



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 June 2001

Thursday, 21 June 2001

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Petition School bus funding

The following petition was lodged for presentation, by Mrs Burke, from 64 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:

The introduction of a \$27.4m school bus service is of no educational benefit to ACT students.

The funding of this expensive bus scheme will remain an ongoing and increasing economic burden to the people of the ACT.

The \$27.4m cost of the scheme would be far better utilised to improve the quality of educational delivery within the ACT.

Students who need the most assistance to achieve better educational outcomes will receive the least benefit from the bus scheme.

Your petitioners therefore request the Assembly to support education in the ACT by redirecting the \$27.4m funding, on a needs basis into the ACT education sector, with the priority being the reduction of class sizes and programs to support students at risk.

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.

MRS BURKE: I seek leave to make a short statement, Mr Speaker.

Leave granted.

MS BURKE: I lodged this petition today. We live in a democratic society and I believe that it is my duty as a representative in this place of the Canberra community to express the views of all our constituents. This petition represents a small number of constituents—64, in fact—who are opposed to the \$27.4 million school bus funding proposal in comparison with the 16,500 who want this service.

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Casino Control Amendment Bill 2001

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.33): I move:

That this bill be agreed to in principle.

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

Leave granted.

The speech read as follows:

Mr Speaker, the *Casino Control Amendment Bill 2001* provides for the correction of some provisions in the *Casino Control Act 1988* to ensure that it meets the regulatory needs of the Government.

The *Casino Control Act 1988* currently allows for the ACT Gambling and Racing Commission to take disciplinary action against the casino licensee for breaches of the Act. Following three significant breaches of the legislation in February 2000, the Commission decided to take disciplinary action against the casino licensee in accordance with the Government Solicitor's advice. The casino appealed against this action being taken, even though they had fully admitted to the breaches of the Act. The appeals were based on technical matters with the Act and whether the Commission had power to take such action.

As it turned out, the Supreme Court agreed with the casino licensee. The judgement outlined that the *Casino Control Act 1988* did not provide the Commission with the power to take the action that it proposed in relation to two of the incidents. In relation to the third incident, the judgement indicated that the Act required that consideration needed to be given to the specific role and responsibilities of the casino licensee in relation to the conduct of gaming and not just the actions of the casino employees.

Mr Speaker, this left the Commission and the Government in the intolerable position of not being able to properly regulate the casino's operations because of technical problems with the legislation. It is essential that the Act be amended so that it can operate as originally intended by the Assembly.

The proposed changes to the legislation, Mr Speaker, are mainly technical in nature and correct anomalies identified in the current *Casino Control Act*.

Briefly, the amendments cover a number of references to the casino licensee in the Act which have been expanded to include casino employees and agents to ensure that the casino licensee takes appropriate responsibility for those persons working at the casino.

Mr Speaker, amendments are also proposed to the disciplinary provisions to enable the Commission to take action against the casino licensee if their staff use force on patrons that is unlawful.

A number of other minor amendments have been proposed to correct technical problems or errors that were discovered with the Act. These include improvements to the exclusion provisions and clarification of the provisions relating to the procedures for the conduct of disciplinary action.

Mr Speaker, the *Casino Control Amendment Bill 2001* is an important piece of legislation. It corrects some unexpected errors in the critical legislation that controls the operations of the casino. It is essential that the Government, through the Gambling and Racing Commission, has the appropriate power to properly regulate activity at the casino. The proposed amendments give force to the powers that the Legislative Assembly originally intended.

I commend the *Casino Control Amendment Bill 2001* to the Assembly.

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

Environment Protection Amendment Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.34): I move:

That this bill be agreed to in principle.

Mr Speaker, it gives me pleasure to bring to the Assembly today a bill to amend certain sections of the Environment Protection Act 1997. These changes will implement the recommendations of the recent statutory review of the act. As part of the review process, it was felt that the name of the Environment Management Authority should be changed to "Environment Protection Authority", thus bringing the act into line with other jurisdictions. The name and functions of the Environment Management Authority are not always clearly understood by the public at large and a name change to "Environment Protection Authority" will convey more clearly the work that is done under the Environment Protection Act.

The majority of the changes are of either a minor or a technical nature. They include clarification of definitions, clarification of interpretation clauses and a requirement that environmental improvement plans should have regard to best practice. The bill will remove the word "territory" from the objects clause of the act, which will make the ACT's responsibility for cross-border environmental impacts explicit. A small change has been made to the time lines for auditor reporting in relation to contaminated land and contaminated sites to align the ACT with requirements in the New South Wales legislation. Minor changes also have been made in relation to remediation plans for contaminated sites, again to bring the legislation into line with New South Wales.

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Two significant changes that will lead to better operational and environmental outcomes are in the bill. The first is in relation to changing the public notification requirements for a certain class of environmental authorisations and agreements. Tens of thousands of dollars are spent each year on the public notification of minor authorisations and agreements. No responses to these public notifications have ever been received. The bill provides for certain classes of environmental protection agreements and environmental authorisations that do not require public notification. These classes would cover only proposed activities that are of a minor nature and with minimal or no impact on the environment. The minister must declare these classes by disallowable instrument, thereby retaining Assembly oversight of the procedure.

The second change will result in greater protection for the environment by giving authorised inspectors the power to take photographic, audio, video or other recordings as evidence without first having to obtain a warrant. This would apply only to a situation where the authorised officer has reasonable grounds for believing that the situation would be remedied by the time the warrant had been obtained and that, to meet environmental protection needs, such evidence should be obtained immediately.

The bill adds the commercial sterilisation of clinical waste to the activities that require environmental authorisation. This requirement arose after the review was undertaken and has been included now to facilitate the administrative procedures needed for Stericorp to operate the electrothermal deactivation process. One final amendment is that a further review of the act will commence as soon as possible after June 2003, to ensure that the legislation continues to be as up-to-date and effective as possible, producing good environmental outcomes for the ACT.

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

Territory Records Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.38): I move:

That this bill be agreed to in principle.

Mr Speaker, when I launched the ACT archives project issues and options paper in April 1999, I stated that the management of information held by the government is important in a democracy and broad community input is required to ensure that we get the best possible policies and practices for our territory. I am pleased to say that the community has provided that input through the process of the issues and options paper and, more recently, the draft exposure of the Territory Records Bill. Today I have tabled the Territory Records Bill 2001.

This bill recognises the input from the community and proposes a records management regime that is appropriate to the requirements and resources of the ACT. The development of these proposals came from a commitment made by the government at the

1998 election to undertake an inquiry and feasibility study into the establishment of an ACT archives. Very early in this study we realised that, while it was important to preserve and ensure access to records, it was equally important to guarantee that the records were created and managed properly in the first place.

The legislation is about good record keeping and will assist agencies in properly recording and being accountable for the functions that they undertake. The government has developed the model for records management which is set out in the bill. Under the legislation, each agency will be required to develop and maintain a records management program which will include requirements for the creation, management, protection, preservation, storage and disposal of, as well as access to, the records of the agency.

Agency records management programs will be appropriate and relevant to their functional requirements, utilising whole-of-government standards and codes approved by the minister. This program will be the public face of an agency's record-keeping practices. It will be the primary vehicle for accountability and is to be open for public inspection. The director of territory records will ensure that there is a consistent approach to implementing the standards across government, so that records use common terminology and record keeping can be easily monitored.

There is a deliberate relationship between this legislation and the Freedom of Information Act 1989. This will ensure that government records do not slip between the provisions of two pieces of territory legislation and it reinforces the already strong commitment to effectively manage the records of government. This legislation will support the management of records in an electronic format as the government moves to providing more of its services in an electronic environment. There will soon be a time when documents may only ever exist in an electronic form and agency records management programs will need to manage records in this format.

During the development of this legislation, it has been pleasing to note that a high value is placed on territory records by the community for their historical and research value. This will be a field of increasing importance as the story of our territory is developed and told. It will take time to prepare the territory records, including those that we have inherited from the Commonwealth, for access and research by members of the public. While work will commence immediately on implementing the Territory Records Bill, the final part to be commenced will be the access provisions in 2006.

Finally, I would like to say that I see a continuing role for the community to be involved with the future of territory records. I will be establishing an advisory group for this purpose and I will seek its views on the implementation of this legislation.

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

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Road Transport (Safety and Traffic Management) Amendment Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.44): I move:

That this bill be agreed to in principle.

This Bill removes the sunset clause for speed and red light cameras. This will allow the speed and red light camera program to continue to operate, furthering the government's commitment to provide safer roads in the ACT.

The value of the ACT's speed camera program has been demonstrated by the independent evaluation of the program by ARRB Transport Research, one of Australia's leading transport research companies. The evaluation report provides the following findings: the level of drivers exceeding the speed limit has fallen by 26 per cent on the speed camera network and 22 per cent on non-camera sites; there has been a dramatic reduction in those exceeding the speed limit by more than 10 kilometres per hour, with a 59 per cent fall on speed camera roads and a 39 per cent fall on other roads; and, of the initial 27 speed camera sites, injury crashes have fallen by 36 per cent.

Mr Speaker, speed cameras are having an effect on both speed and crashes in the ACT. Speeds have reduced across the ACT while speed cameras have been in operation and there has been a significant decrease in both the number and the severity of crashes at all of the initial speed camera sites. Community acceptance of the speed camera initiative has been very high. A survey in August 2000 found that speed cameras enjoyed an approval rate of about 90 per cent.

It is anticipated that the red light camera program will result in a significant reduction in road trauma. Maunsell McIntyre is evaluating the program with before and after comparisons of crashes, speed behaviour and community attitudes. The final report of the evaluation is due in October 2002. Interstate experience has shown that red light cameras can reduce serious right-angle crashes by up to 40 per cent and are also a good deterrent to speeding.

The Road Transport (Safety and Management) Act 1999 specifies that the provision for traffic offence detection devices will cease on 6 October 2001. Traffic offence detection devices include mobile speed cameras, fixed speed and red light cameras, laser speed measuring devices and radar speed measuring devices. The sunset clause applies not only to speed and red light cameras, but also to speed measuring devices used by the police when they issue on-the-spot fines for speeding. If the sunset clause is not removed, there will be virtually no enforcement of speeding offences in the ACT.

Mr Speaker, speeding is a major cause of road crashes. Extensive experience and research have shown that enforcement is the key factor in getting motorists to observe safe and legal speeds. Every Australian police force depends heavily on accurate speed

detection technology, whether it is fixed or mobile cameras, radar or laser speed guns. It is important that the police can utilise the full range of equipment to meet operational, technical and safety needs.

Modern technology enables greater use of intelligence-driven enforcement strategies which target high-risk groups and locations to most effectively reduce the risk to all road users. This amendment is vital in keeping safe our community's roads and I commend the bill to the Assembly.

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

Supreme Court Amendment Bill 2001

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

Title read by Clerk

MR STEFANIAK (Minister for Education and Attorney-General) (10.48): Mr Speaker, I move:

That this bill be agreed to in principle.

This bill represents a significant change to the ACT judicial system. Prior to self-government, the Commonwealth had not established a separate ACT court to handle appeals from the ACT Supreme Court. Instead, it provided that appeals from decisions of the ACT Supreme Court were to be heard by the Federal Court. The Federal Court is established under Commonwealth legislation. Judges of the Federal Court are appointed by the Commonwealth without reference to the ACT.

The responsibility for administration of the ACT Supreme Court was transferred to the ACT from the Commonwealth in 1992 as part of the self-government arrangements. However, the Federal Court has continued, under Commonwealth law, to exercise appellate jurisdiction in relation to decisions of the ACT Supreme Court. Today, the ACT is the only jurisdiction in Australia where the jurisdiction's appeal court is constituted under the law of another jurisdiction.

This bill will start the process of changing these arrangements. The Commonwealth has indicated that it will introduce complementary legislation to make other necessary changes to the Commonwealth laws. This bill will establish an ACT Court of Appeal to hear appeals from the ACT Supreme Court. The court will operate as a division of the existing Supreme Court. The court itself will comprise all ACT Supreme Court judges—resident, additional and acting. The president of the Court of Appeal will be responsible for the orderly and expeditious discharge of the business of the court. There is scope under the Supreme Court Act to appoint interstate judges or retired judges to the Supreme Court and they will be able to sit on the Court of Appeal.

The bill sets out the way in which the court will operate. The court will be constituted by three judges with, ordinarily, at least one resident judge on the bench and the most senior resident judge presiding. A single judge will be able to exercise the jurisdiction of the

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court in preliminary and procedural matters. A judge will not be able to hear an appeal about a decision the judge gave.

The bill contains a number of unexceptional provisions dealing with the operation of the court. For example it provides that, where a judge is no longer able to continue hearing an appeal, two judges may continue to hear the appeal as long as the parties consent. It also allows the rules of court to deal with the time of initiating appeals and how they are instituted.

In addition, the bill includes a number of provisions which presently apply to ACT appeals in the Federal Court and which, if not included, would cease to apply to appeals heard by the Court of Appeal. For example, where a person is given bail during an appeal, the time spent free on bail will not count as part of the sentence of imprisonment. As referred to earlier, Commonwealth amendments are also expected to be introduced. We hope that that will be later this year, although it may not necessarily occur. We will keep pushing it. It is anticipated that the Commonwealth law will remove the Federal Court's jurisdiction and allow appeals from the Court of Appeal to the High Court. Accordingly, the bill contains a commencement provision that will allow the coordination of the times at which the provisions in the bill will come into operation. I commend the bill to the Assembly.

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

Fair Trading Legislation Amendment Bill 2001

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

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (10.52): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill brings a number of our fair trading laws up to date. Two examples will suffice. Since the passage of the ACT Fair Trading Act 1992, there have been only a few minor changes to that law. However, during the same period, there have been a number of significant amendments to similar Commonwealth and State laws, providing new and effective compliance options in relation to those laws. Since the passage of the Law Reform (Manufacturers Warranties) Act 1977, there have been no amendments of significance to the law, even though the jurisdictional reach of the law was beset by doubts from inception. The law itself has been overtaken by specific provisions in part V of the Trade Practices Act 1974.

The key reforms proposed in this bill are as follows: firstly, an authority to accept and enforce undertaking. Under the old law, the authority to accept written undertakings could only be exercised when a person carried on business in contravention of a prescribed code of practice. This bill provides a wider authority for the Commissioner of Fair Trading to accept and enforce undertakings. It permits the commissioner to accept a written undertaking from a person in connection with a matter in relation to which the commissioner has a power or function under the law. These powers are similar

to those in sections 87B and 87C of the Trades Practices Act. This is a desirable alternative enforcement power as enforceable undertakings are less costly than a formal court action to compel persons to comply with the provisions of the law. There is also evidence that suggests that enforceable undertakings may result in a rise in voluntary admissions and corrections of breaches of the law.

Secondly, provision for a power to require substantiation of claims or representations. The present law includes a standard power to compel providers of goods and services to provide information to a regulator. However, this power does not require a provider to substantiate a claim made about goods and services. This gap in the law has been remedied in New South Wales, Queensland and South Australia. In those jurisdictions, a regulator may now require a provider of goods or services to substantiate a claim made in the course of trading. Failure to respond to a substantiation notice by the stated time and day is an offence.

This power was introduced in New South Wales in May of last year. Within one year, New South Wales issued 52 substantiation notices. It is desirable for the territory to adopt a similar enforcement power in order to reduce the incidence of false or misleading claims about goods and services in the ACT market. Currently, where a trader engages in false or misleading advertising, disproving such claims would be logistically difficult and costly for the commissioner. The lack of a substantiation power means that many traders in the territory are now able to flout the law, knowing that it is currently extremely difficult to prosecute them.

This power will provide significant benefits to the ACT community, including small business. Quite simply, if traders sell products on the strength of claims they make about those products, they should be in a position to substantiate those claims. Consumers will benefit from not being misled about the goods or services that they acquire and costly prosecution will be avoided by the early detection and remedy of misleading conduct. The existence of such a power will have the effect of reducing the incidence of unfounded claims about products or services.

Thirdly, the power to issue on-the-spot or infringement notices. Mr Speaker, this bill inserts standard provisions concerning on-the-spot penalty or infringement notices that can be called up by regulations under ACT laws. It is intended to use these provisions to prescribe some fair trading offences where, because of the nature of the offence, the evidence is likely to disclose a clear contravention of the law. The provisions will enable existing, less comprehensive, provisions dealing with this type of process to be progressively repealed. On-the-spot penalty or infringement notices are a fast and immediate response to unambiguous infringement or contravention of the law. This power is not new to the territory's fair trading laws. The ACT has previously adopted infringement notices in dealing with other consumer legislation, such as the Sale of Motor Vehicles Act 1977 and the Trade Measurement Administration Act 1991.

Fourthly, power to enter business premises and remove evidence. This bill revises the power of inspectors to enter business premises and remove evidence. The bill provides that fair trading investigators or inspectors may enter business premises with the consent or permission of the person concerned or with a judicial warrant or, in situations of urgency, with a telephone warrant. Furthermore, under the present law, evidence may not be taken unless the investigator first pays a just price for the goods. This bill removes

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this requirement, which is inconsistent with ordinary investigation practice in which evidence may be retained by an investigator for the purposes of prosecution. Mr Speaker, I commend the bill to the Assembly.

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

Planning and Urban Services—Standing Committee Presentation of reports

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

That if the Assembly is not sitting when the Standing Committee on Planning and Urban Services has completed its inquiries on the following matters:

Section master planning for Turner, sections 46, 47, 48 and 62;
Mawson/Athllon Drive land use; and
National Competition Policy review of the ACT taxi and hire car legislation

the Committee may send its report to the Speaker, or in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication and the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question resolved in the affirmative.

Chief Minister's Portfolio—Standing Committee Public Accounts Committee Report No 21

Debate resumed from 26 August 1999, on motion by **Mr Quinlan**:

That the report be noted.

Question resolved in the affirmative.

Chief Minister's Portfolio—Standing Committee Proposed reference—cooperatives exposure draft legislation

Debate resumed from 26 August 1999, on motion by **Mr Humphries**:

That the Cooperatives exposure draft legislation together with the explanatory memorandum be referred to the Standing Committee for the Chief Minister's Portfolio for inquiry and report by 21 October 1999.

MR QUINLAN (10.59): This matter goes back to September 1999 when a motion was brought forward by Mr Humphries to refer the draft cooperatives bill to the Chief Minister's Portfolio Committee. Debate on that motion was adjourned and the motion was never brought back. We have now seen the first attempt at a cooperatives bill, whose passage again has been adjourned, so time has passed this one by. I seek leave to move a motion discharging this order of the day from the notice paper.

Leave granted.

MR QUINLAN: I move:

That order of the day No 2, Assembly business, relating to the proposed referral of the Cooperatives exposure draft legislation, together with the explanatory memorandum, to the Standing Committee for the Chief Minister's Portfolio for inquiry and report by 21 October 1999, be discharged from the *Notice Paper*.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Report No 4

Debate resumed from 21 October 1999, on motion by **Mr Osborne:**

That the report be noted.

Question resolved in the affirmative.

Executive members business—precedence

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

That executive members business be called on.

Executive Documents Release Bill 2000

Debate resumed from 9 March 2000, on motion by **Mr Moore:**

That this bill be agreed to in principle.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (11.02): Mr Speaker, the Executive Documents Release Bill is a very significant piece of legislation which significantly alters the basis on which cabinet documents are released after the period in which they are made. Members are aware that there are a variety of regimes around Australia providing for the release of cabinet documents at some point after they are relevant; that is, at the time in which they are before the cabinet. In the case of the Commonwealth the rule is that cabinet documents are released 30 years after they are relevantly before the cabinet.

Mr Moore's bill provides for significant changes in the regime that applies in the ACT. By default, as much as for any other reason, the ACT has acquired or adopted the provisions that apply in the Commonwealth for the release of cabinet documents. I suspect that there has never been any expressed decision about it and there is probably no provision anywhere expressly for the release of cabinet documents in the ACT. Of course, the ACT became a polity in its own right only a little over 12 years ago, and the capacity therefore to make decisions has not really arisen until this time. For that reason the government believes it is timely to examine this issue and ensure that there is a clear policy on when cabinet documents can be released.

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Mr Speaker, there has been already some considerable debate about this question of what is an appropriate time frame in which decisions can be exposed to the public gaze. Mr Moore's bill has stimulated that debate. I note that the ACT opposition has indicated in its statements in the last few months about open government that it believes that cabinet decisions should be available some six years after being made, but does not believe that that decision should affect decisions already made. I gather that the effect of the Labor Party position is that six years from the implementation of the change documents from the cabinet will start to become available.

Mr Speaker, that decision raises an interesting question about the effect that such legislation would have on the behaviour of a cabinet. I have sat in a number of cabinets and I have observed, as members of cabinet do, that discussions are free and frank in that forum. People will say things within the four walls of a cabinet which they certainly would not say in the public arena or perhaps say to anybody outside those walls.

The assumption about that process is that the cabinet is a place where, in a sense, the most important decisions of the territory need to be made. In a sense it is the top of the pyramid for decision-making throughout the territory, and therefore it is essential that all information be on the table in that setting, and that the information that is on the table be fully and frankly discussed and assessed. Facts that might not be politic to put on the table and to be talking about in another forum, such as perhaps the Assembly, or in the public arena in the media, need nonetheless to be available to cabinet so that cabinet can fully understand the background of and context for its decisions. So to understand what cabinet would do differently if the time frame were different in which its decisions would be exposed is at the crux of what this legislation is all about.

The position the Labor Party has espoused is that if cabinet members know that their decisions will be available six years after they make them, presumably they will make them in a different way; that their behaviour will be changed because they will know that six years from that point the public will be reading about what it is that they are discussing and debating.

That aspect of this concerns me because I think the cabinet is a place where decisions need to be discussed frankly and comprehensively, where discussion needs to be open and uninhibited, and where things ought to be said that perhaps cannot be said elsewhere. It would worry me if this exercise were to lead to decisions being modified or changed because of the knowledge that cabinet decisions in the relatively recent past were to be aired and therefore pressure placed back on members of that cabinet who might be experiencing a continuation of a public life at that stage and who might therefore have to go and defend their decisions.

Mr Speaker, in a nutshell, I believe it is important for us to define today how long we believe needs to elapse before a decision is put in the public arena. We then further need to decide whether that period should be 10 years or six years—I think that is the choice presently facing the Assembly—and whether that decision once made should apply prospectively only to future decisions or retrospectively.

Mr Speaker, the view of the Liberal Party in this matter is that the decisions should be exposed not after six years but after 10 years, and that they should be exposed more or less as at the point when the legislation has passed.

Mr Berry: So retrospectively.

MR HUMPHRIES: Retrospectively. Mr Moore's amendments propose as of 1 July six years after the document's submission date. After that point, which in the case of the passage of this legislation would be 1 July this year presumably, decisions made variously six years or 10 years after 1 July this year will be exposed to public gaze.

Mr Speaker, as I said, I have a concern about making this retrospective by six years, and the Liberal Party's view is that we should be making it retrospective only by 10 years. The question of putting it in the public arena is a matter about which I think there can be no doubt or no debate. We have had considerable comment about the need for openness in government. It seems to me that if we are prepared to be open about what governments do within a relatively short space of time, within six years of them making those decisions, which is the position of the Labor Party—

Mr Berry: Prospectively, of course. Quite a bit of difference.

MR HUMPHRIES: Well, if we are prepared to do that, it seems to me we should be prepared to do that about all decisions that we have made, not just about those for which we can prepare, the argument being that it should not be retrospective because cabinet members at that time did not have the capacity to dress their decision up or to tailor their debate in such a way that it would stand public scrutiny. Mr Speaker, I do not think that is consistent with a concern about openness and accountability.

Mr Berry: Why not one year so we can look at all of yours? This is a joke.

MR HUMPHRIES: If you are concerned about openness and accountability then you are obviously concerned to put things on the public record in an appropriate time frame.

Mr Berry: Why not one week so we can look at all last week?

MR HUMPHRIES: The question about whether it is one year retrospectively, six years retrospectively, 10 years retrospectively or 30 years retrospectively reminds me of that probably apocryphal story about Lord Byron who was travelling in the coach and who said to the lady who was travelling on the coach with him and whom he did not know, "Madam, if I gave you a million pounds would you sleep with me?" She responded, "Yes, your lordship, I would." Then he said, "If I gave you £10 would you sleep with me?" She said, "What do you take me for?" and he said "We have established what you are. We are merely haggling over the price." Mr Speaker, that in a sense is what we are doing here. If we believe the cabinet decisions should be on the table—

Mr Berry: Why not the ones last week, Gary? Why not the ones last week?

MR HUMPHRIES: There is an argument for that, Mr Berry.

Mr Berry: Well, make it.

Mr Quinlan: You are making it.

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MR HUMPHRIES: I am not making it. I am not making an argument for that. You can make it if you want to. I know there are some who have argued that that should be the case. Indeed, there are some local government bodies in Australia where that is the case; where there is no secrecy about executive processes, cabinet processes or the equivalents in local government. I suppose that is council meeting and other meetings, sub-council meetings if you like. Those decisions are not held in camera at all. Those processes are conducted in the open. It does happen in some places, and there is a case for that. I do not think it would work in the ACT. I also do not think we can afford to be so precious about this that we would say that 30 years retrospectively is an appropriate test.

Mr Speaker, the debate about this can rage backwards and forwards and today is going to be a busy day, so I will not enter into a lot of debate, but I will say it is my party's view that the provisions, if enacted, ought to be put on the record. People are telling us it ought to be put into practice straightaway. People are telling us that they believe that governments need to be more open and accountable. We have been told that we are not an open and accountable enough government. Well, here is the acid test. We are prepared to agree to make our decisions, of any government, available 10 years after they have been made. That seems to me to be a reasonable compromise.

Mr Stanhope says he is in favour of making them available after six years. It is open to him if he forms a government after October to move amendments to this legislation to change that to six years or some other basis.

Mr Speaker, I think we do need to enhance the openness of government practices in this territory. I have subscribed to that rhetoric, and I think I put my money where my mouth is today by backing provisions which allow cabinet decisions to be made public within the life of this self-governing parliament. It would be very easy to say, "Let's make this retrospective by 30 years," in which case people would not see them for a very long time, and I do not believe that that is appropriate. I think we need to allow people to understand the basis of decision-making. I think for that reason that 10 years, provided retrospectively, is a suitable compromise, and that is the position we will put.

MR STANHOPE (Leader of the Opposition) (11.14): Mr Speaker, I think it is ironic that just this morning we saw the government table the Territory Records Bill 2001 to provide a comprehensive regime for the management of documents and the care of records within the ACT government service. The Executive Documents Release Bill that is currently being debated should be a part of that bill.

The issues that are raised on the Executive Documents Release Bill really should have been included in the Territory Records Bill, and perhaps to some extent they have been. It is just that the cabinet has chosen to deal with the management, care and release of records, including executive records, through the agency of the Territory Records Bill. One member of that cabinet, probably having agreed to the Territory Records Bill—I assume there is no reason for assuming that Mr Moore was not part of the cabinet that agreed to the tabling today of the Territory Records Bill—then stepped outside the cabinet room and prepared an independent executive members bill.

Mr Berry: We think.

MR STANHOPE: We think. I think it goes to the heart of much of the debate that we have had. It is also relevant to the Auditor-General's report that was tabled yesterday in terms of the difficulties in understanding the accountability mechanisms or regimes that apply in this place.

We have before us, tabled today, the government's position in relation to the management, storage and release of executive records, namely, the Territory Records Bill 2001. It was tabled just half-an-hour ago. None of us have yet had an opportunity to look at it, but we know it deals with the management and release of executive records. Now, half-an-hour after we received the government's position on this issue, a position signed up to by Mr Moore as a member of the cabinet, we are debating the Executive Documents Release Bill which is inconsistent with the Territory Records Bill which has just been tabled. This is an absolute nonsense. We have a cabinet minister signing up to the Territory Records Bill on the very day that we are debating another bill that he has tabled dealing with the same subject, in an environment where none of us have had an opportunity to see what the government's response is to this very important issue.

The government has not responded to the justice committee's report in relation to the Executive Documents Release Bill which was tabled two days ago. This is budget week. We have all been occupied on other very important matters. The most important bill to come before the Assembly this year, or in any year, is being debated this week. An Assembly committee tabled a report two days ago, the government has not responded to that report, and here we are debating the outcomes. It is just absurd for this place to be dealing with this issue in this way. The government has not responded to a report tabled two days ago. The government has provided its own blueprint for the management and release of executive documents, one which none of us have yet had an opportunity to look at or to investigate, and we are debating a bill dealing with that very same subject.

So one does wonder at this doppelganger position that Mr Moore adopts in relation to these things. He is a part of the cabinet that agrees to the Territory Records Bill, but then he steps straight outside the cabinet door and introduces another bill.

This Executive Documents Release Bill raises, as the Chief Minister has just said, some quite profound issues relating to the release of cabinet documents. As the Chief Minister has said, the Labor Party has indicated that we support open and accountable government. The Labor Party indicated just this year that we would support a prospective arrangement whereby cabinet documents would be released after six years. The proposal that I outlined would involve the release of cabinet documents after the passing of two clear Assemblies, namely six years. We would have envisaged a provision coming into effect after the next election and that it would affect only documents of those two particular parliaments. What I was suggesting was that all the cabinet documents of the previous two Assemblies would not be subject to release until that third Assembly, so that there would be two intervening elections before any documents would be released.

At no stage has the Labor Party proffered a position in relation to the retrospective release of documents. We have not developed a position in relation to this interregnum, the period between the establishment of self-government in the ACT and the passage of this legislation as we envisage it to take effect, perhaps, from a date after the next election. We were indicating that we acknowledge the very points that have been made

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in this Assembly about the impact or the effect of this decision being made retrospectively, and the implications of that for previous members of cabinet and for previous public officials who had previously advised cabinet in relation to every issue that has come before the cabinet since self-government to date.

These are difficult and complex issues. Ministers have participated in the business of cabinet in an expectation that their discussions would not be revealed for 30 years. A whole raft of public servants, from the establishment of self-government to today, have made submissions to cabinet in the expectation that their submissions would not be released for 30 years. Yet here we have this roughshod approach suggesting, "Well, damn all those expectations. We don't even need to think about them or to consider the position of those people. We will just bung in a six-year retrospective provision so that every cabinet document from 1989 to 1995-96, or whenever it is, is automatically available for release irrespective of the expectations or positions of the people concerned, both ministers and public officials."

We have not come to a concluded view on how we would deal in the future with this period from self-government until now when we have begun this discussion about changing the period of disclosure other than to suggest here today that it is simply not acceptable or appropriate for us to be assuming that we can just change the rules midstream and seek to affect the rights of all of those people in this way.

Our position today is that retrospectivity should not be accepted, not today and not without some detailed discussion. I will be clear about it. Our position is that we should not accept a retrospective position in relation to the release of cabinet documents. This is an issue that should be considered more fully. It needs to be considered at least in the context of the Territory Records Bill, which I see goes to the 20-year period of disclosure for agency documents, including executive documents.

This is the enormous contrast that we are facing today. How ironic. The government brings in a bill today, a much awaited bill in relation to the management of documents, which provides for a 20-year period in relation to disclosure. Mr Moore agreed to that in cabinet. He agreed in cabinet to a 20-year period and then he rushed outside cabinet and developed his own bill which provides for a six-year period.

Mr Berry: Retrospectively.

MR STANHOPE: Retrospectively. We are talking about open and accountable government. The number one incident of accountable government in the Westminster system is that cabinets will accept a unity of purpose in decision-making. That is destroyed immediately. You can talk about open government and accountable government by saying, "Let's make all cabinet documents available." You can talk about it. The number one incident of accountable government in the Westminster system is the unity and solidarity of cabinet decision-making, and isn't it so ironic that that principle of cabinet solidarity does not apply in relation to this issue around the release of other governments' cabinet documents. We breach a universal principle in relation to responsible cabinet government in order, apparently, to show how open and accountable we are. Some of us, of course, are more open and more accountable than others irrespective of the principles that we trample along the way.

So who is responsible for the Territory Records Bill? Three-quarters of the cabinet. It's absurd. The damage that we are doing to principles of government in this place by this sort of behaviour really will bite us one day quite severely, just as it bit us yesterday in the Auditor-General's report when the Auditor-General reported that this government has so watered down the principle of ministerial responsibility that it virtually means nothing. Ministers in this place have sent the signal, reported on yesterday by the Auditor-General, that the only level of ministerial responsibility accepted by this government and its ministers is if they engage in criminal behaviour or if they wilfully mislead the Assembly. There is no other acceptance by this government of accepted tenets of ministerial responsibility other than that they are caught out in criminal activity or they are caught out in wilfully misleading the Assembly. That is one principle that the Auditor-General reported on yesterday, and today we are dealing with another issue in relation to the non-existence of notions of cabinet solidarity.

What are we to think of the Territory Records Bill? The best thing for us to do today is to adjourn it so that members have an opportunity to see to what extent the Executive Documents Release Bill interacts with the Territory Records Bill, the extent to which there is some capacity for what Mr Moore is seeking to achieve so that the Executive Documents Release Bill is better dealt with in the Territory Records Bill, and the extent to which the resource implications and the management implications of the Executive Documents Release Bill are covered or are relevant to the resourcing of the issues raised in the Territory Records Bill.

The Territory Records Bill provides a regime, one hopes—we have not had an opportunity to look at it yet—for the management, release, resourcing and archiving of all documents relevant to this administration. That is what it is meant to do and that is what we hope it does. The Executive Documents Release Bill deals with a single issue. It comes in over the top. It is proposed that it start before the Territory Records Bill kicks in, before the resourcing implications of that are dealt with, before it is appropriately resourced, before the records are appropriately compiled, organised, recognised and detailed. So we have this one nitpicking part of the overall need to deal comprehensively with our records without any consideration of the resource implications, the inefficiencies, or the fact that it is being done retrospectively.

The Labor Party stands by its position that we would willingly accept a six-year prospective release date in relation to cabinet documents, but we would do it in the context of an overall consideration of the records management issues that obviously quite seriously face this government. In the tabling of the Territory Records Bill today the government has acknowledged that record maintenance, as so starkly and embarrassingly revealed in the Auditor-General's reports, needs dramatic attention. It has responded today with a bill. Let us have a look at the bill and see the extent to which it deals with the issues that were so embarrassingly revealed by the Auditor-General in relation to Bruce Stadium and by the coroner in the case of the hospital implosion. Let us see how we can incorporate in that bill the issues that Mr Moore raises in his separate, outside cabinet, Executive Documents Release Bill so that we at least do this in a consistent and coherent way and that we take account of the resource implications that are relevant.

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Just bungling in one aspect of it without any consideration for all the other issues in relation to resourcing and management is just not good government or good administration. It compounds the very felonies that yesterday's Auditor-General's report reveals in relation to management and professional public service. Have a look at yesterday's report of the Auditor-General, the 30 recommendations and what we need to do to get a professional public service. This is not the way to do it. You do not do it by bringing in over the top of what the government is hoping to achieve in relation to this one aspect of the Auditor-General's report, namely, the complete lack of records management, this nitpicking, opportunistic little bill outside cabinet, irrespective of what already has been agreed in cabinet and without any consideration of how they mesh. It's a nonsense way to proceed, absolutely nonsense. It is totally inefficient and totally self-serving. We need to adjourn this. We need to see how we can deal with the issues in relation to prospective and retrospective release of executive documents, namely cabinet documents, and we need to consider them in the context of the Territory Records Bill to see how it all meshes.

There is one other point I will make. An extremely sound and sensible submission that was made to the justice committee, as I said, a committee report to which the government has not yet had an opportunity to respond so that we know what its position is on this issue, does need to be dealt with. The Society of Archivists, in its submission, made a whole raft of recommendations and suggestions which one hopes the government has picked up in its bill. But we do not know that because the government has not had an opportunity to respond either to the Executive Documents Release Bill or to give us the benefit of its wisdom in relation to the Territory Records Bill.

There is so much work that needs to be done. This is ad hoc, pre-emptive, opportunistic and inefficient, and it should not be proceeded with today.

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

That the debate be adjourned.

The Assembly voted—

Ayes 6

Mr Berry Mr Wood
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope

Noes 9

Mrs Burke Mr Osborne
Mr Cornwell Mr Rugendyke
Mr Hird Mr Stefaniak
Mr Humphries Ms Tucker
Mr Moore

Question so resolved in the negative.

MR BERRY (11.35): Mr Speaker, we will hear more self-righteous claptrap from Mr Moore in relation to this matter, and we heard a little bit of self-righteous claptrap from the Chief Minister in relation to it as well.

Mr Speaker, I am one of the few people in this place whose deliberations in cabinet will be exposed by this legislation. Mr Humphries is another one, and Mr Kaine is another one, I think. On the face of the amendments that Mr Humphries proposes, it will take us back to about 1991. Is that right, Mr Humphries? Somewhere about then. About 1990.

Mr Humphries: Sorry, I was not listening.

Mr Moore: 1991, yes.

