommendations had been substantially implemented; 14 recommendations were well on the way towards implementation; five recommendations required more work to achieve implementation; and the remaining four recommendations were outside the responsibility of government or were too general to assess for implementation.

At the time of the release of Mr Sherman's report, the then Chief Minister, Mrs Carnell, announced two things in this place: the establishment of a high-level coordinating committee and a commitment to re-engage Mr Sherman in 12 months to conduct another assessment of the progress in implementing those recommendations that required more work. A coordinating committee was established. Its role was to oversee the implementation of the coroner's recommendations and to ensure that the work was completed to a satisfactory standard. The coordinating committee, comprising chief executives, met on a regular basis to monitor progress. In December 2000, the coordinating committee agreed to re-engage Mr Sherman to conduct a final review of the recommendations that were outstanding from his previous review.

Mr Sherman's terms of reference were to assess the progress made on the ACT government response to the coroner's report since his report of 14 February 2000. Mr Sherman undertook this assessment and presented his report to the chief executive of the Chief Minister's Department on 1 March 2001. Overall, Mr Sherman reports that there has been very substantial progress over the past 12 months, to the point that there has been effective implementation of all but three of the recommendations. In relation to those three recommendations, Mr Sherman states that the remaining work is relatively minor.

The three recommendations requiring minor work to bring them to the implementation stage are: recommendation 4, dealing with letter of acceptance procedures; recommendation 16, addressing the advertising of tenders; and recommendation 20, dealing with the publication of the outcomes of the WorkCover review. I will now outline each of these matters in turn, including the government's response to Mr Sherman's comments.

Recommendation 4 refers to the preparation and issue of a letter of acceptance procedure. Although this matter is now covered by an ACT Contracts procedure, Mr Sherman recommends that these procedures be extended beyond ACT Contracts to apply to all relevant areas of ACT public administration. This could be implemented by way of a procurement guideline issued by the Government Procurement Board once it is established. The government accepts this recommendation and the matter will be addressed by the Government Procurement Board when it is established. In the

meantime, the chief executive of the Chief Minister's Department will refer the matter to the interim Government Procurement Board for consideration as a matter of priority.

Recommendation 16 found that the advertisement of the Acton demolition project tender had been defective in some respects. An amendment to ACT Contracts procedure 3, entitled "Advertise and issue tender documents", has been completed to address this matter. However, these procedures apply only to ACT Contracts and Mr Sherman highlights the necessity to extend these procedures across government by means of a procurement guideline to be issued by the Government Procurement Board. The government accepts this recommendation and will also refer this matter to the Government Procurement Board through the interim Government Procurement Board. I note that the Government Procurement Bill is on the table of the Assembly for debate today.

Recommendation 20 sought the publication of the final determinations of the WorkCover review process. Mr Sherman expresses the view that a comprehensive report on the implementation of the WorkCover review should be published in the WorkCover newsletter. As stated in his report, Mr Sherman has been assured that this will occur by the Occupational Health and Safety Commissioner.

Mr Sherman also made comments regarding recommendation 1, which deals with single select tender processes. Although Mr Sherman indicated that this recommendation has been implemented, he recommends that all single select decisions, including those worth less than \$50,000, should include a statement of reasons by the decision maker. He also recommended that reasons should be recorded for all contract decisions. The government agrees that reasons should be recorded for both the method and the outcome of contracting processes. This is a matter that will be referred to the interim Government Procurement Board in preparation for its being addressed by the Government Procurement Board once it is established.

Finally, Mr Sherman highlights a remaining challenge for the ACT government to ensure that the policies and procedures that have been developed apply across all relevant areas of the ACT administration. The major responsibility for ensuring that will fall with the Government Procurement Board. It is being addressed seriously. Mr Sherman emphasises that the procurement guidelines to be issued by the board must be observed not only by ministerial departments but also by statutory authorities and, where appropriate, by territory-owned corporations. The government agrees and, as I will now outline, has laid the foundations for a consistent and rigorous approach to procurement matters.

In his report, Mr Sherman noted that within the past 12 months there have been developments that have overtaken the coroner's recommendations. Mr Sherman is referring in particular to the report of the Legislative Assembly Select Committee on Government Contracting and Procurement Processes. That committee examined the tender processes and contracts relating to the demolition of the Royal Canberra Hospital as well as the Bruce Stadium redevelopment.

As a result of the committee's recommendations and associated government initiatives, there exists a more extensive regime to protect the integrity of tender and contract processes. Such reforms have resulted in the proposed establishment of the Government

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Procurement Board, the development of purchasing guidelines and their proposed issue as procurement guidelines by the board in the future, and the development of a whole-of-government procurement accreditation system scheduled for implementation in mid-2001. In addition, since that time the Public Access to Government Contracts Bill 2000 has been passed by the Legislative Assembly and implemented by the government.

The proposed Government Procurement Board will be able to issue procedures for application across all ACT government agencies, including statutory authorities and territory-owned corporations. In issuing policies and guidelines it is expected that the Government Procurement Board will have regard to the circumstances of territory-owned corporations and government business enterprises. In anticipation of the passage of the Government Procurement Bill 2001, the government has established an interim procurement board. The interim board has already started work towards the implementation of an accreditation system for procurement expertise in government agencies.

In summary, Mr Sherman has given the ACT government an excellent report card. Substantial reforms have taken place and the implementation of the coroner's recommendations has been achieved over the past 12 months. Matters referred to by Mr Sherman in relation to the responsibility of the new Government Procurement Board will be referred to the board as soon as possible for action.

Mr Speaker, it is tragic that Katie Bender died on 13 July 1997 at the demolition of the Royal Canberra Hospital. The loss suffered by the Bender family was great. I am sure that all members of this place would continue to extend their sympathies to them. We might expect that the time needed for a person or family to repair from such a personal tragedy to be long. The time in which a government should respond to and correct the failings that led to the death of Katie Bender, in comparison, should be finite.

The government has taken real and practical steps to deal with and ensure that the failings found by the coroner are not repeated. As noted by Mr Sherman, the government has introduced substantial reforms in project management, demolition safety and contracting. Through these reforms and the remaining matters to be dealt with by the Government Procurement Board, the government will ensure that we rise to the challenge identified by Mr Sherman of ensuring that proper policies and procedures apply, are observed and continue to be observed by all government bodies.

Papers

Mr Humphries presented the following papers:

Financial Management Act, pursuant to subsection 26 (4)—Consolidated Financial Management Report for the month and financial year to date ending 31 March 2001.

Utilities Act 2000—Exemption from requirement for a relevant licence for electricity, gas, water and sewerage services, dated 3 May 2001, together with an explanatory statement (unnumbered).

Direction relating to Red Hill housing precinct Paper and statement by minister

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—Direction relating to Red Hill Housing Precinct, pursuant to subsection 37 (3), dated 2 May 2001.

I ask for leave to make a statement.

Leave granted.

MR SMYTH: Mr Speaker, on 14 February 2001 the Assembly passed the following motion:

That pursuant to subsection 37 (2) of the Land (Planning and Environment) Act, the Legislative Assembly recommend to the Executive that the ACT Planning Authority be directed to implement policies which provide for a development intensity of not more than one dwelling on any block in the area known as the Red Hill Housing Precinct ...

Mr Speaker, the scale and form of a development are key factors in determining whether the heritage values are affected. Any proposal that seeks to increase the level of development on a block has the potential to adversely affect heritage values. Substantial or unsympathetic additions to a dwelling may have a greater impact than the provision of a dual occupancy. I consider that the conservation of a precinct's intrinsic features is best achieved through the introduction of a series of interrelated development controls that apply to all development.

PALM's review of the Red Hill housing precinct as carried out in October 2000 found that dual occupancy development was not inconsistent with the conservation of the precinct's values. The ACT Heritage Council concurred with the findings of the review. I consider that the controls introduced by variation 114, along with the recommended guidelines on setbacks included in the review, will provide the opportunity to appropriately conserve the heritage values of the Red Hill precinct while maintaining the opportunity for limited dual occupancy development. Nevertheless, I acknowledge the Assembly's recommendation and intend to respond positively to it by tabling an instrument directing PALM to implement policies which provide for a development intensity of not more than one dwelling on any block in the precinct.

The Territory Plan currently allows for two dwellings per block within the precinct. To implement this motion, another draft variation to the Heritage Places Register in the Territory Plan is required. Before submitting such a draft variation to the executive for tabling in the Legislative Assembly, the authority is required to carry out the notification and consultation processes outlined in the act. That means that a new draft variation will need to be prepared and released for public comment and then referred to the Standing Committee on Planning and Urban Services before it is tabled in the Legislative Assembly.

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The draft variation process will enable a revised policy position to be put to the community. The draft variation will also address the recommendations of the review and incorporate increased setbacks for the precinct. However, members should also be aware that draft variation to the Territory Plan No 114 has effect from 24 August 2000. Planning and Land Management has since had a number of inquiries from residents about development proposals, which has resulted in two development applications being lodged for dual occupancies. The Land (Planning and Environment) Act 1991 specifies that lessees may apply to vary their lease, and PALM is required to assess these applications in accordance with the legislation and guidelines applicable at the time.

One of these applications has been determined after a thorough assessment and a decision was made to refuse the application on a number of grounds, including that the proposal did not protect the streetscapes, and that the scale and character of the development are not compatible with the surrounding area.

The other application to construct a second dwelling on a block in Red Hill is currently being assessed by PALM. This application followed patient inquiries by the applicant over several years. The application meets PALM's guidelines and requirements applicable at the time of lodgment, on 12 January 2001, including draft variation 114 and, importantly, the criteria being used to assess high-quality design outcomes. Further, there is no legislative basis on which to refuse the application outright. As such, PALM is obliged to assess the application in the same way as any other received.

I believe that any fair-minded member of the Assembly and the community would see justice in these applications being considered on their merits and, in particular, allow the applicant to be afforded the same right under law that other applicants have.

MR CORBELL: Mr Speaker, I seek leave to respond to the minister's statement.

Leave granted.

MR CORBELL: I thank members for that indulgence and I will be brief. As the person in this place who has on two occasions moved motions seeking to achieve this outcome, I am very pleased to see the minister finally accept the will of the Assembly and implement this proposal to permit no more than one dwelling on any block in the Old Red Hill heritage area. For that I commend the minister for his preparedness to accept, if belatedly, the recommendation of the Assembly in that regard.

I note the minister's comments in relation to the provisions of the variation as it currently takes effect in Old Red Hill. The Labor Party is of the view, obviously, that any application made for development must be considered in a way which is consistent with the law and any planning regulations and guidelines in the Territory Plan that exist at the time the application is lodged. It is regrettable that there may be circumstances between now and the implementation of a draft variation to the Territory Plan, as outlined by the minister, that further applications for dual occupancy may be lodged. However, those applications are entitled to be lodged and assessed in accordance with the law as it stands at the time they are lodged.

Mr Moore: No, there will be no further ones, just the one that has been lodged.

Mr Smyth: There will be no more.

MR CORBELL: But there may be others lodged before you release another draft variation.

Mr Smyth: But the policy will preclude that.

Mr Humphries: They cannot be agreed to, in other words.

MR CORBELL: They can be agreed to consistent with the Territory Plan as it currently stands.

Mr Humphries: But not with the policy as announced today.

MR CORBELL: If that is the case, I welcome that proposal. I would simply urge the government to ensure that the new draft variation is implemented as speedily as possible to resolve any remaining uncertainty in relation to the protection of a very valuable part of Canberra's built heritage, with direct links to both Sir John Sulman and Walter Burley Griffin.

Planning and Urban Services—Standing Committee Report No 67—government response

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (5.54): For the information of members, I present the following paper:

Planning and Urban Services—Standing Committee—Report No 67—Proposals for the Gungahlin Drive Extension (John Dedman Parkway) (*presented 8 March 2001*)—Government response, dated May 2001.

I move:

That the Assembly takes note of the paper.

The Standing Committee on Planning and Urban Services was committed to inquire into the Gungahlin Drive extension following a resolution of this place in April 1999. Following a call for public submissions in May 1999 and subsequent hearings held from March to May 2000, the committee reported on, and made recommendations on, a wide range of issues concerning the future major transport corridor.

The focus of the committee's report was on the first stage of development within the proposed corridor, the extension of Gungahlin Drive from the Barton Highway to Belconnen Way at Caswell Drive. The committee examined an extensive body of material encompassing many strategic planning and transport-related reports dealing with long-term structure planning for Canberra. The committee has produced a report which focuses on key issues influencing the decision on the need and route for the future transport corridor.

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The committee has, in general, given support for an additional arterial road connecting to Gungahlin Drive at the Barton Highway, with provision for both private and public transport, on a route to the east and south of the Australian Institute of Sport; identified the need for planning for public transport, including the integration of public transport facilities with road requirements and the development of dedicated routes for inter-town public transport facilities; and recommended that the government confirm the timetables for the construction of other major road upgradings and improvements aimed at facilitating access to Belconnen and Gungahlin, including the duplication of William Hovell Drive between Bindubi Street and Coulter Drive, a personal favourite of the chairman of the committee, the addition of a third lane in each direction to Parkes Way between Edinburgh Avenue and the Glenloch Interchange, the duplication of Gundaroo Drive from Mirrabai Drive to the Barton Highway, the completion of a third northbound lane on Northbourne Avenue between Antill Street and the Barton Highway, and the early construction of Horse Park Drive from Gundaroo Drive in the Gungahlin Town Centre to the Federal Highway at the Majura Road interchange, and it requested that the future status of Majura Road and the Monaro Highway be determined.

