



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 June 2001

Tuesday, 19 June 2001

Petition: Cigarettes	1999
Justice and Community Safety—standing committee.....	1999
Planning and Urban Services—standing committee	2006
Bail Amendment Bill 2001	2006
Court Security Bill 2000	2008
Drugs of Dependence Amendment Bill 2001	2008
Race and Sports Bookmaking Bill 2001.....	2013
Drugs of Dependence Amendment Bill 2001	2021
Land (Planning and Environment) Amendment Bill 2001 (No 3).....	2021
Appropriation Bill (HIH) 2000-2001	2023
Duties Amendment Bill 2001	2024
Goods and Services Tax (Temporary Transitional Provisions) Amendment Bill 2001	2025
Questions without notice:	
Care of the aged	2026
Government—openness and accountability	2028
Federal Highway	2033
Drug offences—court orders	2034
Lyneham tennis centre.....	2034
School buses.....	2035
Disability services inquiry	2037
Namadgi national park	2038
Road signs.....	2039
General Agreement on Trade in Services.....	2040
Capital works projects—prequalification of tenderers.....	2041
Williamsdale quarry	2041
Tabling of document.....	2043
Personal explanations	2044
Questions without notice: Federal Highway.....	2047
Auditor-General’s reports Nos 3 and 4 of 2001.....	2047
Papers.....	2048
Estimates 2001-2002—select committee	2048
Papers.....	2055
Financial Management Amendment Bill 2001	2056
Appropriation Bill 2001-2002.....	2059
Adjournment	2114
Schedules of amendments:	
Drugs of Dependence Amendment Bill 2001	2115
Race and Sports Bookmaking Bill 2001	2123
Race and Sports Bookmaking Bill 2001	2130
Financial Management Amendment Bill 2001	2131

Tuesday 19 June 2001

The Assembly met at 10.30 am.

(Quorum formed.)

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

Petition Cigarettes

The following petition was lodged for presentation, by Mr Rugendyke, from 63 residents:

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

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

- minors including children are obtaining cigarettes from vending machines; and
- following deregulation of business trading hours, adult smokers cannot claim they are reliant on access to tobacco products through vending machines.

Your petitioners therefore request the Assembly to strengthen its commitment to stopping young people from becoming addicted to nicotine by immediately passing legislation prohibiting the sale of cigarettes and other tobacco products through vending machines.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.

Justice and Community Safety—Standing Committee Scrutiny Report No 9 of 2001

MR OSBORNE: 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 9 of 2001, dated 19 June 2001.

I ask for leave to make a statement.

Leave granted.

MR OSBORNE: *Scrutiny Report No 9 of 2001* contains the committee's comments on five bills, 42 subordinate laws, one institute agreement and nine government responses. I commend the report to the Assembly.

19 June 2001

Report No 15

MR OSBORNE (10.35): I present the following report:

Justice and Community Safety—Standing Committee—Report No 15—The Executive Documents Release Bill 2000, dated 18 June 2001, together with a copy of the extracts of the minutes of proceedings.

I move:

That the report be noted.

Mr Speaker, the bill was tabled by Mr Moore in March last year. It was referred to the justice committee to add to its inquiry on the Freedom of Information (Amendment) Bill 1998. The FOI bill also contains a section of amendments on executive documents, although its approach is rather more ruthless. The committee is yet to finalise its report on the FOI bill. However, it has decided to report on the Executive Documents Release Bill separately.

Mr Moore's bill provides for an annual release of cabinet papers. Exemptions are provided where documents are omitted from release if it is in the public interest or in the interest of privacy to do so. Various submissions highlighted deficiencies in these procedures, most coming from the government's submission. However, Mr Moore has informed the committee that he is preparing a series of amendments to address these.

The committee focused its attention on four main points and made recommendations accordingly. The first was the timeframe before documents are released. The bill stated 10 years. However, three of the four members of the committee believed that six years—Mr Hird wanted 10 years—would be more appropriate, and that is the recommendation.

The second point was the most contentious, that being the matter of retrospectivity. As discovered before in the Assembly, it is always difficult to get agreement on retrospective legislation. The committee proved no exception. We were unable to write a unanimous recommendation on this point, with the majority of the committee believing that retrospectivity should not apply without first seeking the approval of previously elected officials. The committee recommended that this legislation not be retrospective. I disagreed. However, I did not put in a dissenting report. I believe that this bill should be applied immediately. I will allow other members to declare their positions themselves.

On a lesser note, the committee considered matters concerning the process of releasing documents and a review mechanism regarding decisions to exempt documents from being released. The committee learned that Mr Moore was preparing amendments on these points and did not go into great detail in the report, so obviously the Assembly will need to decide the issue of retrospectivity.

I thank members on the committee for their assistance in compiling the report. I thank our secretary, Fiona. The delay in tabling the report was due to the lateness of the government's response, which unfortunately is not unusual. I look forward to the debate.

MR KAINE (10.38): The chair of the committee has indicated that he supports the notion of retrospectivity in connection with this report. I was a bit on the fence on the matter. While former politicians can perhaps accept the responsibility that sooner or later the decisions they make might be made public, there is more to it than this.

Cabinet makes decisions based on submissions put to them in the main by public servants. Senior public servants in good faith put submissions to cabinet on the understanding that their documents will remain confidential and that at some future time they will not be held accountable for the advice they gave to the cabinet.

It is not the former politicians I would seek to protect, but rather senior public servants—former heads of the ACT administration, heads of divisions of the old administration and the like—who 10 years ago or six years ago, in good faith, put submissions to the cabinet on the understanding at the time that those documents would remain confidential. To break faith with them on such an issue and perhaps expose them to public criticism for something that they did six or 10 years ago would be unfair.

For that reason I have supported the retrospectivity recommendation. It is something that we as members of this Assembly have to pay due regard to.

MR HIRD (10.40): I draw members' attention to paragraph 4.9 of the report. I was unsuccessful in my strong argument that there should be a 10-year period rather than a six-year period. I argued that in similar jurisdictions in other parts of Australia the period can be up to 50 years for a notebook of a cabinet minister. Yet in an extraordinary move in this place it is proposed to introduce a six-year timeframe. I believe that 10 years would have been more appropriate.

MR MOORE (Minister for Health, Housing and Community Services) (10.42): I thank the committee for taking on this piece of legislation and taking it seriously. Quite clearly, they have considered the issues with a great deal of care. As Mr Osborne said, I indicated to the committee that I was prepared to move a number of amendments that are consistent with the report of the committee. We will now go to the process of looking at the amendments and making sure they are consistent with the committee's report. We will then introduce them.

There is one exception. That is with the regard to retrospectivity or prospectivity. Mr Kaine put an argument. I think there is some weight in it. However, it is very similar to the argument that is always put when people are looking to do the opposite of opening up government and government processes. Whilst I think the argument carries some weight, I would disagree with it. It is appropriate that this legislation be retrospective and that we make it very clear that all of us are prepared to be open in our dealings.

I have looked back over the cabinets I have been involved in, and I presume Mr Berry and others have done the same. Whilst some things are time critical, timeframes are not that important. I originally went for 10 years because I thought that that was a sensible timeframe to work around. Mr Stanhope said publicly that he thought six years was appropriate, although I recognise that he did say "prospective". I considered that and thought it was the right way to go.

19 June 2001

St Augustine said, "Lord, make me chaste but not just yet." I think there is an element of that in the argument about prospectivity and retrospectivity. It is a matter that should be decided by the Assembly as a whole, as all of these matters are, but we thank the committee for their report. It is my intention, as I flagged at the government business meeting, to bring this legislation on in executive members business on Thursday.

MR BERRY (10.44): With these sorts of provisions, there is always the prospect of someone creating the impression that someone is keeping something secret for an ulterior motive. That is the impression that has been created here from the word go. It was intended to create the impression that those awful people who have control of the cabinet have a long list of secret documents that they do not want released and that therefore, as the defenders of openness, honesty and transparency, we should make them release those documents. Superficially, if someone in the community heard that, they would say, "It sounds like a pretty good idea to me." That is what I think people who put forward these proposals preyed on.

Many of us respond that as politicians we consider things in cabinet. I am talking now about the retrospective element. As politicians in cabinet and in forums, we make contributions to internal debates on the basis that they are not going to be made public for some time. So there is a level of openness and frankness, which might not be the case if we knew details would be made public tomorrow. That is not to say that anybody is keeping anything secret, but things are said which might not be said in the political circumstances of the day.

Mr Kaine made the valid point that we have to think about public servants and others involved. The basis of a strong public service is the freedom to give full and frank advice to ministers and to cabinet. If senior public servants who give advice to cabinet know that the full and frank advice they give might be exposed six years later in their career, whatever that might be, it is understandable that the advice might be more cautious. I do not think there should be a reason for this sort of caution in advising cabinet.

On the retrospective side of things, a range of senior public servants and others have prepared advice that has found its way into the cabinet system. During the preparation of that advice, the understanding was that it was going to be subject to the normal cabinet-in-confidence rules.

I am pleased that the committee is opposed to retrospectivity. Labor supported the idea of prospective exposure after six years. We think that is okay. It is a big change from what has happened in the past. I go back to where I started. The real issue we have to face is the retrospective argument. People will trade on the dark secrets that are being kept by those who oppose retrospectivity, when clearly that is not the case.

It is a matter of making sure that people with a longer term view about good government and this parliament protect the interests of those who, in good faith, provided previous governments—whether this one or some other government—with frank and fearless advice. I do not know what people might find that would be embarrassing, I would not have a clue. But I bet you if there is retrospective availability of cabinet documents they will be out there trawling tomorrow, trying to find out something that would embarrass somebody. I do not think that is productive.

This is a major change to the cabinet-in-confidence provisions. That is why we need to be careful that we do not fall into the trap of trying to undo so-called secrecy which has occurred in past years. I have no difficulty with the basic provisions. I have not had much time to read the report, but on the face of it it looks pretty good to me.

MR HARGREAVES (10.50): I would like to bring an different perspective to the debate and speak from the perspective of a middle-management public servant involved in the process. I have no difficulty about exposing cabinet decisions to scrutiny. But, as we mentioned in committee discussions, elected representatives are not the only people affected. Nor are departmental secretaries the only people affected.

We need to be cautious about trolling for FOIs, fishing expeditions and the like. When that happens, all sorts of people get caught up in the net. Public servants give frank and fearless advice to their departmental secretary. I can recall doing just that as a member of the public service.

In fact, Mr Speaker, as my eyes wander across the chamber, I notice that nobody in the Assembly at the moment has any specific public service experience, with the possible exception of Mr Stefaniak, who was a police prosecutor.

Mr Humphries: Excuse me.

MR HARGREAVES: And Mr Humphries, of course. Correct me if I am wrong. Mr Humphries was elected in 1989. So his experience would have been Commonwealth public service experience, and of not too long a duration. My experience in the public service, from a junior through to middle ranks and occasionally knocking on the glass ceiling of the senior executive service, comprised 29 years. I saw it in all of its facets. The opportunity to provide frank and fearless advice does not come around that often.

Various governments in the ACT are regarded in various ways by their servants. I can recall when Mr Humphries was the minister for health and giving him the respect and service that he was due. I did exactly the same thing for Mr Berry. I gave frank and fearless advice on a number of occasions when I was acting as director of the rehabilitation and aged care service. It was on occasions against my better judgment from an ideological perspective. Nonetheless, government policy of the day was X, and I delivered the advice on X.

But it was with some fear, because my party affiliation was well known. I carried it on my sleeve and made no apology for it. My career was impeded on occasion for varying reasons. Not all is imparted to the people whose career is impeded, so naturally your paranoia runs riot and you suspect political interference.

I come back to the current subject. It is not impossible that somebody might want to troll through cabinet documents to find out what involvement I had as a middle-level public servant five or six years ago, to see whether or not what I say now contradicts advice I gave the government of the day. Whilst personally I do not care if they do, I would not like to think that people acting as middle-level public servants at the moment, compiling support documents for cabinet submissions, were thinking, "Oh dear, what happens if I want to give the Assembly a run in four or five years time." That would affect the quality of their advice.

19 June 2001

We need to be careful about retrospectivity. We have to be careful about exactly who gets caught up in the net when the trawling starts. I have some sympathy with the position Mr Hird put that it should be 10 years. The only reason I did not support it is a near-obsession with openness, transparency and accountability in government. But I do understand that Mr Hird was saying 10 years out of respect for the sensitivities of those people who might be caught up in fishing trips by those trawling through cabinet documents.

I want to highlight the position from the perspective of someone who was actually there at the time. There have been a number of cabinet decisions taken during the last 10 years of self-government with which I had something to do in providing background information and opinion based on experience. If people did a trawl through cabinet documents, they would find written words from me, for example, on the possibility of a slow-stream rehabilitation centre for older people recovering after major trauma in hospital. That issue has still not gone away. That issue is still on the agenda. The government is considering it. It is called a step-down facility. The opposition is considering it. When we go back through all the documents, there I am.

Mr Humphries probably remembers only too well that the submission that was put forward during my day was for a facility that hopefully would appear on the Acton peninsula where the hospice used to be. If we ever get into a political blue about the pros and cons of that service—I hope that we would not—and documents going back to 1989-91 were pulled out, my name would come up. I make no apologies for the advice I gave then, because it was frank. But it certainly was not fearless. It was steeped in fear.

I commend the report to the chamber. The inquiry was not taken on lightly. Mr Kaine made the good point that nobody involved in the processes before now thought for a moment that their comments, opinions and decisions would be released. We need to obtain the permission of each and every one of them, right down to middle-management level, or not do it at all. That is why we support the no retrospectivity recommendation. I commend the report to the house.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.57): I have not had a chance to read the report very thoroughly, so I do not purport to take a view on it. Of course, I will need to consider it fairly urgently, since I understand Mr Moore proposes to bring on his Executive Documents Release Bill this week for debate.

I want to make a few comments about some of the things that have been said in this debate. First of all, the question is very vexed as to how long a cabinet document should remain secret before it is revealed to the cold, hard light of public gaze. There is a fairly strong argument to say that the present 30-year rule is too long; that it provides for process to be exposed to public gaze after far too long a period of time. There is an argument for a much shorter period. The question whether it should be six or 10 years is at the nub of this debate. I will consider that position, and so will my party, before the debate on Thursday.

The argument that a sitting member should not have to experience their own decisions being put in a public gaze is not a very strong argument. Members ought to be able to explain why decisions were made. After at least 10 years those decisions would be sufficiently far in the past to be capable of being dispassionately examined while being put in the public arena for some context to be placed around them.

Mr Kaine suggested that cabinet submissions are presented by the public service. I take a very different perspective on that. Cabinet submissions are certainly prepared by public servants, but cabinet submissions have to be appropriated—intellectually, technically and legally—by the minister who presents them to cabinet. My view is that submissions should not be presented to my cabinet signed by anybody other than a minister. The minister puts a submission forward as his or her view and argues or supports that view in cabinet, except in very limited circumstances. I disagree with Mr Kaine about that issue. Public servants do not make submissions to cabinet. Ministers make submissions to cabinet.

Mr Hargreaves made an argument about the executive documents release process making it possible for the advice of public servants to be exposed in a way which may be detrimental to those public servants in the future. I will have to go back and examine Mr Moore's bill, but my recollection is that the bill deals with cabinet submissions. Cabinet submissions very rarely, if ever, identify public servants who are associated with preparing those submissions. Occasionally they do for reasons that are unavoidable. As a rule, the names of public servants do not appear on cabinet submissions. They are exclusively under the name of the minister. The name of the public servants who have been associated with them do not generally appear.

Mr Hargreaves: They do following an FOI trawl, though.

MR HUMPHRIES: FOI is independent of this process. If you can get the documents under FOI, you can get them now, not in six or 10 years time. I think FOI is immaterial. The question is executive documents. This deals with cabinet submissions, not anything else.

There are a few issues to deal with in the bill. I welcome the report of the standing committee and look forward to debating the bill later in the week.

MR HARGREAVES: Mr Speaker, I seek leave to speak again very briefly on a point the Chief Minister made.

Leave granted.

MR HARGREAVES: The point I was making was not that cabinet submissions would identify people who have given advice, but rather that the list of those decisions becomes the tackle box in the fishing expedition. I urge caution, because the FOI process is usually about people who have an interest in a given subject and will then access documents according to their interest or their need.

People with mischievous intent will have a good look at the list of cabinet decisions and then decide to go for a fishing trip. It is at that point that I am urging the caution. It is at that point that the FOI trawling and the fishing trips—and we have all been subject to

19 June 2001

that—reveal all the people involved in the decision-making process, right down to the most junior person .

I urge the chamber to show caution in that regard. That is one of the major reasons why I think that retrospectivity is not on. If we are talking about prospectivity, everybody knows the ground rules. All public servants giving their support and their advice fearlessly and frankly would know the rules. We are saying that it is possible that we may now change those rules. I think there will be unintended consequences from that.

Question resolved in the affirmative.

Planning and Urban Services—Standing Committee Transcript of proceedings

MR HIRD (11.03): I ask for leave to present the transcript of proceedings for the Standing Committee on Planning and Urban Services inquiry into draft variation No 163 and move that the transcript be published.

Leave granted.

MR HIRD: I present the following document:

Planning and Urban Services—Standing Committee—Draft variations (No 163) to the Territory Plan—Transcript of proceedings, dated Friday, 14 November 2000.

I move:

That the Assembly authorises the publication of the transcript of proceedings for the Standing Committee on Planning and Urban Services inquiry into Draft Variation to the Territory Plan No 163.

Question resolved in the affirmative.

Bail Amendment Bill 2001

Mr Stefaniak, by leave, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (11.04): I move:

That this bill be agreed to in principle.

This bill amends the Bail Act 1992. As members will recall, the Assembly recently passed a number of amendments to the Bail Act, including the introduction of a presumption against people accused of committing a serious offence whilst on bail for another serious offence. Those amendments commenced in May of this year.

The presumption was introduced in acknowledgment of the fact that it is appropriate for alleged reoffenders, particularly when serious offences are involved, to be required to prove exceptional or special circumstances before being granted bail. Those amendments have gone down very well. Recent events, however, have highlighted that the provision as currently drafted is unduly restrictive, in that not all people alleged to have committed a serious offence are bailed.

Bail arises as a possibility after a person is arrested and charged. However, whilst it is anticipated that most people alleged to have committed a serious offence will be arrested, that is not always the case. Instead, in our system an alleged offender may be summoned to appear at court or may enter into a voluntary agreement to attend court, known as a VATAC. If a person is arrested and brought before the court, the court may dispense with the requirement of bail.

In addition, if a person fails to appear in court in accordance with a bail undertaking, he or she then ceases to be on bail. Under the current act, if such a person allegedly commits another serious offence whilst the initial charge is pending, the presumption against bail does not apply. Similarly, if a person who has failed to answer their bail—and a warrant usually issues then—commits some further offences after that date and prior to being apprehended, the act will not apply. That is very much an unintended consequence.

It is logical and it is appropriate to extend the presumption to cover such people. This bill achieves this by applying the presumption to a person alleged to have committed a serious offence while a charge against the person for another serious offence is pending or outstanding. A pending charge is defined to include a person who has been issued with a summons or who has entered into a VATAC in relation to a serious offence, and a person arrested for an offence but not yet charged, unless the person is later released without a charge.

An outstanding charge covers people who have been charged with a serious offence where the charges have not been finally determined. This means, for example, that if the charges relating to the first alleged offence have been dismissed or withdrawn or a verdict has been handed down in relation to the charge, the presumption against bail will not apply in relation to an alleged subsequent offence. Special provisions apply if a new trial is then ordered on appeal.

Mr Speaker, the bill introducing the presumption against bail was passed by an overwhelming majority of the Assembly. Again, I thank members for that. I think that is a significant advancement in the criminal law and a significant advancement against crime, especially some of the burglaries we see in this territory. This bill simply improves the operation of the presumption by removing the unnecessary distinction between alleged offenders on bail and those who have had proceedings instituted against them by way of a VATAC or a summons, or who otherwise are not on bail.

If a majority of members are happy with it, I will seek to have the bill debated on Thursday, but I leave that to members. I commend the bill to the Assembly. It will further enhance our criminal law.

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

19 June 2001

Court Security Bill 2000

Debate resumed from 15 June 2001.

MS TUCKER: I seek leave to make a very brief statement.

Leave granted.

MS TUCKER: Under this legislation security officers at the court are being employed by the Department of Justice and Community Safety. This is a bit confusing, given that the officers must defer to the court's judgment on several matters. Also, as this will be effectively an outsourced service, there is a grey area as to whether or not the security officers' actions will be subject to the review of the AAT, the Administrative Decisions (Judicial Review) Act, FOI and the Ombudsman.

This and the lack of detail on terms to be addressed in the contract are serious gaps in this legislation in terms of accountability. The department could ensure that those review mechanisms were written into the contract with the security officers, and I sincerely hope they do, but there is nothing in the legislation to say clearly what scrutiny the Assembly wants. I want to put on the record my concerns about what happened in the debate. It may well need to be revisited.

MR STANHOPE (Leader of the Opposition): I seek leave to speak very briefly.

Leave granted.

MR STANHOPE: I endorse the comments Ms Tucker has made. The Labor Party sought a number of amendments to the bill to ameliorate what we saw as unfortunate aspect of it. We accept the bill, but I endorse the comments Ms Tucker has made about some of the implications.

Bill, as amended, agreed to.

Drugs of Dependence Amendment Bill 2001

Debate resumed from 3 May 2001, on motion by **Mr Moore**:

That this bill be agreed to in principle.

MR WOOD (11.11): Mr Speaker, the opposition will be supporting this bill, with amendment Mr Moore foreshadowed late last week. The bill aims to provide for the regulation of the handling, storage and destruction of cannabis that has been seized by police. The bill claims to introduce more flexible procedures and protocols for use by the government analyst. Primarily, it aims to reduce the volume of cannabis held by the analyst, for reasons of safety and to ensure that storage facilities are not overburdened. These seem to be sensible provisions.

The scrutiny of bills committee made a comment that the 24-hour period allowed for the destruction of cannabis was not enough. This has been a matter of some interest to members who have picked up the recommendations of the committee. Ms Tucker

prepared an amendment, but on further examination we accept that 24 hours is a reasonable period. It has been explained that all the paperwork and all the details that need to be done are the same for the seven days that we thought about as for what exists now. So it would not effect any change at all. We indicate that we will watch this. The DPP has indicated that he will look at this, and if any problem emerges in the future, it may then be attended to, but that part of the bill will be supported.

The amendments to be moved by Mr Moore are to deal with the buprenorphine as a treatment for opiate dependency. The range of treatments being proposed is very much in the news these days. Most notably, naltrexone seems to attract a great deal of publicity, but at the same time there has been a deal of study and research of the impact of buprenorphine that has not attracted the same amount of publicity. But it seems to have been quite a successful research process, with the result that these steps can now be taken.

There has been a Commonwealth pharmacotherapy trial. Buprenorphine is part of that. Naltrexone is also being well studied, but we are not debating that today. The results of that trial are yet to be released, but I think the minister tabled some preliminary data a little while ago and the data seems to read pretty well, encouraging this step.

Most particularly, the Therapeutic Goods Administration has already approved buprenorphine for use as a maintenance drug. Given that approval, it seems entirely reasonable for this Assembly to follow suit. The Commonwealth minister has set the pace, if you like, and has authorised a subsidy for this treatment from 1 August. So it is entirely appropriate that this Assembly amend its legislation to add that drug to methadone, which can already be legally prescribed. That is what the amendments will do, and we will be supporting them.

MR RUGENDYKE (11.15): Mr Speaker, I too will be supporting this legislation. My personal experience in the police force was that cannabis exhibits tended to rot. There was a rather unwieldy and unnecessary process of drying and cleaning to preserve the cannabis. The logical step is to pass this legislation to enable the people responsible to verify the substance, to photograph it for evidentiary purposes and to do away it.

I also support the amendments to be moved by Mr Moore this morning. For completeness, it may well have been appropriate to include other treatments that are not opioid based. Perhaps Mr Moore will be able to explain why that is not the case. But this is one step in assisting people who might be helped by buprenorphine.

MS TUCKER (11.16): The Greens will be supporting this bill. In most instances it makes sense to promptly destroy the bulk of samples when it comes to simple cannabis orders. I am sure that the government analyst and the police are not too keen to have marijuana clogging up their storage space.

There is an issue with the length of time that people who are charged, or who may be charged, with an offence have to apply to the Magistrates Court to have seized material preserved. The bill allows those people 24 hours after being served with a notice to advise them of their rights. In some situations, 24 hours simply will not be long enough.

19 June 2001

I did circulate an amendment to the bill in response to concerns raised by the scrutiny of bills committee and following discussions with members of the Law Society. I understand that the Law Society and the Council for Civil Liberties were consulted in the development of the bill. Consultation, however, does not necessarily mean absolute acceptance.

Concerns remain that 24 hours will not give all people charged, or likely to be charged, with cannabis offences sufficient time to get legal advice before applying to the Magistrates Court for an order to preserve the sample. It is clear that the government shares our view that people so charged, or who maybe charged, ought to have the right to have the sample preserved.

The issue of equal access to legal advice then becomes paramount. My advice is that 24 or even 48 hours is insufficient time to ensure that those people who may need to avail themselves of legal aid can in fact do so. In his response to the scrutiny of bills report, Mr Moore stated that the 24-hour period will begin from the time the analyst receives the cannabis, which is usually one day after it has been seized by police. The key issue, it seems, is that the cannabis starts to decompose after a day or two. I presume this is in regard to green rather than dried material.

In this bill, however, the statement given by the police to people who are charged, or who may be charged, advises them that they would have only 24 hours from that time to apply to the Magistrates Court. People who may be charged with an offence would not understand that they may have up to two or three days to apply to the Magistrates Court. Of course, the 24 hours becomes problematic in any event if the person is caught on a Friday.

Perhaps the wording should really be “one complete working day”. But in that case we are probably already running over the time period from when the plant material starts to decompose. So there is this issue of a reasonable time for someone to realise that it might be in their interests to get legal advice and to then apply to the court to have the confiscated material preserved. I would have thought that two full working days would be a minimum reasonable time.

There is an inconsistency between the legislated requirement for the government analyst to preserve the material until the allotted time has expired and whatever is put on the statement given to the person. So on the basis of maybe 24 hours or maybe a working day or two, and a weekend or Easter thrown in, I would imagine that a fair bit of appropriate storage is going to have to go on nonetheless.

The other concern I have is that the onus is on the person accused of cannabis offences. Under the New South Wales system, in most instances at the first appearance, the prosecutor applies to the court to have the bulk of the seized material destroyed, and the person charged, usually with counsel, is in a position at that time to ask that it not be destroyed. This seems fair.

It was for that reason that I circulated an amendment to give seven days for people who faced charges relating to cannabis to get appropriate legal advice. Since that time, my office has enjoyed long discussions with interested parties contacted through the Law Society and with the Director of Public Prosecutions. The point was made that while my

concerns about equity before the law are, in essence, valid no-one could recall any cases in the ACT or even New South Wales where the preservation of the material would have been an issue. In other words, people argue that the cannabis is or was not theirs, but not that it is or is not cannabis. It seems that the fairly comprehensive sampling process that the Commonwealth analyst conducts, including weighing and measuring, has to date covered any issues of its make-up.

The position put to my staff was that this legislation advantages those people who can afford private legal advice over those who cannot, and those who can react quickly and defensively over those who are more vulnerable, but that in practice it is likely to affect no-one.

I cannot say it is hugely reassuring. Nonetheless, the general opinion that the convenience of prompt disposal of cannabis will save the government analyst the risk of allergic reactions and remove the possibility of the cannabis finding its way back onto the market probably outweighs the notion of fair and equitable access to the justice system, which it is claimed that no-one would need.

The Director of Public Prosecutions has said that he is prepared to monitor implementation of this legislation and, if necessary, revisit this legislation. I would ask the government and the Labor Party to commit to a similar approach, paying particular heed to the equal rights of all people before the law.

We will support Mr Moore's amendments. We might as well have a range of options to deal with drugs of dependence. It is always useful to have a lot of options available.

MRS BURKE (11.22): Many treatment options are available to people with opiate dependence. I am very pleased to support the amendments that will allow buprenorphine as another acceptable treatment. I find this a very positive step forward.

Drug dependence is now accepted by many as a health problem, which I believe is a real breakthrough in society. We must continue positively down this track. My feeling is that we must ensure that we return dignity to those who are being rehabilitated and seeking treatment.

I also support the move to rebadge or rebrand the opioid dependency treatment centre—a very positive step forward. Many drug treatments have a stigma attached. This often causes problems in the community. I believe that this will assist in removing that social stigma.

I fully support these amendments to the 1989 act.

MR MOORE (Minister for Health, Housing and Community Services) (11.23), in reply: Thank you, members, for your support. Members raised a number of issues worthy of a brief response. I was surprised that nobody drew attention to my introductory speech, in which I pointed out that in 1999 we held 400 kilograms of cannabis. It surprised me that members are comfortable with the fact that I have responsibility for that. As you know, I take that responsibility very seriously, although in past debates there have been those who talked about the wolf in charge of the sheep pen.

19 June 2001

On that note, I would like to clarify that I have never been an advocate of the use of drugs or the misuse of drugs. I have always been an advocate of a change in policy. I think a change in policy will assist in reducing the spread of drugs and the use of drugs.

Mr Wood raised an important issue about research. Results of the research on buprenorphine will become public over the next few months. Buprenorphine has been a much more successful treatment drug than naltrexone. When naltrexone was introduced some years ago, many people saw it as a miracle drug. There are no miracle solutions in drug treatment. We must have the widest range of options available and continue to improve treatments.

Mr Rugendyke raised that issue. I appreciate his support for the legislation. Mrs Burke also supports a wide range of treatment options. Different treatments suit different people. That means making sure that our opioid dependency treatment centres are also able to prescribe naltrexone, buprenorphine and methadone. Methadone is still the single most successful treatment. That may change as treatments vary. We also need to continue our work with the support behind those treatments—the counselling and so forth. I think we are all agreed on that, and I greatly appreciate the support for that part of the legislation.

The cannabis provisions have been some time in coming, because I took very seriously the sorts of issues raised by Ms Tucker. The matter was first raised with me very shortly after I became minister three years ago, but it has taken a long time to sort through the issues and to make sure that consultation was appropriate.

There are still doubts in my mind as to whether we have got it absolutely right. I think we need to observe how it goes and make sure that it does not create problems, particularly the sorts of problems Ms Tucker raised about justice in our community. We certainly take on board those issues, which apply not just here but broadly across our legal system.

I appreciate members' support for the bill and their foreshadowed support for the amendments I will be moving in a moment.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR MOORE (Minister for Health, Housing and Community Services) (11.28): I seek leave to move the amendments circulated in my name together.

Leave granted.

MR MOORE: I move the amendments circulated in my name [*see schedule 1 at page 2115*]. These amendments allow the dispensing of buprenorphine in the same way as we dispense methadone. We will not be able to proceed with this until August, when

buprenorphine becomes available on the PBS. That approval from the Commonwealth, together with this treatment option, I hope assists more people in dealing with their dependency and in living a better life.

Amendments agreed to.

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

Bill, as amended, agreed to.

Race and Sports Bookmaking Bill 2001

Debate resumed from 29 March 2001, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR QUINLAN (11.29): The opposition will be supporting the Race and Sports Bookmaking Bill 2001. We have been in contact with the chief executive of the Gambling and Racing Commission, and we understand that there has been a degree of consultation with the operating bookmakers. The bookmakers still have some complaints regarding the level of consultation, particularly consultation on amendments, but I understand that the Treasurer will address those in the detail stage of the debate.

MS TUCKER (11.30): As members will be aware, the Greens take a strong interest in reducing the potential for problem gambling, in supporting people with problems and in harm minimisation measures, as well as in ensuring probity and ensuring that overall community interests guide gambling policy and legislation.

This bill implements parts of the National Competition Policy review of gambling conducted by the Allen Consulting Group in 1999, which is not strictly about these aims. The Gambling and Racing Commission has not been involved in developing this bill, which is good to know. I would have had some concerns about whether they were fulfilling their statutory responsibility to work for the community interest and harm minimisation if they had written it. I will raise in the detail stage concerns about some of the changes proposed here, but I would like to note in this in-principle stage the gaps and the missed opportunities.

The Allen Consulting Group recommended bringing the system for approving race and sports bookmaking licences under the licence approval system that applies to interactive gambling licences. At first reading, this sounds like the consultants have looked at it from the point of view of social welfare and recommended that bookmaker licensees be required to provide some of the consumer protection mechanisms required of interactive gambling licensees.

However, in its details, it becomes apparent that the competition policy review was not concerned with these consumer protection mechanisms. Several consumer protection measures that are part of the interactive gambling licensing system could well apply to bookmakers, particularly bookmakers who use the Internet to promote their industry and attract bets. The criteria for an interactive gambling licence include a prohibition on

19 June 2001

providing credit, and hence a requirement for a betting account, and a very well-defined system of self-exclusion.

I have raised issues in the past about the thoroughness of the Interactive Gambling Act and have pointed out potential problems in these protection mechanisms. But this new system for sports betting on the Net provides less consumer protection. Why should wagering on the Net be subject to the same consumer mechanisms as virtual casinos and pokies? Because the Internet offers a particular gambling environment, regardless of what you are betting on. Whether it is a real-life race, the Logies, or a virtual roulette wheel, the gambler is still sitting at a computer screen, with the flashing lights and array of events available at the click of mouse.

Yet the conditions on that environment are quite different. The gambling environment—the place in which people gamble—is one of the factors that influence people’s gambling behaviour: whether one keeps going or stops to take stock and possibly remove oneself from the situation. The Productivity Commission tells us:

... that harm minimisation measures used need to take account of the context in which gambling takes place. Thus, signs are useful in physical venues, but risk warnings and help screens are appropriate for Internet and TV gambling technologies.

The Productivity Commission made a statement, based on a comprehensive review of literature and on their own primary research, that the Internet environment itself requires particular warnings, et cetera. So why are there such different requirements depending on what it is you are betting on? The people who argue that sports betting on the Net is different from casino, card or pokie betting on the Net say that the important difference is that casino betting, et cetera, is controlled to some extent by software written or controlled by the gambling licensee. But really this difference just presents a need for different kinds of probity checks on the events themselves. The races, et cetera, which are the subject of sports betting are physical events, and there are already systems with stewards, umpires and electoral commissioners, and so on, to act as checks on the fairness and legitimacy of these physical events, separate from the betting system.

The virtual games need that same type of scrutiny to give some level of certainty that the result is not influenced to the benefit of the person taking bets. This is the difference between wagering and virtual casinos and pokies. We have seen cases in sports and in racing where the lure of gambling profits have interfered with the outcome of the event. That is why I say “a level of certainty”—it is not foolproof, and no doubt the virtual games will also not be entirely watertight. There is also a concern about the capacity to bet on elections.

