DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 June 2003

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Tuesday, 17 June 2003

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Mr Speaker (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Privilege
Statement by Speaker

MR SPEAKER: Members, I wish to inform the Assembly that, in accordance with standing order 71, I have received written advice from Mr Wood concerning a possible breach of privilege in relation to the unauthorised disclosure of the report of the Select Committee on Estimates and the report of the Standing Committee on Public Accounts on the Rates and Land Tax Amendment Bill 2003.

I will seek advice from the acting clerk and will inform members at a later time as to whether I consider the matter merits precedence.

Petitions

The following petitions were lodged for presentation.

Cooleman Court shopping centre

by **Mr Cornwell**, from 504 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, a full investigation should be under taken by the Minister for Urban Service's with the view to immediately upgrade the NIGHT LIGHTING arrangements at the PUBLIC CAR PARKING AREA'S surrounding the COOLEMAN COURT SHOPPING CENTRE, WESTON.
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that this investigation should be undertaken as a matter of URGENT priority, due to safety of night shoppers using the public car parking surrounding Cooleman Court Shopping Centre.
>
> Your petitioners therefore request the Assembly to call on the minister to take this action as a matter of priority within 3 (three) months form the tabling in of the petition in the Assembly.

Duffy shopping centre

by **Mr Cornwell**, from 24 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 DUFFY SHOPPING CENTRE is in URGENT need of a full refurbishment program. This should be implemented as a matter of priority by the Minister for planning Mr Simon Corbell (The Local Member).

Your petitioners therefore request the Assembly to Call on the Minister for planning to have this URGENT refurbishment program (upgrade) to be incorporated in the coming Budget 2003-2004 Works Programme.

Block 12, Section 2, Belconnen

by **Ms Tucker**, from 546 residents:

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

The petition of certain members of the Australian Capital Territory draws to the attention of the Assembly the inappropriate development of Block 12 Section 2 Belconnen, at the intersection of Coulter Drive and Nettlefold Street, and the threat to its magnificent remnant Yellow Box / Red Gem woodland.

Your petitioners therefore request the assembly to call on the ACT Government to withdraw the block from development and preserve the areas as public open space.

Peneshaw Gardens, Kambah

by **Mrs Burke**, from 6 residents:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

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

We, the residents of Peneshaw Gardens of 14 Kett State, Kambah are persistently subjected to acts of anti-social behaviour and disturbance to our ‘quiet enjoyment’.

Your petitioners therefore request the Assembly to:

Take action, particularly referring to Clause 70c, to enforce all tenants at Peneshaw Court to comply with their Tenancy Agreement.

Youth circus educational program

by **Mr Stefaniak**, from 685 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 Minister of Youth and Family Services by way of the department direct the Belconnen Youth Centre Inc, to continue the Youth

> Circus program after the 30th June 2003 during school days between 6pm and 8pm as required by their Circus youth class's.
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there has been a considerable amount of EXPENSE PAID out by PARENTS and the ACT GOVERNMENT in the EDUCATION OF THESE PUPILS who have participated in the above Youth Circus Educational program at the Belconnen Youth Centre. The valuable work carried out by Students will be LOST if the Minister for Youth and Family Services does not URGENT ACTION to maintain this VALUED Belconnen Educational Program at this Centre.
>
> Your petitioners therefore request the Assembly to call on the Minister for Youth and Family Services to instruct the Belconnen Community Centre Inc., to make urgent arrangements to accommodate the YOUTH CIRCUS EDUCATIONAL PROGRAM AT THEIR CENTRE so the program can continue past the 30th June 2003 at reasonable hours.

The terms of these petitions will be recorded in *Hansard*, and copies referred to the appropriate ministers.

Legal Affairs—Standing Committee
Alteration to reporting date

MR STEFANIAK (10.35): I seek leave to move a motion to alter the reporting date of the report of the Standing Committee on Legal Affairs into the Crimes (Industrial Manslaughter) Amendment Bill 2002.

Leave granted.

MR STEFANIAK: I move:

> That the resolution of the Assembly of 12 December 2002, as amended 1 April 2003, concerning the referral of the Crimes (Industrial Manslaughter) Amendment Bill 2002 to the Standing Committee on Legal Affairs be amended by omitting "by 17 June 2003".

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report

MR SMYTH (Leader of the Opposition) (10.36): Pursuant to order, I present the following paper:

> Public Accounts—Standing Committee—Report No. 5—*Inquiry into the Rates and Land Tax Amendment Bill 2003*, dated 17 June 2003, including a dissenting report, dated 17 June 2003, together with a copy of the extracts of the relevant minutes of proceedings—

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR SMYTH: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: I move:

> That the report be noted.

The Public Accounts Committee was asked by the Assembly in April this year to inquire into and report on the Rates and Land Tax Amendment Bill 2003. That is the bill that would implement a new rating system for the ACT. I will not describe in detail the principles of the proposed new rating system other than to note that home owners who are determined to be long-term owners of their residential or rural properties would be protected from paying rates that might otherwise be subject to considerable fluctuations.

New owners of these properties, on the other hand, would be subject to rates that are typically likely to be considerably higher than those paid by long-term owners because of the way in which the rates for new owners will be calculated. The Public Accounts Committee undertook a reasonably detailed inquiry into this important matter, and I acknowledge the time constraint under which the inquiry was conducted.

As members will be aware, rating systems are a much examined subject in virtually all jurisdictions, as we all seek to implement a system that combines such essential characteristics as fairness and equity across the whole community with, of course, the appropriate revenue raising capacity to fund the services of the ACT. In the ACT and elsewhere, we are still waiting for the perfect system to evolve. So where did our recent inquiry take us, and what did we conclude?

We received evidence from a wide range of witnesses: the Treasurer, a number of organisations and some interested individuals. These organisations were from right across the spectrum that you would expect—from groups like ACTCOSS, CARE ACT and COTA to the Real Estate Institute of the ACT and the Property Council. A wide and diverse group of people took the opportunity to comment on the bill.

The majority of submissions the committee received argued that the new rating system could have an adverse economic and social impact on many people, including people who were already disadvantaged: recent retirees, families that are increasing the number of their members and people wishing to relocate within the ACT. On the other hand, some submissions acknowledged that long-term residents—that is, people who choose not to move from their present homes for extended periods—might benefit from the proposed new policy.

Modelling undertaken by some of the organisations indicated that after a period of five years, and especially after longer periods, there would be an ever-widening disparity in the rates paid by long-term owners as compared to new owners—who are indeed neighbours. It was suggested in these submissions that these disparities could lead to the creation of economic and social inequities in our community. In presenting this bill to the

Assembly, the Treasurer commented that the bill has the aim of making Canberra's rates system fairer for all long-term owners of residential and rural parcels of land.

Apparently, the government had undertaken detailed modelling of a number of rating systems prior to this bill being prepared, although the PAC did not receive any details of any of this modelling. When the committee raised with the Treasurer concerns that the proposed new system might create a disincentive for people to move—at least, in certain cases—the Treasurer commented that he would be prepared to entertain suggestions from the committee as to how he would facilitate the movement of people who genuinely want to move and somehow insulate them against the disincentive.

The committee was concerned with this response from the Treasurer, as it indicated that the issues that were closely related to the policy did not appear to have been fully considered by the government. The committee also raised with the Treasurer possible concessions and deferrals that might be available under the proposed rating policy. The Treasurer noted that the criteria for and circumstances in which concessions were to operate did not exist in detail.

These responses surprised the majority of the committee, as it would have thought that matters such as possible "concessions, exemptions and dispensations", to use the Treasurer's words, would have been considered in the drafting of the framework policy. The committee notes that it was subsequently provided with further details on the concessions, which dealt with situations where certain categories of people may be forced to move from their existing premises.

The committee was also intrigued that one community group was not aware of the availability of provisions in the current rating policy to permit the deferral of rates in appropriate circumstances. This suggested to the committee that some targeted promotion of the details of the rating policy could be considered.

Ultimately, the majority of the committee concluded that the need for the proposed new rating system had not been established, that proposals in the bill raise both equity and efficiency issues and that only limited assessment of the likely environmental and social impacts of the proposed policy appear to have been undertaken.

On the basis of these conclusions, the majority of the committee was not able to agree to support the bill. Consequently, the majority of the committee has recommended—and you will find this in the recommendations—that the Legislative Assembly should not pass the Rates and Land Tax Amendment Bill 2003, that further evaluation be undertaken of alternative rating systems and of provision for concessions of deferrals and waivers and that the results of this evaluation be presented to the Assembly.

In recommending that further evaluations be undertaken, the committee acknowledges that alternative rating systems operate in other parts of Australia and that some of these may contain useful characteristics that could be incorporated into a revised rating system in the ACT.

To conclude, the committee is disappointed with the overall approach of the government to the preparation of this policy and the associated legislation. It is reasonable to expect

that for such a major change in policy there would be a considerable amount of supporting information covering such relevant matters as the coverage of the proposed policy; the likely economic, social and environmental impact of the proposed policy within the analysis prepared, using reasonable assumptions that are known and can be tested by the committee; and provisions for exemption from the policy, if such provisions are to be provided.

I suggest that the development of public policy be subject to a much more rigorous approach than has been demonstrated by the proposal concerning changes to the rating policy of the ACT.

I would like to thank all those who took the time to put in submissions. Although the number was not large, the range of submissions and the way they were prepared and given to the committee indicate that the community was well represented. I thank those witnesses who chose to appear for giving up their time to help build a better city. They all had something to say that was useful in at least allowing the committee to come to its conclusions. I would like to thank my colleagues. We do not always agree in committees on the way things happen, but we worked our way through it in an amicable way, and I think that is important.

The point needs to be raised of course, Mr Speaker—and you have clearly received a letter from Mr Wood—about the issue of leaking and whether it is contempt. I have not had a chance to speak to my colleagues in the Public Accounts Committee, but the discussion also came up at the Estimates Committee this morning. It is an issue we need to look at.

Occasionally things get leaked, and it is unfortunate that they do simply because it undermines the process of the committees. The committees need the ability to speak freely and frankly in house so that members can compare and argue, feeling free to do so without waking up to find it appearing on the morning news. We in the opposition take seriously the whole issue of leaking, which does not happen a lot but does happen every now and then and needs to be addressed.

The final thank you is to the secretary of the committee, Stephanie Mikac. This was Stephanie's first report, and I would like to thank her for the way she approached the task. As a new secretary to a committee it must be daunting to have to put together your first report. The way Stephanie behaved and the professionalism and courtesy she offered the members and me as chair is welcomed.

I think she has done a fabulous job, particularly in terms of some of the research done with the assistance of Lesley Wheeler and the administration of Judy Moutia. The level of work the three of them have done assists me as chair and the rest of the committee members in our ability to do the job properly. We extend our thanks to the committee.

MS TUCKER (10.47): The intention of this bill is to change the rates system so that long-term home owners will not be rated out of their suburbs. This is a good intention and is a response to the social impact that market forces are having on affordability of housing. There certainly needs to be a response to this problem. However, after close examination of this particular proposal, I am not able to support it and have joined with Mr Smyth in creating a majority in this inquiry.

The definition of "long-term owner" means the person who owned the land on 1 July that year and had owned the land throughout the previous year. This is in itself a very broad definition and will cover many more people than the person Mr Quinlan said inspired this bill. Interestingly, the majority of submitters to the committee were of the view that the bill could have negative social and economic impacts, particularly on economically disadvantaged people, in that it will create a disincentive to move.

Very little economic modelling was provided to the committee, but what is clear is that the gap between rates will be ever widening and therefore a bigger factor in a decision to move or not. That gives a lot of strength to the argument of there being a disincentive created. The question that then has to be asked is: what is the impact of there being a disincentive to move? That is the substance of most of the submissions that came to the committee, which I refer members to if they want to see the detail.

It was clear that the government had not really thought the proposal through. In the course of the inquiry it acknowledged some of the issues that were being raised through the committee and, in response, proposed to have exemptions in the system. But, because this proposal itself was made on the run, no costings are available for the administration of such a system and no rigorous process has been applied to determining exactly what those exemptions should be. We now have a list, provided by government, but I am concerned because we did not see any real discussion about the environmental impact of this rates proposal.

I asked if it had been through the Office of Sustainability, and at the time Mr Quinlan did not know. Later, in another forum with the Public Accounts Committee, I was informed that everything does in fact go through the Office of Sustainability but it had not been picked up in particular and the office cannot do that anyway. It is an interesting example of what the role of the Office of Sustainability is here and also of how we are still a long way from integrating those concerns into the decision making of government. They are certainly not integrated across all of government.

There are environmental concerns with this proposal, which are related to the fact that, if there is a disincentive for people to move, particularly from a big house to a smaller house, then there has been an impact on the supply of housing. That is a problem for social reasons, taking "environmental" in the broader sense, as defined under the Commissioner for the Environment Act, of "social" and "ecological". There are implications and there are also ecological concerns because all sorts of issues come out if you keep people staying in larger houses than are necessary.

We looked at different rates systems, and it was interesting to see that an environmental component is levied in the rates in Newcastle, Eurobodalla, Wollongong and Noosa. That is another aspect of a potential rating system that we could explore much more.

Community comment on the whole did not advocate a particular best rating system over another, but there was agreement from a number of submitters that a rating system where rates are calculated using the improved value of the property is more equitable. Basing a rates system on the calculation of improved values takes into account the value of the building structure on a home owner's parcel of land and is more closely linked to an individual's income and capacity to pay their rates.

Also, such a system does not discriminate between suburbs of differing values, alleviating any fluctuations in property markets. I asked Mr Quinlan whether he had looked at this and he said it was much too expensive and it was not something he would look at. But the evidence that came to the community went counter to that. We know that there are such systems. We were told by one witness that the improved value system is used in Western Australia, South Australia and Tasmania.

One of the arguments against it, put by Mr Quinlan, is that it is too expensive. But it appears that those administration costs can be reduced through broadbanding, where the same rate applies to every property within a certain price bracket. Another witness said that it could be perceived as a tax on enterprise. But if you have the broadbanding I don't think that is so likely to be an issue.

It was an interesting inquiry in that the submissions were pretty well unanimous in expressing concerns about this legislation. The business community, the Council of Social Service and the Council on the Ageing were all in agreement that there are serious concerns with this. It is important for the government to rethink it. There are issues that have to be addressed about the rates system. In any tax—which is basically what this is—it is difficult to find a balance between efficiency and equity, but this proposal has failed and we need to look at it again. That is why we have recommended that further work be done.

We are prepared to look more widely, look at the question of improved value, look at how we can address the impact of market forces on the affordability of housing and look at environmental concerns. Is there potential to have a rating system that encapsulates that—a pricing signal to consumers about their impact on the environment? It is an opportunity for us to do more work on this, and for that reason I am supporting the recommendations of this inquiry, which do not support the passing of this bill but do support the need for further work.

MS MacDONALD (10.54): I rise to dissent from the recommendations of this report. I expressed my dissent within the committee certainly of the first recommendation. It may seem wrong to dissent from the second, third and fourth recommendations if I am recommending that the Assembly pass the Rates and Land Tax Amendment Bill 2003 since, if it is passed, there would be no need to review the rates system. That is why I am recommending that the Assembly reject all the recommendations. If the Rates and Land Tax Amendment Bill is rejected, as recommended by the majority of the committee, the need to look into the rates system will be evaluated by the Assembly.

This is my first dissenting report, Mr Speaker, so you will forgive me if I stumble a bit. As with the secretary of the committee, writing a dissenting report has been a learning process for me. There are a few reasons for my dissent from and my concerns about the majority report.

The first one is that the government has flagged that we will revert to the previous rating system as opposed to what we currently have—an interim system, which was introduced in 2002. The government has said that the reversion to the old system is a must and we cannot remain on the interim system, so we will be going back to the old system. That will mean that all of the problems in previous systems will remain, number one being the

distributive mechanism and number two the uncertainty for residents, with no allowance for capacity to pay.

The argument made in the committee against the proposed system was that there is no certainty as to what people will be paying. I dispute that. While there is no absolute certainty of what the CPI will be, there is certainly more of an understanding of what it will be, so people will know how much their rates will increase by. I know that this was rejected by some of the people submitting and certainly by the majority of the committee, but the previous system was a lottery. There was no way of knowing what your rates would be under the previous system—I do not mean under the system which was introduced last year.

Another reason for dissenting from the majority report was that no evaluation was done of either the previous interim or of the proposed systems alongside each other. There was no real evaluation done by the committee. A large part of the reason for that is that the committee waited until the presentation of the bill in April 2003 before it referred it off for the inquiry.

It was a wasted opportunity, and I say as much in my dissenting report. While the committee could not review the proposed system by the government, it was well and truly flagged in June by the Treasurer last year when he said that the Department of Treasury were undertaking an inquiry into a proposed system. That should have been a trigger to look at different rates systems. There is nothing to stop the committee from doing that; in fact, the committee looks into all manner of issues without their necessarily being referred by the Assembly. The committee is quite capable of self-referring. As I said, I think this was a wasted opportunity.

The other point I would like to make is that, instead of making a comparison between the two systems, the committee concentrated on the following: the perception of inequity in a differential rating system and the speculation that new rates may dampen economic activity. I believe that the committee devoted more attention to these ideas than was necessary. Rather than looking at creating a new, better system for people, they focused on those two particular issues.

There was a huge focus on differential rates. A few weeks ago the Chief Minister made a comment on radio that what people pay in their rates is not dinner party conversation. But one of the people who made a submission to the hearing said, "I guarantee that this will become dinner party conversation."

People do not decide to buy a place on the basis of what their rates will be; they decide to buy a place if they can afford it. They do not have conversations with their neighbours about what the rates are. I would not have a clue what the rates of my next-door neighbours are, to tell you the truth; I cannot imagine ever having a conversation about this. In the real world I do not believe people have conversations about this unless they work in the real estate industry or in property speculation. That is how they make money: they speculate on property.

The people who are likely to be disadvantaged by the proposed system are those who invest in property, do it up and then sell it. They do not want the proposed rating system to be put into place. Referring to that, I believe that some of the interest groups who

made submissions did not divulge these interests when making these submissions, and I see that as a major issue.

While it has been commented that there were concerns about the proposed system, when I asked the submitters whether they thought the 1996 system was fair and equitable, they said no. A lot of them said, "The fact is, there is no fair rates system; you can't get a fair rates system," or they would make the comment, "Everybody wants to pay less rates." There are a lot of people out there who want to pay less rates, but then there are a lot of people out there who acknowledge the fact that they do have to pay rates and wish to see the most equitable system in place.

The committee failed to acknowledge what the government is attempting to do to create a fairer system and got bogged down in the minutiae of something which, at the end of the day, would not make that much difference to people. Some of the claims that were made were quite outlandish.

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

Estimates 2003-2004—Select Committee
Report

MR SMYTH (Leader of the Opposition) (11.05): Pursuant to order, I present the following report:

> Estimates 2003-2004—Committee—Report—*Appropriation Bill 2003-2004*, dated 17 June 2003, together with the relevant minutes of proceedings and Answers to Questions on Notice Volume 1 and Volume 2—

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR SMYTH: I move:

> That the report and Answers to Questions on Notice Volume 1 and Volume 2 be authorised for publication.

Question resolved in the affirmative.

MR SMYTH (Leader of the Opposition): I move:

> That the report be noted.

It is with great pleasure that I table the report of the Select Committee on Estimates on Appropriation Bill 2003-2004. I suspect members will be looking expectantly for it to be delivered to the desktops in front of us, but I understand it is still being copied. As quickly as the office can get it to us, they will get it to everyone equally. I understand it is available electronically in offices. Unfortunately, the committee did not finish its deliberations until after nine this morning, and the photocopier has been running hot ever since.

This report, I believe, is the most comprehensive yet issued by an Estimates Committee in the ACT. It is the product of more than 80 hours of public hearings, it has generated over 300 questions on notice and it contains more than 50 recommendations. Beyond those mere statistics, what is remarkable about this report is the way in which it goes right to the heart of the budget and budgets generally.

Its first chapter analyses in some detail the role of budgets in the ACT and the failure of this one against some very basic benchmarks. Typically, a budget serves a number of purposes. It provides the economic settings for a jurisdiction for the year ahead in terms of major economic parameters such as employment, inflation and rate of growth. Then, within this economic setting, it sets out the economic priorities and policies for a jurisdiction for the coming year.

It sets out spending priorities for a jurisdiction for the coming year and provides an explanation for any changes in priority. It provides the financial budgets for departments and agencies within a jurisdiction, generally to a highly aggregated level. It identifies non-financial resources to be applied by a jurisdiction to the activities of governing through the provision of goods and services. It may also provide commentary and analysis on the broader context in which a budget is framed, as did the 2002 federal budget.

The paramount purpose of any budget, however, is to show the financial outcome of the previous year and the estimated outcome for the next financial year. In particular, the amount and disposition of expenditure reveals much about the government's view of how it should best serve the community. The identification of actual and prospective surpluses and deficits has a significant impact on community expectations of future service delivery, taxation and financial markets.

The reliability and credibility of budget data are therefore very important. For this reason, the committee is highly critical of the Treasurer for not providing updated information on the principal budget aggregates when he was clearly in possession of such information. When the budget was presented on 6 May 2003, the expected outcome for the 2002-03 financial year was an operating result of $61 million.

In my budget reply, I pointed out that this estimated result seemed excessively pessimistic in the light of continuing strength in economic activity and hence greater than forecast revenue from rates, stamp duties, payroll tax and so on. This was combined with a cessation of the fall in equity markets, which resulted in the loss on superannuation investments being less than forecast. It followed, I argued, that the net effect would be a budget outcome slightly greater than the government's official estimate of $61 million.

Subsequent events have proven my assessment to be correct. Indeed, recent revenue from land sales alone has yielded the government an extra $16 million more than was forecast, and the loss of superannuation investments is now about $30 million less than forecast at the time of the budget. At a rough guess, the impact of those two items alone would raise the surplus in 2002-03 to something in the order of $107 million.

While all this is very interesting, the key issue is: when was the Treasurer made aware of the change in outcome? I would argue that, during the Estimates Committee hearings, the

Treasurer must have been aware of these trends. It is inconceivable that he would not have been briefed by Treasury. The data presented in the budget on 6 May was already out of date by early June.

He therefore should have provided the most current information on the budget outcome to the committee instead of leaving it with data that was rapidly become irrelevant. This unfortunate episode raises questions about the reliability of the budget data, not only for 2002-03 but also for 2003-04, and the willingness of the Treasurer to keep the Assembly informed.

For example, is the starting point for the 2003-04 budget now different from the one postulated on 6 May, and how are we to know? What is the revised outcome for the 2003-04 year in light of a higher level of economic activity in the ACT, lower interest rates and a more buoyant equities market? The committee cannot reasonably be expected to assess the budget and make judgments for the guidance of the Assembly if it is either not provided with the information or is left out of the data information hotline.

While the estimates report breaks new ground in terms of budget analysis, it also, sadly, forms new lows in terms of government accountability. The committee was treated to the rather unedifying spectacle of two cabinet members refusing to answer reasonable questions put by the committee. First, Mr Wood turned up and said:

> … this committee needs to remember that matters of personal responsibility and what happened and when are matters for elsewhere. …
>
> For this reason, I, with officers from ACT Policing and Emergency Services Bureau, won't be answering any questions relating to the details of the bushfires of January this year.

It is not up to the minister to dictate that he will or won't answer questions about a matter. If there was a genuine need for him not to answer certain questions, there were a number of options available. Public interest immunity offers a general ground on which a witness may seek to avoid answering a question; information that is cabinet-in-confidence or commercial in-confidence may form the basis of such a claim; the sub judice principle that a matter is before the courts and discussion of it in another forum may prejudice the outcome of the court proceedings might also be relied on.

That the minister chose instead to issue a blanket, upfront refusal is symptomatic of either laziness or this government's refusal to be open and accountable. Perhaps it is a combination of both. That is why the committee has recommended that the Assembly consider whether Mr Wood's refusal should be referred to a committee of privilege to see whether he is in contempt of the Assembly's commitment of the Estimates Committee to look into the budget.

This was followed by Mr Corbell who, during consideration of the estimates of the health department, was asked to provide details of hospital waiting lists for the month of April 2003—not an uncommon request in an Estimates Committee. The minister acknowledged that officials had the details being sought by the committee but declined to answer the question. In doing so, the minister stated:

> The government will make decisions on whether it announces and releases things. As I've indicated to you, I'll be releasing these figures later this week.

"Later this week" is, of course, code for releasing figures to the media in the early hours of the following morning to avoid the scrutiny of the Estimates Committee. So, there is a recommendation that this blanket refusal of Mr Corbell to answer the question of the Estimates Committee also be referred to a committee of privilege to determine whether or not that is a contempt. Words fail to describe the arrogance of the minister in this case. It is sheer bloody-mindedness, no doubt fuelled by a desperate desire to conceal the shocking blow-out of the April waiting list for public elective surgery—a jump of 232 Canberrans who were added to the minister's list.

Even more sinister than this is the emergence of the document known as "budget estimates 2003", published on ACT Health letterhead, which offered advice to health executives on how to deal with and, if necessary, avoid answering questions at estimates hearings. The document showed contempt not only for the committee but also for this Assembly. I believe that it represents a clear breach of the public service code of ethics.

The department's and the minister's response to the document disclosure was one of contrition. While the committee accepted the apology of the acting Chief Executive of ACT Health and accepted his assurance that the document did not have official status, the minister's lack of co-operation with the committee's inquiry into this matter has not helped clarify how and why this attempt to undermine the estimates process occurred at all.

The committee requested all documents relating to the affair but instead received only a few select sheets. Even so, these documents are disturbing. The document was originally distributed, with a glowing endorsement, to the entire ACT Health executive, by a senior member of staff, described as a director in his signature block, with the words, "Dear all, please find attached an excellent one-pager that"—X; let's call him X—"has put together regarding estimates." This last example is sinister, as it reflects a culture within the government that says it is okay to obstruct the Estimates Committee.

While the minister and his chief executives scrambled to disassociate themselves from the document, the fact that it exists and was widely circulated is indicative of the culture fostered by this government. It is alarming that in the documents provided to the committee there was no evidence that any of the ACT Health executive on a distribution list who received it took any action when they received the documents.

Is it plausible that approximately 30 members did not email back? No one took action. It would appear that in ACT Health this "excellent one-pager" was not an issue until it was leaked to the media.

The report does not identify who the culprit is. However, I feel it is in the public interest to reveal at least this much: the person responsible for writing this overtly political and dishonest document was until recently a political advisor to a high profile Labor senator. This person is acting in a job in the department that does not appear to have been advertised in either the staff bulletin or the *Gazette*. Indeed, one wonders if there was any merit selection process at all.

Mr Corbell: I have a point of order, Mr Speaker. I would like you to draw to Mr Smyth's attention, if you choose to raise this point of order, the standing order that provides for members to be wary of effectively identifying people in this place who do not have a right of reply in this place.

The statements Mr Smyth has just made are explicit in identifying a person without mentioning their name, and they are quite contrary to the spirit of the standing orders. Indeed, Mr Smyth's comments also breach a personal undertaking he gave to me that he was not interested in individuals—no names, no pack drill.

MR SMYTH: Point of order, Mr Speaker.

Mr Corbell: That was what Mr Smyth said to me. His actions today undermine that. Whilst they may not be in breach of the standing orders technically, they are certainly in breach of the spirit of the standing orders that require members to have due regard for the rights of people who do not have the capacity to respond in this place.

MR SPEAKER: Mr Smyth, do you want to raise a point of order?

MR SMYTH: I think the minister has done it himself. He said there is no breach. I will continue with my speech, if I may.

MR SPEAKER: Not until I have referred to the point of order and the standing orders. Let me draw your attention to this. It was agreed by the Assembly on 4 May 1995, referring to the exercise of freedom of speech:

> 1) That the Legislative Assembly considers that, in speaking in the Assembly or in a committee, Members should take the following matters into account:
>
> a) the need to exercise their valuable right of freedom of speech in a Responsible manner;
>
> b) the damage that may be done by allegations made in the Assembly to those who are the subject of such allegations and to the standing of the Assembly;
>
> c) the limited opportunities for persons other than Members of the Assembly to respond to allegations made in the Assembly;
>
> d) the need for Members, while fearlessly performing their duties, to have regard to the rights of others; and
>
> e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.
>
> 2) That the Speaker, whenever the Speaker considers that it is desirable to do so, may draw the attention of the Assembly to the spirit and the letter of this resolution.
>
> 3) That this resolution has effect from the commencement of the Third Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

I think it is fair to say that the general description of where the person came from might unfairly identify this person. I would draw your attention, Mr Smyth, to the contents of the resolution passed by the Assembly.