Mr Speaker, the government agrees with the focus of these recommendations, with only minor differences in approach on some implementation issues. Many of the road upgradings, other than the Gungahlin Drive extension, have already been identified in the government's forward capital works program announced in the year 2000 budget. Design work on the duplication of the Barton Highway from Bellenden Street to Northbourne Avenue is already well advanced, with construction expected to commence in July 2001. The project includes a grade-separated interchange with Gungahlin Drive over the Barton Highway as part of the initial works. The interchange design and project funding have yet to be agreed—the speech says that they have been agreed, but they are yet to be agreed—with the federal Department of Transport and Regional Services.

Duplication of Gungahlin Drive from Wells Station Road to the Barton Highway is presently being designed. Construction is scheduled to commence in May 2001, with completion in mid-2002, shortly before the completion of the Barton Highway duplication. Construction of Horse Park Drive as a two-lane rural arterial road is scheduled to commence early in 2002, with completion early the following year. Duplication of William Hovell Drive east of Coulter Drive is also scheduled to commence early in 2002, with completion early in 2005.

Mr Speaker, the government has allocated funding for the Gungahlin Drive extension in its five-year road construction program, with commencement in April 2002 and completion in May 2005, subject to the outcome of the Legislative Assembly's consideration of the committee's report and the government's response to it. The government recognises the importance of development of a longer-term strategy in relation to the Monaro Highway to the regional and national roles of that route and to the need for seeking Commonwealth recognition of the route as part of the national highway system. The government will be pursuing this matter with the Commonwealth.

The government agrees with the majority of the committee in recommending support for an eastern alignment for the Gungahlin Drive extension. The government believes that the eastern alignment achieves a high level of transport provision while minimising impacts on the Bruce precinct. I note that Mr Corbell has submitted a dissenting report to the majority of the committee on the alignment of the Gungahlin Drive extension. The

government does not agree with Mr Corbell's desire to see the future transport corridor on an alignment west of the AIS.

The western alignment would cost more than the government's preferred option to the east of the AIS and would have significant deleterious effects on the Bruce precinct. It is not sound planning to feed a major arterial road through the middle of a mixed-use precinct such as the Bruce precinct. Through-traffic flows should be directed to a peripheral parkway system, which the eastern alignment would achieve. Traffic noise effects on eastern Kaleen residential areas as well as AIS residences and future residential areas in Bruce would be more significant with a western alignment than with an eastern alignment.

Mr Corbell's assertion that alignment of the Gungahlin Drive extension to the east would result in the division of the O'Connor and Bruce Ridge areas is wrong. The eastern route will skirt the edge of the area and will result in the removal of a small area of remnant vegetation immediately south of the AIS. There will be no division of the ridge area at all. As the affected area is on the periphery of the reserve, there is unlikely to be any significant impact on the sustainability of the area.

Both the eastern and the western alignments affect remnant vegetation to the east of Calvary Hospital. The western alignment affects remnant vegetation between the Canberra Institute of Technology and the Bruce Stadium as well. In net terms, the difference in the area of vegetation affected by the eastern route is about three or four hectares more than that affected by the western route. The government considers that this is a reasonable price to pay to achieve the best outcome which balances competing interests in the area.

An important criterion at the detailed design stage of a future Gungahlin Drive extension will be that the area of natural vegetation affected by the future road and associated facilities is minimised, subject to achieving adequate provisions in any earthworks for a future IPT right of way. Additionally, Mr Corbell seems to have forgotten the remnant Kaleen grasslands between Ellenborough Street and Ginninderra Drive. A western alignment would have a far greater impact on the grasslands than the option favoured by the government and recommended by the majority of the committee, as it would skirt around the eastern perimeter of the grasslands.

MR CORBELL (6.02): Mr Speaker, I am sure that you would appreciate that I have had only a very brief time to examine this response by the government, but there are some immediate comments that I would like to make. The first of those goes directly to one of the key issues that the government has failed to address in its response, that is, the issue of encouraging employment location in the Gungahlin Town Centre.

The government has responded in a tokenistic and inappropriate manner to the recommendation I made in my dissenting report. Basically, it has said that it will just wait for employment growth to occur as Gungahlin grows and advocate opportunities for employment location in the town centre, but what actual practical and concrete measures is the government proposing to establish a better employment location in Gungahlin? Is the government prepared to look at mechanisms in terms of financial incentives to encourage the location of employment activity in the Gungahlin Town Centre? No, it is not. Is the government prepared to consider mechanisms such as effective land release

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strategies and discounts on land release strategies to encourage employment location in the Gungahlin Town Centre? No, it is not. Is the government prepared to look at a range of other measures, such as the fast tracking of broadband cable connections into the Gungahlin Town Centre to ensure that it does not have some competitive disadvantage compared with other parts of the city? No, it is not. That is a completely unacceptable response from the government. It only takes a very quick reading of the government's response to see that that is the case.

Mr Speaker, the other point I would like to make very briefly this evening—I am sure that there will be an opportunity to debate this response at some length later—is the government's assertion that the western alignment would have a more significant impact on areas of Bruce and O'Connor Ridge than the eastern alignment. That is a nonsense argument; it is an absolute nonsense argument. First of all, in relation to the Kaleen grasslands there is every possibility that the alignment, whether it is eastern or western, could traverse the area between Kaleen and North Lyneham in a way that would have minimal impact on the Kaleen grasslands. The government knows that. The government knows that it can be done, but it is blinkered in its view of the ability of the road to address that issue.

Secondly, the assertion of the government is that the western alignment would affect remnant vegetation on Bruce Ridge in a more significant way than the eastern alignment. The government fails to recognise in that assertion that its proposed alignment cuts through the O'Connor and Bruce Ridge precinct in such a way that, effectively, it divides the nature park unit in two. It disrupts the continuity of the nature reserve between the areas to the west and the areas to the east in a way that the western alignment does not, because the western alignment, for the greater part of its length, travels through already developed areas. The government has failed to recognise that point. It has failed to recognise that establishing a road through the centre of a nature park area would have far more impact than establishing it along the edge.

We all understand edge impacts when it comes to development close to nature conservation areas. I would certainly hope that the minister for the environment understands that. To establish such a road through the centre of a nature park area in a way that disrupts the integrity of the nature conservation unit is just irresponsible and negligent. That was the response that we got from this government, an irresponsible and negligent response.

The government's response to the recommendations in my dissenting report, along with its response to other recommendations in the majority report, continues to miss the point. It continues to miss the need with this debate to balance engineering considerations with environmental considerations, social and aesthetic considerations, and sustainability considerations. The government refuses to acknowledge those considerations in responding to this report. It has missed key opportunities here to respond in a positive way to issues such as employment location and the development of an effective employment activity centre in the Gungahlin Town Centre. For that reason, Mr Speaker, I can express immediately that this response is a disappointment and a missed opportunity again from this government to address this issue in a realistic and appropriate way.

Mr Speaker, the government has not signalled its timeframe, beyond that already outlined in the capital works program, for the development of this road, nor has it identified whether there is a need for a variation to the Territory Plan for its proposed capital works to commence. That is very disappointing. I would have thought any responsible government would have identified the need for such activity. I understand from advice from the minister's officer that a Territory Plan variation will be required. I would be grateful for the minister's clarification as to whether a Territory Plan variation will be required for the capital works project proposed by the government to proceed.

The Labor Party has made its position clear. On being elected to government in October, we will pursue the western alignment for the Gungahlin Drive extension. We believe that that is the most appropriate alignment. The government has a few questions yet to answer on this matter and I would appreciate if it gave the Assembly the courtesy of an answer on whether any further planning approvals in relation to changes to the Territory Plan are required before the government's proposed capital works project can proceed.

MS TUCKER (6.08): I will be brief in speaking to this motion. I just want to pick up the issue that Mr Corbell raised in terms of the timeframe. This response is a very predictable one to a committee report that was taking the government line, apart from Mr Corbell's dissenting report, so there are no surprises in it. I put the Greens' view on this subject on the record when the report was tabled by the committee. The important point here is the timeframe. This response is about an election issue. Once again, the government has failed totally to acknowledge the broader environmental and social responsibilities it holds. That is not confined to this government. Previous governments also have been guilty in this regard.

Providing employment options in Gungahlin is an issue that the Greens have always raised. More recently, we have seen this government being more supportive of a major development at the airport, so you just know that you cannot take them even a little bit seriously when they say that they are interested in making proper accommodation for employment options in the various locations and town centres, particularly in Gungahlin. We know that the government treats it as a joke. What we have to do in this place is to establish that this project will not go ahead in any way until after the election, which means the design work as well. That work should not start, either. I just wanted to make the point that we should let the community decide about this project.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (6.10): Mr Speaker, I want contribute briefly to the debate by addressing the comments raised by both Mr Corbell and Ms Tucker about employment opportunities in Gungahlin and perhaps put something on the table of which Mr Corbell may not be aware, an historical matter about the development of employment bases in the town centre.

When this government came to office in 1995 and work began on what is now the Dame Pattie Menzies Building in Dickson, we were accused of eschewing the opportunity to build that government office building in Gungahlin. We were told that we were being dreadful, that we should have taken the opportunity to give value to Gungahlin residents by building it in the town centre. We responded that, in fact, when we came to office in 1995 the decision had already been made to build the new building, the new home for

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PALM, in Dickson and not in Gungahlin. The very party which was accusing us of ignoring Gungahlin had itself overlooked and ignored Gungahlin.

That debate raged for a few days in this place. In the end we asked for the public sector to produce any documentary evidence that a decision had been made to build a new office for PALM in Dickson. Indeed, a memo was produced which had been sent to the then minister responsible for those matters, Mr Lamont, and Mr Lamont confirmed publicly that the Labor government in its last few months of office had made the decision to build the new home for PALM at Dickson, notwithstanding the calls that were then being made by residents of Gungahlin to build the building for PALM in the Gungahlin Town Centre.

Mr Speaker, a memo was produced. Of course, it was not produced to this government because it was a document of the former government and, therefore, was not a document that we were entitled to see. However, it was produced and handed by the public servants concerned to the then leader of the Labor Party, Ms Follett. She was invited to table the document in the Assembly so that the Assembly could see what reaction the government of the day had had to the proposal from the public service that the building go ahead at Dickson, not in Gungahlin. The record will show that that memo was never tabled in this place. Despite several invitations, it was never tabled.

Mr Berry: It is a mysterious one, though, isn't it?

MR HUMPHRIES: Yes, it is.

Mr Berry: You cannot really demonstrate that what you said is true because you don't have the memo.

MR HUMPHRIES: We can produce it again, if you like. If Mr Berry invites me to table it, I can do that. A copy was given to Ms Follett, not the original. I can produce the memo for you. Would you like me to do that, Mr Berry?

Mr Berry: What about the other document that was produced?

MR HUMPHRIES: Mr Speaker, I do not think he does, somehow; I do not think that he would. There was a memo showing that Labor had passed over the chance to build in Gungahlin. It was produced for the Labor Party and they were invited to table it so that we could see whether this memo from the public service saying, "Let's do that," had been rejected or accepted by the Labor government of the day.

Mr Berry: I think there was another pertinent note, too, with Ms Follett's signature on it directing somebody to do something. Tell us about that one.

MR HUMPHRIES: That is right, yes, there was. I am glad Mr Berry raises it. In fact, it was a copy of that memo which had gone to Ms Follett's office, the same memo. Ms Follett's recollection in the debate in this place was that she had annotated that note to say, "No, the decision should be made that we not go to Dickson. We should instead go to Gungahlin." That is what she told the Assembly she had directed the authority to do. What was produced, in fact, was a copy of a memo that had gone to her office with

her annotation on it. Ms Follett was advised to table a copy of that annotated memo. She did not do so.

Mr Speaker, the public service can produce that memo again to the now leader of the Labor Party, Mr Stanhope, if Labor persists in maintaining the myth that it had wanted to build the new home for PALM in Gungahlin rather than Dickson. I suspect that Mr Stanhope will not want that memo. If he does get that memo, he will not want to table the memo in this place, because I suspect that it shows, as Mr Lamont asserted at the time, that the Labor government of the day did make the decision to put PALM at Dickson and passed over the opportunity to build PALM's new home in Gungahlin.

Mr Berry: That is not true.

MR HUMPHRIES: Then get the memo. It proves what I am saying.

Mr Berry: I will get to my feet in a minute.

MR HUMPHRIES: Get the memo and table it in this place and we will all know. Mr Speaker, as crocodile tears are being shed about how this government will not build an employment base in Gungahlin, I am reminding everybody concerned in this debate that that was the last major building that any government in the ACT built to house public servants. Apart from things such as joint emergency services centres, police stations and so on, which obviously have to be location based, that was the last general government office building constructed in the ACT by the ACT government. So the last chance to build something in Gungahlin which has occurred in the last six or seven years occurred under the former Labor government and they missed the chance.

MR BERRY (6.16): I found that contribution to the debate to be quite incredible. Mr Humphries constructs a document that he has not seen, tells us what is in it and then criticises it. That is a mysterious way of operating.

Mr Hargreaves: He has Gary-ed the papers.

MR BERRY: I think there is an air of Gary about this matter. Mr Speaker, I can say that I was pretty close to the events. I have not been able to rush upstairs, neither would I be able to, and rake through a whole heap of papers to dig anything out. But I know what was the position of the Labor Party at that time. As far as I am concerned, the position of the party was that there ought to be some construction at Gungahlin. I was there and I counter what Mr Humphries says. I was there and he is constructing his view out of a paper which he claims that he has seen and which does not exist—or does it exist?

Mr Humphries: It does exist, yes.

MR BERRY: It does exist, but you have not seen it and you do not know what is in it.

Mr Hargreaves: How do you know it exists?

Mr Humphries: Because the public service has told us that it exists.

MR BERRY: How do you know what is in it? That is the curious thing.