As I have said, these forms of gambling present a very similar environment to the gambler, and I see this as an opportunity missed. I would like to say a bit more on the issue of credit given by gambling licensees—bookmakers. It is prohibited for a licensed interactive gambling provider to provide credit to gamblers. TABs are also prohibited from providing credit without reasonable excuse, whatever that means. This is clearly because access to credit and the promotion of credit by the gambling company makes it all too easy for a person caught up in the belief that their luck may turn, that they just

need one more win or that they are on a roll—or just in the heat of the moment—to gamble away more money than they have, with potentially serious consequences.

The information I hear from the sector is that there is a problem with credit provision. Firstly, there is credit from the normal consumer credit sources: personal loans, credit cards and ATMs, et cetera. Secondly, there have been some reports of problems arising from credit provided by sports bookmakers and, in one recent infamous case, credit provided in a way that circumvented rules—by a hotel.

The problem of gambling on credit is, of course, broader than the problem of credit from gambling providers. Credit can be accessed through credit cards, personal loans, from friends and family, by stealing and through loan sharks. But if the person you are betting with is making more money available right then and there, it is a particular concern.

Most lenders are subject to a consumer credit code, which means that there are certain checks that the credit providers must make before giving credit. Bookmakers, however, are not governed by the credit code. They do not do the checks that legitimate credit providers must. The forms commonly used by bookies to do their credit checks simply do not ask the right questions, and they do not gather the same information that lenders under the credit code are required to.

Again, there are breaches of the code but, when a credit provider lends money to someone to whom they should not, there is some redress. If a bookmaker lends money without thoroughly checking out the gambler's capacity to pay them back, it is not their fault. The bookmaker cannot be held accountable under the consumer credit code for that decision. The responsibility falls on the gambler, who may well have been vulnerable. Some level of responsibility must, of course, fall on the shoulders of the person taking the loan. But bookmakers are not trained, are not scrutinised and are not held accountable, as legitimate credit providers are.

Another argument I have heard against prohibiting credit for race and sports bookmakers is that they make the assessment of when to provide credit as a business decision and would not do anything to affect their business. I do not think that is a good enough guarantee, when 33 per cent of problem gambling expenditure occurs in wagering. That is from the Productivity Commission final report, on page 22.

Credit provision by the bookie—"I'll help you out now, and you can get the money by stealing from your family later"—will only contribute to the problem, and it won't necessarily be bad business for the bookie in the short term. Providing credit is about making it easier to continue gambling right then and there. It means you do not run out of money, and that is one of the key reasons that problem gamblers who have been in counselling give for continuing, according to the Productivity Commission's research. Repayment of the loan becomes your problem later. I believe that bookies and other gambling providers have no place offering credit to gamblers, and I would like to flag here that the Greens will be working on amendments to broaden the prohibition on credit.

I will leave further comment to the detail stage of this bill.

19 June 2001

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (11.39), in reply: Mr Speaker, I thank the opposition and, I think, the Greens for support for this bill. It is a fairly important piece of legislation, as it comprehensively reviews the legislative structure under which bookmaking and sports betting take place in the ACT.

As members have heard, a number of changes were proposed in a review of the legislation some time ago. Rather than attempt to bill these new amendments into an old act, the view was taken that it should be comprehensively reorganised such as to produce this entirely new piece of legislation.

Members have seen that a number of things have been done in the bill. It has the Gambling and Racing Commission assume the functions of the Bookmakers Licensing Committee and the Registrar of Bookmakers; it enhances the suitability requirements for all bookmakers and their agents; and it gives powers for the commission to vary the security guarantee of a bookmaker, to impose conditions on a licence and to give directions to a licensee, and so on. Also, it states clearly what the appeal provisions are in respect of decisions of the commission.

We have picked up virtually all of the recommendations from the review. We have also had an extensive consultation with stakeholders about these matters. There are a couple of matters which have been raised with the sports bookmakers at the auditorium at the Canberra Racetrack. I will address those issues at the detail stage.

Overall, this can be seen as a comprehensive galvanising of the structure to deal with sports and race bookmaking and to apply a more contemporary regime to that whole industry. I am sure that the issues that are given rise to in that respect will be better dealt with as a result of this legislation. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (11.42): I seek leave to move amendments Nos 1 to 20, which have been circulated in my name, together. I also present the supplementary explanatory memorandum.

Leave granted.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (11.43): I move these amendments [*see schedule 2 at page 2123*], which arise out of a number of sources, including further discussion with stakeholders following the tabling of the original bill in March of this year and recommendations made by the scrutiny of bills committee. A fair variety of issues are covered in the amendments. I will not, therefore, discuss them in detail today.

I will take the opportunity to discuss some of the issues which were raised by the sports bookmakers at the Canberra Racecourse. The four companies that operate sports bookmaking have written to members raising two issues, and I want to cover those in turn. They raised the question of clause 25 and its provisions, saying that the bill does not provide for the duration of sports betting licences; that presently the sports betting licences are granted for a period of 15 years; that they enjoy security as a result of that; and that they are uncertain as to what their position is, given that the provisions of clause 25 do not specify what the duration of a licence might be.

Members will see that in clause 29 of the bill the minister is given power in writing to determine criteria for deciding a period for which sports bookmaking licences will be issued. That reflects the fact that a one-size-fits-all approach may not be appropriate in the long term. It is important to have flexibility, and this is best ensured by providing for the capacity to determine what would be the appropriate period—by determination rather than by a single provision which appears in the legislation.

It is, however, the intention of the commission that the present 15-year licence arrangements will continue. I know that, since that letter was written, the commission has spoken with those companies and assured them that there is little likelihood of there being a change to the basic regime under which 15-year licences are issued.

The four bookmaking operators also raised the question of clause 82 of the bill. They argued that, when a decision is reconsidered by the commission, the provisions there for what happens if no decision is made within 28 days should be changed. The bill provides that, if a decision is reconsidered and no action is taken within 28 days, the original decision is defaulted to, is reaffirmed. They argued that the original decision should disappear and that, in effect, no decision should be made on that matter.

I would argue that that is an unsatisfactory state of affairs. Obviously, we would hope the commission would reconsider all of its decisions within the 28-day period and would act promptly to deal with the issues which are given rise to. There does need to be a provision that allows for some mechanism for people to know in what period of time the decision will be made and what consequence will flow from a failure to make a decision within that time.

Rather than have no decision, I think it is more appropriate for the original decision to be defaulted to. That would allow the person seeking a reconsideration to have recourse to another body, such as the AAT, to seek redress for their grievance in that forum. If no time limit is provided, the person would have no point at which they would be able to go back to the AAT, or some other body, to seek that review of the decision. It makes sense to do it in these terms. It is generally more in line with what happens with respect to other pieces of legislation. I do not believe we have any other piece of legislation in the ACT in which a decision disappears by virtue of the fact that the body reviewing it does not make a decision on that matter within a specified period of time. I believe it would be a more satisfactory state of affairs to reflect the practice in other pieces of legislation.

MR KAINE (11.47): I have two amendments to the Race and Sports Bookmaking Bill 2001 that have just been circulated in my name and that address the two points that the Chief Minister has referred to. I will address the issues now and move the amendments when we get to the clauses. The Chief Minister referred to two matters that have been

19 June 2001

brought to our attention by some operating bookmakers in connection with clauses 25 and 82.

The first point they make is that clause 25 makes no provision for a period for which the licence will be issued. The Chief Minister explained that by saying that they want to retain flexibility. I think that the people who wrote this letter do have a point, however, and I see no reason why flexibility should be so flexible that there is no period stated. Since 15 years appears to be okay for other forms of betting licences, I would propose that there be a maximum of 15 years in this case. That gives them some level of certainty.

In my amendment, that would only change if the applicant specifies a lesser period or, in the case already provided for by the bill, if the commission considers that there ought to be an even lesser period than that for which the applicant has applied. But I think it would be reasonable to state that the maximum period will be 15 years. That gives the applicant some guide as to what a reasonable period is. Then decisions can be made to make it a lesser period in certain circumstances. I do not think it is at all unreasonable that people applying for a licence should have some idea of what a reasonable period is. They won't apply for 20 or 25 years if they know that 15 years on the face of it is reasonable.

The second point they make is equally valid. They say that there is no obligation upon the commissioner to act within 28 days of receiving an application for review. I think that the bill is quite remiss in this connection. It says at clause 82 (3) that, if the application is not made in accordance with subclause (2), the commission must do certain things. And one of the things it must do is confirm, amend or revoke the primary decision. It does not say that it may do those things; it says that it must do them.

But then subclause (5) is a let-out, which says, "If the primary decision is not amended or revoked within 28 days ...". Subclause (3) does not permit the commission not to make that decision within 28 days; it obliges them to. Saying that, if the primary decision is not amended or revoked, the initial decision is confirmed simply by their doing nothing is in my view unacceptable. So I will be moving that subclause (5) be deleted.

That places the onus on the commission to do what subclause (3) requires them to do—that is, confirm, amend or revoke. I think that the points made by the signatories to this letter, which the Chief Minister was referring to and which I also received, are quite valid. I will be moving to amend the bill to take account of their views when the time comes.

Amendments agreed to.

MR KAINE (11.52): I seek leave to move amendments Nos 1 and 2, which have been circulated in my name, together.

Leave granted.

MR KAINE: I move the two amendments [*see schedule 3 at page 2130*]. In my initial remarks I referred to clauses 25 and 82. In fact, I am moving amendments to clauses 30 and 82. In order to apply a period to the licence, the amendment has to be made to

clause 30 and not clause 25. Clause 30 is the one that deals with the duration of sports bookmaking licences, so I am making an amendment to that. It adds the words:

... the period should generally be 15 years, except where the applicant has specified a shorter period, or the Commission is of the opinion that a shorter period should apply.

That latter concept is already implied in a note to the bill, but I think we should be making it more specific. The Canberra Racecourse bookmakers have said that there is an element of uncertainty for them in that and that this at least makes it a little more certain.

In connection with clause 82, as I have said, subclause (5) negates subclause (3), which imposes an obligation on the commission to make one of three decisions. Yet subclause (5) negates that, lets them off the hook and assumes that, for some reason, they will not do what they are required to do under subclause (3). To make it more certain, I am moving that subclause (5), which is a let-out clause, be deleted.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (11.54): Mr Speaker, let me address those two issues. I will ask that these two amendments be put separately. I do not have a great problem with what Mr Kaine proposes in respect of clause 30, because it puts into the legislation a general assumption that the period be 15 years. It is apparently the present policy of the commission to give licences of 15 years, and that is reflected in the bill.

If the commission is of the view that a shorter period is required of, say, 10 years, we will have to come back and amend the bill rather than make a determination, which is a bit more inconvenient. But I do not have a great problem with that, so that is not a matter that we will oppose.

I do have more of a problem with the amendment to clause 82. Mr Kaine points out that the commission is required to make a decision within 28 days. The clause also provides that, if a decision is not made within 28 days, the original decision is reaffirmed. The problem with his amendment is that it actually does not have any effect. If subclause (5) is taken out, it is most likely that the same effect will have been achieved—that is, if no decision is made within 28 days, the commission is in breach of the legislation, which it is anyway, and the original decision probably still has to stand.

This is not achieving what the sports bookmakers have actually asked for, which is that the original decision be revoked by virtue of there being a failure to make a decision within 28 days. The commission obviously has an obligation to do this within 28 days. If it does not, it is in breach of the act. One thing that flows from that is that a writ could be obtained in the court to force them to make a decision.

That is fair enough. The commission will have to deal with its own processes to make sure it makes a decision within 28 days. But the act ought to specify what happens in the very unlikely event that they do not make a decision in the 28 days. There needs to a default position, and I think the default position is as stated already under common law, in subclause (5). That would be my expectation.

19 June 2001

I certainly do not think that the effect would be that the original decision would disappear. That would have to be expressly stated in the act. I would argue that the Assembly should support Mr Kaine's amendment to clause 30 but not the one to clause 82.

MR RUGENDYKE (11.56): I, too, have been lobbied by members of the industry in the same way that other members have. I have listened carefully to what their concerns are regarding clauses 25 and 82. In relation to clause 25, the information that these complainants have been given has, I think, satisfied their concern regarding the 15 years—that there is a provision in clause 29 that enables the minister, by determination, to do what Mr Kaine's clause 30 amendment does. On that one I take advice from the Treasurer that the amendment by Mr Kaine to clause 30 is—

Mr Kaine: Why don't you take advice from me? It's my amendment.

MR RUGENDYKE: I also take advice from Mr Kaine. But hearing the explanation of the Treasurer gives me comfort that Mr Kaine's amendment is appropriate. So I do take advice from Mr Kaine as well.

With regard to clause 82, my advice to the people who complained to me late yesterday was that the legislation as proposed is appropriate: a decision should remain valid in this situation and, therefore, not be revoked. I said to those people that I thought it appropriate to pass the legislation as proposed to see if it works or if it does not. They mentioned that there is a large incentive for the commission to act within the 28 days: they would be embarrassed severely by a rap on the knuckles from the AAT if it got that far. I said that it may well be appropriate to pass it as it is and see if a problem is created, and I think it is appropriate that that view remains. I think that Mr Kaine's amendment No 2 is unnecessary; however, I will support Mr Kaine's amendment No 1.

Ordered that the amendments be considered separately.

MS TUCKER (12.00): Talking to the first amendment, on the period of time—15 years—I am concerned that we would make that decision today. I do not know why it was 15 years originally, and no-one has explained that to me, so I am not comfortable with making it 15 years again. I understand Mr Kaine's argument that it seems rather open but, as Mr Humphries said, one would have thought it was the commission's responsibility to come up with some rationale for a period of time that seems to be appropriate. Then we could have that debate, and it could be put into the legislation. But I am not comfortable today with just whacking it back to 15 years.

Amendment 1 agreed to.

Amendment 2 negatived.

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

Bill, as amended, agreed to.

Drugs of Dependence Amendment Bill 2001

MR MOORE: (Minister for Health, Housing and Community Services): Mr Speaker, before you call the Clerk, I wonder if I could make up for an inadvertent omission I made when we were debating the Drugs of Dependence Amendment Bill. I seek leave from members to table a supplementary explanatory memorandum for the amendments that I circulated at that time.

Leave granted.

MR MOORE: I present the following paper:

Drugs of Dependence Amendment Bill 2001—Supplementary explanatory memorandum to Government amendments to the Bill.

Land (Planning and Environment) Amendment Bill 2001 (No 3)

Debate resumed from 13 June 2001, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

MR CORBELL (12.03): The Land (Planning and Environment) Amendment Bill 2001 (No 3) amends the Land (Planning and Environment) Act as it relates to the grant of long-term leases for rural lessees. Last year, the Assembly passed a significant bill, which made provision for rural lessees to receive 99-year leases. Prior to that time, rural lessees received shorter-term leases, and it was highlighted during the Assembly debate that there were problems with rural lessees who held leases over land which in no way was to be subject to possible future development, as that inhibited their ability to appropriately manage their leases because of the short-term nature of their tenure.

The Assembly, including the Labor Party, supported those amendments to provide for longer-term tenure of rural lessees on land not required for territory purposes at some future time. When that legislation was passed, the Assembly agreed to the government's proposal to establish an 18-month sunset clause in relation to the opportunity for lessees to apply for a long-term lease. When that was agreed upon, it was on the understanding that the government would make a provision to rural lessees to make an offer for a long-term lease within the 18 months of the original bill being passed by the Assembly.

Unfortunately, the information that I have been provided with, through a briefing by officers of PALM, indicates that the original intention and the original target was not able to be met—of providing for all rural lessees in the ACT who are potentially entitled to a 99-year lease to have that offer made to them within the original 18-month period. That is why this bill has been presented to us today.

This bill is retrospective, albeit by only a couple of days. Its commencement period is 15 June. That reflects the fact that the 18-month period for rural lessees to make an application for a long-term lease expired 18 months after the period the original bill that provided for long-term leases commenced.

19 June 2001

The Labor Party has considered the proposal put by the government that would allow for a deletion of that sunset clause and for the minister to instead establish a period in which application is to be made for long-term rural leases by disallowable instrument. We are satisfied that that is an appropriate mechanism to allow the government to properly assess those areas of the territory where offers of long-term leases have not yet been made and to ensure that leases are being offered over parcels of land which are not required by the territory for future development or other purposes. That is why we think it is reasonable that this bill be supported today.

The government have indicated that they still intend to stick by the period of 18 months for a lessee to make application for a long-term lease. They have also indicated that they intend to stick by the provisions of the act as it currently stands that require the lessee to accept or reject an offer within three months of an offer being made for a long-term lease.

Whilst these are not reflected in the amendments or in the provisions that the minister must address in relation to the disallowable instrument, we are confident—perhaps with the minister's assurance in his closing comments in this debate that the government does intend to limit the period to 18 months and three months respectively—that this bill is an acceptable way forward in addressing the implementation of long-term rural leases. In that context the Labor Party will be supporting it today.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (12.07), in reply: I thank the Assembly for their support for this bill.

There have been a number of unanticipated delays in making sure that the original leases were issued. Some of them relate to surveys and boundaries. In fact, the boundary of the Murrumbidgee Corridor and the Namadgi National Park was involved there as well. Some delays were to do with valuations from the AVO.

I am quite happy to give Mr Corbell the 18 months assurance that he seeks. We do want to process this quickly. We want to give rural lessees the certainty that they deserve, where they live in an area where a 99-year lease can be granted, that they do receive that lease. With the support of the Assembly, I ask that the bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Appropriation (HIH) Bill 2000-2001

Debate resumed from 13 June 2001, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR QUINLAN (12.09): Again, the opposition will generally be supporting this bill as a necessary and unfortunate consequence of the HIH collapse. There are a couple of points that ought to be made. The first is that a \$9 million fund exists. There seems to be some tardiness, at least in the administration process, whereby, for people who have already had their claims approved, their medical expenses and their disability payments are not flowing at this stage. The government might consider unblocking that channel to ensure that that happens, at least, to the extent of the existing funds. We would support the remainder of it.

The Treasurer, in his closing of the debate, might explain the impact on the budget. This year the estimated surplus is \$40 million plus, and it is probably a good idea, at least for the government, to get this through in this year's appropriation rather than next year's—even though there is \$9 million lying around—otherwise they might just happen to pop up a deficit, which does lead one to look at the projected bottom lines of the future and the actual tightness of the budget recently brought down.

This is the first bump in the road in relation to budget 2001 and, if we are up for an extra \$30 million, it will affect our cash position in the out years unless there is the recovery process that already exists, to which associated provisions of this particular bill relate in terms of recovery. I would not mind hearing from the government its longer-term plan for the recovery of the \$30 million. Otherwise, we will be supporting the bill.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (12.11), in reply: I thank Mr Quinlan for the opposition's support for the bill. It is very important that we take action to address, when we can and within reason, the serious consequences for many in the community of the collapse of HIH. I might observe at this point that it is interesting to see how many members in this place have been educated at Catholic schools and as a result say "haitch-aye-haitch" rather than "aitch-aye-aitch". I say "aitch-aye-aitch", but I have seen the light.

Mr Quinlan: What did I say?

MR HUMPHRIES: "Haitch-aye-haitch". I think it is appropriate and necessary for us to act to support people who have had their workers compensation threatened by the collapse of HIH. I hope that we find ourselves generously disposed towards those people by taking this action today. Yes, the territory does have a looming surplus for this present financial year, and I believe that, given our available funds, it is appropriate to take a step to assist people who are affected in this way.

Members know that a fund was set up more than 20 years ago to cover the eventuality of an insurance company folding and not being able to meet its obligations in respect of workers compensation. As luck would have it, in 1985 it was determined that that fund was sufficiently well equipped to face any foreseeable loss in the future, and contributions to the fund were discontinued at that time. As we now know, the \$9 million

19 June 2001

which is sitting in the fund is not sufficient to cover the claims which are now being made against it, and supplementation is required.

It is the government's hope, and on my advice, even the expectation that the payment of this money into the fund at this stage will give the fund sufficient capacity to meet claims for the foreseeable future and even have, with other provisions taken into account, the capacity—admittedly, some fair distance in the future—to repay the \$30 million back to the ACT. That might not occur for 15 or 20 years, and it also relies on a levy on employers of 3 per cent, beginning in the 2002-03 financial year. With those provisions, I am advised that there is a reasonable prospect of the money being repaid to the ACT over a period of time.

Even if it were not the case that money will be repaid, I believe that it is appropriate for us to step in and assist people in these circumstances. The federal government has already announced a package to assist claimants in certain categories where they are denied access to an insurer. State governments have taken similar steps. The significant areas where the ACT insured parties might be out in the cold are of workers compensation and home owners warranty. Both these matters have been taken care of with this legislation today.

There may be other claims which, because of HIH's collapse, are not being met. Those claims are likely to be on insurance policies for loss of home contents because of burglary or something of that kind. I understand that they are likely to be relatively small claims in the scheme of things and that the most serious losses in the community are being addressed with these measures—that is, both the federal government's and now this Assembly's measures with respect to rescue packages.

Mr Quinlan asked me about unblocking access to medical expenses, and so on, that are being claimed against HIH or its successors. I hope that the effect of the passage of legislation today will be that people in these positions are now able to obtain the access that they have not been able to obtain before. I thank members for their support of the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Duties Amendment Bill 2001

Debate resumed from 13 June 2001, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR QUINLAN (12.16): Again, the opposition will be supporting this bill. In the main, it is a piece of machinery to protect our revenue collections in light of changes made at Commonwealth level. Some changes are necessary in order than we can continue to

collect the duties that we do collect on marketable securities, and so on. We are very happy to see that the Treasury is still making money.

MR HUMPHRIES: (Chief Minister, Minister for Community Affairs and Treasurer) (12.17), in reply: I thank Mr Quinlan for his support of this bill. It is mainly a technical bill, but I hope it is seen as a matter that will address the important changes which have taken place at the Commonwealth level and will facilitate our legislation in the ACT to be contemporary and effective.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Goods and Services Tax (Temporary Transitional Provisions) Amendment Bill 2001

Debate resumed from 13 June 2001, on motion by **Mr Humphries:**

That this bill be agreed to in principle.

MR QUINLAN (12.18): I am getting sick of this—agreeing with the government, supporting the government. We will be supporting this bill, as it only extends the period for transitional arrangements to be made for the introduction of the goods and services tax. We know what a horrendous burden the goods and services tax has been on the nation and how much difficulty it has caused people at all levels. I do not see why the government or the administration should be any different, so we are happy for them to have the extra time to adjust to this pernicious taxation regime.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (12.19), in reply: I thank Mr Quinlan for his support for the bill. Indeed, it does deal with an issue that arises from the goods and services tax. I won't enter into debate about the effectiveness or otherwise of the goods and services tax, but I will say that it is important that we make sure that, when we collect fees and charges in the ACT, we are able at the same time to collect the GST that relates to it.

I recall that there was considerable debate in this place, when we debated this legislation on an earlier occasion, about the extent to which parliament should legislate for taxes and the extent to which ministers can make taxes by determination. There is much less heat in the debate today, and I think that reflects the fact that there has been some reconsideration of the positions taken in the earlier debate.

The reason we have to extend this legislation today is that a recommendation given to the Committee on Justice and Community Safety to deal with this issue has not yet been satisfied—I understand because there is some difficulty about the positions that some members have taken on this in the past. We will have to deal with this in due course.

19 June 2001

Mr Quinlan: We wouldn't want to debate that now while they're still deliberating, now, would we, Treasurer?

MR HUMPHRIES: No, not at all. I simply note that this debate is a much less heated one than on the last occasion we debated this, and I thank members for their support in those circumstances.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.20 to 2.31 pm

Questions without notice

Care of the aged

MR STANHOPE: My question is to the Minister for Health, Housing and Community Services. A story in Saturday's *Canberra Times* reported the tragic case of Florence and David Bruce, a couple married for 46 years and long-time residents of Canberra, who are to be separated because there is nowhere in Canberra to provide the high-level care that Mr Bruce, a person with dementia, needs. Last night the minister told WIN television news that he was a bit disappointed in the response from the federal Minister for Aged Care, Mrs Bronwyn Bishop, to his approach for help with a short-term solution to the territory's aged care problems.

Does the minister agree that the territory government has an obligation to meet the health care needs of all Canberrans and that in the case of Mr Bruce it has failed? What was Mrs Bishop's disappointing response to the minister's approach?

MR MOORE: Thank you for the opportunity to answer that question. I think it is very important to understand that these two matters are not related. I think I mentioned in the Assembly not so long ago that there are times when people who are seeking treatment in one way or another in the ACT are far better served when they are in an appropriate location that it is inappropriate for us to have in the ACT. An example I gave was the burns unit at Westmead Hospital. If somebody has serious burns they are stabilised in Canberra—

Mr Berry: Oh, come on, Michael.

MR MOORE: Mr Berry, who was minister for health for years and understands this issue, of course, has a politically different approach. The reality is, as happened when Mr Berry was minister as well, that burns are dealt with at Westmead. Patients are stabilised here and we transfer them there because that is the place where we know the focus of people is appropriate and it is where they can get the best possible care.

It is important that I not be specific to this particular case, although when people are on the front page of the paper one wonders where patient confidentiality starts and where it finishes. In the same way as care for a burns victim is best carried out at Westmead, the reality is that the care of Mr Bruce is carried out in Goulburn for the time being. Just as burns victims will be there for a temporary period while things are stabilised and treatment is appropriate, they will probably come back to Canberra Hospital, and it is the same in the particular case there.

I believe that the treatment that is being received in that case, although inconvenient for the family, is the best possible treatment. The way the case was treated by the *Canberra Times* was not, in my view, particularly good. That deals with the first part of the question. I am trying to be as brief as I can, Mr Stanhope.

The second part of your question was about our meeting with Mrs Bishop. The Chief Minister, because of his concern for aged care, the same as mine, was prepared to organise that meeting and to go with me. Because of his close relationship with the Liberal Party federally, we thought that would be a sensible approach. The focus was about age care. We put some proposals to Mrs Bishop to deal with it. As I said on TV last night, I think her response was very disappointing. I will continue to pursue the matter with as many people as I can. I have asked the department to continue to push vigorously the proposal we put to Mrs Bishop.

The proposal I put to Mrs Bishop was that there are already, within the benchmark set for the ACT, a number of nursing home beds that have been allocated but not yet filled because they have not been built. We could provide a temporary allocation of a number of beds, in this case 11, that would allow us to take some of the people out of the hospital and move them to where they are more appropriately treated in nursing homes. We asked whether she would be prepared to consider that. Her answer was no. We are looking at how we can put that proposal in a way that will be of more interest to the federal government so that we can ensure the best possible treatment for aged people here.

It is important for us to remember that we are responsible for hospital treatment. When it comes to aged care, that is a federal government responsibility. Whilst we will look after these people as best we can—when they are in the hospital we will treat them as appropriate clinically—it is still appropriate for us to remind the federal government that they have that fundamental responsibility of aged care, and that it is important that they do not cost shift on to us in the most expensive way of treatment, which is in a hospital, when somebody could be and should be in a nursing home

MR STANHOPE: Mr Speaker, I think the fundamental responsibility for Mr Bruce's care is this community's, not the federal government.

MR SPEAKER: Order! No preamble, thank you.

MR STANHOPE: Would the minister confirm that he has just advised the Assembly that his advice is that the best clinical care or the best clinical outcome for Mr Bruce can be achieved by removing him from the ACT to Kenmore? Is that his advice—that in fact the best clinical outcomes will be achieved by sending Mr Bruce to Kenmore rather than treating him here in the ACT? Is the minister advising the Assembly that it is his advice that Mr Bruce's best interest is served by his separation from his wife of 46 years?

19 June 2001

MR MOORE: What I advised this Assembly is that I will not go into individual patient care cases. Mr Stanhope, I am surprised that you would. I think that is appalling. I was prepared to talk to you about this, in as far as I could, on a confidential basis rather than deal with somebody's private patient care. Even there, as I said to you, I am not able to deal with an individual's private and particular case. The advice to me is that the appropriate treatment for this patient is in Goulburn.

Mr Speaker, in Mr Stanhope's preamble to his supplementary question he drew attention to the fact that there was a mix between aged care; that this is a federal government responsibility, not ours. This is not a case of aged care. As best I can work out, Mr Bruce will sometimes be in a hospital and will sometimes be in an aged care facility. Yes, people do cross over that barrier. As I said in answer to the first part, we do not resile from our responsibility when somebody requires hospital care no matter how old they are. We deliver it. We deliver it very effectively, and much more effectively than was done when Mr Berry was minister.

Government—openness and accountability

MRS BURKE: My question is to the Chief Minister, Mr Humphries. This government has introduced a number of reforms to increase the openness and accountability of government, such as outputs-based budgeting, accrual accounting and removal of charges for freedom of information requests. In particular, Chief Minister, I refer to the publication of the *State of the Territory Report*, which contains information such as the performance of the ACT schools system on literacy and numeracy. Has the government received positive feedback on the publication of information about how it is doing?

MR HUMPHRIES: I thank Mrs Burke for that very good question. The issue of accountability and openness, and of preparedness to put things on the table, is much in the forefront of political debate at the moment. As Mrs Burke correctly observes, the *State of the Territory Report* does contain a lot of information about what the government is doing in a range of areas. It gives in particular figures about the performance of our schools as well as things like hospitals, our police force and so on. It publishes in particular figures about how students are performing in respect of literacy and numeracy.

We have received very positive feedback from community groups and members of the public about the usefulness of those reports. Indeed, I suspect that any of us who have used that report in respect of any debate that has taken place in the broader community would have had a very useful tool to establish exactly what is going on, how our public service is performing and in particular how our community is faring vis-a-vis the rest of Australia.

I think parents want to know how well their children are doing. It is a quite natural phenomenon to be allowed to know what your children are doing and how well they are performing. I think openness and accountability in education are as important as it is in other parts of government.

Mr Stanhope has published a policy on open and accountable government in the ACT, in which he says:

ACT Labor believes that responsible governments are open and accountable governments.

Elsewhere he says:

Labor wouldn't hide behind a cloak of confidentiality.

I wonder then, if it is not a cloak of confidentiality, what cloak it is that Labor hides behind in refusing to put on the table information concerning the literacy and numeracy performance of children in ACT schools. I wonder what particular criterion of public interest—

Mr Berry: On a point of order, Mr Speaker: Mr Humphries is reflecting on a debate in the Assembly. There was a debate about league tables and Mr Humphries is reflecting on that debate.

MR SPEAKER: I was not aware of that. To the best of my knowledge, I do not think Mr Humphries has mentioned league tables.

Mr Berry: Mr Speaker, if I can assist you. He reflected on that debate by way of some comments he made in relation to Labor's reluctance—and I paraphrase what he said—to put on the table information about school and student performances. That is a reflection on the debate we had last week about league tables.

MR SPEAKER: I do not believe that it is.

Mr Berry: What have I got to do to convince you?

MR SPEAKER: I have made the point that Mr Humphries did not reflect on the Assembly debate. He may have made a comment about the Labor Party but that is hardly the Assembly.

Mr Stanhope: You lost that one, Gary.

MR HUMPHRIES: That is a matter for the electorate in October, Mr Stanhope. Mr Speaker, I am not reflecting on the division in the Assembly.

Mr Stanhope: He lost the debate last week.

MR SPEAKER: Order! Do not reflect on a previous debate, please, Mr Stanhope.

MR HUMPHRIES: I will reflect on what is clearly a groundswell of support by ACT parents for information about the performance of schools and students to be on the table. I have no doubt at all that openness and accountability in government extend also to openness and accountability in education.

Mr Berry: Mr Speaker, if I can assist you with your apparent deafness on this subject: this minister—

19 June 2001

MR SPEAKER: I beg your pardon!

Mr Berry: Well, you obviously did not hear.

MR SPEAKER: Withdraw that remark, otherwise I will deal with you.

Mr Berry: I withdraw that, Mr Speaker. I notice that you did not hear Mr Humphries reflecting on last week's debate. Could you call him to order.

MR SPEAKER: Mr Humphries has not reflected on the debate, and if you continue to interject I will deal with you. We are dealing with a matter relating to openness in government. That was the question as far as I am aware.

Ms Tucker: Mr Speaker, I would like to speak to the point of order. Mr Berry is correct in saying that Mr Humphries has on several occasions now referred to what happened in the Assembly when we had debate about what sort of information should be made available to students and to parents regarding their school performance, and that was the debate about league tables. The point of order is absolutely correct in that this is a reflection on the vote. The Chief Minister is now bringing this matter into the election. He is saying that he is going to stand by the position he took in the debate we had last week, which he lost. That is a reflection on that vote.

Mr Moore: On the point of order, Mr Speaker: the debate to which Ms Tucker and Mr Berry refer was about league tables. There was quite a distinction made in that debate between what were league tables and what was broad information. If you take the concept that no information about schools can be made public—

Mr Stanhope: Who said that?

Mr Moore: I do not think anybody has said that. Mr Stanhope makes the argument for me: nobody has said that, and that is exactly what Mr Humphries is doing.

Mr Stanhope: He has just Gary-ed the Labor Party.

MR SPEAKER: Proceed Mr Humphries.

MR HUMPHRIES: Thank you, Mr Speaker. Mr Speaker, without reflecting on any vote of this Assembly but commenting on a broader issue about accountability, I think we need as a community to address the way in which we put on the table information that will allow the community to understand better how our students and our schools are performing. This is a very important process; it is a very important step to take.

I know that Mr Berry has argued in the public arena in recent days that we should protect students from information on how well they are doing. I do not share that conviction. I believe that the true test of openness is how much we are prepared to put this information in the public domain.

Mr Berry: Mr Speaker, on a point of order: I will give you another opportunity to call Mr Humphries to order.

MR SPEAKER: I think he is finished.

MRS BURKE: Mr Speaker, I ask a supplementary question. In light of the Chief Minister's response, do parents want information about how well the school system is performing?

MR SPEAKER: Be very careful how you answer this.

MR HUMPHRIES: Indeed, Mr Speaker, I will.

Mr Berry: Mr Speaker—

MR SPEAKER: Order! I have already warned the Chief Minister to be careful.

Mr Berry: Mr Speaker, the question itself is out of order.

MR SPEAKER: I am not so sure it is. But I have warned the Chief Minister to be careful about how he answers it.

Mr Berry: Mr Speaker, it asks—it conspires—another member to reflect on a debate.

MR HUMPHRIES: Mr Speaker, in retrospect no, the question is about whether parents want information about how well the school system is performing. How could that possibly be out of order?

Mr Berry: You lost that one, Gary.

MR HUMPHRIES: I know that you are obsessed about this vote. I will tell Mr Berry about where I think we will win, and that is in the assessment that has been made of parents' expectations of the school system. When directly asked in October last year by Roy Morgan Research, 76 per cent of parents were interested in information that compared a schools performance in the assessment program.