MR BERRY: Yes, it takes it back to 1991. On reflection, I really do not remember much about cabinet 10 years ago, but I am sure we had some full and frank discussions. Well, I know we had full and frank discussions about a whole range of things, none of which we expected to be subjected to this sort of exposure. That is not to say that I am walking away from any of the decisions that were made. It is merely that it is a bit like a retrospective law which imposes a punishment before the event. I am sure that that is what Mr Humphries and Mr Moore have in mind, to some extent at least—that they can trawl through the records of other cabinets and see whether they can find something which they can wave around in the lead-up to the next election. Well, good on them, if they are so fixated with this approach that they are taking in relation to the matter and that is what they want to do.

Mr Humphries used the analogy about the person who said to a woman, “If I give you \$1,000 will you make love to me?” and then offered her \$10. When she complained and said, “What do I think I am?” the person said, “We have already established what you are; it’s just a matter of the price.” Well, Mr Humphries, to use the same analogy in relation to your position, if you are so keen to expose somebody else’s cabinet decisions and deliberations, why not expose your own of last week, or the week before, or the last six months, or the last 12 months, or the last three or four years? It gets to be nonsensical. It also gets to the situation where I think this sort of move threatens good government in the future.

I do not care if we do something prospectively and we say that cabinet decisions will be exposed one year after they are made as long as everybody knows the rules. I say that in the context of the principle here. You know the rules before you let yourself into the game. Mr Speaker, it goes to that basic issue of retrospectively.

Mr Stanhope raised the issue of Mr Moore’s bill being made in the same period and in the same term of office of a particular government as the Territory Records Bill. Mr Moore established this bill, which he claims as his own, with the knowledge of cabinet or outside of cabinet, yet apparently he participated in the cabinet which set up the Territory Records Bill. Clause 25 of the Territory Records Bill says this:

A record of an agency is open to public access under this Act if 20 years has elapsed since the record, or the original of which it is a copy, came into existence.

It strikes me as an extraordinary piece of hypocrisy to be saying on the one hand that it is okay for one set of records to be available after 20 years and in the case of Mr Moore’s bill it is six years, because that would not, of course, affect any of Mr Moore’s deliberations in cabinet. He has been very careful to ensure that none of his deliberations in cabinet are exposed, only somebody else’s.

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Mr Moore: You were the ones who suggested six years.

MR BERRY: Mr Moore disingenuously and dishonestly intervenes and says, “You were the one who suggested six years.” We said “prospectively”.

Mr Moore: We are not debating years. We are talking about prospectively.

MR BERRY: Prospectively.

Mr Moore: That is a different debate.

MR BERRY: It is not a different debate, Michael. It is the same debate. It is an entirely different principle. It is about prospectively. Mr Moore, if you were fair dinkum you would expose your own cabinet decisions. If you were snowy white on this issue of principle, where is the move from you to expose your own cabinet deliberations? You are a phoney. You are a phoney. This phoney cause for exposure of public records is all right if it applies to everybody else except yourself. The same thing applies in many of the other positions that you take in relation to this place. You reinvent yourself to suit your own personal circumstances every time. So, Mr Moore, do not bleat to me and misrepresent our position in relation to the six years. We said six years prospectively. The issue here is whether it should be prospectively or retrospectively.

Mr Speaker, as I said, I have no particular fear at all about decisions that I was involved in in cabinet. I just think there is a principle here that is wrong. You are back-casting a decision, and, most importantly, back-casting it to avoid any exposure of most recent cabinets which have been involved in very controversial matters. If you are the people with the big white hats on at the moment and out there on your white chargers trying to convince people that you are on course to expose these public documents in the public interest, why not let us have a look at your own?

Now, I do not particularly support that principle. I am just talking about your principles. If you apply those principles to yourself, one would be more convinced that you were committed to the principle of accountability and openness. It is clear that you are only committed to the principle of accountability and openness if it applies to somebody else, and that is the case, particularly, in relation to yourself, Mr Moore.

Mr Speaker, I think the position that we have adopted is a fair one, six years prospectively so that everybody knows the rules of the game that they are getting themselves into. That is not a standard that is foreign to legislators and law-makers around this country, and it is not a principle that is foreign to the community. Prospective changes to laws and so on are routine, retrospective ones are not.

Mr Humphries: You have been in favour of retrospectivity for yourself in the past, Wayne, as I recall.

MR BERRY: Mr Speaker, it is true. Mr Humphries intervenes and says that I have moved some retrospective laws. Yes, to fix up mistakes of the government, and I will go to them now that he has intervened. Mr Humphries failed to act on a recommendation of the coroner to fix up some laws to enable people to be taken before the courts in relation

to matters involved with the hospital implosion. Mr Humphries sat on his hands and did nothing in relation to that, and this Assembly was forced to fix the problem. There are now people before the courts who would not have been if Mr Humphries had had his way.

Mr Humphries: So you are in favour of retrospectivity.

MR BERRY: Mr Speaker, it was not retrospective. It was continuing. There were no new laws passed, Mr Speaker. All we did was fix up the mistake that Mr Humphries created by sitting on his hands, and after the corner had recommended—

Mr Humphries: So you are in favour of retrospectivity.

MR BERRY: There were no new laws, Mr Humphries. We did not make any new laws. So, Mr Speaker—

Mr Humphries: Oh, you can't do it with new laws. You can amend a law.

MR BERRY: Mr Humphries says we have had a go at retrospectivity. We were not very selective about it, Mr Humphries. It applied to all of the people involved in the hospital implosion, and you should apply the same rule to yourself if you are fair dinkum. Apply it to all of your decisions. But you do not want us to see all of them, do you? You were very selective about this. The thought process would be this: "Gee, yes, 10 years would be okay, but two years would not be because it would take us back too close to some of the decisions in relation to the hospital implosion, for example, and some of the decisions in relation to Bruce Stadium."

Mr Humphries: Who suggested six years? It was you, wasn't it?

Mr Moore: That was prospective. It's okay. Six years when you can sanitise.

MR BERRY: Mr Humphries again tries to mislead this Assembly by saying Labor's position is six years.

Mr Moore: I said prospective.

MR BERRY: It is not six years retrospectively. Mr Speaker, these people obviously have no credibility when it comes to openness and accountability unless they will apply the same rules to themselves, and they won't.

MS TUCKER (11.46): I want to respond to the argument from Mr Berry about the retrospective aspect of this and Labor's concerns with that. I think the key point here, as I understand it, is that it is true to say that since we have had self-government in the ACT it has not been totally clear that there would be access to cabinet documents. Neither was it ever made totally clear that there would not be.

There is a principle. The federal government and other states have always had a 30-year rule of access. Members of this Assembly, including Mr Berry and people who have been here for a long time, never took the opportunity in this place to make a definite decision and say, "In the ACT we want to be different from everywhere else in Australia."

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We do not want to accept this principle that there will not be access to cabinet documents at some point in time, that is, after 30 years.” That opportunity was never taken.

The assumption would be, I suggest, that this is more of an anomaly, or something that was overlooked, and it was never put into ACT legislation. Therefore, anybody who has been involved in any cabinet discussion should have been under the understanding that whatever happened eventually would be open to the public. I would hope that was the case, because for me it is a fairly fundamental tenet of democracy and accountability of governance.

The debate that we are having today is around three key points. One is the retrospective issue, which I will refer to again in my speech. Another is what period of time, six years or 10 years. There is also the question of the Territory Records Bill.

I do not think this is a fantastic process. I did not support Labor’s attempt to adjourn this debate because it is fairly easy to see the access to records clause in this Territory Records Bill, and it says:

A record of an agency is open to public access under this Act if 20 years has elapsed since the record, or the original of which it is a copy, came into existence.

That actually is not inconsistent with what we are debating today.

What we are debating today is an attempt by Mr Moore to make it a shorter period of time for cabinet documents with particular protection, so I do not have a problem in debating this issue today for that reason.

This bill requires the release of ACT Government cabinet papers after six years. Mr Humphries wants to amend it to 10 years. The papers would be released as an annual batch with the entire year’s papers released on 11 May in the 11th year after the production of the papers. It appears that this bill is modelled on the federal system where cabinet papers are released with a flourish by Australian Archives after 30 years on 1 January each year. This has become an annual ritual. We are probably all aware of the extensive media stories on past cabinet papers that appear at this time of the year as the release of the papers gives the media some stories in an otherwise slow news time.

I do not think anyone here would argue against the release of these types of documents. These documents define the key decisions of the government and are of significant historical interest, as well as ensuring that governments can never assume that their decision-making processes can be hidden from the public forever. It is an integral part of our democratic system.

The issue here today is how this release should occur. The longer we leave the release of these documents, the more they become an historical curiosity rather than being relevant to today’s society. However, if we release these documents too early it could threaten the capacity of cabinet to make its decisions in private and on their own terms. The release of cabinet documents too early could also unintentionally provide political ammunition against those politicians who were involved in those decisions and are still in the Assembly.

There appear to be few restrictions on the release of federal cabinet documents under the 30-year rule as nearly all of the ministers originally involved are no longer in public life or have died. The 30-year period is also sufficiently removed from our current political debate to have much of an influence. Other states have periods of between 25 and 55 years.

Mr Moore believes that this sort of period is too long, and I would agree with this. The Justice and Community Safety Committee report on the bill suggested a six-year period, which I understand, and I know from listening to them now, is the ALP position. However, it appears to me that the committee is suggesting a slightly different approach to the release of these documents than what Mr Moore originally proposed. Rather than having a broad annual release of cabinet documents to anyone who wants to look at them, the committee appears to be suggesting that access to cabinet documents should be treated similarly to access to other government documents under FOI; that is, that documents would only become available if someone specifically applied to see them, and then their disclosure would be subject to the same exemptions that currently apply in the FOI legislation, which could significantly restrict what documents become available and could lead to many disputes over which information is kept secret.

The report noted that in four states cabinet documents more than 10 years old are able to be accessed under FOI legislation with various exemptions. In another state the same arrangement applies to documents over 20 years old.

I understand that Mr Moore is putting up amendments to his bill that basically rewrite it into the form suggested by the committee. The earliest release date is now six years after the document's production and the procedure for accessing documents and determining exemptions from access is based on the FOI Act. Members of the public would have appeal rights to the AAT where access to particular documents is blocked.

The other question that was raised by the committee was whether this bill should be applied retrospectively, as I have already mentioned, so that if the bill were passed all cabinet documents over 10 years would have to be released immediately. Some members of the committee were concerned that the retrospective release of documents could have implications for those politicians and public servants involved at the time who are still in public life.

Personally, I do not see that this is a problem. As Mr Humphries rightly pointed out on Tuesday, ministers, not public servants, have responsibility for cabinet documents. Public servants may very well have written them, but this should have been done under the direction of the minister and it is the minister who presents them to cabinet.

As for protecting the people who were ministers at the time, as I have already said, I think any politician, and particularly a minister, should know that their actions are always subject to public scrutiny and that it is difficult to keep political secrets forever. Our early politicians should, as I already said, have known about FOI and archiving principles.

If we were to make this legislation only apply from today then no cabinet documents would become available for another six or 10 years, and then there may be a gap for many years in the publicly accessible records of the early cabinet documents until

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a decision is finally made to release these earlier documents. I do not think we should have to wait this long.

I understand that Mr Moore has sufficient support for his amendments to get them passed. I am prepared to support the amended bill as this scheme is better than having no access at all to these documents. However, I have some reservations about how the exemptions from releasing documents are linked to the FOI Act because I think that those exemptions can be very broad.

In summary, under the FOI Act a document is an exempt document if its disclosure could damage relations between the territory and the commonwealth or other states and the Northern Territory; disclose opinions, advice or recommendations made in the course of decision-making within a department or ministry; affect the enforcement of the law or public safety; affect the financial or property interests of the territory; prejudice the effectiveness of the operations, procedures or examinations conducted by an agency; be subject to legal professional privilege; disclose information of commercial value or information about the business affairs of a person or organisation; and have an adverse effect on the ability of the territory to manage the economy or the conduct of business.

As members can see, these categories are very broad, and I am concerned that they could be used to restrict the release of many cabinet documents and lead to many appeals. This could generally discourage people from accessing these documents, which defeats the whole purpose of the legislation.

I understand that the Justice and Community Safety Committee is currently looking at amendments to the FOI Act, so I look forward to seeing this report as I believe that there is a definite need to review this part of the act to ensure that we are not unnecessarily restricting access to government documents.

MR MOORE (Minister for Health, Housing and Community Services) (11.55), in reply: Mr Speaker, first I want to thank two groups, the members who voted against the adjournment and the attempt to gag the debate on this matter today.

I would like to say a particular thank you to Ms Tucker and her office for recognising an anomaly in the amendments that I circulated on Tuesday where we had a circular effect with the FOI Act. The revised documents include the words "other than section 35 (Executive documents)". That was drawn to my attention and that is why the documents have been revised. We appreciate the effort made by Ms Tucker and her office with regard to that.

Mr Speaker, it has been very interesting to listen to the fallacious arguments put this morning, particularly by Labor, with regard to why we ought not proceed with this bill. There were a series of them. The first one is that I suddenly rushed out of the cabinet and did something entirely different; that it is terrible that I sit in a cabinet in the unusual way that I do, and we should not do this. We all recognise that that is a furphy.

First of all, in terms of timing, the Executive Documents Release Bill has been tabled for quite some time. The second part of the furphy is that Mr Stanhope and Mr Berry argued that the bill tabled today, the Territory Records Bill, is inconsistent. The first indication we had was from Mr Berry, who drew attention to proposed section 25 in part 3, "Access

to records”, which talks of 20 years when I am talking of six years or somebody else is talking of 10 years. Had Mr Berry read the legislation before him he would have noticed that in the consistent legislation that is on the table, the Executive Documents Release Bill, the proposed section 7 on page 3, there is a later release day, and that is what is being referred to in terms of access to records, and that is the next 1 July after the end of the 20 years after the document submission day. It is exactly the same, Mr Speaker. They are consistent. They were designed to be consistent. So both of those arguments are simple furphies and should be dismissed out of hand.

So should his third argument, which was that this is terrible because this is not cabinet solidarity. I think most members are now used to what has been happening in the last three and bit years when there have been issues on which I have separated myself from the government. The other members remain with cabinet solidarity most times, but I have stepped aside. But there have been examples—

Mr Berry: I take a point of order, Mr Speaker. Is “furphy” on the list?

MR MOORE: One of the examples, I think, which upset Mr Rugendyke somewhat, was the—

MR SPEAKER: No, I do not think so, but I will check it.

MR MOORE: “Furphy” is acceptable, Mr Speaker.

Mr Berry: “Furphy” is okay, is it?

MR SPEAKER: We had a very long debate on that.

MR MOORE: We had a very big debate on it when Mr Connolly, I think, used it and put a fantastic argument about furphy. He explained the origin of the word and the relationship with water tanks. I remember it quite well.

MR SPEAKER: That is correct.

MR MOORE: Mr Speaker, cabinet solidarity is completely irrelevant to this argument, as members know. Mr Rugendyke would remember when two members of Mrs Carnell’s cabinet had a separate view from another three with regard to supervised injecting rooms. It is not an unusual move in this Assembly. They are the first three furphies.

The question that keeps coming through is why are they so uptight? Why are they so nervous when just recently they relented and said, “Yes, we should be releasing documents after six years”? That was when I said, “If you think it should be six years, that seems sensible to me. I have chosen 10.” As Ms Tucker said, we are trying to work out what is the right time. I think most of us agree that cabinet decisions need to be confidential for a relatively short time, just the same as you tend to keep the preparation of bills confidential and not to table them or to make them public except in accordance with your own timing processes.

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Mr Speaker, it is a question of what is the best time and coming to a balance there. Mr Humphries has taken a different view from me and has gone back to my original view of 10 years. I was quite happy with the Labor view of six years. I will get to the prospective and retrospective argument.

Mr Berry: You know that that is a lie, Michael. You know it's a lie.

MR MOORE: I will get to that argument later. Mr Speaker, the other argument put was that the government has not responded to the—

Mr Humphries: Mr Berry has accused Mr Moore of lying.

Mr Berry: No, no. Please quote me correctly.

Mr Humphries: You said, "That's a lie."

Mr Berry: No, I did not say that, Mr Humphries. I said to Mr Moore that he knows that is a lie.

Mr Humphries: There is no distinction.

MR MOORE: Mr Speaker, I have not told any lies at all. I am not interested in Mr Berry's injections. They are just constant—

MR SPEAKER: Just a moment. It is still a suggestion that you are not telling the truth, and I want a withdrawal. We know the situation—

Mr Berry: I withdraw.

MR SPEAKER: Thank you.

MR MOORE: I did not pick it up because so many injections come from Mr Berry that I have closed my ears to them. I am responding to the points he put in debate when he was heard in silence.

Mr Speaker, the other argument put by Mr Stanhope, I think, was that the government had not responded to report No 15 of the Standing Committee on Justice and Community Safety on the Executive Documents Release Bill. No, this is my bill and I responded to it by means of the amendments that have been circulated. The government has looked at those and has indicated its acceptance of my amendments with one exception, where they have gone for the 10-year rule.

Then there was this argument about there being no consultation on this. Mr Speaker, it started first of all when it was in my platform, and it was of some interest during the election. There was quite some interest when the legislation was tabled, and then there was the committee report. So that is it.

Mr Stanhope was talking about some profound issues here. There are some profound issues. They are about openness and accountability. The most fascinating part for me over the last few weeks, Mr Speaker, is that the Labor Party has been saying about the

government for quite some time that they are secretive, and the first few times Labor are tested for openness and accountability they fail on every single account. They failed when it came to the Electoral Act. They have failed when I have challenged them again and again, as have other members of the Assembly, to make parliamentary travel open and tabled in the Assembly. They have failed, Mr Speaker, with regard to education results. It is always easy to make things open when you want to.

Mr Stanhope: What a lot of garbage. You just reflected on a vote.

MR MOORE: But what happens when you don't want to? That is the burning question. So, Mr Speaker, failure, failure, failure, every time they have been tested on openness.

Mr Berry: Mr Speaker, when—

MR SPEAKER: Order! I am tired of these constant interjections. We have a lot to do today and I suggest that we all start behaving as adults and get on with representing the people of the Australian Capital Territory.

Mr Berry: Mr Speaker, on a point of order: Mr Moore said that the Labor Party had failed in relation to information that is given to school students. That is a reflection on the vote of the Assembly.

MR SPEAKER: There is no point of order.

MR MOORE: Mr Speaker, I will be careful to make sure I do not reflect on a vote of the Assembly. Mr Speaker, this is the fourth possibility. Usually it's three strikes and you are out when being tested, but here is the fourth one. Here is your opportunity to show that you can be open and accountable. Stick with your policy of six years and let us get back to the retrospective issue in a little while.

Mr Speaker, there is a huge irony here. Every single argument that you have heard Labor make today could have been made, and probably was by this side of the house I should say, about all the documents with regard to Bruce Stadium. The government delivered document after document, boxes and boxes and boxes of them.

Mr Quinlan: That is not what it says here, mate. They were empty.

Mr Stanhope: Except the ones that are still missing.

MR MOORE: Mr Speaker, add yet another element that Ms Tucker raised and that touches on the very issue about which you are interjecting, and that is these series of categories that are exempted anyway for the protection of a wide range of things. She went through them so it is not necessary for me to go through them.

Then we hear the argument that we do not want this retrospectively, we only want it prospectively. It is worth stopping a moment and asking why would they want to—

Mr Stanhope: That is what Mr Osborne and his committee wants as well, which the government hasn't responded to.

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MR MOORE: Why would they want to make it prospective and not retrospective? They are really only—

Mr Stanhope: Well, if we have a response to the committee's report we might know.

MR SPEAKER: Order! I warn you, Mr Stanhope.

MR MOORE: Why would we want to make it prospective and not retrospective? There can really only be one reason. It is because you do not want what is coming out to come out. You want to do it only in the future so that you can sanitise what you are doing now in order to make sure that the documents that are released are nicely sanitised documents.

Mr Berry: They will be, anyway. So?

MR MOORE: I hear someone say, "So?" That is the sort of openess. Those who advocate—

Mr Stanhope: What a nonsense. And you go to Mr Humphries' arguments.

MR SPEAKER: Do that again and I will name you.

MR MOORE: Those who are always accusing others of secrecy are now taking this kind of approach because they want to sanitise what they put out. Mr Stanhope completed his argument with the words: "This is ad hoc, pre-emptive and opportunistic." I think I have put the lie to each of those arguments. They simply aren't true.

Mr Speaker, the other issue raised that I think is rather important is that if we do go to the retrospective issue we infringe on people's rights. Largely, the argument has been that retrospectivity would infringe on people's rights. It is worth reading the scrutiny of bills committee report on the Executive Documents Release Bill which quotes the Australian Law Reform Commission. It argues that this bill should be seen as promoting the exercise of the rights and responsibilities of citizens in making informed choices. I might as well add that the scrutiny of bills committee also raised the issue that we want to make sure it does not interfere with the Freedom of Information Act. The amendment will ensure that that does not happen.

Mr Speaker, I think we have to ask ourselves one final question, because this has not been resolved yet to the best of my knowledge. Labor advocates a six-year prospective approach. The question then becomes when will we see the retrospective? Does the 30-year rule of the federal parliament apply to what has been done by, if you like, the Follett government, the Kaine government and the first Carnell government? Does the 30-year rule apply or do we never have retrospectivity? How do these documents that are not sanitised get out? I do not think that question has been answered.

As members will be aware, I have circulated a series of amendments which are a particular response to each of the issues that have been raised. When we get to the detail stage I will be tabling a supplementary explanatory memorandum to the Executive Documents Release Bill to make sure that people understand what we are doing. That was circulated earlier to make it easy for members to understand the legislation that is before us.

Mr Speaker, this legislation is straightforward and it is appropriate. It is about openness, and there should be nothing to be frightened of. It is sensible legislation.

Mr Humphries has indicated his preference for 10 years rather than six years. Mr Humphries, there are two debates. One is about retrospectivity and prospectivity. The other is about the number of years. Demonstrate how open you are. Go with Labor and go with their 6 years.

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) (12.09): Mr Speaker, I seek leave to move together the revised amendments circulated in my name.

Leave granted.

MR MOORE: Mr Speaker, I move the revised amendments Nos 1 to 5 circulated in my name [*see schedule 1 at page*] and table a supplementary memorandum to the Executive Documents Release Bill. I have covered most of these issues in the in-principle debate, but I would be happy to respond to any further issues raised by members.

MR STANHOPE (Leader of the Opposition) (12.10): Mr Speaker, I do not wish to speak for all that much longer on this bill. We have made our position quite clear about it, except for a couple of points that I do want to reiterate where we have been grievously misrepresented. The Labor Party does not believe that this matter should be dealt with today. We sought to have it put off so that we could have a serious look at the Territory Records Bill. I repeat my regret that the government did not have an opportunity to respond to the justice committee's report on the Executive Documents Release Bill. I am not sure how often that happens, but it does not happen very often. As I understand it, the government almost always responds to committee reports; if it does not, it should.

Mr Moore: Not to private members bills.

MR STANHOPE: You say that it was a private members bill, but it is not a private members committee; it is a committee of this Assembly which made a report on the piece of legislation we are now debating. It was a report to the parliament and the government responds to reports to the parliament by the committee system.

Mr Humphries: Sometimes, not always.

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MR STANHOPE: It should. I am suggesting that, as a matter of course, it should always do so. I would have thought the government would do so as a matter of course. Maybe I am wrong about that. If I am wrong—

Mr Humphries: There have been exceptions to that.

MR STANHOPE: Okay, there have been exceptions. I am just saying that one would hope that, as a matter of course, the government would always respond to a committee report. I assumed that it did. I think that it is a matter of great regret that the government has not had an opportunity to respond to this report of this committee. The committee put in work. It took the report seriously. The committee opposed that part of this bill that has caused the debate here this morning. I think we have overlooked that in the context of this debate. We have had a committee of this place unanimously opposing retrospectivity. The committee comprised a member of the Labor Party, a member of the Liberal Party and two members of the crossbench and it unanimously opposed retrospectivity.

Mr Berry: All of them.

MR STANHOPE: All four members. It was a majority report. There was dissent from Mr Hird in relation to the period being six or 10 years, but the committee's report opposed retrospectivity. That was the report of a committee of this place. Mr Osborne has indicated—not as part of the majority, as I understand it—that he was not wedded to that position of the committee. Nevertheless, that was the committee's report. Two days later, without the benefit of the government's response to that and in the face of the Territory Records Bill, which deals with the same issue, we are debating and proceeding with the matter.

I agree with a number of comments that the Chief Minister made in his opening remarks in relation to this issue. I accept much of what he said in terms of the seriousness of this issue and the issues around the role the public service plays in advising cabinet and the role members of cabinet would wish to adopt in cabinet. We accept all that. The Chief Minister raised another important issue that was touched on by Ms Tucker. I think it should have formed part of a more detailed debate about this issue. I refer to the fact that so much of what our cabinet does is municipal in function and there could be a lot of ground for those of us within this place to differentiate between state-like cabinet consideration and municipal-like cabinet consideration.

There are two significant sorts of decisions to make. There are the sorts of decisions that the Queanbeyan City Council makes and our cabinet makes over which it's hard to argue for any exemption from disclosure. This cabinet makes a whole range of decisions. For instance, the cabinet made decisions on whether dogs should be docked. I am not sure that a decision by cabinet on whether the docking of dogs should be exempt from public disclosure for six, 10 or 30 years bears much debate. That cabinet submission should be released today, as it would be in Queanbeyan if it were a decision of the council.

That is a debate we have not had. We have not had that debate because we are crashing through with this bill. But I accept much of what the Chief Minister said. That was the basis of my concern about the way we are dealing with this issue. This issue is serious and significant and we are dealing with it in a cavalier way. We are not dealing with it as

a response from the government. We are not dealing with it in the way that I hope the Territory Records Bill was crafted and developed. I hope that the public service, in developing the Territory Records Bill, did its homework, took advice seriously from a whole range of experts in the field, did some comparative work on the legislation of jurisdictions round Australia and developed and delivered to us a comprehensive piece of legislation for dealing with the management, storage and release of records.

I regret that we are not going to have that opportunity. It is too late for that now. I am simply indicating that I think the Chief Minister raised some very important points that, in the context of this debate, we are now glossing over and we do not have the opportunity of having a significant debate or discussion about what is in the best interests of the people of Canberra or of this parliament in terms of the way that this parliament runs.

I will conclude on this point: the Labor Party is on the record as saying that it accepts and is prepared to facilitate, to propound or to bring into being a circumstance in which executive or cabinet documents will be available within six years. We would make that decision prospectively. That is the decision we have made and we do not resile from it. But I am more than happy for the first cabinet decision that the next government makes, whether it is Labor or Liberal, to be released six years from the day of that cabinet meeting. I have no difficulty with that. We do not resile from it and we are happy to legislate that into being, but we will not cop this bill today, which just willy-nilly makes all documents retrospectively available.

We simply will not cop that, so we are not going to support these provisions. But, just to put an end to the misrepresentation of Mr Moore's in relation to this issue, his dishonesty on the Labor Party's position in relation to it, we are happy to accept a prospective position and we will be happy to legislate for that. I will be happy to make that the first decision of the first cabinet meeting of the next Labor government, of the Stanhope Labor government, before the end of October. We will be happy to do that. I just want to put an end to the nonsense in relation to Mr Moore's misrepresentation of our position. There is a distinct difference, as the Chief Minister acknowledged in the comments he made about what has gone before and how it is unwise to rush into these things in the way we are.

MR MOORE (Minister for Health, Housing and Community Services) (12.18): It will be interesting in 2004 or 2007 to see whether we get round to that decision, but I do not think that we can afford to wait until 2004 or 2007; I think we ought to proceed with it now. It is a classic argument of the squirmer to focus on what is not in the bill. It is not about what is not in the bill; it is about what is in the bill and about what it does do. What it does do is it makes government more open and more accountable.

I think the arguments put by Mr Stanhope were quite disingenuous. For example, he said that the Assembly had not got a response to the report from the government. Mr Speaker, I cannot remember a single case where a report of a committee of this Assembly on a non-cabinet bill has had a government response. I cannot think of a single case.

Mr Stanhope: That is a problem that we need to address.

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MR MOORE: Mr Stanhope says that it is a problem that we need to address now. That is something that is interesting and is worthy of debate, but that is only an attempt to try to put off an important decision that can be made now.

Mr Quinlan: What is the plan, Michael?

MR MOORE: I will take that interjection. There has been so much about a conspiracy theory going around here. It was there again with that interjection from Mr Quinlan. I am going to answer that question. I have to admit to a conspiracy, Mr Speaker. The conspiracy started when I went to the last election and I put in my platform that I would introduce legislation of this kind. The plan is to deliver on that, Mr Speaker. That is exactly what it is about.

Mr Stanhope probably did not realise the impact of what he was saying, or I misinterpreted it, when he suggested that we ought to abide by a majority report of a committee of this Assembly. No, Mr Stanhope, we should consider it—

Mr Stanhope: I did not say that.

MR MOORE: Mr Stanhope says that he did not say that. In that case, I will back away from the argument but I will make a broad point. I will not apply it to Mr Stanhope, but I will make the broad point that Assembly committee reports, whether they are majority or minority, inform the Assembly and we take them seriously, but it is the Assembly that makes the decisions. I think that is a very important principle that we must hold to. Mr Speaker, this is important legislation. It is about having more open government, and we ought to move on it today.

MR OSBORNE: (12.21) My fear with all bills of this type is that often good pieces of legislation that start out with a bipartisan attitude being adopted end up in a fight in the Assembly, with accusations and finger pointing snowballing, and, unfortunately, a lot of the goodwill disappears and one side ends up pulling out because of something that someone else said. I have to say from my position as chairman of the justice committee that this piece of legislation has been one on which all of us have been very united. The Labor Party, Mr Hird and Mr Kaine have been very positive about wanting openness.

There were two contentious issues. One was over the length of time. I favoured six years, the committee favoured six years, Mr Hird favoured 10 years, and the committee recommended six years. The other bone of contention was the issue of retrospectivity. But they were two very distinct issues and one was not linked to the other. That was not my understanding of it, but Mr Hargreaves, Mr Hird or Mr Kaine may wish to rise to clarify that. The important thing was that we worked together because we could all see the merits of this legislation. The important thing for me is that we learn from much of what has happened in the last few years and that we do endeavour to be a parliament which is open and accountable, not one that just says that it is and does not deliver on that. I must admit to being somewhat disappointed that there has been so much angst this morning because I think that all of us in here can see the merits of this piece of legislation.

Mr Speaker, I will be supporting a period of six years, as per the committee's recommendation. I will also be supporting the retrospective aspect of what Mr Moore is proposing. The committee did recommend against that. I chose not to put in a dissenting report because, at the end of the day, the Assembly is the one that makes the decision. When I tabled the report I indicated that I favoured retrospectivity. The one issue that does concern me is that if we go to 10 years and make it retrospective we will leave Mr Kaine out dangling in the wind. I do not know that that is particularly fair. I would prefer six years so that a whole five or six years of things will be out there and Mr Kaine will not be the focus of it all. Perhaps that is something we should consider when we do come to it, which I imagine will be after lunchtime.

Mr Quinlan: I do not think anybody should be out dangling in the wind.

MR OSBORNE: I agree, but I do think that you have to weigh up openness. Not having been a member of a previous cabinet, it is not particularly an issue for me. Mr Kaine has said in committee that he is not concerned about any decisions that were made because he felt nothing was a secret, but I would imagine that that was because, I understand, everything that the Alliance government agreed to in cabinet was leaked. But, in the lead-up to an election, we do need to be very careful in what we actually do with this legislation.

I was just trying to go back over whose cabinet documents would be released if the period were to be 10 years. It really would not be much, other than Mr Kaine's. I prefer six years because there would be a lot more documents coming out. Having said that, I support the legislation. It is disappointing that the debate has degenerated today. Certainly, my discussions with the Labor Party, Mr Moore and the government have been very positive. Everybody generally supports the legislation. I just hope that decisions will not be made in anger on the floor of this place because of something that someone has said when all of us can see the merits of what Mr Moore is attempting to do. Mr Speaker, I will support Mr Moore, I will support six years as the period and I will cautiously support the retrospective aspect, but a lot of that will depend on whether the term is six or 10 years.

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

Sitting suspended from 12.28 to 2.30 pm

Questions without notice

Ministerial responsibility

MR STANHOPE: My question is to the Chief Minister. Yesterday the Chief Minister welcomed the Auditor-General's latest report, *Enhancing Professionalism and Accountability*, in a media release headed "Government overwhelmingly supports Auditor-General's Report". Is the Chief Minister aware that in the report the Auditor concluded that the traditional or accepted concept of ministerial responsibility is broader than that held by ministers in his government? The ministers referred to by the Auditor specifically included the Chief Minister, Mr Stefaniak and the former Chief Minister. The Auditor concluded that the definition accepted by this government involved no more than responsibility for improper conduct, ie criminal behaviour or deliberately

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misleading the Assembly. For the Auditor, the Chief Minister's narrow concept of ministerial responsibility raises the question of who, if anyone, is responsible, and leaves a significant gap in public accountability. Does the fact that the Chief Minister welcomed the Auditor's report and that the government overwhelmingly supports it mean that the Chief Minister is now fully and properly responsible and will accept a broader definition of ministerial responsibility?

MR HUMPHRIES: Let me put on the record that I have never argued that ministerial responsibility means accepting things for which one has a level of criminal responsibility—.

Mr Corbell: Oh yes you have.

MR HUMPHRIES: or where one has deliberately misled the Assembly

Mr Corbell: Yes you have.

MR HUMPHRIES: No, I have never argued that.

Mr Corbell: Yes you have.

MR HUMPHRIES: Well, you produce the evidence of that, Mr Corbell. It is not there. I have been on record more often than anybody else in this place on the question of ministerial responsibility and I have articulated a very clear definition of what that means. It broadly extends to decisions which the minister knew of or ought to have known of that were within the minister's purview, or that the minister had a personal involvement with or ought to have had a personal involvement with.

Mr Speaker, this is a complex issue which, with respect, the question attempts to reduce to absurdly simple proportions, and I will illustrate this point. No-one in this place would suggest, when a minister who orders that a contract be broken when the advice says that that should not occur, and then there are adverse consequences from that, that that would not be a case where the minister ought to be personally responsible. At the other end of the spectrum, for example, you have a situation where there is a doctor in a hospital who cuts open a patient and does so so badly that the patient dies. Is the Minister for Health responsible for that? Of course not. Even you, Mr Stanhope, would not argue that that is the case. The question is: between these two extremes, where is the line drawn?

I have argued consistently, Mr Speaker, for a classical definition of where that line should be drawn. It has been well articulated in many comments on this subject over the years, and I have quoted those on previous occasions. I suggest you go back and look at what I have said about that.

In respect to its enlargement, well, it has been enlarged. It was enlarged by the effect of the decision last year of the Legislative Assembly to require the sacking of the Chief Minister of the day, Mrs Carnell. By doing so—

Mr Moore: The threatened sacking.

MR HUMPHRIES: She was threatened to be sacked, but she resigned in the face of that threat. It was quite clear that if she had come into the Assembly on the day appointed for this decision that she would have been sacked.

Mr Stanhope: Did she accept responsibility?

MR HUMPHRIES: You ask her that question. I am not Mrs Carnell.

Mr Speaker, the concept has been enlarged recently. The Auditor's comments about the view of the government in respect to the Bruce Stadium affair on this matter obviously reflect a view about the level of ministerial responsibility which has since been superseded by events in this place. The conditions under which ministers ought to resign are different today than they were, I would argue, a year ago when we relied on a different set of precedents for an answer to the question you asked. Having said there is a different set of precedents, having said that the concept has been enlarged, and the number of occasions where a minister will be required to accept responsibility to that degree and then have to resign has been enlarged, I accept that there is a need to revise the way in which we do things, Mr Speaker.

I think the standard is regrettable. I think it is going to be a harder standard to live with. I want to make one thing quite clear: it is not just this government that will have to live by that standard, it is future governments as well. What in the past would have been a matter that would not have required the resignation of a minister, now obviously, in the future, will.

Talking about the Auditor-General, it is fine to hear that the opposition supports these principles, but they never articulated them in any clear way before the Bruce Stadium affair arose. On earlier occasions Labor's views about ministerial responsibility were far more conservative than they appear to be today.

MR STANHOPE: I have a supplementary question. I thank the Chief Minister for the comments he just made. I think they fly in the face of the finding of the Auditor-General.

MR SPEAKER: Order! No preamble.

MR STANHOPE: Accepting that in his report tabled yesterday, in paragraph 3.30, the Auditor-General said:

Those Ministers quoted above—

the ministers quoted above, as I indicated before, were the current Chief Minister, the previous Chief Minister and the current Minister for Education—

have made it clear that they are unwilling to be held accountable to the public for the detailed operation of public sector administrative units. Indeed, some of the views expressed above suggest an unwillingness to be held accountable for anything other than improper misconduct and misleading the Assembly.

That is the conclusion of the Auditor-General in yesterday's report. Accepting that, and acknowledging that the Chief Minister said in his media release yesterday that the government overwhelmingly supports the Auditor-General's report, can the Chief

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Minister explain why he made no reference to the issue of the extent to which his government and his ministers will accept responsibility for administrative action or administrative units?

MR HUMPHRIES: Mr Speaker, I made it quite clear yesterday in answer to questions from Mr Stanhope what my view about that subject was, and I have done it again today. I have made my position perfectly clear this week in the Assembly, and on many previous occasions. I do not know how much more clarity Mr Stanhope requires or whether he wants a bolt of lightning from heaven to make that clear.