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Mr Humphries: I do not.

MR BERRY: Oh! But we have your version of what you think might be in it. Who cares what was in it? I will tell you what the Labor Party wanted. Who cares? I know what the position of the party was. I am telling you that, as far as I was concerned, the party's position was to build at Gungahlin. When the government changed, so did that decision.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): I seek leave to speak again.

Leave granted.

MR HUMPHRIES: Mr Speaker, I do not know what was in that document, but I do know that the failure of the Labor Party to table the document in this place when it came into its hands, despite invitation, speaks volumes about what must have been in it.

Question resolved in the affirmative.

Leases

Papers and statement by minister

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 papers:

Land (Planning and Environment) Act—

Pursuant to section 216A—Schedules—Leases granted, lease variations and change of use charges for the period 1 January to 30 March 2001, together with:

A copy of a lease granted to the Canberra Southern Cross Club Limited for block 7, section 15, Greenway, dated 17 January 2001.

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

Leave granted.

MR SMYTH: Mr Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I now table covers leases granted for the period 1 January 2001 to 31 March 2001. I am also tabling two other schedules relating to variations approved and change of use charges for the same period.

In September 1997 my colleague Gary Humphries, then the Minister for Environment, Land and Planning, tabled a disallowable instrument, No 228 of 1997, for the direct grant of land for any or all of commercial, residential, industrial and tourism purposes. In the tabling statement the Chief Minister indicated that a copy of the lease and a statement setting out why the lease was granted would be tabled in the Assembly.

I wish to table for the benefit of members a copy of the lease granted under disallowable instrument No 228 of 1997 to the Canberra Southern Cross Club for block 7, section 15, Greenway, the Tuggeranong Indoor Sports Centre, for the purpose of an indoor recreation facility. The disallowable instrument was used in this instance, as the proposed use for the site—indoor recreation facility—is a permitted use within the commercial land use policy as defined in the Territory Plan, and the centre will be operated on a commercial basis. Late last year, Basketball Canberra was placed in receivership by the National Australia Bank. The matter was successfully resolved and included the direct sale of the lease over the centre to Canberra Southern Cross Club Inc.

To achieve this, Basketball Canberra had to surrender their existing lease over the Tuggeranong Indoor Sports Centre and be paid compensation for the improvements. The government then sold the surrendered lease to the Canberra Southern Cross Club at market value for the purposes of an indoor recreation facility. The value of the improvements and the market value of the lease were determined by the Australian Valuation Office.

Basketball Canberra will be the major tenant of the centre, with any spare capacity available to be utilised by other organisations. Basketball Canberra has been provided with a more secure future, which should enable them to continue to undertake their full range of activities, including the operation of the Canberra Capitals and Gunners basketball teams. It will also provide a continuing basketball facility for use by the broader community in the Tuggeranong valley.

I believe that there will be significant social, sporting, and cultural benefits for the territory in the ongoing use of the Tuggeranong Indoor Sports Centre for basketball. These justify a direct grant of the land to the Canberra Southern Cross Club.

Papers

Mr Smyth, on behalf of **Mr Moore**, presented the following papers:

Health Regulation (Maternal Health Information) Act—Quarterly reports for approved facilities for October 2000 to December 2000, including a corrigendum for the period July 2000–September 2000.

Hepatitis C—Lookback program and financial assistance scheme—Report as at 31 March 2000.
Information bulletins—

Calvary Public Hospital—Patient Activity Data—February 2001.

The Canberra Hospital—Patient Activity Data—February 2001.

Justice and Community Safety—Standing Committee Report No 11—government response

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services): On behalf of Mr Moore, I present the following paper:

Justice and Community Safety—Standing Committee—Report No 11—Committee visit to Western Australia, the Northern Territory and South Australia: Third interim report in the prison series (*presented 7 December 2000*)—Government response.

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

Leave granted.

MR SMYTH: I am pleased to table on behalf of the government the government's response to the third interim report of the Standing Committee on Justice and Community Safety on the establishment of an ACT prison entitled, *Committee visit to Western Australia, the Northern Territory and South Australia*. I am pleased that the committee found their visits worthwhile and informative. Practically all the issues encountered, discussed and reported on by the committee in its third interim report have been identified by the ACT Prison Project Office, ACT Corrective Services, and the Department of Justice and Community Safety and reported on in various ways to the government.

It is pleasing to note that the government and the committee are in agreement on many key issues and that the findings of the committee reinforce much of what has been learned from the ACT Prison Project Office. The recently completed report of the ACT Prison Community Panel also canvasses most of these issues.

There has been significant progress on the ACT prison project since the government tabled its response to the second interim report of the standing committee's inquiry into the ACT prison. On 7 December 2000 the Chief Minister announced that Rengain Pty Ltd had been appointed to assist the government in determining the most suitable design, finance, ownership and operational model for the facility. These are important issues for the government and ones on which it will not make decisions until the best and most comprehensive advice is available to it. It is anticipated that this advice will be made available to the government shortly.

A broadly based prison community panel was established in February 2000. The panel, chaired by Jim Leedman AM, has worked intensively during the last year on formulating its views on a wide range of issues in relation to the new prison. The ACT Prison Community Panel presented its report entitled, *An ACT prison: getting it right*, to the Chief Minister on 14 December 2000. The matters addressed in the report include rehabilitation of prisoners and appropriate interventions; community initiatives in providing for continuity of care from within the prison to the general community to reintegration by prisoners such as work relief programs; the type of prison industry that might operate within the prison; provision of recreation facilities for prisoners and remandees; design considerations for the prison; and monitoring of prison operations.

The site identified at Symonston in earlier reports has been confirmed as the most suitable site for the facility, and consultants Herdman Associates have been appointed to undertake the preliminary assessment of the site in accordance with the requirements of the land act. A community consultation panel is being finalised, as is a communications plan. Consideration is also being given to legislation that will be required in order to operate a correctional facility in the ACT.

MR HARGREAVES: I ask for leave to make a statement in relation to the paper.

Leave granted.

MR HARGREAVES: Can I say how amazed I am that it has taken the government five months to come up with a response to what was a fairly simple report. This is going to take a bit of detailed reading, and I suspect that we will need to take it away and have a think about it. But there are some amazing things in here that I have seen at first pass.

One of them is that the committee recommended back in December 2000 that the government continue to promote active community participation in the design of the prison. We have seen in the last couple of weeks or so how the community has erupted at Narrabundah and Red Hill. Their principal complaint, other than about what you might call nimbyism—you can consider their issues—has been about the way in which the consultation process has gone on. Mr Rugendyke sits there and shakes his head, but he was not there. I saw many people there I had never seen before, and they were very annoyed.

We have been talking about this prison project for three years. In this tabling statement from the minister it says, “A community consultation plan is being finalised, as is a communications plan.” How long is a piece of string? A huge length of string is required to get this government to consult properly with people about this issue. It has hung a lot of its hat on this community panel, which has hardly done anything in the last month or two.

It brought out the *Getting it right* report, in which it recommended public ownership, and nothing has happened since. It is my understanding that the thing is likely to sit in the doldrums and do nothing for some time, which is not the intention the government had, and it is not the understanding that the Committee on Justice and Community Safety had of its role.

I was a little disappointed by the government’s response to this, even though it has got “noted” and “noted” and “noted” and the occasional “agree”, because what this report did was give the Assembly a window into what is happening in corrections throughout the country. Through it we received the advice of people who have struggled with the same questions that we are struggling with or will be struggling with: public ownership and public financing versus private ownership and private financing, economies of scale, how we look after our women prisoners and how we look after our indigenous prisoners.

I think this is a somewhat disappointing response. However, after five months, I am glad to see it has finally arrived.

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Government Procurement Bill 2001

Detail stage

Clause 1.

Debate resumed from 1 May 2001.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (6.28): I seek leave to move together amendments 2 and 3 circulated in my name.

Leave granted.

MR HUMPHRIES: I move the amendments circulated in my name [*see schedule 3 at page 1524*]. I present a supplementary explanatory memorandum.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Road Transport (Safety and Traffic Management) Amendment Bill 2000

Debate resumed from 7 December 2000, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

MR HARGREAVES (6.31): I will be brief because the opposition is supportive of the intentions behind the bill if not supportive of one of the clauses within it. We believe that a police officer can deal with people indulging in road rage under the provisions for alternative crimes on the statute book: crimes against a person, threatening behaviour and the like. I foreshadow that we will be speaking about an amendment when it comes up.

MS TUCKER (6.32): The Greens will not be supporting this bill, so I do not know if we will see any amendments from Mr Hargreaves. We believe that it is a knee-jerk and draconian response to the issue of road rage, which needs a much more comprehensive and considered approach.

It should be noted that road rage can already be dealt with in road transport legislation under the provisions for the offence of menacing driving, which carries a maximum penalty of \$10,000, imprisonment for 12 months or both and also automatic licence disqualification for three months for first offenders and 12 months for repeat offenders.

This is in addition to the existing penalties for assault, which would be applied if a driver physically attacks another driver. I am not sure why the government has introduced this bill, apart from wanting to keep the law and order lobby on side. The menacing driving offence was only introduced in March 2000, and there have only been three convictions so far for menacing driving.

While we have all heard stories about road rage, there does not appear to be any evidence that police do not have the power to deal with such incidents. This bill raises some worrying issues about the direction the government is heading in with the penalisation of traffic offences. The bill basically applies the existing provisions for car seizure and burnout offences to the offence of menacing driving.

I accept that there is some logic to taking away the car of someone who is doing burnouts: the car is an integral part of doing a burnout, and the sorts of people who indulge in burnouts identify strongly with their vehicles. However, in the case of road rage, it is totally the person in the car who is doing the raging. It has nothing to do with the particular car they are driving.

The government seems to be treating the car as an offensive weapon, or perhaps it just wants to increase the penalties for traffic offences by also taking away the offender's car. Until recently, the general approach to traffic offences was to penalise the offender who drives irresponsibly by taking away their licence to drive. It then does not matter how many cars they own or have access to, because they cannot legally drive them. We are now starting to penalise traffic offenders by taking away their cars as well.

How far is the government intending to take this? Will they start taking away the cars of drink-driving offenders or speeding offenders? There does not seem to be any consideration given to the possibility that the car may also be driven by other people in the offender's family. They may be perfectly law abiding, but they are also being penalised by the lack of a car to drive.

We have also not seen any evidence from the government of whether the incidence of road rage is actually increasing and why this might be the case. If it is increasing, perhaps it is because there are more cars on the road and thus more possibilities of clashes between car drivers. Perhaps it is the nature of the ACT's road system, the level of traffic congestion or particular road rules that is causing frustration in motorists. Rather than just increase penalties for road rage, perhaps the government should make a greater effort to prevent it in the first place through its transport policies.

I am also concerned that the bill allows cars to be seized from people before they have even been charged with an offence and, certainly, before they have been convicted. This, once again, reverses the important civil liberties principle that people are presumed innocent until proven guilty. I acknowledge that this bill is an improvement on the burnout provisions, in that the police have to see the person acting in a menacing way before they seize the car. In the burnout provision they need only have reasonable grounds for believing that an offence has been committed.

However, what constitutes menacing driving is left to the discretion of individual police officers, as is whether to impose the penalty of seizing the person's vehicle, when it should really be the court that decides on whether the person is acting in a menacing

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way. I note that Mr Hargreaves is putting up an amendment to remove the power of police to seize a vehicle on seeing what they think is menacing behaviour. That is making a bad piece of law less bad, but I believe it would be preferable not to pass this legislation in the first place. I will therefore be opposing this bill at the in-principle stage but, if the bill passes, I will be supporting Mr Hargreaves' amendment—and the other one if he has got another; I do not know what he was referring to before.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes, 10

Noes, 1

Mr Cornwell	Mr Smyth	Ms Tucker
Mr Hargreaves	Mr Stanhope	
Mr Hird	Mr Wood	
Mr Humphries		
Mr Moore		
Mr Quinlan		
Mr Rugendyke		

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HARGREAVES (6.40): I ask for leave to move together the amendments circulated in my name.

Leave granted.

MR HARGREAVES: I move the amendments circulated in my name [*see schedule 4 at page 1525*].

Essentially, the Road Transport (Safety and Traffic Management) Amendment Bill 2000 proposes that the police and the courts may impound vehicles used in road rage offences. Police officers may impound a vehicle where they have witnessed an incident of menacing behaviour or if the court so orders. The bill does differ from the burnout legislation in that impounding can only take place if a police officer actually witnesses the road rage. It needs to be said for the record that Labor does not condone any menacing behaviour, particularly on the roads.

When asked how many incidents of road rage have been reported, the departmental officer who gave us the briefing could not even hazard a guess. There is a problem with being able to identify it happening because we do not have a lot of police officers on the

road at any one time in this territory. So, in a sense, I agree with Ms Tucker: I do not think this is really going to achieve anything.

There are laws that protect victims of road rage—for example, for assault, reckless driving and threats against the person. These laws need to be enforced so that the victims know the avenues for them to follow and police can follow through on these complaints. It should not be that the police officer necessarily has to see it; people who feel threatened should be able to go to their police officer and get something done about it.

The government ought to educate motorists on how to control their anger. More often than not, road rage occurs when someone does their block in a motor car. We need to have some anger management education for motorists.

Mr Quinlan: Valium.

MR HARGREAVES: I am not quite sure about that! Labor believes that the power to impound vehicles should rest solely with the courts. Police should collect evidence and present that evidence in court. If the courts are satisfied with the evidence, the courts should direct the vehicle to be impounded. The onus on the police is to provide evidence to the courts. Labor does not support the police having this power to impound a vehicle. On a practical level, by the way, we will lose a police officer for half a shift. It is just a PR exercise.