MR SMYTH (Leader of the Opposition): Mr Speaker, we considered the resolution as I put this speech together. In keeping with my commitment to Mr Corbell, the individual is certainly not named. The committee has received documents that detail everyone who may have had a hand in this. I seek an extension of time. *(Extension of time not granted.)*

Suspension of standing and temporary orders

MR SMYTH (Leader of the Opposition) (11.20): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Smyth having an extension of time.

Mr Speaker, there are clearly important matters here. The minister himself rose on what he said was only possibly a technical breach if not a breach in spirit. The point of order was therefore out of order and what it managed to do was use the last four or five minutes of my time—

MR SPEAKER: On a point of relevance, Mr Smyth, the question before the house is whether or not we should suspend standing orders—

MR SMYTH: We should suspend standing orders therefore to allow—

MR SPEAKER: Order! The question before the house is whether or not we should extend standing orders. It is not related to the point of order.

MR SMYTH: Mr Speaker, it has been a convention in this place for a long time that when members seek a first extension they are granted that as a matter of courtesy. If I am saying things the government do not want to hear, they should stand up and answer. What they should not do is avoid the debate. It is more than appropriate to say what I have said; I considered that when I put this speech together. It is more than appropriate that, as the chair of the Estimates Committee, I am given time to finish the speech introducing this report to the Assembly.

MR CORBELL (Minister for Health and Minister for Planning) (11.22): Mr Speaker, the government would not normally oppose such a position, but Mr Smyth has attempted to use the Estimates Committee as a vehicle for an extremely grubby and personal attack on a public servant. That is all he has done. What is the point of saying where the person came from? What does it add to the debate? What is the point he is trying to make except in a political, grubby, mud-slinging exercise?

The government is quite happy for Mr Smyth to outline the committee's deliberations. But when he is simply using it as a vehicle for grubby mud-slinging and naming people all but in name when he has said quite publicly: no names, no pack drill. I'll just tell them where they used to work. Charming. It is a grubby, mud-slinging exercise, and it is cowardice, under parliamentary privilege, to do that.

I do not think for a moment that the Assembly should continue to allow Mr Smyth to make these sorts of allegations. They are completely inappropriate, completely unfounded and are an abuse of privilege. Further, Mr Smyth is introducing a report that members still have not seen. We still have not actually seen the report; it hasn't been tabled in this place—

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Point of order, Mrs Dunne.

Mrs Dunne: Mr Speaker, the fact that the report has not arrived here, presumably because the secretariat staff are still photocopying it, is irrelevant to the question of whether or not the standing orders should be suspended.

MR CORBELL: This is a shoddy, grubby, revolting little attempt to blame and name public servants. That is all it is. The government is prepared to be accountable for its actions. But don't get into the muck and mud-slinging around public servants. On those grounds I do not believe that the Leader of the Opposition should be granted further permission to speak on his report. He has abused the privilege, and he should not be allowed to continue.

MR STEFANIAK (11.24): Mr Speaker, the chair of the Estimates Committee is presenting a most important report. It is absolutely extraordinary that he has not been given leave by all members to finish speaking on his report. He said something Mr Corbell took offence at. They had a point of order that took up 4½ minutes of debate. He now wants to get on with it.

I see he has a number of pages left in this most important document, which members of the committee have been working on very diligently and finished only late last night. He has a lot of other things to say, and I think it is absolutely outrageous that Mr Corbell, in his petulant little way, because he did not like some point Mr Smyth was making, refuses to give him leave to finish talking on the report.

It has been a longstanding practice in this Assembly that when members seek an extension of time they are given it. I have been here, Mr Speaker, as you have, for most of the time of this Assembly, and I am well aware that members invariably get extensions of time and sometimes get extensions of extensions. An estimates committee is one of the most important roles the Assembly has. We are getting into the report by the chair of the committee now. The chair still has a fair amount of his report to give, and I think it is only right that he is able to do so.

As to some of the other points Mr Corbell raises, it is a case of the pot calling the kettle black. I think his comments are quite outrageous. I sat here for 6½ years when the then opposition was slagging people and quite often naming them. But let's get on with the work of the Estimates Committee. Let's get on with hearing what the chair has to say about the very detailed estimates process we have just finished and that he, as chair, is now reporting on.

MRS DUNNE (11.26): Mr Speaker, we have just seen an outrageous attempt by the Minister for Health to nobble free speech in this Assembly by taking a lengthy point of order and absorbing most of the time available to the Leader of the Opposition and the chairman of the Estimates Committee. It took up nearly a third of his time.

Now, in the open and frank way we negotiate things in this place, we are not even going to have leave—a complete departure from procedure in this place. This is a grubby attempt to nobble people by this minister, who has been caught out in a very grubby attempt to knobble the estimates committee—and he wants to silence us.

Opposition members: Shame!

MR SPEAKER: Order, order! You raise the question of whether procedure was being followed or not, Mrs Dunne. It is open to members to raise points of order; that has been the procedure in this place. If you were attempting to raise a point of order with me in relation to that, I would say there has been no breach of the standing order.

MR HARGREAVES (11.28): I want to make the point that we discussed these things in detail in the committee, and we did not agree on having the circumstances of people involved in the process put forward in this context. We did not. We agreed that Mr Smyth could make views attributed to him known in the context of his speech, but there was no suggestion that he would identify a particular officer in the process—with which he has a difficulty. There was no undertaking of that sort of thing. It was not discussed and was certainly not agreed by my colleague Ms MacDonald or me.

Mr Corbell: He's misrepresenting the committee, is he?

MR HARGREAVES: As Mr Corbell says, it is misrepresenting the views of the committee; the committee does not hold this view at all. Furthermore, when various materials come to light, Mr Smyth will be found to be maligning an officer quite inappropriately. He should withdraw everything that he said about that officer. I support the minister's motion.

The issue for me is that we agreed within the committee that certain things could be said within the context of the report, as long as they are attributed as a personal opinion of the chair and not of the committee. That has not happened. I believe that the Leader of the Opposition has breached that trust and therefore ought to be concluded.

Question resolved in the affirmative.

MR SPEAKER: Standing orders have been suspended to allow you to continue your speech, Mr Smyth.

MR SMYTH: What I was going to say was that the committee received certain documents from the minister and the committee agreed to accept those documents and not publish any of the details. If I had wanted to name and expose everybody involved in this, the numbers were there in the committee to do so, but we chose not to. I will simply say that the reason the majority of the committee then decided that this matter should

come to the Assembly for consideration was the blatant attempt to subvert the way the Estimates Committee was being conducted.

Moving on, there are many other points in the report that I would refer members to. There is discussion of initiatives: when is an initiative an initiative and when isn't it? A definition of an initiative is "something new arising from one's own thoughts or efforts". Indeed, Mr Hargreaves made the point in the committee, which was adopted as a resolution, that previous budgets for the ACT had said when things were new and actual initiatives and when things were ongoing that had received bolstering or extra funding. That has been adopted by the committee to get a measure of what is new and what is ongoing.

There was a huge amount of interest in this estimates report, and a huge amount of questions were taken on notice by ministers and put on notice by members. I would like to thank in particular the departments of education and urban services for their swift responses to those questions on notice.

The committee is aware of the strain that estimates, in the first place, and then 300 or 400 extra questions place on departments, and we would like to thank them for their hard work in this area. However, it should be noted that ACT Health has a number of questions still outstanding, which go to the heart of the financial status of the department and their estimates, and we look forward to receiving the answers to those questions.

I need to make the point, and the committee agreed on it this morning, that some of those answers may have arrived in the crossover when the report was being written. If some questions have been answered, I apologise for saying they have not been. In the main, we tried to check as best we could in the time we had last night to make sure of the accuracy of the report.

The report goes on to talk about the acquisition in the Chief Minister's new human resource system and makes a recommendation that time lines for new projects in budgets be reasonable. It would appear, though, that there is some problem with getting the Office of Sustainability into the process, and it would appear that the draft cabinet submissions containing revenue measures and, presumably, all budget cabinet subs are not submitted to the Office of Sustainability or, possibly, to other offices, like the Office of Women. If the Office of Sustainability is to do its job properly, it needs greater strength, and there is a recommendation on that as well. We note the continuing lack of funding for indigenous dual diagnosis workers, so we would like to see that they are provided.

There is an interesting section in the budget called "enhanced whole-of-government communications". I, and the majority of the committee, found it hard to believe that the ACT public service, which currently has 21½ permanent public relations officers, four contractors and the assistance of the ACT publishing services, needs any more PR people—particularly at a cost of over $1 million over the next four years. There is the suggestion that that could be better spent in areas of greater need.

There is a very large section on the health budget and some detailed analysis of the lack of sustainability in the budget. We seem to be spending more on health, getting fewer services, with longer waiting lists. I won't go into the detail of that, but the five-year

trend of where the current situation will take the ACT budget will be a problem, not only for this government but for any government if it is not addressed quickly.

I see—again, this is my opinion, not the opinion of the committee in this case—the effect, possibly, of the amalgamation of Health back into the department. There are very large deficits—indeed, the largest deficit recorded since accrual accounting came in. The recommendations call on Mr Corbell to make sure that the numbers for the health department are clarified.

There are a number of other issues, particularly planning. The minister agreed with some of the suggestions of the committee, so they do not appear as recommendations, one of which was increased reporting. I think we gave the Minister of Planning a slight scare last night. He walked into the deliberative room at about half past eight last night, and we said, "Good timing, Mr Corbell. We're just going through the planning report, and we've got a few more questions to ask". He looked a bit stunned. He just wanted to talk to Mrs Cross.

There is a recommendation, though, that the sale of Horse Park stage 1 be referred to the Auditor-General. The detail we got was not sufficient for the majority of the committee, and that warrants further investigation. As for Disability, Housing and Community Services and the interest in the Treasurer's Advance of $10 million for fire safety, suffice to say that $16 million was allocated to fire safety more than a year ago, supposedly because it was urgent. Currently $2.1 million has been spent—so much for urgent. There is a recommendation that unused TA at the end of each financial year should be returned to the central financing unit or its equivalent.

It was also noted that we seem no closer to the decision on Currong apartments, despite the use of scratchies. As for Urban Services, of particular interest to the committee was parking at Tuggeranong College and the need for all students to have equal access to parking. Continuous registration has been rejected by the majority of the committee. That is perhaps the final insult to the former opposition spokesman.

I think the committee would generally agree with me on the highlight of the committee process. We are much indebted to Mr Gordon Davidson who, for the purposes of Hansard, informed us that the new trench at Mugga tip would be "this wide" and then proceeded to determine that there were three units that went in the "this wide", much to the mirth of the committee. The other light side of the day was when one officer, asked how he came to a number, said, "It's just punt." We got a little bit of a light side in there as well.

There is much more, particularly in education, that needs to be discussed. I commend the report to members, particularly on whether the interest subsidy scheme should continue or not. We note that the government has knocked it off—

Ms MacDonald: We still don't agree with you.

MR SMYTH: Ms MacDonald makes the point that some of us do not agree, and there was a long, hard argument very late into the night. We ended up deciding that it was on ideological grounds that we would divide, and on that there is much more to say. I commend the report to the Assembly.

MRS CROSS (11.38): Mr Speaker, the estimates committee process has been a vigorous one this year, one that I believe has been dealt with in a conscientious way by all members of the committee. When I thought about how I would approach this process, I decided that my main goals would be to ensure that the government was held accountable for its budgeting decisions and abilities and also to give credit where it was due. I believe that the only minister to come before the committee who actually gave credit where it was due on both sides of the fence was Ms Gallagher, and I would like to commend her for that.

Allow me to deal with the latter first. The committee has recognised the efforts of the ministers in a range of ways. Minister Gallagher's willingness to set new targets that extend the old ones has been recognised in the report. Further, a series of positive initiatives have been implemented. For example, in disability services, where the government has responded to the Gallop report; in Health, where the bone bank has been funded, focus has been placed on detainees in the remand centre, and extra funding has been provided in the area of mental health; in Education, where junior school class sizes have been progressively reduced; with regard to bushfire victims, where the government has set aside significant funding for rebuilding; and in Justice and Community Safety, where a stronger mediation role for the Administrative Appeals Tribunal has been provided for and there has been a proposal for a gun buyback scheme.

There is no doubt that those few examples highlight that this budget carried a wide range of interesting and positive initiatives. The government itself, of course, has drawn attention to these positive initiatives. However, the committee was also charged with the important community responsibility of going through the budget with a fine toothcomb. I believe that my committee colleagues and I have taken this responsibility seriously.

Mr Speaker, budgets are not easy documents to read for those of us in this Assembly who are relatively inexperienced, but I must say that I am proud to be part of the group of people who took on this responsibility on behalf of the community in such an efficient and dedicated manner. That dedication revealed a range of issues about the way that this government is looking after the community's money and how it plans to use it over the next year.

Some of the things we discovered through this process were a little alarming. I decided to pursue the issue of empire building and was able to illustrate to other members of the committee, and now to this Assembly, that the government maintains poor control over the expansion of the senior levels of the public service. An expansion of 17 per cent is, indeed, something that should concern the community. It is now time to examine whether a parallel expansion has occurred across the public service as a whole. An expansion of the public service is something that might be acceptable if we could identify significant improvements in outcomes. Unfortunately, this was rarely the case.

One of the most alarming areas where there has been an increase in the SES but a reduction in the delivery of service is in the health portfolio. The increase in the SES in Health has occurred despite the loss of responsibility for disability services. When the committee probed the government about waiting lists for elective surgery, we discovered deterioration. When we probed about waiting times, we discovered deterioration. When

we probed about financial control, we discovered deterioration. What we could not find was any indicator as to how the government would turn this around.

The most dramatic example was Health, where we have a government that is spending more and achieving less. It is no good for this government to keep answering the critics by saying, "We are spending more." It is even worse to be spending more if the situation is not getting any better. Of course more money is needed, but without the appropriate financial controls, without the correct focus for the money, the community will not get better health outcomes. We do need more money but, more importantly, we need to use it to deliver better health outcomes, better educational outcomes, better legal outcomes, and better outcomes for families, for those with disabilities, and for all of our citizens.

The most interesting revelations in the committee process were that the Treasurer, probably unintentionally, acknowledged that Mrs Carnell should not have been held responsible for the mistake that led to her resignation as Chief Minister and, secondly, that the person who had been counselled over the leaked document had had an involvement in a political office.

On the first matter, within the appropriate context, Mr Quinlan actually stated, "If there's a presumption of innocence in all of this, then everybody's innocent." It would not surprise me to see the Treasurer back away a little from what he said. I hope he will not. If he does, we will know that what he let slip in all probability was accurate and should not be dismissed. That will be the case even if it is seen as a Freudian slip.

On the second matter, there are still questions about that document and, even more importantly, a whole range of new issues have been raised about the process for the person's appointment, the enthusiasm of the government to ensure the protection of this information and why it was that no senior officer reprimanded the managers involved until such time as it became a political embarrassment.

Mr Speaker, the report speaks for itself. The government has had windfall gains, but this report questions whether those gains will be used effectively for the benefit of the people of Canberra.

On a disappointing note, I would like to express my complete and utter disappointment that a breach of privilege has soured the estimates process. Having spent so much time and expended so much effort together, I would have thought that such an incident would have been avoided for the greater good. Unfortunately, that was not the case. This breach of privilege has tarnished not only the Assembly's committee and estimates systems, but also the relationships and trust levels of individual members. It is disappointing that this has occurred.

MR HARGREAVES (11.44): Mr Speaker, addressing the issue Mrs Cross just raised, I think that all too often it is a common occurrence in this place for a committee to get right to the stage of tabling a report or document and members of the committee hear material from it broadcast on radio or read about it in the *Canberra Times*. Mr Speaker, that has to stop; it just has to stop. It is crystal clear that it is a breach of privilege.

In this report there are three recommendations that the Assembly consider whether it should convene a privileges committee to consider three different subjects. In my view,

those recommendations, which were not supported by Ms MacDonald or by me, have been absolutely compromised by that leak. I was outraged by that, and I remain outraged.

Mrs Cross: Can we check phone records?

MR HARGREAVES: Mrs Cross asks whether we can check phone records. I would love to see that. In fact, maybe we ought to consider the propriety of those people behind this leak. I find it absolutely amazing that people across the other side of the chamber should be promoting the creation of a privileges committee inquiry as I believe that either someone from that side of the chamber or their support staff was actually responsible for this leak. I do not give a tinker's damn about their motives and I do not give a tinker's damn about their politics. This is nothing short of a breach of privilege, Mr Speaker, and it needs to be condemned in the strongest possible terms. I do that today. This is not the first time that I have done so, more's the pity.

Mrs Dunne: Next time, just try to be a little less obvious, Mr Hargreaves.

MR HARGREAVES: Mr Speaker, I take that interjection from Mrs Dunne as accusing me of leaking it. I reckon she reckons I did it. Put your money where your mouth is.

Mrs Cross: Did you leak it, John?

MR HARGREAVES: I did not, for the record, speak to anybody about this issue.

MR SPEAKER: Order! Direct your comments through the chair, please.

MR HARGREAVES: Thank you, Mr Speaker. I reject that and I expect an apology from Mrs Dunne for implying that I might have spoken to a member of the media about this report. I expect one but, of course, I will not get it, because we are talking about integrity and those members of the committee have not yet been introduced to integrity, Mr Speaker. They do not know each other; they pass like ships in the night. Integrity and the members over there pass like ships in the night.

Throughout the first parts of this budget process there were instances of unsubstantiated comment and conclusions—there are still some in there—which were speculative at best, overly and unnecessarily political at times, and misleading at worst. Mr Speaker, I have to address one issue of the process. I hope that Mr Smyth alluded to it. After he dribbled on about the other stuff, I just went to sleep, so I apologise to Mr Smyth for missing the best part of his speech. There were 90 hours of hearings, if I remember correctly.

Mrs Cross: That's a bit insulting, John. That was insulting.

MR HARGREAVES: That's hard luck, Mrs Cross. If the muck fits, wear it. There were 90 hours of hearings. I pay credit to the members of the committee, because they actually did put in a lot more hours than other members have on other committees that I have sat on. I pay credit to those members. We had 90 hours of hearings, Mr Speaker. What was missing, members? All members, Mrs Cross; do not feel—

Mrs Cross: Why don't you demand that the phone records be checked?

MR SPEAKER: Order! Mr Hargreaves, direct your comments through the chair.

MR HARGREAVES: Do you know why the shadow ministers opposite are called such, Mr Speaker? It is because we did not see them there; they were in the shadows. We saw them but rarely and fleetingly. That is quite obvious from a quick trip through the *Hansard*. A quick trip will reveal that.

Mr Speaker, I would like to bring to your attention the fact that 400 or so questions were taken on notice, almost twice as many as for any other estimates committee, as I understand it. My advice from the secretary is that there were almost twice as many. The majority of them had nothing to do with the financial aspects of this budget. They were all about fishing trips and were an excuse for not being there to ask the questions in person. I suspect that that was due to either rank laziness or gutlessness; you can take your pick on which one.

They are called shadows, Mr Speaker, because they backed off the real thing and were too gutless to come down and do it themselves. I am absolutely gobsmacked at the amount of inefficiency and ineptitude that they can put together in one thing. I did not realise that six people could stack up inefficiency, incompetence and ineptitude to that height; I am gobsmacked.

Another thing I rejected was the focus on the health portfolio. The shadow ministers made a very big mistake in assuming that their leader had command across the portfolios. What a mistake that was! You can see that, because there was a cursory look at all the other ones and a big hit on Mr Smyth's shadow portfolio. Talk about political bias being introduced into the Assembly process! What a load of old cobblers, absolute old cobblers!

Mr Speaker, with respect to the recommendations on the privileges issue, I think that they are hypocritical to the nth degree and I propose to show them the contempt that they are due.

Mrs Cross: I thought you were going to support them?

MR HARGREAVES: Not a prayer. Mr Speaker, I am not going to support them. As I have said, Mr Speaker, you can see how much homework was not done by the lot over there. But I have to say, in fairness, that the majority of that report was a consensus issue. I pay compliment to members from all quarters for the bit of give here and take there in the process. I think that it was done quite well. I thought that the atmosphere in the committee meetings was very constructive. It was entertaining in parts.

Mr Smyth: Notwithstanding the four bottles of whisky.

MR HARGREAVES: Notwithstanding the point that Mr Smyth makes. The reason there is not a dissenting report is that our views have been incorporated into the report. I think that that is the best way to do it. I would encourage the other members of this place to go down that track, rather than putting in dissenting reports, if possible.

I do wish to pay particular credit to the committee secretary, Derek Abbott, who worked under the most extreme circumstances. I can give you examples of but a few. Firstly, we had 90 hours of hearings and he sat through all of them—not bits of them, as we could, and go and have a cup of tea or something; he sat through the lot. Almost immediately after that, we went into nine or 10 hours of actual deliberation—a hell of a lot—and he sat through that before putting together the report which we are debating today. It says something about the process that we had to cram all this up, which is something about which I will be critical, but I can only be full of praise for Mr Abbott.

On another issue that we had, I have to attest to his absolute strength of character. Towards the three-quarter mark of the deliberative session, when eyeballs were being placed gently on the table, there were four bottles of whisky sitting on the table. As we were looking across the table at each other, I did not get a really good look at what had happened, but the poor secretary had a really good look at it and he did nothing. As a matter of fact, at the end of the day, after we had all finished, he got up and, with the grace his office demands, walked straight past them.

Three hours later he was still hard at it and he has produced this report, which will be provided to members later. It was a brilliant effort. I definitely know that I could not possibly do that and my hat and, I am sure, that of the committee goes off to Mr Abbott. He was setting a fine example, as the head of committees, in doing that, and I offer hearty congratulations to him.

Mr Speaker, there are elements of the report which are constructive and there are elements of it which are political and with which I will have absolutely nothing to do, but I do commend the bits of the report which are tendered as constructive criticism and urge the government to chuck the rest out.

MRS DUNNE (11.54): Mr Speaker, there is much in this Estimates Committee report, which I do not have a copy of as it has not come to us yet. Before making comments about the report, I do want to pay testament to the staff of both the committee office, particularly Derek Abbott, and the departments. Considerable resources of departments go into the estimates process and, as somebody who has done estimates from just about every angle over the past 15 or 20 years—I have not actually sat at the minister's table yet; it is something to aspire to—I do know how much time and effort and how many resources of departments go into it and I do understand how seriously, for the most part, officers and departments take this process.

The seriousness with which officers and ministers take estimates has been a hallmark over past years, but this year there has been an unprecedented departure from that and it bespeaks an alarming trend in government in the ACT which we need to halt right now. As far as I can tell, this is an unprecedented estimates committee report for this Assembly, because there are in it three matters of privilege which are being referred to this Assembly for consideration. In addition to that, there are two matters which are the subject of direct recommendation that the Auditor-General inquire into conduct.

There was a matter that I would have recommended also be referred to the Auditor-General for inquiry, except that the Treasurer has already done that. We ran the risk of having three recommendations to the Auditor-General for inquiry and report as well as

three matters of contempt. That, Mr Speaker, is unprecedented, and it says a great deal about the culture and the malaise in this government and the contempt in which this government holds issues going to the nub of what is actually the responsibility of government.

This government, especially the Health Minister, remains forever tarnished by its failed attempt at denial of responsibility for the memo on how to undermine the estimates process. Many people who read it thought that it was a ripper wheeze, that it was a funny document. The main comment from most people was, "Yes, we've all thought it, but who would be stupid enough to write it?"

Yes, it is a stupid document. Yes, it goes to the very basis of how to undermine things and you do wonder why anyone had the wit to write it down. But it actually bespeaks arrogance that someone would go so far as to commit it to paper and then circulate it electronically to at least 20 or 30 people in the department of health that we know of, and we do not know how far it trickled down from there. It shows the contempt in which this government holds this Assembly and the processes of this Assembly.

The instruction sheet was published by officers of ACT Health to advise on so-called tactical approaches which could be adopted to avoid providing information to members of the Estimates Committee. This is, without a doubt, a contempt of this place—if not in the classic Erskine May sense, at least in the everyday sense of the common man. This avoiding of questions is clearly a contempt.

The instruction sheet advocates, for example, playing the blame game, which amounts to advice to flick questions to someone else, rather than telling the truth. It includes instructions on how to mislead. Nothing works better, it says, than pointing out that the area of concern or attack is, in fact, the fault or responsibility of someone else. There is a long list on that: the Commonwealth; the neglect of the previous government; the lack of services in the broader community; its being an Australia-wide problem; its being about wages and clinical costs; cross-border issues; and, of course, blaming the previous government. The committee members were seriously concerned at this attempt to undermine the purpose and effectiveness of the estimates process as it shows that at least sections of the executive are more intent on concealment than providing information to the parliament.

More serious than the document itself is the culture that it reflects. It reflects an attitude at the top which says that it is okay to pervert the estimates process. It says that it is okay to cover up, deflect, obscure, obfuscate and avoid providing information. It is acceptable to be smart and conniving, and this is symptomatic of a malaise that now permeates the entire government, from the Chief Minister down. It permeates down from the so-called leadership to functionaries whose behaviour otherwise would not be tolerated.

We saw that in a response by the chief executive of the Chief Minister's Department to the Public Accounts Committee in February of this year on a question about what programs would be forgone if all funding requested for bushfire recovery would not be provided. Instead of answering that reasonable and straightforward question and providing information in the spirit of openness and accountability which this government trumpets all the time, openness and accountability, do you know what he said? He said, "Work it out for yourself. Just work it out for yourself."

That is the sort of comment which is becoming legion in this place and which is unacceptable. This Assembly has to do something about it now. It has to stop the rot or we will never be able to find out anything that this government does, or successive governments do, because there will be a permeated culture of avoiding the question, of finding ways to obfuscate.

My point is that this lack of courtesy and the refusal to assist with information reflects a culture of arrogance, of smugness, of disregard for the Assembly which characterises every part of this government. That smugness and that disregard for this Assembly are, in fact, a smugness and a disregard for the people of the ACT.

This government continues to deny responsibility for this memo. Quite frankly, it is very difficult to believe that it was, as the minister said, just the work of one person acting by himself. From looking at the documents provided, we know that there is a path that leads to that person who wrote that document and leads from it.

The most alarming thing about it is that one full week before it became known to the public, the chief executive officer of the department of health and all of his executives knew of its existence and, from what we can tell, did nothing about it. Of course, when it became public, everyone was so penitential, so sorry and so remorseful. That came about only because they were sprung. They were sprung, and that was the only thing that made them remorseful. The sin was that they were caught, Mr Speaker. All through this estimates process we find matters coming up over and over again on which people are being caught out. There are trails everywhere that show that things are going wrong in this place.

Let's look at the Treasurer's Advance. What a convoluted web we have there. What was the Treasurer's Advance for? Why was something suddenly so urgent, but 15 months later more than $8 million of the money for it has not been spent? And then we have the chronology of the bushfire. How many times in this place and other places did we have to ask for a chronology of the bushfire? From 4 February we were asking for a chronology of the bushfire. We know that it existed from about that time. It took a great deal of probing and wheedling but eventually, towards the end of May, we got that chronology of the bushfire.

This is a culture of covering up. It took us more than three months to get that simple document that existed all the time, and this was from a government whose catchcry during the election was about being open and accountable. We have it here with the Canberra Stadium media box, a contract that was cemented by a nod, a wink, a shake of a hand and a fax late on a Friday night. I would really like to be able to find the tradesmen who get a fax on Friday night and turn up on Monday morning with their sledgehammers to start a demolition. I think that homeowners all round town would be beating a path to their door if they could get tradesmen to turn around that fast.

A whole range of other things have happened. *(Extension of time granted.)* For two years, the Estimates Committee has been trying to get to the bottom of whether the owners of Horse Park Estate stage 1 were given extra blocks. Last year we were told, "No, nothing of that sort has happened." This year we were responded to in the most convoluted way imaginable. After eventually being provided, quite outside the time

limits, with some documents last Friday, I still cannot work out what has happened. We seem to know that we did not actually give them any extra blocks of land, that they paid for them, but they paid for them in a way that I do not know that most builders would pay. I do not know many builders who would spend $900,000 out of their own pocket to build roads and parks just out of the goodness of their heart.