Mr Berry: Mr Speaker, this was information that was referred to—

MR SPEAKER: No, I am sorry. This is a general question. It has nothing to do with the debate that took place.

MR HUMPHRIES: Mr Speaker, may I speak to the point of order. If by having a division on this subject, by having a debate and a vote, we exclude further debate about that subject matter in general—

Mr Wood: That is what you have argued before—especially Michael Moore.

MR HUMPHRIES: Mr Speaker, if I could be allowed to make my point.

MR SPEAKER: Order!

19 June 2001

MR HUMPHRIES: Mr Speaker, if we are excluded from having any discussion about that subject by virtue of a vote then of course we will have a major problem. I am not reflecting on the vote. I am not making any reference at all to the Assembly's decision on that matter. I am, however, debating the general subject matter by putting this information on the table. I will do so briefly. Seventy-six per cent of parents were interested in information that compares a school's performance in the assessment program—

Mr Berry: That is the league table.

Mr Stanhope: You used it last Wednesday.

MR SPEAKER: Order! Proceed, Chief Minister.

Mr Moore: Mr Speaker, a point of order has been raised and I think something needs to be clarified about it.

MR SPEAKER: It was not a point of order—it was an interjection.

Mr Moore: Well, I will take a point of order. Mr Speaker, there is an important principle here about reflecting on the vote of the Assembly. The standing orders talk about reflecting on the vote of the Assembly. If Mr Humphries is saying, "Look, the Assembly is wrong and we need to turn that over," he is entitled to do that in a substantive motion. Otherwise he ought not reflect on the actual vote of the Assembly.

MR SPEAKER: There is no point of order. We have a great deal of work to do today. Mr Humphries, would you mind winding up on this one please.

MR HUMPHRIES: Yes, Mr Speaker. I will be very brief. Of the 76 per cent of parents who are interested in information about their schools being available, 59 per cent gave an indication that they wished—

Mr Berry: Mr Speaker, I draw your attention to standing order 52, which reads as follows:

A Member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded.

MR SPEAKER: There is no point of order on standing order 52. If you continue in this way, I will deal with you.

Mr Berry: Well, feel free, Mr Speaker. Mr Speaker, let me continue with the standing order.

Mr Moore: Standing order 202 (e). Name him.

Mr Berry: If I get thrown out for raising points of order in this place, Mr Moore, it will be a sorry day.

Mr Moore: I take a point of order, Mr Speaker. Standing order 202 (e) talks about “persistently and wilfully” disobeying the authority of the chair. That is what Mr Berry is doing. Whether or not he thinks he is taking a point of order, he is persistently and wilfully disobeying the authority of the chair.

MR SPEAKER: Gentlemen, we are going to have a long day. If you wish to lengthen it further, just keep going. If we are going to start playing around with this question, I might refer Mr Berry to standing order 55.

Mr Berry: Thank you, Mr Speaker, and I will not do that. What Mr Humphries is trying to suggest in his attack on Labor’s position is that the vote of the Assembly was wrong.

MR SPEAKER: Order! Sit down. There is no point of order. If you do that again, I will name you.

MR HUMPHRIES: Mr Speaker, I have only one more sentence to deliver, if I may. Of the 76 per cent of parents who were interested in information about their school’s performance, 59 per cent indicated that they want to have information on the table to compare schools to see which schools were doing well and to indicate the school’s performance in literacy and numeracy; 14 per cent want to gauge how their child is performing in the school compared with other children; and 10 per cent want it because it indicates quality of teaching and the level of education.

Federal Highway

MR QUINLAN: My question is directed to the Minister for Urban Services, Mr Smyth. Minister, at the end of March you were asked a question by our venerable colleague Mr Kaine in relation to the northbound section of the Federal Highway about 300 metres south of the ACT-New South Wales border. I have conferred with Mr Kaine and, it should be noted, he has not yet received an answer to the first part of his question concerning the liability for accidents on this section. Minister, you might like to weave that answer into your response to my question. Yesterday, I travelled past this section and observed that construction work was finally in progress for repairing this section of the road. Since work is under way, can the minister tell the chamber who is responsible for the cost of the remedial work to the Federal Highway—the territory or the Commonwealth?

MR SMYTH: As I think I told Mr Kaine when he asked the question originally, it is part of the national road network; it is the federal government’s responsibility. My understanding is that they have the liability and that they will be funding the repairs.

MR QUINLAN: I have a supplementary question. Does the minister know why, firstly, it has taken so long for the construction work to commence? How many accidents have occurred in the interim and who is responsible for any liability arising out of those accidents?

MR SMYTH: I am not aware of why it has taken so long for the work to commence. I assume that what has happened is that they have had to do a study to work out what the problem was and then go through the design and planning of that to remedy the failings of the original road. In regard to liability, we all have liability, which is why we have

19 June 2001

compulsory third party insurance. Any accident would be the responsibility of those involved in the accident, unless it could be proved that it was, in fact, the fault of the road.

Drug offences—court orders

MR OSBORNE: Mr Speaker, I thought the question by Mrs Burke was out of order too. I do not know how Mr Humphries could have answered it without reflecting on a vote of the Assembly. My question is to the minister for health and corrective services. It is a combined question. Minister, I draw your attention to comments made by Supreme Court Justice Madgwick, who criticised elements of your department—drug rehabilitation officials, to be exact—for failing to enforce drug offence related court orders. He said that the ACT had a liberal sentencing regime which favoured the rehabilitation approach to drug offenders, which I think most of us agree with, but that the whole system and the community were let down when there was not proper enforcement of these court orders.

My question is: are you aware of this judge's comments, and what steps have you taken to ensure that this does not happen again?

MR MOORE: Mr Osborne, I read those comments in the newspaper, and it is my intention to follow them up to make sure we are following those court orders in an effective way. I am not familiar with this judge. I presume he is a judge visiting from elsewhere. When people from elsewhere comment on our system and give us suggestions on how to improve it, we need to take those suggestions on board and make sure we are working to improve the system.

It is interesting to look at last week's statistics from the Australian Institute of Health and Welfare on our regime for dealing with drugs in the ACT and particularly on outcomes with regard to cannabis. Under the much harsher or more prohibitionist regimes operating in the Northern Territory and Western Australia, the increase in the number of people using cannabis is much greater than in the ACT, Victoria and South Australia. That is just one area. There are lots of ways in which we are doing very well. The judge has highlighted a problem, and it is something we will pursue.

Lyneham tennis centre

MR CORBELL: My question is to the Minister for Urban Services. On Thursday of last week, in answer to a question, the minister told the Assembly that payments to creditors of the developer of the Lyneham tennis centre redevelopment had begun. The minister said that Mr Dawes, on behalf of MBA members, has been receiving cheques from Mr Hanna and that the payments have started to flow. Will the minister confirm the total value of cheques that have been paid to creditors and the total value of any outstanding amounts?

MR SMYTH: That is not our responsibility. It is the responsibility of the proponents to come to an arrangement. What the government sought to do when it put the condition into the settlement and the call-in of the Lyneham tennis centre was to break the deadlock, and that is what it has achieved. Mr Dawes was at a meeting at which Mr Corbell and I were last night and I asked him how it was going. He said that he

believed that it was getting close to all of the conditions being fulfilled. My understanding is that he has got some cheques and that the payments will continue.

MR CORBELL: I have a supplementary question. Will the minister advise the Assembly whether the outstanding statutory charges owed by the developer to the territory have been paid in accordance with the conditions of the development approval?

MR SMYTH: I am not aware of what charges have been or have not been paid at this stage. PALM does not tell me when charges are paid, but I will find out for the member. The point here is that what the government sought to do was get a benefit for the people of Canberra. We wanted creditors to be paid and we wanted a tennis centre to go ahead that would provide jobs in the construction phase and give us lots of facilities in the long term. I understand that it is even supported by the Leader of the Opposition. I think what we have set out to achieve may be fulfilled, and I look forward to its being fulfilled in the near future.

School buses

MR HIRD: Mr Speaker, my question is to the Minister for Urban Services, Mr Smyth. Can the minister provide the parliament with some statistics outlining the demand for free school bus travel under the government's school student travel scheme? Can you give a breakdown of the number of applications between primary and secondary schools, and government and non-government schools?

MR SMYTH: As of 18 June 2001, we had received some 16,248 applications for passes for free school travel. Of those, 11,529 have come from students at secondary schools, which is about 68 per cent of all applications, and 5,305 have come from primary school students, which is 32 per cent of all applications. Students from government schools have submitted 6,728 applications, which is about 41 per cent of the total, while students from non-government schools have submitted 9,520, which is about 59 per cent of the total. We are expecting to receive about 20,000 by the start date in September.

The Labor Party argues that only private schools will benefit from that initiative. That is clearly not true. A brief summary of the government schools where more than 100 students have submitted applications belies this claim. For instance, 341 students from Alfred Deakin High have applied, 245 students from Belconnen High in Mr Hird's electorate have applied, as have 117 students from Calwell High School. There have been 173 applications from Campbell High, 175 from the Weston campus of Canberra College and 283 from the Woden campus. At Canberra High School 215 students have applied, while at Dickson College 119 students have applied. We have received 137 applications from Erindale College, while 225 students at Gold Creek Senior School have applied. 141 students from Lake Ginninderra College have applied, as have 572 students from Lake Tuggeranong College.

At Lanyon High School 146 students have applied, while at Lyneham High 137 students have applied. We have received 150 applications from Melba High and 297 applications from Melrose High. 384 applications have come from Narrabundah College, while 214 students from Stromlo High have applied. At Telopea Park 397 students have applied and at Wanniasa High 146 students have applied.

19 June 2001

As members can see, this policy benefits families all over the ACT. It is just one of the many initiatives in the DUS budget that ease the pressures on Canberra families. Of course, we are reducing the cost of car and motorbike registrations by \$58. This budget also provides \$2 million over four years to extend the public transport concessions to include people who hold a health care card (low income), which will provide 5,000 Canberrans with assistance for travel costs.

Mr Berry has claimed that no-one has called for the introduction of free school buses. There are 16,000 voices that are calling fairly loud.

MR HIRD: My supplementary question is in two parts. First, has the government received feedback from parents supporting the introduction of free school buses? The second part deals with you, Mr Speaker. As government whip, I would like to say congratulations on a special day, this being your birthday. Happy birthday, sir.

MR SPEAKER: I thank you, though it would be better if you would all behave yourselves.

MR SMYTH: We have had plenty of feedback supporting the free school buses. I think the best comment we have received is an email I understand a number of members of the Labor Party have also received. I will read just some of it:

I am writing to you as a member of the Labor Party, to make a couple of points about the free school bus proposal put forward recently by the Liberal Party.

The first decision of any government that would have benefited our family was the free school bus travel proposal. I have three sons—two attend St Edmund's and third is in kindergarten at St Benedict's at Narrabundah. We reside in Chisholm. We choose to send our boys to these schools so that the religious teaching they have at home is supported in the school environment. That is our choice.

I am sure that you will be aware of the recent concerns expressed about boys in the education system. This is the second reason for sending our boys to these schools. I am very aware of the fact that boys do not receive equitable treatment in a mixed school situation.

The constituent goes on:

With three children travelling, we now pay \$39 a week. It does not take a mathematical genius to extrapolate this figure across 10 weeks and 4 terms and realise that this cost is too much.

Children travelling from Jerrabomberra receive free bus travel—a Labor Party initiative. I feel very much that you have let the education lobby prejudice your judgement on this issue. I would remind you that Catholic school students are not funded to the same degree as State school students and are therefore a cheap educational option for any Government. I would also remind you that in the 1960s to get any funding for our children the then Archbishop of Canberra Goulburn instituted a strike of Catholic schools and sent the children to the government schools instead—which could not cope.

I am very tired of Catholic schools where ordinary people send their children for a variety of reasons being treated as though they were all Shore or St Joseph's, Hunters Hill or Cranbrook. I am quite sick of having people say how "rich" kids benefit from initiatives for things like free school bus travel. I think you should consider this an equity issue. You tell me where in my local area (within 2km) the state system offers boys a fair and equitable education with full access to the resource areas that boys need and I'll send them there.

In the meantime, I put you on notice that I and my husband who have never voted anything but Labor will be voting Liberal in the next election—unless we see some justification for this decision other than the usual ill-thought out knee-jerk reaction.

I could not have put it better myself.

Disability services inquiry

MR WOOD: My question, which is to Mr Humphries, is about the likelihood of Mr Gallop's interim report on disability services being released before the election. Mr Humphries, on the last sitting day you deflected my question on this subject on the ground that it may contravene standing order 117 by calling for an expression of opinion, that is, why did Mr Gallop take the unusual step of presenting an interim report? Today, I just want the facts, please. Did Mr Gallop present the report to you personally? If so, what did he say to you? Secondly, was there a covering letter? If so, will you table it?

MR HUMPHRIES: Yes, Mr Gallop did present the report to me personally on 1 June. What did he say? He explained the time that it had taken to come to the stage of being able to present an interim report. He explained that there was still a considerable amount of work for the inquiry to do and, in saying that, he foreshadowed that he would be making an application or a request for an extension of time and possibly also for an increase in his budget to be able to deal with the issues which had not yet been addressed by his inquiry.

He said that it was up to me to decide what to do with the report, as to whether it was to be produced and what particular steps were to be taken for its dissemination. He indicated what course of action he had adopted with respect to the coroner's inquiry into the matter of the three deaths which were the subject also of the interim report. That is broadly a summary of the discussion that we had.

He gave me a covering letter to the report, as I recall, and I will consider the release of the covering letter at the same time as I make a decision about the release of the report itself.

MR WOOD: I have a supplementary question. Mr Humphries, has anybody—perhaps not you, but an officer—studied the report and have any actions flowed as a result?

MR HUMPHRIES: Some officers within my department and within the Department of Health, Housing and Community Care have examined the report in order to give the government advice. The product of that, of course, is the legal advice which has now been commissioned for giving the government an indication of what it should do with this report.

Namadgi National Park

MR KAINE: My question is to the Chief Minister. I noted with some concern that an agreement had been signed at the beginning of this month, a so-called management agreement for Namadgi National Park, between your government and a group of Aboriginal people. It is not that I have a problem in principle with that agreement, but I must say that I do have some concern about the way that it was apparently negotiated and signed off. What steps did you take to ensure that the interests of all members of the Ngunnawal people were fairly represented in this agreement? If there was not agreement by all of the Ngunnawal, why did you proceed with an agreement that excludes some of them? Thirdly, are all of the individuals with whom you did negotiate in the ACT, or in fact are some of them actually resident in New South Wales while many Aboriginal residents in the ACT were excluded?

MR HUMPHRIES: I thank Mr Kaine for that question. First of all, let me make it very clear that no member of the Ngunnawal community who can establish that they are a member of that community, and I will go on to indicate what I mean by that in a moment, is excluded from this offer. The signing of this agreement with representatives of the Ngunnawal people does not indicate or suggest in any way that others who are outside this agreement at this stage cannot enter the agreement at some point in the future and obtain exactly the same benefits under that agreement. I emphatically reject the suggestion that anybody has been excluded from either this process or from the benefits, such as they are, which are inherent in the agreement which we have signed. Nobody has been excluded.

What I mean by the phrase “members of the Ngunnawal” is a matter of some contention. Members will be aware that there was a genealogy prepared which identified those people who could be regarded as descendants of the last people known to have been Ngunnawal, resident and present in the ACT region shortly after the time of white occupation of this part of New South Wales, as it then was. There is some considerable debate between members of the Ngunnawal community about who is properly considered to be a member of the Ngunnawal community and who is not. I note with regret that that debate flared only yesterday at the announcement of the winner of the competition to design Reconciliation Place.

Mr Speaker, that difference of view has been a feature of Aboriginal activity in the ACT for some time. I deeply regret that, as I know other members of this place do, but the fact of that disagreement should not be a barrier to us attempting to advance the question of Aboriginal dispossession in this territory. The government’s decision was that it would make an offer of leasehold, which is effectively the greatest title in land that we can confer or can offer, to Ngunnawal people who chose to accept the offer on the basis that the offer would be non-exclusive, that it would permit others to join at a later stage if they could establish their credentials to do so, and would not compromise the reality of Namadgi National Park continuing to be a national park.

My capacity to cater for the interests of all members of the Ngunnawal community was addressed by virtue of leaving the agreement as an open agreement which can be added to or joined up to later on. It does not exclude anybody who can establish their credentials to be part of the agreement.

Mr Kaine asked me whether it was open only to residents of the ACT. I do not think there are any people who have signed the agreement who are not residents of the ACT; but, Mr Speaker, if there were people of that kind it would not matter. This agreement is not an agreement for ACT resident members of the Ngunnawal community because the Ngunnawal community, the Ngunnawal nation if you like, long preceded the ACT. The fact that they are living across the border in New South Wales should not be a barrier to them taking out rights over their traditional lands because they are now lying within the ACT. I will make no distinction between people on the basis of where they are resident. If they are properly members of the Ngunnawal community, as I have defined it in these comments, they are entitled to the benefits of this agreement.

MR KAINÉ: I have a supplementary question. Since you say, Chief Minister, that those who are not already included in this agreement can be included, how has that information been conveyed to those who are not included in the agreement? In light of the general feeling amongst some, and I quote from the *Canberra Times*, that this agreement, rather than encouraging a spirit of reconciliation, has widened a rift which already was evident in the local Aboriginal community, and I am paraphrasing that, how was it determined who would be signatories to this agreement on the part of the Ngunnawal people?

MR HUMPHRIES: Mr Speaker, the people who were signatories were essentially people who had brought a claim in the Native Title Tribunal for recognition of land rights in respect of the ACT. That is the basis on which those people were invited to come forward and be signatories to this agreement. Of course there are divisions in the Aboriginal community about this issue, and I regret that there has been any strengthening of feeling, any exacerbation of that division, by virtue of this step; but I believe that those divisions have been present for a very long time.

The government was determined that the question of reconciliation and justice with respect to the land claims of those people should not be held up until the magical day arrived when those divisions would disappear. It was the government's view that steps should be taken to advance this issue in practical terms at this point in time. The people who have taken that up are obviously pleased and supportive of that process. As I have said before, others who wish to take on board those rights will be perfectly entitled to do so at any stage in the future. We should not play on those divisions, Mr Speaker. We should not exploit them as a basis for declining to advance this issue in the ACT's case. I believe that that is an appropriate step, and I hope it has support from other members of this place.

Road signs

MR HARGREAVES: My question is to the Minister for Urban Services. Minister, your department's initiative to erect black posts with a white crucifix has raised questions from non-Christian groups within the community.

Mr Humphries: A white cross.

MR HARGREAVES: The minister probably knows what I mean when I talk about a white crucifix, much more so than the Chief Minister. I understand that a post is erected only with permission from the deceased person's family, and I applaud that. Whilst I applaud this road safety initiative, I am concerned that sections of the

19 June 2001

community were not consulted. Minister, were the Multicultural Council and the general community consulted regarding the decision to paint crucifixes on these posts; if so, how? Don't you agree that these crosses can be offensive to non-Christian groups?

MR SMYTH: First and foremost, on the definition of what is a cross and what is a crucifix: a crucifix usually has the body of the crucified Lord upon it and those who follow the Christian tradition call that a crucifix. A cross which is simply a crossed beam of wood is, I think, a universally recognised symbol of death. It was with that in mind that that symbol was used.

I did think about this issue in considering this proposal and in consulting with the group which put it together, which was the Rotary Club of Mount Gambier and the local police force. They also considered that matter and decided to go with what they thought was also the universal symbol of death in the form of a cross. With that in mind, I decided that we would simply use the one symbol so that there is uniformity round the territory.

MR HARGREAVES: I wish to ask a supplementary question. Minister, you mentioned that you got the idea from Mount Gambier. Will you follow the pure South Australian model, which involves erecting a black post without a cross or any religious symbol?

MR SMYTH: I thought it was more important to make it quite compelling and quite stark. The simple sign of the cross, which I think is recognised across Australia as the symbol of death, is appropriate in this case. The families that I have consulted also seem to think that it is appropriate.

General Agreement on Trade in Services

MS TUCKER: My question is to the Chief Minister. It concerns the General Agreement on Trade in Services, or GATS. The federal government intends to commit Australia to further liberalisation of trade in services through GATS at the forthcoming ministerial meeting of the WTO. Was the ACT government consulted on this position? If so, what is the ACT government's position?

MR HUMPHRIES: I thank Ms Tucker for the question. I know that the federal government's policy at this stage is to consult state and territory governments about agreements that are to be signed by the federal government which will be binding on Australia generally and which might have implications for state and territory governments. I do not believe that during the period I have been Chief Minister there has been a request from the federal government to me on behalf of the ACT government to consider any implications arising out of GATS, but that may have preceded my period as Chief Minister. I will ascertain what the situation is with respect to previous consultation and advise Ms Tucker of that.

MS TUCKER: I ask a supplementary question on notice. If you find in that work that your government has done any analysis of the impact of GATS, could you also bring that to the Assembly.

MR HUMPHRIES: I will take that question on notice as well.

Capital works projects—prequalification of tenderers

MR RUGENDYKE: My question is to the Minister for Urban Services. I advise that I have given the minister notification of this question, due to its unwieldiness. Minister, does your government still subscribe to the concept and practice of prequalification for tenderers who seek to tender for ACT government capital works projects? What is the dollar value of such capital works where such prequalification is required? Does your government apply the same criteria to subcontractors who partner, work for or provide services to, the prime contractor of capital works contracts awarded by your government?

MR SMYTH: I thank Mr Rugendyke for notice of the question. The government is fully committed to the concept of prequalification for tenderers who seek work from the ACT government. In the case of consultants, the threshold has been set at \$50,000. In the case of other contractors, it has been set at \$100,000. That strategy has been in place for some time. It is in line with the national code of practice. It does not apply to subcontractors, except for project management, where exactly the same rules do apply.

MR RUGENDYKE: I ask a supplementary question. Will the minister assure the house that he will apply the same criteria and prequalification requirements to any entities or related entities that perform any work or provide any service pursuant to, or as a consequence of, a capital works contract, apply this rule where the value of that work or service is either cumulatively or singularly greater than \$1,000 and apply this arrangement to all current requests for tender and expressions of interest for capital works projects?

MR SMYTH: The current scheme does not extend to such a small level. It would be totally impractical for the government to insist upon prequalification for any service provided over the \$1,000 level. The imposts on small and medium-sized businesses would be an impossible burden for them to carry. With that in mind, we do not do that. In the case of subcontractors, as previously stated, the levels do apply for project management, for consultancies above \$50,000 or for works above \$100,000.

Williamsdale quarry

MR BERRY: My question is to the Chief Minister. It is in relation to the Williamsdale quarry. Chief Minister, how much of the Williamsdale quarry does the territory own through Totalcare today and how much of the Williamsdale quarry will the territory, through Totalcare, own on election day?

Mr Humphries: Mr Speaker, I think Mr Berry has asked this question before and I have answered it fully before.

MR SPEAKER: I think he can answer it.

MR BERRY: All I asked him was how much does it own today. Doesn't he know or doesn't he care?

MR SPEAKER: But the second part could not be answered. Questions shall not ask ministers for an expression of opinion. I don't know that he could possibly tell us.

19 June 2001

MR BERRY: I just ask him: how much does it own today? I think you might be confusing Assembly proceedings with what the discussion was before the Estimates Committee.

MR SPEAKER: Mr Berry, the second part of your question is out of order. It is asking for an expression of opinion.

MR BERRY: Okay. How much do we own today?

MR HUMPHRIES: I repeat, for Mr Berry's benefit, what he already knows, which is that Totalcare's ownership of the Williamsdale quarry is 50 per cent. I have indicated very clearly I see no reason why that would change at any stage in the future.

MR BERRY: Does the minister agree—

Mr Hird: He is having two goes.

MR BERRY: No, this is my supplementary question. Does the minister agree that he has authorised Totalcare to sell a further part to a joint venturer of the 50 per cent ownership that we have at this point and that discussions are going on with CSR as we speak along the lines suggested in the letter of authority which was given to Totalcare by Mr Humphries? I will table that if you like.

MR HUMPHRIES: Well, you should. No, Mr Speaker, I have not given any authority. There is no authority from me to authorise any discussions by Totalcare about ownership. Mr Berry produced this document. It is my understanding that it does not exist.

Mr Berry: Can I just—

Mr Moore: No, you can't table it.

Mr Berry: I will come to it in a moment.

MR HUMPHRIES: You said you were going to table it.

Mr Berry: I will shortly.

MR HUMPHRIES: Table it now.

Mr Berry: I am happy to table it now

MR SPEAKER: Is leave granted?

Mr Moore: We will give you leave to table it now.

MR SPEAKER: Order! Is leave granted for Mr Berry to table the letter?

Mr Berry: No, I will do it later because I want to make a personal explanation.

MR HUMPHRIES: Mr Berry has effectively impugned my honesty in this matter. He asked me whether I have authorised—

Mr Berry: Mr Speaker, that is something I don't have to do.

MR SPEAKER: Sit down, and don't be rude.

MR HUMPHRIES: By asking me the question of whether I have authorised there to be any negotiations about the sale or sell-down of Williamsdale quarry and then saying he has a letter in front of him which repudiates my denial in this place, he is effectively saying, "I have proof that you are a liar." Mr Speaker, that is an implication. It is outside standing orders. Mr Berry should produce this so-called letter and should do so now.

Mr Berry: I will do so in due course.

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

Tabling of document

MR MOORE (Minister for Health, Housing and Community Services) (3.25): Mr Speaker, pursuant to standing order 213, I move:

That the document quoted from by Mr Berry be presented to the Assembly.

MR BERRY (3.26): Mr Speaker, I wish to speak to the motion. I am extremely happy to table a letter to Mr Denis Page, the former chairman of Totalcare Industries, but I want to read it into the record first. The words "Dear Mr Page" have been crossed out and replaced with "Denis". The word "Treasurer" has been crossed out of the header "Chief Minister, Treasurer, Member for Molonglo, Australian Capital Territory". The letter is signed by Mrs Carnell as Chief Minister and Mr Humphries as Treasurer. Mr Speaker, the letter states:

Thank you for your letter—

Mr Osborne: It must be an old letter then.

MR BERRY: No, it is dated 24 January 2000. It has not got whiskers on it yet but it is getting older. It states:

Thank you for your letter on behalf of the Board seeking endorsement of the proposed Williamsdale quarry and participation with a joint venture partner(s) from the private sector.

I support the proposed venture as presented in Totalcare's Business Case for Williamsdale Quarry, September 1999, subject to:

- Totalcare's holding no more than 50 per cent—

so they are entitled to sell more than 50 per cent—

19 June 2001

Mr Moore: No.

Mrs Burke: You are drawing a long bow, Wayne.

Mr Humphries: It is a long bow, Wayne.

MR BERRY: The letter said:

- Totalcare's holding no more than 50 per cent—

not one per cent more than a 50 per cent—

interest in the proposed unincorporated joint venture with Mitchell Mini-Mix and possible CSR Emoleum; and

According to an answer given by the chair of Williamsdale quarry, we know that discussions are being undertaken with CSR and Boral. So, Mr Speaker, it is pretty clear that the authority has been given and the discussions are happening. The letter goes on to state at another dot point:

- Satisfactory due diligence being completed on the potential joint venture partners.

It is satisfying to see Totalcare working closely with other local businesses and I would like to offer my best wishes for a profitable venture and a safe and successful future for the Williamsdale quarry.

That is signed by Ms Carnell and, of course, by Mr Humphries as the Treasurer. I emphasise the words "Totalcare's holding no more than 50 per cent". They cannot hold any more than 50 per cent but they can hold less. So the authority is there. According to evidence I have seen from the head of the Williamsdale quarry, there is commercial-in-confidence discussion going on between Boral and CSR. So, Mr Speaker, I am quite happy to table that letter.

Question resolved in the affirmative.

MR BERRY: I present the following paper:

Williamsdale quarry—Proposed joint venture—Copy of letter from Kate Carnell MLA, Chief Minister and Gary Humphries MLA, Treasurer to Chairman, Totalcare Industries Ltd, dated 24 January 2000.

Personal explanations

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): Mr Berry has tabled the letter and the motion has been disposed of, Mr Speaker. I seek leave to make a statement in respect of this matter.

Leave granted.

MR HUMPHRIES: Mr Speaker, the letter which Mr Berry has tabled and quite disingenuously suggested is evidence of the fact that the government was planning or

had authorised the sell-down of the Williamsdale quarry was a letter executed almost a year and a half ago to facilitate the acquisition by Totalcare of the quarry in the first place. As a result of that authority, Totalcare in fact went on to acquire a 50 per cent holding in the Williamsdale quarry.

Mr Berry: No, sorry—dispose of 50 per cent, Gary.

MR HUMPHRIES: No, Mr Speaker. They acquired a 50 per cent holding in the Williamsdale quarry.

Mr Berry: They disposed of it.

MR SPEAKER: I warn you, Mr Berry.

MR HUMPHRIES: Mr Speaker, having acquired that 50 per cent interest in the quarry, I understand it is now impossible under the Territory Owned Corporations Act for any part of that venture to be sold down or given away or otherwise disposed of without the express permission of the Legislative Assembly. So, any authority to acquire a certain part of the Williamsdale quarry on Totalcare's part clearly does not extend to selling down that asset once acquired. It has been acquired, it is in Totalcare's hands and it cannot be disposed of without a motion of this Assembly. Incidentally, Mr Speaker, it also requires the authority of the government—authority which is not presently available.

Mr Berry has drawn an extremely long bow. He has cast aspersions in this place on my honesty and if he had any integrity at all he would apologise for that. But obviously he will not do that.

Mr Speaker, these are the sorts of untruths which get put around in this place on a regular basis by Mr Berry. I do not want to reflect on his character but accusations of the kind which lead people to believe that politicians are dishonest do not reflect very well on self-government.

Mr Speaker, I have been completely honest with this Assembly both here and in the Estimates Committee about this matter and nothing Mr Berry has said today has in any way cast doubt on that.

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

Leave granted.

MR BERRY: Mr Humphries invited me to apologise. I will be making no apology. I think Mr Humphries got some of the facts and figures wrong so I might just refresh—

MR SPEAKER: You have been given leave to make a personal explanation, Mr Berry.

MR BERRY: Well, I will do it by some other means, Mr Speaker. I seek leave to make a statement in relation to the Williamsdale quarry.

Leave granted.

19 June 2001

MR BERRY: Mr Speaker, my understanding of the arrangement with the Williamsdale quarry—and I could be proven wrong, just as the Chief Minister could be, I suppose—is that, following the discovery of a rock deposit on a property outside of the ACT at Williamsdale, discussions were entered into between Totalcare and the land-holders, the McDonald family. Totalcare then, on the basis of a business plan, entered into a licensing arrangement with the land-holders. At that point Totalcare were the sole licence holders. So, they did not acquire 50 per cent—they had all of it.

What happened as a result of your letter—

Mr Humphries: They acquired 50 per cent of the joint venture.

MR BERRY: They are the only signatories to the licence with the McDonald family.

Mr Humphries: It is a licence to occupy the land, not to operate the lease; not to operate the mining agreement.

MR BERRY: That is right—they had it. That is the only asset that Totalcare has in the site—the licence to occupy the land and to extract rock. That is all they have. So Totalcare had all of the asset. Totalcare disposed of half of it to Pavement Salvage, without the authority of the McDonald family. Mr Speaker, they did it with the approval—in fact, the enforcement—of the ACT government, as set out in the letter I have tabled. That is to say, Totalcare can have no more than a 50 per cent holding in the joint venture.

Mr Speaker, that letter also authorises them to dispose of more than 50 per cent. There is an authority to dispose of more because the letter plainly says Totalcare shall hold no more than 50 per cent. So the authority there is to sell more. According to the head of the quarry, there are discussions going on with CSR.

Mr Speaker, this is not about calling into question Mr Humphries' honesty. This is about calling into question Mr Humphries' competence and understanding of his portfolio and what happens to be going on out there. My understanding, from the evidence that I have seen, is that there are discussions with CSR. CSR was one of the possible joint venturers authorised by the letter that you signed. There are commercial-in-confidence discussions going on.

Mr Humphries: No there are not.

MR BERRY: Well, according to the head of the quarry there are. You should give him a ring.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): Mr Speaker, I am sorry to prolong this but Mr Berry has made further accusations which I need to respond to. Mr Speaker, I seek leave to make a further statement.

Leave granted.

MR HUMPHRIES: Mr Speaker, I repeat that the government has not authorised the sell-down of any part of the Williamsdale holdings by Totalcare. It is a complete and utter lie on Mr Berry's part to assert otherwise.

Secondly, Mr Speaker, any failure on the part of the quarry to obtain the authority of the McDonalds to inviting in other partners is a matter that does not go to any part of this agreement or any part of the authority that the government has given. As I understand it, if the McDonalds have not been consulted, that is not a matter they have any recourse to.

Mr Speaker, the third point I want to make about Mr Berry's comments is that if there are any discussions going on between anybody about selling down any part of this asset, it is happening without the authority of the ACT government—authority which will not be forthcoming. Indeed, Mr Speaker, the authority of the Assembly is also required for there to be any sale.

Mr Berry: Mr Speaker, I raise a point or order. I think Mr Humphries referred to what I said as being an outright lie, or words to that effect. I think he ought to withdraw that.

Mr Humphries: If it offends Mr Berry, I will withdraw it.

MR SPEAKER: Thank you.

Mr Berry: Mr Speaker, I was not particularly offended by it but I think it offends parliamentary principle.

MR SPEAKER: Sit down, please.

Questions without notice

Federal Highway

MR SMYTH: Mr Speaker, further to Mr Quinlan's question about the Federal Highway, I am advised that the road is being fixed as a defect under the contract. So, in fact, in this case the contractor who built the road is actually repairing it at his cost.

Auditor-General's reports Nos 3 and 4 of 2001

Publication of paper

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General's Reports—

No 3 of 2001—Bruce Stadium Redevelopment—Market Research and Marketing (Second Report), dated 19 June 2001.

No 4 of 2001—Department of Health, Housing and Community Care—Peer-Based Drug Support Services Tender—1998, dated 19 June.

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

That the Assembly authorises the publication of the Auditor-General's Reports Nos 3 and 4 of 2001.

19 June 2001

Papers

Mr Humphries presented the following papers:

Territory Owned Corporations Act, pursuant to subsection 19 (3)—Statement of Corporate Intent for ACTEW Corporation Ltd for 2000/01 to 2004/05.

2000-01 Capital Works Program—Progress report—March quarter.

Estimates 2001-2002—Select Committee Report on budget 2001-2002—government response

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (3.40): For the information of members, I present the following paper:

Estimates 2001-2002—Select Committee—Report—Report entitled Budget 2001-2002, dated June 2001, including a dissenting report (*presented 13 June 2001*)—Government response.