I am assured that there is support for this amendment, and I trust that that support is forthcoming. The power to take people's property ought to rest with the courts, and we should not put that responsibility onto police officers, not even former police officers, like Mr Hird across the corridor.

MR RUGENDYKE (6.44): I will not be supporting the amendments put by Mr Hargreaves. To support these amendments and thereby almost completely dismantle this piece of legislation would be to show a complete distrust of the police, as Mr Hargreaves apparently does. I, being a former police officer, trust the way police handle their powers. I have witnessed and kept abreast of the way the discretionary use of the burnout legislation is being used by police, and they have shown that they are entirely trustworthy in using the power in an appropriate manner. My trust in the way the police do their work will not allow me to support Mr Hargreaves' amendments.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (6.45): Mr Speaker, the government will not be supporting the amendments, simply because, as the example of the burnout legislation has so clearly proven, the threat of immediate seizure is a very effective and potent tool. Taking this threat out of the act weakens it considerably. With that in mind, the government will oppose the amendments.

MR MOORE (Minister for Health, Housing and Community Services) (6.46): Mr Speaker, as with any arbitrary power, this power is entirely inappropriate for police to have. I argued this on the burnout legislation, and I remain of that view. I will support Mr Hargreaves' amendments.

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Question put:

That **Mr Hargreaves'** amendments be agreed to.

The Assembly voted—

Ayes, 6

Noes, 5

Mr Hargreaves
Mr Moore
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Mr Cornwell
Mr Hird
Mr Humphries
Mr Rugendyke
Mr Smyth

Question so resolved in the affirmative.

Amendments agreed to.

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

Bill, as amended, agreed to.

Building Amendment Bill 2001

Debate resumed from 15 February 2001, on motion by **Mr Smyth**:

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) (6.49), in reply: I thank the Assembly for their support of the Building Amendment Bill 2001; it is a very important bill. It is part of the implementation of the Sherman report. Basically, it ensures that our private and government building applications are considered in the same way.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Labor government document

MR BERRY (6.50): During an earlier debate about Gungahlin, Mr Humphries was on his feet talking about a document that he knew the contents of which he was not able to see. He gave his description of the contents and then, curiously, said to the chamber, "I can arrange for you to get a copy of it." I do not know how you would arrange for anybody here to get a copy of it, because I do not think there is anybody entitled to see it.

Mr Smyth: Yes, there is.

MR BERRY: I do not think there is anybody. I am not entitled to see it.

Mr Humphries: Mr Stanhope is entitled to see it.

MR BERRY: I do not think Mr Stanhope is because he was not the minister concerned with the matter in that government. You would have to talk to the members who are ministers of this place to get their approval before you can start waving this sort of stuff around. It is a very curious thing. In any event, you will have to rely on my interpretation of it because I was there. I was the cabinet secretary and I knew what the Labor Party's position was. The Labor Party's position was to build at Gungahlin. As soon as you got yourself in there, you made sure that it happened somewhere else.

Mr Smyth: If that's the position, then table the document. Prove it.

MR BERRY: You cannot table the document.

Mr Humphries: Well, you should.

Mr Smyth: You can.

MR BERRY: I cannot. I do not even have access to it. I am not a member of the executive. In any event, I am telling you what the Labor Party's position was, and that is the last word you will hear from me on it. I was hoping Mr Moore would hang about for a while. I was going to raise the issue of a plaster cast on a constituent's arm. He still has not told me why the hospital does not provide the high-tech versions of these plaster casts. I have said to him that I am going to keep raising the issue until I find out. So I say that again.

Now that CTEC have signed the contract with the Canberra Airport Group at Brindabella Park, I wonder if the minister responsible, Mr Smyth, would now agree to provide members of this Assembly with those documents in their complete form, documents which he refused to supply to members before the contract was signed. I am not interested in seeing the contract being tabled in this place; I am told it is on the Net somewhere. That is not what I am after. I want to see the documents that were the subject of a motion which was passed in this place, which the minister at first said he would provide and then did not. Now the contract is signed, let us see them in their complete form. I will test you with that one—and it is not over yet.

3 May 2001

Labor government document

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (6.53): Mr Speaker, can I respond to what Mr Berry has just said?

MR SPEAKER: You may.

MR HUMPHRIES: Mr Berry may not be aware that a protocol was developed some years ago for the way in which documents of former governments could be accessed. This protocol was discussed with the opposition at the time, so this should not come as a total surprise. Perhaps Mr Berry was not involved in those discussions. The decision was made that documents of governments no longer in power could be accessed by the current leader of the party that had then been in power. As the leader of the Labor Party today, Mr Stanhope is entitled to access the documents of the Labor government of Ms Follett. That was the protocol that was developed some years ago, when the question arose of how a member would be able to access documents of a former government. The issue arose because someone sought access to a document, and the document was provided to that member once this protocol was developed.

My response to Mr Berry's assertion, which he does not now care to hear, is that Mr Stanhope is entitled to call for the documents of the Follett government. That is the case and he is entitled to do so. If he wishes to consult with Ms Follett or anybody else in the government, he is entitled to.

Mr Berry: I told you what the Labor Party's position was then. I was there!

MR HUMPHRIES: I will get to that. He is entitled to do that, but he has the power to call for the documents. So, Mr Berry, you can tap Mr Stanhope on the shoulder—in front of you there—and say, if you want to, “I want to see that document.” That is what I mean when I say I will be able to arrange for you to see it; I will be able to direct you to the public servant who will be able to provide that document for Mr Stanhope to see.

You say it was the policy of the Labor Party. My question is: do I believe you, or do I believe the then Labor Deputy Chief Minister, who was on the public record at the time—after he had left the Assembly—as saying that the decision had been made by him. He was the responsible minister. He said on the public record at the time, “I decided we would build at Dickson, not at Gungahlin.”

Mr Berry: Well, I told you what Labor's position was.

MR HUMPHRIES: But it obviously was not Labor's policy because Mr Lamont made a different decision. He reported at the time that a memo went up to Ms Follett, who was leader of the government at the time—

Mr Wood: She knocked it back.

MR HUMPHRIES: I will come to that. That memo advised her of the decision that he had made. Mr Wood interjected a moment ago to say that Ms Follett knocked it back.

Mr Wood: I believe that is the case.

MR HUMPHRIES: It may be the case, but all I know is that, when called for five or six years ago, that document was supplied to Ms Follett—who was still leader of the Labor Party—to refresh her memory of what she had said when she was given advice about what her deputy had done. At the time, the government invited her to table so that document so we could see what her reaction had been to that decision—whether she had overruled the decision or whether she had accepted the decision. Records show—it has to show very clearly—that Ms Follett declined to table that document. I am happy to be proved—

Mr Berry: The record will show that Labor's position was for Gungahlin.

MR HUMPHRIES: I believe that the reason it was not tabled was that it showed quite clearly that (a) Mr Lamont had made the decision and (b) Ms Follett had not overruled that decision.

If the Chief Minister and Deputy Chief Minister of the government both say that this will confirm the decision of the government—that is, half of the then government—we can say with some certainty that the Labor Party had decided to build in Dickson, not in Gungahlin. But I could be wrong, and there is an easy way of finding out whether I am wrong, and it rests with Mr Stanhope. If Mr Stanhope calls for the document, the document will be provided, and Mr Stanhope can come in here triumphantly and say, “Mr Humphries, you were wrong. Here's what Ms Follett said about this,” or “Here's what Mr Lamont had decided.” But I suspect Mr Stanhope will not seek that document, and I know why.

Ms Penelope Leyland

MR STANHOPE (Leader of the Opposition) (6.58): Mr Speaker, I wish to take the opportunity in adjournment today to comment on and acknowledge the work of a journalist at the *Canberra Times* who I understand is leaving the organisation. One of the journalists I admire most at the *Canberra Times*, assistant editor Penelope Leyland, is leaving her employment at the *Canberra Times*. Having regard to the relationship that exists between journalists and politicians, I think it appropriate that we sometimes acknowledge the work of our colleagues in the media.

I will certainly miss the journalism of Penelope Leyland. I regard her as the premium journalist on the staff at the *Canberra Times*. It is a tremendous pity that she is leaving and that we will not have the benefit of her erudite writings. I always found her contributions most sensible, usually entertaining and always perfectly well written. Ms Leyland was also one of the senior editorialists for the *Canberra Times*, and I must say it was always evident to me when an editorial was written by Ms Leyland, as opposed to the other major editorialists at the *Canberra Times*. I am sure we will notice over time the absence of Ms Leyland in the content of its editorials.

I do not know Ms Leyland, and I do not know why she is leaving the *Canberra Times*, but I hope she is leaving amicably and going on to a better and greater career. I do have this slight concern: I have always regarded the *Canberra Times* as a very blokey environment with a very male oriented upper structure, and I hope quite sincerely that the *Canberra Times'* attitude to the promotion of women within the organisation or the

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existence of a glass ceiling did not in any way have an impact on her decision. Heaven forbid that was the case.

I conclude by wishing Ms Leyland the best of luck. As I said, I regard her as the premium writer. I think she is among the best writers the *Canberra Times* has produced, and she will be sorely missed by readers of the *Canberra Times*. I hope that, with regard to the fact that with her departure there is barely a woman left in a senior management position, the *Canberra Times* will recognise her quality and entice her back.

Question resolved in the affirmative.

Assembly adjourned at 7.00 pm until Wednesday, 13 June, at 10.30 am

Schedules of amendments

Schedule 1

APPROPRIATION BILL 2000-2001 (NO 2)

Amendments circulated by Treasurer

1

Clause 6

Heading

Page 2, line 18—

Omit “\$43 244 000”, substitute “\$31 819 000”.

2

Clause 6

Subclause (4)

Page 3, line 5—

Omit “\$7 758 000”, substitute “\$3 258 000”.

3

Clause 6

Subclause (6)

Page 3, line 13—

Omit “\$410 000”, substitute “\$2 410 000”.

4

Clause 6

Subclause (14)

Page 4, line 14—

Omit the subclause.

Schedule 2

ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2000 (NO 2)

Amendments circulated by Minister for Urban Services

1

Clause 2

Page 2, line 1—

Omit the clause, substitute the following clause:

2

Commencement

- (1) Section 8 and schedule 6 commence on the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register).
- (2) The remaining provisions of this Act commence on the day this Act is notified in the Gazette.

2

Clause 6

Page 2, line 11—

Insert after clause 6 the following new clauses:

7

Road Transport (Safety and Traffic Management) Act—sch 5

Schedule 5 amends the *Road Transport (Safety and Traffic Management) Act 1999*.

8

Motor Omnibus Services legislation—sch 6

Schedule 6 amends the Act and regulations mentioned in the schedule.

3

Schedule 1

Page 3, line 3—

Omit “*Motor Omnibus Services Act 1955 No 12*”.

4

Schedule 2

Page 4, line 4—

Omit “• 1955 No 14”.

5

Schedule 2

Page 4, line 19—

Omit “*Road Transport (Bus Services) Regulations 2000*

- 2000 No 9”.

6
Schedule 3
Amendments 3.1 to 3.3 and the headings to the amendments
Page 5, line 3—

Omit the amendments and the headings.

7
Schedule 3
Amendment 3.5
Page 6, line 11—

Omit the amendment.

8
Schedule 3
Amendment 3.7
Page 6, line 16—

Omit the amendment.

9
Schedule 3
Amendment 3.21
Page 8, line 15—

Omit the amendment.

10
Schedule 3
Amendment 3.26
Page 9, line 20—

Omit the amendment.

11
Schedule 3
Amendments 3.28 to 3.31
Page 9, line 24—

Omit the amendments.

12
Schedule 3
Amendment 3.34
Page 10, line 11—

Omit the amendment.

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13
Schedule 3
Amendment 3.36
Page 10, line 16—

Omit the amendment.

14
Schedule 3
Amendment 3.47
Page 12, line 2—

Omit the amendment.

15
Schedule 3
Amendments 3.49 to 3.51
Page 12, line 7—

Omit the amendments.

16
Schedule 3
Proposed new amendments 3.52A and 3.52B
Page 12, line 15—

After amendment 3.52, insert the following new amendments:

[3.52A]Section 19 (1)—

Omit “authorise”, substitute “appoint”.

[3.52B]Section 19 (3)—

Omit “authorised”, substitute “appointed”.

17
Schedule 3
Amendment 3.56
Page 12, line 22—

Omit the amendment, substitute the following amendment:

[3.56] Section 63 (1) (aa) to (c)—

Renumber as section 63 (1) (a) to (e).

18
Schedule 3
Amendments 3.62 to 3.70
Page 13, line 11—

Omit the amendments, substitute the following amendments:

[3.62] Section 158, definition of *issue*—

Omit “or public vehicle policy”.

[3.63] Section 158, definition of *public vehicle policy*—

Omit the definition, substitute the following definition:

public vehicle policy—see section 218.

[3.64] Section 161 (2)—

Omit the subsection, substitute the following subsection:

- (2) However, the Territory, the Commonwealth or a Territory or Commonwealth authority is—
 - (a) in relation to a motor vehicle for which a third-party policy is not in force—under the same liabilities, and has the same rights, as an authorised insurer would be under, or have, if the insurer had issued a third-party policy for the vehicle; and
 - (b) in relation to a public vehicle for which a public vehicle policy is not in force—under the same liabilities, and has the same rights, as an insurer would be under, or have, if the insurer had issued a public vehicle policy for the vehicle.

[3.65] Section 167 (2) (c)—

Omit “is taken”, substitute “is taken not”.

[3.66] Section 205—

Omit the section, substitute the following section:

205 Offence—unapproved insurer (MAA s 100, MACA s 157)

- (1) A person other than an authorised insurer must not issue a certificate or policy of insurance under section 164 (Issue of certificates of third-party insurance).