Mr Speaker, what has happened at Horse Park raises more questions than it answers. That is why this committee has recommended that the Auditor-General inquire into it. The dissembling of the minister and the officials about this matter has gone on for two years and I cannot get to the bottom of the matter. Members of the committee sitting there listening to the obfuscation that went on about this matter were appalled by it.

If we look around, we will find these things throughout. We still have not had an answer on why we do not have a computer-aided dispatch system at the Emergency Services Bureau. That money was appropriated in 1999, but this year we still do not have a computer-aided dispatch system and I still cannot get a satisfactory answer as to why it has taken so long. That is why we have asked the Auditor-General to inquire into it.

Mr Wood: You heard the answer. You just don't understand it.

MRS DUNNE: We heard words, Mr Wood, but they did not constitute an answer.

Mr Wood: The first thing I did when I became minister was to get it moving.

MR SPEAKER: Order, Mr Wood! Mrs Dunne has the floor.

Mrs Burke: And the scratchies, Bill.

MRS DUNNE: And then there were the scratchies. That was a good one. In addition to the more glaring examples of arrogance and complete disregard for process, we have, for instance, the complete failure of this government to implement a policy in relation to a hot water system rebate, which is one of the things close to my heart. They have a policy; it just doesn't work. We came into this place in, I think, April of last year and discussed whether this system would work. Mr Wood, as the then Minister for the Environment, said, "This is the greatest thing since sliced bread. This does all sorts of things." The take-up has been so pathetic, so poor, that we have given people more financial inducements to try to get them to take up the money before the end of the financial year.

This system has comprehensively failed, but the then Minister for the Environment, who is also the minister for housing, will not do anything, although this place has passed a motion requiring him to do so, to address the need to install solar hot water systems in government houses, because that would be too expensive. We actually have here money directed at the private sector which no-one will take up and the government will not take that money and apply it to government housing, as they were required to do. They will not do so because, "Really, poor people don't need these sorts of facilities. This is middle class welfare, we're the Labor Party, and this is what we're about."

Mr Speaker, this estimates report is a litany of failure. Throughout the budget is a litany of sloppy, back-of-the-envelope calculations. There are items which are described as initiatives but which are not initiatives. It is an outrage, Mr Speaker, that this government

would propose to put in its budget as an initiative something that it must spend money on. The government says that it is going to put away hundreds of thousands of dollars—I cannot remember the figure—for the coroners inquiry into the bushfires. Blind Freddy knows that that is not an initiative.

That is money that this government has to spend come what may. That is not an initiative and it is not a policy idea. This government is a policy black hole; it does not have any policies. The initiatives are entirely unfunded, not thought out. One official was asked, "How did you come to that figure?" He said, "Well, we took a punt." This process was not an inquiry into estimates; it was an inquiry into guesstimates. This government and this budget have reached a new low in public policy and public accountability.

MS MacDONALD (12.10): First of all, I would like to put on record that this process was a learning experience for me. It was my first estimates committee. Unlike Mrs Dunne, I have not been involved with estimates beforehand. Whilst most of it was not surprising, there were a certain number of moments that I might look back on in years and cherish.

Mr Smyth: You've got to get out more, Karin.

MS MacDONALD: Yes, I know. I admit that I have got to get out more.

Mr Hargreaves: You kept her there for 90 hours.

MR SPEAKER: Order, members! If you want to go outside and have a little conflab, please do so, but in this place leave the floor to Ms MacDonald.

MS MacDONALD: Thank you, Mr Speaker. Mine was actually a little bit less than 90 hours. I must apologise to the committee, firstly, for bringing my germs into the place in the first instance and, secondly, for having to be absent as a result of a really bad version of the flu which knocked me out for two days. I would like to place on record for Minister Wood, as both of those days were the days that he appeared before the Estimates Committee, that it was not a personal thing against him. It just happened to get me at the worst time on the Wednesday.

The second thing I would like to do before I forget is to put on record my thanks and the thanks of my colleague Mr Hargreaves to both Derek Abbott and Judy Moutia for their superb and sterling work in the preparation of this committee report. Without Derek there to guide us through the ways, I do not know that the report would have got done. Mr Smyth may disagree with me on that. I think that Mr Abbott did a fantastic job. He managed to put up with all of the silly jokes that we came up with on each of the days that estimates took place.

With that, I would like to go on to the report itself. I have to say, Mr Speaker, that I am disappointed with it, although not surprised by that. I believe that the report is overly political. I think that the estimates process has been a political exercise by the members of the opposition on the committee. I have to thank Mrs Cross for supporting the government members of the committee sometimes by seeing reason when we put it to her and not allowing the report to be as political as it could have been. But I would like to place on the record that I believe that the report is still an overtly political document.

Mrs Dunne: Hey, it's estimates.

MS MacDONALD: It is estimates, but there should not always be posturing for the sake of posturing just because you are in opposition and we are in government, although, obviously, this is politics.

Mr Smyth: You weren't here for the last seven years.

MS MacDONALD: That is true, but I have no comment to make on the events of the last seven years.

MR SPEAKER: Order! Direct comments through the chair.

MS MacDONALD: I apologise, Mr Speaker. One of the areas that I wanted to concentrate on was education. In my opinion, Mr Speaker, there was a dearth of inquiry into this area. I think that that is a terrible thing because education, as we all know, is an important area. In fact, members will see when they finally get their copies of the report that there are just on two pages on that in the report. There would have been just over two pages. However, I was able to remove some things. We did not look into any policy areas or anything to do with the budget itself. Instead, the opposition chose to engage in an ideological debate about public versus private funding.

Mrs Dunne: You could have made a contribution.

MS MacDONALD: I did make a contribution, Mrs Dunne. I asked several questions, but the opposition chose instead to focus on public versus private funding and the abolition of the intra-school subsidy scheme. Mr Speaker, I do not think you will be surprised, but, of course, the ALP does have a difference of opinion about the allocation of funds for public versus private schools. We do have a difference of opinion. As I said last night, the fact is that a clause making the point that something is wrong because we do not agree with it is not a good one to put in. Mr Speaker, I am happy to say that, fortunately, Mrs Cross agreed with me on those areas and the clauses about public versus private funding, the ideological thing, were withdrawn, as were the misrepresentations in claims that there had not been any evidence provided for why the government was spending the education dollars in the way that they were.

Mr Speaker, that leads me to the area of health. The report makes the comment that health was the primary area that we focused on because we only had time to focus on one department in detail. I point out, Mr Speaker, that one-third of the report deals with the area of health. I think that it is unfortunate that it failed to focus on many other important areas. I have to say, however, that I was hardly surprised, because Mr Smyth does have a former health minister of a political transient nature working in consultancy for him and giving him advice on the area of health, so it was hardly surprising that he had that report focused on health, to the exclusion of other areas.

Finally, I want to talk about another area of great concern to me. Mr Hargreaves has touched on the matter and you will be deliberating on it. I refer to leaks to the media. I did mean to mention this issue when I spoke about the Public Accounts Committee's inquiry into the Rates and Land Tax Amendment Bill 2003. However, I got caught up in

talking about why that report was so flawed. I have to say with regard to the Public Accounts Committee report that I was surprised to hear last week that the ABC actually knew what was in it before the committee had deliberated on it.

This morning, I heard yet again on ABC Radio that the media had information about the report on the budget estimates. Mr Speaker, this really is of major concern. I for one know that I have not leaked anything. I know that my office has not leaked anything. I know that nobody from the government side has leaked anything because, as was stated this morning by somebody else with regard to the Estimates Committee, it would not be in the Labor Party's interest to do so.

Apart from anything else, I have a higher standard than that. The issue was raised this morning and I do not appreciate that there is possibly a reflection on me because I am on both those committees and that is where the leaks have come from, Mr Speaker. I think it is unfortunate. What's more, it is a flagrant abuse of the committee system and I do hope that it will desist in future.

MR STEFANIAK (12.20): Mr Speaker, a number of things jump out in relation to this estimates process. I do start by commending the five committee members and the staff, especially Derek Abbott, for a very comprehensive effort. Indeed, if members feel the Estimates Committee report, they will find that it is literally hot off the press, as a result of some very lengthy deliberations last night and into this morning, I understand. It can be fairly surmised that this process was a bit of a guesstimate in relation to some of the responses that the government gave in terms of exactly how they came up with the figures they did. I think that that, in itself, is of concern.

There are some very good recommendations in this report by the committee. I particularly like recommendation 2.10, in relation to putting the hearing dates in the schedule of sitting days for the year. The estimates committee process is one of the most important processes of this Assembly and I think that there is eminent sense in what the committee recommends there. I would certainly hope that that will be taken up.

There are a number of other things, just going through it, which jump out. I heard Mrs Cross express concern in relation to an increase in the number of senior officers. It is often the case when you get a Labor government that there is suddenly an increase in the number of senior executive officers. They feel that they must have a commissioner for this or an assistant secretary or CEO for some particular area.

One wonders whether that is necessary. I think Mrs Cross is rightly concerned there. That is certainly an issue that she was pursuing. I note with some concern that in the short space of 22 months the number of senior officers has risen by some 17 per cent. Is that really necessary? It is good to see the recommendation in paragraph 2.20 as a result of that. I think that we do need, especially in a small jurisdiction, but just as a matter of good practice, to avoid empire building in any way.

The next area relates to the refusal to answer questions. As someone who has been on an estimates committee as a member and sat through some seven budgets as a minister and answered all manner of questions put to me, and seen all my colleagues do the same, I am absolutely amazed that the most sensible practice we have always adopted in this place, that is, that ministers should answer questions as best they can, has been breached.

We have had the situation that not one but two ministers have refused to answer questions. I find that absolutely extraordinary.

There are quite clearly, as this report explains very capably, issues in relation to how questions are answered. Yes, there may be reasons for a minister not to answer some questions or answer them in a certain way. Mr Wood is looking askance in relation to this matter. The suggestion in relation to him was that he could have considered each question on its merit. He seems to have made some attempt to say why he could not answer questions, but I do not think his comments were terribly convincing.

Mr Wood was asked questions in relation to the McLeod inquiry. As pointed out in paragraph 2.48, he weakened his own position by acknowledging that historically Assembly estimates committees have ranged widely and then proceeded to prevent the committee from doing just that. He refused to answer questions. The committee was not satisfied, and rightly so. At paragraph 2.52, it said:

> The Minister's grounds for declining to answer questions were twofold. Firstly, he believed that, despite established practice, these matters were not appropriate to an Estimates Committee. As outlined above, the Committee does not accept this.

I think that the committee was absolutely right and I think that, whatever happens in terms of other recommendations the committee has made, the minister should be ashamed of himself and stands condemned for prevaricating and refusing to answer questions.

The minister put forward as a second explanation the view that the concurrent McLeod inquiry and the coroners inquiry made it inappropriate to answer questions. There may have been a bit of force in that, except for the fact that the coronial inquest had not started and that there is a clearly established Senate practice in relation to that, as the committee has indicated. That left us with the McLeod inquiry. I think that the committee was quite correct in pointing out at paragraph 2.59:

> It should be noted that, with regard to the specifics of Mr Wood's statement, the McLeod inquiry is not a court, royal commission or other judicial inquiry. It has no status that would prevent matters being considered by it from being considered elsewhere at the same time or allow a claim of sub judice with regard to matters before it.

No-one on the committee seems to have knocked that statement, which covers the point in relation to the minister's refusal there. If this minister did have some problems, he should have considered each question on its merit, but it is quite clear, given the date of the Estimates Committee meetings, he did not do so. I think that it is really quite extraordinary that that occurred.

But, as I said before, that was the case, not with only one minister, but with two. At least Mr Wood was concerned about the McLeod inquiry. The situation in relation to Mr Corbell covers a much shorter part of the Estimates Committee's report. Mr Corbell was asked to provide details of hospital waiting lists for March 2003, an eminently reasonable and most sensible question and something which every estimates committee would have asked of a minister. He acknowledged that officers did have the details, but he declined to answer the question. He stated, and I assume the quote is right:

> …the government will make decisions on when it announces and releases things, and as I have indicated…I'll be releasing the figures later this week…

He proceeded to do so in the early hours of the next morning. I find that really quite extraordinary. Again, ministers go to estimates committees to answer questions. A committee has every right to expect ministers to do their best to answer questions and, if they do not know the answer, take the question on notice and get back to the committee quickly. The Minister simply failed to do so on something as basic as waiting lists, a quite extraordinary situation for this Estimates Committee. It was an absolute first and not a very good precedent to be setting for this Assembly, which wants to see open government. Quite clearly, this is counter to that.

Mr Speaker, some other issues have been raised. The Stadiums Authority springs to mind. I well recall the real problems there in relation to getting a big contract up and running on the basis of a handshake, which is not a very satisfactory procedure. I was pleased to see the committee recommend that for public contracts of more than $250,000 no funds should be paid out until a written contract has been signed by the relevant parties. That is a very sensible recommendation. While I am at it on that item, I remember asking a question about how many employees there are at the stadium. I think there are seven, apart from the ground people. I wonder whether it actually does need that many. I would point out that at times in the past that area has been run by as few as two. Perhaps the government should look at that as well.

Earlier, I mentioned waiting lists and hospital performances. The graphs provided are very good, but they are a bit worrying. If one looks at page 35, for example, which shows the operating performance against the budget, one will see that there was a very good operating performance in the years 1988-89 through to 2000-01, and that it was not too bad in 2001-02, but there is a very bad figure there of almost $15 million for 2002-03. Similarly, the waiting lists were coming down very nicely until about August 2001, and then there was an inexorable increase in the waiting lists and, according to the graph, they now stand at just a little under 4,400. That must be of concern as well.

Mr Speaker I will not speak any further in relation to the budget. Obviously, that will be done in the debate next week. But I think that it is a particularly serious matter and a matter of concern to have ministers not attempting to answer questions. That is something that we all should be very concerned about. I think that that has marred these estimates proceedings and this report and I would not like to see something like that happen again. I do not think that it serves the Assembly or the people of the ACT well when ministers do not at least attempt to answer questions.

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 12.29 to 2.30 pm.

Questions without notice

Budget surplus

MR SMYTH: My question is to the Treasurer. Treasurer, last week the Chief Minister

stated that the size of the surplus for this year could be as much as $100 million. What is the Treasury's latest estimate for the budget outcome for the year 2002-03?

MR QUINLAN: In formal terms, we do not have an absolute estimate. We do know that some things have moved. I think it is a case of "Would you like to know what the bottom line is now or would you like to know what the bottom line is now?", because, between those two nows, if there is a stock market open somewhere, then the bottom line has probably changed.

Mr Smyth: The latest update you have will be fine.

MR QUINLAN: It is a little disturbing, actually, that the man who would be Treasurer does not understand that we have here an analogue process. There will be, let me say, considerable influences on the bottom line between now and the end of the year. They will be—

Mr Smyth: As it is now.

MR QUINLAN: I think it is generally known that there is a flurry on the stock market on 30 June as balance sheets are tidied up, as they say. Generally, there is a little upswing at 30 June. Should we take that into account?

Mr Smyth: I did say the latest estimate, Mr Treasurer.

MR QUINLAN: The only formal estimate I have is $60.6 million plus—and you will have to take a punt on it—about $16 million additional on land sales. At this point in time, you could say that the superannuation investments are looking better in recent weeks, as are everybody's. That is not a major secret.

Let me assure you that there are a lot of other influences: the final wash-out on tax, the final wash-out on Commonwealth grants, some accounting debates that we are involved in right now in relation to the capitalisation of some licences—whether they are written off or whether they are written off over a period of time—the possibility of increased international student activity which flows through the education system, a bushfire contribution by the Commonwealth of $500,000, some delays in acquisitions within InTACT in computers, the investment returns for the home loan portfolio, the continuing wages negotiations—I have the figure here—and, as I say, $16.7 million additional in land.

There is the question as to whether the $10 million that is allocated to NICTA is actually expended in this financial year, because a number of legal hoops are to be gone through and we will not be committing that money until we have our legal requirements in place, and that may take time. There is the Belconnen pool, which I think may not reach all the benchmarks that were anticipated and that it was claimed would be reached for this financial year, and the list goes on.

As I said, would you like it now as well, because it will have changed again? I think it is commonsense for an Assembly like this to have a periodic—

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Mr Smyth.

Mr Smyth: Mr Speaker, with reference to standing order 118 (a), I did ask for the latest update. I do appreciate the other things that the Treasurer is speaking of and I am sure the figure will change between now and 30 June, but I was asking for the latest update, the latest estimate of the budget outcome for this year, the one that he has at the moment.

MR SPEAKER: Thank you, Mr Smyth. Would you come to the point of the question?

MR QUINLAN: Given that it is a formal question before the Assembly, as I have said in response, there is no formal figure set.

Mr Smyth: I am happy to have an informal one. Informal would be fine.

MR QUINLAN: If you want to take an informal figure, I think that the Chief Minister's figure is pretty close.

MR SMYTH: When did Treasury first give you this revised estimate?

MR QUINLAN: Treasury have not given me a revised estimate in a formal sense.

Mr Smyth: All right, an informal one then.

MR QUINLAN: Well, they have not. I talk to them every week. I have a formal briefing every week and say, "Where are we up to?" They say, "This has happened, that has happening, we are debating this." I have often actually sent Treasury off and said, "I want you to look at a couple of accounting questions for me." Take the $10 million for NICTA for this year: it is probable that we will not hand the money over. Should we, in an accounting sense, put that on the balance sheet? It is a commitment, but is it a liability for this year? Should it go against the bottom line this year or should it not?

Accounting standards, because of abuses—outside this place, he said quickly—are moveable feasts, and in fact it may not be the case that we can legitimately write that off this year. That is a $10 million difference, unresolved. A number of other resolutions are to be made—

Mr Smyth: That is okay. When did they tell you $100 million?

MR SPEAKER: Order, Mr Smyth.

MR QUINLAN: They said to me, "There are a number of items here. There is the possibility of additional tax revenue and there is the possibility of a stock market that has improved and will improve further." The main two elements of what Mr Stanhope has told the public are that we did better on land sales and that the stock market has improved. That is the sum total of what is incorporated in there. Let me tell you, not between now and 30 June, but between now and 30 September, there will be a moveable feast and a debate on what the actual bottom line is. Can I tell you now what that bottom line will be in September?

Mr Smyth: No, I did not ask that.

MR QUINLAN: I am saying that it is probably in the ballpark of what Mr Stanhope has said.

Ratepayers Association of the ACT

MS MacDONALD: Mr Speaker, my question is to the Treasurer, Mr Quinlan. Treasurer, the government receives fairly regular criticism from the president of the Ratepayers Association of the ACT, Peter Jansen. Is the Treasurer concerned at the criticism from an organisation representing ratepayers?

MR QUINLAN: That is a very good question, Ms MacDonald. This is a matter that I did try to address, quietly while in opposition, with the so-called Ratepayers Association of the ACT. In fact, I did ask for an annual report or even an application to join. There are a few ratepayers in this chamber. I wonder how many are members of the Ratepayers Association. I'll take a bet—none.

In fact, Mr Speaker, according to the annual statement of particulars by association, the sum total number of members of the Ratepayers Association of the ACT is five. The number of committee members is three. Somehow, there is a rule that you can't be a member unless you're on the committee. I don't know how, with five members, there are only three on the committee. You can't be a member unless you're on the committee!

Mr Speaker, I would be concerned at criticism from an organisation that represented ratepayers but, clearly, at five, it is probably stretching the envelope a bit. It ain't just been once or twice. I had a flip back through *Hansard* during my lunch hour. At least since 1996 there have been claims and pronouncements by the president of the Ratepayers Association of the ACT.

Quite clearly, Mr Speaker, this is a sham. If one goes to the media—and the president seems to enjoy popular support amongst his many members, because he is constantly in the same position—the president has been making pronouncements and putting out press releases under the name of the Ratepayers Association of the ACT. I am sure that is legal; it's a registered association; he's the president; there are two other people. There are two unnamed—they might be Spot and Fluffy. Nevertheless, the register is kept at the president's private address.

Perhaps one day an alert member of the media might pick up this story, seeing that they have been quite clearly duped on many occasions, regurgitating the statements of the president of the Ratepayers Association.

In answer, Ms MacDonald, to your excellent question, I have to say yes, I would be concerned at criticism from an organisation that represents ratepayers. This one doesn't.

MR SPEAKER: Supplementary question, Ms MacDonald.

MS MacDONALD: Treasurer, the same person identifies himself as the president of the Property Owners Association of the ACT.

MR SPEAKER: Preamble, Ms MacDonald. Would you come to the question, please.

MS MacDONALD: It is also regularly at odds with the government policy and direction. Is that of concern?

MR QUINLAN: That certainly is. In fact, the president so mentioned just happens to have been a member of the Liberal Party and a candidate for this Assembly—and quite an affable chap. If you look at the *Hansard* when he appeared before the PAC's inquiry into rates, you read the little "Peter", "Brendan", "Brendan", "Peter"; very, very chatty introduction to the president's appearance before the committee.

The Property Owners Association is a much larger organisation—91 members registered, it is claimed here. However, it's got a rule that you can't be a member unless you're on the committee. The Property Owners Association of the ACT has a membership of 91, Mr Speaker.

Ms MacDonald did ask, I think, in hearings, "Do you have meetings?" Maybe another alert member of the media might check up on those meetings and on the minutes and attendances. It has a registered committee of three; you can't be a member unless you're on the committee; but there are 91 members.

It does actually put in a financial statement, let me say. It has an income of just over $4,000. Accounting fees, of course, take up nearly $1,400 of that. It takes $1,400 of accounting to account for $4,000 in 13 line items. The profession of the president of the Property Owners Association—since I went to college with him—is accountant.

Mr Smyth: Are you going to give him a chance to come to the bar and speak for himself?

MR QUINLAN: Absolutely; I certainly hope so. I did ring him years ago.

Mr Smyth: On a point of order, Mr Speaker: Mr Corbell raised a point of order this morning attacking me for attacking people who can't possibly come and defend themselves in this place. Will the Labor Party cast such doubt on what Mr Quinlan is saying as they cast doubt on me this morning?

MR SPEAKER: Mr Quinlan, this morning I drew attention to a matter. Mr Smyth rightly raises the issue. I think it is important that we don't go to the personalities involved in these sorts of thing. Keep in mind the personal situation of people who might have been involved in some sort of process which has come to the attention of the Assembly. In this case, though, there were submissions made to a committee of the Assembly. That is also something which is relevant when one is considering whether or not to comment on the contribution made to the debate here.

MR QUINLAN: I'll close, Mr Speaker, by saying that, quite clearly, at minimum, the Ratepayers Association is nothing but a sham. I would hope and trust that, beyond this day, we don't get further pronouncements from this so-called ratepayers association—membership, five; committee, three.

Totalcare

MS DUNDAS: My question is to the Treasurer. Treasurer, I would assume from your announcement of 16 June regarding the future of Totalcare Industries that the working party report on the future of Totalcare has been completed. Will you be tabling that report in the Assembly?

MR QUINLAN: I will take that under advice, but I do not see why not. I will have a look at it, but I cannot see a major problem with its being tabled.

MS DUNDAS: I have a supplementary question. Within what timeframe, on taking advice, will we see the report?

MR QUINLAN: Soon.

Tourism—Australian Capital Tourism

MRS DUNNE: Mr Speaker, my question is to the minister for business and tourism, Mr Quinlan. Yesterday, Minister, you announced that you would be renaming Canberra Tourism and Events Corporation "Australian Capital Tourism". But the budget you handed down last month shows that funding to CTEC will be reduced by 9 per cent next financial year and by 23 per cent in 2004-05.

Will you reverse your decision to savagely cut funding for tourism in order to allow the newly named Australian Capital Tourism to have resources to do its job properly?

MR QUINLAN: That question is based on a false premise. The bases you are using are bases that have been inflated by additional funds thrown in, I think, after the Ansett collapse. I'm not sure of that, so I'll check it for you. Further, after we cancelled the fiasco that was the V8 car race, which lost money—

MR SMYTH: A dull weekend last weekend, wasn't it?

MR QUINLAN: Let me just digress to the V8 car race for a while.

MR Smyth: Mr Speaker, I rise on a point of order. Standing order 118 (b) clearly says he cannot digress.

MR QUINLAN: Would someone like to ask a question about the car race later?

Mr Corbell: Putting the answer in context.

MR QUINLAN: Yes, and the context of the answer is that the 23 per cent incorporates the official level of expenditure on the V8 car race. If you refer to the Matchpoint review of CTEC, you will find that CTEC resources were also preoccupied with that car race. In fact, the bottom line for that was probably greater.

What we have done is say we would continue for the length of the contract for the V8 car race. We will continue that official $4 million—although it is costing more, he said quickly. Going back to the normal level of funding gives you that 23 per cent drop.

This government will take a close look at the level we spend on tourism. We recognise that we need to make a continuing, positive effort in relation to tourism. Part of the development of Australian Capital Tourism is to try and engage, in a much more positive way, than has been done in the past, with the players involved in that industry. It has been accepted positively, and I hope that members of this place will at least try and give it a positive kick as well.

MRS DUNNE: I take it from the minister's answer that that was a qualified "Probably, if you really press us." So how much money are you going to consider giving to boost Australian Capital Tourism, or is the name change just flim-flam to cover the fact that you have no polices?

MR QUINLAN: There are additional funds in the upcoming budget anyway. No is the answer to the second part.

Retirement units—age for entry

MRS CROSS: Mr Speaker, my question is to Mr Corbell, in his capacity as Minister for Planning. Minister, there appears to be some confusion in PALM as to the appropriate age for acknowledging older persons, when it comes to plan approvals and retirement units. I understand that some people in PALM believe that planning in this regard should be aimed at those who are 60 years or older.

MR SPEAKER: Or younger.

MRS CROSS: Yes, Mr Speaker. I did not think you would fit anywhere near that category!

MRS CROSS: As I understand it, the general legal age for being older is 55 years—something that the Council on the Ageing and the federal government both acknowledge. Minister, is PALM's position at the moment that 60 years of age is the lower level for "older persons" in respect of planning—and on what do they base this position?

MR CORBELL: Mr Speaker, I am conscious that I am the young minister here, so I will be careful about my language. I think Mrs Cross is referring to the issue of under what category certain types of housing should be designated in respect of access for people aged 55 or 60.

This has been an issue of some debate between development proponents and PALM over recent months. The bottom line is that, in relation to aged care residential facilities and supported housing developments, there is no consistent application of an age limit. There are a number of aged care facilities in this city which accept residents only once they reach 60 years of age. Equally, there are a number of others who accept residents only once they reach 55 years of age.

The view PALM has taken to date is that, in relation to supported housing—that is housing which has special features to permit those who have greater difficulty with mobility, and access in particular—it should kick in at 60 years of age. It is from that point forward that we see the more intense needs starting to develop, although I am not trying to stereotype people, whereas 55 is essentially still retirement age, when people tend to be much more mobile than they are at the ages of 60 or 65.

That is the general reasoning, but there is no hard and fast legal definition of "older person". Even amongst existing aged care facilities in Canberra, there is a mixture of approaches. Some take residents at the age of 55 and some permit people to buy in only at the age of 60.

MRS CROSS: Mr Speaker, I have a supplementary question, through you. Is PALM able to give some certainty to developers of older persons units, as to their position on the lower limit for older persons, so that older members of the community—those who are over 55, those wanting to retire or perhaps move into more appropriate dwellings—and associated organisations such as COTA can plan for the next financial year?

MR CORBELL: I think PALM has done that at this stage, by indicating that its policy approach is 60.

Medical indemnity

MR HARGREAVES: My question is to the Chief Minister and Attorney-General. The Chief Minister will no doubt be aware of the lead article in this morning's *Canberra Times* headed "Threat to birth services" and of what appears to be an orchestrated lobbying campaign on behalf of specialist doctors concerned at what has been claimed to be a lack of action by the ACT government on the reform of laws associated with medical indemnity. Can he tell the Assembly what action the government has taken to address the concerns of the medical profession?

MR STANHOPE: That is an important question and I am concerned, certainly through calls to my office, at the level of concern and distress that has been caused to a number of women and their partners, in circumstances where they are awaiting the birth of a child, as a result of suggestions by particularly obstetricians and anaesthetists operating essentially at John James that they propose to withdraw their services to their patients as of 1 July. I have to say that that is a very distressing circumstance for those patients who had put their faith in those doctors. I certainly feel for those women who have been put in this circumstance by their doctors as they await the birth of a child. We would all acknowledge that this is, essentially, an industrial campaign by these doctors.

Mr Smyth: An industrial campaign! You have done nothing.