I move:

That the Assembly takes note of the paper.

Mr Speaker, the Select Committee on Estimates 2001-2002 made 65 recommendations in its report, and judging by that number alone one could be misled into believing that the committee did a great deal of work. I have to say that this report sets a new low for the work and output of the committee.

I have to qualify my reference to the committee as a whole, for there were some voices of reason in the committee whose views and thoughts were disregarded in the preparation of the report. We had the unfortunate situation where, at the last moment, those members were forced to prepare a separate dissenting report. Technically speaking, I would suggest the report tabled by the committee chair was incomplete. As I said, this sets a new low.

Mr Speaker, we then had the most appalling situation where those opposite, with the complicity of some Independents, blocked the tabling of the dissenting report. So the report does not reflect a unanimous view and, on the top of that, there has been an attempt to suppress the dissenting view. This also sets, I would submit, a new low.

Mr Speaker, a more fundamental issue to think about is that the committee chair was unable, or unwilling, to forge consensus or allow an avenue for dissent. We now know that he came to the committee with a predetermined view and the intention to impose that view on the committee. That being the case, how can this Assembly—and indeed the wider community—have any confidence in the committee's report being anything other than a sham, and perhaps deliberately so?

Turning to the report, the committee tried to concern itself with the question of what is an appropriate level of budget surplus. Mr Speaker, I recognise that this is a complex issue but the committee's intellectual input into the discourse on this matter is reflected in recommendation 1, where it asks when the government made the decision to apply the operating surplus to fund the initiatives. Would a date suffice or would the time of day help the committee form a view on an appropriate level of budget surplus? The same level of intellectual input is evident generally in the rest of the report. Again, this sets a new low.

I note that the committee could not reach a consensus on the draft budget, even though the committee obviously likes it and wants it. So the committee has made itself irrelevant on this issue.

Then, Mr Speaker, the committee chair jumped onto his worn-out hobbyhorse of separating the reporting of superannuation from the government accounts, even after advice to the contrary from the Auditor-General. But that did not deter the chair—a former accountant of the year, would you believe—from making a recommendation which is, in part, contrary to accounting standards. The same disregard for evidence to the contrary is generally evident throughout the report.

There is the usual talking down of the economy, even in the face of evidence to the contrary. Then there is the obsession with cash when the accounts clearly demonstrate that over the forward estimates the working capital ratio, which is the figure that really matters, becomes stronger.

The committee did not even try to understand the numbers in the budget papers. One wonders how much accrual accounting was actually absorbed by members in this place. The same unwillingness to look at the facts and understand and grasp the issues is generally evident throughout the report.

Mr Speaker, it is one thing for the opposition to take a bit of licence, with perhaps a degree of disregard for facts, and show a desire to put on its own spin for the purpose of debate in this Assembly. I do not endorse this practice but I can understand it. It is quite another thing for an Assembly committee to produce a report which disregards the facts and does not involve itself in a critical understanding of the issues.

Mr Speaker, there is much more that I could say. In summary, the report is in various places plain wrong, jumps to conclusions with no preceding evidence, makes unsubstantiated claims, has inappropriate and unfounded imputations or is simply blatantly political. It is basically a litany of the chairman's prejudices and it is not worthy of a report from an Assembly committee. It is a far cry from the reports of estimates committees brought down in the period prior to 1995. This Assembly should expect better from its committees; certainly the community deserves better from the Assembly.

Mr Speaker, the government has endeavoured to respond to the report to the extent possible and I commend the government response to the Assembly.

19 June 2001

MR HARGREAVES (3.44): Mr Speaker, the government response to the report of the Select Committee on Estimates 2001-2002 continues to be in the same vein as government responses delivered by chief ministers and treasurers since I have been a member of this place.

Mr Humphries has taken the licence of putting words into other people's mouths. His remarks border on misrepresenting the efforts of people on the Estimates Committee. Mr Speaker, I take exception to the remarks of the Chief Minister. I could have, like some other members, just done nothing on the committee. But I applied myself to many hours of reading, thinking and talking to people about the content of the budget. I spent many hours thinking about why the draft budget was not presented in the same format as the final budget. I wanted to see the movement from draft budget A to final budget B. But I was not given the starting point, a list of initiatives and then an end point. This draft budget process was missing. But I do not see anything in this response acknowledging that, or even suggesting that it might be worthwhile doing this the next time around.

Mr Speaker, I notice that the Chief Minister did not address some of the issues raised by two committee members who were critical of the activities of other members of the committee. Those members said that the committee was trawling for information. I was not trawling for information.

The committee had to call for information, and the information that was forthcoming was pretty damning. We asked for papers relating to probity in the decision on Yellow Cabs. Eventually, after extracting an enormous amount of teeth, we received a letter which said that one of the people connected with the Yellow Cabs deal was a good bloke, and that was supposed to be probity! It turned out that the person did not have any financial interest in the franchise anyway, so the whole thing was totally irrelevant and in effect quite misleading.

The information did not reveal what we were trying to find out was going on with regard to that deal. In fact, the ownership of the franchise is actually split between a person who lives in Brisbane and a person who lives in South Australia. The franchise for Yellow Cabs is not owned by anybody living in the ACT. Any profits coming from that will go out of the ACT. If it takes trawling to find out these sorts of things, Mr Speaker, it is a pretty abysmal state of affairs.

Mrs Burke and Mr Hird used the words "penchant for trawling". I reject that entirely. Had we not asked for papers and investigated things closely, we would not have found the connection between Canberra International Airport and the Canberra Airport Group, and the relationship Mr Service has with both, in relation to an accommodation change. Again, Mr Speaker, this is information that was being withheld either accidentally or deliberately—I do not know and I do not care which, but trawling for information like that should have been unnecessary.

Mr Speaker, if my memory serves me correctly, 46 of the 69 recommendations of the committee can be directly related to the budget. Others relate to the process and some of them relate to other issues. As I said, 46 out of 69 are directly related to the budget. That is hardly consistent with the rubbish that the Chief Minister has put forward.

Mr Speaker, this criticism is quite offensive and it is not constructive. In fact, 46 of the recommendations of the Estimates Committee talk about how things can be done better with regard to the budget process and the initiatives therein. I have to say, Mr Speaker, that I do not see any evidence of that sort of stuff here.

The Chief Minister and Treasurer accuses the committee of being political. I have to say that the government response to the committee's report is far more political. It is merely aimed at slurring the reputation and good name of the chairman of the committee, and I will not stand for it. Mr Speaker, I think this government response is typical of the invective and viciousness with which the Chief Minister and Treasurer conducts himself in all of these estimates considerations.

MR HIRD (3.50): Mr Speaker, one could be forgiven for knowing how the government was going to respond to the report of the Select Committee on Estimates 2001-2002. Mrs Burke and I—and I have been a member of this committee for a number of year—have seen the way in which this committee operates.

Mr Hargreaves: It is a fine report.

MR HIRD: I can honestly say that the previous speaker, Mr Hargreaves, who just interjected—

Mr Quinlan: Why don't you shut up, Harold. Harold, why don't you shut up and leave it.

MR HIRD: It is interesting that the chairman of the committee tells me to shut up. That shows the frustration of someone who is trying to push his political barrow down the throat of all members of the committee.

I am not going to go on and on about the committee's recommendations. I have referred in this place to the farce of the committee's assessment of the 2001-2002 budget. I do not want to revisit that area. However, I would like to refer to recommendation 15 of the report in which the committee recommended that the government be more transparent in its presentation of funding increases, so that the real increases are identifiable and not merely a year to year comparison of budget amounts. This was dealt with in the pre-budget process.

The opposition do not like this spoonful of honey. They feel that we on this side of the house have stolen their thunder by allowing the government to have the opportunity of listening to the people. We do it on a continuing basis. The Chief Minister has identified, not only today but on numerous occasions, that we are listening to the community and that we want to hear what the community wants and needs.

To listen to this lot across the way you would think that this government is hell bent on pushing things for its own ends. Well, if anything, it is the opposition that is doing that. If you analyse the way in which all the recommendations are framed, you can see that this is the case.

19 June 2001

The government could have identified the fact that the government was \$344 million in the red when we took over. But it did not. Opposition members cannot deny that that was the case. They have had a lot to say over the years about Auditor-General reports, particularly the reports in respect of Bruce. But they cannot and will not come to grips with the fact that the Auditor-General has identified that they were \$344 million in the red. I will say no more.

MR QUINLAN (3.53): Mr Speaker, I was serious when I interjected across the house, “Why don’t you shut up, Harold.” I could have put that a bit better. I was not going to refer to this, Harold, but I am going to say it once: since I have been in this place this is the second select committee of which I have been the chair and you have been a member. It is the second committee to which you have made the absolute minimum of contribution. It is the second committee where you have deliberately absented yourself from deliberative meetings. It is the second committee where you have produced a dissenting report which, as you have claimed twice, was produced under your own hand—a claim which is very difficult to accept.

For Mr Humphries to come into this place and use—

Mr Smyth: On a point of order, Mr Deputy Speaker: in accordance with standing order 55, which covers personal reflections, I think Mr Quinlan should be a bit more careful with his words.

MR DEPUTY SPEAKER: Are you suggesting that this is a personal reflection on Mr Hird?

Mr Smyth: On Mr Hird.

MR DEPUTY SPEAKER: That is perhaps a matter for Mr Hird to raise. But take note of that, Mr Quinlan.

MR QUINLAN: I do take note of that, and I withdraw it to the minimum extent to which I can get away with it. In his response, Mr Humphries talked about the voices of reason. I am presuming that those voices of reason were Mr Hird and Mrs Burke.

Mr Moore: I don’t think you can make that presumption.

Ms Tucker: It sure wasn’t anyone else, according to Mr Humphries.

MR QUINLAN: I am making wild assumptions. Mr Humphries immediately followed that by saying that members were forced to produce a separate dissenting report. At meetings those members were asked for their contribution. They were circularised by the secretary requesting their contribution. In fact, because you lot have form, I went out of my way to ensure that you got email requests through the secretariat because it did not take much imagination to realise that we would arrive at precisely the point we have reached. So I did go out of my way to do that.

The claim was made that “the chairman came and announced his prejudices”. I will tell you what I said. I said, “You lot are not going to like what I write. Why don’t you write some of your own stuff for inclusion in the report?” That is what I said—no more than

that. But that has been misinterpreted and exaggerated by the Chief Minister to the point of dishonesty.

Of course a report does not reflect the unanimous view. This report is the result of the scrutiny of a highly political document, a document that contains lies. Mr Hird referred to the great \$344 million lie. The hyperbole and the self-praise of the government contained in the budget would amount to more words than are in the whole Estimates Committee report. It would be disingenuous to expect that all members of the Estimates Committee would say, "Oh, yes, that is good. We will be totally dispassionate and look at the budget and accept all of the self-praise that the government has included in this."

I have to say that I, as chair of the committee, was unable to forge consensus. At one stage, Mr Hird, I could not forge consensus with one person. We had at least one person on the committee who wanted a draft budget with revenue, expenditure, full revenue, full expenditure and a bottom line and at the same time was happy with the current system. I think we spent 15 to 20 minutes on that ping pong ball with a couple of members of the committee and got absolutely nowhere. We devolved to the ridiculous, the absurd.

Mr Hird: Half an hour, not 20 minutes.

MR QUINLAN: It reduced to the absolute absurd. How were you described? You were described as "the voices of reason". But the voices of the reason could not even agree amongst themselves.

Mr Humphries picked on a point about the committee trying to concern itself with the question of what is an appropriate level of budget surplus. The inclusion of this recommendation was the result of a contribution made by Dave Rugendyke. That opposition was Dave's.

Mr Humphries also claimed that my comments about superannuation were contrary to the advice of the Auditor-General. That was not contrary advice; it was qualified advice. There was a discussion with the Auditor-General, who accepted the possibility of separate treatment. He wanted to qualify it a bit—it was not black and white.

There was the usual claim about talking down the economy. Well, you will have to quote me on that, you will have to find that, because in fact I do not think the report does that. The report does say that the budget is based on optimistic projections but that is as far as it goes. I have stood in this place and in public forums and said that I think these claims are optimistic but I also think we will do a lot better than the experts at Access Economics and the Melbourne Institute have done. I have not really attacked anywhere the economy or talked down the economy. That is scurrilous stuff because it effectively accuses me of talking down the economy. Find it.

We were told that the report was "a litany of the chairman's prejudices". If it is a litany of my prejudices then that does not say much for the calibre of the people that the government sent to the committee. Virtually everybody who put in a contribution had their contribution incorporated in the report, but it still comes out as my document. Harold, how could my prejudices not prevail if one government representative would not even come to the deliberative meetings to talk about the report?

19 June 2001

We had a meeting where I said, "Issues. Are there any issues?" We had a specific meeting at which I asked, "What issues do you want in the report and what issues don't you want in the report?" None. You were at that meeting and you then attended half of four deliberative meetings. Mrs Burke flitted in and out of the last couple of deliberative meetings and her contribution was zip. The government ought to hang its head in shame for a lack of contribution to this report.

MS TUCKER (4.02): Obviously I have not had time to read in detail the government's response to the report of Select Committee on Estimates 2001-2002 but I will respond to a couple of the comments made by Mr Humphries in his tabling speech. I feel I have to say again that it was quite disturbing to hear Mr Humphries make allegations about the way in which the chair of the committee handled the deliberative stage of the committee's consideration—I think he was talking about the deliberative stage but maybe he was talking more generally—and the lack of opportunity government committee members had to engage in the debate and discussion, and basically to participate in the estimates process.

At one point during this debate a point of order was taken that Mr Quinlan had made imputations concerning Mr Hird. Maybe it is not unparliamentary to say that someone as chair of a committee conducted themselves in a totally inappropriate manner. Maybe we do not have a standing order to cover that sort of imputation. But clearly this sort of imputation about how the chair conducted himself is unparliamentary. I do not think I can be silent when I hear those allegations made again by Mr Humphries. Obviously that is the story he has been given by Mr Hird and Mrs Burke, and I do not think it is correct.

I was at the deliberative meetings. I understand that the estimates committee process is overwhelming and that it involves a lot of work. This was particularly so for Mrs Burke, who is new to the place. I am not saying that in a condescending or patronising way. This is a very big task and it is quite possible that she was not aware of how much work was needed throughout the whole pressured estimates process to be able to respond in a useful and thoughtful way to the very complex issues that can come up.

I think that is understandable and fair enough, but it is not fair enough to say that there was no opportunity to participate, because there was. The chair encouraged our participation. I encouraged it, particularly from Mrs Burke. I can remember how it feels being a new member of an estimates committee and I could see that basically she was not quite sure what was going on. So encouragement was given. Mr Humphries is choosing to just push a line that he obviously does not know anything about. What he has said is not true and, as a member of the committee, I have to reject it.

Parts of this report are quite political. I was happy to live with that. But I was not happy to live with other parts of it and I said so. Mrs Burke and Mr Hird could have said so as well and there would have been discussion. I think that needs to be put on the record.

I notice that the government says that it will not respond to a couple of the committee's recommendations. It says that it does not consider the first recommendation—the recommendation regarding the quite significant and radical approach of the government since Mr Humphries took over from Mrs Carnell—as being appropriate. The committee basically asked for an explanation of that and the response was, no, it has got nothing to

do with the terms of reference, content, expenditure proposals or merit of the budget. I would have to argue with that.

The terms of reference are that the Appropriation Bill be referred to the Select Committee on Estimates. The Appropriation Bill is certainly a representation of the budget document. If Mr Humphries is going to suggest that we cannot make recommendations about the broad policy issues that come up through the budget, then he would have to say that just about every recommendation in the report is out of order.

Clearly there is a place for an estimates committee to look at the broad policy issues which are represented through the Appropriation Bill. The broad manner in which the government of the day manages the territory's funds has to be seen as being relevant to that debate. Whether the government has decided to apply virtually all of the calculated operational surplus to fund new initiatives is a very significant consideration. We would like to know the rationale behind that. That is a perfectly reasonable thing for an accountable government to respond to and to provide an answer to.

The government responded to the second recommendation that presentation within the annual budget be revised to clearly distinguish between the actual operating surplus, extraordinary items and other non-operating items. However, in the case of another recommendation, the government said that it would not respond because it did not think the recommendation was within the committee's terms of reference. I do not think that is a reasonable response. These recommendations are perfectly relevant to the discussion of any budget.

I will not make any more comments at this point. I will look at the report in more detail and then refer to those issues in the debate on the budget.

Question resolved in the affirmative.

Papers

Mr Smyth presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 29 (3)—Cultural Facilities Corporation—Quarterly Report (for third quarter of 2000/2001: 1 January to 31 March 2001).

Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3)—Canberra Tourism and Events Corporation—Quarterly report for January to March 2001.

Occupational Health and Safety Act, pursuant to subsection 96C (2)—Occupational Health and Safety Commissioner—Operation of the *Occupational Health and Safety Act 1989* and its associated law—Third quarterly report 2000-2001.

Mr Moore presented the following papers:

Subordinate Laws Act, pursuant to section 6—

19 June 2001

Public Place Names Act—Determination of a street nomenclature in the Division of Nicholls—Instrument No 103 of 2001 (No 23, dated 7 June 2001).

Unit Titles Act—Unit Titles Regulations 2001—Subordinate Law 2001 No 15 (No 23, dated 7 June 2001).

Financial Management Amendment Bill 2001

Debate resumed from 13 June 2001, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR QUINLAN (4.10): Mr Deputy Speaker, I think the government is nicking an initiative of my own. I have the recently arrived draft for the introduction of quarterly reporting as opposed to four-monthly reporting up in my office now. This bill goes a bit further and provides the avenue for a two-layered system of audit of the financial statements for the current financial year in order that they can be published and promulgated before the election. It does not actually pin the government to doing that. It just allows a freer approach to the audit of 2000-2001 financial statements.

It is a matter of the government honouring its pledge, made in this place today, to ensure that the Auditor gets the financial statements in time to audit them and they go through, and the subsidiary audits of all the performance measures that are necessary to conclude his audit can be done later. So, in order to hasten the process for the current financial year to be audited by the election date, it is necessary to free up the process a little. We are happy to support that.

As far as four-monthly reporting goes, I think that is next to useless. I have circulated a series of amendments which are designed to amend the Financial Management Act to allow for quarterly reporting. I will explain why I think the quarterly reporting is far more useful.

In quarterly reporting you will get a set of accounts, September, December, March and June. The September reports will be next to useless in terms of picking annual directions. It will be too soon in the day to draw any real conclusions from them. On four-monthly reporting, that would happen in October. That might be slightly more useful, but it is still very early in the financial year.

Under the four-monthly reporting scheme, the next report would be the end of February. With the government's 45 days to prepare those statements, this Assembly would be receiving the first meaningful set of numbers in each financial year two weeks before the budget is brought down for the next financial year. The budget for the next financial year quite obviously includes the forward estimate or the expected outcome for the current financial year anyway. So the information content of the four-monthly process I think is next to zero. I do not know who it was that brought into this place the scheme of monthly reporting, whether it has always been in the Financial Management Act or whether it was introduced later.

There is a history in this place, I have observed, of members moving various changes in order to improve the information flow, and the information flow to the Assembly itself; but I have to say that four-monthly is going to be next to useless. Quarterly is a lot more useful inasmuch as you will get, some time in late February or mid March, depending on how much time we give the government to do it, a meaningful report on half the year, fully prepared, with the balance day adjustments included. It should be a meaningful set of accounts.

That is at a time when, if we are still doing draft budgets or whatever, it is of some use to people. It is the middle of March at the latest and it gives you some information. If we don't, then we will have two reports. Let me take you back a bit. The end of December. With quarterly reporting we will get meaningful accounts in the middle of February when we are launching into the draft budget at the same time.

Mr Humphries: I surrender.

MR QUINLAN: You surrender on that? Okay. Thank you. Well, we only have to argue about whether we have 30 days or 45 days to prepare. I spoke to officers today and I think I would be prepared to let the 45 days go through rather than the 30, inasmuch as I want the damn things to be right. We get monthly accounts in this place, financial statements that go around, and the information content is zero. The current financial year is an example. The first time we see the projected final year outcome. That is the meaningful column. The update on the final outcome for the year. The first time that changed was about December, and it was only after we had started and prompted that via the select committee on budget parameters.

I do not expect public servants and an administration of our size to be producing complete financial statements once a month. That is just crazy stuff. It is better to have fewer but more useful statements. Quarterly ones will provide meaningful statements through the year. In the middle of February, as I said, you will get a report that gives a clear indication of how we are going for that year, and there will be another one landing between, say, the budget and the appropriation debate. We will be able to get any differences in, if you like, the latest possible projections of the current financial year. So, if you surrender on the quarterly one, I will cop the 45 days.

MS TUCKER (4.17): This bill has two parts. The first part amends the act to allow the territory's audited financial statement for 2000-2001 to be released before the October election. Normally these statements are not available until December. It seems reasonable to have this independently verified information before the election so that the community can judge the soundness of the territory's financial position before they cast their vote.

The second part is quite different and is a permanent change to the reporting requirements in the act. At present the Treasurer is required to table the financial statements each month which describe the changes to the territory's financial position over the month. The government wants to change this to four-monthly reporting and also to allow those reports to be prepared within 45 days of the end of the month rather than the current 30 days. I must admit that receiving these reports every month is a bit overwhelming and that a longer reporting period would allow improved quality of information and more time to scrutinise the material without any significant loss in

19 June 2001

government accountability. I am prepared to support a change to the reporting period but think that four-monthly reporting might be too far apart.

I note that Mr Quinlan has proposed a three-monthly reporting period, which seems more reasonable. I also do not see why the 30-day period in which to prepare these reports must be expanded to 45 days. If the reporting period is being expanded, then there should be a saving in the time taken to put together these reports and more time for officials to prepare these reports. Mr Quinlan is proposing to amend this time back to 30 days, so I will also support this amendment.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (4.19), in reply: I will close the debate, Mr Deputy Speaker. I thank members for their support for the bill. I think we have all agreed that there needs to be a capacity for a different reporting arrangement. I adopt the comments made by Mr Quinlan in a large degree. I think the present reporting arrangements are unsatisfactory. I acknowledge that the idea to go to less regular reporting was his own. If I had been aware of that I probably would not have brought my own bill forward to achieve it, and so I acknowledge his parentage. Paternity is perhaps the word I am looking for.

Mr Quinlan: Mum and dad are pleased about that.

MR HUMPHRIES: That's right. As I mentioned already, the argument for moving from monthly to four-monthly reporting was a transmutation of the idea that Mr Quinlan put forward, but it came, in fact, from the Auditor-General. However, I think there are problems with the proposal and I am quite prepared to accept that three-monthly reporting, that is, quarterly reporting, is a better idea. We will support those amendments.

Having noted that reports are now coming out on a quarterly basis, I think there will be much more information to be contained in the reports. They will be more thorough reports. More work will be put into making them accurate and useful documents for the Assembly and the community to study. It is generally a very close run thing to get these reports available within the 30 days provided for at present. With the extra information that will be provided in a quarterly report, doing that within 30 days will be impossible. So I thank Mr Quinlan for agreeing that 45 days would be a more appropriate time.

I thank members for their support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR QUINLAN (4.21): Mr Deputy Speaker, I seek leave to move amendments Nos 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13, circulated in my name, together.

Leave granted.

MR QUINLAN: I move my amendments Nos 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 [*see schedule 4 at page 2131*]. I do not need to speak to them other than to say that those are the ones that I think relate to the three months and four months. I have excluded those that attempted to change the time limit from 45 days to 30. I commend my amendments to the house.

MR RUGENDYKE (4.22): I listened to what Mr Quinlan said and I have discussed these amendments with Treasury officials. I agree with the conclusion that has been reached by the Treasurer and the opposition spokesman on treasury matters. I see the benefit of four reports compared to 12. I also believe that the public servants involved need sufficient time to prepare an appropriate analysis to go with the reports. To limit them to 30 days would have been unnecessarily difficult. I am pleased that agreement has been reached to keep it at 45 days. I agree with the amendments as decided by both sides of the chamber.

Amendments agreed to.

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

Bill, as amended, agreed to.

Appropriation Bill 2001-2002

Detail stage

Debate resumed from 3 May 2001.

MR SPEAKER: Standing order 180 sets down the order in which this bill will be considered; that is, in the detail stage any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. With the concurrence of the Assembly, I am proposing that the Assembly consider schedule 1 by each part, consisting of net cost of outputs, capital injection, and payments on behalf of the territory. Is that the wish of the Assembly? It is. That being so, schedule 1 will be considered by each part, consisting of net costs of outputs, capital injections, and payments on behalf of the territory, then the clauses prior to schedule 2 and the title.

Schedule 1—appropriations

Proposed expenditure—part 1—Legislative Assembly Secretariat, \$4,168,000 (net cost of outputs), and \$3,621,000 (payments on behalf of the territory), totalling \$7,789,000.

MR BERRY (4.26): Mr Speaker, may I seek your guidance? Some of us will have assumed that there will be a cognate debate.

MR SPEAKER: That was closed.

19 June 2001

MR BERRY: Yes, I know. Some of us would have assumed, as has been past practice, that other members who did not participate in the debate may do so in the course of a cognate debate on the Appropriation Bill.

MR SPEAKER: It is too late.

MR BERRY: “How do I get myself to that point,” is the question, I suppose. I am just seeking your guidance.

MR SPEAKER: I am advised that you would need leave to speak widely on the bill, Mr Berry. The opportunity was there to debate it or to adjourn it. It was not taken up.

MR BERRY: I accept that. There must be some way I can suspend standing orders in order to allow me and others to do that.

MR SPEAKER: We are going to discuss these appropriations one by one.

MR BERRY: The opportunity does not present itself, Mr Speaker, unless we have the usual practice of a cognate debate on the Estimates Committee report and the Appropriation Bill. Let me test this one on you. If I were to move to suspend so much of the standing orders as would prevent members debating the Estimates Committee report and the government response during the appropriation debate, would that suffice? I do not want to set any precedents here.

MR SPEAKER: It would be easier for you to seek leave to speak on the first item. The only problem, I suppose, is do you want to confine yourself to speaking in a wide-ranging fashion only on the first item?

MR BERRY: I am happy enough to do that. We can deal with the others as they come along. It is entirely up to the members here if they grant leave. I think it might be more appropriate to widen it for other members who have not spoken by moving to suspend standing orders to enable members to make a contribution on the Estimates Committee report and the government response during the debate on the Appropriation Bill.

MR SPEAKER: Is leave granted to suspend standing orders to allow that to happen?

Leave granted.

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

That so much of the standing orders be suspended as would prevent members debating the Estimates Committee report and the government response during the appropriation debate.

MR STANHOPE (Leader of the Opposition) (4.30): Mr Speaker, I maintain a very close interest in the operations of parliament, as each of us do. I do note that in the estimates process, and perhaps in the draft budget process, issues affecting the Legislative Assembly did not loom large in people's considerations of the budget allocation or the government's plans or vision for the place. There are not very many

opportunities for us to debate issues affecting the Legislative Assembly, but this is one of them.

We had an interesting debate the other day, I thought, in relation to conventions as they apply in this place, and in the course of that debate I suggested that I feel there is a need for some codification or recording or reporting on those issues, or at least an approach to some work within the Assembly. I am not quite sure how that issue should be progressed, but I think it is one of those issues that are a responsibility of the secretariat.

I want to take this opportunity to say in relation to the future work of the secretariat and the future work that the Assembly might do that I think there are some areas that we do not debate, or talk about or discuss that do deserve some attention. One of those goes to the capacity that exists within the Assembly for the secretariat, for the Clerk or for the Clerk's support staff, to be involved in issues around the standing orders or the rules or the conventions that apply in the Assembly.

I make the point here today in the context of this debate. Whilst I do not disagree with the budget or the Appropriation Bill or the allocations in relation to the Assembly, I think we do not often enough take the opportunity to expand on the role the secretariat plays or might play under different arrangements or with different resourcing.

I note, for instance, that significant refinements were made to Hansard and the reporting of the proceedings of this place. I am not quite sure what savings were achieved as a result of the rationalisation of Hansard in reporting the place over the last year or two, but it is significant that reforms have been made. I think there are other reforms and refinements of the operations of the secretariat that should be made and considered in the Assembly. Some of those go to the role that the Clerk and his staff might play, for instance, in the development of an alternative practice or procedure for the Legislative Assembly.

In addition to that, there has been some discussion over the last few years in relation to the more appropriate role of the library in terms of the delivery of research capability and capacity to members. I have to say, from the perspective of non-executive members, that the possibility of the library providing a research service is something that we reflect on from time to time as a very significant addition to our capacity to do our jobs. Perhaps this is one of those issues that non-executive members have a different view on than do members of the executive and members of governments. I do not think we should look at the issue in terms of whether or not at the time of debate around this issue we happen to be in government or in opposition or occupying some other bench in the Assembly.

I would not like this opportunity to pass without saying that I think there are further reforms required within the Assembly. I think there are reforms in relation to the role of the Clerk and the Clerk's staff, particularly in relation to issues we have discussed around conventions and the operations of this place. I think there is a debate that we continue to need to have about a more appropriate research function within the library. I would like to see a forum within the Assembly for those debates to be progressed.

Proposed expenditure agreed to.

19 June 2001

Proposed expenditure—part 2—Auditor-General, \$925,000 (net cost of outputs), totalling \$925,000.

MR BERRY (4.35): I think it is appropriate now to launch into that wide-ranging debate because Auditor-General's is an area where accountability is uppermost in our minds. Mr Speaker, I want to deal with a few of the things that were dealt with in the Estimates Committee report which I think are worth commenting on.

I want first of all to take some notice of the tabling statement from the Chief Minister in relation to the government's response. On any estimation this falls into the category, I fear, of being quite churlish and not deserving of a Chief Minister of the territory. Mr Speaker, I have been the chair of estimates committees in the past, as have a number of members in this place, and I have to say that the government has described each estimates committee report, or the ones that I have been involved in anyway, as the lowest of low.

I thought at the time that that was a badge that one should wear with some honour. But each time one of my Labor colleagues presented another estimates committee report as chairman, I lost the belt. I had the championship belt, I thought, for a little while because I did not think anybody could say such ugly things about people and their political position in relation to matters in this place until the next Labor colleague came out with a strong report in an attempt to hold the government accountable along the way. It looks as though Mr Quinlan has the championship belt now. He has wrestled it out of the hands of Mr Corbell. So, there are a lot of ex-champions in this place when it comes to estimates committee reports and the way the government responds to them.

Mr Speaker, I think the Estimates Committee process was a strong process, given the constraints that it had applied to it, the time lines and those sorts of things. I think the Estimates Committee did a pretty darn good job. They worked their way through all of the jobs that were put in front of them with enthusiasm and eventually came up with a report which was not pleasing to the government. Well, so what, one might say. It is a report that is consistent with estimates committees' criticisms of governments in this place over a period of years.

During an earlier debate in relation to the matter I heard some reference to earlier estimates committees which were not chaired by the Labor Party but were chaired by a member of the crossbenches. The government said they were a good thing. What the government failed to tell you was how it came about that the Estimates Committee was chaired by a member of the crossbenches. I think there might have been only one such estimates committee, but it was made up of the whole of the non-executive members in this place. Of course, Labor was in government, as I recall, and guess who was in opposition? The Liberals. Of course, they had the majority on that Estimates Committee in its deliberative stages and that made a very strong difference to the outcomes of those reports. So if Mr Pot wants to call the kettle black, he ought to go back and have a look at those days if he wants to get nearer to the facts in relation to past estimates committee reports.

Mr Speaker, I will go through some of the issues which turned up in the report to the Assembly, and I will try to get to some of the issues which are raised in the government's response. I will be dealing at length with free school bus matters later.

I merely need to say at this point, Mr Speaker, that the most interesting thing that came out of the Estimates Committee in relation to this is that the education department had done nothing in relation to it. There had been no consideration of the impact on local schools. There had been virtually no work done on it at all. The government relied on a 1995 promise which, of course, was quickly abandoned in 1996 and was never heard of again until 2001. It was not an election promise last time, and it was not in the government's draft budget. I think that tells you all you need to know about the free school bus scheme. It is nothing more than an election sweetener, and I will expand on that later.

Mr Speaker, I am particularly interested in the V8 car race and the constant flow of money to that race. It is said, and I have no reason to disagree, that there are great advantages from the V8 car race for the Australian Capital Territory. That is a subject of interest by the Auditor-General, and we will soon see some figures about attendance at the car race.

I recall the appropriation bill for this great race being brought before this place, and we were clearly given the impression that not one dollar extra would be needed. That was the impression that was created here. Mr Speaker, we were sadly misled.

I do not think we were deliberately misled. I just don't think the government knew what it was doing. I think it was leading itself up the garden path. So it is a question of the competence of the government, and not much more than that. Mr Speaker, we were soon brought to our senses when we had to provide an extra \$4.5 million for this race over its period as a result of the government's failure to take into account measures which ought to have been taken into account in the first place.

One other interesting aspect of this was the money that is paid in administrative fees in the annual report of CTEC. CTEC was not able to tell the Estimates Committee what part of the \$1.4 million in administrative fees goes to AVESCO as the owner of the V8 car race. They told us that it was commercial-in-confidence. They told us that they wrote to AVESCO and AVESCO basically did not want to tell us. So we have going to AVESCO somewhere between zero and \$1.4 million, and I will bet it is closer to \$1.4 million. Then we have to try to understand whether we get value for money from that contribution.

I do not think we have heard the last of the V8 car race as it absorbs more and more of the taxpayers' money in the ACT. I do not think we have heard the last on the value of that race to the territory, and whether or not it is good or not, and we have not heard the last of concern by the community about that event.

Mr Speaker, I will probably seek an extension of time in due course to get this out of the road. I also want to talk briefly about the Belconnen pool. We were informed that \$270,000 has been spent on the Belconnen pool. The sod has been turned several times out there, but there is still no water to swim in. There will not be any water to swim in by the time of the next election.

I wonder sometimes what commitments the government made against building a pool in Belconnen. They must have promised somebody not to do it, as well as promised some people that they would do it. The people they promised they would not do it seem to be

19 June 2001

winning out at this stage. This government has never delivered on the swimming pool. The only government that ever has was a Labor government. It did so, and in the shortest possible period people were swimming in it.

Mr Speaker, the Williamsdale quarry has been the subject of interest in this place, and it will continue to be. It is interesting that in the context of Totalcare the Williamsdale quarry features as an area of controversy. As I said, it will continue to do so even though it was, if wholly owned, an extremely valuable asset for the territory which would have returned better Totalcare dividends to the territory as well as high-quality, low cost aggregate for our own capital works here in the territory. It also presents an opportunity for Totalcare to maintain a good base in business terms out there in the community. But the government instructed Totalcare that they had to sell at least 50 per cent of it, and they have done so.