I say again, Mr Speaker, that the Auditor has brought down a report which has indicated in terms of the Bruce Stadium affair overall that there were a number of serious failings, and I have acknowledged those, and that there needs to be a change in the way government does things. I have also acknowledged the need for that. I have initiated that process and it will continue. I come back to the point that the Auditor has made in these comments, but it does appear that the opposition are quite prepared to choose to accept the Auditor's view when they want to and not to do so when they do not want to.

I remind you that it was the same Auditor-General who said the ACT made an operating loss of \$344 in 1995-96, but that view appears to be fairly unpalatable and therefore can be easily dispensed with by the opposition. Either his words are engraved on tablets of stone or they are not, Mr Speaker. I suspect it is a case of you choose it when you want to choose it, and you don't when you don't want to.

Budget operating results

MRS BURKE: My question is to the Treasurer, Mr Humphries. Treasurer, I refer to claims by Mr Quinlan in this place yesterday that the improvements in the ACT government's financial position from a \$344 million operating loss in 1995-96, inherited from Labor, to a balanced budget today was merely a result of fiddling with accounting. Can the Treasurer confirm to the Assembly that the figures in budget papers 2 and 3 for operating results in past years have been properly prepared and duly audited? In particular, can the Treasurer confirm to this Assembly that the operating result for the 1996-97 year is correct?

Mr Hargreaves: Here we go again.

MR HUMPHRIES: I thank Mrs Burke for that question and, yes here we do go again, Mr Hargreaves. Mr Speaker, the fact is that Mr Quinlan has made a fairly serious set of allegations about not just the government—we are used to that and we take that on the chin every day. He has also made allegations which go well beyond the government into the public service that serves the government.

Yesterday Mr Quinlan made some fairly puzzling remarks. He said:

Can you imagine in 1997 Mick Lilley and Kate Carnell sitting down and knock up the first set of accrual accounting for 1996-97 and they find a loss of \$170 million or \$150 million? "Gee, this doesn't look good". Previously we've been talking about breaking even and deficits of \$40 million. and what do you do? "Well, we better have a look backwards and see how it used to be, cough, cough."

Perhaps that is not what you said—that is just what you did. That is what is in my transcript.

Mr Quinlan: Oh, no, it was part of it. I confess.

MR HUMPHRIES: Mr Quinlan continued:

But, of course, having come up the next year with the \$100 million you couldn't sustain it, of course. It went back to \$148 million. And then \$131 million. And it only turned around when government funding turned around.

Mr Speaker, it is a little bit like reading Chinese to know what he means by all of that but my interpretation is that he is suggesting fairly clearly that the former Chief Minister and the former Under Treasurer somehow set out to fiddle the books to concoct a figure of \$344 million.

First of all, as we would all surely know by now, having had it repeated endlessly in this place, the operating loss of \$344 million related to the 1995-96 financial year, not the 1996-97 financial year.

Mr Quinlan: Carnell. Was that a Carnell year? I think it was.

MR HUMPHRIES: Mr Speaker, the legacy of Labor, of course, was very keenly felt in that year.

Mr Quinlan: Was it the first year? No.

MR HUMPHRIES: It improved to \$171 million as a loss—

Mr Hargreaves: Who was the chairperson at the time?

Mr Quinlan: I think it was—

MR SPEAKER: I warn you, Mr Quinlan.

MR HUMPHRIES: It improved to \$171 million in 1996-97 and improved further to \$129 million in 1997-98.

Mr Speaker, to suggest that there has been, as Mr Quinlan himself said, a fiddling with accounting in this seems to suggest that some kind of aspersion is being cast on members of the public service. Mr Lilley is expressly named in the comments that Mr Quinlan made yesterday.

Yesterday, Mr Quinlan also seemed to be confirming that a reading of the books from that time, such as they were, suggested that in fact it was reasonable to assume that the figure the Auditor-General confirmed of \$344 million was a reasonable and sustainable figure. How then would one fiddle the books in those circumstances? Obviously only by going back and doctoring or changing documents that were underneath the audited accounts—transaction records within departments themselves.

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Mr Quinlan interjecting—

MR HUMPHRIES: Mr Quinlan has made this fairly serious accusation—he is being flippant about it at the moment—and he does not indicate how he backs it up. What exactly is he saying? Is he saying that the government manipulated the figures that were given to the Auditor-General? Mr Quinlan, are you referring to the ministers or are you referring to the public servants?

Mr Quinlan: It would be hard to tell—I was not exactly there.

MR HUMPHRIES: Again, by now becoming vague, Mr Quinlan is casting an aspersion on public servants—many of whom are still here—in the days from which that figure was derived. They were loyal servants of the government of the day. I think it is extremely unfortunate.

Mr Speaker, if Mr Quinlan is suggesting that the books in departments, which are the basis on which the audits are conducted, have been fiddled, he should say so and he should say how. If he is suggesting that the information that the Auditor had in front of him was misread, then he is making an attack on the Auditor-General because the Auditor said that, on the figures available to him, there was a clear conclusion of a \$344 million operating loss.

Mr Speaker, rather than make vague and unsustained accusations, Mr Quinlan would be better off putting his money where his mouth is and putting the facts on the table. I think until he does that, the aspersions cast on a number of public servants will remain.

MRS BURKE: Mr Speaker, I have a supplementary question. I thank the Treasurer for his response. Is the Treasurer aware of any possible grounds for Mr Quinlan's attack on the reliability of the Auditor-General?

MR HUMPHRIES: No, I am not, Mr Speaker. I think Mr Quinlan needs to show what the grounds for the attack are at this point.

MR SPEAKER: That is an expression of opinion.

MR HUMPHRIES: Indeed, Mr Speaker and, as I am saying, I think it is a very poor opinion.

Ministerial responsibility

MR QUINLAN: My question is to the minister for Business, Tourism and the Arts. Remember, Minister, that the Chief Minister has assured us, as recently as this question time, that the lessons of the past have been learnt and the events of the past have been superseded. He does not know how many times he has told us that. In light of the Auditor-General's reminder that ministers have the responsibility for overall performance of their departments. How do you reconcile two very recent events that took place in the estimates hearings? First, a question on the source of a claim that Impulse Airlines had received an offer of \$10 million, a claim that turned out to be false, was not answered. Second, a question as to the source of the misinformation distributed to the media by your office and related to changing estimates for Gungahlin Drive also was not

answered. How do you reconcile these very recent events, events in the last few weeks, with your Chief Minister's high-sounding claims, and why were you prepared to leave your public servants swinging in the breeze without taking responsibility at those hearings?

MR SMYTH: Both those claims by Mr Quinlan were answered in the Estimates Committee. What Mr Tomlins said at the 14 May 2001 meeting of the Standing Committee on Finance and Public Administration was that the ACT offer was based on Impulse's advice of the package it required and the potential for Impulse's proposal for Canberra, in terms of size and economic benefit, to far outweigh the cost. Mr Tomlins did not claim to have obtained confirmation of a Victorian offer from Victorian sources.

I think the question on the changing figures for Gungahlin Drive was well and truly answered in the Estimates Committee, where the three variations in costings at three different times were given by the public servants. Both questions were answered fully.

MR QUINLAN: There was another set of figures that had nothing to do with any—

MR SPEAKER: Ask your supplementary question.

MR QUINLAN: We now have public renewal, which seems to put the focus on public servants, which you abhor, of course, Chief Minister. Have you, Mr Smyth, received your invitation to the acceptance of responsibility renewal course, otherwise known as the ministerial backbone course?

MR SMYTH: It is with an air of desperation that we get to questions like this. Clearly those opposite have nothing else to comment on. If you want to put the record of the government on display, we are happy to say that we started with a \$344 million black hole that six years of good financial management have made up. That took some backbone. This is a government that has changed a number of initiatives, whether it be in education, health, transport or the environment. That has taken considerable bravery and leadership. The government has moved ahead on those.

For instance, the Commissioner for the Environment, in his recent report, said that this government should speak more about the initiatives and leadership we have shown, because they are at the leading edge, because the initiatives are world-leading initiatives. This is a government that has plenty of backbone. We have made the hard decisions to make up for Labor's mistakes. If re-elected in October, we will continue to make sure that we keep the ACT at the leading edge of delivering services, protecting the environment, looking after the economy and making Canberra a better place to live.

Department of Justice and Community Safety

MR KAINE: My question is to the Attorney-General and is in connection with the Department of Justice and Community Safety, for which presumably he is responsible, although under recent definitions I am not sure that that is the case. I noted with interest a report in the media earlier this week that the executive director of the policy and regulatory division of your department, who is also the ACT Commissioner for Consumer Affairs, has been appointed to a full-time position in a Commonwealth agency—the Insurance Claims Review Panel—at a reported annual salary of \$72,000.

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Minister, is this report correct? Has the senior public servant concerned resigned from her position with the ACT government? If not, is the minister satisfied that it is appropriate for an individual to hold a full-time salaried Commonwealth government position in addition to a full-time ACT public service job?

MR STEFANIAK: The officer concerned announced her resignation from the department to her chief executive and the staff on Monday of this week. I am advised that the officer formally accepted the appointment to the Insurance Claims Review Panel on the following day, 19 June. The officer's resignation from the department will take effect on 30 July. I am advised that she will commence her new appointment on 1 August. I take the opportunity to thank her for the work she has done on behalf of the Department of Justice and Community Safety. Her name is Anna Lennon and she has done an excellent job over about 4½ years.

MR KAINE: I have a supplementary question. Minister, what is the process followed in your department when a public servant seeks to hold a full or part-time position outside the ACT government services while retaining their ACT position? Is there some process that you have to go through?

MR STEFANIAK: I do not think that is the case here, Mr Kaine. I must say that, from what I know of the significant dimensions and pressures of that officer's current position, I think it is untenable to contemplate anyone of sane mind in that position taking on another full-time or even part-time position. In fact, I understand that one of the reasons she accepted the new position was for a more flexible and less demanding working arrangement. One of the reasons the Department of Justice and Community Safety increased some of the budget, which those opposite churlishly thought was not a budget initiative, just a pay rise, was to recognise the exception work done by the staff there, who certainly have jobs that are very much full time.

Lyneham tennis centre

MR CORBELL: My question is to Minister for Urban Services. Minister, the Auditor-General's report *Enhancing Professionalism and Accountability* makes the following telling points about government decisions being made with inadequate info:

The Cabinet's decision to redevelop the Stadium was based on inadequate and unreliable info.

Last Thursday during question time you, Minister, confirmed that you had failed to receive any formal written advice, legal or otherwise, in relation to your ability to revoke the development approval for the Lyneham tennis centre. Will you please explain to the Assembly why you have not learned from the lessons of Bruce Stadium, as evidenced by your failure to obtain any formal written advice in relation to your capacity to revoke the development approval for the Lyneham tennis centre?

MR SMYTH: I receive perfectly reliable oral advice from PALM every day. Questions about the planning portfolio that come to my office every day are resolved with a phone call to the appropriate section of the department. The real question here is: why is Mr Corbell in such conflict with his leader? The very day this approval was announced, Mr Stanhope said that he thought this was a good development for Canberra. He thought

that what we were doing was the appropriate thing. Since then Mr Corbell has done nothing but try to drive wedges between himself and his leader. If he is not in favour of the tennis centre going ahead, he ought to say so instead of continuing with his incessant questioning.

The government set out to do two things. It wanted to break a stalemate. It wanted to ensure that creditors got paid. My understanding from Mr Dawes is that that process is in train and that that is happening. The second thing we wanted to do was to achieve another facility for the people of Canberra. That was supported by the Leader of the Opposition, but since then we have had constant sniping from the other half of the party. It is the Left versus the non-aligned, the Left versus the Right or whatever it is. That is how they operate. Either the Labor Party is in favour of this or they are not. It is about time they came clean on the whole issue.

The advice to the government was very clear. We have acted on that advice. We have broken the bottleneck. The creditors have now been looked after. I met with more of the creditors on the weekend, and they assured me that they believe this is the only way they can get any payment and, at the same time, Canberra can get a great facility. It is a shame that for the entire length of Mr Stanhope's leadership of the opposition he has not on any occasion, bar this one, come out in favour of a government initiative and that the first time he does he is bagged by Mr Corbell.

MR CORBELL: I ask a supplementary question. Does the minister not agree that every government or ministerial decision, particularly one involving a development approval worth over \$100 million, should be supported by formal written advice?

MR SMYTH: Oh, the tricky questions with the words in their places. The government attempted to do two things. It is quite clear what we attempted to do. We wanted payment for creditors and we wanted a worthwhile proposal to go ahead for the benefit of the people of Canberra. It is interesting that the unaligned part of the Labor Party, the Leader of the Opposition, is in favour of that. It is a shame that the Left of the party has been against everything this government has achieved in the last six years.

We set out to make up for Labor's mistakes. We started with a deficit of \$344 million left by a government that Mr Stanhope's colleague Mr Berry was part of. But we do not get any acknowledgment of that. We now have Mr Quinlan's new rules, as of yesterday's debate, that only things that have happened in the last three years count.

Petrol

MR OSBORNE: My question is to the Treasurer, Mr Humphries. Minister, a couple of years ago the then Treasurer, Mrs Carnell, imposed a 3c a litre levy on leaded or super petrol. I understand that was an environmental measure designed to encourage people to use unleaded petrol. Now that leaded or super petrol has been phased out, why do the new lead replacement brands of petrol, such as premium unleaded, still attract the 3c a litre levy?

MR HUMPHRIES: I do not recall the details of that earlier decision but, whatever they were, I think they would have preceded the decision in Ha and Lim in the High Court, where the power of the states and territories to levy excises of any kind, including

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franchise fees on things such as petrol and tobacco, were wiped out, so any tax at all on petrol at the present time is a Commonwealth tax. To the extent that it has been retained by the Commonwealth, it is a reflection of a desire to try to standardise the amount of taxation which is imposed on petrol throughout Australia.

It is true that in Queensland a rebate is organised to petrol companies, which, in turn, is supposed to be passed on to consumers, representing a reflection of a lower tax regime that was previously in place in Queensland. That has not ever been the case in the ACT. Therefore, I think that asking the Commonwealth somehow to impose a lower tax in the ACT would not be warranted. My recollection is that it was a decision made Mraine of the Alliance government to put 3c a litre on petrol. I recall that at the time Ms Follett, the then Leader of the Opposition, said—

Mr Kaine: It was for one year, for a special purpose.

MR HUMPHRIES: It was for a short period and Ms Follett was very critical of the decision to put on that tax, but when the year was up, or whatever period it was, and the government had changed, mysteriously the tax did not come off. I think that Mr Osborne will find that today the government does not have the power to impose taxes on petrol in any case.

Bruce Stadium

MR BERRY: Mr Speaker, I would like to refer to *House of Representatives Practice* as quoted in the Auditor's report.

Mr Humphries: Is there a question to one of us in this, Mr Speaker?

MR BERRY: My question is to Mr Humphries. What do you think it is about?

Mr Humphries: Williamsdale quarry.

MR BERRY: Wrong.

MR SPEAKER: Is that your question?

MR BERRY: There are plenty more on that and I will come to them. The question is to the Chief Minister and it is about the Auditor's report. There will be more on the Williamsdale quarry later. I will save that up and let it brew for a while.

Mr Humphries: Perhaps you have exhausted the topic?

MR BERRY: No, no, no. Plenty more. Mr Speaker, *House of Representatives Practice*, as quoted in the Auditor-General's report, says that ministers are accountable to parliament if the action which stands condemned was theirs or was taken on their direction, or was an action with which they ought obviously to have been concerned. Mr Speaker, I refer to annexure A of the report, and I will only read the first couple of lines of each one of the dot points for the sake of brevity. The heading is "Unlawful actions". This refers to cabinet activities and so on. There have clearly been serious breaches of laws; breaches of law relating to expenditure of public funds; the payments

made for the redevelopment in excess of amounts appropriated were not lawful; the overnight borrowing was not lawful; section 6 of the Financial Management Act was not complied with; expenditure on the redevelopment was not of a nature which constituted an investment in accordance with section 38(1) of the Financial Management Act; guidelines issued under section 67(2) of the Financial Management Act cannot be given retrospective effect to make lawful the unappropriated expenditure; section 37(1) of the Financial Management Act was not complied with; section 58 of the Australian Capital Territory (Self-Government) Act was not complied with; section 31(2)(a) and (c) of the Financial Management Act was not complied with; and section 40 of the Financial Management Act was not complied with.

Government members interjecting—

MR BERRY: Does the then first law officer think that this was a matter with which he obviously ought to have been concerned? If so, do you think you should be held accountable for those decisions, or those incorrect decisions?

MR HUMPHRIES: Mr Speaker, I think the question Mr Berry has asked is the equivalent of asking Mr Quinlan to resign because his predecessors in the Labor Party imposed a \$344 million operating loss on the ACT community. It is about the same, Mr Speaker.

Mr Stanhope: Were you the Attorney-General?

MR HUMPHRIES: You asked a very long question, Mr Berry. I will give you my answer. Mr Speaker, I am not going to respond to a selective quoting from *House of Representatives Practice*.

Members interjecting—

MR SPEAKER: Order! I do not want an exchange across the chamber. Would the government please come to order.

MR HUMPHRIES: The minister responsible for those matters at the time has already paid the highest price possible for those matters. Mr Berry now espouses a new concept, that not only should the responsible minister resign but the whole government should resign.

Mr Stanhope: You got promoted.

MR SPEAKER: Be careful, Mr Stanhope. You are still under warning.

Mr Stanhope: I keep forgetting.

MR SPEAKER: Indeed.

MR HUMPHRIES: The minister responsible has resigned. Even with the most lax view about ministerial responsibility, there can be no higher price to pay than that. The price has been paid, Mr Berry. I believe that the community would expect on that basis that her successor as Chief Minister should address the task of repairing the issues or the problems which occurred with the way in which government conducts itself, not also

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throw themselves over the same ledge that Mrs Carnell was forced to fall over. Mr Speaker, I think this has been adequately dealt with. I am not going to respond—

Mr Wood: Did you contribute to the cabinet debate when these things were being discussed?

MR HUMPHRIES: Mr Speaker, I ask you once again for some protection.

MR SPEAKER: Two are under warning already, and there will be a few more very shortly.

Mr Corbell: It sounds like there was not a cabinet debate.

MR SPEAKER: I warn you, Mr Corbell.

MR HUMPHRIES: Mr Berry cites a series of failings which I have indicated already—

Mr Wood: Of yours.

MR HUMPHRIES: No. They were failings of the government—

Mr Berry: The cabinet.

Mr Wood: Of yours.

MR HUMPHRIES: No, that is not true.

Mr Wood: Yes, it is. You were the Attorney-General.

MR HUMPHRIES: If the principle is to be espoused that the Attorney-General bears the responsibility for legal mistakes made by other members of the cabinet, then why did not Mr Connolly resign when Mr Berry was forced from office over the VITAB affair? The same questions could be asked there about the extent of legal advice that was given to Mr Berry, or not given to Mr Berry over the VITAB affair. It seems the same case to me, Mr Speaker.

MR BERRY: Mr Speaker, I have a supplementary question. I wonder if the Chief Minister could blame the ordinary person in the street if they came to the conclusion that the former first law officer was having a sickie the day these things were being considered.

MR SPEAKER: That is an expression of opinion. It is out of order.

MR HUMPHRIES: The question has been asked, Mr Speaker, and I would like to respond to it. The fact is that Mr Berry has put forward a list of problems, but he is not prepared to live by the solution, which is obviously—

Mr Wood: They are in here.

MR HUMPHRIES: That is right, and we have indicated our view about those things. We have not run away from them. We have not ducked and weaved about them. We did not take three years to return to the Assembly after this occurred to apologise to the Assembly for what had taken place, unlike the position with respect to VITAB. When Mr Berry is prepared to live by the standard that he asks us to live by we will take notice of what he has to say.

Orthodontic treatment

MS TUCKER: My question, which is to the Minister for Health, Housing and Community Services, is in regard to orthodontic treatment for adults whose teeth problems have health consequences. In response to my questions in estimates, the minister advised me that he was not intending to open dental services to orthodontic work. In response to a question on notice regarding the options open to adults whose health may be compromised, I was advised that ACT Community Care does not fund such services for cosmetic reasons and that it believes that orthodontic care is best provided during teenage years.

The Queensland system has a sliding scale of one to 10, where the higher categories of eight to 10 relate to conditions which are believed to have health implications and are treated through the government health service. Clearly, the Queensland health service recognises that dental dysfunction can have very real health implications and will fund such work as necessary. Will the minister make a commitment to review his position and his government's position on such services to adults who do not have the resources to pay for such work where it can be demonstrated that without the requisite orthodontic work and care they face significant health risks?

MR MOORE: Ms Tucker would be aware that it was not so many years ago that the federal government withdrew its support for dental work. The financial impact of that was very significant. In the most recent budget, we have recognised that the federal government is not going to change that and we have put a significant amount of money into reducing the waiting list for restorative dentistry and dentures. We are already making significant progress with that. That is the highest priority for us.

Ms Tucker raised an interesting issue. No, we do not work in the same way as Queensland. We have things that they do not have and vice versa. The question, primarily, was about whether we will look at that. I think it is an issue that ought to be looked at in the context of the next budget.

MS TUCKER: I have a supplementary question. I am glad to hear that the minister is prepared to look at that. Meanwhile, what do you suggest that people on a low income who are unable to get the orthodontic work done and who consequently face real health problems should do?

MR MOORE: There are many issues in our society which I would like to be able to do something about. The ones we have dealt with were of the highest priority—restorative dentistry and dentures. We have been working on that in a very effective way and we are expecting the 3,500 or so clients on the dental health program's waiting list at the end of March 2000 to be reduced by more than 1,000 within the next year. That is our highest priority and that is the goal we are working for. If there are significant issues of

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a surgical nature, the person can go through the normal hospital process; but we do not do orthodontic work.

Annual reports and audited financial statements

MR HARGREAVES: My question is to the Chief Minister. Yesterday, in answer to my question on the publication of annual reports, you told the Assembly that there was an announcement some time ago that the government would comply with the recommendation of the Auditor-General that annual reports and financial statements would be released early in an election year to allow for public scrutiny. You said that the announcement came “when the Labor Party—in fact, Mr Quinlan—asserted that we intended to ignore the Auditor-General”. You said:

I made clear that we intended to agree with what the Auditor had said ... It will be on the public record.

In fact, it was Mr Stanhope who, in a media statement issued on 10 May, drew attention to the Chief Minister’s statement in the Assembly on 3 May. The only record of a public announcement the Assembly library can find is a reference to a story published in the *Canberra Times* on 11 May headed “Call for pre-election audit, reports”. That reference—and I quote from that illustrious newspaper—reads:

The Humphries Government said yesterday it would consider options to publish audited financial results and annual reports for this year before the October ACT election.

Can the Chief Minister tell the Assembly whether there is another, more specific reference on the public record to his commitment to meet the Auditor’s recommendation? If so, where is it?

MR HUMPHRIES: I do not carry around with me a bundle of clippings from the *Canberra Times* so I will take that part of the question on notice. I do know that the opposition have some trouble with their dates. I recall hearing in yesterday’s debate that the Labor Party’s announcement about having a single-zone bus fare in the ACT came before the government’s announcement in the budget. My records show that it was made well after the budget. Perhaps if I can produce evidence of where my statement preceded Mr Stanhope’s with respect to the audited statements Mr Hargreaves could produce his evidence showing where his or somebody else’s statement preceded Mr Smyth’s statement about single-zone bus fares.

MR HARGREAVES: Given that we rely quite heavily on the Assembly’s library service and that I trust them more than I do the government, will the Chief Minister concede that the *Canberra Times* reference is the only public record of any kind of action the government has decided to take and that a consideration of options is hardly a commitment? What made the government change its mind?

MR HUMPHRIES: I think I have already answered that question. I indicated that I will take it on notice.

Speed Cameras

MR HIRD: My question is to the Minister for Urban Services, Mr Smyth. I refer to claims by my colleague, Mr Hargreaves, on 31 August 1999 in this parliament that the introduction of speed camera legislation was “nothing short of a grab for cash”. Has the government got reliable research that confirms that the introduction of speed cameras has had a positive effect on road safety within the territory?

MR SMYTH: Mr Speaker, I thank Mr Hird for his question. I think the full quote was something like:

... all we have heard so far about concern for people’s welfare and changing driver habits is absolute bunkum and the legislation is nothing short of a grab for cash.

The words “absolute bunkum” have now flown back into Mr Hargreaves’ face. It will be interesting to see if Mr Stanhope asks him to apologise and withdraw the comment.

An independent study by ARRB Transport has shown that there has been a 36 per cent reduction at initial speed camera sites in the number of accidents involving serious injury in the ACT since the introduction of speed cameras. Beyond that, the report commissioned by the NRMA/ACT Road Safety Trust confirms that the speed camera program is improving road safety.

We know that the major contributing factors to accidents are speed, fatigue, alcohol and, oddly enough in the last 18 months, the number of people not wearing seat belts. But one of the biggest contributors is, of course, speed. The report shows that since the introduction of speed cameras in the ACT the number of drivers exceeding the speed limit has fallen by 26 per cent at speed camera sites and by 22 per cent across the rest of Canberra. So there has been a significant decrease in the number of motorists speeding.

We have seen an across-the-board drop in speeding, and that is hardly “bunkum”. The question is whether Mr Hargreaves will now rise and apologise for his “bunkum” statement, or does Mr Stanhope have the backbone to make him withdraw that statement.

Mr Speaker, the other issue is that a large number of Canberrans are “speed excessive”—that is, they drive at 10 kilometres above the speed limit. The report said that there has been a 59 per cent decrease in excessive speeding at the speed camera sites; and, across all of Canberra, a 39 per cent reduction.

I hear some gibes that it is only about the revenue. As we have said right from the start, we would be happy not to make a cent from this. But this program has reduced the number of accidents. This has led to a reduction in deaths on our roads and the personal tragedy of families; and it has reduced the impact on the accident, emergency and rehabilitation services provided by Mr Moore’s portfolio. The government has said right from the start that we would be quite happy not to receive a single cent from speed camera revenue.

I could not help noticing a statement made by Mr Hargreaves in a recent email, in which he said:

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Often and too often, decisions are made on a political level and policy analysis is done to sustain the argument, not initiate it.

It is obvious that on this occasion Mr Hargreaves decided to take a populist approach of opposing speed cameras instead looking at the data that exists in the surrounding states. He cannot find any research to support his argument. Perhaps Mr Hargreaves who, in his embarrassment, tends to ignore these answers, could provide the Assembly with the serious analytical work that he has that proves that speed cameras do not have an impact on road safety. He is wrong again, to his own shame and to his leader's shame—and I note that his leader has also left the scene of the crime. Perhaps Mr Stanhope could grow the backbone that Mr Quinlan was talking of and force Mr Hargreaves to apologise for his “bunkum” comment.

Community housing review

MR WOOD: My question is to the minister for housing. Yesterday, in response to a question from Mr Osborne, the minister generously acknowledged that I was right, right, right in noting the decline in the number of ACT government housing properties. I thank the minister for that. I was also right yesterday in marking the inaccuracy of the government's response to the report of the Poverty Task Group which claimed that “the Minister for Housing currently receives”—I stress “currently receives”—“advice on strategic aspects of housing ... from the Housing Advisory Committee” since the minister has tacitly acknowledged that the committee has not been functioning.

My question today concerns another answer to another question, this time on the KLA review of community housing. Minister, on 27 March, you said that you expected it to be available by the end of April and that you would make it available to interested members. I am an interested member; I have made that clear. I understand that some groups now have access to this very important report, but members of the Assembly have not received a copy. Will you be making it available?

MR MOORE: I will read it and then make it available to members, if it is available. It is some time since I asked about it. The first thing I have to do is check on whether it has been finalised. When it is finalised, I shall read it and then I will make it available to members. If people in the community have seen it, I imagine what they have got is a draft version of something that affects them, being the appropriate opportunity for them to comment on it and respond. I think that is a sensible process to go through, if that is the case. I have not seen the report. I will ask about it. If it has been completed, I will read it and hand it back to members.

Mr Berry: What is that on your desk?

MR MOORE: I can assure Mr Berry, who has enjoyed interjecting so much today, that it is not sitting on my desk.

MR WOOD: I wish to ask a supplementary question, Mr Speaker. I would have thought that it would have been read and studied by this time. Minister, is it the case that the delay is because, in the process of passing government property over to Community Housing, the government has once again failed the good government test and based its actions, as the Auditor-General has said in respect of other matters, on inadequate and

unreliable information? Is it the case that the KLA report points all that out and is a problem?

MR MOORE: On the contrary, Mr Wood. The delay with that has to do with the Auditor-General. We are trying to ensure that the Auditor-General is satisfied that the financial process of the accounting treatment is right. It is incredibly frustrating: we have a very good policy for transferring those houses to Community Housing but, because the accounting treatment becomes so important, the policy is slowed down. We are listening to what the Auditor-General has to say, we are working with the Auditor-General and we are accepting what he has to say, unlike those opposite who do not want to accept that he has said that there was a \$344 million operating loss that they left when they left government and Mr Wood was a minister.

Mr Wood: I rise to a point of order, Mr Speaker. The point I was making was that the process was never put right in the first place.

MR SPEAKER: There is no point of order. You will have the opportunity to speak at the end of question time.

Public housing

MR RUGENDYKE: My question is also to the housing minister, Mr Moore. Minister, I am aware of a family who made application to your department under the eligibility for early allocation of housing criteria, as outlined on the Canberra Connect website. Early this month the criteria under which they applied for their early allocation of housing was changed. A couple of the criteria upon which they relied have been removed from the Canberra Connect site. Could you advise whether that family's application will be assessed under the criteria as applied then or as the Canberra Connect site shows now?

MR MOORE: Mr Rugendyke, I'm not aware of why that criteria changed; I imagine it was in response to the policy decisions we made to ensure that we could deal with those most in need first. If that is the case, then I will need to ask Housing to look at this specific case and determine where it is at. As a matter of principle, where somebody has applied under a certain set of criteria, they should be assessed in terms of that criteria and positioned into an early access. With the new criteria coming into place, though, it may well be that somebody has a more urgent need and goes ahead of others, rather than being taken off.

If you can give me the specific case, then, as always, I'll have it assessed and checked against those criteria. But I'll also follow up the specific criteria to see whether it has been appropriately changed to match the policy decisions that were passed by this Assembly when there was a motion of disallowance moved which did not have the support of the Assembly.

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

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TransACT

MR HUMPHRIES: Mr Speaker, on 15 June I took on notice a question from Mr Kaine about the current exposure and the projected exposure over the next couple of years of taxpayers' funds in TransACT. Mr Kaine also asked me what was the precise uptake of the TransACT fibre-optic connection by Canberrans and how many paying customers within the ACT have they signed up.

Mr Speaker, I will present a response which gives the breakdown of the shareholdings in TransACT. The answer to Mr Kaine's question indicates that the total exposure of ACTEW to TransACT is as follows: the amount spent by ACTEW prior to the incorporation of TransACT in February 2000 was \$11 million; capital subscription by ACTEW from February 2000 to June 2001 is \$11.63 million; and the amount committed by ACTEW but not yet drawn down by TransACT is \$7.66 million. This gives a total commitment to date of \$30.29 million.

Mr Speaker, the answer also mentions that TransACT were expecting to have an average initial take-up of 20 per cent over their range of services. Their take-up has been considerably higher than this but they indicate that for commercial reasons they prefer not to give details of exactly what that take-up has been. I present the following paper, which contains some more complete information for Mr Kaine:

TransACT—Exposure of funds—Answer to question without notice asked of Mr Humphries by Mr Kaine and taken on notice on 15 June 2001.

ACTTAB

MR HUMPHRIES: Yesterday Mr Corbell asked me a question about a move by ACTTAB from Dickson to Fern Hill. I am advised that ACTTAB has made no commitment at this stage to any proposal regarding a new head office, although at this time I am aware that a proposal to locate the head office at Fern Hill Technology Park is the ACTTAB board's preferred option. I met with members of the ACTTAB board today and discussed this matter. I am also advised that ACTTAB has not entered into any land swap arrangements. Any sale of the Dickson property would be by an open process.

General Agreement on Trade in Services

MR HUMPHRIES: Ms Tucker asked me a question on Tuesday this week about the federal government's intentions for Australia regarding the General Agreement on Trade in Services, GATS. She asked whether the federal government had consulted with the ACT government about this and, if so, what is the ACT government's position. In a supplementary question she asked whether I would bring to the Assembly any work that the government had done on any analysis of GATS.

Mr Speaker, the issues that Ms Tucker raised were addressed in the debate we had yesterday on GATS. The issues will be further addressed in the report to be provided to the Assembly in August.

Orthodontic treatment

MR MOORE: Mr Speaker, I have a bit more information on a question from Ms Tucker that I answered earlier today with regard to a very serious specific case of orthodontic treatment. I understand that although we do not do any orthodontic work for adults, we do do orthodontic work in some serious cases for teenagers.

In the case that Ms Tucker referred to, I am informed by my staff that the woman has an appointment tomorrow and that the person who would normally do teenage orthodontic work is prepared to look at her and deal with this very serious case. At the time the question was asked, my staff were aware of this situation and of the appointment that had been made for tomorrow. I hope that information is useful. The broader policies will need to be addressed within the context of the next budget.

Family Services—court unit

MR MOORE: On 20 June Mr Rugendyke asked me a question about the court unit of Family Services losing experienced personnel. I would like to provide the following answer. First of all, I assure Mr Rugendyke that no reduction in staffing levels is planned for the court unit. However, a minor reorganisation of the unit will take place. Two positions in the court unit are or will be vacant. The advertisement for the manager position calls for social work or psychology qualifications and the advertisement for a court officer calls for legal qualifications. These position profiles will ensure the court unit will continue to provide effective and timely services. Extensive efforts are being made both locally and interstate to recruit well-qualified, experienced officers for these positions.

It has always been the case that the Government Solicitor's Office represents children in contested matters in the Children's Court. The practice has continued during the time that the manager's position has been vacant. Family Services have strong links to the Government Solicitor's Office and briefings and advice continue to be provided by them expeditiously.

Federation Line Incorporated

MR SMYTH: Mr Kaine asked for further information on the extent of government support to the Federation Line Incorporated. ACT government agencies are assisting this private sector organisation through funding and support and through patronage of the Federation Line Committee. Planning input is also provided through a steering committee for this study, comprising the National Film and Sound Archives, Urban Services, ANU, Chief Minister's Department, the Australian War Memorial, the National Museum of Australia, the NCA, ActewAGL and the Canberra Business Council.

The total contribution to the Federation Line is \$15,000 for a study to investigate the business plan and financial modelling. The contribution is broken down into two sums: a contribution of \$10,000, including GST, has been equally divided between Business ACT, the Canberra Tourism and Events Corporation and ActewAGL; and the remaining \$5,000 has been contributed by Planning and Land Management. These costs have been absorbed in the existing year's budget.

Lyneham tennis centre

MR STEFANIAK: Mr Hargreaves asked me a number of questions, some of which I answered and some of which I took on notice, in relation to the Lyneham tennis centre. An amount of \$1.2 million was paid to Tennis ACT this current financial year to enable it to upgrade facilities at the Lyneham tennis centre. Those upgrades included the construction of five Rebound Ace tennis courts, construction of a main stadium, and upgraded player and tournament facilities. Of course, the centre hosted the Canberra International Women's Tournament in January of this year. Tennis ACT has submitted a full and detailed acquittal, which has been independently audited.

Mr Hargreaves also asked me about some of the debts accrued to date. They are debts accrued by the developer; they are the responsibility of the developer. As other ministers have said, the government has clearly indicated already that approval for the development proposed on the site will not be allowed to proceed until all outstanding debts have been settled.

Authority to broadcast proceedings Paper

Mr Speaker presented the following paper:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—
Authority to broadcast proceedings concerning:

Debate on the Financial Management Amendment Bill 2001 (No 2) (on Wednesday 20 June 2001), dated 20 June 2001.

Standing Committee on Planning and Urban Services in relation to its inquiries into the National Competition Policy review of ACT taxi and hire legislation (on 22 June 2001) and the land administration information system for the ACT (on 6 July 2001), dated 21 June 2001.

Standing Committee on Health and Community Care in relation to its inquiries into elder abuse (on 4 July 2001) and Naltrexone treatment (on 4 July 2001), dated 21 June 2001.

Members study trips Reports

Mr Speaker presented the following reports:

Ms Tucker MLA—

Adelaide SA, 15-16 April 2001, dated 21 June 2001.

Capetown South Africa, 23-27 October 2000, dated 21 June 2001.

Papers

Mr Humphries presented the following papers:

Ministerial Travel Report for the period 1 January to 31 March 2001.

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

Members of the ACT Legislative Assembly—Determination No 83, dated 8 June 2001.

Chief Executives and Executives—Determination No 84, dated 8 June 2001.

Full-time holders of public office—Determination No 85, dated 8 June 2001.

Part-time holders of public office (Commissioner for Public Administration)—Determination No 86, dated 8 June 2001.