MR STANHOPE: It is essentially, I said. It is an industrial issue. The aim of the game, of course, is to ensure that these very privileged members of this very privileged profession, at the end of the day, do not see any reduction in their incredibly healthy incomes. Be that as it may, Mr Speaker, I do think that it is distressing that the doctors would, for the purposes of their campaign, utilise their patients in this way.

Certainly, the ACT government has responded very significantly to issues around public liability insurance and medical indemnity insurance. Members of this place, those that paid attention to the debate at the time, would be aware that the Assembly has passed the first tranche of reforms in relation to public liability and medical indemnity cover. These reforms have already been implemented.

We have imposed a cap on compensation for loss of earnings of three times the average weekly earnings. That is a significant diminishing of a person's capacity to seek compensation for loss of earnings as a result of a negligent act. We have restricted legal costs that can be claimed in relation to the majority of claims pursued for negligence. We have instituted a number of procedural reforms to permit the bifurcation of a claim, allowing liability and damages to be considered separately, designed to reduce costs by dealing with matters as early as possible.

The government has removed prohibitions on awards of damages by way of annuities, permitting a court to make an award by way of a structured settlement. That was a very significant reform to the way that settlements can be structured and made. We have also protected volunteers and good Samaritans from the risk of being sued.

Also, I announced in April of this year that drafting had commenced on the government's stage 2 reforms. That legislation will be tabled next week. I am sure that all professionals in the ACT, including all members of the medical profession, are fully aware of my announcement in April. I claimed in that public announcement in April that the legislation to be tabled next week would include without prejudice apologies and that any apology made by a defendant would not constitute an admission of liability and would provide for early notification and open disclosure rules which will put an obligation on legal practitioners to notify doctors or other defendants within 90 days of a client's instruction to proceed with a claim.

We will also introduce amendments to provide for court-appointed expert witnesses to be available to prevent personal injury claims becoming a debate about which of several conflicting medical opinions should prevail. We have agreed to review the statute of limitations. We have agreed to reintroduce the reasonable prospects of success test and we have agreed to legislate for court-ordered mediation. As I said, I foreshadowed that that legislation will be introduced next week and it will be.

The review of the statute of limitations seems to be the issue which has excited the greatest interest in the doctors that are threatening to withdraw their services on 1 July. The point that needs to be made, and I make it—and it is of great concern to me that the point is not resonating with those that take, as the opposition does, the automatic and immediate side of the medical profession in relation to this issue—is, of course, that it impacts significantly, in some cases severely, on existing rights.

I think that each of us needs to be very clear on what we are doing in relation to this major tort law reform exercise. We need to be aware that we are legislating away existing rights. Let nobody in this place be under any misapprehensions about what this major tort law reform exercise involves. It involves us, as an Assembly, legislating away a raft of currently existing rights to action in circumstances where citizens of this

territory suffer loss or damage as a result of the negligence of someone else. Let's be clear about that and let's each ensure that members of the Canberra community understand that that is what we are doing.

I have been resisting knee-jerk responses to this matter. I have resisted as hard and as long as anybody in Australia on these issues. But some of my colleagues in the states certainly rushed in precipitantly and made decisions around the diminishing of citizens' rights in a way that they will live to regret. I have said, and I will continue to say it, that this burst of tort law reform that this nation has been engaged in will not pass the test of time or history. In the future, we will look back on what we have all been dragged through with degrees of regret.

Mr Smyth: Come up with something better, then.

MR STANHOPE: We are. We are resisting in the ACT to an extent that no other jurisdiction has. We have been caught up in a frenzy of so-called law reform in which other governments have been forced and blackmailed into action by the insurance companies and professions—in particular, the medical professions. We, as a very small jurisdiction, an island in the middle of New South Wales, are in an invidious position in relation to this issue.

That is not a message that, certainly, the Liberals within this place are seeking the government to make or to support in our resistance to some of the knee-jerk responses that are being made in other jurisdictions. We are holding out to the extent that we can. Nevertheless, we are seeking in the reforms that we are making to balance the need for us to have public liability insurance available so that the community can continue to operate as it does, so that we do have available to us the services we need, so that doctors do continue to provide the patients and clients of the ACT with the level of service that they need and expect and that other professionals do likewise.

Every time we engage in this debate we need to say, and be up front and honest about it, "Yes, all right, we will reduce the statute of limitations, but understand what that means. Yes, we will put a cap on compensation, we will reduce the level that you can claim at the end of the day, but understand what that means. Understand that if it is your child that is comprehensively disabled at birth as the result of the negligent pattern of the obstetrician, your right as a parent to claim the level of compensation that is currently claimable or available will be lost forever."

Do not forget that there are people in the ACT who suffered intractable brain damage at birth as a result of the negligence established of their medical practitioner. They have no quality of life. Understand that.

Mr Smyth: I take a point of order, Mr Speaker, under standing order 118 (b). Is the minister not debating the issue and not answering Mr Hargreaves' question?

MR SPEAKER: The question was about the medical profession and how insurance affects its members. It is quite reasonable to talk about the effects on patients as well.

MR STANHOPE: Mr Speaker, I will wind up now. Those are the significant reforms. There is a third tranche of reforms that the government will engage in. The third level of

reforms that we will introduce go, essentially, to ensuring that our courts are as well able to ensure that matters that are brought before them are dealt with in as refined, effective and efficient a way as possible.

The point I make is that a raft of amendments have been made by this government. Some have been introduced into law. A second major tranche of reforms will be introduced next week—major reforms. They are very significant. They need to be treated seriously. The government treats this issue extremely seriously. This government will not be stampeded into—

Mr Smyth: That's for sure.

MR STANHOPE: I won't be. This government, much to the jollity of Mr Smyth, will not be steamrolled into trampling on the rights of the citizens of the ACT. When we set out on a program which ends inevitably in the diminishing of rights that currently exist, we will do it only with the most serious of thought and mindful of the consequences for all Canberrans. We are seeking to achieve an appropriate balance in regard to the rights of medical practitioners to ply their trade, following the failure of the medical defence organisation to protect their positions—of course, that is another story—secure in the knowledge that that tort law reform will go some way to dealing with the extreme—

Mrs Dunne: Some way.

MR STANHOPE: It will only go some way; we know that. The government cannot legislate to control the premiums that insurance companies will continue to charge for their insurance policies. Of course, those are issues for the Commonwealth government and we continue to wait for the Liberals federally to deal with those issues. This is a serious matter and we have dealt with it in a thorough and serious way.

Currong apartments—survey of residents

MRS BURKE: My question is to Mr Wood, through you, Mr Speaker. My question follows recent concessions by the minister at estimates in relation to the scratchie survey scandal earlier this year involving Currong apartments residents. I am reliably informed of one Currong resident who won $5 or $6 and promptly purchased a couple of bottles of beer or alcohol with their winnings. I understand this person is already struggling with substance abuse issues, while others with gambling problems were similarly affected.

Minister, in light of this information, how can you reasonably justify your decision to entice survey participants in this way?

Members interjecting—

MR SPEAKER: Order! There has been a question asked. The minister has risen to speak to it.

Mr WOOD: I think it is a fair point that people want to intrude into what is pretty common practice amongst people in the ACT and elsewhere. I think you mentioned winning a figure of $6 or something. Was that the figure? I don't know that winning $6 is going to make much difference.

Mr Stanhope: You've set them on the path of disillusion, Bill.

MR WOOD: The path of disillusion. It's not going to make much difference to anybody's lifestyle at all.

Mr Stanhope: You could probably hire a dirty video for that, too, Bill.

MR WOOD: I don't know the answer to that, Mr Stanhope.

Mr Stanhope: Or alcohol. Don't let anybody have any fun.

MR SPEAKER: Mr Stanhope! Mr Wood is trying to answer the question.

MR WOOD: I don't have any difficulty at all with what happened; it's not the case, however, that I authorised this expenditure. I repeat: I have no complaint about it. We let a tender to a most reputable firm to do a very thorough survey of the tenants of Currong flats.

Mr Stanhope: And of their moral standards?

MR WOOD: We didn't actually intrude into that, Mr Stanhope. The people whom we contracted to do this work are well known and highly regarded. The quality of their work is not really open to contest.

I might add an interesting point since the question was about Currong apartments. The people sitting opposite, if they were still on this side of the house, would have a bulldozer ripping down—

Mrs Burke: On a point of order, Mr Speaker: can Mr Wood please answer the question. It was: how can you reasonably justify a decision to entice survey participants in this way?

MR SPEAKER: Come to the point of the answer.

MR WOOD: I know it is a sensitive issue for those people over there, but by this time you would have knocked over those apartments; they would be dust by now. That was your program.

What did we do? We required a thorough study. Part of that study—the most significant part of that study—was to go and ask tenants what it was that they desired. That is an important step to take that you people never took when you demolished those flats out there near Parliament House, when you demolished MacPherson Court and other places. You never asked the tenants what they thought about it. But that's what we've done.

I think you should be standing up, Mrs Burke, and congratulating us for having the sensitivity to go out there and ask the tenants what it was that they wanted—a point of view you never give any regard to.

MR SPEAKER: Members, the level of interjection when ministers are answering questions, and the level of conversation, are too high—still. Supplementary question, Mrs Burke.

MRS BURKE: In light of his high level of amusement on this issues, will the minister guarantee that, so long as he is responsible, there will be no similar reckless and unacceptable schemes in the future?

MR WOOD: Mr Speaker, what I can guarantee is that we will continue to go to these reputable firms. Where we want to talk to our tenants or engage in any way with the community, I am quite happy to go again to this highly reputable firm and seek their services.

Aboriginal tent embassy

MS TUCKER: My question is to the Chief Minister and is in relation to comments by Wilson Tuckey regarding the possible arson attack on the education building at the Aboriginal tent embassy early last Saturday morning. You may be aware that there was also an arson attack some weeks ago at the same place, and the building concerned had a family sleeping in it.

This week Mr Tuckey was quoted in a range of national media as saying that it was "just the latest sign of the growing community anger". Apparently, Mr Tuckey is neither alert to nor alarmed about this particular attack on Aboriginal families at the tent embassy.

Will you make a public statement condemning this attack, and will you write, as Chief Minister of this territory, to Wilson Tuckey calling on him to also condemn this violence, ensure that people's lives are protected and apologise for the shameful comments he has made in the media?

MR STANHOPE: Thank you, Ms Tucker. Yes, I was aware of the incident at the tent embassy. I have not made a public statement in the form of a written comment, but I have spoken to some media in relation to the attack and the violence. I have, of course, expressed my outrage at it. It is outrageous; it is completely reprehensible; it is unacceptable. It is all of those things—as is all violence.

In the statement I made, I repeated the position I have put and will continue to put: I and this government accept that the embassy is a site of enormous significance to indigenous Australians. In my view—and I say this quite genuinely—the Aboriginal tent embassy in front of Old Parliament House is perhaps the most significant symbol in Australia of the struggle by indigenous Australians for justice. I think it is a very significant site.

I am also conscious of the heightened level of anxiety and frustration in some quarters of the ACT community—and more broadly—in relation to the tent embassy. As everybody in this place will be aware, there is a degree of tension about the tent embassy in the indigenous community and certainly in the broader community.

I continually receive representations from Canberrans who have concerns about the embassy and about its extension and expansion. There are concerns, which I

acknowledge, from a significant number of Canberrans about the untidy nature of the site and concerns that in their view it no longer represents the struggle for justice or independence. I acknowledge those views and I accept some of them, I have to say.

I am prepared to stand and say that I am one of those who are accepting of the continued occupation of the tent embassy. When I stand on the steps of Old Parliament House and look at the tent embassy, I am not one of those who see it simply as a disorderly camping site with no purpose, effect or intent. I continue to see it as a site of significance and a site of continuing struggle for justice not yet achieved.

I am more than happy to write to Mr Tuckey. I am aware of his comments. There are many views that Mr Tuckey expresses with which I do not agree. I do not agree with his attitude to the tent embassy. I think it is insensitive. I would, however, hasten to add that I believe the processes that ATSIC has put in place to find a future for the tent embassy need to be progressed and we need to come to some resolution.

The indigenous community needs to come to some resolution of what they perceive the future of the site to be and how they would wish to see it maintained and managed. I am supportive of that process. I believe this is an issue that indigenous people must have responsibility and control over. That is the submission that the ACT government put to the ATSIC review of the tent embassy, and it is a position I maintain.

I am concerned that Mr Tuckey seems to feel the inclination to involve himself in the decision-making process, and I would urge him to leave the decision and the management of the site to indigenous people. I will write to him, Ms Tucker, in the terms you outlined in the question.

MS TUCKER: Thank you for that answer. The fundamental thrust of my question is the security of the people who are there. My supplementary question is: will you ensure that they are protected?

MR STANHOPE: I confess I have not had a briefing on the security and safety of the embassy. I am aware, following the arson attack visited on the tent embassy site, that there are quite obviously issues of security and safety. I will seek today a full briefing from the Australian Federal Police on the safety and security of the tent embassy, and I will be more than happy to report back to you on that.

Totalcare

MR CORNWELL: My question is to the Minister for Urban Services, Mr Wood. I refer to a report in the *Canberra Times* of 16 June which stated that the board of Totalcare has decided to dispose of its road maintenance business. The *Times* report said that the board had made this decision because "roads had become a declining business because of increased competition and reduced spending by its major client, the ACT Department of Urban Services".

Minister, why have you decided to cut funding for road maintenance in the ACT, and what impact would this have on the quality of our roads network—for that matter, of course, the safety of Canberrans?

MR WOOD: Mr Speaker, we continue to give a high level of funds to roads maintenance in the ACT; there's no question about that. I don't know why the board would have said that, except the board has made lots of comments. The attribution of that comment, I believe, would go back quite some months; it wasn't a new document or anything like that. So it is back in time a little.

For your satisfaction, Mr Cornwell, I'll come back with the list of expenditures over recent years. Certainly there hasn't been a vast increase in expenditure; there's no doubt about that. Funds move. My best estimate is that they seem to be fairly constant. But I'll get back to you with the detail on that.

Interest subsidy scheme

MR PRATT: Mr Speaker, my question is to the minister for education. Minister, on the day the budget was handed down, during a briefing provided for members and staff, the government was questioned as to whether the abolition of the interest subsidy scheme would be a budgetary measure. The briefing was informed that this measure was not part of the 2003-2004 budget—that it was not in the budget. Minister, why did the government deliberately cover up this budgetary measure?

MS GALLAGHER: I could obtain some advice on this, but my understanding is that it had no impact on this year's budget. The money is in the scheme. As the money becomes available this year, or even next year—I will check the figures for you but it is $37,000 or something—it will be reinvested into the non-government sector. So it did not have a budgetary impact.

MR PRATT: Mr Speaker, I have a supplementary question. Minister, regarding the issue around the scheme, why were the non-government schools which would be detrimentally affected by this decision not informed that they were about to be clobbered?

MS GALLAGHER: The non-government schools were not about to be clobbered by this, to use your terms. I consulted widely on this. The decision about the closure of the interest under this scheme was made in response to the Connors inquiry. I consulted widely with non-government stakeholders and government stakeholders right, across the education community, about all the recommendations that came out of the Connors inquiry.

It is not custom or practice to allow a particular stakeholder group to know about a government decision prior to responding to it formally, as we did, through the Connors inquiry. Everyone knew, when we responded to the 17 recommendations—there it was, on the table. I did consult widely with the non-government sector. I understood that it would not be a popular decision amongst the non-government sector community. We have been through all this in estimates—we have crawled through it. It was a decision this government made, and it was the right decision.

Stadiums Authority— financial loss

MR STEFANIAK: My question is to the Treasurer. Treasurer, in October 2002 the Canberra Stadiums Authority lost $179,000 on a Celtic Crossroads program largely because one of the two scheduled performances was cancelled because it rained and no insurance had been taken out. You stated on WIN news on 11 June 2003 that the Canberra Stadiums Authority had not taken out insurance because it was "not a good commercial" decision to take out insurance. Why was it a good commercial not to take out insurance when ACT taxpayers lost $179,000 as a result?

MR QUINLAN: As I stated then, it is a commercial decision that was taken by the Stadiums Authority.

Mr Smyth: For which you are responsible.

MR QUINLAN: They make their commercial judgments and many of the people who make up that authority, Mr Smyth, were appointed by the previous government. I think that, for the most part, they are good appointees.

As I was discussing it with the chairman of the Stadiums Authority, he said, "It costs a lot of money, this pluvious insurance, and you have to name your hours and your rain points." These days, particularly with the insurance crisis, it is a huge impost. I cannot give you a number on their quotes, I am sorry. I wish I could. He said, "And we are in the middle of a drought, for God's sake!" We have had one wet patch in the middle of that drought and it happened to be that February. Within what commercial bodies do, there are decisions that they take.

In fact, I think the Stadiums Authority people would tell you now that they actually put that show together themselves and I do not think they will be going there again.

MR STEFANIAK: Thank you for that, Mr Quinlan. Why then did you invite the head of the Stadiums Authority into your office on 11 June 2003 for a carpeting over this issue when the event occurred in October 2002?

MR QUINLAN: The short answer is I did not. I did meet with the chairman of the Stadiums Authority. He was keen to meet with me, particularly after the estimates hearing in relation to the press facilities contract, which attracted some interest, as it should. He was quite keen to discuss it as, let me tell you, Mr Stefaniak, I was. The chairman of the Stadiums Authority is a man of some substance and I do not think you would imagine him being severely carpeted, would you, Bill?

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

Auditor-General's reports Nos 3, 5 and 6

Mr Speaker presented the following papers:

Auditor-General Act—Auditor-General's Reports—
Number 3 of 2003—*Emergency Services*, dated 15 May 2003.
Number 5 of 2003—*Lease of FAI House*, dated 16 June 2003.
Number 6 of 2003—*Allegations of Financial Mismanagement University of Canberra Union*, dated 16 June 2003.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (3.29): Mr Speaker, I now ask for leave to move a motion to authorise publication of Auditor-General's reports 5 and 6.

Leave granted.

MR WOOD: I move:

That the Assembly authorises the publication of Auditor-General's Reports Nos 5 and 6 of 2003.

Question resolved in the affirmative.

Executive contracts
Paper and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment): Mr Speaker, for the information of members, I present the following papers:

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

Long term contracts:
Michael Vanderheide, dated 2 June 2003.
Nic Manikis, dated 20 May 2003.
Richard Hart, dated 6 August 2002.
Teresa Bradfield, dated 14 May 2003.

Short term contracts:
Penny Gregory, dated 29 May 2003.
Geoff Keogh, dated 23 May 2003.
Stephen Ryan, dated 28 May 2003.
Brian Jacobs, dated 30 April 2003.
Roderick Nicholas, dated 10 May 2003.

Schedule D variations:
George Tomlins, dated 21 December 2002.
Laurann Yen, dated 12 and 21 March 2003.
Louise Tucker, dated 17 April 2003.
Clare Wall, dated 12 May 2003.
William Stone, dated 28 May 2003.
Catherine Hudson, dated 24 April 2003.

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

Leave granted.

MR STANHOPE: Mr Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires a tabling of all executive contracts and contract variations. Contracts were previously tabled on 7 May 2003.

Today I present four long-term contracts, five short-term contracts, and six contract variations. The details of the contracts will be circulated to all members.

Papers

Petition—out of order

Mr Stanhope, pursuant to standing order 83A, presented the following paper:

> Petition which does not conform with the standing orders—public liability insurance—Mr Stanhope (151 citizens).

Remuneration Tribunal determinations

Mr Stanhope presented the following papers:

> Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:
> Chief Magistrate, Magistrates and Special Magistrates—Determination No 121, dated 22 May 2003.
> Master of the Supreme Court—Determination No 122, dated 22 May 2003.
> Chief Justice of the Supreme Court—Determination No 123, dated 22 May 2003.
> Part-time Holder of Public Office—Chairman of ACT Forests Board of Advisors—Determination No 124, dated 2 May 2003.
> President of the Court of Appeal—Determination No 125, dated 22 May 2003.
> ACT Planning and Land Authority—Determination No 126, dated 22 May 2003.
> Land Development Agency—Determination No 127, dated 22 May 2003.
> Part-time Holders of Public Office—Determination No 128, dated 22 April 2003.
> Full-time Holders of Public Office—President of the Administrative Appeals Tribunal—Determination No 129, dated 22 May 2003.

Canberra's bushfire emergency recovery process

Paper and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment): For the information of members, I present the following paper:

> *The Recovery Process for Canberra's Bushfire Emergency 18-28 January 2003*—A Report to the ACT Government by Mr J Murray, APM, Territory Controller, ACT Chief Police Officer, dated March 2003.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, on 8 May 2003 Mr Bill Wood MLA tabled submissions from government agencies to the inquiry into the operational response to the January bushfires. Amongst these submissions was the Australian Federal Police submission. Due to an administrative oversight, an attachment to the Australian Federal Police submission was not included in the tabled documents. I table, Mr Speaker, the attachment *The Recovery Process for Canberra's Bushfire Emergency, 18-28 January 2003.*

Victims of Crime (Financial Assistance) Act 1983—review of operation

Government response and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.32): Mr Speaker, for the information of members, I present the following paper:

> Victims of Crime (Financial Assistance) Act—A review of the operation of the *Victims of Crime (Financial Assistance) Act 1983* and the victims services scheme *(presented 7 March 2002)*—Government response to the Report by Dr Anthony Dare, dated June 2003.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, I am pleased to table the government's response to the report prepared by Dr Anthony Dare, *Assistance for Victims of Crime in the ACT —a review of the operation of the Victims of Crime (Financial Assistance) Act 1983 and the victims services scheme.* Dr Dare's report was tabled in the Assembly on 7 March 2002. In line with the government's commitment towards consultation, the views of users, stakeholders and individuals on the Dare report have been sought and considered. I take this opportunity to thank all contributors for taking the time to put their views on matters raised in the report.

As members will recall, while Dr Dare found the financial assistance scheme to be operating efficiently overall and at an affordable level, there were some significant concerns raised. Provisions of the Victims of Crime (Financial Assistance) Act retaining awards for pain and suffering for police officers, ambulance officers and firefighters were widely criticised as being unfair and inequitable. Similar provisions retaining pain and suffering awards for victims of sexual offences attracted comment that the categories of crime should be broadened to include victims of domestic violence.

The requirement of having to report the relevant crime to the police before being eligible to claim financial assistance was identified as needing to be reviewed, and the legal fee cap of $650 was found to be inadequate. The government has addressed these issues in its response.

The government gave a commitment to make the financial assistance scheme fairer and accessible, while retaining the best aspects of the scheme. To this end the government has decided, in light of Dr Dare's findings, to amend the Victims of Crime (Financial Assistance) Act to remove awards for pain and suffering for police officers, ambulance officers, and firefighters.

While the community highly values the service provided by our police and emergency service officers, it is not fair to give these occupational classes preferential treatment. An ordinary person who is physically assaulted is likely to have the same level of pain and suffering as a police officer in similar circumstances. The question has to be asked: why should a police officer be awarded money for pain and suffering which other victims with the same level of injury cannot? The current legislation is blatantly unfair. The government will move to place all victims on an equal footing.

Consistent with our policy of non-discrimination between different categories of victims, the government will remove the entitlements of victims of sexual offences to awards for pain and suffering. The government sympathises with the survivors of sexual crimes and acknowledges their ongoing pain. Nevertheless, it's not equitable to provide pain and suffering claims for some victims and not others.

For the same reason, we don't propose to make pain and suffering awards available to other selected categories of victims. We will ensure that the legislation does not discriminate between victims purely on the basis of a characteristic that is not related to the severity of the actual injury sustained.

The government will not relax the definition of extremely serious injury to cover less seriously injured victims. Such an amendment is not justifiable, nor does it make good economic sense. The special assistance provision is intended to help those victims who are left with permanent injuries that greatly reduce the quality of their lives, who have little prospect of significant rehabilitation and recovery.

There's no credible research evidence to justify making cash payments to victims who can achieve effective rehabilitation in other ways. The legislation already provides a very high level of rehabilitative support. This support is both financial (in the form of financial assistance to reimburse victims for medical and other expenses) and therapeutic (in the form of rehabilitative services provided directly to victims of crime through the victims services scheme).

The mandatory reporting provisions will be repealed. The act makes it mandatory for a person to have reported the relevant crime to the police as a prerequisite to receiving financial assistance. I firmly believe that this places many victims, particularly sexual offence victims, at a disadvantage. A victim's reluctance to report a crime may arise from a fear or retribution, embarrassment, shame, discomfort, social or cultural reasons.

While I strongly urge all victims to report crimes to the police, I believe that people should have a choice whether or not they make such a report. Access to financial assistance should not be denied because the victim chooses, for whatever reason, not to report the crime.

This change will not open up the scheme for wide-scale fraud. Whether or not a crime is reported, to be awarded financial assistance, victims have to establish to the satisfaction of the court that the alleged offence was committed. For many victims, reporting the crime to the police will make it easier to prove that the offence was in fact committed. Experience under the previous legislation, where reporting was not mandatory, showed that most victims find that tendering a copy of their statement to the police and the report of any subsequent police investigation significantly expedites their claim for financial assistance.

There is a $650 cap on legal fees for financial assistance matters. It's claimed that this figure does not always reflect the value of work actually performed. Accordingly, the government will raise the legal fee cap to $800. The government will not increase the fee further. Victims must pay legal fees themselves, and anything more than $800 could prove prohibitive for some victims.

Many claimants have found the application process for financial assistance intimidating and difficult. I'm pleased to inform members that, since the government's response was finalised, the department has simplified the application form and explanatory material in consultation with the Victims of Crime Coordinator, the ACT Magistrates Court and other stakeholders. The new forms, which are available from the Magistrates Court or online from the ACT Legislation Register, will make applications for financial assistance less daunting and easier to complete.

The government is pleased that Dr Dare has found the victims services scheme to be working well and has found it offers appropriate assistance to victims. No significant changes to this scheme are deemed necessary. The government agrees with his recommendation for the development of an evaluation framework for the scheme. ACT Community Care and the Victims Assistance Board are undertaking this task.

I do not believe it necessary to broaden the services offered by the victims services scheme, given the wide range of therapeutic and rehabilitative services already offered. Each victim and his or her case manager jointly develop a care plan for the victim's rehabilitation, choosing whichever services they agree will best promote that victim's recovery. This process ensures that services are tailored to each victim's needs.

Dr Dare's report has shown there is a need to restore balance in the legislation, and the government's response does that.

Mr Speaker, I move:

> That the Assembly takes note of the paper.

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

Papers

Legal aid assistance

Mr Stanhope presented the following paper:

Legal Aid Act, pursuant to section 8—Legal Aid (Funding Agreement, Proceeds of Crime Guideline)—Direction 2003, together with an explanatory statement and an agreement between the Commonwealth of Australia and the Australian Capital Territory in relation to the provision of legal assistance.

Financial management guidelines

Mr Quinlan presented the following paper:

Financial Management Act, pursuant to section 67—Financial Management Amendment Guidelines 2003 (No 1)—DI2003-71, dated 13 May 2003.

Financial Management Act

Mr Quinlan presented the following papers:

Financial Management Act—

Pursuant to section 14—An instrument directing a transfer of funds between appropriations, including a statement of reasons.

Pursuant to section 19B—An instrument relating to the variation of appropriations regarding the First Home Owners Grant Scheme, including a statement of reasons.

Consolidated financial management report

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming): Mr Speaker, for the information of members, I present the following paper:

Financial Management Act—pursuant to section 26 (3)—Consolidated Financial Management Report for the financial quarter and year to date ending 31 March 2003.

The report was circulated to members when the Assembly was not sitting.

Health—Standing Committee
Report No 2—government response

MR CORBELL (Minister for Health and Minister for Planning): Mr Speaker, for the information of members, I present the following paper:

Health—Standing Committee—Report No 2—*Inquiry into the Gene Technology Bill 2002 (presented 12 December 2002)*—Government response, dated April 2003.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: In February 2002, the previous minister for health introduced the Gene Technology Bill 2002 to the Assembly, following the signing of the Intergovernmental Gene Technology Agreement. The agreement recognises the need for a cooperative national legislative scheme protecting the health and safety of people and the environment. It advised the ACT to introduce nationally consistent legislation within the scheme that is intended to provide a national regulatory system for the application of gene technologies.

On 7 March 2002, the Assembly resolved that the Standing Committee on Health inquire into and report on the operation of the Gene Technology Bill 2002. The committee tabled its report on 12 December last year, making 25 recommendations. I'd like to take this opportunity to thank the committee for its work on this difficult and complex issue. The report has prompted the government to consolidate its thinking and position on many of the complex issues surrounding the regulation of gene technology in Australia, and in particular the impact of the national regulatory system on the ACT.