Maximum penalty: 100 penalty units.

- (2) If a certificate or policy of insurance is issued by a person in contravention of this section—
 - (a) the policy of insurance or indemnity issued by the person is not annulled or affected by the contravention; and
 - (b) the person is liable to anyone who would be an insured person if the certificate or policy had been issued by an authorised insurer.

[3.67] Section 212 (1)—

Omit the subsection, substitute the following subsection:

- (1) The regulations may require an authorised insurer to provide returns to the road transport authority about—
 - (a) premiums received for insurance under third-party policies; and
 - (b) claims paid in relation to third-party policies; and
 - (c) the persons insured under third-party policies; and
 - (d) any other matters relevant to third-party policies or this part.

[3.68] Division 10.12—

Omit the division, substitute the following division:

Division 10.12 Additional insurance for public vehicles

217 Public vehicle insurance compulsory (MTA s 83 (1), (3))

The owner of a public vehicle must, at all times, maintain for the vehicle a public vehicle policy for at least \$5 000 000.

Maximum penalty: 50 penalty units.

Note The Territory, the Commonwealth or a Territory or Commonwealth authority is not required to hold a public vehicle policy (see s 161 (1)).

218 Public vehicle policies (MTA s 83 (1), (1A))

- (1) A public vehicle policy is a policy—
 - (a) that is issued (or renewed) by a corporation authorised under the *Insurance Act 1973* (Cwlth); and
 - (b) that insures the owner of the public vehicle to which the policy applies against liability in relation to damage to property caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).
- (2) It is irrelevant that the policy also insures the owner against other risks.

[3.69] Section 223 (3) and (4)—

Omit the subsections.

[3.70] Section 223 (5) and (6)—

Renumber as section 223 (3) and (4).

[3.70A] New section 293A—

Insert after section 293 the following section:

293A Appointment of authorised persons

An authorisation of a person under section 19 (1) (Authorised persons) in force immediately before the commencement of this section is taken, after the commencement, to be an appointment of the person as an authorised person under the section.

19

Schedule 3

Amendments 3.72 and 3.73

Page 14, line 14—

Omit the amendments, substitute the following amendments:

[3.72] Dictionary, definition of *issue*—

Omit “or public vehicle policy”.

[3.73] Dictionary, definition of *public vehicle policy*—

Omit the definition, substitute the following definition:

public vehicle policy—see section 218.

20

Schedule 3

Amendments 3.74 to 3.78 and the heading to the amendment

Page 15, line 2—

Omit the amendments and the heading.

21

Schedule 3

Amendment 3.79

Page 15, line 18—

Omit the amendment.

22

Schedule 3

Amendment 3.90 and the heading to the amendment

Page 16, line 19—

Omit the amendment and the heading.

23

Schedule 4

Amendment 4.1 and the heading to the amendment

Page 17, line 3—

Omit the amendment and the heading.

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24

Schedule 4

Amendments 4.10 and 4.11

Page 18, line 4—

Omit the amendments.

25

Schedule 4

Amendments 4.13 and 4.14

Page 18, line 19—

Omit the amendments, substitute the following amendment:

[4.13] Regulation 4, note—

Omit the note, substitute the following note:

Note For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviations:

- MTA: *Motor Traffic Act 1936*, as in force immediately before the commencement of this Act
- MTR: *Motor Traffic Regulations 1934*, as in force immediately before the commencement of this Act
- NSW (DL): *Road Transport (Driver Licensing) Regulation 1999* (NSW)
- NSW (Gen): *Road Transport (General) Regulation 1999* (NSW)
- NSW (SD): *Road Transport (Short Descriptions and Penalty Notice Offences) Regulation 1999* (NSW)
- NSW (VR): *Road Transport (Vehicle Registration) Regulation 1999* (NSW).

26

Schedule 4

Amendment 4.16

Page 19, line 3—

Omit the amendment, substitute the following amendment:

[4.16] New section 16 (1) (b)—

Insert after section 16 (1) (a) the following paragraph:

- (b) a fee, charge or other amount payable in relation to a driving instructor's accreditation;

27

Schedule 4

Amendments 4.18 to 4.23

Page 19, line 25—

Omit the amendments.

28

Schedule 4

Amendment 4.26

Page 20, line 19—

Omit the amendment.

29

Schedule 4

Amendments 4.28 to 4.41

Page 21, line 3—

Omit the amendments, substitute the following amendments:

[4.28] Regulations 8, 16 and 17—

Omit “the Schedule”, substitute “schedule 1”.

[4.29] Regulation 20—

Omit “the schedule”, substitute “schedule 1”.

[4.30] Regulation 24 (1) and (2)—

Omit the subregulations, substitute the following subregulations:

- (1) This part expires on 1 June 2001.
- (2) To remove any doubt, regulation 22 (as renumbered by Subordinate Law 2000 No 57) is taken not to have ceased to have effect on 1 June 2000.

[4.31] Dictionary, note—

Omit “the schedule”, substitute “schedule 1”.

[4.29] Schedule—

Renumber as schedule 1.

[4.30] Schedule, part 7, item 62, col 3—

Omit “/public vehicle policies”.

[4.31] Schedule, part 7, item 64, col 2—

Omit “217 (1)”, substitute “217”.

30

Schedule 4

Amendments 4.43 to 4.45

Page 24, line 4—

Omit the amendments.

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31

Schedule 4

Amendments 4.47 and 4.48

Page 24, line 16—

Omit the amendments.

32

Schedule 4

Proposed new amendment 4.49A

Page 25, line 3—

After amendment 4.49, insert the following new amendment:

[4.49A]Regulation 13 (4)—

Omit the subregulation, substitute the following subregulation:

(4) In this regulation:

public vehicle policy—see the Act, section 218.

33

Schedule 4

Amendment 4.51

Page 25, line 7—

Omit the amendment, substitute the following new amendments:

[4.51] Regulation 6—

Omit the regulation.

[4.51A]Regulation 8—

Omit the regulation, substitute the following regulation:

8 Lost, stolen etc certificates of insurance

(TPI reg 9, 10)

If the insurer that issued a certificate of insurance to a person is satisfied that the certificate has been lost, stolen, damaged or destroyed, the insurer must, on application by the person, give the person a replacement certificate.

[4.51B]Dictionary, definition of *issue*—

Omit “or public vehicle policy”.

[4.51C] Dictionary, definitions of *public vehicle* and *public vehicle policy*

Omit the definitions.

34

New schedules 5 and 6

Page 25, line 22—

Insert after schedule 4 the following schedules:

Schedule 5—Amendments of Road Transport (Safety and Traffic) Management Act

(see s 7)

[5.1] Section 2—

Omit the section.

[5.2] Section 23—

Omit the section, substitute the following sections:

22A Meaning of *relevant information* for pt 6

- (1) In this part, *relevant information*, for an image of a vehicle taken by a camera detection device, is—
 - (a) the date and time when, and place where, the image was taken; and
 - (b) the person responsible for the use of the device when the image was taken; and
 - (c) if the vehicle is being driven in contravention of a provision of the regulations about traffic lights at an intersection—
 - (i) the general direction and lane in which the vehicle is being driven; and
 - (ii) the time a red traffic light or red traffic arrow facing the driver of the vehicle at the intersection had been showing before the driver entered the intersection; and
 - (d) if the vehicle is being driven in contravention of a provision of the regulations about obeying the speed limit—
 - (i) the speed measuring device component of the camera detection device; and
 - (ii) the speed limit applying to the driver of the vehicle for the length of road where the driver was driving when the image is taken; and
 - (iii) the speed at which the driver of the vehicle was driving when the image is taken.

23 Use of camera detection devices (MTA s 180ZE)

- (1) A *camera detection device* is a device designed to do either or both of the following:
 - (a) take complying images of vehicles being driven in contravention of the regulations about traffic lights at intersections;
 - (b) measure the speed at which vehicles are being driven and take complying images of vehicles being driven in contravention of a provision of the regulations about obeying the speed limit.

- (2) A photographic or electronic image of a vehicle taken by an approved camera detection device is a complying image if—
- (a) the image shows the vehicle and its numberplate; and
 - (b) the relevant information for the image is indicated on the image; and
 - (c) for an electronic image—
 - (i) the device creates an electronic file that contains the image and the relevant information for the image; and
 - (ii) the file is recorded in accordance with the regulations; and
 - (iii) if the regulations require the accuracy of the file to be verified—the file is verified in accordance with the regulations.
- (3) This section does not—
- (a) limit the matters that may be indicated on or shown by an image taken by an approved camera detection device; or
 - (b) limit the information included in an electronic file created by an approved camera detection device; or
 - (c) require an approved camera detection device to be operated by a person.

Note Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the dict, def of ***indicated on***).

[5.3] Section 24 (2)—

Omit “produced”, substitute “taken”.

[5.4] Section 25 (2)—

Omit the subsection, substitute the following subsection:

- (2) A certificate that appears to be signed by a police officer or the road transport authority, and states a matter relevant to any of the following, is evidence of the matter:
- (a) the use of a traffic offence detection device in relation to the vehicle;
 - (b) anything done or not done in relation to a traffic offence detection device under the regulations made for this part;
 - (c) the recording or verification of an electronic file created by an approved camera detection device.

[5.5] Section 25 (3) (a) (ii)—

Omit “or”.

[5.6] Section 25 (3) (a) (iii)—

Omit the paragraph.

[5.7] Section 25 (4) and (5)—

Omit the subsections, substitute the following subsections:

- (4) An image stated by a certificate given under subsection (2) to be an accurate copy of an image taken by an approved camera detection device is evidence of everything indicated on or shown by the image.

Note Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the dict, def of *indicated on*).

- (5) Without limiting subsection (4), the information indicated on or shown by the image is evidence of the following matters:
- (a) that the vehicle shown in the image was being driven when and the place where (the *relevant time and place*) the image was taken by the device;
 - (b) if the information indicates a speed limit—that the speed limit applied to the driver of the vehicle for the length of road where the driver was driving at the relevant time and place;
 - (c) if the information indicates the speed of the vehicle—that the driver was driving the vehicle at that speed at the relevant time and place;
 - (d) if the information indicates the lane and the general direction in which the vehicle was travelling—that the vehicle was travelling in that lane in the general direction indicated;
 - (e) if the information indicates the length of time a red traffic light or red traffic arrow facing the driver of the vehicle at the intersection concerned had been showing—that the light or arrow shown in the image had been showing for the stated time before the driver entered the intersection.

[5.8] Section 26 (c)—

Omit “produced by”, substitute “taken or created by”.

[5.9] Section 27 (heading)—

Omit the heading, substitute the following heading:

27 Inspection and purchase of images taken by camera detection devices (MTA s 180ZI)

[5.10] Section 27 (2)—

Omit the subsection, substitute the following subsection:

- (2) The road transport authority must—
- (a) make a copy of the image (including the information indicated on the image) available for inspection by the person; and
 - (b) give a copy to the person if the person asks for a copy.

Note A fee may be determined under the *Road Transport (General) Act 1999*, s 96 (Determination of fees, charges and other amounts) for this section.

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[5.11] Section 50—

Omit “ceases to have effect 15 months after it commences”, substitute “expires on 1 June 2001”.

[5.12] Dictionary—

Insert the following definitions in the dictionary:

indicated on, an image of a vehicle taken by an approved camera detection device, includes accompanying or reasonably associated with the image.

red traffic arrow includes a flashing red traffic arrow.

red traffic light includes a flashing red traffic light.

relevant information, for an image of a vehicle, for part 6 (Traffic offence detection devices)—see section 22A (Meaning of *relevant information* for pt 6).

traffic lights includes any traffic arrows installed with or near the lights.

Schedule 6—Amendments of Motor Omnibus Services legislation

(see s 8)

Part 6.1 Motor Omnibus Services Act 1955

[6.1] Section 2 (1)

Omit “(1) In this Act, unless the contrary intention appears—”, substitute “In this Act:”.

[6.2] Section 2 (1), definitions of *bus stop sign* and *child*

Omit the definitions.

[6.3] Section 2 (1), definition of *fare*

Omit the definition, substitute the following definition:

fare means the amount payable by a person for travel on an omnibus.

[6.4] Section 2 (1), definition of *motor omnibus service*

Omit the definition, substitute the following definition:

motor omnibus service means a motor omnibus service under this Act.

[6.5] Section 2 (1), definitions of *section sign*, *stopping place*, *ticket* and *zone sign*

Omit the definitions.

[6.6] Section 2 (2)

Omit the subsection, substitute the following section:

3 Purchase of tickets for someone else

For this Act, a ticket purchased by a person for someone else is taken to have been purchased by the other person.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and a determination made by the Minister under s 23 (see *Legislation Act 2001*, s 104).

[6.7] Section 3

Omit the section, substitute the following section:

4 Establishment etc of motor omnibus services

The Minister may establish, maintain and conduct such motor omnibus services within the ACT as the Minister considers appropriate.

[6.8] Sections 4 and 4A

Omit the sections.

[6.9] Section 4BA (2)

Omit “he or she shall, by notice published in the *Gazette*”, substitute “the Minister must, in writing”.

[6.10] New section 4BA (5)

Insert after section 4BA (4) the following subsection:

- (5) A notification or determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[6.11] Section 4D

Omit the section.

[6.12] Section 6 (3)

Omit “or the regulations”.

[6.13] Section 6 (3), new note

Insert the following note:

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[6.14] Sections 8 (1), 9 (1) and 11

Omit “or the regulations”.

[6.15] Section 12 (2)

Omit “shall be in a form approved by the Chief Executive and”.