Part-time holders of public office (Commissioner for Surveys)—Determination No 87 dated 8 June 2001.

Part-time holders of public office (Building and Construction Industry Training Fund Board)—Determination No 88, dated 8 June 2001.

Part-time holders of public office (ACT Government Procurement Board)—Determination No 89, dated 8 June 2001.

Mr Stefaniak presented the following papers:

ACT Law Reform Commission—Report No 17—Sexual Assault, dated April 2001.

Administration of Justice—Statistical profile—March 2001 quarter.

Laws relating to sexual assault

MR STEFANIAK (Minister for Education and Attorney-General): Mr Speaker, I seek leave to make a brief statement in relation to the laws relating to sexual assault.

Leave granted.

MR STEFANIAK: I am pleased to table the ACT Law Reform Commission's report on laws relating to sexual assault. The report represents the completion of the Commission's review of the territory's sexual assault laws.

The original reference to the ACT Community Law Reform Committee, as the Commission was then known, was made in January 1993. The Commission was asked to review the laws in force in the territory in relation to sexual assault and to report on desirable changes to existing laws, practices and procedures.

Members may recall that in September 1997 the Commission issued a lengthy discussion paper on sexual assault. This discussion paper, which was subsequently tabled in this Assembly, canvassed relevant issues and sought to dispel common misconceptions. It was intended to facilitate a more informed and constructive debate about the relevant issues.

In August 1998 this paper was followed up by a further discussion paper with a more specific legislative focus. Both of these papers generated a lot of interest and comment.

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During recent years this area of the law has been subject to extensive debate and controversy. For example, members will be aware that a particular issue to emerge during the past few years has been the practice of issuing subpoenas requiring counsellors to produce their own notes of interviews with sexual assault victims. Access is then sought to the notes so that defence counsel may cross-examine the complainant on anything which she or he might have said to the counsellor during confidential sessions. The Commission has tackled this and similarly difficult issues head on, and indeed I note that the Commission has recommended in its report that the ACT should adopt a form of sexual offences counselling immunity.

The government will now examine the commission's report in detail and provide a formal government response to the Legislative Assembly. The ACT Law Reform Commission has produced a comprehensive report on this difficult area of the law, and I commend the commission's report to the Assembly.

Papers

Mr Moore presented the following papers:

Information bulletins—

Calvary Public Hospital—Patient Activity Data—March and April 2001.

The Canberra Hospital—Patient Activity Data—March and April 2001.

Health, Housing and Community Care—Standing Committee Report No 9—government response

MR MOORE (Minister for Health, Housing and Community Services) (3.33): For the information of members, I present the government response to report No 9 of the Standing Committee on Health, Housing and Community Care on the inquiry into the 2001-2002 draft budget for the Department of Health, Housing and Community Care, which was presented to the Assembly on 29 March 2001. I move:

That the Assembly takes note of the paper.

Mr Speaker, I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted.

The tabling statement read as follows:

Mr Speaker, I present the Government Response to Report No.9 of the Standing Committee on Health, Housing and Community Care on the Inquiry into the 2001/2002 Draft Budget.

The Committee's report contains twenty three recommendations, the majority of which call on the Government to take on board recommendations contained in submissions provided to the Committee by community organisations and individuals.

Mr Speaker, as members have seen, in framing its 2001-02 budget, the Government has been very responsive to the needs of the ACT Community and initiatives are being implemented which address many of the ideas and concerns raised in submissions from the community and which the Committee also considered.

Most of our health budget initiatives will be provided to community based care and services. That is, services outside of the hospital system.

Some examples include:

Home based outreach for young people;
additional drug and outreach services;
dental services;
parenting services; and
disability services.

The initiatives contained in the budget provide services and care for the most disadvantaged in our community. There is a particular focus on assisting people with special needs in areas of mental health, disability, youth, aged care and services to our indigenous community.

In addition, the budget also responds to the broader strategies of Government such as poverty, early intervention and other overarching strategies such as the Forward Plan for Older People, the Young People's Framework and the Women's Action Plan.

The Committee also sought advice on what community consultation the Government undertook in planning the budget. Many of these initiatives have been developed in consultation with the community and the non-government sector. As can be seen from the response tabled today, consultation has been comprehensive and has occurred at a number of levels.

As members would be aware, consultation occurred at the whole of Government level on the Government's proposed budget initiatives. The community and community organisations were supportive of the proposals contained in the draft budget.

In fact, in some cases, proposals were amended following feedback from the community. For example, the final budget for post-hospitalisation services provided substantially more funding. It was proposed to fund initiatives to the value of \$276,000 in the draft budget and the budget has allocated funding of \$1.5 million in the first year and over \$500,000 per annum in the forward years.

Mr Speaker, the Government has also noted it will further consider some of the Committee's recommendations in finalising service purchasing arrangements with the non-government sector. There are also other processes in train where commitments could not be made. For example, the current review of therapy services and a whole of Government planning process for the provision of therapy services to children and young people is currently being undertaken. We will await the outcome of such processes to ensure resources are being effectively used.

In relation to the concerns of the Committee about affordable housing, the Government has funded a number of additional housing projects. For example, \$2.67 million has been allocated to a pilot program to expand affordable housing options.

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Question resolved in the affirmative.

Subordinate legislation Papers

Mr Moore presented the following papers:

Subordinate Laws Act, pursuant to section 6—

Adoption Regulations, Agents Act, Associations Incorporation Act, Births, Deaths and Marriages Registration Act, Business Names Act, Classification (Publications, Films and Computer Games) (Enforcement) Act, Consumer Credit (Administration) Act, Instruments Act, Land Titles Act, Liquor Act, Magistrates Court Act, Prostitution Act, Public Trustees Act, Registration of Deeds Act, Sale of Motor Vehicles Act, Supreme Court Act, Trade Measurement (Administration) Act – Determination of fees and charges for 2001/2002—Instrument No. 105 of 2001 (No. 24, dated 14 June 2001).

Bookmakers Act—Bookmakers Regulations Amendment—Subordinate Law 2001 No 16 (No 24, dated 14 June 2001).

Emergency Management Act—Determination of fees and charges for 2001/2002—Instrument No 106 of 2001 (No. 24, dated 14 June 2001).

Health and Community Care Services Act—Determination of fees and charges—Instrument No 110 of 2001 (No. 24, dated 14 June 2001).

Land (Planning and Environment) Act—

Appointment of member of the ACT Heritage Council—Instrument No 109 of 2001 (No 24, dated 14 June 2001).

Supplementary determination of fees and explanatory memorandum—Instrument No 104 of 2001 (S30, dated 15 June 2001).

Road Transport (General) Act—Declaration—Road transport legislation not to apply to certain vehicles and persons—Instrument No 107 of 2001 (S31, dated 7 June 2001).

Veterinary Surgeons Act—Determination of fees—Instrument No 108 of 2001 (No 24, dated 14 June 2001).

Papers

MR MOORE (Minister for Health, Housing and Community Services): For the information of members, I present, pursuant to standing order 83A, the following papers:

Petition which does not conform with the standing orders—Mrs Burke—Reid Oval—Proposed skate ramp (46 citizens) and covering correspondence, dated 2 March and 28 May 2001.

I would like to offer my support to that.

ACT Digital Divide Task Force Report Ministerial statement and government response

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement concerning the ACT Digital Divide Task Force report.

Leave granted.

MR HUMPHRIES: I thank members. Mr Speaker, I am presenting today the government's response to the ACT Digital Divide Task Force report. This special government task force was appointed by me in January 2001 to investigate how best to bridge the digital divide within the Canberra community.

The task force report presented to me by the task force chair, Mrs Jacqui Burke, on 23 April 2001 outlines a program implementation framework to develop future ACT digital divide initiatives. This framework comprises governance, policy development and service delivery elements.

The task force recommended the funding of a number of specific service delivery initiatives. These initiatives are targeted at those digital divide groups which have the highest priority or most critical needs. These target groups include: those with less education, those on lower incomes, seniors, Aboriginal and Torres Strait Islanders, people with disabilities, people from different cultural and linguistic backgrounds, single parent families, people with low literacy, people with low computer skills and experience, people without permanent housing, women, and young people.

Mr Speaker, I am pleased to announce that the government supports in principle all the recommendations of the Digital Divide Task Force report. The government considers that the task force report provides a measured and appropriate response to bridging the digital divide in the ACT.

The governance and policy development recommendations in the task force report will provide a broad, comprehensive and robust framework in which to develop future programs to overcome the digital divide in the ACT.

However, the government's priority focus, which was clearly outlined in my January 2001 announcement of the Digital Divide Task Force, is to provide targeted initiatives which meet the requirements of the identified digital divide target groups.

The government strongly endorses the task force report findings that:

- the principle of ensuring universal access by the public to government service delivery arrangements, such as the public libraries and Canberra Connect, offers considerable opportunity and capacity for the digital divide target groups to benefit from such services; and
- these identified groups also have additional special needs and requirements over and above those of the general community. These special needs could best be met by developing specific initiatives which meet those requirements.

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The government also endorses the task force approach that developing a social policy agenda for IT disadvantaged communities and families is the preferred solution to bridge the digital divide in the ACT. The task force has recommended a package of targeted and specific initiatives in these contexts.

Mr Speaker, the government has agreed to fund these initiatives to a total of \$800,000 in 2001-2002 as follows:

- \$300,000 will be allocated for the provision of IT hardware, software and Internet access to key identified government and community public access locations across Canberra. My department will consult with peak community groups, including ACTCOSS, to determine the most suitable locations based on criteria including: sustainability within an organisation, logical geographic spread, target group's service delivery and capacity to implement quickly.
- \$200,000 for a community grant program to enable ACT community organisations to develop innovative proposals targeted to the needs of the most disadvantaged sectors of the identified target groups, including seniors, people with disabilities and other groups which have unique requirements. Proposals may include initiatives which enable awareness raising, training and education programs and the provision of computer and Internet access.
- \$100,000 for the provision of a roving trainers program—to provide awareness raising training and education—to enable members of the public to receive training at the key identified government and community public access locations. This will be an independent program coordinated by the Canberra Institute of Technology with skilled trainers; there will be no additional requirements on existing staff at these locations to provide this training.

The government and community public access program and the community digital divide grant program will, for the first time, enable members of disadvantaged groups to have access to computers and the Internet in their own community facilities. This will encourage people who have not previously tried computers or the Internet to learn about and use online services in familiar surroundings with their relatives or friends. Basic IT and Internet training will also be provided to assist this through the roving trainers program.

- \$120,000 will be provided to enhance facilities for ACT public libraries. This will increase the number of IT access terminals in public libraries by 50 per cent to 48 terminals located in nine locations throughout Canberra.

Importantly, this initiative will also enable public libraries to be equipped with a range of adaptive technology to assist the vision impaired and people with physical and cognitive disabilities to access IT and the Internet. This includes 21-inch screens, wheelchair accessible desks, a screen magnifying program, virtual keyboards and text decoders.

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- \$80,000 will be provided for a pilot program for public IT access centres within ACT government schools. This program will leverage off the resources of colleges and secondary schools already open to the public to enable the public to have access to IT and the Internet.

The Department of Education and Community Services will also review the outcomes of the schools as communities pilot program, which has been operating since February 2001 at eight ACT government schools. Experience gained from this program, especially in school/community partnering, will benefit the development of future digital divide initiatives.

The Department of Health, Housing and Community Care will examine the feasibility of developing a pilot program to provide a community IT facility in an ACT public housing complex. This initiative will offer the opportunity to benefit a broad range of digital divide target groups who live in our public housing complexes.

Mr Speaker, it is not just the government which has an obligation to develop solutions for the digital divide. The government considers that development and delivery of this social policy agenda should be provided through genuine partnership between government, business, the education sector and the community sector. The government has therefore agreed to the establishment of a digital divide network, comprising community, business, education and government representatives to foster, promote and develop digital divide initiatives within the community.

The chair will rotate annually among member organisations. I am pleased to announce that ACTCOSS has agreed to chair the digital divide network in 2001-2002. This appointment recognises ACTCOSS' coordinating role in broader community matters as well as its significant digital divide information initiatives, including the ACTCOSS Community IT Access Forum in November 2000 and the subsequent *Community IT Access—a discussion paper on IT accessibility in the ACT*, which came out in December 2000.

My department will also write to the Information Industries Development Board to request that it, in close consultation with the digital divide network, develop IT industry specific digital divide initiatives. These may include: adoption of philanthropic approaches; potential provision of equipment and/or concessional arrangements to provide IT and Internet access to disadvantaged groups; and identifying innovative technological solutions for inclusion in digital divide programs. The government intends that, where appropriate, such initiatives will be developed in the context of the government's ACT innovation framework.

To assist the community, business and education sectors as well as government organisations to develop and implement specific digital divide initiatives, my department will publish a digital divide resource kit. This resource kit will provide practical and useful information and advice about the specific requirements of the identified digital divide target groups and suggested options for the development of a broad range of initiatives.

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The government will also require Canberra Connect to continue to review its government service delivery arrangements to identify further opportunities for incorporation of target initiatives to reduce the digital divide. This includes: effective navigation systems that can be used by people with disabilities; clear, simple and culturally appropriate language for all people living in the ACT; and provision of additional public access Internet terminals.

Mr Speaker, the package of digital divide initiatives which the government has announced today is a very significant advance in bridging the digital divide in the ACT. In a number of areas the proposals have already been acknowledged as groundbreaking.

The government has strongly demonstrated its commitment and resolve to address the digital divide in our community. The government now looks to all members of the community, business and education sectors, to positively and constructively support the implementation of an ACT digital divide framework, to ensure that all members of our community can share in the benefits provided through access to IT and the Internet.

I want to thank again the members of the Digital Divide Task Force, particularly the chair, Mrs Burke, for this important work which I hope will lead to a new generation of changes in the ACT and action in this matter. Mr Speaker, I present the following paper:

ACT Digital Divide Task Force Report—Government response.

Executive Documents Release Bill 2000

Detail stage

Bill, by leave, as a whole.

Debate resumed.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (3.45): I seek leave to move the amendments circulated in my name together. They are amendments to Mr Moore's amendments.

Leave granted.

MR HUMPHRIES: I move my amendments Nos 1 and 2 to Mr Moore's amendments [*see schedule 2 at page]*

I indicated earlier in this debate that my view is that these documents should be accessible after 10 years, not after six years. There are different views about this, and I acknowledge those views, but it is my view that it ought to be 10 years. I think it is appropriate for us to understand that this is not a figure arbitrarily plucked out of the air. It is a figure designed to produce a sense of distance between the making of decisions and the recounting of the context of the decisions. It is a process which allows there to be a proper consideration of these things with the benefit of some hindsight. All of us in this place like to think we have enormous hindsight, but we probably could do with more of it.

The argument that documents should not be available within six or 10 years of their being executed or being put before the cabinet is rather undercut in the case of the opposition by calls they have recently made for cabinet documents relating to the Bruce Stadium redevelopment to be tabled not in six or 10 years time but right now, within less than three years of their being made. It seems that different rules are operating in that case and in the case being put by them in this debate.

If the community is mature enough to see the cabinet documents and understand the context of the cabinet documents that were created between one and three years ago in the ACT, why are they not mature enough and adult enough to be able to understand the context of documents created 10 years ago? As usual when embarrassed, the opposition finds reasons to have a discussion about something or other.

Mr Stanhope: I am going to respond and rebut the nonsense you speak.

MR HUMPHRIES: I am looking forward to the response. I would like to know why it is all right to have the cabinet documents created recently but not the ones created 10 years ago or six years ago, as the case may be.

Mr Moore: He might change his mind and vote against his own amendment or withdraw it.

MR HUMPHRIES: You never know. We will have to assess the effectiveness of this move, and perhaps we should reconsider it at some point in the future. But at this point I am not convinced that we should move this disclosure any closer than 10 years. I think that is a reasonable compromise. I note that some in this place are arguing for prospective disclosure of six years. I think a fair compromise is retrospective disclosure of 10 years. I would urge members to support that compromise in the spirit in which it is offered.

MR STANHOPE (Leader of the Opposition) (3.49): Some rather spurious arguments have been advanced in this debate. I wish to respond to the point just made by the Chief Minister and endorsed by the leader of government business—a firm, honourable and consistent member of the cabinet—about attempts by the Labor Party to seek access to cabinet documents relating to Bruce Stadium. Having yesterday read the latest of the Auditor-General's reports on Bruce Stadium, I guess one can understand the government's continuing embarrassment at the laughable attempts of its administration over the last three years. But that is separate issue.

We need to reflect on exactly what has been sought over the last three years in relation to Bruce Stadium. There were two separate attempts to access documents relating to Bruce Stadium. One of them was by the Assembly itself. The Assembly asked for all documents related to the redevelopment proposal. That was a resolution in the Assembly. That resolution did not include a request for access to cabinet decisions in relation to Bruce Stadium. From my memory of it, the Assembly resolution—if not explicitly, quite implicitly—excluded a request for access to cabinet documents. In the event, the government, in responding to the Assembly's request for documents in relation to Bruce Stadium, did not provide it with cabinet documents, either submissions or decisions.

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So we can clear up the truth in relation the Assembly's first request for documents in relation to Bruce Stadium. It did not include a request for cabinet documents of any description. We can debunk the first claim that was made, the spurious claim in relation to requests for cabinet documents. The Assembly did not ask for cabinet documents, and the government did not provide cabinet documents to the Assembly.

Mr Humphries: Yes, but you did.

MR STANHOPE: I did not. I lodged an FOI request for all documents. Go back to the wording of my request. My request under the FOI Act to you, Chief Minister, was for certain documents relevant to the Bruce Stadium redevelopment.

Mr Humphries: Then you asked for cabinet documents as well.

MR STANHOPE: I did not. This is where you have been mistaken. In some of our correspondence on this, Chief Minister, I have often thought we were at cross-purposes. In your response to me in relation to my FOI request, you made certain suggestions to me about whether or not my request should be regarded as including cabinet documents. My response to you was: "That is a matter for you, pursuant to the FOI Act, to determine." In other words, it was for you to decide whether or not there were documents characterised as cabinet documents that you could release pursuant to the FOI Act. My request was for whatever documents you could provide to me pursuant to the FOI Act. It was for you, the government, in your administration of the Freedom of Information Act, to determine whether or not there were cabinet submissions and documents that would have been excluded under the FOI Act. I did not specifically say, "I want this cabinet document." I asked for documents related to Bruce Stadium. It was for the government to determine whether or not cabinet documents fell within the parameters of my request.

That was the correspondence we had. I was surprised by your letter to me, Chief Minister, in which you asked me how we should deal with the request under the FOI Act. You might remember the letter, Chief Minister. You asked me for my views on how, under the FOI Act, we should deal with cabinet documents. I wrote back to you and said, "In accordance with the FOI Act, you have to make a decision on whether or not a certain document, whether it is characterised as a cabinet document or not, falls within the exemption."

Mr Humphries: You went public calling for the cabinet documents.

MR STANHOPE: What, the cabinet decisions?

Mr Humphries: You went public calling for them. That is what was reported in the media.

MR STANHOPE: I have never asked for cabinet decisions under the FOI Act.

Mr Humphries: I did not say "cabinet decisions"; I said "cabinet documents".

MR STANHOPE: Documents that may have informed a cabinet decision, certainly any document in relation to which an exemption did not apply.

Mr Humphries: They are cabinet documents.

MR STANHOPE: Anything is an executive document.

Mr Humphries: No. If they go to cabinet, then they are cabinet documents.

MR STANHOPE: Only so long as there was not an exemption available. We all know that that is how the FOI Act works. That is the other aspect of this debate.

Mr Humphries: You are a bit confused.

MR STANHOPE: There was some confusion. I was quite confused by the approach you took to me in one of your letters, Chief Minister. I did not understand it. You may recall that I wrote back to you and said, "Chief Minister, it is not for me to decide what you can release. It is for you to make a decision pursuant to the exemptions."

Mr Humphries: You were asking for cabinet documents.

MR STANHOPE: That is not my recollection.

Mr Humphries: We will find out.

MR STANHOPE: We probably need to get the correspondence to understand exactly what I asked for. It is a matter that has not yet been resolved. I do not think the last set of documents, those that went to the project management tendering and contracting process, which was the issue in dispute between us, Chief Minister—

Mr Humphries: You have not replied to my last letter. That is why.

MR STANHOPE: I will have to check that. That is interesting. I thought I had. I thought I was awaiting your response. I had better check my files. You suggest that we made claims for cabinet decisions. That is not something I have ever done, because I have similar views to you, Chief Minister, about what is appropriate and what is not. I will look at the correspondence, and we will decide then what I asked for and what you responded that I asked for.

I will just restate the position. This debate has gone on for long enough. The Labor Party does not resile from its support for a prospective six-year period. We remain opposed to a retrospective period. We voted against this bill. We see the Chief Minister's amendments as the lesser of the two evils in relation to retrospectivity. We will support the 10-year period, and we will ourselves move to create a six-year prospective period.

Mr Humphries: Why is prospective better than retrospective? You have not explained that.

MR STANHOPE: We have explained that in detail and at length, Chief Minister.

Mr Humphries: I do not understand why.

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MR STANHOPE: We accept the argument that every member of cabinet and every public servant who involved themselves in this process over the last 11 years did so on an understanding that they had 30 years.

Mr Humphries: So they would have made different decisions if they had known they were going to be exposed after 10 years?

MR STANHOPE: Who knows?

Mr Humphries: It must be the case if you are concerned about it.

MR STANHOPE: Who knows? Perhaps that is the case. It is just a matter of equity and principle. Perhaps it is not something any of you individually are concerned about, but there are other cabinet ministers not here. You can each stand up as cabinet ministers and say, "I have nothing to hide. I do not care." But nobody I am aware of has asked other cabinet ministers who are not here today to answer for themselves. That is irrelevant to the principle anyway. There is a whole range of public servants who also lodged submissions.

Mr Moore: You were not worrying about them with the Bruce Stadium papers.

MR STANHOPE: Perhaps there are some exceptions. When we were aware of a major scandal, a laughable attempt at administration that we perceived in relation to Bruce Stadium, perhaps there was a real interest in having access to some of those documents. Nevertheless, we have never suggested that cabinet documents should have been made available to this Assembly, and I have certainly never suggested that a cabinet decision or any cabinet document that was protected by an exemption under the FOI Act should be made available to me. What you are sprouting here is bunkum. At no stage have I or anybody else on this side suggested that protections available under the Freedom of Information Act for the non-disclosure of cabinet documents should have been ignored in relation to Bruce Stadium.

MR MOORE (Minister for Health, Housing and Community Services) (3.59): I will be opposing the amendments that Mr Humphries has put up. We ought to be making sure that these documents are available. I do not comprehend what people are afraid of.

Mr Humphries: What are you doing with my amendments?

Mr Stanhope: I am supporting your amendments.

MR MOORE: Mr Stanhope indicates that he is supporting Mr Humphries' amendments. He explained that he has a different view on prospectivity and retrospectivity. What are you trying to hide? I am not quite sure.

Mr Stanhope: Let us make it a week. Give us Hall/Kinlyside, Bruce Stadium, the hospital implosion.

MR SPEAKER: Order! Please stop interjecting.

MR MOORE: Mr Speaker, this man has been warned at least three times today. I am surprised that you are leaving him in the chamber. I would be very keen to have him out.

MR SPEAKER: It would be a great disappointment if, when the appropriation bill came up, you were not around, Mr Stanhope.

Mr Stanhope: I take a point of order, Mr Speaker. I think the minister just made an appalling reflection on your capacity and your control of the chamber in telling you how to do the job. I think you should defend yourself.

MR SPEAKER: I do not see it that way.

Mr Stanhope: It was an appalling reflection on you, suggesting that you do not have the capacity to control the chamber.

MR SPEAKER: Mr Stanhope, if you do not sit down, you will be out of the chamber. I am tired of constant interjections. I remind members that we have the appropriation bill to deal with, and I would hope that all members would like to make a contribution somewhere along the line. Some of you might not be here to do so.

MR MOORE: Mr Speaker, if in my being critical of your tolerance—and I was being somewhat critical of your level of tolerance—I have in any way offended you, I certainly withdraw. Sometimes I find your level of tolerance most extraordinary.

It is somewhat disappointing that we are going to 10 years rather than six years, but the matter of principle is still important. If the result is 10 years, that will be a major contribution to openness in government processes. I am absolutely delighted that Mr Humphries and the government have agreed with me to make it retrospective. The whole notion of prospectivity put up by Mr Stanhope is appalling. It says more about Mr Stanhope, the Labor Party and their attitudes that they want to go for prospectivity than it does about anything.

This is about openness. I look forward to the support of members for the bill, even if it is amended in a way I disagree with.

MS TUCKER (4.02): I will not be supporting Mr Humphries' amendments. I think the six-year period is quite appropriate. I understand the numbers are there for Mr Humphries' amendments, because the Labor Party will support Mr Humphries. I concur with Mr Moore. I think the legislation we will end up with will be a good and reasonable piece of legislation that will assist in accountability and community confidence in the workings of the Assembly and the government of the day.

Question put:

That **Mr Humphries'** amendments to **Mr Moore's** amendments be agreed to.

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The Assembly voted—

Ayes 12		Noes 5
Mr Berry	Mr Humphries	Mr Kaine
Mrs Burke	Mr Quinlan	Mr Moore
Mr Corbell	Mr Smyth	Mr Osborne
Mr Cornwell	Mr Stanhope	Mr Rugendyke
Mr Hargreaves	Mr Stefaniak	Ms Tucker
Mr Hird	Mr Wood	

Question so resolved in the affirmative.

Mr Humphries' amendments agreed to.

Mr Moore's amendments, as amended, agreed to.

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

Bill, as amended, agreed to.

Appropriation Bill 2001-2002

Detail stage

Schedule 1—part 9.

Debate resumed from 19 June 2001.

Proposed expenditure agreed to.

Proposed expenditure—part 10—ACT Housing, nil expenditure—agreed to.

Proposed expenditure—part 11—Urban Services, \$207,196,000 (net costs of outputs), \$89,603,000 (capital injection) and \$1,042,000 (payments on behalf of the territory), totalling \$297,841,000.

MR HARGREAVES (4.09): Mr Speaker, the report of the Estimates Committee, amongst many things, pointed to a lack of regard for due process. The one that popped up as the most obvious to me was in regard to the government's handling of the second taxi network. It is true that the government is not paying money to the second taxi network, in the same way as the government is not paying money to the Lyneham tennis centre, but it has a responsibility to ensure, as guardian of the community, that the processes are above board.

At the Estimates Committee meetings, I asked the government whether it had done a probity check of the network and the government said that it had and gave me a copy of a letter from an accountant regarding one of the so-called principals. In fact, that person is only going to be an employee, not one of the principals. The principals are resident in Brisbane and Adelaide and had absolutely nothing to do with it. That told me that there had been a total disregard for due process. On looking at the Auditor-General's

report, what did I see on page 82? I saw that procurement guidelines were not followed. There were about a dozen comments by the Auditor-General about procurement guidelines not being followed. What do we find here? We find that in the very recent past procurement guidelines were not followed.

We have talked about the prison project. We have said that there were early warning signs there. It is to cost \$100 million. I started talking about early warning signs two years ago when it was costed at \$32 million. What did the Auditor-General's report talk about? It talked about early warning signs being ignored. Yet we hear repeatedly from this government, if it is not saying that the public service is to blame, that it has learned its lesson and introduced changes to the public service structures and processes to fix things. We are not seeing a lot of evidence of that, Mr Speaker.

As I mentioned in the general debate on the budget, what we had was just a shopping list. The government won the lottery, ended up with a bucketload of money and decided that it had better spend it before the opposition takes the Treasury bench from the government, leaving the opposition with nothing to spend. Sure enough, that is what the government has done. The amount left over, the crumbs off the table of \$12 million or thereabouts, is going to disappear on paying for the HIH rescue package and the interest rate that we have to cover for borrowing money to build a prison. In fact, in the outyears that interest rate is going to be up around the \$9 million mark, so I would estimate that in the order of \$3.5 million will be required in the second year of the four-year program. Will it be there? It will not be if the people opposite have any say in the matter.

I raise that issue in the context of the section of the report on the Department of Urban Services because, if we look at the main headings for what the government proposes to do with the lottery win it had, we will find that it talked about innovation and it talked about poverty and early intervention. If we look at Budget Paper No 3 under the heading "Poverty", what do we find that Urban Services is doing about alleviating poverty? There is nothing in there, nothing at all.

I know that most of the people who complain to my office about things that affect them talk about roads, drains, garbage collections, bus fares and concessions. We had so much money in there that the people opposite could go out and just blow it. Why didn't the government allow concession card holders to use the bus services during peak hours? It would not have cost very much. It would not have cost much at all. It was certainly within the bounds of the leftover of \$12 million. Maybe it was because the government knew that that leftover of \$12 million is not going to exist for too much longer.

Mr Speaker, this government has been in charge of the infrastructure of this town for six years. I came to this town in 1968, having travelled all over the country and overseas. The reason I jumped ship and decided to make Canberra my home was that it was the prettiest place of all. It was clean and fresh. It looked like a good place to settle down and raise a family. One of the common themes that people talk to me about—indeed, it happened as recently as last night via the email system—is that Canberra is not like it used to be. What has happened, of course, is that this government, over six years, has allowed our infrastructure to run down. It is only when you go and punch them around a bit that they paint the overpasses, paint white lines on the roads, fix up intersections and mow grass.

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In this budget there is quite a lot of money for things under the Streetsmart program, such as for sticking lights on the end of poles in shopping centres because the government has recognised, at last, that shopping centre precincts are particularly dangerous places for people to gather and to go through on their way home after work. People are getting mugged at ATMs, they are getting their cars broken into and stolen and they are being assaulted. One of the ways to fix that, apart from having a greater police presence, is to have adequate lighting.

A recurring theme of mine in the three years I have been a member of the Assembly—one could say that it has been a recurring nightmare—has been that the minister should do something about inadequate street lighting, particularly in places in my electorate, such as the car park at Cowlshaw and Reed streets. I have told the minister stories about how people have had all the wheels on their cars knocked off and people have been assaulted in the car park. There was, in fact, a robbery in the Hyperdome and the perpetrator ran into the car park, but could not be seen in it because the lighting was so bad. The police went into a couple of the establishments there and told people not to go out there while they were looking.

We are finally seeing some money being put into that sort of thing. I applaud the allocation of money to this sort of activity; it is just that it is happening five years too late. Why could we not have seen it happening successively over those years? I am blessed if I know. Why did we not see a significant increase in the draft budget process for the general infrastructure around town? Was that because the money did not exist. I think the government knew that it existed; it just did not tell anybody.

One of the more obvious ways of knowing that the fabric of the town has gone down is to see the deterioration on the side of the hills as one walks around. There are plastic bags and papers all over the place. Among the first to get it in the neck were the litter pickers and people of that ilk. We had people here last night trying to save their jobs. Most of the people who have suffered from this government's cost-cutting exercise over the last six years have been on as little as \$23,000 a year. Whilst the senior executives have got themselves particularly attractive remuneration packages, these people have lost their jobs.

I do not think that this government is acting responsibly. In fact, the application of this money to these activities, as I said, is "too late, she cried". The ACT public will see that for what it is. The people opposite have decided to spend every razoo that they can lay their hands on and, as they are getting belted up because the fabric of the place is deteriorating, they have decided to apply a lot of the money to that. That is good, except that it is happening too late and they are not fooling anybody.

MS TUCKER (4.19): I wish to make some comments on the government's commitment to the environment and ecologically sustainable development. Whilst we know from the budget that the government is spending considerable sums of money on the environment and heritage, the point I want to make is that environmental protection and enhancement are not an integral part of the government's thinking and are not being sufficiently funded to meet the demands. Spending on the environment has not increased as much as spending in other areas. Total expenditure in the budget is up 6 per cent on the 2000 budget, yet the \$22 million in the environment budget is up by only 2 per cent on last year, which is not even keeping up with inflation. Despite that, there is a need to fund

new measures, such as the new firewood licensing scheme and the tree protection scheme, which I would point out probably would not exist if it were not for non-government members pressuring the government to adopt them. We know that there is a huge backlog in the assessment of nominations for the heritage register and that it will take years to clear.

There is extra money to implement the Namadgi National Park joint management agreement, although most of it will go on the administrative arrangements, including the appointment of two new staff, and not into on-the-ground work. The minister regularly trumpets his placement of 100 hectares of endangered grassy woodland into the Canberra Nature Park, yet it was admitted in the estimates process that there is no extra money to manage these areas. Funding of the new sustainable catchment program is less than that for the decade of land care program that it replaced. The ongoing funding of the Commissioner for the Environment also has stayed constant for the last few years, which significantly limits his capacity to undertake special investigations.

The only two environment measures that were deemed worthy of being included in the government's list of budget initiatives are not even new initiatives. Funding for the garden waste recycling service is just a continuation of a service that has been around for a number of years. The other initiative, money for the implementation of the ACT greenhouse strategy, is just a continuation from last year. In fact, it was a motion of the Greens in the last Assembly that forced the government to adopt a greenhouse gas reduction target. It is the case that the government is being quite hypocritical in that it is trumpeting the greenhouse strategy at the same time as it is spending many more millions of dollars on new roads that will just increase our dependency on car-based travel around the city, with all its attendant environmental and social problems. The government is also massively funding the V8 supercar race, which just perpetuates the glorification of the car. The government has made an indiscriminate cut to car registration, in the guise of returning money to the community, but pity those people who do not own cars and have to use our declining public transport system.

I would like to make a point about the performance and behaviour of some of the participants in the V8 supercar race. Yesterday, there was some discussion about how someone to do with the V8 supercar race—I do not know whether it was a course car—did burnouts outside one of the grammar schools. It might have been mentioned in a letter to the paper. I had communication from a number of constituents about a course car doing burnouts in front of Narrabundah College as well. It is really quite appalling that there was not a stronger sense of responsibility taken by the organisers and the racing industry itself in terms of how they behaved in the ACT, particularly in front of young people. I know that the parents in both situations were very concerned about this irresponsible—in fact, incredibly stupid—behaviour of people connected with the V8 supercar race in doing burnouts in front of these young people.

I have said many times that this government is not committed to the environment. For a government that supposedly is committed to ecologically sustainable development, it has demonstrated that it has no idea how to integrate environmental concerns into its broader decision making. Whilst the minister says that he is committed to the environment, we have as major initiatives in this budget the handing over of \$10 million to car owners as a reduction in their car registration and of over \$100 million for new roads. Car owners get money while the bus service is left struggling.

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The government claims that its free school bus scheme will benefit the environment, but I bet that was not a consideration when it decided to introduce this scheme. It was about buying votes. I understand the conservation council's view that any action that boosts the use of public transport is better than nothing, but I do not think that this scheme will do much to reduce private vehicle use. The cost effectiveness of this scheme as an environment measure and whether the money could be used more effectively elsewhere certainly must be questioned. I suspect that in the short term it will merely subsidise those students who are already travelling by bus. Over time, some students who were previously being driven to school may be using school buses, which would relieve their parents of some extra travel. However, it is highly unlikely that these parents will now hop on a bus, because the rest of the ACTION bus service has not improved at all. ACTION may be getting some new gas buses, but the government has done nothing in this budget about the inequitable and unattractive zonal bus fare system for adults or increasing the frequency of services.

A government that is truly committed to the environment would be looking at ways of reducing our overall transport demands. It would be developing an integrated transport strategy that saves public transport and non-car modes, rather than treating them as an afterthought. The government, instead, is charging ahead with its traffic jam plan, with the Gungahlin Drive extension as its centrepiece. After the estimates hearings, however, you would have to be suspicious about what the government is actually planning to build. Last year's budget allocated \$32 million for this road, but at the end of last year the Chief Minister announced that the government had dropped the spur road that connected Gungahlin Drive to Barry Drive at the AIS. The 2001 budget refers to four lanes plus tunnels, which is exactly what was said last year, but under the revised road proposal without the spur there would only be one tunnel, at Bruce Ridge.

The urban services committee's report on this road quotes the government's submission as saying that the originally planned road with the spur would cost \$28 million and the revised option would cost \$22 million at year 2000 prices, yet here the budget is still saying \$32 million. When I raised that before the Estimates Committee and the media, we had the farcical situation of the head of Urban Services saying that it was a mistake, but then the minister's office tried to justify that there was no \$10 million discrepancy, getting the numbers totally mixed up. The department had to step in as a scapegoat and say that it was its fault. The final line from the government appears to be that the extra cost is for overpasses at Caswell Drive and Ginninderra Drive, but they are pretty expensive overpasses. It is a wonderful coincidence that it all comes to the original figure of \$32 million!

We also found out through estimates that the government still has plans to put a so-called busway along the route of the spur road, which would have just as much impact on the O'Connor Ridge as the original road proposal. I have no problems with having busways, but this is not the right location for one. There is already on the Territory Plan a bus lane corridor marked on Belconnen Way, so we do not need a busway through there unless the government is thinking of turning this busway into a road after it is built.

In the planning area, the government is being hypocritical by saying that it supports sustainable, high-quality design at the same time as it has acted to destroy the integrity of Canberra's Y-plan by supporting the establishment of a commercial centre at the airport,

even though there is a glut of land for hi-tech industry at Fern Hill Park and the AMTECH estate in Fyshwick and a glut of office space in Civic for which the government has been giving assistance to turn the office space into apartments. The government has done nothing to provide major employment in the Gungahlin Town Centre.