The government has given careful consideration to the recommendations of the committee, supports three recommendations and agrees in principle with a further 10. In response to these recommendations, the government will:

- promote a range of activities across the ACT community to increase levels of awareness, knowledge and understanding of gene technology;
- continue dialogue with New South Wales about cross-border issues;
- recommend that the federal government move responsibility for gene technology to the Prime Minister and Cabinet portfolio, to better represent the cross-portfolio nature of the issues; and
- approach the appropriate agencies, in particular, the regulator, requesting that they consider particular concerns and issues raised by the committee.

Mr Speaker, the government, while noting the issues raised by the committee, agrees in part with one of the recommendations and does not agree with 11 of the other recommendations.

Of particular note is the government's response to recommendation 3. In recommendation 3, the committee advocates the introduction of a moratorium on dealings with genetically modified organisms in the ACT, similar to that in place in Tasmania. It is the government's view that the establishment of a broad moratorium in the ACT, such as that in place in Tasmania, is not warranted at this point in time. The government has confidence in the strict regulation of gene technology provided by the national regulatory scheme, administered by the Gene Technology Regulator.

The research base in biotechnology in the ACT, which is amongst the most talented in Australia, risks being severely undermined by such a moratorium. A broad moratorium could significantly curtail the research activity of organisations such as the CSIRO, the ANU, the University of Canberra, the Cooperative Research Centre for Pest Animal Control and the Canberra Hospital, and the ability of developing biotechnology business opportunities in the ACT.

A declaration, as proposed, will send a very mixed signal to the emerging biotechnology sector in the ACT, potentially raising doubts about the ACT government's commitment to biotechnology research. Therefore, such a moratorium would be more likely to discourage it, by making science funding bodies more reluctant to invest in the ACT. This might have the flow-on effect of research business shifting to other states that are more open to biotechnology.

However, given the geographical location of the ACT, the government does see merit in maintaining good neighbourly relations with New South Wales on this issue. It is our understanding that New South Wales is looking to introduce a three-year moratorium on the commercial release of GM food crops in the near future. It is appropriate for the ACT to stay in line with New South Wales, both because it is good public policy and also to reduce potential complexities for primary producers in each jurisdiction.

Thus the ACT will declare a three-year moratorium on the commercial release of GM food crops and is proposing to introduce legislation to that effect in the Assembly. The ACT government will annually review the moratorium, in light of developments in the marketing and trade environment.

Two of the recommendations of the committee, Nos 13 and 19, propose amendments to the ACT Gene Technology Bill. The government will not support these proposed changes, on the grounds that they would result in the ACT legislation falling out of line with the gene technology legislation of the Commonwealth and other states.

The states and territories agreed on the national scheme for regulating gene technology, and state law, and therefore territory law, must remain consistent with the Commonwealth act to be declared a corresponding state law.

The other recommendations with which the government disagrees cover mainly issues of a technical nature relating to the regulatory system, such as risk assessment processes, licensing, appeals and insurance. We consider that these issues are adequately addressed in the Commonwealth legislation and the national regulatory framework. As a participant in national arrangements for the regulation of gene technology to protect human health and safety and the environment, the government is committed to ensuring that appropriate caution is exercised under the regulatory framework.

The government believes that the ACT Gene Technology Bill 2002, in conjunction with the Commonwealth act, adequately meets the objectives of providing for an effective national regulatory system that is open, transparent and accountable. The government believes that the measures in the bill ensure a cautious, comprehensive and rigorous national approach to gene technology and GMOs, with scientifically based decisions providing the community with confidence in the system.

I commend the government's response to the Assembly.

Territory Plan—Variation No 207
Paper and statement by minister

MR CORBELL (Minister for Health and Minister for Planning): For the information of members, I present the following paper:

> Land Planning and Environment Act, pursuant to section 29—Variation No 207 to the Territory Plan—Oaks Estate, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Variation 207 to the Territory Plan concerns Oaks Estate. The variation proposes to vary the Territory Plan to introduce a residential area specific policy, A9, for those blocks included within the existing mixed use area. The area specific policy will apply to section 7 blocks 4, 5, 6, 9 through 14 and section 10 Oaks Estate and make provision for existing commercial and light industrial uses, as well as warehouse, parkland, restaurant and shop. At the same time the existing commercial D policy covering section 7 block 4 will be deleted.

It is also proposed to expand the urban open space policy to cover section 15 block 1 and incorporate section 5 block 4, part blocks 5 to 7, and section 7 blocks 1 to 3 to provide for a public park. In addition, land immediately adjacent to the Molonglo River and currently within the urban open space policy will be included within the river corridor policy as public land special purpose reserve. This change affects section 12 blocks 23, 24 and 25 and a narrow strip of land within section 15. The boundary of the river corridor policy will follow the current 100-year flood rule.

Six written submissions were received in response to the draft variation when it was released for public comment in October last year. Of these, three submissions expressed general support for the draft variation. The other submissions raised a number of issues of a land management nature in relation to urban open space and river corridors, and these have been referred to Canberra Urban Parks and Places for attention.

In addition, issues concerning land use categories, additional uses, building heights and block specific matters were also raised. These matters are all covered by the provisions of the Territory Plan.

The ACT Heritage Council is also currently undertaking an assessment of the heritage significance of Oaks Estate, covering the cultural landscape, rural character and associations with the early settlement of Queanbeyan and Canberra, and these are being examined along with specific built elements.

No revisions were made to the variations as a result of the consultation process. The Planning and Environment Committee considered the revised draft recommendation and, in its report No 18 of May 2003, made three recommendations; the first one being that the government proceed with the variation. Clearly this is agreed.

The committee's second recommendation was that the government immediately release details of its forward planning and development intentions for Oaks Estate and commence community consultation on those intentions.

The Oaks Estate planning study was completed in November 2001. The study incorporated significant material from previous studies and identified the need for the Territory Plan variation to respond to specific land use policy issues, including

- the need for industrial and commercial uses to be compatible with residential areas;
- the need to recognise the current commercial activities and enable lease purpose clauses to be regularised; and
- a requirement for more open space, recreation facilities, particularly for residents in medium density housing.

At the same time, the ACT Heritage Council has carried out a heritage assessment of the Oaks Estate precinct and is currently working towards developing a listing on the Interim Heritage Places Register. A heritage listing will provide protection for the village character and heritage significance of the precinct. Specific requirements will be included to protect individual places of heritage significance, landscape and streetscape qualities, and the low-scale, low-density character of the village. A draft interim register will be released for public comment in developing the interim register.

Contrary to the committee's report, heritage protection will be provided as soon as the area is listed on the Interim Heritage Places Register and will not be delayed by the draft variation process to enter the site on the heritage places register in the Territory Plan. This is because, under the Land (Planning and Environment) Act, where there is no heritage register listing, the interim register has effect. The interim register also has effect during the draft variation process.

The committee's third recommendation was that the process for the Oaks Estate master plan should begin immediately, with a view to its completion and agreement with Oaks Estate residents and relevant stakeholders before the end of this calendar year.

Planning and Land Management will commence work on a master plan to draw together the work of both the Oaks Estate planning study of December 2001 and the heritage study. This document will provide detailed design guidelines for residential development, streetscape improvements, land management practices and identify an implementation sequence for these improvements.

The master plan will commence as a priority to allow for effective community consultation and input in the planning and development process. It is unlikely that the plan can be finalised before the end of the calendar year. In the meantime, any land releases scheduled for Oaks Estate will be postponed until more detailed guidelines are in place.

Planning and Environment—Standing Committee
Report No 14—government response
Territory Plan—Variation No 175
Approval

MR CORBELL (Minister for Health and Minister for Planning) (3.52): For the information of members, I present the following paper:

> Planning and Environment—Standing Committee— Report No 14—*Draft Variation No 175 to the Territory Plan—Industrial B3 Land Use Policies—Industrial Area Policies and Definitions: Fyshwick, Symonston, Mitchell and Hume (presented 6 May)—g*overnment response.
>
> Land (Planning and Environment) Act, pursuant to Section 29—Variation No 175 to the Territory Plan—Industrial B3 Land Use Policies, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, in May 2002, PALM released draft variation 175 to the Territory Plan. In summary, the industrial policy proposed to respond to the principles in part A of the Territory Plan, introduced by variation No 155, by adding sustainable development and industrial ecology objectives. It:

- included a description of the roles of each industrial area and reinforced clusters for advanced technology, food related and waste resource industry;
- reviewed permitted land uses and added those compatible with precinct and cluster objectives, deleted energy uses which may jeopardise cluster functioning and retained existing uses that do not jeopardise activities which support precinct objectives.
- made sustainable development policies included in other parts of the Territory Plan more transparent, by including requirements for preliminary assessments and energy ratings;
- introduced a limit on subdivision in precinct "a", and varied several large blocks from precinct "b" to precinct "a" to retain large sites;
- recognised the metropolitan role of Fyshwick for bulky goods retailing and the demand for sites visible from Canberra Avenue, by removing the existing floor space limit on bulky goods retailing in precinct "b" in Fyshwick;
- recognised the role of commercial centres, by retaining the limit of 200 square metres on food shops in all areas, 200 square metres on other shops (except bulky goods) retailing in precinct "b" in Mitchell, and in all areas 2,000 square metres per lease for non-retail commercial use (offices);
- encouraged redevelopment in Fyshwick precinct "b" by removing the existing restrictions on amalgamation and subdivision;

- clarified the opportunity for the provision of a caretaker's residence for security reasons. Other residential uses are not considered appropriate due to conflicting issues associated with maintaining industrial viability and residential amenity; and
- varied the land use policy for Hill Station and land immediately to the south of Hume from entertainment, accommodation and leisure to industrial.

A total of 14 submissions were received in response to the exhibited draft variation.

A recommended final variation of DV175, revised as a result of the consultation process, was submitted to the executive in October last year, and this was subsequently referred to the Planning and Environment Committee.

The committee has considered the revised draft variation and, in its report No 14 of 16 April this year, made 11 recommendations. The committee's major recommendation is that the government adopt DV175, with specific changes to the draft variation. The government can agree in part to this approach and accordingly has approved and modified variation 175, which I have tabled today.

I would like to address now some of the committee's recommendations. In relation to the first recommendation of the committee: the government does not accept the criticisms about draft variation 175. DV175 was a result of a comprehensive review of trends and issues associated with industrial land use in the ACT. Although the spatial plan and economic white paper currently being prepared will set the higher level strategic context and implementation initiatives, it is simply not accurate to say that DV175 lacks strategic, spatial and economic analysis or ignores business concerns.

The objectives for the industrial land use policies and the primary purpose statement for each of the individual precincts provide a forward looking view of how the industrial areas fit within the metropolitan structure of the city. The policies make it clear that each industrial precinct has a different role to play in Canberra's economic development. This both facilitates the marketing of industrial land and encourages clustering of activities as recommended by the Synectics study of 1998. PALM has undertaken a complete inventory of every block in industrial areas and commercial centres every two years from 1995 to 2001.

Further analyses, specifically for activities in industrial areas, were included in the background paper released for public comment as attachment B of the draft variation. In addition, PALM conducted field surveys in Mitchell, west Fyshwick and Hume to confirm and review policies for the draft final variation for its submission to the executive and the planning committee.

Spatial analysis was also undertaken for the commercial land release program, and the results are contained in the background paper and in more detail in the draft industrial land planning strategy 2000. This lists vacant industrial blocks by area and priority for release. The committee in its report did not clarify what information was lacking in regard to economic analysis.

The background paper also contains detailed market analysis of supply and demand for industrial blocks which were analysed by block area. The government monitors the

demand for industrial land from individual business and leases blocks to meet requirements. The draft variation process and committee hearings provided an opportunity for small business to raise their concerns.

PALM considered all submissions made. However, it is not possible to meet the expectations and desires of all respondents whilst maintaining sound planning practices. Decisions about land use are established on the fundamental principle of meeting metropolitan planning objectives for the benefit of the whole community rather than just for the benefit of individual lessees.

In relation to recommendation 2 of the committee, seeking acceptance by the government of full responsibility to ensure suitable methods of notification are employed to guarantee relevant stakeholders are notified: I will respond in this way: the government agrees and is committed to taking all reasonable action to ensure that relevant stakeholders are notified. However, it is simply not possible to absolutely guarantee that any extensive consultation practice will not miss notifying someone who can claim stakeholder status.

Planning and Land Management is unaware of any consultation practice that is flawless in this regard. The disappointing aspect of the committee recommendation is that the committee did not include suggestions on how the existing PALM process could be improved.

Mr Speaker, the government has not agreed with committee recommendation 4; has noted recommendation 5 concerning blocks 11 and 12 section 30 in Fyshwick, the old DAS site; and does not agree with committee recommendation 6, concerning block 1 section 22 Mitchell, the former brickworks site. Agreeing to these recommendations would have significant strategic planning ramifications and would also not allow affected stakeholders an opportunity to comment on the changes.

The government, therefore, proposes to retain the existing precinct classification for these areas and consider the merits of the proposals through the spatial plan process. This will allow the proposals to be considered in the strategic context and provide an opportunity for public input. The committee report has been referred to the spatial planning team in PALM for the consideration of comments made.

For similar reasons, the government also does not agree with the committee's recommendation 10 relating to west Fyshwick. Amongst other things, this recommendation would allow bulky goods retailing along Canberra Avenue, with the potential to significantly impact on the retail hierarchy in the nearby established areas of Kingston and Manuka and other sites in Fyshwick precinct "b" areas. The potential for several bulky goods retail outlets to congregate in this location also has strategic planning implications.

This is a policy change that is not appropriate to introduce without undertaking extensive consultation with all relevant stakeholders. I think the Assembly would agree that most changes to planning policies should be subject to the same rigorous planning consultation process as is undertaken for a draft variation.

Finally, Mr Speaker, recommendation No 11 of the committee report is that the government undertake further detailed reviews into industrial land use policies across Canberra. The government has noted this recommendation, but I must say that it does seem to be at odds with the detailed analysis already undertaken on industrial planning issues.

DV175 analysed 20 years of uptake of industrial land and concluded that there is sufficient industrial land for about 20 years for industrial uses. If industrial areas allow for even more diverse retailing facilities, this will be unsustainable, for two reasons: firstly, the lower cost of industrial land and premises will cause retailers to move to industrial areas, thus jeopardising the liability of commercial centres; and secondly, the influx of higher rent retailing will make industrial premises too expensive for industrial trades and storage uses, so that they will either relocate to Queanbeyan or demand the release of more vacant industrial land by the government.

Permitting more higher value uses in industrial areas may create an improved revenue stream for the government through higher rates but will price out of the market lower cost uses and encourage more commercial uses to the detriment and possibly higher vacancy rates of commercial centres, particularly mixed service (trades) areas.

Government revenue from industrial areas is also generated by sale of unleased land in accordance with the five-year land release program prepared by the government and published each year with the budget. As outlined in the background paper released with this variation, the demand for industrial land is currently quite low—five to eight hectares each year—but it's been necessary for the government to restrict land options to specific industries to ensure that needs are met for lower cost activities requiring large sites, such as freight transport.

As mentioned in the response to recommendation 8, the government agrees that the modifications to the proposed policy could allow a limited opportunity to provide some small warehouse spaces without jeopardising the strategy to protect the larger sites for future use by large land take uses.

Draft variation No 175 encourages investment in light manufacturing and heavy transport industries through the policy objectives and through the listing of permitted land uses in precinct "a".

Mr Speaker, after careful consideration of the committee's recommendations, draft variation 175 was further revised to take account of those recommendations from the committee with which the government agrees, and the government has approved that variation.

In relation to the government response to report No 14 of the Standing Committee on Planning and Environment, I move:

> That the Assembly takes note of the paper.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Territory Plan—variation No 206
Approval

Mr Corbell presented the following paper:

> Land (Planning and Environment) Act, pursuant to Section 29—Variation No 206 to the Territory Plan—Commercial B2C (Group Centres) Land Use Polices—Calwell, Blocks 2, 5 and Section 72, and Chisholm, Block 7 Section 598, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Territory Plan—variation No 200
Approval

MR CORBELL (Minister for Health and Minister for Planning): Mr Speaker, for the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to Section 29—Variation 200 to the Territory Plan—Residential Land Use Policies, Modifications to Residential Codes, and Master Plan Procedures—Garden City Variation, together with background papers, a copy of the summaries reports, and a copy of any direction or report required.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, the government's pre-election planning and land management policy for Canberra, "Planning for People", set initiatives and policies aimed at protecting Canberra's unique planning heritage and enhancing the quality of residential and urban amenity. The government was elected with a clear mandate to introduce stronger rules for dual and triple occupancy development and to create better policies and codes for residential development.

In response to this commitment, in December 2001 PALM released draft variation 192 to the Territory Plan, which introduced a 5 per cent limit, per section, on dual and triple occupancy development. This was proposed as an interim measure, until a more comprehensive policy package was developed.

The more comprehensive package was released for public comment on 30 May 2002, in the form of draft variation No 200 to the Territory Plan, DV 200, the garden city variation. A total of 501 submissions were received in response to the exhibited draft variation, not over 700 as reported by the Standing Committee on Planning and Environment.

Of these, 278, or 56 per cent, were from residents of Downer. A recommended file version of draft variation 200 was submitted to the executive on 7 December 2002, in response to an executive direction. The submitted version was revised on 23 December 2003 to allow the development and planning system more time to be completed before being subject to new subdivision and change of use charge procedures.

The Planning and Environment Committee has considered the revised draft variation, and in it's report No 15 of 29 April 2003 made 15 recommendations.

The committee's major recommendation is that the government not proceed with draft variation 200. The government does not agree with this recommendation. The consequences of not proceeding would be to revert to the policies applied under the former Liberal government and not deliver the government's policy to introduce better residential policies and codes that affect Canberra's garden city character. I am concerned that the full ramifications of this committee recommendation may not have been appreciated by all members of the committee.

The committee additionally recommended specific changes to the draft variation in the event the government did not agree to not proceed with draft variation 200. The government can agree in part to this approach and, accordingly, has approved a modified variation 200, which I am tabling today.

The main modifications are to agree with the committee's recommendations that the 800-square metre block limit for dual occupancy be maintained and also to extend the cut-off date even further to allow developments in the planning system more time to be completed before being subject to new subdivision and change of use charge procedures.

The government does not agree, however, with the committee's recommendations relating to:

- introducing additional guidelines for dual occupancy development;
- abandoning the sliding scale plot ratio control;
- redefining the relationship of private open space to plot ratio;
- waiting for the spatial plan, because of revised new residential land use policies; and
- retaining PPN 6, guidelines for multi-unit redevelopment, including dual occupancy in residential areas, also known as the Landsdown guidelines, until the spatial planning process is concluded.

The reasons for not agreeing to the committee's recommendations on these matters are provided in the government's response. Despite not agreeing with the committee's recommendation to defer DV 200 pending the outcome of the spatial plan, the government is pleased that the committee has shown real interest in the strategic work associated with it.

On this score, the government is also pleased that the Assembly is responding to the government's leadership on the Canberra Plan. It should be clear to all members now how the strategic planning work, including the draft variation 200, is, and will continue to be, fully integrated.

The government has noted the committee's recommendation in relation to identifying areas to be protected under heritage legislation. However, the committee should be well aware that a well-established system for the identification and protection of areas that need to be preserved already exists in the form of the heritage registration processes under the Land (Planning and Environment) Act 1991, the land act.

This process includes mechanisms for the nomination of places to the Heritage Council and for the council to determine whether the entry of the places on the Interim Heritage Places Register is warranted. Places entered on the Interim Heritage Places Register receive immediate statutory protection under the relevant provisions of the land act.

The government has also noted the committee's recommendation in relation to the integration of planning reviews and processes, including the spatial planning process. The government acknowledges that it has a wide-ranging planning agenda but does not accept that there is an inconsistency between the various reviews and processes that are taking place.

Minor modifications have also been made to the final variation to ensure that the 5 per cent limit on dual occupancy continues temporarily until the approved variation No 200 commences and to ensure that the existing permissible plot ratio of 35 per cent for dual occupancy development in suburban areas only applies to applications submitted before 30 May 2003.

Mr Speaker, after listening to the diversity of views on the matter, the government has also reviewed its approval of the decision of 27 May 2003 and has now decided to retain the original proposals in draft variation 200 to prohibit subdivision or unit titling of new dual occupancies in suburban areas. The government believes that this policy is in the best interests of the city as a whole at this point in time and will further strengthen the protection of its garden city character.

Mr Speaker, the government is committed to protecting Canberra's garden city character, but we cannot do it without the reforms to the Territory Plan contained in variation 200. Higher ratios of gardens to buildings, less overshadowing, greater control on dual occupancy development and multi-unit redevelopment are all part of this comprehensive package. Variation 200 is too important a document to let disagreements about relatively minor details stop the broader reform agenda.

Having said this, the government is also conscious that the issues covered by variation 200 are complex and that new and better ways of addressing them may emerge in the future.

The government is committed to keeping the new residential land use policies, as introduced by variation 200, under review and does not rule out further modifications or future variations to the Territory Plan. In particular, the government will be monitoring the implications for the residential land use policies on housing choice and affordability. I will be also seeking advice from the newly formed Planning and Land Council and also from the new chief planning executive about these issues and anticipate a more comprehensive review of residential land use policies in about two years.

Finally, Mr Speaker, I would like to comment on the last recommendation of the committee. This was:

> The Committee recommends that the Government instructs the Planning and Land Management Group (PALM) to:

a. adopt practices that are more responsive to community input;
b. produce documentation that is easily understood by interested lay members of the community; and
c. responds fully and in a timely fashion to requests from the Committee for information.

Mr Speaker, let me say that the government is confident that PALM's practices are responsive to community input and is happy to make available the report on consultation prepared by PALM in relation to draft variation 200 to any members who would be interested in it.

However, I would also point out that it is neither practical, nor even possible, to respond positively to all of the diverse range of views and opinions expressed by different stakeholder groups on issues such as residential land use policies.

It is the role of government and, indeed, the Assembly in these circumstances to weigh up the views expressed to it, including those of PALM's professional planning staff, and to decide on an appropriate policy response.

PALM makes every effort to ensure its documentation is as accurate and easy to understand as possible. However, it must be acknowledged that the Territory Plan is a legal instrument that covers a diverse and complex range of issues and sits within a statutory framework. Like much other legislation and regulation, it must be legally precise and can at times appear somewhat complicated to the lay reader.

Nevertheless, PALM has made very significant strides to humanise the planning system and introduce plain English tools. In fact, some of the committee's suggested amendments to the variation that the government has not accepted would have made the residential controls even more complicated and difficult to administer.

The government is confident that PALM staff have been responsive to the committee's requests. PALM staff attended all of the public hearings on draft variation 200 and assisted the committee whenever requested. Despite comments about the complexity of the documentation, the committee declined requests from PALM to give an overview of the material in draft variation 200 at the commencement of the hearings.

The committee only scheduled PALM to appear at 10.30 pm on the third and final day of committee hearings and then deferred PALM's presentation at the last moment. PALM officers were only allowed to give their presentation on the last day of the hearings and then only—and I stress "only"—after insisting that the material needed to be put on the public record.

The government believes it would be of benefit to the committee to accept a technical briefing prior to commencing public hearings. In this way all committee members could assess hearing submissions from a more informed position.

Mr Speaker, after careful consideration of the committee's recommendations, draft variation 200 was further revised to take account of those recommendations of the committee with which the government agreed, and the government has approved that variation.

In coming to this conclusion, the government has had to go a wide range of advice, including the Planning and Development Forum, the Planning and Environment Committee itself and other members of the Assembly, many members of the public and expert professional and technical advice.

Mr Speaker, I would also like to place on the record my specific thanks to a number of PALM personnel who have worked very intensively and with much dedication on this variation: in particular, Mr Garrick Calnan and Mr Keith Burnham from Planning and Land Management; all of the territory planning coordination team in PALM and many other individuals involved in the Territory Planning Branch and Development Management Branch of PALM. Their efforts as professional officers are highly regarded by the government, and I thank them for their important contribution in bringing these policies to fruition.

Planning and Environment—Standing Committee
Report No 15—government response

MR CORBELL (Minister for Health and Minister for Planning) (4.18): Mr Speaker, for the information of members, I also present the following paper:

> Planning and Environment—Standing Committee—Report No 15—Variation to the Territory Plan No 200, Garden City Variation—Residential Land Use Policies, Modification to Residential Codes, and Master Plan Procedures (presented 6 May 2003)—Government response.

I move:

> That the Assembly takes note of the report.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Children and Young People Act 1999—review
Paper and statement by minister

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.19): For the information of members, I present the following paper:

> Children and Young People Act—A review of the operation of the *Children and Young People Act 1999.*

I seek leave to make a statement.

Leave granted.

MS GALLAGHER: I am pleased to table for the information of members the report of the review undertaken as required by the Children and Young People Act 1999. The review has been undertaken in accordance with the requirements of section 418 of the Children and Young People Act 1999.

This section requires the minister to review the operation of the act three years after the commencement of the section. The act commenced operation on 10 May 2000. The act is the responsibility of two ministers, the Attorney-General and myself. The Attorney-General is generally responsible for the establishment of the Children's Court, the procedures of this court, young offenders, dispositions, appeals and powers of search and entry.

I am responsible for all other sections of the act, including care and protection of children and young people, children's services and operational aspects of youth justice matters.

Given the breadth of responsibilities of the act, the Department of Justice and Community Safety and the Department of Education, Youth and Family Services undertook a review of the provisions within their responsibilities. Both departments have worked in conjunction with each other throughout this process. The Department of Education, Youth and Family Services convened a steering committee of key stakeholders to consider the operations of the act. The Department of Justice and Community Services consulted with key criminal justice stakeholders.

The review considered that the criminal justice and children's services aspect of the act were largely working effectively. The care and protection aspects of the act have achieved a process of change in the care and protection of children and young people in the ACT. The objectives of shared responsibilities, working to assist children and young people to remain with their families, decision making on behalf of children and young people to be determined in their best interest, and considering their views and wishes are important milestones achieved in the ACT.

The care and protection aspects of the legislation would benefit from further improvements, which are consistent with the objectives of the act and assist to enhance service provision to children, young people and their families. Consideration of the issues raised by key stakeholders in the community will further inform this process of change.

The key issues considered by stakeholders in the review were:

- consideration of restorative justice concepts into the legislation;
- strengthening the role of the legal representatives of children and young people before the Children's Court;
- delays in finalisation of criminal proceedings;
- clarity as to the structure, terminology and definitions used in the act;
- the introduction of family group conferences of both voluntary and court option;
- timeliness of emergency care and protection aspects of the act;
- introduction of pre-natal reports to enable preventative assistance to families to be provided;
- introduction of clear permanency planning provisions in the act;
- accreditation of foster carers;
- consideration of the need to continue therapeutic protection provisions in the legislation; and
- legislative change to address other issues.

A further issue which elicited disparate views amongst stakeholders was the issue concerning whether the act should continue to integrate care and protection, criminal justice and children's services provisions in the legislation or whether they should be separated. Following the tabling of the review before the Assembly, it's proposed that community consultation will assist government in reaching a final position on these varied issues.

The inclusion of the community and the ongoing progress of legislative reform are consistent with the principles of the act and ensure the ongoing commitment of the community in the care and protection of children and young people.

Community consultation is proposed to commence in late June 2003. Upon completion of the public consultation process, a further submission is expected to be made.

I commend the report to the Assembly.

I move:

> That the Assembly takes note of the report.

Debate (on motion by **Mrs Burke**) adjourned to the next sitting.

Papers
Subordinate legislation

Mr Wood presented the following papers:

> **Subordinate legislation (including explanatory statements, unless otherwise stated)**
> Legislation Act, pursuant to section 64—
>
> Agents Act, Consumer Credit (Administration) Act, Liquor Act, Sale of Motor Vehicles Act, Trade Measurement (Administration) Act, Classification (Publications, Films And Computer Games) (Enforcement) Act, Prostitution Act, Second-hand Dealers Act, Pawnbrokers Act, Public Trustees Act, Adoption Act, Associations Incorporation Act, Business Names Act, Births, Deaths and Marriages Registration Act, Instruments Act, Land Titles Act, Registration of Deeds Act, Magistrates Court Act, Supreme Court Act—Attorney General (Determination of Fees and Charges for 2003/2004)—2003 (No 1) (without explanatory statement)—Disallowable instrument DI2003-90 (LR, 5 June 2003).
>
> Animal Diseases Act—Animal Diseases (Fees) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-107 (LR, 12 June 2003).
>
> Animal Welfare Act—Animal Welfare (Fees) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-106 (LR, 12 June 2003).
> Building Act—Government Building Certification (Fees) Determination 2003—Disallowable instrument DI2003-91 (LR, 5 June 2003).