MR SPEAKER: The member's time has expired.

MR BERRY: I seek an extension, Mr Speaker.

MR SPEAKER: You have another 10 minutes, Mr Berry.

Mr Moore: You have a second opportunity and there are many times. You are not even talking to the Auditor-General's report anyway, are you?

Mr Humphries: A small matter.

Mr Moore: You do it your way, Wayne. It's a small way.

MR SPEAKER: Order! Mr Berry has the call. I will have something to say at the end of the second 10 minutes, thank you, that will involve everybody. Mr Berry, please continue.

MR BERRY: Mr Speaker, as I said, Totalcare were instructed that they could hold no more than 50 per cent in this enterprise, and the joint venturer had only made their final payment in the last month or so, and that was \$800,000. I notice that the Estimates Committee said that this was an easy payment plan for the joint venturer. I do not think there is any doubt about that. I know the government did not like what they said, and who is surprised. The joint venturer was able to make payments by instalments and to have 50 per cent say in the enterprise without having paid the money. It is as clear as that. So, Mr Speaker, it was an easy payment plan, and I did not see any sign of interest for the delay in paying the \$3.8 million that they were required to pay for their half of it.

What is also interesting in relation to the Williamsdale quarry, Mr Speaker, is that we know that half of it was sold for \$3.8 million, but when Totalcare was asked what it was worth they did not know. They said, "We are just working our way through that; we are conducting a review to see what it is worth." Well, I would want to know what something was worth before I sold half of it and set a fee for it.

It was clear to me that Totalcare had sold \$3.8 million worth without fully understanding what the venture was worth. We know from the business plan for it that it could be worth something like \$50 million for the territory over the life of the quarry. That is an

extraordinary amount of money for use by the community which basically has been given away at a bargain basement price as far as we can make out to a joint venturer who will share in the profits from what has been described as an excellent product in high demand here in the territory. We know that the nearest quarries that might compete with the Williamsdale quarry are as far away as Nimmitabel and Gundagai, and the costs, as a result of the proximity of the quarry to work in the ACT, are much lower.

Mr Speaker, the issue of nurses wages also was discussed in the Estimates Committee. I recall clearly the attack on the nurses during the course of the debate in this place about whether they should have access to fair bargaining under the Workplace Relations Act. It was clear that the government never intended to give the nurses a wage rise except on the government's terms. The Estimates Committee merely confirmed what had happened in the past and the disingenuous way that the nurses were dealt with right throughout the process. I think the government has cut our hospitals short with its approach to dealing with industrial issues in the hospital system. I think there is no better example of that than the response that was given in relation to the nurses.

I note from the news recently that the National Capital Hospital, the private hospital on the site out there, is not doing so well. If members are interested, they might have a look at a select committee report in relation to the National Capital Hospital, which I suspect, if my memory serves me correctly, got the same vitriolic response from this government when it was critical of the government and the prospects of an extra hospital in the ACT.

Mr Speaker, I want now to talk briefly about a jobs issue. Unemployment in the ACT has been on the increase for the last few months. Some time ago I called on the government to fill 50 job vacancies within its ranks in the ACT Fire Brigade because it became clear that over several years the government and the fire service administration had not kept up with the recruiting requirements of that arm of our emergency services.

I have some sympathy for the new Fire Commissioner because he has basically inherited the legacy of the failure to act in the past. He is going to have to deal with it. When officials came before the committee they seemed unable to address adequately this issue of a shortage of staff. It was only when they were forced, by way of public pressure through some announcements that I made, to acknowledge that there was a need for additional staff that we started to make some progress.

After several calls on the government to recruit fire service staff, the government has at last conceded that it needs to recruit 48 or so firefighters. That number will probably grow because about a dozen are expected to leave over the period of the recruitment process. So, years of inactivity have led to a shortage of about 48 and there will be about a dozen more go. About 60 vacancies have occurred or will occur over this entire period with no action from the government to fill the positions.

What does that do to the fire service? Well, I will tell you what it does to fire service workers. It puts a lot of pressure on them. Okay, the government will say, "Some of them will work overtime. They love working overtime." Well, it is not too good if you are working overtime and doing without access to things like long service leave and casual recreation leave because of staffing shortages. Emergency workers would fully understand that. There is nothing worse than doing a torrid shift, having a few hours off,

19 June 2001

then having to come back in because it is your turn to do overtime and having to front another torrid shift.

Mr Speaker, I have some experience in that myself. I remember some years ago when we went through a particularly tough bushfire season here in the ACT and there was a lot of overtime being worked. I happened to be doing a little bit of overtime one evening and there was a fire at the National Library, and I can tell you I wished I hadn't taken the shift on. It was not much fun. If you have to work additional hours in those sorts of stressful conditions, it's only then that you get to fully understand the pressure that this brings on people in emergency services.

I am pleased that the government has acknowledged that they are going to employ another 48 firefighters. I am extremely disappointed that it is going to take 15 months because the situation by then will have changed because another dozen or so will have retired. This episode, I think, is a low point of the government's approach to jobs. It shows that the government does not really care about filling jobs within its own ranks. In fact, all it seems to care about is cutting jobs from the public service and making some savings around it.

I will go back to Totalcare for a minute. Totalcare, we found, is being forced to shed its jobs because of the inexcusable loss of the contract with Housing. It is selling assets to pay out the redundancy of the workers it is having to shed. Territory assets are being sold to fund redundancies in Totalcare. It's a bit like a Trojan Horse. We get all of these services and then, as the government backs away from support for these organisations, the excuse then is that we have to sell assets to pay the redundancies. That in fact is what is happening.

Mr Speaker, that is all I need to say in relation to the Estimates Committee report at this point, unless something comes up out of the woodwork.

MR SPEAKER: The member's time has expired. Members, I would like to remind you that we are now debating the Appropriation Bill. Each member has two periods of 10 minutes on each item. In the event that each member takes that full 20 minutes we will be here for 4¼ days. What I suggest is that that 20 minutes be the maximum. I would urge members not to grant any further extensions of time. I say that not wishing to inhibit debate, but it does not seem unreasonable to me that members, who after all are experienced, should be able to get their message across in two periods of 10 minutes each relating to the particular item. We are not here for a filibuster, we are not here for a subject ramble, and we are not here for a general talk; we are here to address the Appropriation Bill and, as agreed by the Assembly, the report of the Select Committee on Estimates. I would ask all members to cooperate.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (4.57): Mr Speaker, I will respond extremely briefly to what Mr Berry has had to say. It had very little to do, of course, with the Auditor-General, but I will respond briefly to some of the issues.

Mr Berry talked up the estimates committee process, saying it had been a very good one, that people had worked very hard and so forth, and that I have been attacking the process throughout this period. I only draw the house's attention to a report brought down last

year by an estimates committee examining a second appropriation bill. The committee actually forget to produce a report until it was too late. It was a second appropriation bill with respect to increased public transport costs, and the committee forget to do its report.

Mr Corbell: It did not forget.

MR HUMPHRIES: Well, that is true; it did not forget. You remembered at the last minute and produced five paragraphs on an appropriation bill.

Mr Corbell: Gary, you are pathetic.

MR HUMPHRIES: Well, it is nice of you to enter the debate in that constructive way, Mr Corbell. It is true that you brought down your report. It was a job done overnight because you had forgotten to do a report before.

Mr Corbell: And you were there, so you would know.

MR HUMPHRIES: Well, am I wrong? Did that not happen, Mr Corbell?

Mr Corbell: No, it did not happen.

MR HUMPHRIES: That is not what other members of the committee tell me. Mr Berry talked about a time when the Liberal Party had a majority of members on an estimates committee. The Liberal Party has never had a majority of members on any estimates committee at any stage in this place.

Mr Berry praises the Williamsdale quarry and says what a wonderful investment it has been for the ACT. He says the government was dreadfully negligent in giving part of it away. You might almost say, Mr Speaker, that Mr Berry regards the Williamsdale quarry as money for jam.

Mr Berry also decries the loss of jobs that have been engineered by the government. I will say two things about that. First of all, the \$17 million which Labor put into redundancies while it was in office in one year alone indicates what they think about job losses in the public service, and how does Mr Berry imagine that we have eliminated Labor's \$344 million operating loss except by reducing the number of people employed on the ACT government payroll?

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.

Proposed expenditure agreed to.

Proposed expenditure—part 3—Chief Minister's Department, \$63,820,000 (net cost of outputs), \$18,126,000 (capital injection) and \$8,905,000 (payments on behalf of the territory), totalling \$90,851,000.

19 June 2001

MR QUINLAN (5.01): I guess that this is the appropriate time for me to make a few comments in a general sense. I spoke earlier about the government's response to the report of the Estimates Committee. There are certain ritualistic processes that one can expect in this regard, but I do think that the language and the degree of implied accusation in the Chief Minister's response this time round went beyond that a little, given the real occurrences of the estimates process and the role that I played as chair; but this a house of politics and we are all adults. I do not think any of us is going to miss too much sleep over that process, but I do think that maybe the Chief Minister should have let his people go quietly, as they did within the committee, as opposed to making the claims as to their contribution that he did make.

The report itself does relate to the budget in the main, as you would expect. It does talk about some presentational matters. I do hope that after the dust has settled and we have vented our spleens, collectively, the government will look at the recommendations in the Estimates Committee's report, take note of them and maybe incorporate some of the recommendations into future budgets, should the government prevail at the next election, because some sensible things have been said there. They are not preconceived ideas of mine; they are ideas that have been adapted from the Auditor-General's comments in terms of financial statements and the need for commentary and explanations, because it is so easy to misuse figures, just as the government continues to misuse the so-called 1995-96 result of a \$344 million black hole that I think was built in the spring of 1997.

It was in the spring of 1997, I think, that the Under Treasurer at the time, Mr Lilley, and the then Chief Minister and Treasurer, Mrs Carnell, sent off a set of accounts to the Auditor-General under the heading of a trial, I think they called it. I think it was called a trial set in order that we could be ready for the first real year of accrual accounting, 1996-97. The first thing to be said about 1995-96 is that it was the middle year of the Carnell government's first period in office. It was not Labor's at all; in fact, the Liberals had been in government for four or five months before the commencement of this particular year, but somehow the government is able to call it Labor's loss. That is a total untruth; that is a lie. It is not Labor's. It happened in 1995-96, which belonged to Mrs Carnell.

Mr Humphries: I rise to a point of order, Mr Speaker. Earlier today you ruled that use of the word "lie" was unparliamentary and I think Mr Quinlan should withdraw that.

MR SPEAKER: I have indeed. Please withdraw it, Mr Quinlan. You know that it is unparliamentary.

MR QUINLAN: I withdraw it. I seek your guidance, Mr Speaker. If someone says that 1995-96 was a year of Labor government and it was not and they ought to know that it was not, would that be a lie?

MR SPEAKER: It is simply incorrect, is it not?

MR QUINLAN: Is that as far as it goes?

Mr Moore: Are you going to assert that the Auditor-General was incorrect?

MR QUINLAN: I am not talking about the Auditor-General; I am talking about you guys. The Auditor-General never said 1995-96 was a year of Labor government.

Mr Moore: No, but he said that it was \$344 million.

MR QUINLAN: The point I am making is that that year was a year of the Carnell government.

Mr Moore: So?

MR QUINLAN: You keep insisting that it was a Labor year and I am saying that that is not true. I am not allowed to call that a lie; I have to say that it is incorrect. But if you do it constantly, I leave the bottom line open to you. The simple fact is that the Carnell government was elected in February 1995. In 1997, which was an interesting year, let me tell you—

Mr Corbell: Lots of interesting things happened.

MR QUINLAN: There was a lot happening in 1997.

Mr Corbell: I think Hall/Kinlyside happened in 1997.

MR QUINLAN: Yes, around about that. In 1997 the government received cabinet submissions on the Bruce Stadium with a financial plan which had, they claimed, been subject to rigorous testing by Arthur Andersen and the International Management Group and relied on it. That was a 1997 job. We all know now that that financial plan was so fanciful that it was obvious at first glance that the figures were incorrect. In fact, there is an apocryphal story about its being dismissed out of hand by one particular recipient with an apparently suitable comment applied to it. That was an era in which figures were misused.

In 1997 it was decided that the government would backcast its accounting to 1995-96. I have spoken to the Auditor-General about this matter formally and informally. Apparently, there is not a lot of documentation to go with it. I have sent a letter and asked for the file and it has been pretty slow coming—surprise, surprise. But it was a year of the Carnell government. I would not accuse Mrs Carnell of making a loss of \$344 million because she did not, actually. That figure has been inflated by an abnormal item of \$91 million. That would be the actual result for the year if the backcast figures were right. It should be remembered that they have been done looking backwards. The result was, at worst, a \$253 million operating loss. The \$91 million was an accident.

If you actually accounted for this year in the same way as you accounted for 1995-96, you could explain away \$113 million of the difference between this year and 1995-96 like that. It is just accounting. It has nothing to do with money, performance or expenditure; it is just accounting, but the government still uses it. Surprisingly, after this big year, after the black hole was found or built, depending on how cynical you might be, the next year the operating loss was only \$100 million. Of course, having started to fiddle with accounting, the tangled web you weaved, the next year you could not sustain it at \$100 million.

19 June 2001

Let us imagine Mick Lilley and Kate Carnell sitting down in 1997 to knock up the first set of accrual accounting for 1996-97, finding a loss of \$170 million or \$150 million and saying, "Gee, this doesn't look good. Previously, we have been talking about breaking even and deficits of \$40 million. What do we do? We had better have a look backwards and see how bad it used to be, cough, cough." Of course, having come up the next year with a figure of \$100 million, you could not sustain it. It went back to \$148 million and then \$131 million. It turned around only when government funding turned around, but still you use it.

Mr Humphries: So, it did turn around; \$173 million worth of turnaround?

MR QUINLAN: I do not think so.

Mr Humphries: The auditors think so.

MR QUINLAN: There was an extraordinary item of \$91 million. Anyway, I repeat for your benefit, the Auditor-General never said 1995-96 was a year of Labor government. It was a year of Liberal government.

MR SPEAKER: Order! The member's time has expired. Do you wish to take an extra 10 minutes, Mr Quinlan?

MR QUINLAN: Yes, Mr Speaker. I have asked for the file. I think it will be interesting reading. The Auditor has actually said to me, "The best thing you can do is add that year and the next year and divide by two and you will probably have a rough idea of the two years." That was an informal comment, but that is certainly what he has said. You would expect that. You just do not get those sorts of violent fluctuations year to year without there being something wrong with the accounts. But the government is still going to make that claim.

At this point, I have to register a little disappointment with our print media. I have had this discussion with senior people at the *Canberra Times*. Grudging recognition that the government has overstated the case was incorporated in one editorial, surrounded mainly by favourable comment. It is a little disappointing for a city like Canberra that this fiction is being repeated and repeated and the newspaper has not taken the government to task just once and said, "Right, let's speak the truth. Let's say how bad it was, but let's not overstate it by probably double the depth of the problem that we had." That is a bit sad, actually.

Anyway, to the budget itself, I have to say that, for a different reason, I have to agree with the academic who attended the budget breakfast at which Mr Humphries and I spoke and called it a budget of missed opportunities in that money could have been applied with more stimulating effect economically. Really, it is a budget of missed opportunities, as was the one last year, because this government politically should be out there in a better position than it is as a function of it. Instead of taking that approach, you have stuck with the Carnell-inherited PR approach, the marketing approach, which spawned last year a whole lot of pap titles. It has also spawned 20 or 30 pages of separate so-called initiatives, initiatives that are quite often, it turns out, just added expenditure for someone else. We went through one at estimates and found out that some section somewhere got an extra clerk and that turned out to be an initiative.

Politically the government has missed an opportunity. It should be in a lot better state because of the opportunity it had in front of it, but it had to have too much self-praise and too much self-admiration and it had to try to oversell, to the point where everybody could see through it. The commentators could see through it. Much of the criticism about the scattergun approach and that sort of stuff was not due to political prejudice on the part of the chairman of the Estimates Committee. It was contained in submissions from ACTCOSS, ACROD, the North Canberra Community Council and others. It is patently obvious that there is universal acceptance that, being in a very good position politically, to a large extent you wasted it. You wasted it because you have this preoccupation with the sell and the overstatement which is typified by the dishonesty relating to the \$344 million claim. I do not know where your self-respect is, but keep being human.

Mr Moore: We will.

MR QUINLAN: I know that you will. Michael, that was a good time for you to interject because, talking about hyperbole, you have to try to tell us that there has been a 10 per cent increase in hospital funding. That is not so.

Mr Moore: Budget to budget.

MR QUINLAN: You did not say that. You did not go out onto the footpath and say, "I want you to understand that it is budget to budget." I reckon by the time you take the expected expenditure for this year and the expenditure in this budget for next year and discount the difference for CPI, it will not be much more than one per cent. That, I think, is a truer indication of your budget. I think that, as the minister responsible for the hospital, you got done, mate, in the budget process. You got done by the government's former spokesman for health, who had to spend it all on this dizzy, scattergun approach, papering over every crack and pleasing every interest group possible. You got yourself done.

I think that the main features of this budget are the scattergun approach, the lost opportunities, and the fact that there is quite clearly, patently, a scorched-earth approach to finances, making sure that there is not a buck left in the territory for anybody to commit during an election campaign. Of course, along comes HIH, a bump in the road, and we are stretched. Look at the cash rundown. It has gone from \$100 million to \$9 million. You can look at investments, but if you look at your investments, you have also got to look at your growing liabilities. You are only keeping pace with your growing liabilities. You are only keeping pace with the growth in employee liabilities. We have not gained there. We have just spent \$100 million on a scorched-earth policy for one election. You do not think ahead.

Just like Mr Lilley and Mrs Carnell did not think ahead in the spring of 1997 and built a black hole, not realising that two years out they just could not sustain it, you did not think far enough ahead. It is a shame that you have now created all the expectations that come out of those so-called initiatives which, I agree, will be difficult for any future government to undo. But, as far as future Canberrans go and as far as economic and financial management in the ACT goes, it was damned irresponsible to stretch the territory so thinly.

19 June 2001

I close by observing that, because of the change in accounting treatment to which I alluded, \$91 million has been stacked into Mrs Carnell's \$344 million loss. With the changed accounting treatment, we have \$22 million being added to the pot every year. If you had the same accounting treatment that you used in 1995-96 just for superannuation adjustments, you would have a deficit of \$10 million right now. I guess that \$10 million down or \$12 million up is not really all that important in the budget, but it does go to the point of showing up the contrived result that we have here. Overall, it is a shame that it is as much your problem in the long term as it is ours. As I said, you missed an opportunity, I think.

MR CORBELL (5.21): Mr Speaker, there are a number of areas relating to this specific appropriation that I would like to comment on this evening, but first I have some overarching comments to reiterate the comments of my colleague Mr Quinlan. It has been interesting to note the progress of the Humphries government since the election of the new Chief Minister late last year. If there is anything that could be said to be the general theme reverberating throughout many sectors of the Canberra community, it is that the government is a government which is stagnating and stagnating fast, a government which is failing to renew itself and a government which is failing to provide the direction and leadership that the city needs.

Those are not just words that might be useful for the Labor Party, as the opposition, to advance; they are the words, the comments and the thoughts of many people who approach us in the community when they say, "You might not always have agreed with Kate Carnell, but there was a bit of vigour there. The same, unfortunately, cannot be said for the current Chief Minister and this government."

Mr Humphries: You can always bring her back.

MR CORBELL: You have had a bit of time as Chief Minister. Perhaps that is a vote of no confidence in you. Mr Quinlan's comments about missed opportunity are quite important. I would like to elaborate on those comments; not only about missed opportunity, but also about poor process, a process which does not adequately protect the interests of the ACT ratepayer, and misplaced priorities.

Firstly, I want to focus on a couple of the changes to the proposed appropriation as outlined in Budget Paper No 4. The first of those relates to the government's so-called initiative about having a community planning adviser, which was a much trumpeted initiative, although I fail to understand why it is in the Chief Minister's Department. The appointment of a community planning adviser is trumpeted as an initiative which will provide the community with independent planning advice on issues to do with engagement in the planning process. It seems to me to be a somewhat belated attempt to address the criticism which not only members of the Labor Party but also other members of this place and many people outside this place have been making about the planning process, that is, that the planning process is not one in which the community has confidence at the moment, that it is not one that the community believes delivers in the public interest.

Instead of acknowledging that there is a substantial need to reform the administration of planning of the city to restore community confidence and to achieve that through the establishment of an independent planning authority, the government has come up with

this half-baked scheme of having a community planning adviser. Exactly what is this person meant to do? Are they meant to be advising the community about planning issues? Are they meant to be imparting their planning expertise or are they meant to be imparting some sort of procedural knowledge to the community about how the planning system operates and how the community can best engage in that process?

It seems to me that on either count most people in the community would expect that to be the role of a planning authority. That is why we have a planning authority. We have one to protect the public interest, to recognise public concerns, to take those into account in planning decisions and to bring recommendations, where appropriate, to the executive or the Assembly. Surely that is the role of a planning authority. Surely that was the whole purpose of having a planning authority when self-government was established in the late 1980s and the Commonwealth passed a planning and land management act which actually had a requirement for an ACT planning authority. Surely that was what that authority, that instrumentality, was meant to deliver.

It is a bit of an indictment of the government's failure to recognise just how that process is meant to work that the government now tries to patch it up with a scheme for a community planning adviser, as though that will resolve the community's concerns about the flaws and, more importantly, the lack of confidence in the planning process. The community planning adviser, to the extent that that person will provide advice, will be welcome, but it is a misplaced strategy by this government and it really is an indicator of lost opportunities and loss of the ability to deliver on some of the key issues our community is raising at the moment. That is just one example of that theme that my Labor colleagues and I want to reiterate—misplaced opportunity, lost opportunity and government without the drive, the vision or the leadership to deliver on the concerns our city faces into the future.

The next point I would like to focus on relates to the initiative addressing the digital divide. Again, it is an initiative which you would have to say appears to be a worthy one. I think that all of us in this place recognise—I certainly hope that all of us do—that the challenges that we face as a society from the massive and overwhelming introduction of information technology are considerable and are fundamentally changing the way that we as a society interact. They also have the capacity to fundamentally change the shift of power, the shift of influence and the shift of ability to participate as a citizen in our community. As always, it will be those who are less privileged, who are on lower incomes and struggle to meet the everyday needs they need to meet to live, who will be at the raw end of that change, so digital divide issues are extremely important, even in a relatively affluent city like Canberra. Yes, we are relatively affluent, but we have an extraordinary number of people who still struggle to make ends meet, to live full, satisfying and productive lives.

The data provided to the government by the poverty task force only reiterates that. An extraordinary number of people are surviving on a couple of hundred dollars a fortnight in terms of disposable income, an extraordinarily small amount of money to live by, which is not a situation that any of us should feel proud of. The digital divide initiative of itself is a good initiative but, again, where exactly is it heading? The government has set aside some parcels of money over the next couple of years for digital divide issues, but it is still assessing the recommendations of the digital divide task force which was established early this year. The digital divide task force did some interesting work, but

19 June 2001

the government is yet to announce its response to the recommendations of that task force. I understand that it will be doing that shortly.

Mr Speaker, how can the government set aside an amount of money for this important issue when it has not announced that it accepts, rejects or wishes to modify the particular recommendations of the task force and respond accordingly in terms of financial commitment? It seems to me that they have said, "This is our financial commitment to the issue and then we will go on to work out just how extensive the issue is and what we should do about it."

Mr Humphries: That seems sensible to me.

MR CORBELL: The Chief Minister says that that is a sensible way to approach that, as I heard his interjection, but it is not a sensible way. It is like saying, "Here's a million bucks. We will now go and work out what the problem is." That is what they have done with the digital divide. They should have properly assessed the extent and the impact of the digital divide in the ACT community.

MR SPEAKER: Order! The member's time has expired.

MR CORBELL: I wish to take my second 10 minutes, Mr Speaker. The government should have properly assessed the extent of the problem before announcing the level of funds that it is going to commit to it. Indeed, how can we be confident that the level of funds it is committing on this issue is adequate to address the issues raised by the task force when the government is already committed to the funding without an assessment of the extent of the problem faced by the community? This is, again, a missed opportunity and I would argue that it is a tokenistic approach to the issue. If the government were serious about addressing digital divide issues, it would have properly assessed, analysed and understood the extent of the issue in the territory and then directed proportionally an appropriate amount of funds to start addressing the problem.

Mr Speaker, this territory has not only a large challenge but also a significant opportunity with digital divide issues and I would say that it should set itself the goal of being the first in the world to bridge that divide. That can be done in the ACT. We have a small, relatively compact community and, unlike large cities with the problems of scale and the numbers of people that raise more complex questions in addressing the issue, we have the capacity to address digital divide issues without facing those problems.

The government really should be setting itself that task and it should have done so in this budget. The priority was to be the first city in the world to bridge the divide. It was open to the government to recognise that it is not just about information technology or an information economy; it is about an information society. It is about how we are being fundamentally changed as a society by the implementation of this new technology which reaches into every aspect of our lives, not just in terms of the economy and not just in terms of the machines and the technology available.

Mr Speaker, those are just a few comments in relation to that initiative. I would like to move onto some other comments raised in the Estimates Committee's report. Again, I have to reject the comments of the government about this report. It has become a bit of a ritual for the government every time an Estimates Committee report is brought down to

say that it is trash or that it reaches a new low in terms of the analysis of issues. The reality is that I have never heard a government say, "These are very useful recommendations that we will be taking on board and we thank the Estimates Committee for its work." There is a bit of a ritual here. Perhaps there is a bit of a ritual from our side as well in terms of being overly critical on occasions of particular initiatives. Instead of being churlish about that, a good government would take it in its stride and say, "We understand that this is a political process and we understand there will be argy-bargy about it, but we will listen to what you are saying and respond." A good government would do that. I think a Labor government would do that, but it would appear that this Humphries government is incapable of doing it.

Recommendation 6 of the Estimates Committee's report deals with the GMC400. It makes the point that the increasing level of costs that we are paying for this event is seen to be driven by factors which are outside our control. That has to be of concern because we have seen the track record of this government when it comes to having to pour more and more money into projects which are increasingly outside of its control and its ability to influence the outcome. With the GMC400 there was additional funding, totalling \$1.5 million, for the 2001-02 financial year and for the remaining years that the territory has the contract for the race. That sort of increase in funding appears to be coming, as the Estimates Committee highlighted, from conditions imposed by the National Capital Authority in terms of signposting and other issues like that which, obviously, are not conditions that we can control.

It seems to me that, as the Estimates Committee points out, instead of ignoring that recommendation, instead of just blowing it away and saying that that is not important, the government should be responding to that potential for a blow-out in cost, the government should be saying that it recognises that there is a problem there with the relationship between the territory and the Commonwealth over control of that land, and we should be trying to enter into some sort of arrangement that makes sure that we do not continually have to fork out for conditions that are imposed by a third body. Perhaps there is something that can be done in the government's contract with the promoters of the GMC400. Perhaps that is something that should be investigated. Unfortunately, it appears that the government has not been prepared to listen to that recommendation.

The other recommendation of the Estimates Committee's report which I found quite extraordinary, not having been there for the particular public hearing, was the one to do with the Centenary of Federation monument. This is about a monument of the child of Federation, as we know Canberra to be, to recognise and celebrate Federation. The Chief Minister's Department was doing the work on developing what the monument should be. The committee pressed the matter—I think Ms Tucker was pressing the matter particularly—of what was the concept for the Centenary of Federation monument. The chief executive of the Chief Minister's Department indicated that the department had a concept for the monument. Ms Tucker asked where that came from. The chief executive replied, "Well, it came out of my brain, actually." That is a direct quote, Mr Speaker; it came out of the chief executive's brain.

It is tremendous to hear that, Mr Speaker, but it does not really address the issue of properly developing a monument for our city which recognises and celebrates the Centenary of Federation in a permanent way. As the committee rightly points out, this is an opportunity for many of the very talented artisans and crafts people of the ACT and

19 June 2001

surrounding regions to be involved in the development of that monument. A good government would have recognised that opportunity and taken it on board. I may very much like Mr Tonkin's taste in monuments—I have never seen one that he has designed and I did not realise that that was a prerequisite for the job—but perhaps it would be better placed for the government to look at the opportunity of engaging our local community, those people involved in that process of art and design, in developing at least concepts for that monument.

Mr Speaker, there are a range of comments there that highlight the missed opportunity that this government, effectively, has created through this budget document. If it is not focusing on where it could have engaged the community better, it has been a process of misplacing how it believes the community's concerns can be met and it has been a process of missing clear opportunities to advance the city into the future.

In conclusion, the government is looking tired. The government is looking like it is trying to put band-aids over all the different parts that are starting to fall apart in an effort to demonstrate that it is still capable of running the territory. Really, Mr Speaker, all this budget demonstrates is that the government is slowly atrophying, that it is slowly grinding to a halt through a lack of vision and a lack of leadership which the city does need as we progress into the next century. Mr Speaker, there have been lost opportunities and a loss of leadership on the part of this government.

MS TUCKER (5.41): I want to make a few comments about the general value base from which this government appears to work and concerns that the Greens have about that position. The approach to social policy is not something that is unique to this Liberal government; it is something I see as an issue right across Australia under Labor and Liberal governments, including the federal government. In the view of the Greens, the central point in the development of social policy should be equity. That has got lost, not just in Australia but across the world. I went to an international conference on social welfare and that point was made over and over again by delegates from every country that was represented at the conference.

The notion of equity in social policy development has to be stressed as one of the most important issues for the ACT and for this country at this point in time. If we do not take a good, hard look at where social policy development has moved to, we will continue to see inequity growing. Having growing inequity in a society is a bad thing for everybody, not just for the people who are disadvantaged or vulnerable, but also for more fortunate ones, the so-called haves. The haves will suffer in the long run; perhaps not as much as the have-nots, but they will certainly suffer. There will be a growing fragmentation of the community which will lead to social exclusion of people who are disadvantaged. When you have a growth in social exclusion in a community, you have a community that is not cohesive by nature. You have an increase in anti-social behaviour, you have an increase in crime and you have an increase in self-destructive behaviour from the people who are excluded. Certainly, you do not have a society where the citizens are all actively engaged in moving in a positive direction.

If ever we needed to have that, we need it now. We need it now because, as a result of unwise policy decisions for many years, particularly related to the environment, we are at a point where there has to be quite significant social change, particularly in relation to how we live on earth. Nobody is arguing with that any more. We have scientific panels

telling us that that is a reality and we have scientific panels telling us that one in every two people will be in a water-stressed situation in another 25 years. That is not some silly Greens thing; that is a scientific fact. We have to change how we live on earth. That will be hard to do. We know in the ACT that it will be hard to do. If we will not be able to work together as a community to address those issues, there will be absolutely no chance of doing so, because you will always get politics and politicians who will capitalise on that division in society to progress their own agendas. That is why there is such a strong relationship in my mind and the Greens' mind between the environmental destruction that is occurring and the need to have a very strong position on social issues, social equity in particular.

In the ACT we have had a poverty task force which has just come out with a report. One of the things that that report laid quite strong emphasis on was the fact that universal access to basic services is a real issue, that people who cannot afford to pay for services now cannot access them and there is a growing trend towards that. This government may well say that that is the Commonwealth's responsibility, and in some ways it is, but the point is that I have not heard the Liberal government here condemning the federal government for their approach to health care, education, aged care, or whatever. Equally, members of the Labor Party here are not taking a strong enough position on the approach of their federal colleagues.

The GST is another issue on which there has been a total lack of coordination between acknowledging the need for social and environmental concerns and coming up with a tax policy. An economic instrument such as tax can be used to address a lot of the issues, particularly the environmental issues, we are faced with. There was a great opportunity when there was talk of tax reform to look at how to use these economic instruments to impact on how corporations particularly are operating. We lost that opportunity, thanks to the Democrats. We also had in that debate an opportunity to look at how taxation and economic instruments can be related to social issues. We lost that opportunity as well.

The ACT is still in the situation where it has to respond to the needs of the community in some way, regardless of what the federal government is doing. We have to deal with the people in our community who are disadvantaged, socially excluded and vulnerable. We have a responsibility to do everything that we can to try to diminish the impact of the bad policies of the federal government. I was hoping that we would have from the poverty task force an integrated and coherent response to that problem. Unfortunately, we do not have one. We have had some response from the government, which is to be welcomed—it is certainly better than nothing—although I have to point out again that this government has a lot to make up for because for so many years, ever since I have been here, the social issues have seemed to be side issues which have had to wait until the economic situation was, so-called, brought to order.

The government has acknowledged that, so we know that we have a fair bit of slack to pick up. The initiatives in this budget are going some way to addressing that slack, but I do not see them as a cohesive or coherent response to the broad issues that were highlighted by the poverty task force. On the question of the federal government's role, it would have been interesting to hear some kind of response from this government to those problems which were highlighted so clearly by the poverty task force.

19 June 2001

The other really interesting question on the issue of equity is that of how we are raising revenue. There have been recommendations for some years, as I recall, that a good, hard look be taken at fees and taxes in the ACT to see how regressive they are, but we are yet to have the government being willing to take on that task. I think that was also a recommendation of the poverty task force. If it was not, it has certainly come out from ACTCOSS and other social commentators which have an interest in the question of equity in revenue raising and regressive revenue measures.

The school buses proposal is another example of a poorly thought out initiative in terms of the impact on people who are disadvantaged. Our public school system has a very strong user-pays component in it and I think that needs to be addressed by a government which is seriously interested in equity issues. This government often focuses on the notion of choice to justify what it is doing. It is an argument that conservative governments often use. If this government is seriously looking at choice, I think that it should go beyond choice as to the method of travelling to school.

MR SPEAKER: Would you like your next 10 minutes?

MS TUCKER: Yes, thank you. The government should look at how the choices available to students in our public school are affected by their ability to pay. That would be a really interesting exercise. If that were done, we might find that a government that was seriously interested in choice would choose to put more money into ensuring that this user-pays component that has crept more and more into our public schools is actually pulled right back. We have had often enough a debate in this place about contributions on subject levies as if there are two different things, one voluntary and one that is not. We hear from the government that the contributions definitely are all voluntary, but anybody who has talked about it to somebody with a child in school or who has a child in school here knows that there is incredible pressure on parents to pay subject levies. There is seen to be a different category there.

That does have an impact on people who do not feel that they can afford to pay the levies for particular subjects. The subjects which cost quite a lot are often the creative subjects and the creative subjects are often the subjects that will actually give children who are struggling in the school system the sense of wellbeing, achievement and self-esteem with the school system. Often, because of the nature of the schooling that we provide, the self-esteem of a student is pretty much sorted out in terms of how the students perform academically. If students are not doing well in that way, they can easily start going downhill, with all the problems that occur subsequently for any human beings who feel bad about themselves. It is really important to have options in schools for students who are not going to be doing particularly well academically that will make them feel good about themselves and make them have a good experience at school, which might mean that they will stay there till year 12 or might mean that they will not decide to find a way of feeling good about themselves that is socially destructive and destructive to themselves.