There has been a reduction in the funding of PALM over the last few budgets, which makes me question whether PALM really has the capacity to promote high-quality design. On the contrary, there seems to have been no reduction in the level of developer-driven planning that has been a feature of this Liberal government. As a sop to the community's opposition to the Liberals' development agenda, this budget includes money for a new position of community planning adviser but, like the free school bus plan, there was no prior analysis of how the community's need for advice on planning issues is best provided. There was not even consultation with the government's planners in PALM.

MR SPEAKER: Order! Your time has expired, Ms Tucker. Would you like to take your second 10 minutes?

MS TUCKER: Yes, Mr Speaker. A number of pieces of ACT legislation now contain references to the objective of ecologically sustainable development, mostly because of Green amendments. I noticed recently that even the government was proposing to put a definition of ESD in the Water Resources Act. I wait for the day when the government will actually apply its legislative responsibilities to ecologically sustainable development in any serious way.

MR BERRY (4.30): Mr Speaker, I seek leave to move together amendments Nos 1 and 2 circulated in my name.

Leave granted.

MR BERRY: I move amendments Nos 1 and 2 circulated in my name [*see schedule 3 at page*] Mr Speaker, some members will say that we have had this debate and they do not want to hear it again. I know that they do not want to hear it again because it is stating the bleeding obvious, but it will ring in their ears between now and the next election. If they do not support me and my amendments do not get up, every time they waste a dollar on an unfair, inequitable free school bus system, they are going to be reminded over and again about this issue.

Yesterday, I drew attention to the fact that 75 per cent of kids are going to miss out on the free school bus plan; 75 per cent of school students and their families will miss out in this vote-grabbing exercise by this government. Mr Speaker, 60 per cent of non-government school kids and their families will miss out on this vote-grabbing exercise by this government. Only 25 per cent of the students and their families will benefit from this previously unaffordable and forgotten vote-grabbing exercise which has been launched by this government and which is opposed by the overwhelming majority of members of this place. The difficulty is that a couple of them will not come to the party as they do not have the courage of their convictions.

Mr Rugendyke: I've got the courage of my convictions.

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MR BERRY: You have your chance now, Dave; come on down. Let us see how courageous you are.

Let us look at the government system figures. I will just run through a few. We figure that about 90 per cent of the students in government schools will miss out on this previously unaffordable and forgotten promise, this vote-grabbing promise, or alleged promise, which has been put forward by this government. Because it was not a promise at the last election, it was promptly forgotten and the government did not want to hear about it, as people would have said, "You promised this last time. How can we believe you?" It was not a promise and was forgotten and they all gathered around and said, "We won't make that one again as it is unaffordable." But what did happen, of course, is that parents were hit with a revenue-grabbing double bus fare for kids who travelled across two zones.

The parents were angry about that and we campaigned against it. We said that we would do something about it, and that is what we are setting out to do. When we occupy the treasury bench after the next election, we will put what is left over from this plan into schools. We will put it into schools and we will put it back into a single-fare bus system. We will make it fairer for parents, but we will make sure that whatever is left over from this wasteful exercise by this government will go to students—not to just some students, but to as many students as possible. We will not be selective about it. We will make sure that it goes to as many students as possible. We are going to wreck this idea of subsidising only a few because you think you can buy their votes.

Let us look at some of the government sector schools. At Ainslie primary, for example, there have been 46 bus pass applications from a school enrolment of 428, 10 per cent. Charnwood primary has 185 students enrolled and there have been five bus pass applications, so 180 students will miss out. Let us take one from Mr Rugendyke's electorate. At Florey primary there have been seven bus pass applications from the 230 students enrolled, that is, 223 students will not get any support at all from this proposal, but Mr Rugendyke will not vote for my amendments in this regard. He would not vote for me yesterday. Are you prepared to see those 223 students miss out, Mr Rugendyke? You could not be happy to see them miss out.

In fact, Mr Rugendyke said that this proposal is not a very good idea and the government should take this money out of the free school bus system. He is on the public record as saying that it should be taken out of the free school bus system and put back into classes. I agree with him. We are as one on this, Mr Rugendyke. Mr Osborne does not think that it is a good idea, either, nor should he. We are together on that, but Mr Osborne and Mr Rugendyke will not vote for their principles on this proposal. I am starting to go off the pair of them. I want to see some in-principle voting in this place from the pair of them. It is late in the electoral cycle and I want to see them stand up for their principles.

Some would say that we have already seen them stand up for their principles. If you ask them when that was they will say it was with last year's budget. They stood up for their principles then because they did not want drug-affected people given a haven of safety to inject dangerous drugs. They did not want that to happen and save a few lives because they thought it was a bad thing. As I think I said yesterday, Mr Osborne said in relation to the free school bus proposal that it was a tax concession. To draw an analogy, if that

proposal is a tax concession, the other one was a tax concession, too, but you did not want those poor people to have it. It is okay to give a tax concession to some people, 25 per cent of the students in schools, but it was not good to give a tax concession to those poor people who were at risk because of their drug dependence.

They stood by their principles then. I did not agree with them. I do not think they should have done what they did. Labor was prepared to deal with the government. The government was keen to get out of its commitment on supervised injecting rooms and found a quick political fix. That is life. They stood by their principles last year. How about standing by them this year? How about voting with me today Mr Rugendyke? Are you going to vote with me today? Just say yes and I will stop badgering you. Until you say yes, I am going to keep badgering you and I am going to say to you what I just said to members of the government about my words ringing in their ears over every dollar they spend between now and the election on this wasteful free school bus system. They are going to ring in your ears, too. I am going to say that it need not have happened if Mr Rugendyke and Mr Osborne had stood by their principles, come with Labor and made sure that this money went to all of the kids in our schools, not just 25 per cent of them.

As I go round all of the Ginninderra electorate schools, I will say, "Do you remember when Mr Rugendyke came and saw you?" They will say, "How could you forget it. He has been here." I will say, "Do you remember what he said to the government?" They will say, "Yes, we saw it on the front page of the *Chronicle*. He said in there that he did not like the free school bus scheme and the money should come out of the budget and go into classrooms. We agree with him." I will then say to them, "What did he do?" They will all say that he did not have the courage of his convictions and they will all be looking at their feet because, rightfully so, they will be disappointed as they believed Mr Rugendyke when he said what he said publicly. Mr Speaker, I say through you to Mr Rugendyke that my words will ring in his ears each time a dollar is spent on this wasteful project.

Mr Speaker, when asked about this proposal by the Estimates Committee, government officials made it clear that no work had been done on it. No consideration has been given to the impact on neighbourhood schools. I would like to draw attention to, say, Cook Primary School, which has 140 students.

MR SPEAKER: Order! Your time has expired, Mr Berry. Do you wish to take an extra 10 minutes?

MR BERRY: That is probably worth while. What is going to happen to Cook Primary School, or any other school with small enrolment numbers, if all of a sudden there is a move away from the school, via a free school bus system, to another school? All of a sudden, if it happened under the lot opposite anyway, there would be pressure to close the school. There might be such a move the school because of the free school bus system that it just could not work. That may well be the case.

I am a great supporter of neighbourhood schools. In fact, I stood at the front of the Cook school for many hours to prevent Gary Humphries' lot bulldozing it. I stood out the front and stopped them from bulldozing it and other schools as well. When you were going

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around in a uniform, Mr Rugendyke, I stood in front of another school on the south side—

Mr Stefaniak: Did he arrest you?

MR BERRY: No, but I went close, I reckon. I did not see a friendly face like that of Mr Rugendyke.

Mr Rugendyke: Where were you? Were you in Woden somewhere?

MR BERRY: I was over there somewhere. No work has been done on the impact of this scheme on local schools. We have a very proud and well planned system of neighbourhood schools and it is something that the community wants to hang on to. The economic rationalists do not like it very much, but the community wants to hang on to it. There has been no impact statement in relation to this scheme.

I am glad that Mr Moore has just strolled back into the room, because he has been a great defender of neighbourhood schools. He strolled out as soon as I spotted him. He has been a great defender of neighbourhood schools in the past. I wonder how he feels about the impact that this scheme might have on neighbourhood schools, especially primary schools, because he has a soft spot for primary schools, and preschools, especially if they are close to where you live. I wonder how Mr Moore feels. We all know what is going to happen here. The community is going to be abandoned by the three Independents. They have stated principles about these issues which sound good. It really does sound nice to hear them say, "I support the education system. I support my neighbourhood schools. I want to see more money being put into schools. I want to see help for students. I want to see smaller class sizes." It just rolls off the tongue easily and it is warmly received. It is the right sort of stuff to say out in the community, which loves it, but you have to produce the goods to be believed. We are saying that these people are not to be believed.

I was just reminded about a campaign which was launched yesterday by the school community. I have drawn attention to it in this place and it will now be there for historians to read. This campaign, which will run between now and the next election, is about saying that spending an extra \$27 million in our schools over the next four years would provide 60,000 students with further class size reductions, which Mr Rugendyke would like; support for student welfare and counselling, which Mr Rugendyke would like; and support for students with disabilities.

Mr Rugendyke: I will support you on that.

MR BERRY: Are you going to support me now?

Mr Rugendyke: I will support you next year, yes.

MR BERRY: No, this year.

Mr Rugendyke: No. Do it next year and I will support you.

MR BERRY: Okay, so Mr Rugendyke thinks that we do not need \$5.3 million for schools this year; we only need it next year. The campaign goes on to talk about support for students at risk, support on literacy and numeracy and support for information technology. That is what the \$27 million could produce. I am trying to take \$5.3 million out of this line and save it for classrooms. We are on about stopping this government spending it on free school buses.

Mr Stefaniak will bound to his feet, I am sure, and say that the figures do not add up as the money cannot be taken out in relation to buses. Yes, it can be done. I am going to try to do that, too, and it is quite appropriate to do so. Mr Smyth will say that that would mean that ACTION would not get new gas-powered buses. Mr Smyth and Mr Stefaniak were at pains to tell us that the new buses were for free school travel, not for anything else, and the money is needed for those buses. I reckon that it is needed more in classrooms.

The problem for Mr Smyth is that over the last few years he has put on hold the bus replacement program. It will be a legacy for a future government to deal with. Mr Smyth has abandoned the post, so he should not give us such claptrap about these buses for free school travel being the saviour of ACTION. The real problem for ACTION is that Mr Smyth has dropped the ball and ACTION has had to put on hold for some years a bus replacement program. That is the reason it has not got such buses. The reason will not be the disappearance of money that the government put aside in a flashy exercise to attract attention to the buying of a few buses for free school travel. Before you get up, Mr Stefaniak, I advise you to abandon that one, because the line is here to be meddled with by this Assembly to make sure that the money goes into the classrooms.

Mr Corbell: Unless they have already spent it without its being appropriated.

MR BERRY: They have a history of committing themselves unlawfully to spending on things. They have a bit of form on that.

MR SPEAKER: Recidivists, you could say.

MR BERRY: Yes, they are recidivists. They have a bit of form on that. We will wait to see what happens on that score, but we will not back off on our commitment to schools.

Mr Speaker, throughout this entire debate the government has been saying to us, "What are you going to do after the next election?" I will tell you what we are going to do. What is left over we will put into classrooms. We will need somebody else to help us. I think the community is going to treat Mr Osborne and Mr Rugendyke badly over this scheme, because the community recognises a bit of doublespeak when it sees it. That is a bit of a pity from my point of view because when I saw their positive comments about this issue I thought that we might be right here. Then I saw their comments about refusing to alter a line in the budget and I thought that perhaps they would support me in delaying the expenditure of this money until after the election, but they are so rusted on to this government that they are prepared to abandon a principle which would provide better outcomes for kids in schools. Those students are our future and we cannot afford to miss an opportunity like this one.

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The amendments I have moved today seek to remove \$5.3 million from this line to ensure that it goes into our schools. That means a lot to the non-government and government schools. We want the government to set up a single zone system in place of the free school bus system and to put the savings into classrooms. It is disingenuous to claim that this scheme was an election promise, because it was not. It was stone dead at the last election and everybody knew it. It was not mentioned at all.

We do not want to hear anything more about the government's draft budget process because there was not a mention of free school buses in any of the submissions that I have seen or any of the utterances from the community. Nobody said that they wanted free school buses. Do not tell me that it came about by way of consultation, because it did not. It is just something that was dreamed up at the last minute. Because no department has put any work into it, you do not know what will be the impact of the scheme and you do not know how the money could be better spent, but Labor does. The Greens do, and they are going to support us. Mr Kaine does. Mr Rugendyke and Mr Osborne know where the money could be better spent and they are missing out on a great opportunity. It is another lost opportunity not only for the government but also for the Independents in this place, Mr Moore included.

I know where Mr Moore stands on this issue. I know that he is going to stand with the government. Who would be surprised by that? But the metamorphosis is complete, the colours have changed. From the pinko urban greenie, defender of planning and everything else on the left side of politics, we now have somebody who is as big a blueblood as they come. He has even picked up the rhetoric. I heard him a little while ago talking about three strikes and you are out. I do not know what it was in relation to, but it just seemed to me to complete the metamorphosis.

MR RUGENDYKE: (4.50): It is interesting to note how one's political opponents will stoop to personal attack. I can take it in the chamber. I will sit here and look you in the eye, Wayne. I realise that it is part of the argy-bargy in the chamber and I realise that it will carry on outside, but you can rest assured that I will not stoop to that level. I know that you will try to make political mileage out of it and criticise me publicly, as political opponents do, in the secret deals you make with the Democrats or others. We will never know about that, because they will be able to receive secret donations of up to \$1,500. No-one will ever know about that. Neither will they have to admit to them, but we know that there will be deals like that happening. I look forward to the denials. I will not stoop to personal attack outside this place.

Mr Hargreaves: Just like the burnouts legislation. That was pretty low.

MR RUGENDYKE: Mr Hargreaves recognises that I have brought the community's attention to his views on his trust of the police. He does not have any; I know that.

MR DEPUTY SPEAKER: Order! The member will address the chair.

MR RUGENDYKE: I beg your pardon, Mr Deputy Speaker. I shall address you. My political opponents have seized upon selected parts of a report that I did in good faith for the minister. It was a very comprehensive study of the public school system, one that I took a lot of pride in and did a lot of work on. There are lots of interesting comments in it, if people care to read it. It has some very good information on things that the schools

in the electorate of Ginninderra do. For example, Charnwood Primary School has a very good mentoring program and a program to deal with bullying in schools. That report, called *Educated views*, was selectively quoted in the *Chronicle* and, of course, my political opponents have chosen to use that newspaper report as the basis for personal criticism of me both inside and outside this chamber.

Let me put that excerpt into context and let me quote the part that the *Chronicle* chose not to include in its story. Referring to the free bus scheme, I wrote:

I must acknowledge that the initiative will benefit parents struggling to meet the travel costs of their children. However, it is clear that the “free school bus” initiative cannot be classified as education spending but rather effectively as pseudo-tax relief for families that qualify for this benefit. I strongly urge the Government to address the current deficiencies outlined in this report in future funding allocation genuinely relating to the Education portfolio.

Of course, the money that we are talking about is not coming out of the education budget; it is coming out of the Urban Services budget, so it is not for spending on education. It is a crafty way for the government to buy new buses and to make bus travel for some students fairer than it has been. I will take the slings and arrows directed at me by my political opponents and will not be supporting Mr Berry’s amendments.

MR STEFANIAK (Minister for Education and Attorney-General) (4.55): Mr Deputy Speaker, in speaking to the proposed expenditure for the Department of Urban Services, I want to put on the record that Mr Rugendyke is quite right—it is not Education money; it is Urban Services money. As Mr Rugendyke said, it is something that is going to help families—indeed, it will help a lot of battling families. It is something that we promised in 1995. This was a significant promise. We were elected and one could assume that this may well have had some influence.

Firstly, I might briefly mention a few things that Mr Berry said about this money. I think I mentioned this in an earlier debate but it is certainly important to go through it again and put it on the record in this debate. Mr Berry, and indeed the Labor Party, do not have a very good history in respect of finances. I think Mr Berry’s budget blew out on four separate occasions when he was health minister. Of course, we had the much talked about \$344.5 million deficit which we have been working at reducing since we got into office.

Mr Berry may well be able to fund his promises by borrowing but I do not think that is a terribly good way of doing it because you if you borrow you get into a greater deficit. I know that he does not mind borrowing but that might not be what Mr Quinlan would like to see. He is talking about \$27 million but how can he fund the promises he is making?

The \$7.98 million is a one-off. That is for new buses. That takes us down to \$19.02 million. That is recurrent; that is for four years. If he succeeds, he has got that for four years. On his own figures, we would be looking at \$800,000 per annum for zone 1, which amounts to \$3.2 million. That sounds a little on the light side to me, but let us take \$3.2 million as gospel. That takes us down to \$5.82.

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Rock solid, rusted on, is a promise by Labor to extend our brilliant kindergarten to year 2 initiative to year 3. That may or may not be good educationally, because there is a lot of literature that says that you may not benefit as much in respect of the year 3 age group—kindergarten to year 2, sure, crucial; year 3, maybe not. But he has promised \$2.75 million. My department has costed that. If you multiply that by four, you get \$11 million. You take your \$11 million off your \$15.82 million and you are down to \$4.82 million over four years. This leaves \$1.2 million to fund all those other things he has listed. He has listed about 10 other things, ranging from kids with disabilities, kids at risk of leaving school, other at risk kids, and counsellors. There are a plethora of things which the Labor Party say they want to fund additionally, and he has \$1.2 million over four years to do that.

As well—and I am pretty sure I am quoting correctly the joint press release that he and Mr Stanhope put out—they want to fund across both systems: the non-government sector and the government sector. The \$2.75 million for their year 3 initiative is just for the government sector. So \$1.2 million each year for four years across both sectors does not leave very much. Given the Labor Party's record of financial management, I think people should be rather scared about that.

I am not going to talk about the great educational initiatives that we have in this budget, or indeed about the fact that we have managed to increase the education budget every single year that we have been in government, despite operating for most of those years under difficult circumstances. I will leave that for the education debate. But we at least have a track record of being able to fund initiatives and we have a budget which is now in the black. Labor does not have that sort of track record.

There has been a huge hue and cry from Mr Berry that about 75 per cent of Canberra students are not going to benefit from this initiative. He may or may not be right. My colleague Mr Smyth has indicated that he thinks the number will reach 20,000, which means that probably about 65 per cent or 66 per cent might not avail themselves of this. They will certainly avail themselves of the one-zone initiative which Mr Smyth has mentioned, which I think not only takes in school students but also extends to university and CIT students as well. That is an excellent initiative.

Maybe 65 or 66 per cent will not need to avail themselves of the initiative. They might live very close to a school. They perhaps have some other transport arrangements. Their parents might drop them off. Perhaps if they are at college, they might have their own transport. Indeed, if they are at primary school or high school, they might ride a bike to school, as a lot of students do.

I am the only member of this place to have been born in Canberra and go through our school system. Mr Corbell might have grown up here but I am not sure whether he started his education in kindergarten, as I certainly did. Our house in Narrabundah was about 100 yards from Griffith infants school. There is no way in the world that I would have thought of availing myself of a scheme like this. When I went to Red Hill primary the distance was probably less than 1.6 kilometres. Why get a bus? It would have taken too long.

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

MR STEFANIAK: I would not have qualified to go to Narrabundah, nor would I have wanted to because it would have taken me more time to try to get a bus than to walk to school. I think that may well even be true of students who came from other parts of Canberra. A lot of students from the Woden Valley came to our school by bus. I cannot remember if those bus trips were free; I do not think they were. I think students paid 2 cents or 5 cents. But, certainly, I can remember that all of my colleagues who lived in Red Hill would walk to and from school. I am not even too sure whether buses were available then—they may or may not have been. But certainly a lot of students walk to and from school.

When I drive down Boswell Drive and Florey Drive I see many students from my electorate walking every day to Ginninderra District High School. It is just something that students do. If you live close to a school there is no need to catch a bus.

Mr Berry misses the point when he says that 75 per cent miss out. I really wonder how many of those 75 per cent would really want something like this. I think what they will appreciate is Mr Smyth's one-zone proposal. The families whose children travel by bus will certainly appreciate this arrangement. There are a lot of battlers out there who will appreciate this and who are very worried by the Labor Party moves.

Mr Berry talks about a run on children changing schools. We have absolutely nothing to show that. I think the history of Canberra shows that people very much like their neighbourhood schools. We have not seen very many of those schools close. Numbers have gone down over the years, and that may well continue for a little while before they go up in line with demographic changes.

People go to schools for reasons other than just travel considerations. Apart from students who might go to a certain primary school because they can be dropped off by their parents on their way to work, I cannot think of too many people who have ever said to me, "We go to that school because it is easier to get there." I do not think the availability of a free bus service would be a major reason for people leaving a school. I just do not think that comes into it.

There are a lot of reasons why people pick certain schools. Canberra people in particular are very choosy about what schools they pick. But I think you really are stretching it to the limit and drawing a real longbow if you think this is going to have any great effect on neighbourhood schools. People go to schools for a lot of reasons but I do not think this is necessarily one of them.

What the initiative will do, however, is assist those people who, for whatever reason, go to a school which is some distance from home, who do not have available to them other forms of transport and who are, in many instances, paying anything up to \$60 a month per child to go to, say, a government college. That is a significant amount of money for battling families who have more than one child at school.

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Mr Deputy Speaker, I reiterate that Mr Berry did not have a very good track record when he was health minister. I think there are some real flaws in the figures and I think he very much misses the point in this entire debate.

MR CORBELL (5.04): Mr Deputy Speaker, I am pleased to support Mr Berry's amendments to the Appropriation Bill. I should stress that what the amendments seek to achieve is entirely consistent with the practice, the convention and the ability of the legislature to prevent or remove an expenditure but not to initiate one.

Mr Deputy Speaker, I would like to make a couple of points. First of all, before moving to some other areas of the Urban Services appropriation, I would like to say something about the issue of free school bus travel. I want to stress the point that the Labor Party has demonstrated leadership in deciding that money should not be allocated for the free school bus initiative. This was not an easy decision to take. The government has gone out and sold the initiative. It has started the process of getting parents to apply on behalf of their children, and so it has done everything it can to enlist a level of support for the initiative in the community.

Fair enough—that is their policy; that is what they are going out to the community on. But the Labor Party has decided that it is not going to be bullied into accepting that sort of proposal. It is not going to be a case of saying, "Well, it's all too hard. Rather than annoying some people, we are just going to accept it; we are going to let it through."

Clearly that was the government's tactic. The government went out and provided to students and parents the opportunity to apply, and it said that this initiative will commence a month before the election. This is a very calculated move, Mr Deputy Speaker—calculated to do everything possible to get other parties in this place to back off and support it because they would be afraid of the public backlash if they did not.

As I said, the Labor Party has demonstrated leadership on this issue. We have said that this is not about just putting a bit of money in someone's pocket, no matter how good that might be for individuals: it is about recognising the broader need. The Labor Party has said that it is about recognising the need of the great majority of people in our community, and that is a need for a high quality education system, for an initiative that delivers on the failings and the weaknesses of the government system and, as well, for support in the non-government sector.

This is the leadership position taken by the Labor Party. The Labor Party is out there campaigning for what it believes is the appropriate approach to expenditure priorities. That is exactly what the appropriation debate is about. The appropriation debate is about saying, "We think the government's priorities are right or they are wrong, and if they are wrong we are going to try and do something about it." Labor has taken the approach that the need for the broader community is more important than the need for a smaller number of people who will get the benefit from this free school bus initiative.

Let me reiterate a few points about the real problems with the government's proposal. First of all, as Mr Berry has said, there has been absolutely no consideration of the impact of this proposal on our neighbourhood school system. What will it mean for enrolments at neighbourhood schools if all of a sudden there is a completely subsidised

system that allows parents to send their children to any school in the ACT at no cost in respect of transport?

Surely, at the very least, a good government, a wise government, a considered government, would have asked, "What is the impact of this initiative on our government school system, because that is the system we run?" You would have thought the realisation would have started to seep into the government's consciousness that you have to make decisions that are well informed and based on evidence, good advice and good analysis. You would have thought that would have seeped through from issues like Bruce Stadium, in respect of which the Auditor-General came back yesterday and said, "You mob over there made decisions worth millions and millions of dollars without any properly documented analysis or advice."

You would have thought, in the new enlightened era of the Humphries government, as the Chief Minister would have us believe, that when it came to this budget you would operate a little differently, you would consider the initiative in the context of its overall impact, and you would take a strategic and considered whole-of-government view. But, no, as the Estimates Committee pointed out and as the estimates process revealed, you did not. Thank goodness for the estimates process because it enabled us to properly examine the basis on which this decision was made. There was no analysis of the impact this process would have on the government school system and on enrolments at neighbourhood schools.

But it gets worse than that. In this initiative the government did not focus on looking at where the need was greatest, at who should be deserving of this sort of support. I guess you could say that this is tax relief, but it is untargeted tax relief. As I said yesterday, you can live in Mugga Way, with four garages and lots of nice cars in the driveway, and send your kids to school for free if they are eligible, just as someone who lives in Lyons in a little ex-govvie can send their kids to school for free if they are eligible. How equitable is that? How effective is that in terms of use of government money? The government might think that is really good because maybe it will help at least elements of their constituency. But it is not a targeted measure. It is not a measure which addresses need. Instead, as Mr Berry has just said, it is an attempt to curry favour in the lead-up to the election.

I can understand why parents whose children are eligible have applied. If there is a benefit, of course people will take advantage of it. People will do this because they think it will help. But we in this Assembly and the community overall have to look at the broader picture. We have to decide where the priorities should be. Labor is saying, "Let's make sure those priorities are on better delivery of services in the education sector, not on a measure that will assist only a substantial minority of users of that system."

Finally on the free school bus initiative: it would be interesting to learn if the government has committed any expenditure to the purchase of the new gas powered buses. Have they entered into any sort of contractual arrangement for the supply of these vehicles? Have they committed the territory in any way prior to the budget being passed? I would be very interested to learn of their approach to this matter because they are selling that point pretty hard. So my view would be: let us check it out. Let us find out if they have gone as far as to try to lock in this initiative as much as possible, to the extent of even trying to

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establish a contractual arrangement for the supply of those new buses. Perhaps that is something that can be explored further.

Mr Deputy Speaker, I would like to move on to some other areas of the budget appropriation. The first point I would like to address relates to the government's much vaunted greenhouse strategy—and this is appropriate as we have just been talking about buses. I was very interested to see in the draft budget and in the budget that came out following the draft budget that the government had allocated the amazing sum of, on my calculation, \$170,000 for new greenhouse initiatives this year. This is not a huge amount of money in context of the issue of greenhouse for our community and for our society overall.

Mr Deputy Speaker, I pursued this issue in the Estimates Committee and I asked for some advice on exactly where this money was being spent.

MR DEPUTY SPEAKER: Mr Corbell, do you wish to take your second 10 minutes?

MR CORBELL: Yes, thank you. What is the greatest component of the \$170,000 allocated to new greenhouse initiatives this year? What is the biggest initiative? You would have thought it would have been something that was really practical in its community-wide impact. But what is it? It is a retrofit of energy efficient lighting in the department that proposed the initiative. Macarthur House will be used as an innovative pilot and demonstration project for other government and commercial buildings. An amount of \$125,000 has been allocated to reduce energy consumption and greenhouse gas emissions in Macarthur House.

On its own, that is a laudable step. Any attempt to reduce greenhouse gas emissions is welcome. But you would have thought that perhaps there would be more important priorities in terms of greenhouse gas emissions than the lighting system in Macarthur House, which just happens to be the home of the department that proposed the initiative. So I think the government's priorities are again misplaced in this regard.

Let me contrast the allocation of \$125,000 with where the rest of the greenhouse money of \$55,000 is going. The government has announced a commercial sector energy efficiency improvement program where assistance will be provided to small and medium-sized commercial enterprises to undertake energy audits as a precursor to implementing energy efficiency improvement programs. That sounds like a good idea. How much money has been allocated? \$15,000.

Mr Rugendyke: I will support you. Amend it out.

MR CORBELL: Mr Rugendyke says, "Well, let's amend it out." Mr Rugendyke, if we amended it out there would not be any money for greenhouse gas initiatives. That is not what we want. Mr Rugendyke, we would like to see the government spend more but, as I am sure you are aware, under Westminster practice and procedure only the executive has the power to spend more money.

Mr Rugendyke: Has the purse strings. Yes, you've got it.

MR CORBELL: Mr Rugendyke seems to be getting into a lather. But he has missed the point—and I will spell this out very clearly—that this parliament can reject proposals to spend money; it cannot initiate proposals to spend money. What are we doing today with Mr Berry’s amendment? We are rejecting, not initiating.

Mr Deputy Speaker, that is pretty straightforward. Let me make it even simpler. We can say no, but we cannot say “more”. It is that simple. We would like to say “more” in respect of greenhouse gas initiative projects but we cannot. So we will make the point in the debate. In relation to free school bus travel, we are saying that we do not think that money should be spent, and that is what Mr Rugendyke seems to fail to understand.

Mr Deputy Speaker, there is a allocation of \$15,000 for the commercial sector energy efficiency improvement program, in contrast to \$125,000 for the fit-out of Macarthur House. There is also an amount of \$40,000 for community awareness of greenhouse issues, an initiative which in contrast is only a third of that being spent on the government’s own building. So, Mr Deputy Speaker, again this government has misplaced priorities.

I want to conclude my comments by briefly mentioning some planning issues. Under this government we have seen continued cuts to the planning agency, to the extent that even the development industry recognises that PALM is not resourced to do the job it is required to do under law.

The government has not developed any vision for the restructuring and the reassertion of public sector planning in our city. The government does not support local area planning advisory committees, which are needed to ensure that community consultation can work effectively and properly. We see no money in this budget to properly support that very important element. Instead, the government has been obsessed with seeking to sell off our areas of urban open space, green space, playing fields and ovals.

Who can forget that only 12 months ago the government was busily running around denying that it wanted to sell off our surplus ovals. Remember that one? The government was wanting to sell off our ovals for housing. The government said that it was a mistake. The government said it did not really mean to say that. Well, if it did not mean to say it, why was it in the documents?

I want to make the point that the government have not developed any serious credibility in respect of reasserting planning as a public function that demonstrates leadership and vision for the city. They have not recognised the values that our community has in relation to the built form of our city and those elements that people want to see retained and enhanced. Nor have they demonstrated that they are serious about planning, because they have failed to properly resource our planning agency to do its job. They have not demonstrated leadership in terms of setting conditions, standard and outcomes for individual development projects or for the planning system overall.

We have seen some piecemeal measures—measures that start to head in the right direction but which are very much uncoordinated. Without a properly resourced agency to implement them, the objectives cannot be achieved to the extent that the government would wish.

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Mr Deputy Speaker, the budget is one of misplaced priorities and missed opportunities. This Assembly, though, has the chance to say, "As an elected body, we will decide that there are better ways to support our community than to support an initiative that delivers free school bus services to only 25 per cent of all students in the ACT." Instead, we can say that that money should not be spent in that way. We can support moves that will get the government to focus on delivering that money to where it is needed, which is in our schools, our classrooms, and with our teachers and our students. That is Labor's proposal this evening and that is why Mr Berry's amendments should be supported.

MR HIRD (5.23): Mr Deputy Speaker, we hear a lot of rhetoric about the issue of free school bus travel. The fact is that when I joined this place in 1995 this was part of our platform. In 1995, when we were sitting on the side of the chamber where the Labor Party is now sitting, we did not know how bad the economy was, the amount of money that was owed or what had been frittered away by the then government. On gaining government, we needed to take some action and we did so.

As members would be well aware, at that time it was impossible for us to do everything we wanted to do. Firstly, we had to address the problems of ACT workers superannuation. Secondly, the previous government had made commitments in respect of joint ventures within the ACT, and an example of that was the commitment of \$3 million at Harcourt Hill. Those opposite make a lot of Bruce stadium, but nothing is said about the deal that was done in respect of the establishment of a licensed club which did not eventuate. Even if you were the accountant of the year, you could not have waved your magic wand to wipe out immediately the \$344 million that was identified by the Auditor-General plus the other encumbrances and problems. And we could not.

I heard the former Leader of the Labor Party say that "not a dickie bird was said" in the 1997 election campaign about the free school bus issue. Let me remind the former leader that he had a fair bit to say about it on numerous occasions. If he is suffering from Alzheimer's disease and has forgotten, he can refresh his memory by looking at the *Hansards* to see how many times he interjected or referred to it.

However, being a responsible government, we did not take action to implement that initiative. It was not a major priority. The major priority was to get jobs to get this territory going. We needed to create employment by bringing industry to the territory. We did all this. We also addressed and attacked the regional problems that were affecting our economy. We have brought unemployment down and we have given incentives to private enterprise. We have developed a good rapport in respect of future developments within the region. All of this is going well.

An election is to be held on 20 October. We made a promise to the electorate in 1995 and we are going to honour that promise. Some members who spoke earlier in the debate wanted to know why we are buying new buses. Let me tell them. This decision is based on the promise of free bus travel for school children.

But it goes even further than that. On numerous occasions I have heard members opposite and some of the crossbenchers targeting this government and asking what it was doing about the public transport needs of the developing area of Gungahlin. Well, surprise, surprise, we need more infrastructure and more resources. We need more buses that conform with the protocols of the public transport systems throughout Australia.

These buses will be suitably equipped so that they can access and egress in accordance with the requirements of the elderly and the infirm.

Mr Berry: Mr Deputy Speaker, I take a point of order. I think the member is talking about the wrong line. Part 11 relates to the Department of Urban Services. I think the line he should be talking to is part 13—ACTION. ACTION are the people who deal with buses.

MR DEPUTY SPEAKER: There is no point of order.

MR HIRD: Thank you Mr Deputy Speaker. I wish Mr Berry would not interrupt. I do not interrupt him. But it is always the same: when he gets wound up and you start to make a lot of sense and your comments hit home, he has got to intrude into your time.

Mr Deputy Speaker, let me get back to the point I was making about buses. They are about providing good service. People need to be encouraged to use our public transport system. I commend the Minister for Urban Services and the Treasurer for their astuteness in ensuring that families will benefit from free school bus travel. Families are doing it tough. I notice that the opposition has left the chamber, so they must have been hearing a few home truths.

The opposition is saying that this side of the house is playing a cheap political trick. Let me assure you, Mr Deputy Speaker, that that is not the case. We are honest and sincere in acknowledging that we made a promise. But we could only deliver on that promise after we had addressed the huge superannuation deficit problems that we inherited. Having used good management to address that major issue for the workers of the ACT, we are now in a position to move on to the question of free school bus travel.

We will deliver on our free school bus travel promise. Those opposite see this as a cheap political trick but if they were in the same situation they would do the same thing. It sounds as though they are judging the good managers on this side of the chamber on the basis of what they would get up to. I hope that I am wrong. If they happen to form government after 20 October, I just hope that next time around the accountant of the year leaves the books and Treasury in better condition than the last lot did.

MR QUINLAN (5.32): This will probably upset you a little, Harold, but, if you want to use a little bit of variety and accuse me of good things, I was also the outstanding graduate in my year of '75.

I want to award to Mr Rugendyke the Freudian slip of the week. He pointed to this side of the house and spoke of his political opponents. I thought that if you were an independent you would not have political opponents. I thought you were an independent. If we are your political opponents, then it is logical to conclude that you are part of a coalition. There has been some cock-eyed logic used, particularly in relation to your position this year and last year. But you ought to get due credit for the slip of the week. I think you confirmed your position when, in responding to a hint that Mr Hird might be accusing you of criticising the government, you said, "No, I wouldn't do that." So the colours are on the mast, old son.

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I do not want to say too much more about this because we have heard most of it. I just want to repeat that I believe that the initiative is a tax concession. I accept much of what the government has said but it is an ill-targeted tax concession because it does not target any particular group. Usually a tax concession is distributed equitably or it is targeted at those that are disadvantaged. That is not the case here. It is more likely to advantage the well off, those that can afford to send kids to private schools, than it is to advantage the disadvantaged in our community. I think that is the grave fault of this tax concession. The point has been made, and I think made very well, that if this much money is lying around then it ought to be targeted towards education.

The hyperbole that goes with this budget talks, amongst other things, about vision and innovation. We talk about the educated capital. We talk about participation rates in the ACT. Yet, we know that at the international level our economy and our development is starting to be criticised. We are starting to be accused of falling behind. The Productivity Commission has shown that any advantage that the ACT might have had in developing its primary asset is also falling away under this government.

I have said in this place that I do not believe this is a case of an election promise being honoured. That is just so much nonsense. You made a promise in 1995, you dishonoured it, you did not make it in 1998 and then you have dredged it up now, not as an election promise but as a last minute attempt to sling some money at the electorate to buy a few votes. There is no groundswell of support for this. Certainly the Catholic Education Office and the Parent and Friends of Independent Schools were looking for a single zone bus fare, and that seemed to be a very logical thing to do. Of course, being logical it has been picked up by this side of the house.

But this is quite clearly an election ploy and, if it is an election ploy, I think it should be taken to the electorate. The government, with, as we have now established, the support of its coalition partners, will commit a large slice of this money before the electorate is given the chance to have a say.