Crimes (Forensic Procedures) Act—Crimes (Forensic Procedures) Amendment Regulations 2003 (No 1)—SL2003-11 (LR, 5 May 2003).

Cultural Facilities Corporation Act—Cultural Facilities Corporation Act 1997 Appointment to Cultural Facilities Corporation Board 2003 (No 1)—Disallowable instrument DI2003-112 (LR, 11 June 2003).

Dangerous Goods Act—
Dangerous Goods (Fees) (Bushfire Emergency) Determination 2003—Disallowable instrument DI2003-58 (LR, 1 May 2003).
Dangerous Goods (Fees) Revocation and Determination 2003 (No 1)—Disallowable Instrument DI2003-77 (LR, 26 May 2003).

Domestic Animals Act—Domestic Animals (Fees) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-97 (LR, 12 June 2003).

Emergency Management Act—Emergency Services (Determination of Fees and Charges for 2003/2004)—2003 (No 1) (without explanatory statement)—Disallowable instrument DI2003-92 (LR, 5 June 2003).

Epidemiological Studies (Confidentiality) Act—Epidemiological Studies (Confidentiality) Amendment Regulations 2003 (No 1)—Subordinate Law SL2003-9 (LR, 17 April 2003).

Fisheries Act—Fisheries (Fees) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-104 (LR, 12 June 2003).
Health Promotion Act—Health Promotion—ACT Health Promotion Board (Healthpact) Appointments (No 1) 2003—Disallowable instrument DI2003-69 (LR, 16 May 2003).
Independent Competition and Regulatory Commission Act—Reference to the Independent Competition and Regulatory Commission to investigate water sewerage and trade waste pricing for the period 1 July 2004 to 30 June 2009 and other water related matters—Disallowable instrument DI2003-70 (LR, 22 May 2003).

Land (Planning and Environment) Act—
Land (Planning and Environment) ACT Heritage Council Appointments 2003 (No 1)—Disallowable instrument DI2003-84 (LR, 2 June 2003).
Land (Planning and Environment) Determination of Matters to be taken into Consideration—Grant of a Further Rural Lease—2003—Disallowable instrument DI2003-85 (LR, 5 June 2003).
Land (Planning and Environment) Criteria for the direct grant of Rural Crown Leases 2003—Disallowable instrument DI2003-88 (LR, 5 June 2003).
Land (Planning and Environment) (Determination of Classes of Applications) Revocation 2003—Disallowable instrument DI2003-89 (LR, 5 June 2003).

Lotteries Act—Lotteries Act (Fees)—Determination 2003 (No 1)—Disallowable instrument DI2003-55 (LR, 24 April 2003).

Occupational Health and Safety Act—
Occupational Health and Safety (Fees) Revocation and Determination 2003 (No 2)—Disallowable instrument DI2003-56 (LR, 1 May 2003).

Occupational Health and Safety Council—Appointment 2003 (No 1)—Disallowable instrument DI2003-75 (LR, 26 May 2003).
Occupational Health and Safety Council—Appointment 2003 (No 2)—Disallowable instrument DI2003-76 (LR, 26 May 2003).

Public Health Act—Public Health—Notifiable Condition—Temporary Status 2003 (No 2)—Disallowable instrument DI2003-66 (LR, 8 May 2003).
Public Place Names Act—
Public Place Names 2003, No 4 (Street Nomenclature—Gungahlin)—Disallowable instrument DI2003-63 (LR, 1 May 2003).
No 60—17 June 2003 736Public Place Names 2003, No 7 (Street Nomenclature—Kingston)—Disallowable instrument DI2003-67 (LR, 15 May 2003).

Public Sector Management Act—
Public Sector Management Amendment Standard 2003 (No 3)—Disallowable instrument DI2003-49 (LR, 14 April 2003).
Public Sector Management Amendment Standard 2003 (No 4)—Disallowable instrument DI2003-53 (LR, 16 April 2003).

Race and Sports Bookmaking Act—
Directions for Operation of Sports Bookmaking Venues 2003 (No 1)—Disallowable instrument DI2003-72 (LR, 23 May 2003).
Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2003 (No 2)—Disallowable instrument DI2003-73 (LR, 23 May 2003).
Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2003 (No 1)—Disallowable instrument DI2003-74 (LR, 23 May 2003).

Rates and Land Tax Act—Rates and Land Tax (Certificate and Statement Fees) Determination 2003 (No 1)—Disallowable instrument DI2003-83 (LR, 30 May 2003).

Roads and Public Places Act—
Roads and Public Places (Fees) Revocation and Determination 2003 (No 1) (without explanatory statement)—Disallowable instrument DI2003-93 (LR, 12 June 2003).
Roads and Public Places (Fees) Revocation and Determination 2003 (No 2) (without explanatory statement)—Disallowable instrument DI2003-98 (LR, 12 June 2003).

Road Transport (General) Act—
Road Transport (General)—Declaration that the road transport legislation does not apply to certain roads and road related areas 2003 (No 3)—Disallowable instrument DI2003-50 (LR, 17 April 2003).
Road Transport (Third-Party Insurance) Amendment Regulations 2003 (No 1)—Subordinate Law SL2003-13 (LR, 29 May 2003).
Road Transport (General) (Parking Ticket Fees) Revocation and Determination 2003—Disallowable instrument DI2003-68 (LR, 10 June 2003).
Road Transport (Driver licences and related fees) Determination 2003 (No 1)—Disallowable instrument DI2003-78 (LR, 2 June 2003).
Road Transport (Vehicle registration and related fees) Determination 2003 (No 1)—Disallowable instrument DI2003-79 (LR, 2 June 2003).
Road Transport (General) (Road Safety Contribution) Determination 2003—Disallowable instrument DI2003-82 (LR, 30 May 2003).
Road Transport (General) Revocation of Instruments for Traffic Marshals 2003—Disallowable instrument DI2003-87 (LR, 5 June 2003).
Road Transport (General) (Fees) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-95 (LR, 12 June 2003).

No 60—17 June 2003 737 Road Transport (General) (Parking Permit Fees) (Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-108 (LR, 12 June 2003).
Road Transport (General) (Numberplate Fees) Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-109 (LR, 12 June 2003).
Road Transport (General) (Vehicle Impounding and Seizure/Speed Tests) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-110 (LR, 12 June 2003).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regulations—Road Transport (Public Passenger Services) Approval of Taximeter Standards 2003—Disallowable instrument DI2003-51 (LR, 17 April 2003).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulations 2003 (No 1)—Subordinate Law SL2003-12 (LR, 22 May 2003).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) (Bushfire Emergency) Determination 2003—Disallowable instrument DI2003-57 (LR, 1 May 2003).

Stadiums Authority Act—
Stadiums Authority Board—Appointment 2003 (No 1)—Disallowable instrument DI2003-60 (LR, 1 May 2003).
Stadiums Authority Board—Appointment 2003 (No 2)—Disallowable instrument DI2003-61 (LR, 1 May 2003).
Stadiums Authority Board—Appointment 2003 (No 3)—Disallowable instrument DI2003-62 (LR, 1 May 2003).

Taxation Administration Act—Taxation Administration (Payroll tax provisions) Approved Special Arrangements 2003 (No 1)—Disallowable instrument DI2003-86 (LR, 30 May 2003).

Taxation (Government Business Enterprises) Act—Taxation (Government Business Enterprises) Regulations 2003—Subordinate Law SL2003-10 (LR, 16 April 2003).

Territory Records Act—Territory Records Advisory Council Appointments 2003 (No 1)—Disallowable instrument DI2003-59 (LR, 28 April 2003).

Tree Protection (Interim Scheme) Act—Tree Protection (Interim Scheme) Instrument of Appointment 2003—Disallowable instrument DI2003-52 (LR, 22 April 2003).

Utilities Act—
Utilities (Water Restrictions) Regulations—Utilities—Water Restriction Scheme Approval 2003 (No 2)—Disallowable instrument DI2003-54 (LR, 28 April 2003).
Utilities (Approved Industry Code) 2003 (No 1)—Disallowable instrument DI2003-111 (LR, 10 June 2003).

Victims of Crime Act—
Victims of Crime—Appointment of Victims of Crime Coordinator 2003—Disallowable instrument DI2003-65 (LR, 8 May 2003).
No 60—17 June 2003 738Victims of Crime Regulations—Victims of Crime Appointment to Victims Assistance Board 2003 (No 1)—Disallowable instrument DI2003-81 (LR, 26 May 2003).

Waste Minimisation Act—Waste Minimisation (Fees) Revocation and Determination 2003 (without explanatory statement)—Disallowable instrument DI2003-96 (LR, 12 June 2003).

Paper—out of order petition

Mr Wood presented the following paper:

Pursuant to standing order 83A—Petition which does not conform with the standing orders—Duffy Shopping Centre refurbishment—Mr Cornwell **(**108 citizens).

An incident having occurred in the chamber—

MR SPEAKER: Order! People from the gallery should not enter the chamber.

Suspension of standing and temporary orders

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No 3, Assembly business, relating to the report of the Select Committee on Estimates 2003-2004 being called on forthwith.

Estimates 2003-2004—Select Committee
Report

Debate resumed.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (4.25): I will be brief. There are comments in the committee report to refer a matter to a select committee of privileges. The political approach of that recommendation and of those opposite is evident. It is evident in the tone and words of the report. It is also very evident in the leaking of the report this morning to the ABC. If there was ever a clear indication of the political nature of that recommendation, it was in the leaking of the report to the ABC. I also think it was pretty dumb to leak it in that way.

It is obvious that the opposition is just seeking to score points—it is entirely without foundation. I received careful advice and considered the matter very carefully before making the statement I made to the Estimates Committee with the recommendations from the report, because of the political nature of it, I say again there is no substance. However, since I at least respect the forms of the Assembly, I am not going to duplicate debate. I will save my strong rebuttal of this recommendation until, or if, the issue should ever arise again in this chamber.

MR CORNWELL (4.27): I rise to participate in this debate and to direct my comments to a few matters. I commend the committee in its recommendations 3.42, 3.45 and 3.47.

These relate to concessions which have not been applied to certain people in this community.

At 3.48, the committee notes that the bushfire levy has been withdrawn, and therefore some of the preceding paragraphs are redundant. Nevertheless, there was the withdrawal of the bushfire levy, for whatever reason—whether it proved to be too hard to implement; because it was too politically difficult; or perhaps because the Treasurer did not know how much money was in Treasury.

Irrespective of the reasons for it, the fact remains that the concept—the idea—of denying certain vulnerable people in the community some sort of concession because they were not pensioners is, in my opinion, unacceptable. I am, of course, referring to self-funded retirees.

There appears to be a philosophy in this chamber—certainly on the government's side—of "them and us". One could almost go so far as to say that all pensioners are worthy and all self-funded retirees are not. I do not believe any sensible person is prepared to accept that argument. And yet the evidence is very clear from this government. The rates and the bushfire tax were both targeted to deny low income self-funded retirees any reductions whatsoever.

In fact, it went a bit further than that because the government also allowed for people in housing trust properties to be exempt from the levy, irrespective of whether they were paying full market rent for their properties or not.

Mr Wood has provided me with information about this. There are 11,182 current rent accounts, with 1,940 people paying full market rent. Why shouldn't those 1,940 people have been charged the bushfire levy, if it had gone forward? I suggest there is no reason whatsoever why they should not have paid it. How do we know what sort of money they may be earning if they are paying full market rent? They could be earning $100,000 a year. Why should they be exempt? I don't believe that, as far as equity is concerned, the government has demonstrated anything like the fairness that should have been applied.

I am pleased, of course, that the bushfire tax has been removed, if only to save a great many people, who may be asset rich but cash poor, the demands placed upon them by a government that talks a great deal about equity but rarely practises it in this place.

I would like to go a little further into the report and discuss 4.50—supported accommodation. This is an extraordinary situation, members. Mrs Cross referred to it in question time today. Mr Corbell, the planning minister, said that there were special features for people 60 years and older, and that there was no consistency across the territory for people who are accommodated in supported accommodation. Certainly all the people I have spoken to—the churches and the various groups involved in providing supported accommodation for the aged—believe it should begin at age 55 and not age 60.

What has happened over at St Anne's Convent is simply bizarre. The developer has been told that all people entering the place must be 60 years of age or more, not 55—and told after the event. Thus the developer estimates losing some 30 per cent of potential clients.

An extraordinary statement from the minister was published in the *Canberra Times* on 5 June. It says that planning minister Corbell said PALM was in the process of developing guidelines for supported housing, but they were yet to be finalised. Why apply them to St Anne's Convent if they have not yet been finalised? It simply does not make sense. I have written to the minister asking that very question, among others, and I look forward to a response. It is not the role of Planning and Land Management to involve itself in age discrimination. I suggest it withdraws from this type of social engineering, for which it has no place.

I now refer briefly to the question of aged care places. I welcome the 65 aged care places for Calvary Hospital and I welcome the sub and non-acute aged care facility which has been flagged in this budget.

Minister Corbell recently responded on radio to some of my comments—what I said was not a beat-up, Mr Corbell—in relation to $12 million being lost by this government because it allowed people to remain in hospital when they should have been in one of these 65 aged care places at Calvary Hospital, if only this government could have agreed with Calvary on the site.

For 18 months, some 20 to 30 people languished in hospital beds. The rate per day is $968 for less than 35 days in a hospital setting. That is $968, compared to the highest rate in a residential aged care setting of $203.95. If you do your sums and multiply 30 people over 18 months, you will find that some $12 million has been wasted. That is the difference between those two figures.

That is a scandal—it is not a beat-up. I would urge the minister to come forward, as a matter of urgency, and let us get these 65 beds into action as soon as possible. Similarly, I hope that the total of 60 beds in the sub and non-acute aged care facility come on line no later than the completion date of December 2004. With a little attention to this important matter, we might be able to get them on line a lot faster than has been laid down.

We do need more retirement accommodation. We do need more retirement villages, and I therefore commend the recommendations at 9.27 and 9.29 in relation to these increasingly important facilities.

MRS BURKE (4.37): Mr Speaker, I want to make a few general comments about the estimates process. This morning, we heard many things from the chair of the committee, leaving many questions unanswered in my mind. Particularly concerning is the viability of the budget data. How reliable is the information? Can we trust the accuracy of this budget? Is it sustainable? Many questions lie unanswered, and the devil is always in the detail.

I am concerned at the contemptible behaviour of some ministers, who wanted to dictate to the committee what they would and would not talk about—or the release of certain information which was very relevant to the committee and to the community at large. That is hypocritical, given that this government continually hounded the Liberal Party for behaviour of that sort. That is interesting, isn't it, now that the boot is on the other foot?

Why did this government deem it fit to undermine the estimates process? That is the question in my mind. Why would they be doing that? When they vigorously stated that they were going to be an open, accountable and transparent government, are they now refusing to live by their own words? May they eat them for tea!

New initiatives seem to be thin on the ground. We have heard many people referring to the fact that indeed they were not new initiatives at all, but continuations and extensions. It seems, from an overall perspective, that we are paying more to receive less.

I am concerned at the big cloud that still hangs over the now well-publicised and well-documented $10 million Treasurer's advance. I am still scratching my head, wondering why that was done—and after finding out that only $2.1 million has been spent so far, it is rather disturbing.

In respect of the scratchies scandal, I am dreadfully sad that the government sees this as such a laughable matter. It is a despicable way to decide on the future of someone's home. It falls into the category of tossing a coin. It is shameful and despicable. Indeed, the way the survey questions were couched suggests that this government could already know the fate of Currong apartments. We will wait and see.

The fact that there is no new funding forthcoming to address the situation of housing for young people is disturbing. We have heard about the territory's windfall. Let us hope some of the windfall money will be directed that way, as a matter or urgency. I hope to see the Housing Minister lobbying the cabinet in this direction.

I note with alacrity page 8 of the report—and pick up on Mr Hargreaves's comment this morning that the shadow ministers were not present. I refute that totally, given that we all have the opportunity to work in our rooms and watch proceedings through closed-circuit TV.

Mr Cornwell: I did not see him there!

MRS BURKE: No, you did not see him—that is true. There were times when I was there and Mr Hargreaves was not, but I am not going to go on about that. I refer Mr Hargreaves to the fact that, on page 8 at 1.47, the Minister for Disability, Housing and Community Services tabled a number of replacement pages for Budget Paper 4, relating to information in output classes at the commencement of the evidence from that department.

That is not good enough. How were we to then ask questions, constructed and structured properly, and get sensible answers? We were unable to ask those questions, due to the late or amended information. Even then, I had to say I was rather disturbed to find that the minister referred most questions on to others. I have his excellent department's views but not the views of the minister—what a shame!

Overall—sad to say—the estimates process has revealed a lacklustre, dull, sloppy and careless budget, with little to no innovation or vision, and very few new initiatives.

I was also disappointed—from the perspective of young people transitioning into the workplace—that there are very few school-to-work initiatives. There is great news for the development of policy for career guidance—I concede that—but it is a lot of policy department work. It does not seem to be actively giving anything out in the community. I would suggest there was little or no effort put into encouraging business to be more actively or proactively involved with our schools and colleges. Where are the programs that encourage and stimulate greater partnerships with our business sector?

On another youth issue, I would strongly urge, and hope that the government takes notice, that direct funding for youth workers be aimed at the existing community-based workers, rather than throwing the baby out with the bathwater. These workers, who provide a valuable role in service to our young people, must remain at arm's length from the schools—for obvious reasons. I ask the government to take note of the committee's very sound and sensible recommendation in that respect.

Mr Speaker, I am concerned with the attitude that has been adopted by this government towards Volunteering ACT. It seemed that the Chief Minister had gone into hiding on this matter. I understand that a less than helpful or productive meeting was held today between the Chief Minister's Department and Volunteering ACT, but with no promise of funding levels being restored, which is quite sad. I would strongly urge the Chief Minister to allow what I can only concede to be pride to take a back seat, and consider the ramifications of such negative actions.

Further, I am most concerned about the impact this decision will have upon the compact. Many of you may remember that there is an excellent document out between the government and the community sector. Volunteering ACT was one of the linchpin groups of this compact. It will be disturbing to find what will happen now. This compact is about a shared vision. I believe this will be severely hampered if funding levels are not restored.

I commend the committee for coming to the point where groups need to be able to have input. Mr Daniel Stubbs, from ACTCOSS, made the point very articulately and succinctly that community groups needed to have input sooner rather than later, to better advise the government of its needs, rather than the government telling them what they are getting, based on guesswork and assumption.

There is one other thing I would bring to this Assembly's notice in respect of Volunteering ACT. In Mr Stanhope's address at the launch of the Agenda for Volunteering for the ACT Community 2003—2007, his words were:

> In the ACT, there are more than 100,000 Canberrans, young and old, who are involved in volunteering in one way or another. This is the highest participation rate for volunteering for any State or Territory in Australia.

And we cannot even find them another $50,000—shame! It continues:

> A truly remarkable commitment to our community.

Mr Stanhope went on to say:

> But if we are to continue to maintain this level of dedication, and encourage new volunteers, it is crucial that we find ways and means of supporting, training and nurturing the volunteer ethic.

I suggest that Mr Stanhope take a leaf out of his own book when he quoted George Bernard Shaw, who said:

> This is the true joy in life, the being used for a purpose recognized by yourself as a mighty one, the being thoroughly worn out before you are thrown on the scrap heap, the being a force of nature instead of a feverish little clod of ailments and grievances complaining that the world will not devote itself to making you happy.

I implore the government and, in particular, the Chief Minister to consider their decision for Volunteering ACT.

I commend the committee on their work, Mr Speaker. I commend the secretariat, too, for the hard work that has gone into this—some 90 hours of work and 12 hours of deliberation. I think they deserve a medal and I appreciate their efforts.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (4.46): For all that, I suppose this is an annual event, an annual set piece, a time to roll out the superlatives—a superlative fest. I have to congratulate the Leader of the Opposition. It is the first time I have heard a string of superlatives given in his own report, before he gave the negative superlatives to the budget. I think he described his report as remarkable. When you come down to it, there is not a lot said.

I must respond to Mrs Cross, who, by some convoluted logic that I cannot follow, inferred that I somehow exonerated Mrs Carnell. Let me go on record as saying that Mrs Carnell was involved in the expenditure of non-appropriated funds and was directly involved in the arrangement of an overnight loan that could have had no other purpose than to disguise the first misdemeanour. Forget all the other accusations levelled in the 13 or 14-part audit report. Don't forget them as in letting her off—but there is sufficient in that.

I want to talk only about matters relating to the budget itself and a few of the first recommendations. I thank Mr Smyth for allowing me the opportunity to address those in question time. They talked about bringing us up to date. I made the point that it is a moveable feast and that there is some commonsense in periodic reporting and, I believe, in the reporting of major shifts, should they occur from time to time. Other than that, it is just not possible to keep a meter operating.

I notice that Mr Cornwell has become the champion of self-funded retirees. I guess, Mr Cornwell, you are looking for a constituency, to get through again. Is there something wrong with your retirement plan that you need to hang in another time?

Mr Cornwell: No—it is called justice.

MR QUINLAN: I do not know what is meant by "low income self-funded retiree".

Mr Cornwell: You have never bothered to find out, have you?

MR QUINLAN: The term has only occurred now.

Mr Pratt: Not as low as your low personal attack on Mr Cornwell, obviously.

MR SPEAKER: Order members; Mr Quinlan has the floor.

MR QUINLAN: That is brilliant, Mr Pratt. There are concessions for low income earners. For people on low incomes, concessions exist. Is this report saying we should have a special class of people who can receive more than the threshold that would apply to others but, because they are self-funded retirees, they can get concessions where people on the same income as them cannot? I do not think that would be justice. It might be your cockeyed idea of justice, Mr Cornwell, but I do not think that would be justice.

That is the only thing I can infer from what you have said. I am happy to hear some specifics, but I can only infer that somehow there is going to be a different class of people who are more entitled than others. That is the only way I can reconcile that.

I note this morning's discussion in relation to privilege and leaks of information. I would refer to what I perceive as a couple of common elements when you think through why something might happen. The first is motive, and the second is previous form. I cannot see that members on this side of the house would have had any motive whatsoever. On the other hand, Mr Smyth has tried to make a media event of things, inviting the media into committees without even telling other members of the committees, for example. Methinks he doth protest too much.

Mr Smyth: I have not protested at all; you are the ones who have been protesting.

MR SPEAKER: Order, Mr Smyth!

MR QUINLAN: I detected a pre-emptive protest, Mr Smyth. I detected a pre-emptive strike when the question was asked this morning. I thank members because I cannot recollect, through the course of the day, any resounding criticism of the budget. It has stood up and it has received a good reception out in the community. If you strip away the need of the opposition to make estimates the event it is, nothing much has been said against it today.

I am disturbed. I have avoided this topic, but we referred to questions on bushfires and whether or not they should be answered. For some time I have sat in this place, biting my tongue at the way the opposition has, I would say, done nothing other than skulked around this issue, wondering how far they can go to try and glean some morsel of political capital out of the process, without having to recognise that many of the structures that were in place to meet this bushfire were the same structures that were in place before. Nothing had been said before the event.

There are people's reputations, futures and standing in the community at stake. This has, to my mind, been a relatively grubby process. The word "grubby" Was used earlier

today, in referring to style, and it is starting to become a constant which I see as unfortunate.

As I said, it is one of those Assembly events that happens each year. Roll out the superlatives, do a dramatic, "How bad is this?" Mrs Dunne's performance probably got the Oscar today, for flamboyance and exaggeration. However, I thank members overall for what one can distil as a reasonable acceptance of the budget as it stands.

MR SMYTH (Leader of the Opposition) (4.54) in reply: I thank members for their input on the debate. I rise to give a couple of thank yous that I did not get the opportunity to give before, as time ran out.

The secretary of the committee was Mr Derek Abbott, and the administration was carried out by Ms Judy Moutia. I believe it is important that the Assembly and the community it serves understand the work that was done.

In particular, Judy handled more than likely the largest number of questions in a given period of time that any human being has handled—the Assembly or any other jurisdiction in the country. There were probably close to 400 questions, whether taken on notice or put on notice. All those questions were processed by Judy. I would like to thank Judy for the way in which she has done that process and kept up to date. The list continued to grow. When she received the answers, they were distributed to members quickly, which is something for which we should be grateful.

To Mr Abbott, the secretary, I offer my personal thanks, and I offer thanks on behalf of the community. I also offer the committee's thanks for the way Derek organised things and conducted himself during the hearings of the committee. He managed to keep a straight face through the 90-odd hours of hearings—or most of it. The phase last evening of going through it line by line was a somewhat different process. However, with almost 12 hours of deliberation, the secretary has served us well.

We went home some time after midnight. Some people did not go home until after 1.30 am, although I was out of the building earlier. Mr Abbott did not leave here until about 3.30 am. Having been involved in almost 12 hours of deliberations, he then stayed and did three hours of corrections to the draft and was back again very early this morning so that, by 8.30 am, he was able to deliver something to the committee that we could work our way through.

Mr Abbott has kept the minutes up to date and made sure the documents were ready for presentation. I apologise to members for the non-tabling of the report as I spoke, and I apologise for the time it took to table it. Apparently, we managed to burn out two photocopiers between the committee signing-off just after 9 o'clock and the time the report was made available to all members. When I spoke, I used my draft copy because even I did not get one. We had one copy to table. Again, it is a credit that we managed, even in the face of hardship this morning, to cope with the difficulties.

To Mr Abbott, I offer my profound and sincere thanks for the work he has done over the past six or eight weeks in getting ready, conducting, and wrapping up the committee. I move that the report be noted.

Question resolved in the affirmative.

Planning and Environment—Standing Committee
Report No 16

MRS DUNNE (4.57): I present the following report:

> Report No. 16—Draft Variation No 206 to the Territory Plan—Commercial B2C (Group Centres) Land Use Policies—Calwell Blocks 2, 5 and 6 Section 72 and Chisholm Block 7 Section 598, dated 9 May 2003, together with a copy of the extracts of the relevant minutes of proceedings.

The report was circulated to members out of session. I move:

> That the report be noted.

This draft variation arose as a result of the group centres variation 158, which was tabled in this place last year. In an attempt to amend parts of that variation on the floor, the minister, rather than amend it, made an undertaking that we would come into this place with a new variation, and this is the result of that.

The underlying motivation is to make available adaptable housing in response to the apparent shortage of such housing in South Tuggeranong. The housing would be designed in a manner whereby it can easily be modified at some future time, to meet the changing needs and capabilities of older persons and people with disabilities. I feel this is a bit of deja vu, Mr Deputy Speaker, because the minister has already presented the government response to that. I commend the report to the Assembly.

Question resolved in the affirmative.

Report No 17

MRS DUNNE (4.57): I present the following report:

> Planning and Environment—Standing Committee—Report No. 17—Draft Variation No. 150 to the Territory Plan—Deakin Blocks 14 and 15 Section 36 [Former Deakin Oval Sports Ground] Proposed Residential & Urban Open Space Land Use Policies & Changes to the Public Land Overlay, dated 16 June 2003, together with a copy of the extracts of the relevant minutes of proceedings

I seek leave to move a motion authorising the report for publication.

Leave granted.

MRS DUNNE: I move:

> That the report be authorised for publication.

Draft variation 150 concerns the former Deakin Oval sportsground—technically blocks 14 and 15, section 36, Deakin. As you would be aware, Deakin Oval has been the subject

of discussion and debate on a number of occasions in this place since 1998. The negotiations for redevelopment of the land leased by the Croatian Deakin Soccer Club began in 1998 and have involved intensive consultation with members of the community, the Burley Griffin Local Area Planning and Advisory Committee, other government agencies and members of the Assembly.

It was in 2000 that the then government made an agreement with the Croatian Deakin Football Club Incorporated to give it a new concessional lease over the oval and the grant for adjacent land for residential units. I will not labour the chronology of events which have overtaken this development proposal. Needless to say, it has had a contentious history over some five years.

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.

MRS DUNNE: The committee recommends that draft variation 150 be adopted so the period of uncertainty for both the community and the developers can cease and the project can move along. The committee particularly refers members to chapter 3 of its report, as there are lessons to be learned by both present and future governments from processes that attended this project.