[6.16] Section 12 (2), new note

Insert the following note:

Note If a form is approved under s 24 (Approved forms) for a notice, the form must be used.

[6.17] Section 22

Omit “or the regulations”.

[6.18] Sections 23 and 24

Omit the sections, substitute the following sections:

23 Determination of fees and charges

- (1) The Minister may, in writing, determine fees and charges for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (which includes charges and other amounts) (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

24 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

25 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) the conduct of drivers employed on a motor omnibus service; and
- (b) the conditions under which passengers are carried on a motor omnibus service; and
- (c) the behaviour of people intending to enter, and passengers in, an omnibus.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 6.2 Motor Omnibus Services Regulations 1955

[6.19] Regulation 3, definition of *charges determination*

Omit the definition, substitute the following definition:

charges determination means the determination of fares in force from time to time under section 23 (Determination of fees and charges) of the Act.

[6.20] Regulation 3, definitions of *smoking offence and the Act*

Omit the definitions.

[6.21] Regulation 3, new note

Insert the following note:

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[6.22] Regulation 17 (3)

Omit the subregulation.

[6.23] Regulation 25A

Omit the regulation.

[6.24] Regulation 28, new note

Insert the following note:

Note A person may not smoke in an omnibus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

[6.25] Regulation 36A

Omit the regulation.

[6.26] Schedule, part 2, items for regulations 25A and 36A

Omit the items.

35

Title

Page 1—

Omit the title, substitute the following title:

An Act to amend various Acts relating to road transport, and for other purposes

Schedule 3

GOVERNMENT PROCUREMENT BILL 2001

Amendments circulated by Treasurer

1

Clause 3, note 1

page 2, line 8—

Omit the note, substitute the following note:

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or other legislation.

For example, the signpost definition '*responsible chief executive*—see the *Auditor-General Act 1996*, section 3 (1).' means that the expression 'responsible chief executive' is defined in that subsection and the definition applies to this Act.

2

Dictionary, definition of *Territory entity*

Page 13, line 14—

Omit the definition, substitute the following definition:

Territory entity means—

- (a) an administrative unit; or
- (b) a Territory entity under the *Auditor-General Act 1996*.

Schedule 4

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2000

Amendments circulated by Mr Hargreaves

1

Clause 6

Paragraph (a)

Page 5, line 4—

Omit the paragraph, substitute the following paragraph:

(a) by omitting subsection (1) (a); and

2

Clause 6

Paragraph (b)

Proposed new paragraph 10B (1) (b)

Page 5, line 8—

Omit the proposed new paragraph.

3

Clause 6

Paragraph (d)

Page 5, line 20—

Omit the paragraph.

3 May 2001

**Answers to questions
Motor vehicle registrations
(Question No 344)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

In relation to vehicle registration:

(1) For the financial years (a) 1999-2000 and (b) 2000-2001 year to date at the end of February:

i. How much revenue was collected in car registrations in the ACT, through the imposition of the administrative charge for vehicles being registered less than 12 months;

ii What is the value of revenue foregone due to the application of pensioner concessions for vehicles registered in the ACT.

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

1. Revenue collected from the vehicle registration renewal administrative fee:

(a) for the financial year 1999-2000, was \$2,774,000; and

(b) for the 2000-2001 year to date at end February 2001, was \$2,138,000.

ii. Revenue foregone due to pensioner concessions on vehicle registrations:

(a) for the financial year 1999-2000, was \$3,720,000; and

(b) for the 2000-2001 year to date at end February 2001, is \$2,529,000.

**Austouch kiosks
(Question No 345)**

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the AUSTOUCH kiosks:

- (1) What has been the total yearly revenue received by North Communications Australia (NCA) through commercialising the intellectual property of the AUSTOUCH kiosk under the joint intellectual property agreement between the ACT Government and the NCA?
- (2) What has been the yearly cost of the service from NCA since 1996?
- (3) What was the value of the intellectual property of the AUSTOUCH kiosk system prior to entering into the agreement with NCA in 1996?

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

- (1) The total yearly revenue received by North Communications Australia (NCA) through commercialising the intellectual property of the AUSTOUCH kiosk is not known. This is commercial information held by NCA.

NCA are paid a fee as specified in the contract between the ACT Government and NCA. The original contract was \$115,000 per annum. for 10 kiosks. Options within the contract allowed for additional kiosks to be purchased. The ACT presently has 18 kiosks. On 1 March 2001 AUSTOUCH was transferred from Urban Services to Canberra Connect. As a result of this move Canberra Connect pays for 14 kiosks and ACTION pays for 4 kiosks.

- (2) The costs of the service from NCA for each year since 1996 are:

	1996-1997 financial year
	\$124,594.00
	1997-1998 financial year
	\$162,875.12
	1998-1999 financial year
	\$179,297.23
	1999-2000 financial year
	\$116,156.50
year	2000-February 2001 part
	\$89,570.69

These costs include monthly costs of providing the service and other costs such as content preparation and development of applications specific to the kiosks. Two major developments that occurred in financial years 1997-1998 and 1998-1999 where equipment upgrades and upgrading the kiosk software to be Internet compatible.

ACTION also pay an additional amount \$24,140 per annum for the four kiosks in the bus interchanges.

(3) The intellectual property of the AUSTOUCH kiosk system prior to entering into the agreement with NCA in 1996 had no value. The intellectual property arose from networking of the kiosks and having the content and services managed from a central source. This occurred when the contract between the ACT and NCA was signed. At the time of going to tender it was impossible to determine a value of any “future” intellectual property, consequently the tender process encouraged tenderers to price their services taking into account the development of any possible “future” intellectual property. NCA provided the lowest price and best value for money.

3 May 2001

**BRL Hardy Ltd
(Question No 347)**

Mr Stanhope asked the Minister for Business, Tourism and the Arts, upon notice, on 27 March 2001:

- 1) What was the value of the waiver of stamp duty on the lease granted to BRL Hardy Limited over the Kamberra Tourist Centre.
- 2) What is the second stage of the project.
- 3) Did the Government grant BRL Hardy Limited the land being used for a vineyard at Holt.
- 4) If so, what was (a) the value of that land and (b) other benefits related to that transaction given to BRL Hardy.
- 5) What are the Australian Bureau of Statistics (ABS) industry multipliers used to calculate the ratio of direct to indirect benefits of BRL Hardy's investments in the ACT and can the multipliers be provided.
- 6) What is the ACT Input/Output Economic Model used in this project and can the details of this model be provided.

Mr Smyth: The answer to the member's question is as follows:

- 1) What was the value of the waiver of stamp duty on the lease granted to BRL Hardy Limited over the Kamberra Tourist Centre.

The value of the waiver under section 65(1)(a) of the Financial Management Act 1996 in relation to the stamp duty for BRL Hardy Limited acquisition of the Crown Lease over block 18 Section 71 Lyneham was \$56,025.

- 2) What is the second stage of the project.

Stage two of the development involves increasing the size of the complex and its crushing capacity to cater for an expected increase in the tonnage of grapes to be processed. These grapes are sourced from related vineyards and third party contract vineyards and significant crop growth is anticipated.

- 3) Did the Government grant BRL Hardy Limited the land being used for a vineyard at Holt.

No

- 4) If so, what was (a) the value of that land and (b) other benefits related to that transaction given to BRL Hardy.

NA

- 5) What are the Australian Bureau of Statistics (ABS) industry multipliers used to calculate the ratio of direct to indirect benefits of BRL Hardy's investments in the ACT and can the multipliers be provided.

The multiplier used to estimate the indirect effects of the BRL Hardy proposal was 0.6 (that is, for each unit of output from the project a further 0.6 units of output are generated elsewhere in the ACT economy). This multiplier is a general whole-of-economy multiplier often used by Treasury where the direct outputs involved in a project cover a range of sectors (eg construction, primary production and retail).

6) What is the ACT Input/Output Economic Model used in this project and can the details of this model be provided.

The ACT Input-Output Model was not used in the analysis of this project. For the purpose of the analysis, it was not necessary to identify the specific industries that would be affected by the proposal. The most recent Input-Output Model, based on 1997-98 data, indicates that the multiplier for primary production is 0.56.

**Grey water
(Question No 348)**

Mr Stanhope asked the Treasurer, upon notice, on 27 March 2001:

- (1) How many customers does ACTEW have for grey water.
- (2) What tariff is used to set the price of grey water.
- (3) Why are the rates for grey water “commercial in confidence” when other water usage rates are not.

Mr Humphries: The answers to the member’s questions are as follows:

Note: The normal definition of ‘grey’ water is the water leaving a household excluding water from the toilet. ACTEW’s significant re-use schemes are for the re-use of sewage effluent (i.e. treated sewage, including water from the toilet). We have taken these questions to refer to treated sewage rather than grey water per se.

ACTEW treats the sewage to provide effluent of a quality consistent with the “uncontrolled access” category of the ACT Water Reuse Policy. While this effluent is not drinkable, it is of a quality that would make it difficult to distinguish a glass of effluent from a glass of potable water.

1. How many customers does ACTEW have for grey water?

In 2000 ACTEW Corporation provided the following customers with treated effluent:

- Woodhaven Green Golf Course and BRL-Hardy vineyard (from Lower Molonglo Water Quality Control Centre); and
- Southwell Park (from Southwell Park Treatment Plant).

The following customers are soon to be supplied with treated effluent:

- ACTEW signed a contract with the Department of Defence for the supply of effluent to ADFA and Duntroon from the North Canberra Effluent Reuse Scheme (NCERS), representing 40 Ha of land to be irrigated.
- ACTEW agreed contracts with the ANU, Bureau of Sport and Recreation and Canberra District Rugby League for supply from NCERS. Final signature is awaiting concurrence from the Department of Health and the Environment Management Authority on water sampling issues. This represents another 20 Ha of irrigation on various ovals in North Canberra.

These customers are currently supplied with potable water. The pipework systems are already in place. Following the satisfactory conclusions to negotiations with the relevant parties, ACTEW will supply treated effluent from NCERS.

ACTEW also has six houses in various parts of Canberra disconnected from the sewage system where local effluent reuse has been implemented. ACTEW installed small treatment plants at these six sites, and the house owners re-use effluent on their own block. This project has been running since December 1994.

2. What tariff is used to set the price for grey water?

The ACT's Independent Competition and Regulatory Commission (ICRC) regulates general water usage rates. There is no set tariff for effluent reuse—prices are negotiated on an individual contract basis because the cost of delivering effluent varies substantially from customer to customer. For example, the cost of pumping effluent from Lower Molonglo to the golf course and winery in Holt is substantially different to the cost of running the North Canberra Effluent Re-use Scheme. Also, in the case of Woodhaven Green, the customer owns, operates and maintains the infrastructure (pumps and pipework) whereas in other schemes ACTEW supplies effluent to the block as it would potable water (ie at pressure, at the block).

Reuse and its environmental benefit was considered during development of the 5-year Price Direction for water and sewerage charges.¹ It was recognised that although prices should discriminate between water of various qualities wherever possible, the costs of supplying recycled water was a disincentive. The ICRC recommended that ACTEW Corporation be allowed to negotiate with customers to provide recycled water on the basis that customers pay at least the avoidable costs (ie treatment and distribution costs). Both ACTEW and the Government concurred with the recommendation.

3. Why are rates for grey water 'commercial in confidence' when other water usage rates are not?

Contracts for effluent reuse are commercial in confidence because they have been made between ACTEW and private citizens or companies. However, ACTEW would be willing to seek the agreement of customers for the release of this information and to seek to avoid future contracts on a commercial in confidence basis. At present, rates vary from \$0.075 per kL for a customer who owns, operates and maintains their pump, pipeline and associated delivery infrastructure, to 75% of the potable water charge for the NCERS customers (equivalent to \$0.72 per kL). Most customers will be on this latter charge, with only Woodhaven Green and BRL-Hardy on a cheaper rate.

The rates for effluent are negotiated according to individual circumstances such as costs of connection and supply, time of use, draw down capacity, capital contribution and maintenance arrangements between customer and provider, and risk and indemnity provisions. They are generally "take or pay" contracts. This means the customer pays a fixed lump sum. This lump sum is based on their average use (over the preceding five years) and a rate of 75% of the potable water charge. ACTEW then sets limits on the instantaneous rate effluent can be taken from the scheme to fit the hydraulic design parameters of the scheme. Within these limits the customer can then take as much effluent as they wish.

ACTEW Corporation uses the following approach to evaluate recycled water projects:

¹ ACTEW's Electricity, Water and Sewerage Charges for 1999/00 to 2003/4, May 1999.

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1. Assess viability of each scheme;
2. Negotiate price on a scheme by scheme basis;
3. Establish a starting price 75% of potable water for schemes where ACTEW provide all the infrastructure; and
4. Charge at least avoidable cost for developed sites not at full potential.

**Small business
(Question No 349)**

Mr Stanhope asked the Chief Minister, upon notice, on 27 March 2001:

In relation to small business:

1. What surveys have been undertaken by any Government agency or with Government funding in the ACT of (a) home-based and (b) small businesses.
2. Have reports of the surveys, if any, been evaluated and released.
3. What steps has the Government taken to review, and where necessary, improve access by home-based and small business to ACT business development schemes.
4. What data has been published on the use of such schemes by home-based and small business.
5. What reports on the use and effectiveness of such schemes have been released by the Government.
6. Has the ACT Government made any assessment of the effect of the Goods and Services Tax (GST) and related new tax scheme changes on home-based and small business.
7. What were the findings of that assessment.
8. What was the cost to such businesses of the implementation of the GST and related measures.
9. Where were the findings published.
10. What incentive does the Government offer to home-based and small businesses to establish operations in the ACT.