This quite divisive manoeuvre does the government a certain amount of discredit. Even though it is a give, it still fits within that mean and nasty frame. You are introducing a divisiveness into our community. You are hoping to gain an advantage by picking up more of the middle votes than you might lose by not spending the money on education. It is nothing to do with trying to improve society; it is nothing to do with trying to improve the lot of the group of people in our community that need it. So I do not think the government can claim that it has a noble end—by definition, I think it has an ignoble end, and that is buy a few votes.

It is a ploy. It is a ploy that I guess you would only take if you thought, “If we don’t do something we will lose.” It might be a smart ploy at the end of the day and it might work—we will only know in October. I certainly hope that it does not work. I certainly hope that it blows up in your face, because that is what you deserve.

MR RUGENDYKE (5.38): Mr Deputy Speaker, I think it is important to make the point that in the report I compiled I did consider that the free bus money was badly prioritised by the government.

Mr Berry: Are you squirming, Dave?

MR RUGENDYKE: No, I agree. It was badly prioritised. I said so in my report and I think I was quoted on the front page of *The Chronicle* as saying that. We would like to see some of that money go to reducing class sizes across the board. That was in my report. We would like to see more school counsellors. That was in my report. So, yes, it was badly prioritised.

It is important to note the hypocrisy here. Mr Corbell identified a badly prioritised amount of money. He referred to \$125,000 being allocated for the upgrade of lights in Macarthur House. I agree, Simon: it is badly prioritised; it is a case of a bad priority. Let us think about this carefully. That \$125,000 greenhouse money was badly prioritised. I am with you, Simon, on that; I agree with you. So let us amend that out as well. If the Assembly is able to take bits and pieces out of budgets, let us take out this badly prioritised item. I am at one with Mr Corbell that it should be taken out and I suggest that Mr Berry should adjust his amendment to include the deletion of the \$125,000. If we are to be consistent, fair dinkum and genuine, the amendment should also seek to take out this greenhouse money. Let us see the colour of your amendment.

MR DEPUTY SPEAKER: Order. All remarks should be addressed to the chair. Ms Tucker, do you wish to have another 10 minutes?

MS TUCKER: Can I speak to Mr Berry's amendment?

MR DEPUTY SPEAKER: Yes.

MS TUCKER: That is what I would like to do, because I have used the two 10-minute allocations.

MR DEPUTY SPEAKER: By all means.

MS TUCKER (5.41): First, I think I have made it very clear in this place what the Greens think of the free school bus initiative. I put up a motion myself on this initiative, and I supported Labor yesterday in their attempt to put the brakes on this government's attempt to spend this money quickly before the election.

I have said quite clearly that, in the Greens' view, this is a very poorly thought-out initiative, it does not effectively target anything other than possible electoral advantage. It clearly does not target disadvantage in the community. It is not a useful initiative for education. It is not a well thought-out initiative for the environment.

It was not preceded by consultation with the community. It was not even preceded by an analysis of its projected costs in the long term. That is a shocking public policy process. That is an example of how government should not work. I have made the point, I believe, quite clearly already, so I am not going to speak to it any further tonight, except that I am speaking now to Mr Berry's amendment, in particular.

I am not going to support this particular initiative to address the free bus scheme, not because I think the scheme is a good idea. As I have already said, I think it is an appalling idea. I supported Mr Berry's legislation yesterday because it was a good way of trying to address this problem. Obviously, that did not get the support of Mr

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Rugendyke or Mr Osborne, and the government, and so that failed. Obviously, they would not support it.

Although I think it is a worthy attempt in some ways and I understand why Mr Berry is doing this, and I understand the anger of the Labor party at this, the reason I do not feel it is something I can support is that I do not actually trust this government not to still do this. In my view, what Mr Berry is doing today will not prevent the government from going ahead with its poorly conceived notion of public policy, in this case the free school buses. I think they could easily still do it, and it could actually be to the disadvantage of other initiatives and the important work of Urban Services. That is the reason I will not be supporting Mr Berry's motion.

I will not be supporting this budget, so I will be able to make the point quite clearly, anyway, at the end of this debate. I do not support this government. I did not vote for this Chief Minister. I did not vote for the last Chief Minister. There was an issue with budgets last year, because there was a problem within the coalition of Mr Rugendyke, Mr Osborne and the Liberals. They had a tiff, that is what happened. The Greens have been consistent in saying that we are in this place to stand up for a change in the way governance is carried out, in the values that are pushed through policy initiatives, in the way that policies are determined, and, in particular, in the respect that government should show to the community.

So I have no qualms about that. We have no real say in this government's work, we have nothing to do with what this government does, so I have no obligation to support them in any way. As I said, I did not support their being in government. That was Mr Rugendyke and Mr Osborne. That was their choice: that is their right. And it is not my problem if they fight with each other, as happened last year.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (5.45): Mr Deputy Speaker, where do we begin. I think we will start with Mr Quinlan, because Mr Quinlan is of the opinion that there is money just lying around. How untidy of the Under Treasurer to leave all this money just lying around. Money does not lie around, Mr Deputy Speaker. The money that we are able to spend in the coming year's budget is there because of the good fiscal management of this government over the last six years.

This is in direct contrast to the appalling effort of the previous government, of which you, Mr Deputy Speaker, and Mr Berry were of course members, which left us with an audited \$344,500,000 debt. Now, it is very easy for us to just forget about it, and these are the Quinlan rules. These are the Quinlan rules: if it did not happen before the last election, it does not count. If it is more than three years old, it does not count. He said, "You cannot have a promise that is more than three years old. You did not promise it again last time, therefore it is not a promise, therefore it does not exist." Now, those are the Quinlan rules.

It would be interesting to see Mr Quinlan apply the rules in a fair manner, because, when we were reforming ACTION back in 1998-99, every time a question came up or there was a discussion on ACTION, there was Mr Hargreaves throwing his little jibes across the chamber, saying, "What about your free school bus promise? What about your free school bus promise?"

We did not see Ted lean over and tap John on the shoulder politely and, say, “It does not matter now, John. It is a promise that has reached its use-by date. It is okay, you do not have to jibe at this now.” So what we have is this contrary situation where they will pick and choose the opportunities to use whatever it is they can use to try to run the government down. That is all they have done in six years.

Why is the money here now ? It is here because we have done well in reforming the ACT and putting it back on the rails to financial sustainability, after it was so heavily derailed by the previous Labor government. Now, the point here is that they are saying, “We will take this money and we will spend it on education, because education is important.” Of course, education is important. We think education is important.

How do we show that we know education is important? With the \$91 million in the proposed budget that will be expended on education over the next four years, and that includes \$40 million worth of new initiatives which, according to the other side, do not count or do not rate. I challenged Mr Stanhope yesterday to tell us which of these education initiatives are ill informed so that they could be stopped: not a murmur, not a whisper.

We have put an extra \$91 million over the next four years into education, for which we receive no credit from those opposite, and why? Because, over the last six years, all they have done is denigrate our efforts to make up for their mistakes and to build a better ACT. I guess I would run them down too, if our positions were reversed, because I—and they—know that, based on their record, the public do not believe that they have any financial credibility.

So it is well and good to hear Mr Quinlan say that there is money lying around because the Treasury staff are so untidy, and they leave it all over the place in piles. But it is not lying around: its availability has been created by this government’s good financial management.

Now, we had the bleating from Mr Hargreaves to open the batting, and that is all it was, bleating. There was a line about: “Why is it happening now? It is five years too late.” Well, it is five years too late because it took five years to make up for the mess that your party left when they were in office, Mr Hargreaves. Mr Hargreaves characterises what we have done as a shopping spree, and says that the government won the lottery. It is lucky. You buy lottery tickets. That is how they will run a Treasury: you buy lottery tickets and occasionally one will come home and then you get to spend the money.

There is no management here, no policy, no budgeting, no accrual accounting, no six years of hard work: you buy lottery tickets, join the Labor lottery. This is great. When they win government in October—and we know they are going to win government because Wayne told us, saying. “When we occupy the Treasury benches after the next election.” There they are again, taking the votes of Canberrans for granted. Labor are going to occupy the Treasury benches, and then Mr Quinlan is going to buy more of these mysterious lottery tickets that you buy so you can go on spending sprees. Nothing about hard work here. It is all about the lottery.

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And let's look at the lottery. Let's look at the six years of reform, and let's look at who opposed every single initiative and every single budget that this government put forward: those opposite. The lottery, the spending spree, the piles of money lying around were created by this government, opposed by those opposite. It was consistently opposed by those opposite in the way that they blocked or attempted to block those things that we wished to do, and the way that they have consistently talked down the economy and the progress of the ACT.

So the bleating from Mr Hargreaves does not gel. Mr Hargreaves, I think, made one point about the look of the city, and he noted that there was extra money for Streetsmart. There is extra money for Streetsmart, because we have the finances of the ACT in a position where we can spend money on those items that we know the people of the ACT believe are important. That was necessary because the federal governments—until the current federal government, which, through the grants commission, has increased funding for the ACT—after self-government consistently reduced funding for the ACT.

Now, Mr Hargreaves also made a point about HIH. The HIH money was going to somehow wipe out the surplus next year. Well, with regard to the HIH money, again, we can put aside the \$30 million for the workers comp, and the \$740,000 plus the GST, because we have managed well. We have the budget in a state where, even though a crisis like the collapse of HIH appears, we actually have the funds available to cover the needs of those Canberrans who would otherwise be disadvantaged by the collapse of this company. And why: because we have managed well.

Ms Tucker then spoke. She criticised us and said, “Yes, the environment budget has grown, but it has not grown enough. It is not an integral part. It is not integrated.” Seemingly all the good things that the government has done are because the Greens suggested them. Even though Kerrie would have you believe that we are bereft of ideas, the Australian Capital Territory *State of the Environment Report 2000* says—and these are the words of the Commissioner for the Environment:

Government achievements 1997-2000

The ACT government has demonstrated significant leadership nationally, in finalising the ACT Greenhouse Strategy and commencing its implementation during 1999-2000. Since commencing State of the Environment reporting in 1994, we have stressed the importance of a whole of government approach to environmental best practice. Such an holistic approach to environmental issues is well demonstrated in the ACT's Greenhouse Strategy which is to be linked with the Healthy Cities Canberra Program, the Integrated Land Use and Transport Strategy and the ACT Sustainable Development Policy.

Not my words, but the words of the independent Commissioner for the Environment. He goes on:

The ACT is also a pace-setter in other top issues, such as municipal waste management and waste water treatment.

He then goes on to list the government's more significant—these are only the more significant—environmental achievements during the reporting period.

They include the passing of the Environmental Protection Act, the launch of Healthy Cities, the ACT becoming a member of the Murray Darling Basin Commission, the completion of action plans for all listed threatened species and ecological communities, the implementation of the Water Resources Act, the introduction of the ACT nature conservation strategy, the commencement by Actew Corporation of the ACT's first commercial hydro-electric power generation, the sponsorship of the ACT Capital Region Earth Charter Consultation Forum, the introduction in new ACT rural policy of 99-year leases and land management agreements, the finalisation of the ACT Greenhouse Strategy, and the tabling of the Earth Charter in the Assembly.

So much for a party that is bereft of ideas and activity. If you had listened to Ms Tucker you would think we had ruined the environment. The Commissioner does actually say in other sections of his report that there is more that we need to do. We know that there is more that we need to do and, as we build up the budget surpluses, we can continue with the good work that we have commenced.

Ms Tucker then attacks the school student transport scheme. She denies that there is any environmental impact. Nineteen CNG buses have a significant impact. They will help with meeting the targets for giving Canberrans with a disability access to our buses. They will ease traffic congestion and, of course, they will put money back into the pockets of Canberra families.

The other interesting part of the buses debate is, of course, that those opposing it forget that, across the border, their New South colleagues rule such a system. The irony of it is, if you are a student in New South Wales, you can actually get a free bus into the ACT courtesy of the New South Wales Labor government. In the ACT, you would be denied such a bus by an ACT Labor government.

We then get to Mr Berry. I am happy to hear it all again. Keep going Wayne. I think this is lovely.

MR SPEAKER: Order! Do you require an extension of time, Minister? I can give you a second 10 minutes if you wish.

MR SMYTH: I thought government ministers had unlimited time to respond to these issues, given the breadth of material we have to address as the result of the time spent by many others.

MR SPEAKER: You are the minister in charge, you are quite right.

MR SMYTH: We get to Mr Berry. Here we are. Attack the independents. Tell the people of Canberra that we have taken their vote for granted. Wayne already knows that Labor are going to occupy the Treasury benches after the next election. I guess he knew that in 1995 and 1998 as well. But the message there is that the left of the Labor Party in the ACT is still in control, that they are still ignoring what the public told them at the last two elections, and that they take the votes of all Canberrans for granted.

What Mr Berry also forget to tell anybody in any of his speeches is that we have put \$91.5 million over the next four years into the budget for education. What he forget to tell everyone, as he did yesterday, and as does as he goes around, is that I think it is the education union that described our policy on reducing class sizes, which they have now

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adopted—and that is a nice confirmation that we have it right—as the best initiative of any government since self-government. So we have the union on side on that one.

He then got to the fact that community schools might close. This is the end of community schooling as we know it. Name one community school in New South Wales that closed because of the introduction of a free school bus system. Simply name one. I do not believe that you can. I would be happy to hear the name of that school and we would then look into the conditions that might have forced such a school to close. I am not aware of any that closed in New South Wales because of the introduction of a free school bus system. You are not either, otherwise you would be trotting those names out.

Mr Berry finished by discussing our future legacy and how we had ignored ACTION. We have put a significant amount of effort and additional resources into ACTION over the years to try to get it to be the sort of bus service that it should be, and we are getting there. And we are getting there because the government, management and the unions have worked together to make it so.

Ms Tucker and others have said that we have ignored or run down public transport. We have put more money into it, we have extended the network, we have obtained some extra patronage and we will continue to support ACTION because we know that the people of Canberra want a public transport system. A lot of them actually do not use it, but they want to know that it is there should they actually need to use it.

Mr Corbell said that the Labor Party was not about putting a few dollars into somebody's pocket. Yet we know from Labor's polling, because we have seen the questions, that they were asking people, "How would you respond to just a little educational bonus that we might pay parents to help with school children?" It is hypocritical, saying, "We are not about that," when we know that they are out there asking such questions. It is so disingenuous that it is unbelievable.

Then his portrayal of our greenhouse initiatives as having been allocated only \$180,000 in the budget is, again, disingenuous. How good are our greenhouse initiatives? I think they are pretty good, but do not believe me; believe ICLEI, an international group that looks at climate change. ICLEI has a five-star system, Mr Speaker, and awards jurisdictions or cities one, two, three, four, or five stars against their criteria according to how well those cities or jurisdictions are addressing greenhouse gas issues.

Who has the most stars in Australia? The ACT has. Why do we have them? Because this government has taken greenhouse issues more seriously than any other jurisdiction in the country, has done more to address greenhouse issues than any other jurisdiction in this country, and will continue to do so.

For the edification of Mr Corbell, because he obviously cannot find it in the budget papers, I will actually read you the entire greenhouse strategy. There is an extra \$180 million for new initiatives, and there are three specific initiatives in this year's budget to address greenhouse issues.

First, there is the commercial sector energy efficiency improvement program. It will take \$15,000 and it is a pilot. They all start small because they are pilots. We want to make sure they work before we put large amounts of money into them. "Assistance will be

provided to small to medium-sized commercial enterprises to undertake energy audits as a precursor to implementing energy efficiency improvement programs.” It sounds pretty reasonable to me.

Then we have the standard Labor Party attack on public servants. In this case it is the entire Department of Urban Services, because Mr Corbell ridiculed the fact that the department responsible for implementing greenhouse policy is actually attempting to improve the conditions in which its public servants work. The Macarthur House energy efficiency lighting project offers public servants in the Department of Urban Services the ability to help contribute to the reduction of greenhouse gases.

Yet again we see these snide attacks on public servants whom the Labor Party will be lording it over, according to Mr Berry over there, come October. The energy efficiency lighting project for Macarthur House is again a pilot, and it will become a demonstration project for other government buildings.

Then we have an extra \$40,000 for community awareness of greenhouse issues. This is a community awareness program that will provide a local focus to the national greenhouse awareness campaign that has recently been launched by the Commonwealth, so that is pretty reasonable too.

Now, in addition to these initiatives, Mr Speaker, a number of other agencies’ projects will deliver greenhouse gas abatement during the coming year. Again, remember, this is the government that does not take a holistic approach. Labor chooses to ignore the initiatives of the other departments and they say that we are the ones who do not have a holistic approach so, for their edification, I will now read my way through these programs.

There is a traffic route lighting program costing \$450,000. Minor new works in land and property will be some \$300,000. Cycle path rehabilitation will cost \$500,000. A bike path at the Tuggeranong town centre along Athllon Drive will take \$280,000. On-road cycling initiatives in Belconnen Way will cost \$200,000. The Calvary Public Hospital energy conservation measures will take \$792,000, and so it goes on. But there is more. Remember, this is the government without any initiatives. This is the government without any extra services on the greenhouse.

But let us look at what is already in the budget, continuing from previous years. We have the ongoing operation of the ACT Energy Advisory Service. We have the ACT government’s water tune-up incentive program. We have support for the Foster Foundation’s Greenfleet initiative. We have the ACT managing energy for profits program. We have support for the photovoltaic demonstration project. We have the implementation of agency action plans aimed at reducing greenhouse gas emissions from ACT government operations, and we have a formal review of the effectiveness of the ACT greenhouse strategy.

Now, if you thought that was enough, Mr Speaker, well I do not, because there is actually more. What we propose to do is use a proportion of funding for three initiatives when we get matching funding from the Australian Greenhouse Office. The first program is a voluntary travel behaviour change scheme, where we get people to travel blend, leave their cars at home, or find alternate means of travel. The second one is

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a pilot program for the retrofitting of wall insulation to homes, a very important initiative to cut down on the personal expenditure of energy that contributes to greenhouse emissions. The third supports the distribution to the community of the *Global Warming: Cool It* booklet.

You can stand up here and glibly say to people, “No, they do not have a holistic approach. They do not do anything in a cross-government fashion. They are not really interested in the greenhouse issues.” If you wish, I can continue reading, but I just might stop there.

The other interesting thing is that Mr Corbell also spoke about all this money we have to spend. I have to remind Mr Corbell that the reason that there is money to spend is that, over the last six years, this government has made sure that there is money available.

Mr Corbell raised, again, in a snide attack on public servants—and this is what we are used to, and these are the people that, according to Mr Berry, Labor will be supervising in October—the argument about whether or not we are spending money illegally on purchasing buses. Obviously we are not. We are not and he ought to be ashamed of himself. If Jon Stanhope had attended Mr Quinlan’s course on spinal transplants, Mr Stanhope would actually tell Mr Corbell to come down and withdraw what he said.

No contracts have been entered into. Why? Because we do not have any money yet, Mr Speaker. Yes, inquiries were made. How do we know inquiries were made? Because we have the cost of the buses in the budget document. How did we get that figure? We asked some questions. But, no, there are no contracts. His suggestion that public servants had entered into any such contracts at all is actually an insult to those public servants. He should come down, he should withdraw, and he should apologise.

Mr Speaker, this is a very good budget. This is a very good budget because it continues the good work that has been done over the last six years by successive Liberal governments. It is the continuation of the work of making up for Labor’s past errors. It is a budget that actually builds on financial sustainability for the ACT, which we have now achieved. And the great threat of October is that, in that grand Labor tradition, they will take us straight back into the red. (*Extension of time granted.*)

We are probably not quite there, but we are well on our way to achieving environmental sustainability for the ACT; not just with those items that the commissioner detailed and those I have listed in just the greenhouse section, but we have put in train measures that Mr Baker, the independent Commissioner for the Environment, tells us are pace-setting, on-top issues, significant environmental achievements and indicate significant environmental leadership nationally. This demonstrates our commitment to environmental sustainability.

The third arm is social sustainability. It means building a better place to live and generating social capital. What we have done in the last six years is to make up for the neglect and the inappropriate policies of Labor, and the squandering of opportunities. These are the people who flooded the land market to make up for their excesses. In desperate attempts, over several years, to balance their budgets, they sold off what Mr Corbell is always talking about as our most valuable asset—our land.

But he refuses to acknowledge that, in the lead-up to their demise in 1995, Labor squandered the land asset in desperate attempts to balance their budgets. And in doing so they killed the home price. They killed the land price in the ACT for four or five years. I think this morning's *Canberra Times*—on the lower left-hand corner—contains a little article about the strength of and the rise in home prices in the ACT. That has come about because of what this government has done. It has come about as a result of the policies that we have put in place, and it has come about because we have worked very hard to manage financially and environmentally, but also socially.

That is why, across this budget, we have three themes. We have actually taken a step back and taken the long view. They say it is squandered, it is wasted, it is piecemeal, it is political, and it is aimed at the election. We actually took a step back and said, "Now that we are in a position to really care for the people of the ACT because we have done a good job over the last couple of years, what is it that we should do?"

We are the government that put the poverty taskforce into place. We said, "They have raised some issues and we need to address them." We know that poverty is not something that will be addressed between now and the election, but we have put programs and moneys into addressing the issues raised by the poverty taskforce, and we will continue to do so if we are re-elected in October.

We also saw that now the opportunity existed to break some cycles, to break the cycle that might lead people into poverty, illiteracy or innumeracy, or any of those other situations that may lead to crime, to mental illness, to ill health, or to other issues. Our early intervention programs across all the departments will start to break those cycles.

At the same time we wanted to make sure that we created opportunity, that we continued to make up for Labor's record high unemployment figures that we inherited in 1995, so that the ACT would remain the jurisdiction with the lowest unemployment in the country. So we looked at innovation. What are the things that, in the future, will give us an edge over other people? What are the things that, in the future, will allow firms to succeed as has Tower Software, which today announced the largest roll-out of document management software in the world with a contract that it has won with the US Navy. That is why we put money into innovation.

It is why, with a surplus budget, we have been able to put money into the capital works program, a large amount of which my department will administer. Despite Mr Hargreaves' claim that we had been ignoring the asset base, we have not been ignoring the asset base. We have been putting money into it and building it up, and as more money has become available, we have put more money where we know it belongs, where it should go. We have a long-term vision, a long-term plan, and we actually now have the wherewithal, through good financial management, to make it happen.

That is something that Labor never had. They never had a vision, never had a plan, and never had the ability to manage the finances properly to make it happen. This government has.

Mr Speaker, this is an excellent budget. We are now about to talk about some of Mr Berry's amendments. Labor justifies these by saying, "We are not adding to spending. We are stopping spending." Governments have a right to their budgets. It is

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a longstanding convention. They rail so strongly against the blocking of supply in 1975. They rail against that. "Remember what happened in 1975? Shame," but they now break that convention yet again.

The convention is that governments live and die with their budgets. You get your budget or you do not. I think all of us recognise that. Those of us who choose not to recognise that, well that suits their political purpose, and when it suits their political purpose, everything goes out the window.

We are going to get to Mr Berry's amendments now. What do Mr Berry's amendments mean? They mean 16,500 school students do not get free travel. They mean that the free travel of 1,300 school students who already receive it will be placed in jeopardy. They mean that the purchase of 19 CNG buses will not go ahead. They mean that the reduction in congestion at school early in the morning when we have to deliver our kids will not be eased, and they mean that—

MR SPEAKER: Enough is enough. You had two periods—

MR SMYTH: I am just about to finish, Mr Speaker. And they mean that, yet again, a convention is thrown out the window by the Labor Party.

MR SPEAKER: I do not wish to grant extensions on these things. Members have 20 minutes. If they cannot structure their speeches to fit that allowance, then they had better give it away.

MR SMYTH: No. Ministers have the right to speak longer.

Mr Berry: No, they do not.

MR SMYTH: They do and you know it.

Mr Berry: The minister in control does, and you are not him.

Question put:

That **Mr Berry's** amendments be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Mr Stanhope
Mr Moore

Mr Wood

Mrs Burke
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine

Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

Proposed expenditure agreed to.

Proposed expenditure—part 12—Land and Property, \$1,216,000 (capital injection), totalling \$1,216,000—agreed to.

Proposed expenditure—part 13—ACTION, \$4,200,000 (capital injection), totalling \$4,200,000.

MR BERRY (6.17): Mr Speaker, I seek leave to move amendments Nos 3 and 4 circulated in my name together.

Leave granted.

MR BERRY: I move amendments Nos 3 and 4 circulated in my name together [*see schedule 3 at page 7*]. There are a few things that need to be corrected because, as we speak in relation to this matter, Mr Smyth has been talking about the unemployment rates in the estimates committee process. What he seems to have forgotten is that the unemployment rates in the ACT have only ever risen against the national average once, and that was when Kate Carnell and John Howard got into the ACT public service. That is the only time they have ever risen above national averages. Not ever, in the history of the collection of information in relation to unemployment figures, have they exceeded the national average.

So, let's not kid ourselves. Mr Smyth goes on to say what a great job they have done over the last six years. Well, ask the Bender family what a great job they have done. Ask the community about what a great job they have done with the Bruce Stadium. Ask the community what they think about the hospital implosion and all the legal costs. Ask the community what they think about the Feel the Power campaign. Ask the community what they think about the futsal slab. The people who go up to see Grease will think it is okay. What about Hall/Kinlyside?

How much better it would be if it were not for all of those horrible, horrible mistakes that have left such a scar on the political landscape of the ACT. So, do not give us this nonsense about how much good you have done. And if you are talking about social capital, keep in mind the 20 forestry workers you unloaded, and the thousands of public servants you unloaded in the period when you forced unemployment up to the national averages.

Do not forget, too, the 34 Totalcare workers who were being targeted for redundancy because of the loss of the housing policy. So, if you are talking about social capital, just keep those things in mind. It is pretty important that you do that, because I do not really think you understand what social capital is about. I think that is exemplified in your plans for the free school bus system and in what you have done to workers in this territory.

Mr Humphries, yesterday, made the admission that much of the success here has been on the basis of the public service cuts. He made that admission in this place. So, in effect, what the Liberals are boasting about is the successes that they have made on the basis of

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the pain and suffering of others. That is what this is about. It is about the successes they have achieved on the basis of the pain and suffering of others.

Coming back to the buses, Mr Speaker, some of that pain and suffering was caused by the double bus fares that were inflicted on parents who sent their kids across two zones. These amendments seek to strike out the amount allocated to purchase the buses for the free school bus plan. Mr Smyth is now trying to re-create history: at first the new buses were only for the free school bus plan, but now they are for something else.

As the heat increases, Mr Smyth knows that they have hit the wrong button, and all of a sudden he is trying to create the impression that the aged and infirm will miss out because we cannot buy these free buses. The fact is that they were only ever going to be purchased for the free school bus system. The reason that people will miss out in relation to buses is because the government ditched its bus replacement program, and officials admitted that before the Estimates Committee. So let's stop kidding ourselves and stop trying to kid each other.

These amendments are part of a package of amendments designed to put money into schools and not into systems that advantage a small sector of the community. They are about nothing else. I notice that the independents have left us and I understand that the Greens will not support Labor in relation to this matter. That is a pity. I have heard the Greens express a view about gas-powered buses in the past, and they think we should have a few. We should have them in the normal bus replacement program that has been abandoned by the government. We should not have them in a cheap and glossy election promise that is designed to do nothing else.

The acquisition of these buses is certainly not designed to do anything in social justice terms or, as they describe it, social capital terms, because 75 per cent of the people are going to miss out.

Mr Moore: They are different. You do not even know that they are different.

MR BERRY: Oh, social justice and social capital are different are they? Well, okay, they are different.

Mr Quinlan: Social capital is when you capitalise.

MR BERRY: When you capitalise on society? So when you capitalise on society, you call it social capital?

Mr Quinlan: Yes.

MR BERRY: And when you look after the social justice interests of the community, it is social justice. I am pleased that Mr Moore has helped us draw the distinction. I urge members to support this as part of the package. There is a certain inevitability about the result, but I want to remind people that this is something that will go to the election, and that people fully understand what Labor will do after that time.

Mr Smyth boasts about what the Liberals will spend in education, or have spent in education. Well, everybody understands that Labor will spend more. What we save out of the free school bus system, we will put into schools. We will not put it into the 25 per cent who are going to be advantaged by this: we will spread it across the school community.

Amendments negatived.

Proposed expenditure agreed to.

Proposed expenditure—part 14—ACT Forests, \$1,290,000 (capital injection), totalling \$1,290,000.

MR BERRY (6.23): I merely make the point, Mr Speaker, that, as we pass this budget this evening, 20 workers have been screwed as a result of this government's fixation with contracting services to external agencies. They are people who gave long service to this community, not only in the forests and in the harvesting of our forest products, but also maintaining our life safety measures, such as fire protection and so forth, right throughout the ACT. They were ditched by this government, who have a new catch cry—social capital. But these people do not form part of that.

The interesting thing is that we will hear those opposite climb to their feet again and say, "What a wonderful job we have done." However, 20 people have been ditched, and the Totalcare workers will join them, as have the thousands of other workers upon whose removal this government has built its success. In other words, the government has built its successes on the pain and suffering of others.

MR STANHOPE (Leader of the Opposition) (6.25): I might just actually reiterate the concerns expressed by Mr Berry in relation to some of those job cuts. I read the Auditor-General's report tabled yesterday in relation to, effectively, the public service and how to improve it, and the extent to which the public service has not been delivering the service that a professional and diligent public service does. To some extent, one wonders at the stress and the strain that the public service has endured as a result of the job cuts that are being meted out.

Some of the findings of the Auditor-General in relation to the capacity of the public service to provide, for instance, financial and economic forecasts and analyses of the order that a government has the right to expect, are a direct response, I am sure, to the continual shearing away of jobs within the public sector as a result of an ideological push. The same applies to forestry, as just this year we saw another group of workers being put on that particular train to insecurity and job loss, and everything that comes with that.

There is one other point I would like to make in relation to ACT Forests. I did raise this with the Minister for Health. I am advised that ACT Forests continues to impose a charge to use the toilets in Stromlo Forest on the Women's Jogalong, a significant community event here in Canberra. This might seem a trivial and minor matter, but this is an opportunity to make it clear that, in the context of this particular budget allocation, some of this funding is based on a toilet charge.

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There is a toilet in Stromlo Forest and ACT Forests charges one group of Canberra citizens or residents to use the toilet, and it is the monthly women joggers.

Mr Moore: How much do they charge?

MR STANHOPE: I do not know the charge, but I have had significant representations on this matter. I think this is incredibly mean spirited. It is just an absurd situation. We have a circumstance in which ACT Forests is charging women to use the toilet. It only charges the women because the men do not use the toilet, because it is much easier for men to use a tree, and that is what happens.

Mr Moore's department, through Healthpact, then subsidises the Women's Jogalong, quite rightly, because it is a wonderful event. It encourages women to participate in sport and, in effect, the entire Healthpact grant is used to pay ACT Forests for the use of this toilet. It is an absurd situation and I urge the government to address it.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (6.28): The simple need for the reforms would never have been there if we had not inherited a \$344 million debt from the previous Labor governments. They choose to ignore that on every occasion.

MR QUINLAN (6.29): Every now and then I will respond to it: of the \$344 million, \$91 million is an overstatement, an abnormal item. It happened in the Carnell years and since that time our Commonwealth funding has increased by an equal amount. What have you done?

Proposed expenditure agreed to.

Sitting suspended from 6.30 to 8 pm

Proposed expenditure—part 15—ACT WorkCover, \$3,186,000 (net cost of outputs), totalling \$3,186,000—agreed to.

Proposed expenditure—part 16—Justice and Community Safety, \$97,199,000 (net cost of outputs), \$17,089,000 (capital injection) and \$76,282,000 (payments on behalf of the territory), totalling \$190,570,000.

MR HARGREAVES (8.01): I nearly made way for Mr Moore, knowing that he is much more of an expert on the subject than I am, having done his homework very rapidly over the last few months. Mr Speaker, we talk about the budget being a budget of lost opportunity.

Mr Moore: No, that is just you guys.

MR HARGREAVES: I said "we". For the benefit of Mr Moore, "we" does not include Mr Moore. I know that Mr Moore would dearly love to join the Labor Party, but we would not have him.

Mr Berry: He would not make it through.

MR HARGREAVES: No. Mr Speaker, a number of things ought to have been included in this budget, given the amount of spare cash.

Mr Berry: It is not the intelligence that counts; it is the principle, Michael.

MR HARGREAVES: But that is a movable feast, Mr Berry. The point that I would like to make for the record is that it would have been nice to have seen a provision, any provision, based on some sort of academic assessment of the amount of money that we will be paying for the new prison. We received the Rengain report after a tortuous journey for it. The Rengain report talks about the possibility of paying \$110 million for the prison over three financial years but, essentially, a two-year program. The cost for the first year is \$6 million, for the second it is \$30-odd million and for the third it is \$70-odd million.

It would have been nice to have seen a provision for the interest payment that we would have to make for that loan, given that the Chief Minister has said that we will borrow the money. The planning minister has been very quiet on that. That is sad news because we are going to find out later that we will have a very large bill to pay. I think that it is a social cost that we need to pay and I am sure that it is a social cost we will pay for the privilege, in fact, of being able to change offending behaviour of people.

I noticed in the press recently that somebody canvassed yet again the possibility of using the Cooma gaol. The only way I would stick my hand up in the air for using the Cooma gaol is if somebody brought it back to the ACT brick by bloody brick and stuck it here, because it is most imperative that we bring our people back home. When the courts in the ACT sentence somebody to incarceration, it is our responsibility to accommodate them. We cannot abrogate that and send them to New South Wales. It is our job to change their offending behaviour, to change recidivist propensities, and to provide opportunities for people to change their ways. It should be remembered that when we sentence people to gaol, we sentence their families as well, often to poverty and certainly to social ostracism, and we need to address those issues as well.

I was disappointed not to see in the budget for the outyears further funding for Corrective Services to address the other end of the continuum for the restorative justice principle. Mr Moore and I disagree on many things, but we do agree on the restorative justice model. There are not lots of people in this place who understand what the restorative justice model is about. It starts when a person is convicted—not necessarily sentenced, but convicted—and it continues when they are restored into the community and the community is restored around them.

We tend to send people to gaol in New South Wales and, when the door to the gaol is opened, to let them go and that is the end of it. In fact, if a rehabilitation model is halfway successful, when they get out of gaol they are only halfway there, maybe two-thirds of the way there. We need to put some money into the resettlement, the readjustment. Mr Speaker, if a male relative of yours went off to gaol for five or six years and the family remained in the ACT, imagine how horrible that would be.

MR SPEAKER: What, them staying here?

MR HARGREAVES: No, if they went off to gaol.

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MR SPEAKER: Far from it, my friend.

MR HARGREAVES: If they went off to gaol, it would be upon their own head, but what about the family that was left behind? What is left behind is a family in total disruption, often in poverty, with all manner of disasters before them. They are socially ostracised. The kids cop it at school. Often people look at the woman, if she is a working woman, and give her a bad time. They come to grips with that, but we do not support that woman and her family. I have no sympathy for the person who has perpetrated the crime, do not get me wrong, but I have an enormous amount of sympathy for the innocent victims who are members of the family as well as the victims of the crime itself. They are collateral victims and we do not pick that up often. We do not pick up the fact that the children of such a family are not criminals but are also secondary victims. I am asking this government to provide funds to support those people.

I will put it to you in another way, Mr Speaker. We often find that the criminals come from a history of crime, where the grandfather is a criminal, the father is a criminal and the son is a criminal. Why do you think that is so? It is because the whole family environment lends itself to that. We can intervene in that by sending the first person off to gaol for corrective behaviour and then looking after the family and making sure that they do not fall into the same type of recidivist approach, the same sorts of approaches to crime. I am not talking about giving them jobs, giving them welfare and that sort of thing. I am talking about looking at their behavioural patterns. We could do that if we had the resources to do it.

We also know that the family unit is the best tool we can use to stop people being recidivists, but do we put any money into using it? No, we do not, but we could. Let us say that a person has been away for five or six years and that the wife and the kids had absolutely nothing to do with the crime at all. What we are actually seeing is the same sort of dislocation as the family of a member of the armed services would have if that person was missing for five or six years. When he comes back, he has to re-establish the family unit. Sexual relations need to be re-established. The peer pecking orders and the father/daughter and father/son relationships have to be redetermined. All of that needs to be re-created if that family unit is to remain intact. Do you know what we provide in the way of resources to help them, Mr Speaker? Nothing.

We may have offenders who deeply regret what they have done and really want to make amends to society and put something back into society—in other words, the success stories of the programs that we introduce—but we do not provide them with an environment for that to occur and, because we do not, they end up turning to crime again and off we go again on the merry-go-round. There is nothing in that budget in the outyears to cover that. I have to say that if Labor gets on the treasury bench after October, I will be seeking the support of my colleagues to make sure that some resources go that way.