In the general area of appropriations for the Chief Minister's Department, I have a few comments to make on business, tourism and the arts. The government's broad-brush approach to business, tourism and the arts makes clear the values that the government treasures. I have to say that the interests of business are obviously pretty high up there. I would not argue that having a viable business sector is not fundamental to the economic

health of our society, but I cannot see in this budget any evidence that the government exercises any discrimination in the kind of support or the particular qualities of business it supports, other than that it appears to have the interests of some people close to its heart, rather than those of the community or even the business community as a whole.

The ongoing investment of many millions of dollars in the V8 supercar race is a case in point. The argument appears to be that the presence of such a race creates significant custom for accommodation and entertainment businesses in Canberra. It is direct government support to private business. That, in itself, is not justification for an expenditure of \$23 million over five years. It is particularly questionable when you see that every request for additional funds is immediately met. If one belonged to a community organisation or an arts or cultural group, one would be very delighted to be shown the same flexibility and understanding.

An equivalent expenditure on the Canberra National Multicultural Festival, or any other arts or cultural event, could make an extraordinary impact on Canberra's and Australia's cultural landscape and lead to increased business to an equal or greater extent over time. It could reshape the world's view of Canberra and, indeed, how we work together as a community and how we see ourselves. Unfortunately, this budget shows no vision for the kind of Canberra we might be trying to build. It is an illustration of this government's undeniable commitment to supporting events and activities that can attract immediate support from business colleagues. The general increase in promotional funding for CTEC will go on promoting more overnight packages. The benefit will flow directly to accommodation and related services and to advertising agencies. The additional funds for CTEC for event development are really for that organisation to buy in more events. It has nothing to do with what can be created here in Canberra, or to what might have some more complex value to our society.

The government's impulsive investment in business at the Canberra Airport highlights again that it sees its primary responsibility as lying not in meeting the needs of Canberra people, despite its plethora of small programs and initiatives, but in embracing superficially attractive business ideas. With Impulse Airlines now a thing of the past, all those extra jobs and all those extra cheap air flights are fading dreams. Through the Estimates Committee we learned that the ACT government supports the development of the Brindabella Business Park, despite the fact that it will have a massive impact on the commercial property market in the city and the town centres and that it will undermine employment in areas such as Gungahlin which, in turn, adds to the problem of transport in this city.

We have a government that is overexcited about the idea of new technology and is encouraging the development of business parks, to the extent that an ACT government community facility has been handed over to a private training business to sublet to its own advantage. If we really were in an expanding, dynamic market, there just might be a case for such an approach. In point of fact, however, the Fern Hill Technology Park has been so successful with that approach that it is now translating some of its business space to residential purposes.

This government is not a government that is concerned with supporting ethical or purposeful investment. It is committed to indiscriminate and random business support. The Prime news story is a good illustration. I understand the importance of keeping

19 June 2001

Prime in Canberra and ensuring that the digital services are based here. In the interest of jobs, it is good to have them around. But the only local content we are going to have created in Canberra by Prime will be advertisements. In terms of the value that this government gives to culture and identity and in terms of the philosophy that this government has embraced in regard to freedom to choose products, the new Prime Television is a perfect example.

Finally, let me briefly address this government's commitment to the arts. The ACT government has worked well with the Canberra community for a number of years in sorting out fair arms-length techniques for handing out small amounts of arts funding, but the Centenary of Federation monument is a fine example of a very shallow approach. Gorman House Arts Centre, the home and birthplace of countless artists and arts projects of great community and national worth, is falling down. Spending \$250,000 on it quickly would make a huge difference to the visibility of the centre and the morale of the tenants, but years have gone by and the government is acting really slowly on this front, possibly waiting until the centre has completely ground to a halt before it does anything.

However, the ACT government has now found \$250,000 to be spent by November on a monument of state and territory flags without any opportunity for the artists and architects of Canberra whom we say we value so highly to propose a more resonant or meaningful concept. As Mr Corbell has already pointed out, the concept came from a chief executive officer, a bureaucrat. There was no opportunity for the artists of the city to get involved. I noticed that the government's insulting response to the Estimates Committee's recommendation on this subject was that artists can now comment on the concept. I am very surprised that the government did not realise how insulting that response actually was. It would have been better for the government just to say "No, go away." Clearly, if we value our artists, we will give them an opportunity at the beginning of the process, not bring them in to fiddle around at the edges about someone else's design, which is really quite an insulting notion to any artist.

Sitting suspended from 6.00 to 7.30 pm

MR WOOD (7.31): Mr Speaker, you might rule me out of order because I do not believe the matter I want to talk about is necessarily contained in this little part of the budget, discussing, as we are, the Chief Minister's Department. The Chief Minister's Department now has some responsibility for a little body called Festivals ACT. I think when this budget was drawn up Festivals ACT was not part of the Chief Minister's Department or anything. I would think it was not even a glint in somebody's eye. But now we have it, as a result of the strange and I believe unnecessary series of events that followed one outspoken comment by one of our better known citizens. Arising from that there was a wholly unnecessary demolition of a body that was working quite well, and I speak of the Multicultural Festival.

Someone, somewhere, and I do not know exactly who that person was, or the number of people involved, had a skin that was a little bit thin, and in this town, that does not seem to welcome frank and fearless advice, Dominic Mico got the sack. Then we had to go into this defence mode, this sort of strategic retreat, so that in the end we turned the circle and it was patched up somewhat. It is very strange.

I think the foolishness of those early actions was revealed. Then we went through this charade of setting up a review, presumably talking to people, allegedly talking to people, and then in the end coming to a decision and saying, “Yes, we are still going to have a multicultural festival, but we will go around the circle and have a Canberra Festival that stands alone.” It was all unnecessary, and it came down simply to someone getting upset when they did not need to.

Clearly enough, Mr Mico’s complaint that the Multicultural Festival was not being well served in CTEC and should have been outside of CTEC was absolutely justified, because that is the step that the government took. It might have been better, and I think much less disruptive, if at the time Mr Mico said that someone simply said, “Okay, we will think about this. You make a valid point. We have placed a great deal of confidence in you over the years, Mr Mico, and we will think about it,” instead of going through all this turmoil of the last one or two months.

So now we have a budget, I think of \$200,000 gleaned from somewhere, for Festivals ACT. I saw an advertisement in the weekend’s paper for a consultant to advise on the festival’s policy for the ACT, notwithstanding that we have had a number of festivals that worked quite well, and notwithstanding that there are plenty of people who have been talking about this over a long period.

I simply wanted to make a point at this time about all that unnecessary action. I considered at one stage of raising a matter of public importance so that the debate was aired to a greater extent in this place, but we simply asked some questions. I think there was a lot of evasion and a lot of equivocation, but in the end, although it was not said in so many words, someone acknowledged the mistakes that had been made by trying as best they could to restore the situation to what it was.

Also contained in the Chief Minister’s estimates are matters affecting the arts in the ACT. The arts do not always get a great deal of publicity, and yet I would think that the arts are more important to many Canberrans—I am sorry to say this to you, minister—than sport. Indeed, as we look at the money that has been spent on sport, I think the arts suffer quite a deal.

Mr Stefaniak: The arts are not unimportant. I think they are both very important to Canberra.

MR WOOD: Yes. I do not like the double negative there. I think these things should be expressed more positively. When you look at the enormous expense of Bruce Stadium and think what might have been done instead with all that money, we could have a very vibrant arts sector in Canberra.

Very often there is a bipartisan policy here on the arts. When Gary Humphries was minister we did not argue too much. We argued over minor points. I have never disputed the grants that are given, only at the time when the former Chief Minister severely cut the Institute of the Arts.

It is difficult to decide who gets the grants from that \$3 million or so of the ACT budget that goes to community arts groups. It is difficult to draw the line and say that something above the line is going to be a more successful product than something under the line.

19 June 2001

We have processes in place, such as the Cultural Council, to decide on those issues, and I think that is where those decisions are best made. Inevitably every year some very good projects do not get up, but that is simply the nature of the grants process. At a future time I will have some more to say about the arts.

We have had a difficult time in the last few years with arts. A considerable number of very fine arts groups in Canberra have fallen, and not necessarily because of any lack of artistic ability. In fact, they have been very strong. Look at Skylark, look at Meryl Tankard, look at the Philharmonic that continued because it played its way out of trouble. The Canberra Symphony Orchestra is in temporary trouble but I am sure they also can play their way out of it. You demonstrated emotion, Mr Speaker, when I said they could play their way out of it, but as we approach the pre-election period we need to look at arts policies and examine why it is that so many fine bodies in the ACT have run into trouble. Maybe there is something we can look at on the policy side that will secure the foundation for those groups.

MR HARGREAVES (7.38): Much as been said about the quality of the Estimates Committee report. I thought it was a fabulous report. I have to say that during the course of the estimates hearings some members failed to understand what actually constituted a budget—a beginning, a middle and an end. The chairman of the committee tried valiantly to educate those members who did not have a clue about what was going on, but all the efforts of the chairman to educate members on budget construction and to talk to them about superannuation liability and things like that were like pearls before swine. These people did not want to listen.

Mr Rugendyke: That is unkind.

Mr Quinlan: We are the only ones you are supposed to be unkind to in this place, aren't we?

Mr Corbell: That's right.

Mr Quinlan: Yes, it's okay this way, but not that one.

MR HARGREAVES: It's okay, Mr Speaker, for people to launch into personal invective against the chairman of the committee, who did a sterling job in my view. Having been associated with estimates committee hearings for the best part of 29 years in the public service, I can tell you that it was a great process, because I have been on the other side of the table. Some members might disagree with that, but I suggest that that is because they have never been there before. When they find out the process in future years, when those opposite are on these benches, they will find out the difference between quality and quantity.

Mr Speaker, there were two well-known academics who described this budget as a missed opportunity, or was it a lost opportunity? Either way. One of them was a professor from the ANU, I believe, who went to some lengths to say what was missing and what could have been done with the windfall. A lost opportunity. The other academic who described it as a budget of missed opportunity was a former accountant of the year and, as it turns out, chairman of the Estimates Committee.

I learnt an awful lot just from listening and observing the chairman of the committee. Why was it a budget of missed opportunity? I will give you a couple of examples. The initiatives we got turned up between the draft budget and the final budget. Actually, all it was was a spending spree. It was as though people had won the lottery. Mr Speaker, there was nothing in the draft budget to indicate that there might have been a possibility of this huge windfall. Halfway between the process we saw a supplementary budget turn up seeking \$43 million.

My criticism, Mr Speaker, in this instance is limited to the process that the government imposed upon the Assembly and the community at large. The government would have been aware that this money was in the offing. They limited the standing committees to a budget bottom line. In the draft budget process, of course, they did not tell them what the bottom line was. We did not know where the starting point was. You can go back to the old budget if you like, but half a dozen things popped up in the middle. What we actually got, in fact, was a list of the initiatives. The initiatives in my view, Mr Speaker, were cobbled together with a view to the election, and some of them were not very well thought out.

Take, for example, Mr Speaker, the reduction of \$58 for registration. Everybody in the ACT who pays registration fees will be thrilled to pieces about a reduction of \$58, but let's just think about it for a second. It is only \$50 actually, Mr Speaker, when you consider that your compulsory third party has been jacked up by \$8. So we have reduced it by \$50.

Those people who get concessions, who do not have to pay any registration, do not get the benefit of this at all. So when we are all retired, guess what; we do not get it. But we do get the \$8 rise in the compulsory third party, Mr Speaker, and if we are obliged because of our economic circumstance to pay quarterly, is there any reduction to correspond with the \$50 reduction? No way, Mr Speaker. You still have to pay the administrative fee of \$25 a hit, so you pay an extra \$100 anyway. So those poor people who are obliged to take it out quarterly because they cannot afford it are still paying that extra \$100 while the rest of us enjoy a \$50 reduction. Now, that is not what I call addressing poverty, Mr Speaker. Quite the opposite.

When we look at the budget, say for the Department of Urban Services, we see the items addressing these magical headings of the government's, Mr Speaker, such as early intervention. What's in the early intervention section for the Department of Urban Services? You can look, and you will look in vain, Mr Speaker. There is nothing in there.

What about addressing poverty? There is nothing in there either. We all know that most people in this town who are suffering poverty have trouble dealing with the everyday things, such as bus fares, registration and the like. Is there anything in there? Yes, there is. There is still that \$100 that they have to pay for registration. They are not alleviating poverty, Mr Speaker. In some cases this government is creating it.

When the government found out it had all these multi-millions to spend, it thought, "Oh dear, if we lose government at the end of the year we can't leave these devils with any money otherwise they will spend it." So they came up with magic schemes to spend the cash and leave us hanging there. Then, as the chairman of the Estimates Committee pointed out in that process, and as he has pointed out here in the house, they forgot

19 June 2001

a couple of things. Was it convenient or an accident? Was it convenience or incompetence, Mr Speaker? Blessed if I know. They now have to find out where they are going to get the money to bail out the insurance on HIH. Oops, Mr Speaker.

What about when we build this new prison? If you have a look at the Rengain report, Mr Speaker, you will see that it outlines three time lines for payment of the loan. In the first year, because it is only a partial year, they say we ought to come up with \$6 million, in the second year \$30 million, and in the third \$70 million. I have rounded those figures. I do not know what the interest payment is on \$6 million, but that is not in this budget. That has to come off our surplus. In the out years, Mr Speaker, we have to borrow \$30 million in the second year. That is what the Chief Minister said, and that is what the minister for corrective services said, in public. We are going to borrow the money and we are going to have to pay it back. In the third year, when we add on the \$70 million, all together we are up around the \$100 million mark.

According to my calculations, Mr Speaker, and this has been verified by other people who can count better than I can, to borrow something of that size is going to cost us about \$9 million a year. Now, how much was the surplus? It was \$12 million. Oops, there goes three-quarters of it, Mr Speaker.

About three years ago in this very same debate I remember the shadow Treasurer standing up here and saying that this government had sold all the silverware and was working on the tupperware. I suggest that the windfall that we have got in fact means that this government has inherited some more silverware, and guess what it has done. It has flogged it off. We had better keep a good eye on our tupperware, Mr Speaker.

Now, in terms of the actual process itself, I have a couple of problems with that, as I have mentioned briefly before. The so-called trawling that we have been accused of has revealed either an ignorance of or a contempt of the process in terms of tendering. For example, Mr Speaker, there is an allocation in this budget of \$450,000 over two years to the Police Citizens Youth Club. Now, do not get me wrong, Mr Speaker. I do not wish to have anybody misconstrue this as a denigration of the Police Citizens Youth Club. They do an excellent job. They do a fabulous job, in fact.

The standing committee of which I am deputy chair recommended that they receive from the budget two buses. The government, in their wisdom, found the money for the first bus out of Treasurer's Advance, and good on them, I say. Excellent work. The second one was part of that \$450,000 that I mentioned. But it actually came as part of a program called "Youth at Risk". They say it was modelled on the Tasmanian model, but nowhere in the Tasmanian model can I find reference to a bus. So perhaps we are getting the truth somewhat coloured, Mr Speaker.

Guess what they did. They said, "Who can do this job? The Police Citizens Youth Club. That's good. We just give it to them." In the first year we are talking about \$225,000. Now, correct me if I am wrong, Mr Speaker, but isn't that over \$50,000? I would have thought a tender process might have been appropriate for a commitment to spend government money, taxpayers' money, of any amount over \$50,000. But, oh no, not in this instance. They said, "We will call it a pilot." I seek a short extension of time, Mr Speaker.

MR SPEAKER: You have another 10 minutes.

MR HARGREAVES: I am aware of the second 10 minutes. Thank you very much, Mr Speaker. What happens? They say, "We will call it a pilot, and then we don't have to do it." Pilots very rarely spread over two years and end up with a full-on program, Mr Speaker. I think this was just smoke and mirrors stuff to get out of the tender process. I do not accept for one minute that the government could not have gone out into the marketplace and asked those people who provide these services, "Can you do it according to these specifications?" They could have done it in a trice, Mr Speaker. The thing was that the money became available too close to the end of the financial year. They did not have the time to do it, so they thought they would try to slide this one through, and maybe no-one would notice. Wrong again, Mr Speaker.

Let's have a look at the initiatives, the spending spree, the wish list, the shopping list. If one looks at some of the justice ones, these are not initiatives. These are not something new. There are at least three in there, on page 88 of Budget Paper No 3, which are merely pay rises for statutory officeholders. They are extra money for resources for the Police Ombudsman and extra money for the Government Solicitor's Office because they worked so hard bailing this government out of things like the hospital implosion, Hall/Kinlyside and the range of other issues that we can rattle off which the voters will be treated to a list of during the election campaign.

These things are not initiatives. They are merely extra payments that the government would have to meet as part of its normal housekeeping. If you trot down to the old supermarket, Mr Speaker, and find that your favourite brand of baked beans has gone up, you just have to pay it. The same story here, Mr Speaker, with the Government Solicitor's Office. As the Deputy Clerk would know, if his fees for the Magpies supporters club go up he willingly sticks his hand in his pocket, Mr Speaker, pulls out his money, takes one look at St Kilda's supporters, says bad luck and pays it. I am saying this government should just say bad luck and pay it. They should not stick it in here under the guise of an initiative, because it certainly is not that.

Mr Speaker, later on we will talk about this free bus scheme. One fellow came up to me at the Lanyon marketplace and said, "I'm really in favour of this free bus scheme because it is going to save me heaps of money." I said, "Oh, really. How about if we give the money inside the school gate and use it on educational aspects?" Then he told me why. He is paying a bucket full of money to send his kids from Conder to the Torrens Primary School. That was because the educational outcome for his kids was not being met by the open class arrangements at Charles Conder or Gordon. He said his kids reacted very well to a traditional class arrangement. I thought, "Good on him. He has made that educational choice to send his kids off to Torrens Primary School."

I said, "How many people in your boat do you think there are?" He said, "There are 37 children in Conder going to Torrens Primary School." I said, "Well, what if the minister, in his goodness and largesse, for which he is well renowned, was to put on a dedicated school bus from the Lanyon marketplace to take the kids from Conder and deposit them in the Torrens Primary School so that they did not have to cross that busy Athllon Drive in peak hour after school?" He said, "Mate, if they did that, that would be fabulous. I don't need the free school bus system. I would happily pay it. It's the fact that the poor kids have got to change buses."

19 June 2001

He said also that if we spent money inside the school gate to extend the reduction of class sizes into the classes that his kids were attending he would give these other two schools another go. He was clearly telling me that, as far as his family was concerned, the money, the \$27 million, would be better placed in reducing class sizes to give a better educational outcome for his kids than in giving him extra money in his pay packet. That is what he was saying to me, Mr Speaker. He started off saying what a great idea it was, and then he talked himself out of it. We agree with him. We think this is totally misplaced.

Mr Speaker, the reason why I make these remarks now and not in the context of the line items is because the Chief Minister and Treasurer has carriage of all budget items. If he has carriage of that he should also have carriage over such things as probity when it comes to services that the government provides to the ACT taxpayers. When we looked again at the yellow cabs issue, what did we get? Absolute rubbish. The government says in its response that it does not have to do a probity check because it is not paying out any government money. I suggest, Mr Speaker, that if we are using legislative power to influence a community service, or a community facility, or something like a transport network, then it behoves us to check out whether or not a successful network actually can conduct business and whether it is financially sound. When I asked the government to prove it, they said, "Oh, no, no; we don't have to do that." Well, I would argue that they do.

Mr Speaker, I will not go on any longer. I will leave it there. I have one or two remarks to make during the line items.

MR STANHOPE (Leader of the Opposition) (7.54): Mr Speaker, I want to take the opportunity during the debate on the Chief Minister's appropriation to comment on the government's response to issues affecting the indigenous community in the ACT. I am aware that there are a number of laudable initiatives in the budget in relation to programs affecting the indigenous population in the ACT. The problems besetting many indigenous people, not all indigenous people, of course, are symptomatic of the problems that have afflicted indigenous people in Australia for the last 200 years or more since the arrival in this country of the first white settlers. Disadvantage, dispossession and discrimination continues.

This is a matter of continuing concern to all Canberrans. We here in the ACT, the national capital, have the highest average levels of per capita income in Australia. On almost every single indicator of disadvantage and discrimination that affects or besets indigenous people in Australia, indigenous people here in the ACT suffer just as they do elsewhere in Australia. Here in the city with the highest per capita incomes in the nation, with perhaps the highest standard of living generally, we have an indigenous population with the same life expectancy as elsewhere.

The life expectancy of an indigenous male in the ACT is, I believe, 49. That is food for thought and something I reflect on. If I was an indigenous Australian male, at the age of 50, as I am now, I more likely than not would be dead. That is a statistic that affects us here in the ACT, just as it does in indigenous communities everywhere around Australia. The average life expectancy of an Aboriginal male in Canberra, this city, our home, is, I believe, 49.

On every other indicator of disadvantage, employment, imprisonment or arrest, on every other indicator of health status, such as the rate of diabetes, illegal substance abuse or the level of heart disease, indigenous Canberrans suffer exactly the same levels of disadvantage, the same levels of health problems, the same levels of unemployment and the same levels of educational disadvantage that afflict Aboriginal people in most other places in Australia.

I think there are some areas where we have managed to make some significant breakthroughs. Perhaps in relation to the retention rates of Aboriginal children at school, for instance, we here in Canberra are doing better than most other places in Australia, and the department of education, in particular, needs to be applauded for that. Perhaps it's a beacon for what can be achieved; that in relation to education we do have better retention rates, and that we have achieved for a significant number of Aboriginal children better educational outcomes than have been achieved elsewhere.

But if one were to do a study or an investigation of the truancy level here in the ACT, particularly at those early high school years, one would find a disproportionate number of Aboriginal children amongst the children that are truant, that do not attend school and that never complete high school. Of those children in that cohort of children who do not achieve academically or educationally, Aboriginal children would be seriously and significantly over represented.

In that regard, I am pleased to see that one of the initiatives that the government is pursuing through the budget is a demographic profile of the Aboriginal and Torres Strait Islander community. This is something that is long overdue. Having doubled up with the multicultural community in the ACT for the purposes of this particular profile, I am not quite sure what can be achieved. I understand the allocation for this particular profile is \$100,000. The profile is meant to be an assessment of the indigenous community here in the ACT.

One of the complaints that I regularly hear from members of the indigenous community in the ACT, and I think this complaint is acknowledged by members of the ACT public service at estimates hearings, is that nobody really knows in detail the demographic profile of indigenous people in the ACT. We are unclear about the level of unemployment or features of the unemployed indigenous people. We are not entirely clear about the housing issues affecting the indigenous population. We are not 100 per cent sure about those members of the indigenous community who do have a significant substance abuse problem.

We are aware of some of the frightening statistics presented to committees in this place by Winnunga Nimmityjah. Indigenous people, representing just under two per cent of the ACT population, represent at least 10 per cent of the heroin users in the ACT. That is an horrific statistic. We understand that to date in the ACT this year indigenous people represent, I think, about half the heroin overdose deaths that the ACT has suffered. These are horrific statistics. Despite representing one per cent of the ACT population, it may be that to date in the ACT indigenous people comprise half the heroin overdose deaths in the ACT.

19 June 2001

So I make the point that the demographic profile that the government has pledged to undertake is long overdue and is to be welcomed. There are other indigenous programs, other than just programs sponsored by the Chief Minister's Department, in relation to employment mentoring and business support, and we, of course, support those.

One of the things that have been lacking, particularly in terms of my observations over the last three years since I have been in this place, is a genuine all-of-government approach to indigenous disadvantage. I have never been convinced that there has been an all-of-government approach to problems besetting the indigenous population. All the problems that affect all those members of that community who do not fare well, who are at the edge across a range of spectrums, stem from the initial disadvantage and the terrible cycle of despair that affects so many people. Everything emanates from that despair and discrimination—lack of employment, substance abuse, the health problems, the inability to complete education, and so forth.

That is a cycle which we desperately need to break here in the ACT. One of the major social issues facing this community is the fact that the indigenous population of the ACT continues to be affected so grievously by all of the indicators that show the level of their disadvantage, and the fact that so many of them live in poverty and everything that flows from that.

There are other issues in relation to the Chief Minister's Department that affect the ACT. One is the extent to which we have not grappled with the level of poverty in the ACT. I do not believe that the Chief Minister's Department, through its overarching policy unit, has come to grips with the fact that perhaps up to 30,000 people in the ACT live below the poverty line. It almost beggars belief that here in this city there are 30,000 people, most of whom would be children, living below the poverty line. And what is the poverty line? It is a couple of hundred dollars a week, about \$15,000 or less a year. We have 30,000 people, primarily children, living in households with incomes of less than \$15,000 a year.

MR SPEAKER: Are you taking the next 10 minutes, Mr Stanhope?

MR STANHOPE: Thank you, Mr Speaker. The extent to which this community has managed, through its construction, to pretend, in a way, that we do not have these deep-seated and extensive levels of poverty is truly frightening. We have not responded with urgency to deal with poverty that affects so many people. Of course, having failed to deal with poverty of that level, we fail to take the opportunity to deal with all those other issues that flower as a result of the existence of such deep-seated poverty; issues around the failure of children to perform educationally at school; issues around the inability of children from certain households to achieve the educational outcomes that will ensure for them a future or an ability to participate equally within our community.

The Labor Party is determined to adjust the run-down in education that we have experienced over the last six years. We have not maintained our premium position. We have taken our eye off the ball. There are children in this community who, through no fault of their own, as a result of family circumstances, as a result of the poverty of their parents, as a result of some mental issue perhaps, or as a result of a history of abuse, will not be given the same opportunities as other children in the community because we have not applied the level of resources which we as a community have at our disposal to

apply. We have taken our foot off the accelerator. We no longer occupy that premium position. As a result, we have lost the capacity to break the cycle of poverty that afflicts 30,000 people, mainly children, in households in this town living on a couple of hundred dollars a week. The mind boggles.

We have done much, I think, in the last few years to disguise that fact through some of the policies that we have pursued through the beating up of an events-led recovery, such as GMCs, the Olympics, et cetera, concentrating on the good life for those who can afford it at the expense of sparing a thought for those who are marginalised and cannot participate. There is no going to GMC400s for people below the poverty line. There is no going to the Olympics for people below the poverty line. None of these glitzy photo opportunities, these attempts to cheer ourselves out of our own despondency, have any impact, meaning or effect on those living in such chastened and distressing circumstances.

They are issues that I do not think have been addressed. I do not believe that the \$2 million or so policy initiatives contained within this budget or within the Chief Minister's portfolio, which one would have hoped might have emanated from the think tank, the policy unit, within the Chief Minister's Department, in any way go to acknowledging poverty, or what poverty is, or how to deal with it.

They are major shortcomings in this government's approach. They are major shortcomings in this government's vision. They do reflect the point that has been made that in this budget, more than in any other budget since self-government, we have missed the opportunity. It is the budget of missed opportunities. We have missed the boat.

There was an opportunity in this budget to do something significant. There was the opportunity to do something significant in a couple of areas. The capacity was there to make a major intervention, be it in relation to poverty, be it in relation to health, be it in relation to education, be it in relation to business stimulation. The opportunity was there and it was fluffed. It was not taken. The government blinked. It went to the vote. It did not go for the vision. It did not go for the future. I do not think it had the foresight, the courage or the vision to take the decisive step in relation to any area of significance and to say, "We have the capacity and we have the resources. We can deal in this budget in a most decisive way with poverty or anything else." The government chose none.

The government, through this budget, could have made a decisive intervention in the education system. It could have made a decisive intervention in relation to the Canberra Hospital. It could have made a decisive intervention in relation to poverty. It did none of these things, as we all know.

The jewel in the crown of this budget is \$27 million for free buses. Just imagine what you could do with \$27 million if you chose to apply it to education, or you chose to apply it to Canberra Hospital, or you chose to invest it in some way. Treat it as the capacity to invest rather than to spray it around. It was lost. It is a classic lost opportunity. Lost opportunities beset the whole of this budget.

MR BERRY (8.11): I want to start with a comment in the government response to the Select Committee on Estimates 2001-02. It is in relation to some editorial from the committee which talked about the draft budget process and criticised the difference

19 June 2001

between the draft budget and the final budget. It commented on the ad hoc decisions made in view of the coming elections. The government said that this paragraph ignores the fact that most of the additional initiatives of which the committee was critical were introduced as a direct result of consultation with and input from the community, and that this is exactly what the draft process is designed to do. Well, where is the evidence of this?

Where is the evidence that the government received any contribution from the community, and, if they did, why didn't they pass it on to the committees who were considering the draft budget? No, because there was no substantial contribution in relation to these matters. I was part of the draft budget process. I have been around here since 1989. Since 1995, when the government made its free school bus promise, not one person has said to me, "That was a good idea." Not one person has come to me at any of the committee hearings that I have been to and said, "Gee, that will make education better," or, "It will make the community a lot better off."

It makes a mockery of the government's position in relation to poverty and social capital. This government does not know what either of them mean. If they did, why would they pick school buses to spend \$27 million on if they were really serious about building social capital or doing something about poverty? Well, the reason for that, of course, is that they are not interested in either of these things. They are interested in the forthcoming election and election sweeteners, and that is what this was designed and presented for.

Mr Speaker, 75 per cent of the students out there are going to miss out on anything from the school bus initiative. About 25 per cent will get something from it. Most of them already have been punished over the years by this government with the two-zone bus system that forced them to pay double fares to get to school. That is something that Labor will fix, Mr Speaker.

It is also interesting that the government says that this is the direct result of consultation with and input from the community. Well, you would have to say that if the ditching of the Floriade fee was about direct consultation with the community, the fee would have gone a long time ago. It would not have happened right now because there have been howls of protests for years about the Floriade fee. The fact is that it was a knee-jerk grabbing exercise. We all know that.

The proof of that lies in the tens of thousands of expensive glossy leaflets that were prepared by CTEC for circulation. I am trying my memory out now, but I understand that 20,000 of those were circulated with false information in them that there was a fee of \$5, and 30,000 were in hand and needed to have a little insert put in them. I would hate to be the person putting the insert in because I would be there for a fair while. The little insert says, "No, the little story about the \$5 fee is wrong. It's now nothing. We have been consulting with the community after these were printed and we have found that they want to get rid of the Floriade fee." The fact is that the Floriade fee has been a bone of contention for years.

What else happens as a result of the Floriade fee reduction? Well, the chairman of CTEC and the government say to us, "We are going to get rid of the fee but we are not going to get rid of that rotten fence. That fence is going to stay." All of a sudden it is necessary.

Well, it was not necessary when we did not have a fee, but it is now that we do not. It is a \$40,000 fence and it strikes me as extraordinary that all of a sudden we need a fence when we have not got a fee. I think it is more to do with contracts and contractors that have signed up to put the fence in than much else.

Of course, if the truth is known, do we own the fence? Is it stored away somewhere? Is it our black fence? Or is it somebody else's black fence that we hire every now and then or every Floriade? Are we committed to hiring it at every Floriade? That is an interesting question, but it is going to cost us \$40,000 or whatever to fence Floriade for security purposes now, according to the government, not to keep the non-paying people out, because nobody has to pay, but because we need a fence.

Interestingly, the committee which I chaired, and which included Mr Osborne, recommended that the government do away with the fees a couple of years ago, on my recollection, and the government said it was a terrible report, a new low in the Assembly. We recommended the abolition of the Floriade fee, a new low, and all of a sudden it's a good idea. Well, I think it is a good idea, but we should never have got to the position that we find ourselves in at this point.

Mr Speaker, CTEC have been surrounded by controversy for the life of this government, in effect. They have been associated with much hoopla and the old bread and circuses stuff which has been put on by this government. I felt a bit of sympathy for CTEC at one stage when they were forced to take on the Feel the Power campaign. I remember examining them at the Estimates Committee. I remember one of the officials saying that they had adopted it. He seemed to be saying it through gritted teeth, because they had their own little slogan which seemed to be working okay for them around the region, but they were stuck with this Feel the Power campaign. I suspect they had to pay the licence fees that went with the Feel the Power campaign.

You know, that was an amazingly successful strategy. Even the *Canberra Times* were captured by it briefly. It was on the front page of the *Canberra Times* for a few editions, but they sensed the smell of it pretty quickly, as they do, and it disappeared pretty quickly.

Then there was that flurry about Feel the Power signs that we were going to see on everybody's car. They were so popular that you couldn't make enough of them. Everybody wanted a Feel the Power plate. Well, you can search a car park now and you will not find one. I have not seen one for years. They have just disappeared off the radar. Why? Because it was a dumb idea. It was a second-hand slogan which we signed up to in the face of some glitzy media presentation which mesmerised these people opposite.

If you want to make a quid, come and do business with this government. It's easy pickings. In fact, I was discussing with my staff member something innovative that we could do before the next election which would find some support out there in the community. We thought the best thing we could do is to introduce a piece of legislation which kept the executive away from pens so that they cannot sign any more contracts. Just keep the pens right away from them, because every time they get their hands on one and there is a contract about, we get into trouble and somebody else is left with the problem of fixing it up. That's the story of this government—the hospital implosion, the futsal slab and so on.

19 June 2001

By the way, where is the rug from the futsal slab these days? I have not heard about it for a while. I have not seen it down there. There have been lots of other things down there, such as tents. I see that *Grease* is on down there now. They are drilling more holes in the slab to bolt the big tent to in order to make sure it does not blow away. But where is that \$30,000 rug? I have not seen that one for a while. It was last heard of in Melbourne, I think. We must find out about that. That is a question I must remind my staff member to ask. We will find out where the rug is, because it has not been on the futsal slab for a while, and it weighs a few tonnes. Mr Osborne seems to be suggesting that some of us with alopecia might be able to use it.

MR SPEAKER: Are you taking your next 10 minutes, Mr Berry?

MR BERRY: I will see how I go. I will not give you a guarantee that I will use the whole 10 minutes. Mr Speaker, we have to find out where that rug is. What about the move by CTEC to Brindabella Business Park? I see that the Estimates Committee devoted a fair bit of time to that, for good reason, and they concluded that it was not good value for money. They talked about how we should not be entering into contracts of 10 years length.

They talked about the fact that CTEC has a new and more generous standard than the government for the square metreage required for each of its public servants. That came out in the Estimates Committee. They are going to have a little bit left over. It seems to me that CTEC possibly have more than they need out there. It is hard not to come to the same conclusion that the Estimates Committee did, that we did not get value for money, but I cannot find anything in the government response about it. I heard that this report takes us to a new low. I would have thought that the government would have been brave enough to try to have a crack at the committee's comments in relation to CTEC's move to the airport.