Mr Smyth: The answer to the member's question is as follows:

1. The ACT Government has jointly with the Commonwealth Government supported two surveys of home based and small businesses over the last 18 months:

>Canberra Region Enterprise and Employment Development Association (CREEDA) (December 1999) Backyarders and Frontrunners: Home-based business in two Australian Regions

>Canberra Region Enterprise and Employment Development Association (CREEDA) (2001)—The Capital Region Micro and Home-Based Business Program—CREEDA is currently undertaking this program that builds on the work of the 1999 report. The aim of the study is to develop a proven methodology for identifying, accessing and supporting high-growth micro businesses to accelerate growth.

2. The 1999 CREEDA Report is available on the Department of Employment, Workplace Relations and Small Business (DEWRSB) website www.dewrsb.gov.au/smallBusiness/Publications

3. The ACT Government funds a range of programs and seminars that support small and home based business. These support services are constantly reviewed at an operational level to ensure they remain relevant to ACT businesses. These services include:

• **Canberra Business Advisory Service**—The Canberra Business Advisory Service (CBAS) commenced operations in January 2001 following a review of the former Links-to-Business and Business Mentoring services. Funded by the ACT Government and with sponsorship support from Asia On-line, CBAS offers a range of services to ACT home based a small businesses, including:

- > Business advice and facilitation;
- > Networking through planned events and referrals;
- > Business seminars and workshops;
- > Flexible business mentoring programs;
- > Business development programs;
- > Directions to access additional business services, training providers and Government programs; and
- > Support of indigenous business intenders and operators providing facilitation, guidance and mentoring.

In the first three months of operation, CBAS has had almost 500 client contacts. The service provider has indicated that the vast majority of contacts are sourced from start-up, micro and small businesses. CBAS also regularly attends meetings of the Home Based Business Association.

• **ACT Business Gateway**—The ACT Business Gateway is the primary entry point through which home-based and small businesses can access comprehensive Government business information services, such as the Business Licence Information Service (BLIS), and a range of Government business support services. Offering on-line and telephone access, Business Gateway is an ideal way for home-based and small business operators to access Government services without leaving their workplace.

Recent enhancements to the Business Gateway site have further improved the support that is offered to small business. These include:

> Redevelopment of the site so that it has a more modern look and feel and a format that showcases regular updates of business news and information.

> A new navigation button labelled Small Business Advice that will link directly to the Canberra Business Advisory Service web site.

> Improved business to government interaction by enabling:

* online EFT and Direct Debit payments for many transactions;

* form prefilling using stored data;

> “Link and return” functionality that allows businesses to complete online transactions with all ACT agencies in a seamless manner.

> Changes to Business Licence Information (BLIS) Packs, including.

* Re-ordering of the information in the packs to more clearly follow the sequencing of the questions asked to generate the pack.

* A generic checklist as a guide to working through the information provided in the packs.

* an emphasis on the need to check on lease compliance and to contact some agencies in particular circumstances, eg PALM when any alterations to a building are made.

- > Other planned enhancements to the Business Gateway that will benefit small business include:
 - * a single registration point for multiple business data bases such as tender information;
 - * a Business Innovation and Opportunity Showcase that will not only showcase ACT business, but will provide an opportunity to match ACT businesses with investment opportunities;
 - * a better search facility specifically for the Business Licence Information Service (BLIS). This will facilitate searching for compliances in industry groupings, without having to complete a BLIS question and answer session.
 - * an Indigenous Business portal that will provide information, useful links and training opportunities for Indigenous business people.

Small Business Growth Program—The Small Business Growth Program was introduced during 2000 to consolidate several smaller programs and offer a greater degree of flexibility in meeting the needs of the ACT home-based and small business community.

Through this program, BusinessACT assists approximately 50 small and micro businesses (including home-based) annually with their strategic development needs through the use of dollar for dollar subsidies to engage professional support. Areas of support include business and market planning, e-commerce strategies and strategic training.

The Program also provides support for a range of non-profit organisations that deliver value-adding services to the broader business community. Organisations supported include:

- > Indigenous Business Chamber—to assist with the development of indigenous small businesses in the ACT;
- > Enterprise Development Institute of Australia—to provide comprehensive training in business planning for small and home-based businesses;
- > Tourism Industry Council of the ACT & Region—to deliver coordinated industry development services to the ACT & Region tourism industry;
- > Ngunnawal ACT & District Indigenous People Aboriginal Corporation Inc—to support the delivery of the Community Development Employment Program to the ACT & Region indigenous community.

Business Seminar Series—The Business Seminar Series which is particularly targeted at small & home-based businesses, has proven to be a popular and effective vehicle for raising awareness of issues relevant to the business community. The program offered 8 seminars during the 2000 calendar year, with approximately 1,500 ACT & Region home-based and small business operators attending.

Some of the seminars included in the 2000 series canvassed issues such as marketing, GST, TransACT and tendering and procurement. The next major seminar on the program for 2001, “Science gets down to Business” is being held on 30 April 2001 in conjunction with the Science Festival.

ACT Industry Search & Opportunities (ISO)—a free service funded by the ACT Government assisting ACT & Queanbeyan businesses to access a national ISO network. The ISO exposes ACT businesses of all sizes to opportunities in local, domestic and international markets through the identification and marketing of local industry capability. There are more than 200 local ACT & Queanbeyan companies, mostly from the small business sector, currently taking advantage of this service.

ACT Business Incentive Scheme (ACTBIS)—ACTBIS reflects similar business assistance schemes operating in other jurisdictions in Australia. Through the use of tailored incentive packages, ACTBIS encourages the development of strategic business opportunities that bring significant economic benefits to the ACT.

Since the inception of ACTBIS in February 1996, some 40 local small businesses have been offered financial incentive packages totalling approximately \$5.5m. To date, these local companies have directly generated approximately 700 full time equivalent jobs in the ACT.

ACT R&D Grants Scheme—The ACT R&D Grants Scheme offers ACT knowledge-based organisations financial assistance for the commercialisation of R&D activity. As at the end of March 2001, grants totalling almost \$2.5m had been approved in support of approximately 30 local small businesses.

Business Advisory and Regulatory Review Team (BARRT)—BARRT is the successor to the Red Tape Reduction Task Force, and consistently monitors issues facing small and home based business.

Last year BARRT particularly looked at small business establishment issues and the special needs of small business in dealing with Government. The result of this work was:

- > Changes to Business Licence Information (BLIS) Packs;
- > Enhancements to the Business Gateway; and
- > Ongoing collaboration with Canberra Connect to streamline Government processes, with a particular emphasis on the ease of applications.

Other issues considered by BARRT recently that have directly impacted on small and home based business include:

- > The ANZFA Food Standards Code where small business were invited to comment on the changes. Consultation ensured that small business was well informed and as a result will not find the changes as onerous as originally perceived.
- > Improved customer service by PALM in the land planning process so that small business may more easily access these services.
- > In conjunction with the Office of Training and Adult Education (OTAE), conducted Industry consultations to identify the future training needs of Small Business. Representatives attended from peak business bodies in the ACT as well as some small business operators. The result was a suite of training programs called "trainingsmallBiz.com", funded by the ACT Government. The feedback from this year's consultation, conducted on 3 April 2001, will be used to enhance the trainingsmallBiz.com program.

Basis—Basis is a free service offered by the ACT Government that brings potential suppliers and Government purchasing officers together electronically. Businesses can register their supply capability and be notified when supply opportunities arise.

Other—The ACT Government supports the ongoing development of home-based and small businesses through a number of other avenues, including:

> **Competitive Payroll Tax Regime**—A recent report by Deloitte Touche Tohmatsu has found that the ACT payroll tax regime gives ACT businesses a clear advantage over other jurisdictions. The report indicates that the ACT's strategy of increasing the tax threshold rather than reducing the tax rate delivers a greater benefit to small business by increasing the employment capacity of a business' payroll before a tax liability is incurred.

The report goes on to say that the ACT tax threshold makes the ACT one of the lowest taxing jurisdictions for small business in the country.

4. A report on the performance of ACT Government business assistance programs is included in the Chief Minister's Department Annual Report. While programs are targeted at small and micro businesses, the available statistical data does not differentiate between small and home-based businesses.

5. All BusinessACT programs are constantly reviewed at an operational level to ensure they remain relevant to the ACT business community. For example, in response to client feedback, the Canberra Business Advisory Service was established, the new Small Business Growth Program was introduced and improvements to the navigation on the Business Gateway website were implemented.

While comprehensive program reviews are not undertaken on a regular basis, where formal reports have been obtained, it is generally the practice to release them publicly. For example, a review of the ACT Business Incentive Scheme was tabled in the Legislative Assembly by then Chief Minister in June 1999 and a report on the outcomes of this program is published in the Chief Minister's Department Annual Report.

6. No.

7. N/A.

8. N/A.

9. N/A.

10. In addition to the extensive support to small and home-based businesses outlined in the answer to Question 3, the ACT Government assists people starting a new business through the following additional programs:

New Future in Small Business—The New Future in Small Business training program helps participants to assess the feasibility of their business idea, get the business idea off the ground and to understand what is needed to succeed in business.

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The program targets unemployed residents of the ACT and region who are generally 40 years of age and over. Priority is given to those who have recently been made redundant or retrenched and are considering establishing a small business. Participants go through an intensive five-week, full-time training course in small business management including business planning, financial planning, tax, marketing, law and record keeping. On-going mentoring support for up to 12 months is provided after completion of the training course.

The course is free to eligible applicants and Southern Business Services (Marketing) Pty Ltd conduct up to six courses each year.

Creating Youth Business Initiatives (CYBI)—The CYBI program provides access to grant and/or loan funding and one-to-one business mentoring to eligible applicants intending to develop their business venture. The program is aimed at young unemployed residents of the ACT and region who are aged 18 to 28 years of age. This program is delivered in conjunction with the New Enterprise Incentive Scheme (NEIS).

CYBI is a community-based initiative set up and managed by a local committee of volunteers in association with the Business Skills Centre. It operates in partnership with the ACT Government, the Foundation for Young Australians and the corporate and community sectors.

**Housing—demolition for redevelopment
(Question No 350)**

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to the demolition of houses for redevelopment:

- (1) How many approvals have been given since the introduction of the Building (Amendment) Act 1999 in September 1999 for the demolition of houses to allow the land to be redeveloped;
- (2) Since this date, have all the applicants submitted waste management plans for these demolitions, and if not, why not;
- (3) What criteria have been used to assess the adequacy of these waste management plans;
- (4) Which recycling facilities are being used for the recycling of waste building materials from these demolitions;
- (5) Do all the waste management plans specify that waste be taken to these recycling facilities, and if not, why not; and
- (6) What monitoring is being undertaken of the compliance by demolition contractors with these waste management plans.

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

- (1) 264 house demolitions have been approved since September 1999.
- (2) All applications for demolition of houses since September 1999 have included waste management plans.
- (3) The adequacy of the waste management plans are assessed against the information provided in the Development Control Code for Best Practice Waste Management in the ACT (new code). This document outlines the type of building material that can be reused or recycled and for what purpose. ACT Waste aims to ensure that no material that can be reused or recycled on-site or off-site is identified for disposal at the landfills.
- (4) The waste management plans indicate that the bulk of the concrete and broken bricks are recycled at the Canberra Concrete Recyclers' site at Pialligo. Limited quantities of concrete, bricks and timber are reused on site. ACT Waste encourages the use of portable crushing plant on-site. The remaining reusables and recyclables are taken to the various recycling agencies identified in the new code.
- (5) Every waste management plan submitted must identify what type of material of what quantity would be reused or recycled on-site and if off-site, to nominate that site. If this information is not supplied at the first instance, the applicant is called upon to provide the details before the waste management plan is supported.

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(6) The provisions in the Building (Amendment) Act 1999 require Private Certifiers to ensure demolishers have complying waste management plans. Officers from ACT Waste have been given delegation under the Building Act 19 72 to carry out document audits and field inspections of demolition activities because of its special knowledge of the Waste Management Code. ACT Waste is currently developing an auditing procedure to commence random audits and inspections of demolishers' compliance with approved waste management plans. It will also be providing Private Certifiers with feedback about how builders are complying with disposal requirements set out in approved waste management plans. Further, if ACT Waste detects a non-complying licensed builder, BEPCON will take appropriate action against the licensee.

**Canberra Hospital—morbidity and mortality statistics
(Question No 351)**

Mr Stanhope asked the Minister for Health, Housing and Community Services, upon notice, on 29 March 2001:

In relation to The Canberra Hospital:

- (1) Can details be provided of the morbidity and mortality statistics for the last five years, in respect of each of the specialty units of The Canberra Hospital.
- (2) When is the coronial inquiry into the most recent maternal death at The Canberra Hospital scheduled.
- (3) Will the hospital, any staff member, or any relative of the deceased be legally represented at the inquest.

Mr Moore: The answer to the member's question is:

- (1) Mortality statistics for the last five years in respect of each of the specially units at The Canberra Hospital are details on the attached table. Morbidity data has not been provided as it is unclear what is required.
- (2) The Coroner has not notified the Hospital or the Government Solicitor's Office of a date for the inquest or whether there will be an inquest with witnesses called.
- (3) If there is an inquest with witnesses from the Hospital called to give evidence, the Hospital will be represented by the Government Solicitors Office. It is not known whether staff members or any relative of the deceased would be legally represented at any inquest.

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Table to be taken in

**Canberra Hospital—clinics
(Question No 352)**

Mr Stanhope asked the Minister for Health, Housing and Community Services, upon notice, on 29 March 2001:

In relation to The Canberra Hospital:

- (1) For each of the last three years, for each clinic of The Canberra Hospital:
- (a) How much money was bulk billed; and
- (b) How were the monies disbursed or expended by the hospital.