The government did not provide sufficient money in the budget for the Belconnen Remand Centre. The government said in its response that it did, but it did not. The government has increased the number of cells available, but has not increased the staffing resources. I predict in this place tonight that, unless this government provides more resources for staffing at the Belconnen Remand Centre, we will have another

attempted breakout within 12 months. I predicted that last time, and it happened. That is not because this government is slack, it is not because the bureaucracy is slack, and it is not because the BRC people are slack; it is just that the conditions at the Belconnen Remand Centre are so draconian and out of date—we will have to put up with it, unfortunately, until we build the state-of-the-art prison—and that these people are so desperate, that they will try to escape. Even if it is a temporary measure, we need to increase the salary resources to prevent that happening.

Mr Moore: How much should I put in?

MR HARGREAVES: Mr Moore knows what I am talking about, knows that I am not grandstanding on this issue and knows that I am concerned for the prisoners as much as I am for the people who work there, but I am very worried that if we do not have the correct staff to prisoner ratio there the prisoners will be desperate enough to have another go.

MR SPEAKER: Order! The member's time has expired. Do you wish to take the second 10 minutes available to you?

MR HARGREAVES: Yes, Mr Speaker. I have laboured hard over this issue for a long time. I will let that matter rest there. Suffice it to say that I predict that, if we do not have the correct number of resources there, another disaster will befall us.

I want to make mention of policing resources. Mr Rugendyke is very handy at accusing me of being disloyal to our police, something I reject out of hand. I temper my support for the police with a compassion for not wanting to put them in a position that I do not think they ought to be in. I do not believe in doing that.

Mr Rugendyke: Ha, ha!

MR HARGREAVES: Mr Rugendyke can laugh as much as he likes, but a man with such tunnel vision, a man who is besotted with a uniform, would be the sort of man who would have every cab and bus driver in this town in a blue suit and a white hat. He has to wake up to himself and start putting some reality into it. I remind Mr Rugendyke that I have been the one who has been screaming at this government to lift the number of police in this town since we have been here together. I have been the one who has said that we need to raise the number of police per 100,000 people. I said three years ago that this government has not provided police in numbers comparable with the numbers in 1993-94.

Mr Moore: You said that the police numbers should be raised to—

MR HARGREAVES: To the number of police per 100,000 that existed in 1993-94. Let me say that I welcomed the provision of an extra 10 police by this government. I think that was terrific. I am going to be critical of how they are deployed, but I welcomed that. But on my figuring they are 100 down, excluding the 10; to be exact, they are 91 down.

I have been critical of the deployment of police on a number of fronts because of my desire, firstly, to have more of them. I believe that we need to have more police around the place. People's perception of safety and their reality of safety are one and the same

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thing. We have a surplus of \$12 million. Mr Speaker, I can tell you now that it would cost \$6 million to put those 91 police officers on the streets.

Mr Rugendyke: I look forward to working with you next year.

MR HARGREAVES: I look forward to the support of Mr Rugendyke. It is something absolutely foreign to me as I have never enjoyed it, but I look forward to it; it is going to be great. Mr Speaker, the provision of 10 police for Gungahlin is terrific in the sense that the Gungahlin people will have at least a primary response. The criticism I have is of the way they are being deployed. Having them coming out of the Belconnen station is a mistake. They should be in the Gungahlin JESC and they should be spending their time out in the suburbs creating the intelligence networks necessary so that when a response is needed they can go snap and they will be there.

Mr Stefaniak sits here as an ex-police prosecutor. He is probably the most qualified person here to know the frustration of the police and the police prosecutors as they are missing just that tiny extra piece needed to put the real crims away because the intelligence is missing, because the information that the police are coming forward with is missing something. That is not the fault of the police. It is because, unfortunately, they are not in the right spot. For example, you cannot expect a constable who is sitting in a car in Aranda to know what is going on in Palmerston. Mr Speaker, as a member for Molonglo, you would know Garran like the back of your hand, but if I asked you exactly what is the difference between Garran and Duffy we could have a discussion for quite some time.

I am suggesting that what needs to happen with policing in Gungahlin is that they need to be in the Gungahlin area before it happens, before the crime that exists in Belconnen, Tuggeranong, Weston Creek, et cetera, occurs, because the police could be using a preventative method. They would strike relationships with the community, they would see the kids and know them as they grow up, they would know the kids that are good and the ones that are not. Cocky Cameron is well known to Mr Stefaniak. His value was that he knew every kid, every teenager, in the place and when something went down he knew about it in a trice and was able to fix it. Mr Rugendyke is another fine example. He was just like Cocky Cameron. They were there and the preventative measure was working. I am saying that those 10 police officers should be in the Gungahlin area, not hanging out of the Belconnen station. I understand the logistical problems, but I think we should overcome them.

I am not going to go into some of the other issues that I raised earlier because to do that would be to waste time, but I will refer again to something which I felt rated a mention in the Auditor-General's report and which I think the government has handled badly. I do not know whether it is too late to rescue the situation. Mr Speaker, I am a big supporter of the police and citizens youth club system. I think that it is a really good combination of community service in an activity-based organisation for kids and having regard to law and order at the same time. It is a "kill it before it starts" kind of thing.

We have talked about the youth at risk program. The funding of \$450,000 for it comprised two elements. One was the provision of a second bus. I applaud the provision of a second bus, which was a recommendation of my committee, and I applaud the government for assisting in finding a block of land at Gungahlin to come up with

a PCYC there. I think that that is a terrific idea. But when the youth at risk program was awarded to the PCYC for \$450,000 over two years, there was no tender process for it, absolutely none. That was admitted in the Estimates Committee process. The reason given was that it is a pilot program and it is going to pick up something that happened in Tasmania which was a great idea. Even though it was a pilot program, it was for \$450,000. We all know that anything over \$50,000 ought to go to tender.

I have every confidence that the people who would be most able to provide this service are the very same people who have another arm of their organisation doing it in Tasmania. I have no quarrel with that at all. But the process has to be seen to be clean as well as being clean. Why couldn't the YWCA, for example, be given an opportunity to have a go at it? Why couldn't the YMCA be given a go at it? Why not let the Woden Youth Centre have a go at it? Why not let the Belconnen Community Service have a go at it? Why not let the Lanyon Youth Centre have a go at it? There are 1,001 reasons, but all of those organisations are entitled to put their dibs in?

Under the purchasing guidelines, they are entitled to put their dibs in, and the Auditor-General was critical of this government for not adhering to purchasing guidelines. Here we have another example. The sad part about it is that the general public is going to be critical of the program because of its process, not because of its outcome. I have involved the police and the PCYC in the development of the Lanyon Youth Centre. I would have to say that it has been a raging success. It is now crying out for resources because it does not have enough resources to cope with the demand.

I want to put on the record my congratulations to Minister Stefaniak for his assistance with it. If you do not mind, Minister, I will tell you that I told you that it would be successful. I said that it would address things before they happened, and it is doing just that. I just hope sincerely that the process error will not get in the way of the PCYC doing it. I would like the government to investigate some way of redressing that process so that these guys can get on with doing the job that they are very well qualified to do and brilliant at doing without tainting the process, because I think they need our support. I have about 40 seconds of speaking time left, Mr Speaker, and I will donate it to the next speaker.

MR STANHOPE (Leader of the Opposition) (8.21): Mr Speaker, I want to comment on a couple of issues which were the focus of the Estimates Committee report and which I think it is relevant that we include in a discussion of the appropriateness of this Appropriation Bill. I would like to reflect on the government's position in relation to the changes that were made to the criminal injuries compensation law. As the Estimates Committee has reported, the Supreme Court has ruled in a way that many of us in this place fully expected that it would and predicted at the time of the debate in relation to this legislation that it would. The retrospectivity provision rammed through this place by the government and members of its coalition has been found by the Supreme Court to be unlawful, ultra vires. That, for those of us that predicted it, was not any surprise at all. The people who had been disadvantaged as a result of the retrospective provision most certainly had a legal and forcible property right.

Anybody with a rudimentary understanding of constitutional law would understand that you cannot remove a property right without just terms being provided—in other words, compensation—and I assume that that was the basis of the Supreme Court's ruling in

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relation to retrospectivity. It is a pity that the government chose to disadvantage so many Canberrans retrospectively in the way that it did, people who had been the victims of crime, who had instituted appropriate action and who had a right at the time to pursue a victims of crime compensation claim. It is a pity that the government passed a law in the first place and that they had to contested. The government has wasted more money in relation to the defence of that matter in the courts. I cannot understand how the government at any stage thought that the matter would not be appealed against and that the Supreme Court would not find as it has.

In relation to that, it is moot at this time to reflect on some of the other changes which the government and its coalition partners made to the victims of crime legislation, namely, the quite bizarre and discriminatory decision to include police and emergency service officers in the class of people in the ACT who would suffer pain and injury as a result of being subjected to criminal action. It is interesting that, since the change, 25 members of the police force have received criminal injuries compensation for pain and suffering.

One wonders at the extent to which the pain and suffering of those people is in any way different from the pain and suffering endured by, say, an 18-year-old checkout person at a service station who has had a blood-filled syringe held at their neck, or the pain and suffering that a young woman shop attendant or bank clerk may have suffered as a result of being held up with a gun or in some other violent way. One wonders why it is that the government chose to divide the community in this way, chose to treat some members of the community as more worthy of compensation than others, or why it chose to assume that some members of the community were in such a special class that their propensity to suffer pain was much greater than that of other people subjected to outrageous criminal behaviour.

We understood and, to a significant extent, accepted the need for some reform of the criminal injuries process, but it continues to belie belief that the government sought to divide the community in this way, to set up a series of classes of people who were more worthy of compensation than others. We have seen the fruits of that with members of the police force willingly trotting along and being compensated at the expense of the entire community and in circumstances where I have no doubt that there have been other victims of crime who have suffered horrendously at the hands of criminals and who have not had the same capacity for support from the community.

An interesting issue that needs to be concentrated on is the cost of court transcripts. It is something that we need to continue to debate that so many people in the community do not have access to transcripts. It was interesting to see the discussion in the media this week about the capacity which the new IT support system that the court has for tracking the performance of the courts and for assisting the managers of the courts to manage those courts in terms of the way in which different magistrates of different courts are operating and the outputs of the different courts and different magistrates. It will provide tremendous aid in assessing sentencing patterns and will in the future lead to a better understanding of issues around sentencing.

There are some very interesting issues around sentencing facing the community, including the extent to which we are imprisoning more people. I would like to see a real analysis of why it is that more and more people are being imprisoned and why we seem

to be more and more inclined to underutilise other sentencing options that are available to us. There has been a significant reduction in community correction hours which, measured against the increase in the imprisonment rate, is a cause for concern and should operate as a catalyst for engendering debate about appropriate forms and methods of sentencing. There seems to be amongst that a growing proclivity to send people to gaol. One wonders why, having regard to the acknowledgment of the fact that 70 to 80 per cent of the people that we do imprison are there as a result of an offence that is related to a substance abuse problem.

I do not want to traverse the whole range of issues that were well traversed by the Estimates Committee and simply repeat what was done there, but one other issue which continues to concern me and which I believe warrants further investigation by government is the extent to which we outsource legal work. That is an issue that I have raised consistently over the last three years. It is an issue that I do not fully understand in the context of government initiatives in relation to the role that it expects the ACT Government Solicitors Office to play vis-a-vis the role that it now expects from the private legal sector.

As we have seen in recent times, it was the private sector that the government turned to for advice on the move by CTEC to the airport. It was the private sector to which the government moved in order to seek advice on whether there was some conflict of interest in relation to certain people involved in that move. It was to the private sector that the government went in relation to the contract about the doomed rock concert. It was to the private sector that the government went in relation to the contract dealing with the doomed and failed marketing contract for Bruce Stadium.

One wonders why, in all of those circumstances, the ACT government did not use the ACT Government Solicitors Office, why it was that the government felt that it would get a better return, better legal advice, better advice generally or a better service from the private sector in relation to the provision of legal advice, the drafting of contracts and the management of contracts. We have now got a range of seriously flawed and failed contractual processes and I think that it would be interesting for the attorney to receive advice on and undertake some analysis of whether we had any better service in relation to all of those failed dealings by going to the private sector than we would had we managed those matters in house.

Why should the ACT Government Solicitors Office not handle all aspects of each of those contractual issues—the rock concert, the management contract, aspects of ACTEW and AGL? We went outside for all of those. In addition to the question of why we went outside, what was the selection process for going outside the ACT Government Solicitors Office? How do we select those firms to which we give this significant government legal business? That is an issue for the attorney to pursue. What tendering process do we use in relation to the legal profession? Why should the legal profession not be subjected to the same tendering procedures as other providers of service to the government? When we go to one of the major legal firms round town for the provision of advice to the government, what sorts of tendering processes or expressions of interest do we pursue? My understanding is none. The question that has to be asked is why.

MR SPEAKER: Order! The Leader of the Opposition's time has expired. Do you wish to speak for a further 10 minutes?

MR STANHOPE: Yes, thank you, Mr Speaker. There are some questions around that, questions that I have never had explained to me or expanded on through the estimates process when I have raised this issue in each of the last three years. I struggle to understand why any government agency can simply nominate one of the national legal firms, say that it will be the agency's provider of legal advice, go to that firm and rack up bills of tens of thousands, if not hundreds of thousands, of dollars, and not be subject to some expressions of interest or tendering process. It is an issue that needs to be explored and dealt with.

I will conclude with a couple of other issues. I will not dwell on them at length. They are issues which I have touched on before, even during this debate, and of which we are all aware. It is appropriate to touch again on the issue of the unacceptably high level of property crime in the ACT. We continue to lead the nation in relation to car theft and burglaries. Significant work has been done by the Australian Federal Police in relation to each of these issues in recent times, but to some extent they are stopgap, bandaid measures, as we all know.

As soon as the members of the AFP that have been delegated to form the task force in relation to burglary and car theft are returned to their normal duties we will find, as a result of the fact that there has been no decrease in the level of heroin or substance abuse in the ACT, that the level of crime will be unaffected. We all know that that is what is going to happen as soon as the members of the AFP who have been delegated to the task force go back to their standard duties. One has to ask: what is happening to the normal work in all of those sections within the AFP from which these officers have been drawn? How well is it being carried out? What gaps are appearing in other areas of police work as a result of the transfer of officers to the special task force?

Each of us knows that these are stopgap, short-term measures and that, as soon as the task force is disbanded and those police officers return to their normal duties, burglary and car theft will return to the levels to which they were at before the task force was formed. There is a pea and thimble problem in relation to this attempt at doing something about burglary and car theft. As commendable as the effort of the AFP is, we know that unless those task forces are maintained permanently and unless we do something about the level of substance abuse, the end-term result will be negligible.

I move from that point, and I think it is a logical step, to comment on the level of indigenous crime in the ACT. There is no doubt that each of us here knows and accepts that there is an appallingly unacceptable level of indigenous participation in criminal activity. Whilst we share the same level of concern for any crime and treat any crime with the same level of approbation—it is completely unacceptable, socially unacceptable, unacceptable to the victims of that crime completely and utterly and to us as a community—it is interesting that, although only 2 per cent or less of the ACT population is comprised of indigenous people, they are enormously overrepresented in relation to their participation in the criminal justice system and the extent to which they are incarcerated, both as youths and as adults, just as they are similarly overrepresented in relation to their addiction to a whole range of illicit substances. Those issues are all linked, as we all know, but there is a special pressure on each of us within this community to address the issues of indigenous disadvantage that have led to the most appalling statistics in relation to indigenous people.

I have a couple of other points to make. I continue to be a great supporter of Neighbourhood Watch as a concept. I honestly do not believe that this government has nurtured Neighbourhood Watch as a significant organisation in relation to suburban safety, particularly issues around the extent to which members of the community can participate in ensuring that their communities, their streets, their houses are safer. I honestly believe that the government has been very negligent in its attention to Neighbourhood Watch and that Neighbourhood Watch has not received the level of support that it deserves. Its sponsorship is down by about 40 per cent. It is being asked to do the same. It struggles all the time. There is a critical mass problem with Neighbourhood Watch that this government has not moved ever to meet. There was a significant report a few years ago which recommended a number of innovations or improvements for Neighbourhood Watch and they have not been taken up by the government. Neighbourhood Watch is not supported, is not resourced and is not in any way applauded or nurtured by this government.

I will conclude my remarks by commenting again on an issue that continues to beset all communities, not just this community, and that is the level of violence against women. It is an issue that we have always been somewhat diffident about discussing. There have not been debates within this Assembly of any real order or note about the continuing high and completely unacceptable level of violence against women, within the family and otherwise. This week there has been a significant national discussion about the level of violence against women members of the indigenous community. That is perhaps a debate that we do not need to go into the details of here, but the emergence of that debate does highlight the extent to which we as a community continue not to acknowledge the level of abuse, sexual abuse and violence, which women and girls continue to suffer.

The advice and evidence that I get from constituents and service providers indicate that there is still an appalling level of violence against women within this community at all levels, sexual abuse and violence against children and women, and violence by, more often than not, partners or family members against women. I do not believe that we as a community are providing the focus on this issue that it demands in terms of the level of unreported sexual assaults and rapes and the level and extent of violence that continues to be perpetrated against women, particularly by family members.

MS TUCKER (8.39) A few important issues do need to be highlighted at this point of the debate. A general comment that always has to be made when we are talking about justice in our society and the way we are responding to offences and crime is that there is a relationship between so much of the crime and substance abuse and addiction to drugs of various kinds. We have had in this Assembly recently an attempt to address anti-social behaviour and crime through imposing harsher punitive measures, increasing police powers and so on. Whilst there has to be a law and order response, it is of great concern to the Greens that we are seeing it swing so far to the punitive side, particularly when you look at the statistics and see whom we are imprisoning and the percentage of those people who are ill because they are addicted to a substance, who have a mental illness or who have an intellectual disability. As Mr Stanhope has pointed out on several occasions, indigenous people are highly represented. Some very important questions are coming out of that for any society, any government and any parliament.

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For that reason, I find the rather simplistic and perhaps populist response to this issue from the Liberals and the two, sometimes three, Independents who support the Liberals quite worrying. It does not address the problem; it creates more problems for a society because more and more discretion is being given to police officers who really should not be given more and more discretion. I do not think anyone would suggest that that is a healthy thing to do. There are always indignant and upset cries of, "Are you suggesting, Ms Tucker, that we do not have a good police force?" I am suggesting that there is always the potential for abuse of power in any group of people. Police forces in Australia have been investigated by royal commissions over extreme abuses of their power and discretion. It is naive to suggest that that would not be the case. That is why you have to be very careful when you are increasing police powers.

The fact that so many of the people in our community who are committing crimes are addicted to substances requires that we look at that aspect of the problem. We have had debates in this place about establishing safe injecting places and, not so much recently, the prescription of substances to which people can become addicted. I think that that debate needs to be kept going. We are not going to get very far with this government and the federal government, given the current approach. Hopefully, in the next Assembly and federally we will have different governments and a different approach to this issue. I sincerely hope that we will have a change in government federally as well so that we will have a more compassionate approach to this social problem.

The prescription of substance to which people can become addicted is still at the crisis end of the problem. The *Pathways to prevention* document that the federal government put out about a year ago and some of the initiatives of this government which are an attempt at intervention and prevention, community building and so on are to be commended, but the approach to this problem is not coherent or integrated enough and is not properly resourced, despite the protestations of the members of the current government during this debate that they have done so much. Anybody who has anything to do with the community and works with the community sector knows that not enough is being done across the whole spectrum. That goes right back to fundamental notions about what we are as a society.

I will say one more time, because it is relevant to so many of these discussions, that the notion of equity should be at the centre of social policy and government should acknowledge that it has a responsibility to ensure as much as possible that social policy is implemented in a really committed way. If we do not take it right back to that point, we are going to continue to have debates about what we should do: whether we should build a prison, whether we should have more people in prison, what our sentencing will be like, whether we will give the police more powers, what we feel about the suicide rate in our community, and why we have so much violence against women. All those questions will arise more and more unless we get back to that fundamental question of how we see ourselves as a society and what we see as the role of government in trying to bring about common good and a collective understanding of the public interest and benefit, instead of its being a side issue that happens after the economy has been fixed up.

I am glad that Mr Stanhope raised the question of violence against women. We have had a recommendation from the Estimates Committee about sexual health. The committee asked that the notion of sexual health also include addressing issues of assault against

women—and men. Mr Stanhope is correct in saying that it is more likely for women, particularly in domestic situations, to be victims of violence and more likely still, I understand, for them to be victims of sexual assault. I have not seen recent research on that, but I doubt it would have changed a lot. In that recommendation the Estimates Committee is asking that sexual assault be brought into the whole question of sexual health and that that we should address not only how we support victims of sexual assault, but also how to stop sexual assault by teaching people that they cannot ever think it is okay to have sexual relationships with anybody, male or female, unless there is full consent and the other person is an adult.

The question of responsibility in sexual health education is really important. I think that came up in the community through the media debate on what happened at the Summernats and the comments made by various community leaders and members of the judiciary, from memory, that there is still a rather frightening notion that somehow men, in particular, are uncontrollable and if a woman is in a vulnerable position, for whatever reason, she has to expect that something will happen to her. Clearly, that is not acceptable.

The question of legal aid and community access to legal support is an important part of any debate on justice. It also came up in the estimates process. There is a recommendation that the ACT should talk to New South Wales about regional clients. That is a fairly controversial recommendation in some ways, I would have thought, because the federal government is taking responsibility for funding the regional clients. We know that the providers of legal aid have been put into the situation where they do not have enough support and resources to deal with the work load and it will be the regional people who will miss out.

A report has just been produced in Victoria by the Law Reform Commission on community access to legal support in rural areas of Victoria. I have only seen a summary of the report, but it confirms statements here that women, in particular, in rural areas are missing out on matters to do with family law, property and so on. A significant gender issue is coming out of that particular inadequacy in resourcing and that needs to be acknowledged. I intend to get a full copy of that report and raise it again in this Assembly. because it supports what came up in the estimates process through our own Legal Aid Commission.

Finally, I wish to make a couple of comments on the prison. I am very concerned about a letter I received from the Women and Prison Working Group, which I had contact with fairly early in the piece when we started talking about the possibility of having our own prison. I received a letter from that group informing me that they are very unhappy with how the whole consultation process has worked.

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

MS TUCKER: I wish to take my second 10 minutes, Mr Speaker.

MR SPEAKER: You may proceed.

MS TUCKER: I would like to read the letter from that group into the record. The letter was from Jacqui Pearce on behalf of the Women and Prison Working Group and reads:

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I write on behalf of the Women's Alcohol and Other Drug/Women and Prison Working Group to inform you of a number of issue we have had with the lack of consultation regarding the proposed ACT Prison.

The Department of Corrections has failed to adequately consult with the ACT community on the proposal to build a prison in the ACT and further it has completely ignored expert advice from those of us who work with those people who are at risk of being incarcerated or are incarcerated, and the consumer representatives themselves.

We have attempted to participate in this debate in a number of ways:

The group developed a discussion paper alerting the community and the department to the needs of female prisoners and a number of innovative approaches being implemented in other State jurisdictions.

We have met with Michael Moore on a number of occasions as well as other MLAs.

Some members of our group were also members of the Community Panel. We presented the findings of our discussion paper to this panel however there was little interest shown. Our group believes that the Community Panel was no substitute for adequate community consultation and the report is a testament to this.

Members of our group also sat on the Intersectoral Reference Group on Women's Correctional Issues. All non-Government and consumer representatives have recently withdrawn due to the appalling process of this reference group ... At no time was our expertise sought by the Rengain consultants, nor the department on the particular issues for women.

The WAOD/Women and Prison Working Group is deeply concerned about a number of issues:

- (a) That the prison is going ahead and that decisions are being taken hastily without due consideration and consultation.
- (b) The Rengain report draws some disturbing conclusions and as a result has put forward recommendations which need to be tested in the community for their validity and application.
- (c) The needs of women will not be met in any positive way in the proposed model which has failed to draw on best practice from other jurisdictions. There is no reflection of current NSW policy on the classification of women prisoners and the housing of women prisoners.
- (d) The design of the prison must meet the needs of women. The current proposal completely ignores innovative and best practice prison design for women which acknowledges the difference in the numbers, security classifications and how women behave when incarcerated.
- (e) There is no evidence that the needs of women will be met with the provision of separate facilities, separate management, distinct programs and separate staff.

(f) There is no evidence to support the claim that the numbers of female prisoners are increasing and they are becoming more violent. Members of the intersectoral reference group have repeatedly requested statistics on the profile of ACT female prisoners and received very little documentation. The statistics we did receive indicated that there were 11 female prisoners and they were mostly classified low or medium security.

We request that this whole matter be referred to an Assembly committee for further investigation and consultation. We would hope that this committee would seriously examine whether this is the best use of these resources and what constitutes best practice service delivery to this seriously disadvantaged group within our community. The matter of adequate and appropriate consultation with those with relevant expertise must be addressed.

I forwarded this letter to Mr Osborne, asking him to take it seriously and look at it in his inquiry. We do have an opportunity at this point in time, if we are going to have a prison, to do it well. Apparently, a process was set up to ensure that the sort of feedback and expertise that this group represents would be seriously integrated into the system and the report. Clearly, in the view of this group, that is not what has happened and a close look needs to be taken at the process here before we start making too many decisions which we may regret for a very long time.

MR STEFANIAK (Minister for Education and Attorney-General) (8.54): I thank members for their comments in this debate on part 16, Justice and Community Safety. I ask members to excuse me if I do not deal with all of their points in my response, but I will try to deal with the main ones. In summary, the government has committed significant extra funding to Justice and Community Safety, especially in the area of policing. In the last two budgets we have spent well over \$10 million extra. That has enabled a lot more police to get out on the beat, which is a very positive move. There are a number of Justice and Community Safety initiatives in this budget, many of which impact on things such as early intervention, which Mr Stanhope, Mr Hargreaves and Ms Tucker have spoken about tonight and which is terribly important.

Mr Hargreaves talked about prisons. I could not agree more with him that, since it has become a self-governing territory, it very much behoves the ACT to take care of its own. I think that is a fundamental principle of the prison debate. I can recall as the justice spokesman in 1989-90 getting the Liberal Party to accept the case for having a prison at some stage. Mr Humphries, who has been our spokesman on that for many years, has started the ball rolling on bringing that to fruition. Recently, Mr Moore launched the next stage. Obviously, there is a lot more work to be done, but the prison is certainly taking shape.

It is important that we be responsible for our own. Having been around the courts for 15 or 16 years, I am somewhat tired of the excuse given by ACT magistrates and judges that they did not want to send to gaol someone who would in any other jurisdiction go to gaol simply because they could not control what occurred interstate—and they could not control what occurred interstate. As a prosecutor I would regularly see people whom I had been prosecuting go off to gaol and not have a clue what would happen to them. Sensible suggestions would be made and they would be ignored. It is important that we run our own system. It is especially important in terms of ensuring not only that people who should be gaoled for a crime actually do the time—that is certainly something I have

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always supported and will always support—but also that we can control what happens to them.

Having our own prison would give us a chance to bring in programs that may help with rehabilitation. There are some people you will probably never rehabilitate. I was in private practice long enough and as a prosecutor long enough to know that there are people who are going to be old lags and, realistically, there is nothing that you can do, except lock them away for their sake and society's sake. But there are some areas where we can do better. Idle hands and idle minds lead to people getting up to all sorts of mischief in gaol. The system probably has gone backwards over the last 25 years in relation to that. Hopefully, that is something we can rectify by having our own prison.

The government has put programs in place in areas where it has control over corrections, such as Quamby, and is keeping the inmates busy. If criminals are involved in such programs, especially the young criminals, there is some chance of rehabilitating them. If you get them young enough, you can train them up. If you turn them out with more skills than they had when they went in, you have some chance of rehabilitating them. For disadvantaged groups, giving them any sort of education is probably one of the best ways of attempting to rehabilitate them. Mr Hargreaves is right in saying that we need to take care of our own. That includes those of our own who are anti-social and who, for whatever reason, transgress and forfeit the right to live in freedom in society.

Mr Hargreaves talked about being a bit more intelligent in terms of putting criminals away, saying that the failure to do so was not always the fault of the police. That is true. That is why this government has introduced a number of laws to assist police in apprehending criminals and putting before the courts people who should be before the courts. That is why we have the various operations to get burglars and car thieves. Yes, it would be rather nice if they could continue. I think that is intelligent policing and I am delighted to see the AFP doing a lot of intelligence-based policing. That is certainly having an effect on the burglary problem, the robbery problem and the car theft problem. To enable that to continue, it is important to ensure that our police do not operate with one hand tied behind their back.

MR SPEAKER: It is a pity that they do not have the support of the courts.

MR STEFANIAK: Sometime that can be a real problem. I will come to that, Mr Speaker. It is important that the police have all the legislative assistance they need. That is why this government has embarked on some criminal law reforms to give police every reasonable legislative tool to enable them to do their job properly.

The ACT is blessed with having a police force which consistently has been regarded, not just here but throughout Australia, as being the best in the country. It is well educated, it has had consistently high standards in terms of getting people into it, and we are very lucky to have it. The community expects us to give them every reasonable assistance we can. In that respect I would commend to members a number of bills before us. A bill amending the Crimes Act is up for debate in August and there is one for further enhancements to the Bail Act. I hope I will have support there as they will give our police some assistance.

I was delighted with the provision of an extra 10 police for Gungahlin. I must confess to Mr Hargreaves that I am not quite sure whether they will be coming out of Belconnen. I thought they were new. No doubt my colleague the police minister will look into the comments that you made. Indeed, I thank you for your comments. You have made some helpful suggestions and some helpful comments tonight. Your party often has not been robust in supporting the provision of reasonable powers and so on to the police, but I think that your heart is in the right place in terms of trying to assist our police force.

Mr Stanhope made a number of comments as well. He referred to compensation for victims and mentioned the case recently in the Supreme Court which resulted in a 2:1 verdict against the ACT on criminal injuries compensation. An eminent Queen's Counsel, Mr Richard Tracey, has indicated that in his opinion, with the greatest respect to the learned judges who formed the majority, that he thought that they had erred. He feels that the minority judge had the right end of the stick there. I read the judgment and Mr Stanhope is right: a lot of it revolved around property rights.

Far be it from me to criticise a judgment of the court, but there was a split decision there. The majority went against us. I can see where Mr Tracey is coming from. He is a very experienced counsel. Accordingly, the government has appealed. I was interested to see that the committee asked us where we are you going to get the money from, but then it said not to appeal, just pay out the money. By the way, it will be about \$4 million. There is a bit of an inconsistency there, Mr Speaker. The government has taken the advice of Richard Tracey QC and appealed. Obviously, if ultimately the government loses, the money will be paid out.

There was an excellent recommendation by the committee in relation to tracking the performance of courts on a couple of things. We are updating the computer system by making it more user friendly to assist the administration of justice in many ways. There was a very good committee suggestion, which the government has said it will be taking into consideration in upgrading the system, in terms of looking at how various magistrates and judges spend their time and sentencing patterns. I will deal with sentencing patterns first.

Mr Stanhope spoke about there being all sorts of options to imprisonment and seemed to think—I do not want to misquote him—that it might show up where we were using imprisonment too much. With the greatest of respect to Mr Stanhope, I think the Canberra community feels that not enough people are being sent to gaol in this community. We have the lowest incarceration rate in the country. A lot of that may well have something to do with the fact that we do not have our own prison. We will see what happens there. But it is certainly something which is of great consideration to a lot of people I speak to in the community.

I do not think people mind too much the minor crimes, which is fair enough, but for armed robbery, nasty crimes of violence, repeat burglaries, repeat car thefts and things like that, there is a lot to be said for having consistency Australia wide, and there are some real and, I think, some very valid concerns in the community that our courts are not robust enough in terms of sentencing compared with their interstate colleagues. Hopefully, that will change with having a prison. Indeed, that will also ensure that we will have control over our prisoners and some of the legitimate concerns expressed by our judges and magistrates can be taken into account.

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I suppose the system could provide sentencing comparisons between the judges and magistrates for various offences. That may well help the sentencing debate. I recall my predecessor calling in September of last year for a sentencing debate. That is something that a lot of people in our community would like to have. I think that, if done sensibly, we would get a lot of benefit out of that. The system may well be of some use in terms of showing the time various courts spend on things, but I would add one word of caution there.

Harking back to my own experience, I would often turn up and find that a list has collapsed. You might have eight or 10 matters set down for a day, being due to take up eight to 10 hours of a 5½-hour court day, and find the list collapsing. If it is a criminal list and everyone pleads guilty or people on bail do not turn up, you could end up with 1½ hours of work. If it is a civil list, everyone could settle on the doorstep. You cannot predict those things. Those things are beyond the ability of anyone, especially the judicial officer, be it a magistrate or a judge, to predict and that can affect actual sitting times. There are a few issues in relation to both of those things, but the suggestion by the committee is a useful one which the government will be looking at very seriously with a view to doing something about it.

I turn to substance abuse problems. A lot of what was said about that is very true. We have lots of other areas in this budget where the government is trying to do things in relation to that. I am not going to go over them, Mr Speaker; they are in other portfolios. I would point out, however, that even when we did not have heroin epidemics we still had lots of criminals in this city who would commit crimes just for the sake of committing crimes and they have to be dealt with it. They are not always due to substance abuse problems.

Outsourcing legal work has been a perennial issue for about 20 years. I am happy to have a further look at it. It is always a question of what you can do in-house and where your areas of expertise are, and the ACT is not a big territory. There are some very good reasons why we outsource. Quite often it is because we simply do not have the expertise within government to do the work.

I have already dealt with the high level of property crime in terms of speaking about the task forces and giving additional powers to the police to assist them to do their job without having one hand tied behind their back, as well as about the provision of a new gaol and paying greater attention to sentencing matters.

Mr Stanhope mentioned indigenous people. Education is crucially important here. The improvements we are seeing in terms of indigenous education are going to assist. Whoever is education minister next time must keep them up, but it is a long-term issue. That applies to a number of disadvantaged groups in our society. If you really want to make a change in the long term, education is important, but that does not mean that you should drop your standards in terms of punishment because deterrence is crucially important. Human beings being what they are, if you do not have deterrence, people will always take advantage of you. That is just human nature. It extends to anyone, whether they be the richest person or the poorest person in the world.

We have done a fair bit recently with Neighbourhood Watch. Extra money has gone into it and there is a training program for it. Ms Tucker mentioned that police should not be given more discretion. I must disagree with her there. I think the police force is one of the most disciplined groups and one of the best trained groups in our society. Our police force has consistently shown that it can use discretion wisely. It also has a huge amount of checks against it in terms of abuse of the use of such discretion, ranging from the police internal affairs division through to the ombudsman and the courts. There are ample checks on police abuse of any powers they have. In my considerable experience in this territory, they are not only one of the most controlled groups in the territory, but also one of the best trained for using discretion. It is no drama for me to give police any reasonable power they need, because they have consistently shown themselves to be well trained in terms of exercising it and they certainly have all the checks against them in case anyone does step over the mark.

Mr Speaker, I do not think I need to go on any longer. I thank members for their comments. I assume that this part of the budget will be passed without opposition.

Proposed expenditure agreed to.

Proposed expenditure—part 17—Education and Community Services, \$419,905,000 (net cost of outputs), \$29,235,000 (capital injection) and \$132,606,000 (payments on behalf of the Territory), totalling \$581,746,000.

MR BERRY (9.09): Truly, this is the budget of lost opportunities. No matter what this government says about its record in education, what it has spent and what it promises it will do in the next five years, it now knows that Labor will do more. We will spend more and we will provide more for kids in our schools, particularly when you see the wasteful election promise about free school buses. It is necessary to draw attention to that matter because of the opportunity this government has been lost. I have heard that the government are moaning about the alleged \$334 million.

Mr Stefaniak: The \$334.5 million.

MR BERRY: The \$334.5 million. If you take into account the \$250 million worth of extra Commonwealth funding this government has taken, the thousands of public servants who have lost their jobs, the Bruce Stadium, the hospital implosion, the Feel the Power campaign, the Futsal slab, the Floriade fee and so on, you can see that it all adds up to not much gain over the period of this government's office, particularly when you take into account those wasteful programs which have frittered away much of the benefits which could have been held in reserve for the community. Education, more than any other part of this budget, is an area in which more could have been done.

The government has boasted proudly of marking time—I think that is the fairest way to describe it—with its funding of education. It has basically said, “We have kept up with inflation.” They say they have. The Productivity Commission would disagree and many in the education community would disagree that the government has kept up.

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The difficulty with the government in relation to education is that it is sitting on its hands while other states are doing more and more with their systems. That is why the money which is being wasted on free school buses would have been better allocated to educational opportunities for students in our schools.

I have been involved in the education committee, which Ms Tucker chairs. We have seen at first hand the areas of need within our school community. The government has taken some initiatives this time around, and many of those initiatives will be good building blocks upon which to develop further initiatives, especially when that money from the free school bus system is properly allocated.

A lot has been said about education in this budget. I think the next election in the ACT will be about education. It is certainly showing up in the community as an issue of concern, and one which will lead to a change in the way business is done in the ACT after the next election.

We have seen a few unpalatable things happen during the period of this government. Take the long, drawn-out dispute with the teachers union over a wage increase. A welcome wage increase was achieved in the end, but how long was that seething industrial dispute allowed to persist, affecting the quality of the education of kids in our schools? It was settled recently in the form of a wage increase for teachers.

Mr Stefaniak: Have a chat to the union. I do not think they will agree with you.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! I compliment you, Mr Berry, for understanding standing order 42 when you are addressing the chair. Thank you.