The manner in which these processes have been transacted, in fits and starts over five years, has left this committee with its ability to objectively consider the land-use policy somewhat compromised. The issues have become clouded by matters relating to the process.

The committee also recommends that this draft variation, when adopted, be accompanied by attention being given to the safety aspects of adjacent and adjoining blocks in Deakin, as suggested by the Administrative Appeals Tribunal in its decision of 20 March this year. I commend the report to the Assembly. I move:

> That the report be noted.

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

Report No 18

MRS DUNNE (5.04): I present the following report:

> Report No. 18—Draft Variation to the Territory Plan No 207—Oaks Estate Section 7 Blocks 4, 5, 6, 9 to 14; Section 10; Section 12 Blocks 23, 24, 25; and Section 15 Blocks 1, 2, dated May 2003, together with a copy of the extracts of the relevant minutes of proceedings.

The report was circulated to members out of session on 5 June. I move:

> That the report be noted.

Members will note that the minister responded to this report earlier today. Draft variation 207 is the first Territory Plan variation applying to the Oaks Estate area. A review of

planning requirements and land use issues for Oaks Estate commenced nine years ago, with PALM releasing its Oaks Estate planning study in 2001. This study recommended reinforcing the village qualities of Oaks Estate and forging a link with the heritage railway station in Queanbeyan whilst, at the same time, providing a buffer between the village and heavy traffic on Railway Street and potential development on adjacent land in Queanbeyan.

The draft variation responds to the study and the need for opportunities for mixed development and the current commercial leases in Oaks Estate. If adopted, as it has been, it will allow for a range of commercial and light industrial uses in conjunction with residential use.

I will make a personal note here. Over the past six months or so, my office has dealt extensively with problems of leasing which have arisen from the lack of planning in Oaks Estate. I hope that the tabling of this report and the government response will go a long way towards rectifying the leasing problems which have arisen in Oaks Estate, hence ending the anxiety of leaseholders there.

The committee recommends that draft variation 207 be adopted so that planning can occur in a strategic framework, instead of the piecemeal approach which has persisted in previous years. The committee also believes that the process for the Oaks Estate master plan should begin immediately. I note that the minister has made the undertaking that it will happen as a priority. I look forward to a successful outcome of that master planning process for the benefit of all the people of Oaks Estate, and recommend the report to the Assembly.

MRS BURKE (5.07): I thank my colleague, Mrs Dunne, for her statements on Oaks Estate. I am pleased to congratulate the government, too, and welcome the government's response on this. I appreciate the work the committee has done on the report, and the time taken.

Given that members of the Oaks Estate community often feel like forgotten people, I am pleased to see this move forward. It has taken some considerable time since 2001, when things were ticking over. It has been going on for years, as we have heard. Notwithstanding that, I congratulate the planning minister and the committee for their work and look forward to the developments happening in Oaks Estate down the track.

Question resolved in the affirmative.

Report No 19

MRS DUNNE (5.08): I present the following report:

> Planning and Environment—Standing Committee—Report No. 19—Draft Variation No. 210 to the Territory Plan—Deakin Section 35 Block 2 (site of Former Deakin Motor Inn) and Section 35 Block 28 (Canberra West Bowling Club, also known as the West Deakin Hellenic Bowling Club) Commercial E Policy and Residential Use, dated 16 June 2003, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MRS DUNNE: I move:

> That the report be authorized for publication.

Question resolved in the affirmative.

MRS DUNNE: Draft variation 210 concerns the site of the former Deakin Motor Inn and the Canberra West Bowling Club, also known as the West Deakin Hellenic Bowling Club. Draft variation 210 is fundamentally about allowing the current owner of these sites to proceed with residential redevelopment. The area of approximately three and half hectares, which is the subject of the draft variation, has undergone an extensive public consultation process.

The committee generally agrees with the thrust of draft variation 210 but cautions that any future variation for Deakin should be consistent with the Deakin neighbourhood plan and the local area master plan, yet to be developed.

The committee is recommending that draft variation 210 be adopted, in the hope that the redevelopment of the area will provide an opportunity for renewed economic viability for the lessees of the motor inn and the bowling club respectively. It is hoped that its adoption will ensure consistency with the general land use structure of the West Deakin area, while still allowing predominantly residential developments, and allow the development of multi-unit housing on both sides, with the bowling club to be retained.

The committee has included a number of caveats in its recommendations for the adoption of draft variation 210. These caveats cover such matters as landscape, traffic flow, parking issues, design issues, the size limit of shops and the number of storeys in all new developments. I commend the report to the Assembly. I move:

> That the report be noted.

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

Legal Affairs—Standing Committee
Scrutiny Report No 32

MR STEFANIAK: I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No. 32, dated 15 May 2003, together with the relevant minutes of proceedings

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 32 contains the committee's comments on 13 bills, 20 pieces of subordinate legislation, one interstate agreement and nine government responses. The report was circulated to members out of session. I commend the report to the Assembly.

Report No 33

MR STEFANIAK: I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No. 33, dated 5 June 2003, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 33 contains the committee's comments on two bills. The report was circulated to members out of session. I commend the report to the Assembly.

Firearms (Prohibited Pistols) Amendment Bill 2003

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

Title read by acting clerk.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (5.12): I move:

> That this bill be agreed to in principle.

The Firearms (Prohibited Pistols) Amendment Bill 2003 will amend the Firearms Act 1996 and Firearms Regulations to give effect to an agreement late last year by the Council of Australian Governments to place greater restrictions on access to certain types of pistols. COAG endorsed resolutions of the Australian Police Ministers Council, the purposes of which were to restrict access to pistols, which are: easily concealable, high powered and/or have a significant magazine capacity.

All jurisdictions are in the process of amending their legislation to implement the COAG decision by the agreed deadline of 30 June 2003, so that the new laws will apply from 1 July this year.

Under the existing firearms legislation, persons are able to obtain a licence to possess a pistol for the purpose of business, employment, sport, target shooting or collecting. These amendments will place further restrictions on access to certain types of pistols—referred to in the bill as prohibited pistols—for sport or target shooting, and impose additional requirements where such pistols are collected.

Prohibited pistols are those which are: greater than.38 inch in calibre; for revolvers or single action pistols, pistols with a barrel length less than 100 millimetres and for semi-automatic pistols; those with a barrel length less than 120 millimetres; or pistols with a capacity of more than 10 rounds of ammunition.

These types of pistols have been targeted because, due to their firepower, capacity or small size—and hence readily concealable nature—they are seen as potentially the most dangerous, in the wrong hands, within the community.

Once the amendments commence, prohibited pistols will only be able to be used in sport and target shooting for a limited range of events—those known as "metallic silhouette" and "single action". Metallic silhouette involves shooting at large metal outlines of animals over a distance—hence the need for high-powered pistols. Single or "western" action events require "American wild west handguns" such as Colt 45s, and involve participants wearing period costume in replications of western style shoot-outs.

Australian governments have also agreed that certain highly specialised target shooting pistols will be able to be used in approved events, such as certain Olympic shooting events. The rationale for restricting these pistols to use in the identified events is that, for other shooting events, it is possible to use different, less potentially dangerous, firearms.

As well as restricting the sport and target shooting events for which prohibited pistols can be used, there will be tighter controls on collecting pistols of this type. In particular, a person who wishes to collect a prohibited pistol manufactured after 1946 will need to demonstrate his or her bona fides as a "student of arms" by showing that he or she researches or otherwise studies pistols of this type. Any such pistols collected will be required to be rendered temporarily inoperative.

In addition to placing greater restrictions on the purposes for which prohibited pistols can be possessed or used, the bill will implement a much more stringent regime of access to these firearms by those starting out in the sport of pistol shooting. There will be a graduated period of access to prohibited pistols over a 12-month period, with no pistol ownership permitted for the first six months.

Clubs will need to obtain a police check of prospective members, as well as two character references, information about applicants' other club memberships and the firearms they own. In future, sporting shooters who use pistols will be required to participate in a minimum number of club-organised events in each 12-month period, including different events for the different types of pistols the shooter is licensed to possess and use. Clubs will be required to provide a return to the Registrar of Firearms, including details of the participation rates of members.

These reforms will assist in identifying persons who are licensed to possess a prohibited pistol but who do not demonstrate a genuine involvement with, or commitment to, the sport. The object of the reforms being implemented across the country is a safer community, by ensuring that only those who can show their bona fides for having access to the most dangerous type of handguns can have that access. Even if a person can show a good reason to have a prohibited pistol, such as sport shooting or collecting firearms, if

the person is not a fit and proper person to be in possession of a pistol, there is clearly a need to ensure that this comes to the attention of licensing authorities, or other relevant authorities.

A number of the new provisions in the act will address this. These include the following provisions: requiring a shooting club to let the registrar know if a person who is licensed to use a prohibited pistol has his or her membership suspended or cancelled; requiring a club to alert the registrar if there is reason to believe a member is a danger to himself or herself, or the community; and new provisions extending immunity from suit. That is currently limited to medical practitioners and other health professionals who report concerns about a patient's fitness to have access to a firearm.

The amendments to the act will also provide for a buyback of prohibited pistols. Some persons who are presently licensed to possess such pistols may, as a result of the amendments, cease to be entitled to a licence. Provided the pistols concerned are surrendered before 1 January 2004, the owners of those pistols will be entitled to compensation for the surrendered pistols.

COAG has agreed that the buyback will be initially funded from $15 million left over from the last firearms buyback, which followed the Port Arthur tragedy. The arrangement is for the cost of the buyback to be shared on a two-thirds/one-third basis, with the Commonwealth paying two-thirds and the ACT one-third.

The buyback will be based on a nationally-agreed list of values for prohibited pistols, major parts and accessories. The dispute resolution provisions in the regulations are based on an independent valuation panel considering any dispute. Generally, shooting and other firearms club representatives have been supportive of the proposed changes. However, it is no secret that there is some dissatisfaction that the COAG decision is to limit the events for which prohibited pistols can be used to the two I mentioned earlier.

I am aware that lobbying is continuing in other jurisdictions on this issue, but I remain to be persuaded of the need to depart from what COAG agreed, and I note that that is what New South Wales is proposing to implement. I think there would be problems if the ACT were to differ substantially from our New South Wales counterparts on this point.

I am satisfied that the amendments made give effect to what COAG agreed, and represent an appropriate approach to the circumstances in which persons should be able to have access to potentially dangerous firearms. I commend the bill to the Assembly.

Most members on the crossbenches and government spokespeople have been briefed on this, but please look for more briefings. I brought this in today—rather than Thursday—following the earlier briefing, to enable you to have a good look at it, because we wish to get this through by Thursday of next week.

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

Suspension of temporary and standing orders

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No 2, Executive business, relating to the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003 being called on forthwith.

Bushfire Inquiry (Protection of Statements) Amendment Bill 2003

Debate resumed from 8 May 2003, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

Question (on motion by **Mr Stefaniak**) put:

That the debate be adjourned.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Resumption of the debate made an order of the day for the next sitting.

Bushfire Reconstruction Levy Bill 2003

Debate resumed from 6 May 2003, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

Motion (by **Mr Quinlan**) proposed:

That order of the day No 1, Executive business, be discharged from the Notice Paper.

MR SMYTH (Leader of the Opposition) (5.27): The opposition welcomes the removal of this levy. We maintained, right from the start, that there was absolutely no need for it. We maintained that, given the fact that Canberrans had already paid emotionally, physically and financially—through the enormous amounts of cash, goodwill, goods and possessions already donated to various appeals—this was nothing but a grab for cash.

Questions on notice and questions in estimates have clearly flushed the Treasurer out, with the acknowledgement that the surplus was closer to $100 million than $60 million.

We will see what the end of year number is by the end of September, when the final figures emerge. I simply wanted to make the point that the opposition has always been opposed to this levy. We welcome the removal of this levy, as an indication that the budget is as strong as we said it was.

MS TUCKER (5.28): Unlike Mr Smyth, I am disappointed that the government has decided not to impose the fire levy. It was something I was prepared to support. Mr Quinlan seemed to be under the impression that the Greens were opposing this levy. I do not know why, because we always said we would look at it.

I was interested to see, through estimates, support for the government's claims that many of the costs imposed on the community by the fires are not going to be covered by insurance. Once again, we have just heard an estimates debate where we see unmet need not being dealt with.

I find that hard to understand, when there is goodwill from the community to support a revenue-raising measure such as this. I saw support for the levy from the business community as a whole, from the social sector and the community in general. Of course, there were some individuals in the community who did not want to pay it. Nevertheless, on the whole, the feeling was that the levy was a reasonable thing and that, as a community, we could work together to try to deal with the extra costs.

I understand that the levy would not have been a recurrent source of revenue, but that does not mean there could not have been good things done with that money. We have to pay for the cost of the fires. In fact, we will be paying for some time to come, particularly in the environmental area. There was an opportunity here to, in some way, contribute to those extra costs.

Once again, we had the government saying it was not able to deal with the unmet need in housing, for example. That is about capital works. There was the potential for the government, if it has so much money now, to have accepted the reason it put in the first place for this levy—that was that these were extra costs imposed on the ACT. I do not understand why it suddenly had to change its position, when the community was supportive and we have so much unmet need. We could have spent money on the community.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.30): In response to the Leader of the Opposition, it is clear that the opposition has set out on a path of effectively saying no to anything the government is doing. If we ever do change anything, you are bound to be right, because you have taken a most negative approach since coming to the opposition benches.

To Ms Tucker, let me say that, if I have the wrong impression, thinking that you were at one stage against this, I apologise. I have a recollection of, after an article in the *Canberra Times* saying, "Bang, bang, bang. This is not going to get up—it is going to be difficult."

Mr Smyth, you have made the concession that this is not recurrent expenditure and that we cannot set up ongoing programs on the basis of this because, effectively, it has been

paid for by a one-off windfall from land sales. That had not occurred when the budget was put together. At the end of the day, if we are putting in place a levy to offset the costs of the bushfire and it is then found that it is not necessary to do that, then I believe we owe it to the people of Canberra to not apply the levy.

We are happy to involve ourselves in debate on taxation levels and programs we might implement as a result of taxation levels. However, as things have worked out, that is not required to get us through the calamity of the bushfires. Therefore, I do not think that, in all honesty, we can apply it.

Question resolved in the affirmative.

Adjournment
Business

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (5.33): Mr Deputy Speaker, I move:

> That the Assembly do now adjourn.

Mrs Dunne: Why? We're supposed to be going through until 7 o'clock.

MR WOOD: Mr Deputy Speaker, I am caught out here. I thought it had been agreed that executive business Nos 3 and 4 fall off the paper.

MR DEPUTY SPEAKER: So had I, minister.

Mrs Dunne: No, we said we would go through till 7 o'clock.

MR WOOD: Seven o'clock or earlier is the rule. We finish when we do, but we finish by 7 o'clock. Mr Quinlan, I don't think, is prepared for the Gaming Machine (Cap) Amendment Bill.

Mr Quinlan: Yes, I am.

MR WOOD: Do you want to take it? Okay. Mr Deputy Speaker, I seek leave to withdraw the motion before the house.

Motion, by leave, withdrawn.

Gaming Machine (Cap) Amendment Bill 2003

Debate resumed from 3 April 2003, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR STEFANIAK (5.34): Mr Deputy Speaker, a lot of what I would have said in my speech in relation to this bill I will leave till tomorrow when I'm introducing a substantive bill as a result of the Speaker's ruling on the last occasion.

This bill now is a fairly simple matter of just extending the cap. The government wants two years. I think Ms Dundas has, as Ms Tucker has, a motion to restrict that to one year. I indicate the opposition will be supporting this.

I think Ms Dundas has one other amendment, which is allowed by Mr Speaker, in relation to the actual cap itself—restricting it to 5,068, which is the current number of machines. At this stage I'd indicate that the opposition won't be supporting that because that, as much as anything, conflicts with something we're seeking to do tomorrow.

The cap was introduced by the previous Carnell government. At the time I think there were about 4,900 machines out there; the cap was 5,200. I think it has worked well. The government is seeking to extend the cap for two years. Obviously the cap does need to be extended. We feel two years is too long; we feel the government is simply duckshoving its responsibilities until past the next election.

The gaming commissioner has conducted a very wide-ranging and extensive review, with, finally, that report which was tabled in, I think, February or so of this year. I note it probably should have been tabled in about October. There was some consternation amongst key players in the industries that are affected as to why it wasn't tabled then. However, it was tabled. The government is yet to make its response.

It recommends a number of significant changes which will require fairly significant legislation. The opposition feels it is appropriate that that is dealt with by this Assembly and not palmed off, fobbed off, until after the next election. There are some difficult decisions to be made, but that I think needs to be done by this Assembly. Therefore, the amendment to have the sunset clause extended for only 12 months makes a lot of sense.

It also makes a lot of sense too in that we're now seeing a spate of applications by licensed clubs—and new licensed clubs, at that—in terms of additional machines. We have new clubs—for example, out in Gungahlin—and of course existing clubs sometimes wish to expand.

We're also seeing, sadly I think in some ways, a number of clubs actually fading from the scene—clubs that have served our community very well. It is always sad to see some of those clubs go. In particular, in recent times we have seen some ethnic clubs go. That also indicates perhaps that some machines might be handed back. I understand a club in Dickson has a number of machines—I'm uncertain as to this— that they actually are in the process of handing back. That, again, might affect the actual cap.

Currently, Mr Deputy Speaker, there are 5,068 machines; 5,002 are class C gaming machines; 66 are class B machines, which are the draw poker machines; 60 of those are in six hotels, which are entitled to them, having accommodation requirements that satisfy the act; the remaining six are out in the clubs. Because of this act and the way it has been administered over the years, and despite the view the opposition has as to some unfairness there, all the class C machines are out there in the clubs. That is another issue for tomorrow.

Mr Speaker, the opposition will be supporting the extension of the cap, but we will be supporting it for 12 months.

I should note at this stage that the figures which we're dealing with today might change. I understand a club has been given permission to have 12 machines. I also understand that there are appeal provisions which can be applied and which might apply here. I understand it has asked for a different number than that. That may or may not actually affect what occurs. But I do put on the record that my understanding is that another 12 machines have been allowed for allocation, but that could be subject to appeal.

In closing, the opposition will be supporting this bill and will be supporting the 12 months extension rather than the two years.

MS DUNDAS (5.39): This bill is a stopgap measure to prevent further proliferation of pokies in Canberra. It is a simple extension of the cap that was introduced in July 1998. For the past five years, successive governments have promised a comprehensive review of the gaming machine legislation to result in a new, modern, regulatory framework for gaming machines in the ACT. Yet so far no new framework has been developed.

The cap was originally proposed in 1998 to place an upper limit on the number of poker machines in the territory, while the necessary changes were made to the regulatory environment. A sunset clause was added the following year allowing the provision to expire in 2001. It was then extended in 2001 and again this time last year, when the minister stood up and told this Assembly that he needed an additional 12 months to provide us with a properly considered regulatory plan.

Instead we have nothing except a bill to extend the cap past the next election while the government twiddles its thumbs. Honestly this is not good enough. Why does the government need two more years to come up with a regulatory proposal? I understand that regulating poker machines is a complicated business, but it's not so complex as to take a further two years to review.

We've already had an Assembly inquiry and two Gambling and Racing Commission reports, which the government has had for the last six months. I do ask: what is the hold-up?

I have put forward a number of amendments to this bill that will help prevent inappropriate proliferation of poker machines while we wait yet again for the government to do the necessary work. I do not think the government needs an additional two years to finalise their ideas, so I want the extension on the cap limited to a year. One additional year should be more than enough for a government that is committed to reform.

Canberrans lose over $220 million a year to gambling, and nearly three-quarters of this is through poker machines. Poker machines remain the most popular form of gambling for problem gamblers in the ACT.

According to the survey on the nature and extent of problem gambling in the ACT, some $30 million is lost by problem gamblers on poker machines each year, or about 20 per cent of total poker machine revenue. The survey reported that over 5,000 adults were problem gamblers in the ACT. It estimated that each problem gambler negatively affects

around 10 other people by their addiction, including friends, family and workmates; that is, potentially 50,000 people who suffer the consequences of problem gambling in Canberra every year.

I could go on quoting statistics forever; but the point I am making is that problem gambling is the central issue here, and the proliferation of poker machines in the ACT over the last decade has been central to the escalation of this problem.

The ACT Democrats believe that 5,200 poker machines are too many. Why do we need more machines per capita than any other jurisdiction? Why do we need to be nearly double the national average? While this issue has come before the Assembly numerous times, nobody has ever given a satisfactory response to these questions. Do members believe that Canberrans are inherently bigger gamblers than anyone else? Do we believe that Canberrans enjoy gambling more than other Australians do?

We desperately need reform to ensure that our tolerance of gambling does not cause more harm than is necessary. A reduction in the number of poker machines would be a great start.

Secondly, we need to ensure that the regulatory environment emphasises harm minimisation to help reduce the losses, to help problem gamblers give up their addiction and to prevent more Canberrans from becoming gambling addicts.

The review of the Gaming Machine Act conducted by the Gambling and Racing Commission suggested a number of harm minimisation methods for reducing the prevalence and harm caused by problem gambling. This includes the removal of ATMs from gambling venues.

The Productivity Commission report on Australia's gambling industries noted:

> The bulk of recreational players never used an ATM in a venue when playing the poker machines, while the large bulk of problem gamblers did so with one in five problem gamblers always doing so.

The removal of ATMs from poker machine venues should be a priority for reform, and I welcome the National Australia Bank's steps in this area.

Other strategies mentioned by the review include warning notices, setting both the maximum stake and the maximum jackpot on the machines, and the removal of note acceptors from machines. A number of technical measures, such as the slowing of the reel spin on machines, have also been put forward.

One particularly promising option is a ban on smoking in gaming venues. A ban on smoking will not only have positive effects on the health of staff and patrons and reduce potential litigation, it could also help reduce problem gambling.

There is the phenomenon called cluster addiction, where addictions to gambling, alcohol and smoking coincide and reinforce one another. As the Reverend Tim Costello said:

> The single most effective way to reduce problem gambling is to ban smoking in gaming venues.

This approach has already been adopted in Victoria, with some promising results.

Another option we seriously have to consider is the restriction on the number of machines allowed to be held at any one venue. The number of poker machines at some venues is particularly disturbing. You can find ACT venues with up to 400 poker machines. A venue with 400 poker machines, I would say, is not a community based club; it is a casino by another name. And in the last decade we have been setting up little casinos all over Canberra.

Numerous studies have demonstrated that, the more poker machines in a venue, the higher the average turnover each machine generates. There is also some evidence that problem gamblers are more likely to seek out larger clusters and that it's harder to identify problem gamblers the larger the number of machines that are there.

Other jurisdictions have put individual caps on the number of machines at a venue. The ACT should be exploring this as well and actively seeking to reduce the number of machines at our pokie palaces.

I believe that, in order to prevent any worsening of poker machine clusters in Canberra, we should temporarily suspend sections of the act that relate to the transfer of poker machine licenses and the alteration of licences to change the venue at which they are held. I believe that this is directly related to the operation of the cap on gaming machines.

The cap does have a number of potential side effects, particularly the increase in re-allocation of machines through transfers, as the number of new licenses is limited, and there has been an increasing community concern over the practice of club mergers, resulting in the transfer of machines from smaller clubs to larger ones. As the Productivity Commission report notes:

> Re-allocation would tend to offset the cap on aggregate spending and might, by changing the nature of the venues, increase the risks of problem gambling.

It is essential that no further transfers take place until the future regulatory environment is decided, with appropriate safeguards against predatory behaviour. While the current transfer and alteration system requires the approval of the Gambling and Racing Commission, there is no discretion for the commission to reject approval, other than the sparse requirements in the act. If a transfer meets all criteria, then the commission cannot refuse the transfer or licence alteration.

I believe that the Gaming Machine Act should be amended temporarily until the fully formed regulatory system is enforced, and this will prevent the continued build-up of poker machines in large venues and deter the predatory practices of some club mergers. Failure to do so will only allow the pokie palaces to get bigger and cause more harm to our community.

Of course, the amendment that I had to this effect was ruled out of order—and I respect the Speaker's decision on that—but I also have another amendment that I will speak to in detail later.

I would like to make the point that I have had to circulate a revised amendment, because, in the time that this bill has been on the table, we have seen fluctuations in the number of gaming machines that are currently in the community. My understanding, from discussions today with the Gambling and Racing Commission, is that there are currently 5,020 machines in the community. That means that there are 180 licences waiting to be allocated. When we were having this debate a couple of months ago there were actually 5,068 machines in the community.

I understand that a small club has closed and that those machines have been returned to the Gambling and Racing Commission. But it clearly highlights the problems that we have in that the number of machines that we have circulating through our community is fluctuating; we're not doing this with a considered approach; we're just continuing the situation that we have and not really looking at the reforms that are needed. We cannot proceed with the debate on reform until the government comes up with the goods. I believe the government has dragged its feet on this issue and does not deserve another two years to do nothing.

I hope that this debate and the numerous debates that have happened around gaming machines in the ACT will cause the government to take action and respond to the reports that it has from the Gambling and Racing Commission and actually come up with a proposal, as it said it would, to do something about problem gambling in the ACT in relation to poker machines.

MRS CROSS (5.48): I will be supporting the part of the government's Gaming Machine (Cap) Amendment Bill that will keep the cap at 5,200. I will be supporting this because it provides flexibility for the Gambling and Racing Commission to respond to increased community demands, whilst still providing a ceiling for the number of machines that will be available to ACT licensees. This flexibility is extremely important as it will allow gaming machine levels to reflect community sentiment, whilst keeping allocation levels well in control.

Since the introduction of the Gambling and Racing Commission, only three applications for new poker machines have been successful. This is indicative of the stringent criteria required by the commission before approving an increase in gaming machines. A reduction in the cap to 5,068, or, as I've just heard, 5,020, I don't think is necessary and is unwarranted, because the Gambling and Racing Commission has shown it is a responsible enough organisation to limit gaming machine allocation to a level below the cap if necessary. Hence, I will be supporting the government in keeping the gaming machine cap at 5,200.

I will not, however, be supporting the government's proposal to extend the cap for two years and will, hence, be supporting Ms Dundas' amendment that will extend the cap for only one year. A year is more than enough time for the government to develop and invoke permanent legislation in relation to gaming machines. This issue cannot be put off forever, no matter how well the interim measures are working. It is about time the government stood up and provided some certainty over gaming machine legislation.

Genuine long-term legislation is needed to ensure that a proper balance is reached between the problem of problem gambling and the community's right to gamble. It is

time for the government to develop and implement such legislation so that clubs, potential other venues and the community have some form of certainty.

So I say to the government: go; go forth and legislate; provide a long-term framework for gaming machine allocation and use in the ACT and for the community at large, so that they can have some form of certainty.

MS TUCKER (5.50): The aim of this bill, as other members have said, is to extend the current restrictions on the number of gaming machines that can be licensed in the ACT for a further two years. Current legislation restricts the number to a maximum of 5,200 up to 30 June 2003. The current number of machines is 5,064.

I introduced this cap in 1998. It established a legislative means for the commissioner to refuse to grant a licence for gambling machines—pokies—and established, for the first time, criteria for deciding whether it was in the public interest to allow the licence or increase to go ahead. The criteria are not comprehensive, but they are at least something. In the four years, I think, leading up to its introduction, there had been an average of around 350 applications per year, which were generally just rubber-stamped.

Machine numbers were: at the end of June 1987, 1,891; at the end of June 1997, 3,914; in May 1998, 4,600, at which point the select committee was established and the cap was introduced; at the end of June 1999, 4,970; and here we are, with around 5,060. Without the legislation to permit refusal and the cap, and if those application rates had continued, we would have had 6,000 gaming machines now. While the evidence in studies indicates that state-wide caps are not on their own the most effective means of reducing problem gambling, the cap has certainly put a break on the rapid rise of machines. As it is, the ACT has Australia's highest number of machines per capita.

It's also true that the research has shown clearly that proximity to gambling machines is an important indicator of high gambling activity, and the cap has worked to some degree to at least slow the spread of new venues.

After my initial motion, the cap was supported by the Select Committee on Gambling. In our interim report on a cap on gaming machines, we wanted the cap in place to stop increases while the committee continued its work and while the national inquiry into gambling occurred, and then to allow ACT's politicians to consider the implications of those reports and develop policy and legislation in the public interest.