Mr Moore: The answer to the member's question is:

1 (a) Bulk-billing covers services provided by Salaried Medical Officers at The Canberra Hospital under private practice arrangements. Under bulk-billing, the Health Insurance Commission (Medicare) is billed by The Canberra Hospital acting as an Agent for the doctor engaged in private practice. Payments are received from Medicare and disbursed by the Hospital in a trustee capacity for the doctors.

As the payments are received under the name of the doctor and not for an Outpatient Clinic, the Hospital has allocated the payments to the most appropriate Clinic.

The table below presents details of payments received by the Hospital from bulk-billing for 1998-99, 1999-2000 and the first nine months of 2000-01.

**Payments to The Canberra Hospital from Bulk-billing
1998-99 to 2000-01**

	1998/99	1999/00	2000/01
Cardiology	\$271,853	\$268,037	\$192,199
Endocrinology	\$124,135	\$130,018	\$108,503
Gastroenterology	\$51,545	\$49,692	\$67,143
General Surgery	\$9,040	\$12,017	\$11,408
Infectious Diseases	\$42,463	\$66,068	\$41,804
Intensive Care Unit	\$9,055	\$4,667	\$7,223
Medical Oncology & Haematology	\$218,860	\$152,886	\$161,647
Neonatology		\$1,200	
Nuclear Medicine			\$436,969
Midwifery, Obstetrics & Gynaecology	\$183,955	\$195,294	\$127,945
Occupational Medicine		\$200	\$5,579

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	1998/99	1999/00	2000/01
Paediatrics	\$38,612	\$9,828	
*Pathology	\$43,492	\$37,496	\$1,532,107
Pharmacology		\$512	\$444
Psychiatry	\$106,044	\$92,267	\$66,929
Radiation Oncology	\$91,496	\$1,093,353	\$856,351
**Radiology	\$1,870	\$0	\$730,478
Rehabilitation & Geriatrics	\$102,516	\$83,308	\$54,254
Renal Medicine	\$27,861	\$80,101	\$118,273
Thoracic Medicine	\$194,657	\$203,393	\$139,968
Urology	\$0	\$4,208	\$0
Grand Total	\$1,517,653	\$2,489,525	\$4,653,645

Notes

* Until 30 June 2000 the Commonwealth provided a Health Program Grant to cover Outpatient private pathology. Since 1 July 2000 funding is provided through bulk-billing.

** Until 30 June 2000 private Radiology patients were individually billed by TCH. From 1 July 2000 bulk-billing was introduced.

1 (b) The moneys are disbursed by the Hospital as an agent for the doctors under the provisions of the doctors' employment contracts as follows:

1. A standard facility fee of 20% is charged by the Hospital for most specialties, and is deducted to contribute towards the Hospital's costs of providing accommodation, administration and accounting, and clinical services;
2. a higher facility fee of up to 100% is charged for Clinics with high capital costs such as medical imaging and radiation oncology;
3. payments are made to the doctors according to the various private practice Schemes; and
4. Under their contracts the doctors agree to donate the balances to the Private Practice Fund. Moneys held are available to fund research, attendance at conferences, capital equipment and other defined purposes.

Details of the private practice transactions are published in the Hospital's Annual Report as part of the Hospital's Financial Statement. The monies include receipts from both Outpatient and Inpatient services.

Hospitals in the ACT—legal actions against (Question No 353)

Mr Stanhope asked the Minister for Health, Housing and Community Service, upon notice, on 29 March 2001:

In relation to The Canberra Hospital, the Calvary Hospital and ACT Community Care:

(1) For each of the last five years what is the number of legal actions instituted against:

- (a) The Canberra Hospital
- (b) the Calvary Hospital
- (c) ACT Community Care
- (d) individual divisions of The Canberra Hospital

(2) How many of the actions have been:

- (a) settled;
- (b) remain to be settled.

(3) What are the terms of each settlement.

Mr Moore: The answer to the member's question is:

	No of Legal Actions	No Unsettled	No Settled
TCH	51	39	12
Calvary	29	7	22
ACTCC	4	3	1

TCH

The data includes unlitigated claims. It does not include matters where the relevant incident occurred prior to 1996 because The Canberra Hospital became part of a Statutory Authority in 1996. The Territory is liable for incidents which occurred prior to 1996, not The Canberra Hospital.

Please note that this information has been collected manually in the ACT Government Solicitor's Office, and that Office advises it is not guaranteed to be 100% accurate.

A breakdown by Division of The Canberra Hospital is not available.

The total amount paid out for the 12 cases that have been settled is \$311,917. Individual terms of each settlement are not available. A number of the claims have been settled on the basis that the terms of settlement will remain confidential.

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Calvary

In the cases settled out of court, it is not possible for the Hospital to provide the terms of settlement as these terms were negotiated, by the legal representatives acting on behalf of the Hospital's insurance company and remain confidential, to the point that the Hospital is not made aware of any of these details. The Hospital pays a deductible up to \$ 10,000 for each claim settled.

ACTCC

The incident date for the settled claim was 1996 and the amount paid out in settlement was \$90,000.

We have been advised by the ACT Government Solicitor's Office that the terms of settlement for the settled claim cannot be provided as the terms are confidential.

**Motor vehicle inspectors
(Question No 354)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

In relation to Vehicle Inspectors:

- (1) How many vehicle inspectors were there in:
 - (a) 1997/1998;
 - (b) 1998/1999;
 - (c) 1999/2000; and
 - (d) 2000/2001.
- (2) Are all vehicle inspectors fully qualified mechanics.
- (3) How many years experience does each vehicle inspector have.
- (4) What are the qualifications of each inspector.

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

(1) The following are the number of vehicle inspectors employed by the Department of Urban Services at 31 March for each year requested

1997/1998 Total 14

1998/1999 Total 12

1999/2000 Total 12

2000/2001 Total 9

It is important to recognise that there are also 142 Authorised Examiners who conduct roadworthy inspections in 82 private premises under the Authorised Examiner Scheme.

- (2) All vehicle inspectors are qualified mechanics.
- (3) Vehicle inspectors employed at 31 March 2001 have experience ranging from 2 years to 22 years. The following figures are the years of experience for each vehicle inspector.
 - 1 @ 2 years
 - 1 @ 8 years
 - 1 @ 9 years
 - 1 @ 10 years
 - 2 @ 14 years
 - 1 @ 15 years
 - 1 @ 21 years
 - 1 @ 22 years
- (4) All Vehicle Inspectors are qualified mechanics and members of the Institute of Automotive Mechanical Engineers. Four are also Automotive Gas Fitters.

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**Road Safety Council
(Question No 355)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

In relation to the ACT Road Safety Council:

- (1) Is the Council still in existence?
- (2) If so, (a) who are the members of the Council and (b) when does its term of office conclude?
- (3) How are members appointed to the Council?
- (4) If the Council has ceased to exist, when did this occur?
- (5) Whose decision was it to cease the operations of the Council?
- (6) What were the reasons for its cessation?

Mr Smyth: The answer to the member's question is as follows:

- (1) No.
- (2) Not applicable.
- (3) Not applicable.
- (4) The Registrar General advises that the incorporation of the Council was cancelled in July 1995, although I understand the Council effectively ceased operations in 1991.
- (5) The incorporation of the Council was cancelled by the Registrar General for failure to lodge three consecutive annual returns. It is not known whether the members of the Council voted to cease operations. No resolution was forwarded to the Registrar General.
- (6) The circumstances leading up to the Council's cessation were as follows:
 - Prior to self-government, the Council was provided with an annual grant for administrative expenses by the then ACT Administration. The grant was discontinued from 31 December 1990 following a review of the grants program.
 - The review concluded that there was unnecessary overlap in the provision of road safety activities and that the operational functions of the Council could be more effectively undertaken by the Department of Urban Services, in conjunction with the police, without additional resources.
 - A further consideration was that all other jurisdictions, except the NT, had disbanded their Road Safety Councils or reconstituted them as advisory bodies.

The position of Manager, Road Safety, was subsequently established within the Department of Urban Services, which continues to work in close co-operation with the police on the development and implementation of road safety programs for the ACT.

In addition, the NRMA-ACT Road Safety Trust was established in 1992 and has since provided more than \$13 million in grants for road safety projects in the ACT and region. The Trust is funded by \$1.50 road safety contribution, which is raised in association with ACT motor vehicle registration fees and matched by NRMA Insurance.

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**Canberra Hospital—paediatric ward
(Question No 356)**

Mr Osborne asked the Minister for Health, Housing and Community Services, upon notice, on 29 March 2001:

In relation to the paediatric ward at The Canberra Hospital:

- (1) How many beds are available in the ward.
- (2) What has been the monthly average occupancy rate in the ward for the last 12 months.

Mr Moore: The answer to the member's question is:

- (1) The Paediatric Ward has a capacity of 24 beds with availability ranging from 16-24 depending on demand and staffing levels.

An available bed is a bed which is immediately available to be used by an admitted patient if required. A bed is immediately available for use if it is located in a suitable place for care with nursing and auxiliary staff available within a reasonable period.

- (2) The monthly average occupancy rate (rounded to the nearest whole number) for the last 12 months is as follows:

Month	Average Number of Beds Occupied per Day
March 2000	23
April	19
May	21
June	24
July	22
August	21
September	15
October	19
November	17
December	17
January 2001	18
February	18

**Macpherson Court
(Question No 357)**

Mr Wood asked the Minister for Health, Housing and Community Services, upon notice, on 29 March 2001:

In relation to McPherson Court:

- (1) Who bought McPherson Court;
- (2) When was it sold;
- (3) When was the money paid; and
- (4) Who was it paid to.

Mr Moore: The answer to the member's question is:

(1) MacPherson Court was sold to Community Housing Canberra Limited. The sale was brokered by the Government to further the expansion of the community-housing sector and to demonstrate innovative redevelopment proposals using public housing sites.

(2) The Heads of Agreement (Memorandum of Understanding) setting out the basis for the sale of the lease for MacPherson Court was executed on 16 June 1999. The lease was handed to Community Housing Canberra Limited on 13 October 1999 and the title formally transferred on 29 October 1999.

(3) No money has yet been paid for the purchase of the land by Community Housing Canberra Limited. The Heads of Agreement document provides that ACT Housing will be paid in units in the redevelopment as compensation for the transfer of the MacPherson Court land or at its discretion the proceeds from the units so identified. The timing of the payment for the land by Community Housing Canberra Limited is based upon the date that the units are completed or handed over to ACT Housing. The Heads of Agreement provide that the price will be escalated based upon movements in the Consumer Price Index.

(4) The units as payment for the sale of MacPherson Court will be handed over to ACT Housing. However, at this stage as the redevelopment is currently in progress, the units identified for transfer to ACT Housing are not sufficiently completed to enable them to be handed over to ACT Housing for tenanting.

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**ACT Housing properties
(Question No 358)**

Mr Wood asked the Minister for Health, Housing and Community Services, upon notice, on 29 March 2001:

For the years (a) 1998 (b) 1999 and (c) 2000:

(1) How many properties did (a) ACT Housing sell or otherwise dispose of, and (b) purchase or build.

(2) What were the addresses of these properties.

Mr Moore: The answer to the member's question is:

(1) ACT Housing records the properties it has disposed of or acquired in the financial years and not in the calendar years as requested.

Financial Year	Total properties disposed of	Total properties acquired
1997-98	171	91
1998-99	357	135
1999-00	588	275
Total	1116	501

(2) See Attachments. ACT Housing does not have readily available a register of the addresses of the properties that it has purchased over the three years. ACT Housing prefers not to publicise the addresses of its properties, as some of the properties are used by Supported Accommodation Assistance Program providers and to respect the privacy of tenants generally. The Attachments provide details of the properties purchased in each suburb.

Table 1

3 May 2001

Table 2

Table 3

3 May 2001

table 4

table 5

3 May 2001

table 6

table 7

3 May 2001

table 8

table 9

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**Children with disabilities—transport
(Question No 359)**

Mr Berry asked the Minister for Education, upon notice, on 29 March 2001:

In relation to the transport of children with disabilities:

- (1) What changes have been put in place that affects this transport;
- (2) What was the previous arrangement; and
- (3) What are the before and after costs associated with both systems for each school affected by the changes.

Mr Stefaniak: The answer to Mr Berry's question is:

- (1) New contracts came into place on 7 October 2000. The contracts are for the transport of students with disabilities from home to school and return, or to other destinations such as respite care. Following signing of the new contracts ACTION, Keir's Transport and Canberra Cabs continue to provide transport services.
- (2) Previously transport for students with disabilities was provided by ACTION, Keir's Transport and Canberra Cabs. Until the change in contract, ACTION had been providing some schools with free transport for excursions when buses and bus drivers were not required for other duties. Not all special schools or special settings received this service.
- (3) There are no costs to schools for the transportation to and from school for students with disabilities.

**Land auction—prequalified bidders
(Question No 363)**

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the auction on 23rd March 2001 of 3 blocks in Greenway requiring prequalification:

1. Who were the prequalified bidders at the auction.
2. Was the successful bidder(s) prequalified.
3. What criteria were required for prequalification status.
4. Who was the successful bidder(s).

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

There was no land auction held by my Department on 23 March 2001. Mr Corbell may be referring to the auction on 22 March 2001. At that auction there were only two blocks (not three) in Greenway offered for sale. These blocks were both offered through open auction. In answer to Mr Corbell's specific questions:

1. There were none as it was an open auction.
2. There was no requirement for prequalification.
3. There were no criteria as there was no prequalification required.
4. Block 3 Section 30 Greenway sold to Keffoe Pty Ltd and Block 21 Section 17 Greenway was passed in.