MR BERRY: Well understood, Mr Chair. I could not forget it. That was a sorry episode in our education system. Take the stand-off with the school bursars. Remember the nickname you earned, Mr Minister—Bill the bursar basher. Low-paid workers were screwed to the ground over an industrial dispute which was really quite cruel. Workers were stood down when they wanted a fair outcome on wages. That sort of industrial thuggery in our education system does not lead us anywhere.

We see another example of it in health. The government has tried to stand over nurses in relation to wages and working conditions. It looks as though that is going to be a dispute for somebody else to settle.

We saw the early attempt by the government to close down Downer preschool. Some lessons were learnt from that, and there has been a far more sympathetic view of our preschools since that unfortunate event. The Downer episode energised people within the preschool community to be more vigilant about their preschools. The leadership of the association has changed over the period, but they are certainly a more energetic and active group of people as a result of that incident.

They were unhappy incidents during the period of office of this government. I know the minister will say that they have spent \$99 million over three years, or whatever it is, essentially for the teachers' pay rise and to keep up with inflation. That does not take into

account the criticism by the Productivity Commission, and it does not take into account the advances that have been made in other states.

We are left with an education system still worthy of respect, but it could be better. More work is required. As I said when I started this short speech, we have lost an opportunity, indeed another opportunity, to do a little better in the future with some extra funding, which if Labor has its way will come from the vote-grabbing free school bus initiative which will cost the community so much.

Go back to the beginning. Much more could have been done if we had not wasted all of the resources we have on all those high-flying programs which cost the citizenry so much—the hospital implosion, the legal costs of that, the legal costs of Bruce Stadium, the cost of Bruce Stadium. It is an extraordinary list of waste and profligacy. Some of that money could have found its way into budget appropriations for things like education—the highest priority, along with health, in our work in this place.

MS TUCKER (9.19): It is widely believed that the Department of Education and Community Services has no excess capacity, seems to be most occupied serving the government rather than schools or community services and can only provide support for Commonwealth-funded and targeted programs. That is the perception in the community.

I acknowledge a large number of valuable but fairly small projects are included in this budget, and thank God for that. It is good that the government has listened to some degree at least. While the programs are new, they address needs that are not newly identified. Many people in the community sector and the education system have been calling for programs such as these and more for a long time.

The irony is that when it comes to departmental programs the government is simply picking up on some of the capacity that has been stripped from government services since 1995. In other words, if you have been marking time due to lack of resources, then any addition looks fairly substantial. While the government is understandably pleased that it can face the electorate with evidence of some kind of fresh impetus in meeting the need for early intervention and providing some support for people living in poverty, in the broad scheme of things this is not the coherent and concentrated approach it would have us believe.

Moreover, most of these programs, if they are effective, will be difficult to contain to projected levels. There will be a need for growth funding. If government continues to fund big ticket items such as corporate welfare, car races and free school buses over the years, such growth will be hard to accommodate.

The tick-the-box approach to addressing the identified issues of kids at risk, families in need of support, adolescents in crises and so on does not get to the core of the problem in a rigorous enough way. I go back to housing, I have already dealt with this in the debate. Even in the newspapers today we see that affordability of housing in Canberra is higher than anywhere else in Australia. That is because of repayments and so on.

Housing is a big issue in the ACT. It is not just about provision of public housing; it is about people being able to afford housing, whether by paying a mortgage, renting or trying to get public housing. These larger social issues are very important if the

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community is to increase its capacity and—dare I use the words?—develop its social capital. Otherwise, a wedge will be driven further between the socially and economically marginalised members of our community and the more affluent and mobile consumers that Canberra is geared so well to serve.

When members of the government complain that I do not give them credit for all their good work, it is because they are not addressing the imbalances in society at the structural level. That, I would have thought, is their job. I have already spoken to that tonight and on other occasions.

Organisations in the community sector have had a tough six years. They have in general been flat out increasing their outputs on tighter on tighter margins. Service purchasing agreements have not produced, and will not always produce, the best results. The commercial paradigm in which this government likes to operate can be damaging in the community context.

There is sometimes a strong sense that the community sector has to do more and more with less and less. In estimates, when we were talking about the community linkages program, the minister said it would be good if it applied not only to tenants but to applicants. The chief executive officer said that he would like to be able to extend the community linkages program to applicants. The minister said that was fine with him—that he could do that—but not to expect any more resources. It was meant to be amusing, I think, but I found it quite disturbing, because it is an indication of how this government tends to approach matters. They say that you will achieve greater outcomes by efficiencies. It is that kind of pressuring and squeezing that is putting the community sector under a lot of pressure.

It is generally acknowledged in the field that if you want government support you had better be careful with what you say. Innumerable groups and individuals have advised me or my office that they support the position we are taking on social issues, and that we are supporting them in some instances, but believe they would be acting against their own interests if they publicly said so.

The number of times that community organisations staffed by people overextended and fairly poorly paid are described by this government, in discounting their positions, as being vested interests absolutely beggars belief. There has been an ongoing campaign for three or four years now to get this government to accept that community sector organisations, when funded by government, ought to be able to pay their staff properly—not properly like directors of business, or even properly like ACT public servants, but at least properly as far as award wages and conditions go.

It seems we have scored one victory this year. The ACT government has come up with the funds to allow those organisations funded by the Commonwealth and the territory to pay their employers who are under the SACS award—at last. But the government still has made no commitment to ensuring that all such community services can pay their staff properly and that the conditions and pay of the SACS award are industry standard.

There are very serious pressures on the community sector because of the cost of administering the GST. Other costs such as insurance are also causing great stress to the community sector.

It is considered appropriate to put CTEC in premium office suites at the airport, where the air-conditioning is adjustable per room. Or is that adjustable per work station? I am not sure. I would like to install them, or the Legislative Assembly perhaps, for a week in a youth centre or the Griffin Centre so they can see the difference—and put them on the same computers and make them use the same photocopiers. There is a significant divide between the community sector and everyone else. I cannot see anything in this budget that comes even close to addressing the problem here. It is another reflection of the values which underpin this government's approach, an approach which is somewhat obscured by the gloss and language of this budget and government media releases.

The proposed development of section 56 is a telling illustration. The government has sold off the land in one large lump to Queensland Investment Corporation, with an agreement that it accommodate the existing youth centre and Griffin Centre community facilities. At the same time PALM has been developing a number of strategies to revitalise and improve the safety and amenity of Civic, including an assessment of existing community facilities and an exploration of further need.

Anyone who valued community services and activities so vital to our social development would ensure the study informed the design. I have raised this exact issue at least five times with at least four ministers in the past year and a half in this Assembly, but the Education Department has only been able to negotiate on the basis of replacement floor space for Griffin Centre and youth centre tenants. The government purchased a few extra metres in this budget to cover the real needs of existing tenants.

In the estimates process, the minister advised me that he was planning to shoehorn in the Junction youth health centre as well, and maybe even ADDInc, if nowhere else could be found for them. He had no idea of the study commissioned by PALM. It was probably finished over a year ago. It must be still sitting around in draft form somewhere. I imagine it would provide some useful information to any government interested in taking a strategic approach.

If this government were committed to supporting a vibrant community sector and the active, valued and valuable community which it could support, then the new Griffin Centre would be the feature element of this new development. It would meet the broad needs of the Canberra-wide and city-based community services. It would have the highest profile position and enjoy the best street frontages. We would be so proud of that part of Canberra. This is a government that loves capital works. They have missed their chance in this budget, with these two items, to leave a positive footprint in this city for the community sector and the people with whom it works.

MR STEFANIAK (Minister for Education and Attorney-General) (9.28): Might I firstly thank Mr Berry and Ms Tucker for finishing in 10 minutes. I will try to reciprocate. I thank members for their comments. I will not go over the buses as Mr Berry did. We have had that debate. I have made my comments on the Berrynomics of the \$27 million. Suffice it to say there are some big gaps there. If the Labor Party gets in, it will be interesting to see whether they live up to their promises. Their track record is not good.

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Mr Berry mentioned the \$344 million deficit. He said that a lot of Commonwealth revenue helped us. Commonwealth revenue as a percentage of total revenue from 1995-96 to 1999-2000 decreased from 49 per cent to 44 per cent. Own-source revenue as a percentage of total revenue increased from 51 per cent to 56 per cent. So it does seem that the territory has done a fair bit by itself.

This debate tonight has been quite civilised. Some of the other ones have not been, because members have not given due credit to what the government has done in education. With the election coming, some groups that have given credit in the past are starting to lose sight of the fact that we have increased funding in very difficult financial times. Every single year—this is our seventh budget—the money we spend has gone up, often in a deficit budget situation. As we rightly should, we have given education top priority. In this budget we have seen some very significant increases.

Mr Berry mentioned \$91.5 million extra over five years. \$40 million of that—I think it is a bit more because, using the Labor figures, there is \$3.7 million for minor capital works and actual budget of \$7.9 million—is for new initiatives. They speak for themselves. I will read them out:

- lower early childhood class sizes for government primary schools K to 2, an initiative worth \$25 million over four years;
- early childhood support for non-government schools;
- support for students at risk through the college action research project on student retention;
- methods to monitor attendance and support mechanisms to schools at risk;
- planning to assist students at risk of completing education, which builds on High Schools for the New Millennium;
- \$206,000 this financial year for additional support for students at risk, to increase to \$211,000 each year for the outyears;
- \$700,000 per year for Schools as Communities, starting this year and continuing into the outyears;
- the early intervention school management program, allowing government schools to better address student management issues;
- expansion of the outer schools education program, rising from \$120,000 to \$126,000 per annum;
- supporting families with adolescents;
- youth connection family support;
- indigenous youth centre;
- recreation support programs for at-risk youth;
- support for Learning for Life,
- the young carers package;
- enhanced literacy and numeracy programs, with \$5.7 million per year for the literacy assistance program over and above spending on classroom teaching;
- two alternative education programs on the south side and the north side;
- additional programs for indigenous students.

There is a very lengthy list of what we are doing for government schooling and there is a further list of additional assistance to the non-government sector. As the Labor Party itself admits, there will be some \$40 million plus in additional programs over four years.

They have now made a promise about what they will do. I do not know what they will do, because as soon as the budget is passed the buses will be there. The Labor Party is basically playing catch-up.

I will read a quote from the *ACT Teacher*, the Australian Education Union magazine. Naturally the union will jump on the bandwagon. I have spoken to their president, Mr Haggar. If I was in his position, with an election coming, I would do the same thing myself and jump on the bandwagon and have a go with something like the school buses, which come under Urban Services. We have the track record. The article reads:

Kindergarten, 1 & 2 to Twenty One!

The Government has committed \$25m expenditure over the next three Budgets to reduce class sizes in the early years of primary school, to an average of 21 students per class.

One hundred and forth new positions are to be created by 2004 and 30 new classrooms built in growth areas to accommodate students. Additional and recurrent expenditure from 2004 will amount to \$12m per year.

This Government initiative nearly nine months from the ACT election throws down the gauntlet of education improvement and investment to the ALP Opposition, Independents and other parties. It is going to have to be matched, if not bettered, by those seeking the Education vote in October.

We are in a bit of a bidding war now. That is fine. I do not mind. It helps education. But guess who the trend-setters were? Who started it? We did. Comments on what we have spent are very unfair, especially given that most of our budgets have been deficit budgets as we have been getting the economy back on track.

People have tried to compare us with the rest of Australia. Our expenditure was about fifth in the mid to early 1990s. We were second in government schooling up to about 1998. I think the figures in 1999 had us down to fifth. It is difficult to work out those figures. There are things some states count and others do not, so the figures are not super-accurate. Our record is not too bad. I think the opposition has lost track of that. Money is not everything. As I said earlier, I am delighted that other states are starting to spend more. They have a fair bit of catching up to do.

Mr Berry mentioned pay disputes. He mentioned what we did last year with the union. I think the union would agree that that was one of the most civilised and progressive ways you could imagine of handling an industrial dispute. Two hours were lost in August 1999—the dispute was resolved in May 2000—as opposed to 21 days of strike action in New South Wales. It is almost a model of how to conduct industrial relations. I am at a loss to see how Mr Berry thinks that was a problem. I do not think Clive Haggar of the AEU would agree with him.

On the bursars, we were following the law. I am not going to go into those matters any more. I am at a loss to see why Mr Berry used those examples. The bursar example was quite ridiculous. This government has done a huge amount in school education.

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I turn now to vocational education and training. There are some very significant initiatives for the CIT in this budget. I am delighted with that. The CIT has gone through some difficult times, with cuts in previous years. I am pleased that we are now in an up period when they will get more money. They have done exceptionally well. They have emerged the stronger for it, and the government makes no apologies for that. I commend all the staff at the CIT for the work they have done. They have increased the number of training hours and increased the number of students. We should take our hats off to them. In some instances in the past couple of years they have done more with less. Now more money is being pumped in, with great initiatives like the visual campus. My congratulations to them.

It is important that vocational education and training be put to the forefront. One of the great achievements of this government is that that we have put a greater emphasis on vocational education and training. Some 60 per cent of students in year 12 do not go on to university. In the 1970s, the 1980s and, to a lesser extent, the early 1990s there was far too much emphasis on training kids to go to university when a lot did not. A greater emphasis on vocational education and training has been excellent. Over 50 per cent of year 11 and 12 kids are now doing a vocational education course. That is very positive.

There have been some wonderful advances in vocational education and training, and I have been proud to be minister. Without any false modesty, I can say I had a little bit to do with it.

Finally, I turn to sport. I am absolutely delighted that after a couple of years of pushing my somewhat reluctant and recalcitrant colleagues—who, admittedly, probably still had a budget situation to get over, because we were still just getting there—we finally have an extra \$650,000 for sportsground maintenance. A bit of that will go to Manuka. It will give a significant boost to our sportsground maintenance. That will be great for our suburban sportsgrounds and enable us to bring two low-maintenance ovals back to full maintenance. One is at Cook. I believe the other one is on the south side. I will not name it. I think I know what it is but I am only 99 per cent sure. I will need to check it. That is also be good news. I was very happy to see that, as was ACTSport.

I commend this part of the budget to members. I thank Mr Berry and Ms Tucker for their comments in the debate.

Proposed expenditure agreed to.

Proposed expenditure—total appropriated to departments, \$1,217,640,000 (net cost of outputs), \$274,362,000 (capital injection) and \$376,948,000 (payments on behalf of the territory), totalling \$1,868,950,000—agreed to.

Proposed expenditure—part 18—Treasurer's Advance, \$18,600,000—agreed to.

Proposed expenditure—total appropriations, \$1,217,640,000 (net cost of outputs), \$274,362,000 (capital injection) and \$376,948,000 (payments on behalf of the territory), totalling \$1,887,550,000—agreed to.

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

Suspension of standing and temporary orders

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (9.42): I move:

That so much of the standing orders be suspended as would enable a vote to be taken on the question—That this Bill be agreed to.

The motion is simply to ensure that, since support for the budget has been such an issue lately, the record shows who has supported the budget and who has not.

MR BERRY (9.43): There is no need for the standing orders be suspended. It is quite obvious that there are certain aspects of this bill that no sensible person would support, but in the end the budget is going to be supported by the chamber. This is merely a time-wasting, smart alec response from the Chief Minister.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 10		Noes 6	
Mrs Burke	Mr Osborne	Mr Berry	Mr Wood
Mr Cornwell	Mr Rugendyke	Mr Corbell	
Mr Hird	Mr Smyth	Mr Hargreaves	
Mr Humphries	Mr Stefaniak	Mr Quinlan	
Mr Moore	Ms Tucker	Mr Stanhope	

Question so resolved in the affirmative.

Question put:

That this bill be agreed to.

The Assembly proceeding to a vote, and confusion having arisen, the Speaker directed that the call of the Assembly recommence—

The Assembly voted—

Ayes 15		Noes 1
Mr Berry	Mr Osborne	Ms Tucker
Mrs Burke	Mr Quinlan	
Mr Corbell	Mr Rugendyke	
Mr Cornwell	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Mr Hird	Mr Stefaniak	
Mr Humphries	Mr Wood	
Mr Moore		

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Question so resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Mr Pat Torpy—Retirement

MR SPEAKER: Members, today marks the last day that one our attendants, Mr Pat Torpy, will undertake duty in the chamber. Pat will leave us next week, having been a member of the Secretariat staff since June 1995—you must be a masochist, Pat—following a distinguished career in the public service. Pat will be missed, I am sure, by all of us. On behalf of all members, I wish him well for the future and thank him for his friendly and efficient service during his time here.

Members: Hear, hear!

Canberra National Multicultural Festival

MR WOOD (9.57): Good fishing, Pat!

Let me talk about some more of the government nonsense that we have witnessed in recent times, not just tonight. I was interested earlier today to get a media release under the name of Brendan Smyth, MLA, with the title “A successful 2001 National Multicultural Festival”. It would appear that Mr Smyth is pleased with the success, he claims, of the Canberra National Multicultural Festival. I am not going to argue about that. I am pleased to see him offering those congratulations. As we know, the program for the multicultural festival was unquestionably the program drawn up by Domenic Mico, who was the artistic director of the festival. Therefore, Mr Smyth’s congratulations and praise sit oddly with his earlier actions when he stood by and allowed some considerable injustice to occur when Mr Mico was sacked. They were very strange indeed.

Mr Moore: You wanted him to interfere, did you?

MR WOOD: He stood by, did nothing and allowed it all to happen. For Mr Smyth to come out today and congratulate the festival seems strange indeed. Maybe Mr Humphries should add his thanks. Mr Mico was sacked specifically because he said that the festival needed to be separated from CTEC. That got him the sack, but Mr Humphries and the government took Mr Mico’s advice. What did they do? They separated the festival from CTEC. They separated the two bodies, just as Mr Mico had said should happen. Effectively, the government has said, “Mr Mico, you were right.” Maybe Mr Humphries should thank Mr Mico for the good advice that he gave. That seems a better way to go than to endorse the sacking that occurred.

I understand that tomorrow there will be some sort of event at which the chair of the Multicultural Council will make some announcement about Mr Mico's future, so the government has gone round in a circle here to try to recover from the mess that it made.

Mr Stanhope: A backflip.

MR WOOD: I do not know whether a backflip is a circle, but it may be much the same thing. Being rather sceptical, I do not think Mr Mico will be offered a full return to where he was, which would be unfortunate. The government, in essence, has said that it was wrong in of all this. The government has not quite said it that way; it has not put its hand to its breast and said, "Sorry, we were wrong," but the government has taken steps to try to recover from the mess that it made of the whole affair. Of course, in all of this, Mr Mico has been the one to suffer; not only Mr Mico but also the program of festivals, which will probably take some time to recover from the damage inflicted on it by this government.

Lyneham tennis centre

MR CORBELL (10.01): Earlier in question time today the Minister for Urban Services, Mr Smyth, attempted in a rather desultory but nevertheless typically pedantic way to suggest that there was some sort of disagreement within the Labor Party over the approval of development of the Lyneham tennis centre. For the record, I want to state clearly again the Labor Party's position in relation to this development. In fact, I would like to refer to elements of a press statement which I released on 31 May this year in relation to Lyneham. It is headed "Labor supports proper planning processes and private sector investment". I will read briefly from that statement, Mr Speaker. It reads:

"Labor encourages proper planning processes and private sector investment in the ACT", Labor's Shadow Minister for Planning, Simon Corbell, said (today) ...

Labor is on the record supporting major private sector investment projects in Canberra, including:

The Kingston Foreshore Development and

Section 56 Development in Civic ...

"These two developments alone are worth 100's of millions of dollars to the city and thousands of jobs" ...

I come to the important bit, Mr Speaker. I went on to say in the press statement:

Labor has also welcomed the investment in the Lyneham Tennis Centre but Labor is not willing to sanction the abuse of a ministerial veto power ...

The Humphries Government has devalued the call-in power through its frequent use to overrule proper planning processes.

Developments like Lyneham should proceed by a fair and transparent process, and should not occur as a result of overriding the community's right to participate in the approvals process.

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For the record, Mr Speaker, the Labor Party has made its position very clear. We support the investment that is proposed to be made at the Lyneham tennis centre and we sincerely hope that it will proceed, but we will not resile from questioning the government's processes in approving such developments, nor will we shy away from criticising the inappropriate use, or should I say abuse, of ministerial vetoes such as the call-in power.

**Mr Pat Torpy—Retirement
Mr Stephen Forshaw**

MR HIRD (10.04): Mr Speaker, I am delighted to rise on this occasion to talk about two good friends. The first is Mr Pat Torpy, who has been with us for many years. I knew Pat when he was in the public service and drove for the then Minister Hayden, later to be Governor-General, doing so for 11 years. I must say that Pat has been a dedicated person, a good friend and very helpful not only to me as Government Whip, but also to other members and staff of the Assembly. Nothing has ever been a problem for Pat Torpy. For the *Hansard* record, Pat has the nickname Two Dogs, which is a story for another time. As the Government Whip, and I dare say I am speaking for the Opposition Whip as well, I would like to thank him sincerely for his friendship and for the service he has given to all members of the house. He has always been very friendly and of assistance to all of us.

I turn to the second person I would like to mention. When I came back into this place there was an ambitious, courageous and determined young fellow named Stephen Forshaw here. Mr Speaker, I note that Stephen is in the gallery today, having returned from new undertakings and new challenges in Sydney with an international airline, Singapore Airlines. I am delighted to see you here, Stephen. I would say that things must be going well for you because you have put on some weight. It is a delight to see you, Stephen, and I thank you for your friendship.

Williamsdale quarry

MR BERRY (10.06): In question time today, I indicated to the Chief Minister that I had not finished with the Williamsdale quarry issue yet. There is much more to come. Over the last five days I have asked a series of questions about the most appalling piece of management of a territory asset that I have come across since the Bruce Stadium redevelopment. The Chief Minister has refused to issue a direction to Williamsdale quarry not to sell any of the remaining 50 per cent. We are yet to discover whether the joint venturer has made the final \$800,000 payment and, if so, whether the cheque has been cleared. Those are outstanding questions for the moment that have to be answered. There will be more questions about the Williamsdale quarry.

The Williamsdale quarry was secured by Totalcare as a territory asset and 50 per cent of that asset was sold off into a joint venture. It had the potential, according to the business case of Totalcare, to return tens of millions of dollars to the territory, both by way of savings to the capital works budget in the territory and by way of dividends to the territory from profits from that venture. It is the only quality, up-to-standard, hard rock quarry in the immediate region which can provide an adequate source of hard aggregate for things such as territory roads and construction concrete.. It is owned by the

McDonald family and is leased under licence by Totalcare. The McDonald family have always wanted it to remain 100 per cent in Australian ownership and fear for its future.

Mr Speaker, the instructions to Totalcare from the Treasurer and the then Chief Minister that it not own more than 50 per cent of that asset remain in force and no direction has been issued to Totalcare which would allow it to dispense with more than 50 per cent of it. Mr Humphries has said in here that his public utterances are enough to dissuade anybody from selling any more of this public asset. That is not so. The Territory Owned Corporations Act makes certain requirements in relation to the disposal of public assets and, on my assessment of the letter which has been set out, Totalcare now has the freedom to move.

The chair of the Williamsdale quarry board has indicated that there have been discussions with big players in that business, namely, CSR and Boral. That is in complete and utter conflict with the statements that the Chief Minister has made. I want the Chief Minister to issue a written direction to Totalcare not to sell any more of that asset.

Mr Humphries: I would love to oblige you.

MR BERRY: Mr Humphries says that he will not oblige me.

Mr Humphries: I did not say that. I said that I would love to oblige you.

MR BERRY: Mr Humphries says that he said that he would love to oblige me. Actions speak louder than words, Mr Speaker. As we know with this Chief Minister, there are lots of words but there is not much action. I want to see this important public asset preserved and managed in the better interests of the territory. We have yet to see any sign of that and I intend to pursue the issue until we do.

Williamsdale quarry

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.10): Mr Berry, that great paragon of business acumen in this place, tells us that we should be investing more heavily in the Williamsdale quarry. Mr Berry assures us that the government has missed out on a sure thing, that we have had this wonderful sure thing slip from our grasp, that the government ought to be taking a 100 per cent shareholding in this wonderful Williamsdale quarry, rather than 50 per cent. Mr Speaker, unlike the opposition, I have learned some things from the Bruce Stadium affair, one of which is that governments need to ensure that they minimise risk. Taking a 100 per cent shareholding in any venture, particularly one that is speculative in nature, necessarily means you assume a greater level of risk. Those opposite would have difficulty understanding that, no doubt. But when I have heard Mr Berry talk about the Williamsdale quarry, saying what a wonderful venture it is, how much is to be gained by the ACT, how much—

Mr Stanhope: What it was.

MR HUMPHRIES: Mr Speaker, if I could ask for a little bit of protection.

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MR SPEAKER: Gentlemen, I remind you that a number of you have been named and the naming still applies to the adjournment debate, which means you could be out for three hours next time.

MR HUMPHRIES: That is right. Mr Speaker, when I hear Mr Berry talk about the wonderful things that the Williamsdale quarry represents, I recall nothing more vividly than what he had to say about the VITAB deal. He said that it was money for jam. He said, "It is a sure-fire bet, no problems. We are in clover as a result of this wonderful deal with the offshore betting organisation based in Vanuatu." Mr Speaker, the citizens of this territory are still paying today for the \$6 million it cost to mop up after VITAB. If I want business advice, there are lots of places I will turn for it, but one place I will not turn for it is with Mr Berry.

Mr Jeff House

MR QUINLAN (10.13): I wish to advise the Assembly that tomorrow will be the last working day in this Assembly of Jeff House, who has worked with me since the last election campaign and, at the same time, completed a degree. I think most of you who have met him will agree that he is a very personable young man who has carried himself very well right round this place, no matter whom he has been talking to. He is a very astute young man. He has shown himself to be a genuine leader. He has been a force in Young Labor and before that he was captain of his college. He is a student of politics. I make the prediction now that we will all hear of him again at some time.

Mr Pat Torpy—Retirement Mr Stephen Forshaw Mr Jeff House

MR STEFANIAK (Minister for Education and Attorney-General) (10.14): Mr Speaker, I join you and Mr Hird in wishing Pat Torpy all the best in his retirement. I knew Pat when I was with the courts. He is a real character. He has provided a lot of assistance to me and everyone else in the Assembly. Indeed, he is a great face to have on the front desk. I have always appreciated his great humour and his helpfulness. It is a bit of a shock and a shame to see him retire, but I am sure that he is going to have a hell of a lot of fun brewing his home brew, doing his fishing and just enjoying life. Thanks, Pat, for all the help you have given me and everyone else. All the best for your retirement. Harold, I must disagree with you. I think Stephen Forshaw has lost weight. I would also like to wish Jeff House all the best, too, now that I know he is leaving.

Mr Pat Torpy—Retirement

MRS BURKE (10.15): At the risk of prolonging proceedings, I would like to say a big thank you to Pat Torpy, who has been so very kind to me. Although you are a Ford fan, Pat, I will forgive you for that: the golden Holden reigns.

**Mr Pat Torpy—Retirement
Cabinet documents**

MR STANHOPE (Leader of the Opposition) (10.16): Mr Speaker, on behalf of the Labor Party, I would like very much to extend best wishes to Pat Torpy. We will all miss you, Pat. I will particularly miss our discussions about rugby league and our joint wish to see Ken Nagas again represent Australia. We wish you the best and I look forward to seeing you at the footy.

In addition to wishing Pat the best, I must say something about the events of the last three days. Each of us has quite willingly worked the 45 hours or so that we have spent in this place in the last three days. Similarly, the attendants and other members of the Secretariat of this place have worked for up to 15 hours a day for each of the last three days, making a significant contribution to the running of this institution. I would like to acknowledge the enormous devotion to duty that each of the attendants and each of the other members of the Secretariat have shown during particularly difficult weeks such as the one we have just experienced.

I would also like to refer to an issue discussed by the Chief Minister and me today in the debate in relation to the executive papers bill. Mr Humphries suggested, as he has a couple of times over the last week, that the Labor Party had no difficulty with seeking to apply for cabinet documents under the Freedom of Information Act. Mr Humphries and I had some difference of opinion about the nature of the correspondence between us. I have actually brought the correspondence down, on the basis that Mr Humphries' understanding of my freedom of information request was singularly different from my own.

On 6 July 1999, I made application under the Freedom of Information Act for all correspondence and documents, including contracts exchanged between the ACT government and SOCOG, all correspondence and documents relating to the tender by Lend Lease to project manage the redevelopment of Bruce Stadium and all correspondence and documents, including contracts relating to current tenancy arrangements issued with the Raiders, the Brumbies and the Cosmos, for the use of the Bruce Stadium. Out of that request under the Freedom of Information Act, Mr Humphries has concocted a request by me for cabinet documents relating to Bruce Stadium. I do not know how he did it and I do not know why he did it, but quite patently he was wrong, he was simply mistaken, and I look forward to him coming into this place and explaining why it was that he misled us in the way that he did in relation to the exchange of correspondence between us and my Freedom of Information Act application for documents.

We have had an exchange of correspondence. The last letter I received from Mr Humphries was in January of this year. Mr Humphries indicated today that he was still awaiting a response from me. In fact, I responded to his letter on 26 February, and it did relate to this issue of cabinet documents. Mr Humphries in his letter wrote to me setting out some guidelines to be followed in relation to the possible release of cabinet documents under the Freedom of Information Act. As I said, I thought the letter was bizarre at the time I received it. This is my reply.

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Dear Mr Humphries,

I refer to your letter dated 24 January 2001 about establishing a general understanding of the circumstances in which Government might exercise its discretion to release specific Cabinet and related documents.

There is no argument between us that the exemption is in the general interest of the effective conduct of Government business. Indeed, the High Court has upheld the principles underlying the exemption ie the need for Cabinet secrecy and collective Cabinet responsibility—

something sadly missing around this place—

However, I do not think there is a workable alternative to considering each case on its merits.

Section 13, which permits or, interpreted in the light of the object of the Act, even encourages release of documents other than under the Act, gives greater force to the view that the exemption provided to Executive documents by section 35 is neither automatic nor absolute.

Section 35 is in the same terms as the Commonwealth Act's section 34. You would be aware of cases determined in the High Court of Australia, Federal Court of Australia and the Commonwealth Administrative Appeals Tribunal on section 34 that say that each document must be examined and a decision made on the merits of the particular case.

The guidelines you propose could certainly be used in coming to a decision on each document but should not be regarded as binding on the decision maker who may wish or be required to have regard to other considerations.

I concluded:

I look forward to the decision on my request.

Yours sincerely

Jon Stanhope MLA

I have not heard from the Chief Minister since. My Freedom of Information Act application is yet to be responded to. It is now two years out of date.

Cabinet documents
Mr Pat Torpy—Retirement
Mr Jeff House

MR MOORE (Minister for Health, Housing and Community Services) (10.20), in reply: I would like to respond on one small element that Mr Stanhope raised before I proceed to some other issues. If Mr Quinlan would wait for a moment, it would be appreciated. I will come to the reasons for that in a moment. The response to Mr Stanhope is that there is a collective cabinet responsibility. There are exemptions to that which I have arranged with the Chief Minister and which are public knowledge, but in the vast majority of cases there is a collective cabinet responsibility.

I would like to say thanks to Pat Torpy for the good humour which he brought to his job and the way he helped brighten the days and sometimes late nights with a quick quip and a rather sick sense of humour. It is not quite as sick as mine, but in the same sort of order. We have all recognised that and, hearing everybody tonight giving thanks to Pat, shows how the best of our attendants work.

With regard to Mr Quinlan, I want to say that I agree with him that Jeff House has done an extraordinary job here and I do expect that in the years ahead we will be seeing him in political circles and contributing in a very positive way to our community. I have seen a very positive contribution from him and I am pleased to take the opportunity to join Mr Quinlan in thanking Jeff House for his contribution so far.

Mr Speaker, I hope that you have a very good evening.

Question resolved in the affirmative.

Assembly adjourned at 10.21 pm until Tuesday, 7 August 2001, at 10.30 am

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Schedules of amendments

Schedule 1

EXECUTIVE DOCUMENTS RELEASE BILL 2000

Amendments circulated by Mr Moore

1

Clause 3

Proposed new definition

Page 2, line 7—

Before the definition of *Assembly*, insert the following new definition:

accessible executive document means an executive document (or part of an executive document) on or after its earliest release day.

2

Clause 3

Proposed new definition

Page 2, line 9—

After the definition of *Assembly*, insert the following new definition:

earliest release day, for an executive document, means the later of the following days:

- (a) the next 1 July after the end of 10 years after the document's submission day;
- (b) 1 July 2001.

Example

If an executive document's submission day was 1 May 1997, its earliest release day is 1 July 2007.

3

Clause 3

Definition of *executive document*

Proposed new example

Page 2, line 18—

At the end of the definition, insert the following example:

Example of documents that are not *executive documents*

A record forming part of the unofficial records of meetings of the Executive known as Cabinet Notebooks is not an *executive document*.

4

Clause 3

Definition of *release day*

Page 2, line 19—

Omit the definition.

5

Clauses 5, 6 and 7

Proposed new clauses 5, 6 and 7

Page 3, line 1—

Omit the clauses, substitute the following new clauses:

5 Application to previous executive documents

This Act applies to an executive document even if its submission day was before this Act commenced.

6 List of accessible executive documents must be published

The chief executive must arrange for a list of all accessible executive documents to be available to the public, without charge, in printed and in electronic form.

Example

To make the list available to the public in electronic form, the chief executive might make an electronic file of the list available on a website.

Note An executive document becomes an *accessible executive document* on its *earliest release day* (see s 3, defs of *accessible executive document* and *earliest release day*).

7 Availability of accessible executive documents under FOI Act

(1) This section applies if a request is made, under the *Freedom of Information Act 1989* (the **FOI Act**), for access to an executive document on or after its earliest release day.

(2) The executive document that is the subject of the request is not an exempt document for the FOI Act, section 35 (Executive documents) on or after the document's earliest release day.

(3) The FOI Act, section 35 (3) to (6) does not apply in relation to the executive document that is the subject of the request on or after the document's earliest release day.

Note 1 The FOI Act, s 35 (1) defines a category of documents that are exempt from disclosure under that Act. This category includes, but is broader than, the category of *executive documents* defined for this Act, s 3. The effect of s (2) of this section (above) is to provide that an *executive document* within the meaning of this Act, s 3 is not exempt from disclosure under the FOI Act, s 35 on or after its earliest release day (see s 3, def of *earliest release day*).

Note 2 The FOI Act, s 35 (3) to s (6) provides that a document may be declared by the relevant chief executive to be exempt under s 35 on the ground that it is an exempt document as defined in that Act, s 35 (1). The effect of s (3) of this section (above) is to ensure that the chief executive's power of exemption under the FOI Act is not available to the chief executive for an *executive document* (within the meaning of this Act, s 3) on or after its earliest release day (see s 3, def of *earliest release day*).

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Note 3 This section does not prevent the denial of access to the document under other exemption provisions of the FOI Act (eg s 34 (Documents affecting relations with Commonwealth and States)).

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Schedule 2

EXECUTIVE DOCUMENTS RELEASE BILL 2000

Amendments circulated by Mr Humphries to the amendments proposed by Mr Moore

1

Amendment 2

Clause 3

Proposed new definition of *earliest release day*

Paragraph (a)

Page 2, line 9—

Omit “6 years”, substitute “10 years”.

2

Amendment 2

Clause 3

Proposed new definition of *earliest release day*

Example

Page 2, line 9—

Omit “1 July 2003”, substitute “1 July 2007”.

Schedule 3

APPROPRIATION BILL 2001-2002

Amendments circulated by Mr Berry

1
Schedule 1
Part 11, column 3
Page 6—

Omit '207 196 000', substitute '201 666 000'.

2
Schedule 1
Part 11, column 6
Page 6—

Omit '297 841 000', substitute '292 311 000'.

3
Schedule 1
Part 13, column 4
Page 6—

Omit '4 200 000'.

4
Schedule 1
Part 13, column 6
Page 6—

Omit '4 200 000'.

5
Schedule 1
'Total appropriated to departments' row
Page 6—

Omit the row substitute the following row

<i>Total</i>	<i>1 212 110 000</i>	<i>270 162 000</i>	<i>376 948 000</i>	<i>1 859 220 000</i>
<i>appropriated to</i>				
<i>departments</i>				

21 June 2001

6
Schedule 1
Part 18
7 Page 6—

Omit the part, substitute the following part:

Part 18 18 500 00

*Treasurer's
advance*

8
Schedule 1
“Total appropriations row”
Page 6—

Omit the row, substitute the following row:

<i>Total</i>	1 212 110 000	270 162 000	376 948 000	1 877 720 000
<i>Appropriations</i>				

9
Clause 6
Heading
Page 2, line 20—

Omit ‘\$1 887 550 000’, substitute ‘\$1 877 720 000’.

Answers to questions

The following answers to questions were provided but are unable to be included in Week 7 because of technical difficulties:

No 372
No 374
No 375
No 377
No 378
No 379
No 381
No 383
No 386
No 387
No 388
No 389
No 390
No 391
No 393
No 394

These answers to questions will be provided in the next Weekly once the technical difficulties have been resolved.