CTEC have got into trouble with the GMC400, as we discussed earlier, with the added expenditure which was underestimated when the deal was first done. The \$1.4 million, a portion of which we are yet to find out, goes to the owners of the GMC400 race and AVESCO. Because that is commercial-in-confidence, we can't find out about it. Then, of course, there was the imbroglio about the FAI rally, or whatever it is going to be called from now on. I think it is now the Subaru rally because somebody came along at the last minute, luckily, to sponsor the event. Well, one thing that that might have taught us, between that and all the tax leg-ups that were given to FAI, is stay away from insurance companies. I think that has probably taught us that. It would be a good thing to stay right away from them because we really have not got much value for money out of that contact.

Mr Speaker, CTEC have had a rough few years under this government. The government set out to establish a corporation so that it could operate like a business, and on the face of it you would have to say, "I'm glad it's not my business," because it really has not had a very good run.

Now, why is this so? Ask yourself the question. It is an independent statutory corporate and it makes its own decisions, one assumes. When I asked the chairman of CTEC who was making the decisions about the provision of papers from CTEC to the committee,

I think his response was that he would have to take legal advice on that before he could answer it. It seemed to me that the minister was making the decisions about whether CTEC will provide papers. Well, if that is the case, there is something seriously wrong with the independence of CTEC, because we all know that those TOCs have a general provision where if there are directions or requirements of government to these organisations they have to be in writing and they have to be tabled in this place so that we can see them. It was clear to me over the papers issue that the minister knew more about it than CTEC did, and it troubled me that CTEC was set up to be an independent statutory authority.

I go back to the requirement for CTEC to put up with the Feel the Power campaign which it didn't want. I think the independence of CTEC has been severely compromised by this government. I sometimes wonder, in view of the political decisions being made in relation to the efforts of CTEC, why it is that we need this statutory corporation anyway if the government is going to continue to interfere with its operations. It is hard not to come to that conclusion, given its performance and all of the hyperbole that has gone on in relation to various events around the place which CTEC have been involved in and the close relationship between CTEC and government on these issues.

The new chief executive of CTEC has spoken to me and he has expressed a view that he wants CTEC to be bipartisan. Well, that is all very well, and it is a welcome suggestion, but if the political party that has its hand on the levers has made it a political organisation, it is hardly likely that it is going to be bipartisan in the foreseeable future against that background. I look forward to change for CTEC. I think it has a major job in front of it so far as the ACT community is concerned, and I think there would be many that would share my suspicion that it is not doing it as well as it could.

Mr Speaker, the Chief Minister's line in the budget contains a range of extremely important issues concerning the community, but I want to go back to one that my leader, Mr Stanhope, laboured on for some time and that is the issue of poverty. I want to link it to the government's hoopla about social capital. Mr Stanhope drew attention to the poverty line in the ACT and the number of people who are living below it. It is not hard to come to the conclusion that this government does not know what it is talking about when it starts talking about social capital.

How many people living below the poverty line will benefit from the free school bus system? What sort of a survey was carried out in relation to that? How many people who live below the poverty line would have benefited if that money had been put into schools? That is quite a different question. So that represents a significant lost opportunity. Here we had a chance. The government has been out there boasting about its surplus and how it has worked so hard to create this surplus, and it loses these opportunities to deal with the issues which it says it has targeted. I do not think it knows what it is talking about when it comes to the issues of poverty and social capital. It is not something that it has in its culture.

All of us have received complaints about the inability of our health system to cope. We now know that the health minister is not the spokesperson for the government on health. The Chief Minister is, according to his announcement on ABC radio a few mornings ago. What a mess. This is how the health minister described how he comes to decisions. If he disagrees with something but he participates in the cabinet debate, he cannot

19 June 2001

disagree with it; but if he disagrees with something and he does not participate in the cabinet debate, he can disagree with it. What do principles mean here? Do principles mean anything when it comes to agreement or disagreement with a government position? So again, as has been said, I think there have been some lost opportunities right across the spectrum with this government's approach and this budget we are being asked to deal with this evening and later on this week.

Mr Speaker, we have already announced what we expect to do, and I will be coming to those matters later, so I do not need to go over them again. I merely want to reiterate and reinforce what many people have said here today, and that is that this is a budget of lost opportunities.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (8.31): Mr Speaker, I want to respond to a few of the many issues which have been raised in the course of people's comments on the Chief Minister's appropriation in part 3 of schedule 1. There are lots of issues but a few stick out in my mind for their absurdity and inconsistency more than anything else. For example, we had one member of the opposition, I think it was Mr Corbell, who had very plaintive things to say about the churlish tone of the government response to the Estimates Committee brought down today.

Mr Berry: No, that was me.

MR HUMPHRIES: I think both you and Mr Corbell made the same remarks, which does invite the charge of tedious repetition, but I will not make that charge. He then went on to get stuck into the head of the Chief Minister's Department, Mr Speaker, and made some fairly snide and churlish remarks about his views about the national centenary monument. So the hand-on-heart attitude did not last very long; it was only about a minute afterwards that he switched from wounded to attack.

We heard people in this debate speak up for the poor. Mr Stanhope did not actually say that the number of poor in the ACT was growing—that was not a conclusion of the poverty task force of the last six months—but he did imply that the problem is getting worse rather than better. Ms Tucker went so far as to say that there is growing inequity in our society, but failed to acknowledge the many measures in this budget designed to make sure that we were addressing those very questions, such as things like the reduction in the cost of motor vehicle registration. Almost everybody in this community uses a car, directly or indirectly.

Mr Berry: Except the poverty-stricken. What do they get out of it?

MR SPEAKER: Order, please, Mr Berry. You were heard in silence.

MR HUMPHRIES: The fact is, Mr Speaker, that even the poor in this city use cars.

Mr Berry: Somebody else's mostly.

MR HUMPHRIES: Maybe somebody else's cars, but they still use them, and the cost of road transport impacts on them. The dental waiting list reduction measures are a hugely significant thing for the poor of this city, Mr Speaker, but no, that is not worth

mentioning. Of course, Mr Speaker, there are the free school buses. The assumption that has been made again and again by this opposition is that it is only the Canberra Grammar students who are going to get the benefit of these sorts of measures, Mr Speaker, but, as Mr Smyth explained today, more than 40 per cent of those people who have already made application for free school buses are in fact going to government schools in the ACT.

Mr Berry: No, non-government schools.

MR HUMPHRIES: More than 40 per cent are going to government schools.

Mr Berry: Sorry, mate. I don't think he is right, is he Brendan? It is 40 per cent for non-government.

MR HUMPHRIES: Mr Speaker, the fact is that there are many measures in this budget—

Mr Berry: Seventy-five per cent miss out.

MR HUMPHRIES: Mr Speaker, I heard Mr Berry in silence.

MR SPEAKER: Order, please, Mr Berry. Do not forget that you are still under warning.

Mr Berry: For this? I thought I was under warning for raising points of order, Mr Speaker.

MR SPEAKER: You are still under warning, and I do not differentiate.

MR HUMPHRIES: Mr Speaker, there are many measures in this budget designed to help deal with fundamental issues of equity in this society, measures directly affecting issues to do with relief of poverty and early intervention in social problems. This is the first budget where we have seen an integrated approach to these issues, and what do we hear? "Oh, you have too many things on your plate. It therefore can't be coordinated. It must be just lots of little bits and pieces you have plucked out of the air. Therefore you are operating a budget which does not hang together very well." Well, of all the budgets in all the years that I have been in this place, this is the one that least suffers from that.

Mr Quinlan: Read the community submissions, Mr Treasurer.

MR HUMPHRIES: I have also read parts of the community submissions which are extremely flattering about this budget, very flattering indeed, and I might quote specific parts later on in this debate. In fact, almost every organisation that has been quoted tonight has also something nice to say about the budget, which is more than can be said about any member of the opposition.

Mr Quinlan raised again his old problem about the fact that the 1995-96 financial year for which the \$344 million operating loss was identified was a year in which the Liberal Party was in government. We have been over this many times before, but I will put on the record once more, Mr Speaker, that in the 1995-96 budget, the first budget that the government brought down, we were reining in the purse strings like you wouldn't

19 June 2001

believe. We were reducing expenditure, we were increasing taxation, and we were taking measures to reduce the outlays the territory was facing and to increase our capacity to be solvent. It is inconceivable in those circumstances, Mr Speaker, that we could have exacerbated or worsened the budget bottom line as a result of all those measures. As a result of all those measures, Mr Speaker, it is inconceivable.

Mr Quinlan: \$91 million abnormal.

MR HUMPHRIES: If you do not believe me, go back and read what you yourselves were saying, what the Labor Party itself was saying, at that time about the budget. You were complaining about how much we were tightening the purse strings, how much we were tightening the belt, and what deprivations we were visiting on this community. You can't have your cake and eat it too. You can't claim that we were reducing expenditure and increasing taxation, and yet we were worsening the bottom line. It does not make sense, Mr Speaker. Everybody knows that \$344 million is the minimum amount that was left to us by Labor.

Mr Quinlan: Not true.

MR HUMPHRIES: The minimum amount was probably a much higher figure in accrual terms because of the fact that considerable adjustments were made in the 1995-96 financial year dealing with the financial position.

Mr Quinlan: That's a falsehood.

MR HUMPHRIES: Mr Quinlan argues that augmenting funding in particular areas does not amount to initiative. I suggest that he look at what his party did in government and see how many initiatives of just that kind were described as initiatives and see how inconsistent he is in what he says tonight.

I do not understand his remarks about HIH being a bump in the road and some sort of problem. As the last monthly figures indicate, our budget position is very healthy at the moment, Mr Speaker. There is no problem in sustaining the \$30 million we have given to victims of HIH. I do not think there is any question that it represents a problem for our budget management.

Mr Corbell criticises the community planning adviser, but, from what I have seen of Mr Corbell's description of changes in the planning area that he foreshadows under a Labor government, it does not sound to me as if what we have proposed is deserving of much criticism at all. In fact, I would like Mr Corbell at some stage to come in here and explain what he means by an independent planning authority. He obviously does not mean a planning authority which is independent of the government and that is free to make its own decisions free of government intervention, so the question is what does he mean?

Mr Speaker, as I said, he spoke up for the poor repeatedly, but failed to acknowledge that measures like reducing the motor vehicle registration fee and free school buses also impacts on the poor in this community.

Ms Tucker asserted that there was growing inequity in our society without advancing any evidence of that fact. It is very easy to make that accusation, Mr Speaker. I do not think you can actually sustain that argument, and no attempt was made to do that.

Finally, the comment was made that we had no regard for community views in the formulation of this budget. I draw to the attention of the house that 38 or so of the new initiatives which were put forward in the budget, and that is over half of them, were recommended either by portfolio committees in this place or by community organisations. Mr Speaker, it is easy in this debate to throw around the charge that you are not listening, you are insensitive and it's a lost opportunity—all the accusations fly around like confetti—but closer examination leaves no substance to them.

Mr Speaker, we are told that the budget has been widely dismissed and widely deprecated, but I have in front of me the editorial from the *Canberra Times* the day after the budget and that is not the way I read the comments there. Indeed, it is not the way I have read comments from many other people who, in my hearing, have been very complimentary about the budget. Mr Speaker, I leave it at that. There was not much in this debate about the Chief Minister's appropriation directly, but I think I have dealt with what there was.

Proposed expenditure agreed to.

Proposed expenditure—part 4—InTACT, \$10,640,000 (capital injection), totalling \$10,640,000.

MR QUINLAN (8.42): For the record, Mr Speaker, this expenditure proposal incorporates a waiver of \$30 million that was hitherto described as “borrowing commitments”. I have to congratulate the Treasurer on the part that says that “savings as a result of the write-off of borrowing commitments will be passed on to customers in the form of reduced user charges, offset by increases in service level agreement changes”. In other words, no savings will be coming in the form of reduced user charges. They will rise from \$54 million this current financial year to about \$59 million in the out year of 2004-05. The borrowing charges do not fall much, because they seem to be more impacted on by the financial leases that InTACT has sold. On top of that \$30 million there is a further \$8 million capital injection going into InTACT.

I mention that only because a couple of years ago, when we were asking about the level of expenditure for InTACT, we were being told, “That's okay. It's up at this level because of modernisation. At a later stage it will normalise and fall back.” But it has not; it continues to grow.

It is very difficult for an Assembly such as this to get a sufficient perception and understanding of exactly what is being done to be able to make an assessment of that. All we can do is observe for the record that costs continue to increase; that \$30 million worth of loans are now written off—there is a further \$8 million capital injection at this point—and that the expenditure line and the user charge line continue to ramp upwards.

Proposed expenditure agreed to.

19 June 2001

Proposed expenditure—part 5—ACT Executive, \$2,863,000 (payments on behalf of the territory), totalling \$2,863,000.

Proposed expenditure agreed to.

Proposed expenditure—part 6—Treasury, \$25,847,000 (net cost of outputs), \$16,360,000 (capital injection) and \$50,708,000 (payments on behalf of the territory), totalling \$92,915,000.

MR QUINLAN (10.45): Included in and around this area is \$5 million paid to Totalcare for redundancies, which points up the issue that was raised in that trashy document, the estimates committee report—

Mr Humphries: I'm glad you agree.

MR QUINLAN: Which recommends that the government look out for internal arrangements open to competition to look at the whole-of-government cost or, to put it another way, where the net cost at the end of the day is owed to the taxpayer. We were told that Totalcare lost what is now called "facilities management", a service provided to ACT Housing. It was apparently cost competitive. We found out later that there appeared to be an acceptable level of satisfaction of the service provided. However, it was still let out to a couple of private sector firms, with the consequence that Totalcare had to wind back and had to incur the cost of redundancies.

It would seem that we have within this an ideological pursuit on the one hand and, possibly, a fool's economy on the other. Let me repeat that because it just felt good saying it: fool's economy on the part of government as a whole.

I would like to make a point about investment. I am concerned, and have been for some time, about the level of investment that is unfortunately necessary at the end of the day. Some of it is not necessary. We sold off half of ACTEW, turned that into cash and therefore turned that into liquid investments, when it was a fairly steady earner in water supply, sewerage supply, and electricity distribution. That earning capacity was not subject to the vagaries of capital markets—and international capital markets, at that—that we have seen in recent times.

Some of the earnings and capital values of our investments fluctuate significantly. Sooner or later in the economic cycle there is going to be a significant fall in the capital markets. If that happens in the next five years, we are going to have something between \$1½ billion and \$2 billion out there somewhere. That is of concern.

We have just passed a bill that would allow an act to permit entering into the use of derivatives. I trust that the government and the Treasury heard the sentiments of this place—which I think were fairly universal across the chamber—that derivatives should certainly be used to protect our investments, lower our overall risk profile but not expose us to very substantial loss should there be—obviously unanticipated—a collapse or significant dip in the capital markets. As one who would pretend to be Treasurer of the territory, I am genuinely frightened by the fact that we have that much exposure.

It is not in our capacity in this place to get down to the nitty-gritty and examine and understand the portfolio to the point of being satisfied. We just have to live with the expectation that the risk profile is reasonable. I do trust that that is our future.

In relation to superannuation, we are seeing the first contributions out of operations to funding superannuation for a long time, certainly since the advent of the Carnell government. We have seen contributions to that fund from selling or selling down assets, merely changing the nature of our portfolio of assets without necessarily increasing our wealth. I return to my time-worn claim that we ought to do what we can to separate the accounting for the superannuation fund from the operations, because it distorts the bottom line.

MR SPEAKER: Order! Just a moment, Mr Quinlan. Would Mr Osborne and Mr Hargreaves like to have a talk outside? Thank you. Go ahead.

MR QUINLAN: Thank you, Mr Speaker. I am concerned that, if we generally select the recommendations of the select committee on territory superannuation liabilities, which I chaired a couple of years ago, and virtually work in the mode of a sinking fund, it is necessary for the interest received within a sinking fund to remain within a sinking fund to reach the ultimate objective of having the capacity to meet the liability for which the fund is set up.

So it is important that, over time, we quarantine those interest receipts from the money that we feel we have available for expenditure. That to me is just common sense. There is some reference to it, well-written or not, in the estimates report. Again, I recommend that the government take some notice of it. It may not matter for a year or two but, at the end of the day, it will matter in terms of the fund and the process of funding that previously unfunded liability.

Proposed expenditure agreed to.

Proposed expenditure—part 7—Central Financing Unit, \$1,577,000 (capital injection) and \$52,635,000 (payments on behalf of the territory), totalling \$54,212,000.

Proposed expenditure agreed to.

Proposed expenditure—part 8—Superannuation Unit, \$50,000,000 (capital injection) and \$33,400,000 (payments on behalf of the territory), totalling \$83,400,000.

Proposed expenditure agreed to.

Proposed expenditure—part 9—Health, Housing and Community Care, \$395,394,000 (net cost of outputs), \$35,026,000 (capital injection) and \$14,886,000 (payments on behalf of the territory), totalling \$445,306,000.

MR STANHOPE (Leader of the Opposition) (8.55): I will start my remarks on this line of expenditure with some comments on the Canberra Hospital. The Canberra Hospital is the focus of so much of what constitutes the public contribution to health care in the ACT and is absolutely vital to the well-being of every Canberra citizen.

19 June 2001

Since self-government, if not before, there has been continuing debate about the level of resourcing devoted to the Canberra Hospital and, indeed, to public health in the ACT. There has been a quite vigorous debate, at least over the last 3½ years and almost certainly over the last six years, about an appropriate level of funding for the Canberra Hospital. The debate has centred around claims about the extent to which the Canberra Hospital is efficient—or inefficient, as it has usually been expressed—as measured against national benchmarks.

This issue has been at the heart of many of the problems that have beset the Canberra Hospital, of course, in terms of the resources that have been available and the government's decisions around the level of resourcing it is prepared to apply to the Canberra Hospital. That has impacted on the number of beds; the number of staff; the capacity of the hospital to provide timely service in relation to elective surgery; the constant pressure on accident and emergency; and the stress and strain the work force, in particular the nursing work force, has borne in recent times. Almost every thing that affects the Canberra Hospital—the extent to which it operates, is a desirable working environment and can provide well-focused, expert and timely patient care—is in response to the level of the hospital's funding.

In the last few years, I have been engaged in the debate about the appropriateness of the assumptions this government has made about the funding of the Canberra Hospital over the last five or six years and the extent to which the government's determination to see the Canberra Hospital as a clone of whatever it perceives as like hospitals in New South Wales has led to the winding down and winding back of service provision at the Canberra Hospital.

It is at the heart of the reason why the Liberals immediately broke the 1995 promise. The central plank of the Liberals 1995 election platform was that there would be 1,000 public hospital beds in the ACT by the year 2000. The year 2000 came and went, and we are down to 600 and something—just over half of what was promised.

The other major plank of the Liberals' election policy in that year was a 20 per cent reduction in elective surgery over the ensuing five years or so. The elective surgery waiting list is almost exactly what it was when they took government. There has barely been an impact, despite the enormous additional resources from the early sign-up to the Medicare arrangements.

But I digress. This side of the House insisted that we needed to look seriously at a whole range of factors that we felt must be having an impact on the Canberra Hospital in a way that other hospitals did not suffer. This was in relation to things such as the cross-border patients—the 25 per cent of patients that come from New South Wales, more often than not with an acute issue that needs to be managed. Acute issues are much more expensive to manage than others, and yet 25 per cent of patients at the hospital come from New South Wales, and the government has seemed disinclined to take any account of that.

We have known that the superannuation regime in the ACT is different to what applies everywhere else in Australia; yet the government was not prepared to factor that in, in its determination to impose this efficiency dividend ruthlessly. It did not take into account the superannuation cost or the fact that this is the major hospital in our city state and

a major teaching hospital with a significant penalty to be paid, in a way, by us for its so-called efficiency.

It did not take into account the fact that there is a unique mix of public and private patients at the Canberra Hospital, a unique mix which impacts quite dramatically on the hospital's capacity. We are down to around two per cent of people accessing the Canberra Hospital who utilise private health insurance, a statistic that no other hospital in Australia matches or comes anywhere near.

It does not take into account the fact that, with the co-location of the National Capital Private Hospital, a whole range of what are regarded as fee-paying, profitable patients—the workers compensation payment patients, the veterans patients and other insurance patients—all went to the National Capital Hospital or to John James. They were filtered out of the system, which left us with a hospital providing care almost exclusively to patients that are public patients. None of these things were taken into account until a couple of months ago, with the government realising it was making no headway. We had a hospital where morale was low to non-existent and the nursing work force were in almost open revolt at what was being expected of them and the pressures they were under.

This was despite recognition in the NATSEM report that there was a whole range of factors that required the hospital to be feed differently. Despite those things, we find as recently as two weeks ago wholesale absences from work as a result of stress-induced sick leave and a hospital buckling under the pressure of the demands that cannot and will not be met—despite the minister's admission that he was wrong in relation to the cost constraint. I have the *Canberra Times* article here.

Mr Moore: No, you're wrong about the stress. I don't mind saying you are entitled to say it. But get it right.

MR STANHOPE: I am talking about the hospital funds and the NATSEM report. The *Canberra Times* article I have is headed "Government wrong on hospital funds: Moore." It is about the government's admission that they had made a mistake, that they had been seeking a level of efficiency from the Canberra Hospital that was simply unrealistic and unreasonable and that Mr Moore, the minister, admitted that they had been wrong for the last five or six years.

The difficulty we now have is that the minister has gone out saying, "Mea culpa. We've been wrong for five or six years. We've got the NATSEM report, and we're now going to fix it." In his budget day press releases, he said, "We're going to fix it with an 11 per cent funding increase to the Canberra Hospital." I think the statements were deliberately designed to create an impression that the hospital was actually receiving 10½ per cent or 11 per cent funding over and above the funds that were provided to the hospital for the last financial year.

Of course, that is not the case. As the minister explained, that was really the fine print. It was 10.7 per cent since the last budget. But the hospital did not cope during the year, and it was topped up two or three times during the year to the point where the actual increase in funding in this budget for the Canberra Hospital over the anticipated end result for the year is something like 1 per cent. It is around 1 per cent, despite the fact that over that

19 June 2001

last year the increased throughput was around 7 per cent in costs for separations to the Canberra Hospital.

I wish to take my second 10 minutes, Mr Speaker.

MR SPEAKER: Proceed.

MR STANHOPE: The Canberra Hospital advised us that they performed at least an additional 2,000 procedures during the last year. They told us at estimates that the funding they were provided with in this budget for additional separations would result in the hospital being able to perform an additional 800 separations—at least 1,000 separations fewer than was provided for in the past year.

The government is anticipating a fall-off in demand for separations, procedures or patient care at the Canberra Hospital of over 50 per cent. We all know what will happen. It increased by 7 per cent last year. Why would the government anticipate that it was going to fall by 50 per cent in the coming year? And yet that is all the funding that has been provided.

We know it is illusory; we know the hospital simply will not manage on the funding that has been provided. The hospital has been asked to control demand to the point where it is expected to reduce its number of separations by over 1,000. I would be interested to know whether or not that requirement has been made of the Canberra Hospital. Has Ted Rayment been told to control demand to the point where he has been funded to perform—over 1,000 separations less than in the last year? If he has been instructed, by whom? If he has not been instructed to reduce throughput, if he has not been instructed to reduce the number of separations by more than half, how is he going to do them? Who is going to pay him? Where is the money coming from?

He has been provided with about 1 per cent of funds additional to what he will end up with at the end of the year as having been provided to the Canberra Hospital. He has told us that he can anticipate the same level of growth in the number of separations over this year as there were last year. That is a 7 per cent increase. And yet, as I said, he has got less than 50 per cent of the funds for elective surgery that he had last year.

Another issue that I regret we were not able to flesh out at estimates in relation to the Canberra Hospital's additional funding was the \$3 million of additional insurance premium for the Canberra Hospital. It remains a matter of grave concern to me that the Canberra Hospital, in order, one assumes, to cover anticipated suits or anticipated legal action—I do not know whether for events that have occurred or that it anticipates will occur—was allocated an additional \$3 million for its liability insurance premiums.

That is an awfully cheap insurance policy. Yet there was a real reluctance on the part of the minister or officials at estimates to explain why the Canberra Hospital is paying an additional—not \$3 million of extra insurance premiums—\$3 million over and above what it currently pays for its liability insurance. What a big jump in insurance premiums! And the question has to be asked: why? It is an issue that needs to be resolved; it is an issue that needs closer examination and analysis. What is going on at the Canberra Hospital that requires the payment of an additional \$3 million in insurance?

The other issue of major concern, which is difficult for us to discuss here today but which demands to be discussed, is the delivery of disability services in the ACT and of other services within the community sector. There are two inquiries in hand in relation to disability services: the Gallop inquiry and a coronial inquest, which I understand is proceeding.

The existence of these two inquiries certainly creates some difficulty in discussing the issues openly. But the point needs to be made that a major issue, shortcoming or failing in relation to the delivery of services to people with a disability has been revealed and disclosed to anybody who cares about it—in fact, to all of us, because nobody can have failed to notice the major deficiencies that are so apparent in service delivery.

The government has responded to that with a significant additional allocation in relation to disability services. I think that allocation has been made in anticipation of the outcomes of those two inquiries: namely, the Gallop inquiry into disability services and the coronial inquest. Despite the existence of those two inquiries, through the actions and failings of service delivery, some dreadful events have occurred.

There are a range of other issues over and above those, which concern us all in relation to the Canberra Hospital, not least this government's total incapacity to deal with the nursing work force at the Canberra Hospital. There is a complete breakdown in relations between the ANF and the minister.

If one looks at it objectively and dispassionately, the minister's complete lack of empathy with or capacity to negotiate, discuss or even be civil to officials of the ANF—and through the ANF, to be civil to and nurturing of the nursing work force—has been one of the features of his ministership. His total lack of rapport with or respect for one of the most, if not the most, significant parts of his work force has led to a total breakdown in relations.

I have said before, in comments I made in relation to the Chief Minister's Department, that one of the areas of major concern and interest to me in my time in this place has been the completely unacceptable state of indigenous health and the completely unacceptable level of government support for indigenous health initiatives. Indigenous people have by far the worst health circumstances of any identifiable group within the ACT. It is a matter of great and continuing shame that the national capital—this city, our home—harbours an indigenous population that suffers the same levels of disadvantage, despair, despondency and ill health as indigenous populations elsewhere in Australia.

If you were not aware of it, if was not drawn to your attention and if the facts were not patent, you would have trouble crediting that the life expectancy of indigenous people in this town is no better than it is anywhere else in Australia and that the health indicators for indigenous populations anywhere around Australia are the same as for the population here, a population that is vastly, tragically and shamefully overrepresented in relation to substance abuse.

The most worrying and distressing acknowledgment of this is that indigenous people constitute half of the cases of heroin overdose deaths in the ACT so far this year. I have been advised by some Aboriginal elders that as a result of the current price of heroin

19 June 2001

some of their young people have returned to or are resorting to petrol sniffing and are using all sorts of other substances as a result of their addiction.

There are a whole range of health problems being suffered by them. The government has responded to the estimates committee report in relation to the standing of Winnunga Nimmityjah and of that organisation's ability to continue in its current premises with its current level of funding. While I understand and acknowledge that there are Commonwealth-ACT issues that need to be dealt with, I do not believe it is acceptable for this community to wash its hands of any of its citizens and claim that it is a Commonwealth responsibility—they are our people; they are our neighbours; they are citizens of the ACT—and that the Commonwealth has an overarching, overriding responsibility that allows us to deflect our responsibilities on to them.

There are a range of other continuing issues, which I am sure my colleagues will comment on.

MR WOOD (9.15): When we talk about budgets these days we spend a great deal of time talking about outputs, and I want to talk about some of the outputs in housing and acknowledge that they are beyond the immediate control of the minister for housing.

Mr Moore: That's really part 10, isn't it?

MR WOOD: It is all right because it flows through, Mr Moore. It flows through from actions that precede your time as minister but that are certainly endorsed by government and supported by me, I might say. I want to express my disappointment at the design of the new Macpherson Court. I do not think that is what it is called; it is called "City Edge" or something, as I see much advertised on television. I only got to see it two or three weeks ago, and I was very disappointed.

One of the main problems we have in planning in this town and one of the causes of the adverse reaction that we get so often from the community is the strange quality of the design of the medium density units that go up. I acknowledge that this goes back to my time as minister and well beyond that. It has a long history in Canberra.

But the ACT government has decided, with some good reasons, that Community Housing Canberra will take on a deal of responsibility for housing and property, including Macpherson Court. It has been handed over to that body to become housing managers—to run a parallel service, if you like, to that of ACT Housing.

In the case of Macpherson Court, it seems to me that the opportunity has not been taken. It is like a lot of other medium density complexes in Canberra that simply do not meet the needs of the time. Architecturally, it could be described as "new brutalism". That is the description of it—a fairly solid-looking structure and severe, strong frontage. Someone has interjected: "Eastern European"; I would not say that. From day one it has made a larger footprint on the site than the construction it replaced.

My chief problem is that it is ideally situated. It has got a very long street frontage facing northwards. One would expect in this day and age, when we put a lot of emphasis on solar efficiency, some attention to be paid to the sun. But given the small windows and the small number of windows, that is simply not the case. There is also no balcony—not

even a minute one, as some places put in, where a resident could sit outside and enjoy the sun or on a summer evening enjoy the cool breeze. We have tried to convince our builders in this town to build solar efficient properties, and it simply has not happened on this occasion. It is a sadly missed opportunity.

The previous building would have been constructed in the 60s, and I have to say it was a better design. It was not anything great and it had many failings too, but in its new state I believe it would be better than this one now. It is particularly disturbing, as it has been presented to the ACT community, that this replacement, City Edge, seems to have been promoted as some sort of upmarket place to live in. It is certainly in a very good location—close to Civic in an inner suburb—but for the promotion it has received I think it is a sad disappointment. I am going to try to arrange with Community Housing Canberra to have a walk through it to see if there is any improvement, compared to the external visage, once one steps inside. But it has missed the opportunity to open itself up to the sun.

Not so long ago Mr Moore indicated that no more properties were being passed over to Canberra Community Housing pending the consideration of the review. Some properties might have gone because of the intense pressure for that because of promises that were made. Perhaps we will hear where that review is at when the minister responds.

Mr Moore and I have exchanged comments about waiting lists at various times across this chamber. He asserts, of course, that things are better than they might have been. I know there are pressures, I know there are people waiting and I do not expect that everybody will get instant gratification. I know that is simply not possible. But there are problems when a lady who has been told she is at the very top of the list for early allocation 1, three months later still has not got it. Now she is back in touch with the department and maybe something will work out. Part of that problem may have been insufficient communication between housing people and the applicant.

More serious problems are revealed on waiting lists when we look at people exiting SAAP accommodation. That is emergency accommodation, generally for people who have no home. Ideally, they should be able to move from only SAAP accommodation into a combination, which is usually a government house. But many of these people wait for three months or more. Many of them move from one SAAP accommodator to another, as they try to keep that roof over their head.

It makes it quite clear that there are remaining significant problems attached to those waiting lists, problems exacerbated by the tightness and the expense of housing in the private sector. I want to thank ACT Housing for some quick responses in more recent times. It being winter, I have had a couple of occasions to make approaches, through the minister's office, for maintenance work on heaters that are not functioning. I have to say that, in the instances I made that approach, they have been attended to instantly—as we would hope, given the weather we have had in the last few days.

My final point on housing matters is about the “collateral damage”—that is a good word these days, isn't it?—being done as the government moves tenants, as they should be doing, out of Burnie Court. I do not yet think that the ACT government is paying sufficient attention to the means of dealing with the number—relatively few, but still problematic—of very difficult tenants. Perhaps they are tenants who have mental health

19 June 2001

problems, or perhaps they are tenants who are just plain difficult. There are a variety of tenants.

They had tended to collect, because it was found convenient to do so, around Burnie Court. In the process of moving people out of Burnie Court problems are being created in other parts of Canberra. I know of a couple of quite large medium density complexes down in Tuggeranong, where a lot of people are living, that I have not had a complaint from over the years. In the last six months a number of complaints has risen because of the tenants who have come out of Burnie Court.

The people of Lyons are happy that Burnie Court is going to be changed. But some of them are not so happy, because quite a few of the tenants are moving into Lyons. I have had to approach ACT Housing in a couple of circumstances where particular difficulties have arisen there.

It is not enough just to locate someone in a different place. There are relatively few problems given the total number of housing tenants—about 11,000—but some of them can still create very difficult circumstances within their neighbourhood. I believe that ACT Housing should, as these people are moved around, take very great steps in counselling and support and marshal that support service to help these people adjust to their neighbourhoods. ACT Housing has that responsibility.

There is some money in the budget—I am very pleased to see it—to provide some means of intervention and to direct tenants to other services, although I am not sure whether it will fix or attend to all of these instances. I know that a number of new “housing managers”, for want of a better title at this stage, are about to be appointed. Let’s hope that that budget measure, which I appreciate, is able to do a great deal more to ease the circumstances within the community that I mentioned.

MS TUCKER (9.26): I will talk to Community Services first. I might respond first to Mr Humphries, who responded to some of the points I made earlier. He claimed I had no evidence for my concerns about growing inequity in our community and suggested I had made it up. I guess that was his implication. So I thought I might alert him to some of the more recent research in Australia. I am very surprised and concerned he is not aware of it. I have a lot of material on it, but I quote briefly from the study done by St Vincent de Paul, *The Unconscionable Gap Between Rich and Poor*:

Although not by deliberate design, Australian governments of all persuasions have in the past 20 years presided over substantial, persistent and unacceptable levels of inequality. In the past 10 years in particular globalisation has resulted in mass wealth creation. ABS data shows that between 1992 and 2000 Gross Domestic Product (GDP) grew by almost \$180 billion and Australia’s net worth grew by over \$830 billion. But there is no shortage of hard evidence that this wealth has been disproportionately spread, both in terms of those to whom it has accrued and its geographic concentration in specific and identifiable areas of our capital cities. Some examples:

While GDP has grown by leaps and bounds in the last 20 years, it is patently obvious to even the most casual observer that not everyone has benefited. While the top quintile of households in the 1990s enjoyed around 50% of Australia’s gross weekly incomes, the bottom 20% of Australians received less than 4%.

A comparison of data between 1993/4 and 1998/9 Household Expenditure Surveys by the ABS shows for example:

The approximate 2.2 million Australians in the lowest quintile of household incomes in the five year period received an average weekly increase of \$9—that is a 5% increase to \$160 per week.

In contrast, the top 20% of income earners over that same period received an average weekly increase of \$343—a 23.4% increase to \$1,996 per week.

The Brotherhood of St Laurence also has made detailed statements on poverty and inequity. The Brotherhood of St Laurence in one statement said:

... inequality and poverty in Australia must be urgently addressed, so that the growing divide between rich and poor can be halted. But to bridge the widening chasm between the haves and have nots requires vision and leadership.

They called on the federal government to support the major tenets of the NCAP petition, which were:

To bring pensions and benefits up to at least 25 percent of male total average weekly earnings as is the case for single pension,

Establish a Royal Commission into poverty in Australia, with the aim of developing measures to determine an adequate standard of living for all people and to make recommendations as to how poverty in Australia can be eradicated.

There is another report entitled *Two Australias: addressing inequality and poverty*, again by St Vincent de Paul. The society expressed its concern about the growing rift between poor and the rich, a claim that the Prime Minister, Mr John Howard, disputed. They said:

[The gap is so wide that] unless action is locked in now to gradually reduce it, the emergence of two nations with conflicting aspirations and cultures will proceed.

Left alone, the future costs and difficulties in closing the gap may be too big to be resolved by moderate or generally accepted means.

In a later media release countering the argument that the gap was not growing, the society quoted ABS documents showing the gap between the mean weekly incomes of the bottom 20 per cent of Australians and the top 20 per cent. I think they are the ones I just read out.

So there is certainly evidence and concern in our community and society across Australia that we have growing inequity in our community. Even if you want to argue that it is not growing, which maybe Mr Humphries wants to do if he has other statistics, we know that there is inequity, and it needs to be addressed. Even if it is not growing, governments should be extremely worried about the costs of it. I have already dealt with that.

I want to make a few comments on health. I note that the government has changed its position on the Canberra Hospital, acknowledging the real needs and abandoning the efficiency dividend. That is a good thing. The problem that remains is the inheritance of

19 June 2001

several years under de facto competition principles which have undermined the capacity of the hospital to deliver the service we require. This has done some damage to the hope of a positive partnership between government and the work force. A lot of work needs to be done on that issue.

The question of disabilities has been touched on. I am still concerned that that area is not receiving adequate attention from the government in quality control or adequate funding.

I have to mention mental health. I did an inquiry into mental health services in the last Assembly. The complaints I have been getting over the last six months about mental health services make me feel that very little has been achieved since that inquiry was carried out.

I am still consistently getting complaints about service quality in the psych unit and in other mental health service areas. The psych unit complaints are about the quality of care, lack of systems, lack of communication with carers and lack of communication with agencies that patients are being referred to. There seems to be no real coordination of what information is communicated to agencies that patients are discharged to, with quite serious consequences on occasions.

There are concerns about the lack of supervision within the psych unit. There have been allegations of assaults within the unit, and there is concern in the consumer community about what is going on there. There is concern about the Macquarie Hotel being used in an inappropriate way as almost a second unit.

There are still complaints about the CAT team. I am still getting complaints about the time it takes for the CAT team to respond, not only to answer the phone but to go to crises. I have received allegations that the CAT team say they cannot attend a crisis due to understaffing.

There are concerns that there are not enough consumer consultants. There are problems with borderline personality patients. The services are not able to deal with those people.

There have been complaints over the last six months about the forced closure of the Hennessy House unit. I have raised that in this Assembly before. The way that was managed upset a lot of people who were involved. Obviously, there is a lot more work to be done in mental health. I am not sure that it is just about funding. I think it is also about procedures and how we ensure national standards are met. The area of disabilities is one that has to be raised if it is not being properly supported. These are very vulnerable people in our community.

I am sorry that I have to say this again but I do, because as a local member in this parliament I am getting consistent feedback. I cannot accept that it is still going on in the way it is. A strong position has to be taken on mental health by whoever is in government after October. I will certainly continue to raise it and make it as big an issue as I can.

MR BERRY (9.35): I want to go to the report of the Select Committee on Estimates, which is being described by the government as a new low in relations in this Assembly.

Mr Quinlan: Stop saying that. I will be hurt.

MR BERRY: You should wear the badge with honour. You know you have hit the spot when they start to bleed a bit. That has been my experience.

I refer specifically to page 26 and nurses. The committee received evidence about the difficulties being experienced in reaching an enterprise bargaining agreement with the nurses at the Canberra Hospital. They talked about a fundamental breakdown in the negotiations and in relationships between the nurses and the government. The committee mentioned that the executive team was trying to sort out a resolution to the impasse. It made an important point which I think is worth labouring for some time:

... it seems that little goodwill remains between the nurses and the Minister. The committee is concerned that nurses should receive wage justice and suitable working conditions and that any protracted dispute could endanger patient care.

The push and shove of industrial relations will always be the case where there is a contest of ideas about wages and working conditions. As a former health minister, I can say that I have had some experience in that respect myself. But since then quite a lot has changed. The federal laws which apply in the ACT have been described as the most repressive industrial laws since federation. There has even been criticism about them not being in compliance with our international obligations about collective bargaining, the right to strike and so on. In my view, the balance has been shifted too far to the employer side in the ideological war on the trade union movement.

The federal government is also trying to attack the capacity of the trade union movement in its involvement in the Australian Labor Party. It cannot even keep its nose out of that. I do not know how the government would feel if Labor tried to pass changes to the Corporations Law which prohibited corporations from having anything to do with the Liberal Party. That would be an interesting debate.

Let me go back to the industrial dispute issue. I think the minister was incompetent in this industrial dispute. With no real need, he set about aggravating the nurses to the point where the quality of services in Canberra Hospital must have been adversely affected. There is no way that they could not have been.

There was a personal attack on the leader of the nurses union, Ms Duff, and erroneous claims about the union's hidden agenda. There was some suggestion that a member of the union was running a politician. Another agenda was dug up by the minister about Ms Duff's ambitions in the Trades and Labour Council. He even criticised Ms Duff because of her presidency of the council. It turned out that the minister had to apologise for that. He used as an excuse the apparent appearance on the Trades and Labour Council's website of Ms Duff as the union president.

You would have thought that at some point along the way the minister might have had some sort of intellectual interface between himself and the head of the nurses union about the troubles they were experiencing. You would think the minister would have

19 June 2001

made it his business to discover what position the leader of the nurses union took. Instead, he just criticised her and had to apologise later on.

I later heard the minister accusing nurses of being undemocratic—it was quite crafty media management but phoney—because they would not have a ballot. He was being completely disingenuous, because the nurses were bound by the enterprise bargaining arrangements they had reached agreement on with the government as provided for under the Workplace Relations Act. The minister knew that. The only way the minister could get the nurses union to agree to a change was to get the union itself, within its own democratic processes, to agree to a change. But the nurses would not have a bar of it.

Then the old ploy came out. We have seen it all happen before. The minister tried to engage a few nurses who were unhappy about the industrial situation and tried to create a split within the organisation. It was the old Houlihan try-on of the H R Nicholls Society. In an industrial dispute you try to drive a wedge into the work force and pick them off.

This comes from an Independent member of this Assembly. He has picked up the worst habits of the Right, of the conservatives, on industrial relations. It came so easy to him. It sounded as if he was born to the philosophical positions of the extreme Right. It is the sort of stuff we have heard from the H R Nicholls Society from time to time. The minister was not satisfied with the tough industrial relations act that workers in the ACT hospital system have to work under. He wanted to make it even tougher for them.

We passed a motion in this place requiring the minister to enter into negotiations with the union on an even footing. But he did not want to do that, because the union would then have been able to pursue its claim within the meaning of the act, the most repressive act since federation. That was too much for the minister to contemplate.

He could not contemplate a set of in-good-faith bargaining arrangements with the nurses union. That was not something he could get his ideological head around, because that meant the nurses would have been able to contest the minister's ideas, with the assistance of an independent conciliator, the Industrial Relations Commission, and with extreme provocation they would have been able to take industrial action.

On the other hand, the government could have taken industrial action against the nurses in a protracted industrial action situation. The minister did not want to enter into that situation, so he started to howl protest, claiming that we only wanted to pass that motion so the nurses could go on strike. That would have been a first. It was an extraordinary turn of events. The end result is that patients get less than the best hospital care because of the impact on morale in the hospital system. That has been seen to be the case. Nurses have missed out on a pay rise. We do not have enough nurses, because they do not get paid enough. But there are ways and means to secure a pay increase. That does not mean that you demand it without any flexibility.

MR DEPUTY SPEAKER: The member's time has expired. Do you care to take your second 10 minutes, Mr Berry?

MR BERRY: Do I have to use all of it?

Mr Moore: Use as much as you like. You can waste as much as you like.

MR BERRY: Mr Moore interjects, "You can waste as much as you like." It is not a waste while ever I point to the hypocrisy of Mr Moore. Historians in the future will read about this and they will wonder how he ever got away with it. I guess he got away with it only because there are others in this place who seek to protect him. This industrial dispute was potentially one of the most damaging I have seen for nurses.

Mr Moore had some disputation with the Australian Medical Association in relation to the hospital. Doctors are not covered by the Workplace Relations Act, and it is quite a different kettle of fish to negotiate with doctors. I would not be as critical of the minister in relation to that. I know from my own experience that they are difficult cattle and you have to use different industrial arrangements to deal with them.

But the nurses are covered by the Workplace Relations Act, and they should get as fair a shake as they can from any minister dealing with them. I guarantee that if I have anything to do with nurses at Canberra Hospital after the next election, it will be like a breath of fresh air to them.

The next thing I found most striking was the government's response to the comment in the Estimates Committee report. There was not one mention of the nurses, as far as I can make out. That explains the attitude of the government to the nurses. There has been an enormous breakdown, and no wonder. Witness the occurrence of recent times when a number of nurses who worked in Accident and Emergency took sick leave. They are the ones who have to deal with the government's failure to provide the extra beds it said it would provide some years ago when it said there would be 1,000 beds by the year 2000. They are having difficulty with dealing with their operations in Accident and Emergency. It all caught up with them, and a number took sick leave, coincidentally.

The immediate reaction from the government was that it was a wildcat strike. This is Michael Moore in action. It turned out that it was not a wildcat strike. Management at the hospital tried to sort the matter out, and even management at the hospital conflicted with the minister's view. I do not know whether he has apologised for that. He possibly has been forced to. The fact of the matter is that this minister has got more things wrong than right when it comes to dealing with his staff.

I suspect that when the minister rises he will try to reflect harshly on the period when I was health minister. I will not go to the trouble of listing my achievements yet, but if the minister wants to look at the record, I would like to see him match the achievements listed on the public record for the period when I was minister. I think he ought to be even-handed when he tries to point the bone at other people.

The issue of nursing in our hospitals is a serious one, and it is one that later governments will have to deal with long after Mr Moore is looking for a job somewhere else. This is an issue that I think will be left for later. I repeat here and now that if I have anything to do with it it will be like a breath of fresh air for the nurses.

MR MOORE (Minister for Health, Housing and Community Services) (9.51): I thank members for their participation in the debate and for the comments they made. It was disappointing that Mr Stanhope made a series of assertions that were not based on

19 June 2001

anything. He said that the government did not do this, did not do that, did not do the other. Many of the things he said I did not do I did. Most of the things he said I had not taken into account we did take into account.

But in many ways we have had our hands tied in dealing with the hospital. All the evidence in the first couple of years I was minister was that the hospital was inefficient. I agreed with the board that a report ought to be commissioned. The board checked with me on how I felt about that. I said I thought it was a worthwhile exercise. The NATSEM report indicated to us that we ought to take a different approach. We have done that. We have removed the efficiency dividend.

When Mr Quinlan or Mr Stanhope say that hospital funding has increased by only 1 per cent, it is worth remembering a couple of factors. We have removed the efficiency dividend. The logical comparison to make is between the last budget and this budget. It is stupid to do a comparison with a year we have not even finished yet. We budgeted a certain amount. We got the cross-border funding. We use that in an effective way to make sure that we deliver better health care in our hospital and better health care right across our community. A couple of million dollars extra went into disability services. Comparing against an anticipated result, as Mr Quinlan does, is quite silly.

We have had an opportunity this budget and over the last couple of years that we could never possibly have had had we still had the \$344 million operating loss the Labor Party left us. They can continue with the notion of missed opportunity if they like. That is the best they can think of. There were some missed opportunities in this budget. There were missed political opportunities. There is no question about that.

We sat down with four themes and worked through them. We knew that when we dealt with early intervention, poverty and innovation it would not deliver short-term political outcomes. So there were missed political opportunities. When you talk about early intervention, you are not talking about something you can deliver politically right now. It is by its very nature a long-term process. Whilst tackling poverty might be useful for some of my constituency, that constituency is not the standard constituency of the Liberal Party or a Liberal government. So there were missed opportunities in that sense. I think that is a reasonable statement.

But then followed a series of nonsensical statements by Mr Stanhope, later reiterated by Mr Berry, about a total breakdown with the nurses and a total lack of goodwill. I remind Mr Berry that on Sunday, while I was pushing the Canberra Hospital bed around the lake in the Terry Fox Fun Run and almost dying in the process, Mr Berry ran past me going at 100 mile an hour, as he does when he is running. He was not running with nurses. I am not quite sure what was happening. Maybe they remembered what he was like to deal with when he was the minister for health. To suggest that there was a total breakdown is simply nonsense.

I did admit in this house that I had been wrong in my reference to a wildcat strike by the nurses. It appeared that way at the time, but when I realised that I was wrong and I realised the stress that applied to nurses in the emergency area, I said I was wrong. That is not something we see ministers or any members do regularly in this place, and it is certainly not something I relish. There is no doubt that the pressure on the emergency

area of the hospital has been a major concern, and the hospital has been addressing it and I have been monitoring how they have been addressing it.

Ms Tucker raised a series of issues I am interested in, and we will see what is causing the concerns about almost every aspect of mental health. One would get the impression that this community, this city, is in dire straits with its health and its health outcomes. That is not the view of the World Health Organisation. The World Health Organisation says that this is a healthy city. From private conversation with members of the World Health Organisation and from the healthy cities program, I know they rate this as one of the healthiest cities in the world. They are singularly impressed.

You, Mr Deputy Speaker, raised the issue of City Edge. I understand you do not like the architecture there. Architecture is not something ministers tend to interfere with. You also asked about handing over houses to community housing. That has not yet been resolved. We are still trying to find a sensible resolution that is acceptable to the Auditor-General, who we know that members of the opposition think is perfect on everything other than when he happens to disagree with them about the \$344 million operating loss they left us to deal with.

Mr Berry talked about oppressive industrial relations and unions. Under those oppressive industrial relations he refers to, the nurses union was able to prevent nurses going to a vote on an offer we had made to them. Now our Calvary nurses are the best paid nurses in Australia, and for the foreseeable future will remain such, and unfortunately—I find it disappointing—that is not true of Canberra Hospital nurses. I have been doing everything I can to try to improve the situation for nurses in the work force. That is why I made the offer. That is why the government supported me in doing so. Unfortunately, that was not accepted.

The reality is that we have put significant extra funding into health over the last three years. If a comparison between last month and this month suits Mr Quinlan's accounting procedures, that is good. Doing it over the last three years would resolve the sorts of issues Mr Quinlan is talking about. Have a look at just how much extra money we have put not only into health but also into disabilities. There has been a constant increase in money going to both of those areas, but we are seeking to deliver better and better services in each of those areas. They are the main issues we ought to deal with.

MR QUINLAN (9.59): I want to make a couple of points in response. I heard Mr Moore apologise for his errors, but I doubt very much whether there will be a change in style. The speech we heard tonight was replete with the first person "me" and "I"—"I did this", "I did that", "me", "me", "I".

In relation to hospital funding, he came up with a ridiculous notion. He said, "Do not make a comparison with an anticipated result, the one we are told by Treasury will be the likely outcome. Make it with a budget figure that we know absolutely is not representative of the current situation." That strikes me as plain dumb. Now that claims of a 10 per cent increase in funding in the hospital have been discredited, we are moving to three years. In that lies the concession that Mr Moore was making a spurious comparison in the first place.

19 June 2001

On our criticism of the scattergun approach to the government's so-called initiatives, let me quote not what I said but what the Health Care Consumers Association said:

Many of the initiatives, while worthwhile in themselves, do not appear to add up to a coherent, integrated approach to healthcare service delivery reflecting consumer and community priorities. The budget seems to allocate support in an ad hoc way to a series of piecemeal projects which don't appear to hang together as balanced, integrated programs.

They are not my words but the words of the Health Care Consumers Association. Thereby hangs the tale.

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

Adjournment

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

That the Assembly do now adjourn.

Assembly adjourned at 10.01 pm

Schedules of amendments

Schedule 1

DRUGS OF DEPENDENCE AMENDMENT BILL 2001

Amendments circulated by Minister for Health, Housing and Community Services

1

Clause 3

Proposed new note

Page 2, line 16—

Insert the following new note:

Note The *Drugs of Dependence Act 1989* is amended in the body of this Act and in sch 1.

2

Proposed new clauses 3A to 3G

Page 2, line 16—

After clause 3, insert the following new clauses:

3A Interpretation

Section 3 (1), new definitions of opioid dependency treatment centre and reconciliation amount

insert

opioid dependency treatment centre means a treatment centre or other facility where treatment, including the supply and administration of methadone or buprenorphine, is provided to drug dependent persons for their drug dependency—

- (a) if the facility is—
 - (i) conducted by the Territory; or
 - (ii) approved under part 9, division 4, as a treatment centre of that type; and
- (b) whether or not the main purpose of the facility is to provide treatment for drug dependent persons.

reconciliation amount means—

- (a) for a dose of methadone—the quantity of methadone allowed for wastage in preparing the dose; and
- (b) for a dose of buprenorphine—the quantity of buprenorphine allowed for wastage in preparing the dose.

3B Section 3 (1), definition of treatment, paragraph (b)

substitute

19 June 2001

- (b) in relation to the treatment of a person with methadone or buprenorphine at an opioid dependency treatment centre—
 - (i) the administration of methadone or buprenorphine to the person at the centre; or
 - (ii) the supply of methadone or buprenorphine to the person at the centre for self-administration at the centre or elsewhere.

3C Ward registers
New section 101 (1) (aa)

after paragraph (a), insert

- (aa) in relation to buprenorphine administered at an opioid dependency treatment centre for the purpose of treating drug dependency—a ward buprenorphine register in accordance with the appropriate form approved under section 205 (Approved forms) for this paragraph; or

3D Section 101 (1)

renumber paragraphs when Act next republished under Legislation Act 2001

3E New section 102B

insert

102B Entries in ward buprenorphine registers

- (1) A person who administers buprenorphine during a shift at an opioid dependency treatment centre for the purpose of treating drug dependency must enter in the ward buprenorphine register—
 - (a) at the beginning of the shift—
 - (i) the name of the centre and its location; and
 - (ii) the strength and form in which the buprenorphine is to be administered; and
 - (iii) the amount of buprenorphine removed from the dispensary or other place where the buprenorphine is stored; and
 - (b) immediately after each dose of buprenorphine is administered—
 - (i) the date and time of administration; and
 - (ii) the name of the patient to whom the buprenorphine was administered; and
 - (iii) the quantity of buprenorphine administered; and
 - (iv) the name of the person who administered the buprenorphine; and
 - (v) the name of the person who witnessed under section 84 (Administration—witnesses) the administration; and
 - (vi) the name of the medical practitioner who prescribed the buprenorphine; and
 - (c) at the end of the shift—
 - (i) the reconciliation amount for each dose; and
 - (ii) the quantity of buprenorphine returned to the dispensary or other place where the buprenorphine is stored.

(2) The person who administered the buprenorphine during the shift must, at the end of the shift, sign the ward buprenorphine register.

(3) The person who witnessed that administration must, at the end of the shift, countersign the ward buprenorphine register.

3F Sale or supply
Section 164 (4) (bb)

insert

(bb) for buprenorphine supplied to a person at an opioid dependency treatment centre conducted by the Territory or a Territory authority—a nurse who supplies the buprenorphine in the course of his or her professional practice or employment for the treatment of the person's drug dependence; or

3G Section 164 (4)

renumber paragraphs when Act next republished under Legislation Act 2001

3

Clause 14
Proposed new section 208
Page 10, line 22—

After proposed new section 207, insert the following sections:

208 Transitional provisions about approved forms

This section applies only if this section commences before the date of commencement of the *Legislation Act 2001*, section 18 (the **Legislation Act commencement date**).

This Act is modified by renumbering section 205 (Completion of forms in Schedules) as section 205A.

This Act is further modified by inserting after section 204 the following section:

205 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.

(4) The modifications mentioned in subsections (2) and (3) cease to apply on the Legislation Act commencement date.

(5) This section expires on the later of—

- (a) the Legislation Act commencement date; and
- (b) the date of commencement of this section.

209 Transitional provisions about reconciliation amount

(1) Section 3 (1) is amended by omitting the definition of **reconciliation amount** inserted by the *Legislation (Consequential Amendments) Act 2001*, schedule 1, part 113 (**part 113**).

(2) This section commences—

- (a) immediately after the commencement of part 113; or
- (b) if the *Drugs of Dependence Amendment Act 2001*, section 14, commences after the commencement of part 113—on the date of commencement of that section.

(3) This section expires on the day after it commences.

4

Proposed new schedule 1

Page 10, line 22—

After clause 14, insert the following new schedule:

Schedule 1 Minor amendments

(see s 3)

[1.1] Section 3 (1), definition of methadone program treatment centre

omit

[1.2] Section 3 (1), definition of ward

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.3] Section 3 (3)

before

cannabis

insert

buprenorphine,

[1.4] Section 58 (1) (a)

after

methadone

insert

or buprenorphine

[1.5] Section 59, heading

substitute

59 Methadone or buprenorphine

[1.6] Section 59

omit

methadone for

substitute

methadone or buprenorphine for

[1.7] Section 59 (a)

after

methadone

insert

or buprenorphine

[1.8] Section 59 (b)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

19 June 2001

[1.9] Section 78 (2) (e)

omit

a methadone program treatment centre, not being

substitute

an opioid dependency treatment centre, other than

[1.10] Section 80 (1) (e)

substitute

(e) if the drug is methadone or buprenorphine—a nurse employed at an opioid dependency treatment centre conducted by the Territory or a Territory authority.

[1.11] Section 84 (1), definition of institution

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.12] Section 95, definitions of prescribed person, paragraph (e), and ward

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.13] Section 101 (1) (a)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.14] Section 101 (2)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.15] Section 108

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.16] Section 114 (1) (c) and (2) (b)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.17] Section 117 (1) and (3) (a)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.18] Section 149 (2) (b) (viii)

after

methadone

insert

or buprenorphine

19 June 2001

[1.19] Section 151 (a)

after

methadone

insert

or buprenorphine

[1.20] Section 164 (4) (ba)

omit

a methadone program treatment centre

substitute

an opioid dependency treatment centre

[1.21] Section 164 (4)

renumber paragraphs when Act next republished under Legislation Act 2001

[1.22] Section 170 (3) (f)

substitute

(f) a pharmacist who administers methadone or buprenorphine, in accordance with a doctor's prescription, to a drug dependent person for the treatment of the person's drug dependency at an opioid dependency treatment centre approved under section 150 (1).

Schedule 2

RACE AND SPORTS BOOKMAKING BILL 2001

Amendments circulated by Treasurer

1

Clause 5

Proposed new subclause (3)

Page 4, line 13—

At the end of the clause, add the following new subclause:

(3) For subsection (1), a sports bookmaker does not engage in race bookmaking only because the bookmaker receives or negotiates bets on races that are sports betting events.

2

Clause 19

Proposed new subclause (3)

Page 13, line 19—

At the end of the clause, add the following new subclause:

(3) For subsection (1), a race bookmaker does not engage in sports bookmaking only because the bookmaker receives or negotiates bets on, or in relation to, sports betting events that are races.

3

Clause 57

Subclause (3), note

Page 39, line 31—

At the end of the note, add 'whose interests are affected by the decision (see s 83)'.

4

Clause 58

Subclause (3), note

Page 40, line 17—

At the end of the note, add 'whose interests are affected by the decision (see s 83)'.

19 June 2001

5

Clause 58

Proposed new subclause (4)

Page 40, line 17—

At the end of the clause, add the following new subclause:

(4) The notice must also include a statement to the effect that the backer may make written representations to the commission about the betting dispute within 14 days or any longer period allowed by the commission.

6

Clause 59

Subclause (3)

Page 40, line 31—

Omit 'or any longer period or any longer period', substitute 'or any longer period'.

7

Clause 59

Proposed new subclauses (4), (5) and (6)

Page 40, line 33—

At the end of the clause, add the following new subclauses:

(4) The notice must also include a statement to the effect that the bookmaker or bookmaker's agent may make written representations to the commission about the betting dispute within 14 days or any longer period allowed by the commission.

(5) The person to whom the notice is given must give the information stated in the notice to the commission within 14 days or any longer period allowed by the commission.

(6) If the notice is given to the bookmaker's agent and a copy of it is given to the bookmaker, the bookmaker must ensure that the information stated in the notice is given to the commission (by the agent or the bookmaker) within 14 days or any longer period allowed by the commission.

8

Clause 60

Proposed new subclause (1A)

Page 41, line 9—

After subclause (1), insert the following new subclause:

(1A) However, the commission must not give the direction until it has taken into account any representations made in accordance with the statement mentioned in section 58 (4) or 59 (4).

9

Clause 64**Subclause (3) (b)****Page 44, line 17—**

Omit paragraph (b), substitute the following paragraph:

- (b) a bet is taken to be completed—
 - (i) for a bet, other than a telephone bet, with a race bookmaker—when the bookmaker issues a numbered betting ticket for the bet; or
 - (ii) for a telephone bet with a race bookmaker—when the bet is confirmed in accordance with rules approved under section 76 (1) (Rules about telephone betting); or
 - (iii) for a bet with a sports bookmaker—when the bet is confirmed in accordance with directions given under section 22 (Directions for operation of sports bookmaking venues) or the rules for sports bookmaking.

10

Clause 68**Page 48, line 9—**

Omit the clause, substitute the following clause:

68 Mandatory cancellation of licence

- (1) Following an inquiry in relation to a licensee, the commission must cancel each licence held by the licensee if the commission is satisfied on reasonable grounds that at least 1 criterion that, under this section, applies to the licensee has been established in relation to the licensee.

Note 1 Despite this subsection, the commission has a discretion, in certain circumstances, to impose another penalty (see s (7)).

Note 2 Under s 82 and s 84, a decision under this section to cancel a licence may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

- (2) If the licensee holds a race bookmaking licence or a race bookmaker's agent licence, the following criteria apply to the licensee:
 - (a) the licensee does not meet the suitability requirements;
 - (b) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid;
 - (c) the licensee has committed a prohibited act.
- (3) For subsection (2), a **prohibited act** is any of the following:
 - (a) engaging in race bookmaking—
 - (i) for a race bookmaker—contrary to section 73 (1) or (3) (Restrictions on race bookmakers and sports bookmakers); or
 - (ii) for a race bookmaker's agent—contrary to section 73 (2) or (3);
 - (b) accepting a bet by telephone contrary to section 75 (Telephone betting by race bookmaker or race bookmaker's agent);

- (c) contravening, without reasonable excuse, the rules about telephone betting approved under section 76 (1) (Rules about telephone betting);
- (d) interfering, without reasonable excuse, with equipment prescribed under the regulations for section 75 (b), unless the licensee satisfies the commission that the licensee—
 - (i) did not know, and had no reason to believe, that the equipment was prescribed equipment; or
 - (ii) acted under an authorisation under section 87 (Maintenance of prescribed equipment).

(4) If the licensee holds a sports bookmaking licence, the following criteria apply to the licensee:

(i) for an individual—

- (A) the licensee does not meet the suitability requirements; or
- (B) the licensee has engaged in a prohibited act; or
- (C) the licensee holds another sports bookmaking licence; or
- (D) the licensee is a member of a syndicate that holds a sports bookmaking licence;

(ii) for a syndicate—

- (A) the syndicate does not consist of at least 2, and not more than 4, members; or
- (B) any member of the syndicate does not meet the suitability requirements; or
- (C) any member of the syndicate holds another sports bookmaking licence; or
- (D) any member of the syndicate is a member of another syndicate that holds a sports bookmaking licence; or
- (E) the syndicate, or any member of the syndicate, has engaged in a prohibited act;

(iii) for a corporation—

- (A) the corporation, any director of the corporation, or any influential shareholder of the corporation, does not meet the suitability requirements; or
 - (B) the corporation, or any director of the corporation, has engaged in a prohibited act; or
 - (C) any director of the corporation is not an individual or holds a sports bookmaking licence;
- (d) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid.

Note For **prohibited act** for this subsection, see s (6).

(5) If the licensee holds a sports bookmaker's agent licence, the following criteria apply to the licensee:

- (a) the licensee does not meet the suitability requirements;
- (b) the licensee has not paid a fee payable under this Act in relation to the licence within the period it is required to be paid;
- (c) the licensee has committed a prohibited act.

(6) For subsections (4) and (5), a **prohibited act** is any of the following:

- (a) engaging in sports bookmaking at a place other than a sports bookmaking venue;
- (b) contravening a direction given under section 22 (1) (Directions for operation of sports bookmaking venues) to the licensee;
- (c) contravening the rules for sports bookmaking.

(7) Despite subsection (1), the commission may, instead of cancelling the licence, take other disciplinary action under section 69 (Discretionary penalties), if the commission considers that, in the circumstances (for example, the minor nature of the ground for cancellation)—

- (a) the public interest does not require cancellation of the licence; and
- (b) cancellation of the licence would be an excessively severe penalty.

Note Under s 82 and s 84, a decision under this subsection to take disciplinary action under s 69 may, on application, be reconsidered by the commission and, if the decision is upheld, reviewed by the AAT. Notice of the decision, and the right to apply for reconsideration, must be given to anyone whose interests are affected by the decision (see s 83).

11

Clause 92

Subclause (1)

Page 69, line 31—

Omit ‘a person’, substitute ‘a relevant person’.

12

Clause 92

Subclause (1) (b)

Page 70, line 1—

Omit ‘has’, substitute ‘for an individual—has’.

13

Clause 92

Subclause (1) (d)

Page 70, line 6—

Omit ‘this Act or a corresponding law’, substitute ‘a gaming law or against a corresponding law prescribed under the regulations’

14

Clause 92

Subclause (1) (f)

Page 70, line 10—

Omit paragraph (f), substitute the following paragraph:

(f) has not been convicted or found guilty (in Australia or a foreign country) of an offence punishable by death or imprisonment, other than an offence that does not, having regard to all relevant circumstances (including, for example, the nature of the offence and how long ago the offence was committed), establish reasonable grounds for believing that the person is now of unsound character; and

15

Clause 93

Page 71, line 25

Omit the clause, substitute the following clause:

93 Meaning of nominated person

For this Act, the **nominated person**, for a race bookmaker’s agent licence or a sports bookmaker’s agent licence, is the individual nominated in the application for the licence.

19 June 2001

16

Proposed new clauses 93A and 93B

Page 71, line 30—

After clause 93, insert the following new clauses:

93A Selfincrimination etc

(1) A person is not excused from providing information or producing a document when required to do so under this Act on the ground that the information or document may tend to incriminate the person.

(2) However—

(a) the information or production of the document; or

(b) any other information, document or thing obtained as a direct or indirect consequence of providing the information or producing the document;
is not admissible in evidence against the person in a criminal proceeding.

(3) Subsection (2) does not apply to a proceeding for—

(a) any offence in relation to the false or misleading nature of the information or document; or

(b) an offence against the Crimes Act 1900, part 8 (Aiding and abetting, accessories, attempts, incitement and conspiracy) that relates to an offence mentioned in paragraph (a).

93B Legal professional privilege

In response to a requirement under this Act, a person does not have to—

(a) make available information or a document; or

(b) answer a question;

if the person is entitled to claim, and does claim, legal professional privilege in relation to the requirement.

17

Dictionary

Definition of corporation

Page 90, line 23—

Omit 'Law', substitute 'Act'.

18

Dictionary

Definition of influential shareholder, paragraph (a)

Page 91, line 4—

Omit 'owns (legally or beneficially)', substitute 'solely or with others, owns or has a beneficial interest in'

19

Dictionary

Definition of influential shareholder, paragraph (c)

Page 91, line 13—

Omit 'owns (legally or beneficially)', substitute 'solely or with others, owns or has a beneficial interest in'

20

Dictionary

Definition of proprietary company

Page 92, line 15—

Omit 'Law', substitute 'Act'.

21

Dictionary

Definition of sports bet

Page 93, line 9—

Omit 'on any event or contingency relating to', substitute 'on, or in relation to,'.

22

Dictionary

Definition of voting share

Page 93, line 24—

Omit 'Law', substitute 'Act'.

19 June 2001

Schedule 3

RACE AND SPORTS BOOKMAKING BILL 2001

Amendments circulated by Mr Kaine

Clause 30

Add “the period should generally be 15 years, except where the applicant has specified a shorter period, or the Commission is of the opinion that a shorter period should apply”.

Clause 82

Delete subclause (5).

Schedule 4

FINANCIAL MANAGEMENT AMENDMENT BILL 2001

Amendments circulated by Mr Quinlan

1

**Clause 5,
Section 26,
Subsection (1),
Page 2, line 20**

omit

“Within 45 days”

substitute

“Within 30 days”

2

**Clause 5,
Section 26,
Subsection (1),
Page 2, line 20**

omit

“October, February”

substitute

“September, December, March”

3

**Clause 5
Section 26,
Subsection (1)
Paragraph (a)
Page 2, line 23**

omit

“4 months”

substitute

“3 months”

19 June 2001

4
Clause 5
Section 26,
Subsection (1)
Paragraph (a)
Page 2, line 24

omit
“4 month”

substitute
“3 month”

5
Clause 5
Section 26,
Subsection (1)
Paragraph (b)
Page 2, line 25

omit
“4 month”

substitute
“3 month”

6
Clause 5
Section 26,
Subsection (1)
Paragraph (c)
Page 3, line 2

omit
“4 month”

substitute
“3 month”

7
Clause 5
Section 26,
Subsection (1)
Paragraph (d)
Page 3, line 5

omit
“4 month”

substitute
“3 month”

8
Clause 5
Section 26,
Subsection (1)
Paragraph (f)
Page 3, line 9

omit
“4 month”

substitute
“3 month”

9
Clause 5
Section 26,
Subsection (1)
Paragraph (g)
Page 3, line 12

omit
“4 month”

substitute
“3 month”

10
Clause 5
Section 26,
Subsection (1)
Paragraph (h)
Page 3, line 15

omit
“4 month”

substitute
“3 month”

11
Clause 5
Section 26,
Subsection (1)
Paragraph (i)
Page 3, line 17

omit
“4 month”

substitute
“3 month”

19 June 2001

12
Clause 5,
Section 26,
Subsection (3),
Page 3, line 22

omit
“within 45 days”

substitute
“within 30 days”

13
Clause 5,
Section 26,
Subsection (3),
Page 3, line 22

omit
“October, February”

substitute
“September, December, March”

14
Clause 5,
Section 26,
Subsection (3),
Page 3, line 25

omit
“within 45 days”

substitute
“within 30 days”