The committee did not believe the sunset clause was absolutely necessary. However, when it was introduced, it was expected to be in place for a year or so. In 1999, Mrs Carnell, with the encouragement of Mr Kaine, extended the cap for two years. Mrs Carnell argued against extending the cap for two years, because she said there would be a demand in that time for more than 5,200 machines. I'm grateful that the Assembly did not agree with this argument, which really made a mockery of the cap. The sunset clause has been extended a number of times, and always with the intention that this will allow government policy to be developed on the basis of evidence.

We have the commission now, guided in the legislation by public interest and harm minimisation principles, and have had the benefit of the select committee's work, the Productivity Commission's extensive work and the survey analysis of gambling in the

ACT. The commissioner's research program, I understand, includes doing the more detailed work indicated by the survey, particularly looking at the circumstances of particular cultural ethnic groups within our population, to inform a targeted approach to education and other harm reduction measures, which will be much more effective when crafted that way. The ACT Gambling and Racing Commission has completed its review of the Gaming Machine Act 1987. The government is currently considering the report and I understand will aim to present a reply to the Assembly in August.

From discussions with the commission, I understand that among the difficult issues being worked through from this review are ways to determine some kind of boundary for enormous clubs, where the original community purpose association of the club may have become somewhat obscured by the size of the business end of the licensed club's operations, and exploring ways to perhaps limit the business activities.

These are difficult issues, and we want to work with considered and well-crafted legislation. But we are reaching the point at which I think it's time to face up to the issue and put the legislation in place before the next election. For that reason, I'll be moving the amendment to extend the cap for one year only, and not for two.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.55), in reply: I'm happy for the bill to be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

MS TUCKER (5.56): I move amendment No 1 circulated in my name, which I've already spoken to *[see schedule 1, at page 1976]*.

Amendment agreed to.

Clause 4, as amended, agreed to.

Proposed new clause 5.

MS DUNDAS (5.57): Mr Deputy Speaker, I move amendment No 3 circulated in my name, which inserts a new clause 5 *[see schedule 2, at page 1976]*. It has actually been revised. The revised copy that was circulated had an error in it so there is a revised revised copy being circulated now.

MR SPEAKER: I understand that it's being circulated now.

MS DUNDAS: This is a quite simple amendment in that it changes the number of the existing cap from 5,200 to 5,020. It is revised because, as I said during the in-principle stage, when this was originally to be debated last month, the number of machines actually in the community was 5,068.

I believe that this amendment ensures that no further poker machines will be released into our community until the completion of the reform process. I believe it is essential that we take a precautionary approach to reform of the Gaming Machine Act and do not release any further machines until we have made an informed decision about how many poker machines should actually be in circulation. There are currently 180 machines remaining to be allocated within the existing cap, meaning that 5,020 licences have already been granted.

I think we need to put a stop to the continuation of the granting of licences, as we have all agreed that the system does need reform. Instead of doing it in a piecemeal way, which is the approach that we have seen so far—and we've had introduced the Gaming Machine (Women's Sports) Amendment Bill that we debated last year—if we agree that there need to be comprehensive reforms, then let's do the comprehensive reforms but not let the current situation continue.

We do have a duty of care to ensure that we do not cause unnecessary harm by releasing more licences into the community until we have provided the appropriate safeguards. We all agree that the Gaming Machine Act needs to be reformed, but while the reform process is occurring we need to ensure that the problems are not exacerbated.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.59): Can I inform the house that, as of the board meeting of today, the number of allocated machines in the ACT is 5,065.

I think Ms Tucker, in her speech earlier, said that caps are not, in themselves, effective; and I would expect that that would be the case. To actually say we will cure this problem by giving no new machines out might marginally reduce a problem of problem gambling inasmuch as someone in north Gungahlin might be precluded from access. But as Ms Tucker also said, problem gamblers tend to be attracted to the bigger clubs anyway.

I think that it is necessary, just for once in this debate, for me to say that poker machines are not all bad; they're not all good. It is the same as driving motor cars, drinking booze and whatever. We need to take a balanced approach. I hope that we're not getting into a competition as to who can be more righteous about poker machines than the other.

While I'm on my feet, I'll just take the liberty to say that I think the amendment is illogical; it's just going to create the haves and have-nots in terms of poker machines; and it just doesn't fit in with logic. You're addressing one problem; it's not a way of solving that problem.

There was nothing insidious in setting the cap for two years. I don't mind if it is cut back to one year.

I notice that the National Bank was given a little wrap for its removal of ATMs from licensed clubs. I'd be a bit careful before I lionised them because there has been at least some claim that all the National Bank is doing is poisoning the well because they were going to lose a contract to supply general purpose ATMs in general. It may not have been as noble an act as they would have you believe.

I think I'll leave it at that. The opposition is not going to support this amendment, and neither they should; so I'll leave it at that.

MS TUCKER (6.02): I will support this amendment. I remember very, very well when we came up with the first figure of 5,200. It was a very tense debate and Mrs Carnell's advisers were frantically trying to persuade me. We listened to what they said. It had to absolutely be this figure because there were a number of clubs that were in the process of being built, that were relying on having poker machines to make them valid and if we didn't give this extra room in the cap, that would cause serious problems for those clubs that were already well down the track of building premises. So we took that into account when we came up with that figure. But what has happened since, as you can see, is that, mainly through clubs closing, there is some slack there. I'm quite comfortable with actually reducing the number.

My original intention, when we put the proposal for this cap, was that that cap should only take into account poker machines for new clubs that had been under the impression they would have poker machines. It's been interesting to me to see how the cap has been applied over the years. It doesn't seem to me as though my original intention has actually translated into how it's been implemented over the years, because there certainly seems to have been machines going to clubs other than the clubs that we had in mind when we set the cap. I have been surprised over the years that there hasn't been a bigger pooling of machines that aren't being used when clubs have closed. Maybe that was a fault in the drafting of the cap that we put up in the first place; or maybe it changed over the years, and we didn't realise it, each time it was renewed.

I don't have a problem with reducing the cap at this point of time. I think the cap's potentially getting near the end of its life. If we are going to some substantial document in evidence-based policy in terms of what number of machines are appropriate at venues and which venues and so on, maybe we won't have a cap. But at this point in time it seems quite reasonable to reduce the cap and wait and see what actually comes out of this work.

I can see there are arguments for keeping the cap but, as I said before, that's by no means supported by evidence as a means of reducing problem gambling necessarily. There are a lot of more subtle aspects as well, particularly proximity, the number of machines in the particular venue and so on. So it's not just about reducing the number but it certainly is something that we've supported until there was some more real understanding of how you deal with problem gambling.

MR STEFANIAK (6.05): The opposition will not be supporting Ms Dundas' amendment. I'm not quite sure if it's right—it doesn't matter—but, from what the Treasurer says, it's 5,065; she says 5,020; we can sort that one out. I note with interest that it doesn't affect either way what I'll be seeking to do tomorrow.

It's interesting listening to some of the debate in relation to the history of the cap. I recall being in cabinet at the time. We were somewhat concerned about whether in fact we should seek to artificially limit the supply, being a Liberal government.

However, the cap was brought in; it was extended under us; and the government now seeks to extend it and keep it at 5,200. There are a number of reasons why I think that is an appropriate figure for 12 months.

As all members have said—and Ms Tucker most recently alluded to finally—one would hope within the 12 months the government will have responded to the gambling commission's review, a review that I think they sat on for about four months. At least it is now before them. That will lead to substantial legislation which might well negate the need for a cap. Who knows and who can foresee what will actually occur with that legislation. But I think that is a valid point. At this point in time the cap of 5,200 is reasonable. That obviously can be amended either through substantive legislation in the next 12 months or indeed through other legislation should the need arise.

The Treasurer, I think, is quite right in saying that there are perhaps a number of clubs who will be seeking poker machines, who have an expectation that their application will be granted and who satisfy the criteria.

He is also right in saying that pokies are not all bad. The clubs have put in considerable amounts of moneys to very good community activities in the ACT.

I suppose I should declare that I have been a director of some three licensed clubs over that time and only recently resigned from the Polish Australian White Eagle Club, when I became gaming and racing spokesman, as I thought there might be a conflict of interest situation there. But I've certainly had a fair amount to do with the club industry.

Certainly the amount of money that is spent is considerable. A lot of it is spent in the sporting area which I think is a wonderful thing. The fact is that thousands of people, especially young people, have benefited from the money that clubs have put into sport. This has really assisted the ACT in having the highest participation rate in the country. The fact that they've been able to participate has, rightly or wrong, come about due to poker machine revenue, amongst other things.

The clubs have also put a lot into other community activities too. I think the initiative which we undertook as a government to have a certain percentage paid out for community support, community contributions, is a very good step. It's pleasing to see that being continued, and I think that certainly should be continued regardless of whatever review you do have.

Also I think it is important, from our point of view, to have a cap such as this. Tomorrow I'll be seeking to reserve a certain amount of machines for pubs and taverns. I do think they have been very hard done by over the years in terms of access to proper gaming machines.

I note the Treasurer's comments that—and indeed I think Ms Tucker might have mentioned it; somebody did—problem gamblers tend to be attracted to the bigger clubs

and there are more dangers there, logically. Having again been associated with smaller clubs, I personally actually try to counsel people and say, "You're spending too much money there." You know some people and you're a bit worried; you know that they don't have a lot of cash in the family, and they seem to be going overboard on a poker machine. You can do that in a small institution.

I think that's actually a very strong argument in favour of taverns getting poker machines, but that's an argument for another day. I certainly do think there is strength in the argument that, in a bigger club, problem gamblers can get lost. That is a problem. They tend to be attracted to those bigger clubs.

But I would certainly agree that pokies are not all bad. I just want to put on record the contribution made by the licensed club industry to our community. A lot of that has been because of access to poker machine moneys.

For those reasons, I don't think it'd be appropriate at all to support Ms Dundas' amendment as revised, because it might actually mean that 35 more poker machines have to be handed back. If her figure is wrong and the Treasurer's is right and if her intention is to restrict it to the number of machines that have been given out to the clubs and indeed to the six hotels who have the 60 class B machines as at now, no more poker machines would be allocated for the 12 months period under this cap.

For the reasons I have stated, the opposition can't support that. Accordingly, we will be opposing this particular amendment by Ms Dundas.

MS DUNDAS (6.11): I just wanted to clarify something. Perhaps the Treasurer misheard what it was that I was trying to do. I did not ever say that reducing the cap was the solution. But I do believe it is important that, if we continue without allowing a reform process that we all agree is necessary to actually take place, we exacerbate the problem by saying, "This is it; we're not allocating any more machines until we have the reform process."

We then say that we are serious about the reform process; this is a cap that's going to now be in place for 12 months. If the reform process takes place earlier, as the Treasurer indicated that it might when he introduced this piece of legislation, then the cap can change. But I think at this point if we are serious about reform then we have to stop what it is that we know we are doing that is wrong until we can find a way of doing it better, as opposed to just continuing to do the same things that I maintain are making the situation worse.

Amendment negatived.

Title agreed to.

Bill, as amended, agreed to.

Road Transport (Public Passenger Services) Amendment Bill 2003

Debate resume from 3 April 2003, on motion by **Mr Wood**:

That this bill be agreed to in principle.

MRS DUNNE (6.11): I seek leave to move a motion concerning the Road Transport (Public Passenger Services) Amendment Bill.

Leave granted.

MRS DUNNE: I move:

That notwithstanding the provisions of standing order 174–

(1) the Road Transport (Public Passenger Services) Amendment Bill 2003 be referred to the Standing Committee on Planning and Environment for report by the last sitting day in 2003;

(2) on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

MS TUCKER (6.13): I move:

Insert the following new paragraph:

"(1A) The terms of reference of the inquiry are to include:

(a) an analysis of the Bill in the context of a draft Sustainable Transport Plan, and that the Committee have regard to:

(i) the role of taxis, hire cars and other small passenger vehicles in a sustainable public transport strategy;

(ii) appropriate licensing and accreditation strategies to support that role;

(iii) any transitional arrangements, such as compensation, that should accompany any recommended changes to industry regulation;

(b) community service requirements including disability access and adequacy of services to parents of children under two.".

The amendment defines the terms of reference for the inquiry into the Road Transport (Public Passenger Services) Amendment Bill. The terms of reference include an analysis of the bill in the context of a draft sustainable transport plan having regard to, firstly, the role of taxis, hire cars and other small passenger vehicles in a sustainable public transport strategy; secondly, appropriate licensing and accreditation strategies to support that role; and, thirdly, any transitional arrangements, such as compensation, that should accompany any recommended changes to industry regulation and, as well, community service requirements, including disability access and adequacy of services to parents of children under two years of age.

I think it is really important that we look at taxis in the context of having a sustainable transport system. The current approach, which is based basically on competition policy and dealing with some of the pressures that come from that, is of concern. Also, the government is now undertaking a process whereby it is developing a sustainable transport plan for presentation quite soon, so it should be quite possible for the

committee to look at the role of taxis in the context of the draft plan that has been tabled and inform that plan with the work that the committee does in looking at taxis in that context.

There are extra points here which, from the feedback I have received from the community, need to be addressed. The question of services to parents of children under two years of age is, obviously, related to car seats being available. The service in the ACT is very different from the service in other states in Australia on that aspect. We do not have them or it is quite difficult to get a taxi with one, and they are standard equipment in most other places.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (6.16): Mr Speaker, I was waiting for Mrs Dunne to provide justification for what she is doing.

Mrs Dunne: I fell asleep, I'm sorry, Mr Speaker.

MR WOOD: Do you have a speech?

Mrs Dunne: I do have a speech, yes. Do you want to work on the amendment or do you want to go back to the motion?

MR WOOD: We do not agree that the bill should go to a committee; it is as simple as that. This is an evasion of responsibility. The position with taxis has not been one that has not been an issue and much discussed over a very long period. If you have not been part of that, that is your fault. If you have not switched on to the debate, that is nothing to do with me; it is to do with you.

The former government endeavoured to take some steps. I recognise that they attacked the problem, but that did not work out in the end, and I think for good reasons. At least they had a go at it. I think that there ought to be recognition from the other side of the chamber that this government has made a good effort at doing so. Now, for six months, you want to leave everybody up in the air, unsure what is going to happen, completely uncertain about their future, while you have an inquiry.

I can tell you that the taxi industry is not exactly rapped in the proposals I am bringing forward. They are anxious about them, although I am confident that they will work out pretty well in the direction that we ought to be going, one that will be generally satisfactory to the industry. They will not acknowledge that, but I think that they may well find more difficult is having a further period of doubt and delay. What the industry here needs more than anything is a bit of certainty now as to what the future is about.

One of the problems of committees is, of course, that they go out and hear everything and committees tend to deliver very effectively what they hear. But there are many sides to this story. I suspect that you had better go out and talk to some other people who pay very high taxi fares, because that is the nature of the industry, that is what the in-built system brings us. You get a car and do not have to hire a taxi, but those who do hire taxis do note the fares.

I think that this proposal is a backward step. It is simply delaying what does need to be done. We do need to take some action. I have heard people opposite and the crossbench say at various times that we should do something, but what are they doing on this issue? They are deferring it. On this issue, you are now deferring any constructive action. The government is fiercely opposed to deferment, to leaving the industry in a further state of doubt, by putting this bill to a committee. I think that that is a very bad idea.

MRS DUNNE (6.19): Mr Speaker, I do apologise to—

MR SPEAKER: Are you speaking to the amendment or closing the debate?

MRS DUNNE: I am speaking to the amendment. I have not actually spoken on this issue yet, Mr Speaker, because, I am sorry, of a lapse of attention. I am quite happy to speak to the amendment at the same time.

Mr Wood is here fulfilling all the Sir Humphrey stereotypes. I remember the one in which he said, "Yes, we must do something. This is something. Therefore, we must do it. It doesn't matter whether it is the right thing." Mr Wood was pointing to me and to members of the crossbench and saying, "Isn't it about time you engaged in this debate?" This issue has probably taken up more of my time with constituents, apart from draft variation 200, than any other matter that I have dealt with this year.

I have talked to the industry, in and out and up and down, for the entire year. These are a group of people, no matter which part of the industry they come from, who are deeply unhappy and deeply dissatisfied with this government and this is an industry which has come to me—and, I suspect, to other members of the crossbench—and said, "Please, can you take it to your committee, Mrs Dunne?" I am here today because members of the industry have asked me to do it. Their response has been, "I would rather have another six months of uncertainty than go down the path proposed by the Labor government."

Mr Wood: Are you going to come back with solutions? Do you have solutions? Have you got a path that you can see?

MRS DUNNE: I have not got a path because I do not have a closed mind like Mr Wood does, Mr Speaker. Just to show how my mind is not closed, I will take advice from Mr Wood if he thinks that the committee should see particular classes of people. He can come and suggest those to us and we will consider it. This is about the big picture, about how everything fits together, and is not just a standalone issue, as Ms Tucker said, about competition policy, although we know what the National Competition Council has said about this proposal in its other form in Tasmania. This is not an original idea. The Tasmanians have been trying to implement this plan almost verbatim for some time, but the National Competition Council says that it does not fit its criteria.

Mr Wood: They have.

MRS DUNNE: This is not just about competition. It is about actually getting a solution which will serve—

Mr Wood: We have agreement on it.

MR SPEAKER: Order, Mr Wood!

MRS DUNNE: I did not interrupt him, Mr Speaker.

Mr Wood: We got the tick on it.

MR SPEAKER: Mr Wood, order!

Mr Wood: I just want to make a point.

MRS DUNNE: I did not interrupt him. He can speak again; I will give him leave.

MR SPEAKER: Mr Wood, you will get your chance when you close the debate. I withdraw that. You will not close the debate; you have had your chance.

MRS DUNNE: This is part of the very mixed message we are getting from this government, Mr Speaker. Officials have come into my office and said, "Mrs Dunne, we must pass this bill by 30 June or all the national competition payments will be up for grabs." In the estimates process the other day when we discussed this issue and again today, Mr Wood has said that they are not up for grabs. We do not have to rush pell-mell into this matter. We have to handle it in a way that serves the needs of the people of Canberra. The people of Canberra most intimately affected, whose livelihoods are on the line here, have been begging me to do what I am doing today. The reason that I am doing it is to satisfy myself, and it is my responsibility to do so as the shadow spokesman on transport, that there is not a better way.

At this stage, I am not convinced that there is not a better way. It seems to me that this bill is flawed. We do not believe that the government has properly considered all the implications. As we found out from the minister in the estimates process during the past month, the government did look at the Western Australian option of financing the taxi licences, but withdrew from negotiations. But those negotiations were carried on without even the knowledge of the taxi industry and the hire car industry that they were going on. These were closed door negotiations of the sort which are not appropriate to a government who flaunts its openness and its accountability.

We have in this town at the moment instances of businesses being hung out to dry by the Department of Urban Services, which has made undertakings to them that have not been kept in this legislation. On 21 August 2000 the manager of road services in the Department of Urban Services wrote to a constituent of mine saying that the transitional accreditation arrangements for new small buses would expire on 1 June 2003, which was true, and that it was anticipated that a new regulatory category for small buses would be in place at that time. It is not there.

On the undertakings given by those officers, people went out and made business investments, but the promises made to them were not forthcoming. The next thing they heard was that Urban Services was threatening them with a $25,000 fine if they continued to operate vehicles that they were told that they could go out and buy. The same person signed both letters. This is what is wrong. There is something fundamentally wrong with the way that this policy has been formulated and I want to help the people of the ACT get to the bottom of it. That is why we are going to look at

this issue in committee.

I thank the crossbenchers, Ms Tucker and Ms Dundas, for their cooperation and the cooperation of their officers over the past week on this issue. I particularly commend Ms Tucker for her insightful amendment, so that we will not look just at the competition issues, but will take the time to look at the transport implications. Last week people were saying at transport forums that adaptable, responsive transport is wanted. I have been calling for the minister to do something about demand responsive public transport for some time. Possibly, we have the means of starting that here. That is why we should look at it. I commend the motion to the Assembly.

MS DUNDAS (6.26): Mr Speaker, I will be speaking to and supporting both the substantive motion and the amendment. I rise to respond briefly to some words that the minister has spoken, including that by sending this bill to a committee we are evading responsibility and that is because we have not been paying attention. Minister, there is no way in the world that you could not have been paying attention to the debate that has been going on for the last 12 months about the taxi and hire car industry in this town. I have received many amounts of correspondence and had numerous meetings with people from the taxi industry and the hire car industry about the reforms that have been put forward. Yes, I agree with the minister that there are many sides to this debate. That is why we have committees in this Assembly to communicate with the community.

I think that it is very important that we use the committee process to investigate this issue fully. To proceed with this legislation today would be to do a disservice to the community, which is looking for the best outcome—the best outcome for taxi drivers, the best outcome for the hire car industry and the best outcome for people who use those services. Under Ms Tucker's amendment, we will also be looking at in terms of the draft sustainable transport plan, which is a very important consideration to be taken into account in looking at all modes of transport. It is important that all these things be considered before this piece of legislation is debated in this Assembly.

I know that the committees of this place work very well and I am sure that this one will conduct a very thorough investigation of this matter. Given the contention that exists on this issue within the community, I cannot see any other path to take. When the government receives the report of this committee—maybe I am being a bit pre-emptive here—I hope that it will consider it carefully. I have no idea what the report is going to say, but I can assure you that a lot of work will go into it from the community and from members of this assembly and it should not be readily dismissed.

Amendment agreed to.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services): Mr Speaker, I seek leave to speak again.

Leave granted.

MR WOOD: I should cover the issue for Ms Tucker at some length. It has long been a contentious issue. It was one of the first that confronted me when we came to office. At

that time, we requested the Independent Competition and Regulatory Commission to examine the state of affairs and advise on whether further reform was necessary.

The ICRC reported to the government in June 2002 and the report did not paint a very positive picture. The ICRC found that taxi hirings had been in decline over a number of years and that many who have invested in the hire car industry are unable to leave the industry. In short, these industries needed further reform to ensure their long-term viability.

The ICRC also confirmed the conclusions of another review, the Freehills review—there have been plenty of reviews around all this—commissioned by the previous government that restrictions on the number of taxi and hire car licences do not benefit the community and cannot be justified. Consistent with the finding of similar reviews in other jurisdictions, it was found that licence quota restrictions, for example, add $2.70 to the average taxi fare and $4.30 to the average hire car fare; that the restrictions reduced customer demand, that is, hirings for those services, hence the decline; and that they create barriers to entry to and exit from the industries and limit competition and innovation.

Furthermore, restrictions on the number of taxi and hire car licences do not address objectives of public safety, minimum service standards, consumer protection, universal access and public order. These objectives are achieved by measures such as accreditation, independent pricing, performance requirements, and compliance and enforcement programs.

I note that the previous government, in its response to the Freehills report, accepted that ongoing licence quota restrictions could not be justified and that government announced that these restrictions were to be removed through new transitional arrangements. I note that the former government did not refer the issue to a committee. Can I say that again? The former government now thinks that it has to go to a committee.

Mrs Cross: But two wrongs don't make a right.

MR WOOD: I am talking to the lady over the road, actually, who, very carefully, is not listening. The former government did not propose to send it to a committee. The government initiated some action which did not work out in the end. However, by the elections, no reforms had been introduced and there was no committee. This government has been left with the task of determining how best to address the problem of licence quotas in a way that balances the needs of those in the industry—owners, operators and drivers—and the wider community.

The Labor government, like its predecessor, has ruled out the immediate release of an unlimited number of licences. That would create financial hardship for some in the industry, particularly those who have purchased a licence at historically high levels. The government has also ruled out the buying back of licences at the cost of purchase, as that would cost the government something like $50 million. The only non-government option on offer—that is, the bank option—would delay the benefits to customers for at least 12 years, even if it were possible to finance such an expensive scheme. We examined that option.

Instead, the government has proposed a transitional approach that will allow a limited number of licences to be released each year in response to demand. Details are specified in the formula contained in the regulations that should accompany the legislation. The limit on the number of licences available each year, together with the reserve price determined by independent valuation, will ensure that licence values do not fall dramatically. While it is very likely that the rate of return for investors will progressively decline, there will not be any sudden or significant loss in value. Most operators will for many years to come continue to enjoy returns on their original investment over and above those available in today's investment market.

We have done more than just manage the impact that additional licences may have. The government will also return to existing licence holders the net proceeds from the sale of any new licences purchased at auction. The return of these funds to the industry will assist those most affected by the changes. The government has indicated that it would be prepared to continue to return funds to the industry for up to five years.

The availability of licences each year at auction will put some downward pressure on lease fees. As the cost of leasing a licence falls, the operating cost of a taxi will be reduced. The intention is that these savings will be able to be passed on to customers through reduced fares. The lower costs will also make it affordable for taxi drivers to operate their own cab. Not proceeding with this legislation or deferring the decision will ensure that the current downward trend in taxi hirings will continue indefinitely and there will be no benefit to the industry or the community.

The issue is not whether the industry should be reformed but rather what is a reasonable, sensible approach to reform. It is now eight years since the ACT agreed to review the taxi and hire car industry. There have been two major independent reviews and an Assembly committee review of the hire car industry. The government's reform program incorporates the vast majority, though not all, of the recommendations from those reviews. Further review by an Assembly committee would only delay matters. It would extend and exacerbate the climate of uncertainty that has characterised the industry for many years.

I have some interesting statistics. Around half of the 217 ACT taxi licences are leased from investors who have no involvement in the industry. Several industry investors have written to me, and I guess to you, on how they would be affected by the government program. Many complain that the proposed reforms will affect their lifestyle and retirement plans. The circumstances of investors do vary, but one that I believe is not uncommon is reflected in correspondence I received from an investor now living in Queensland.

He purchased his licence in 1989 for $37,500. In today's terms, that would equate to $56,500. Based on the present value, the investor is currently receiving a return of 46 per cent each year on the investment, and that considerable return is at the expense of the ACT community. He also stands to make a very considerable capital gain. Others who have paid historically high prices, around $260,000, are currently receiving a return of 10 per cent a year, more than twice the long-term bond rate. As I stated earlier, licences do not provide any benefits to customers or operators, yet impose substantial costs.

Each year there is a transfer of wealth, estimated at $5.6 million, from taxi users to investors. The prices paid for licences released over the years by government vary from zero—former governments released 80 licences prior to 1974 free of charge—through to $245,000 in 1994. The last auction was held in 1995, where the average price paid was $162,000. In April 1995, the competition principles agreement was signed by all governments. That put this industry on notice that the restrictions that exist on the number of licences would be subject to review. Anyone purchasing a taxi or hire car since that time has done so in the knowledge that the regulatory arrangements were likely to change. *(Extension of time granted.)*

Slightly less than one-third of the current licence holders obtained their licences before 1990 from the government or through private sales, with an average purchase price estimated to be $75,000. Another one-third of the licence holders purchased their licences during the years 1990 to 1995 at government auctions or privately, on average paying around $200,000. The remaining 78 licence holders all bought licences since 1995 on the private market, with an average price of about $235,000. The government's proposed program will allow these investors to continue to receive reasonable returns on their investment for some years to come, albeit at a reducing rate. This is a reasonable and sensible outcome for all stakeholders.

Mr Speaker, I believe that it is a bad proposal to send this bill to a committee. The taxi and hire car industry has been reviewed extensively over the past few years. I do not believe that you will gain any further information. You will certainly get lots of views, but I do not know that you will get any hard information by going to a committee for report.

I believe that the best option for the ongoing viability of the industry is the reform path contained in this legislation. The fact of the matter is that the vested interests in the taxi and hire industry will not be satisfied unless we continue to keep a very tight cap on the number of licences. These restrictions have resulted in a scarcity of licences, which has in turn led to a significant escalation in their value and lease fees and these costs are being carried by the community.

Mr Speaker and members, the government has long considered this matter. We have worked through a very great number of options. We have refined and developed this option, which has had the tick of approval, if you like, and we have taken the decisions. I think that this matter ought to proceed, that the bill ought to be dealt with, and not be deferred.

MRS DUNNE (6.43): Mr Speaker, I will be brief in closing the debate. Mr Wood was determined to give that speech, irrespective of what was going to happen today. I am sorry, we have heard all of that from Mr Wood and officials in the past. There was nothing new in it. I still have an open mind about this matter, but what we seem to have is what the minister might like to call an industry adjustment scheme. But it is not an industry adjustment scheme; it is an industry pocket money scheme. Over the years, it appears to me, taxi owners are going to get a very paltry amount out of it. That will not solve the problems of the people who derive their livelihood from the taxis and is unlikely to solve the problems of the people who are their customers.

Mrs Burke: Listen to the community.

MRS DUNNE: We will listen to the community. We may not come up with a perfect solution. We may come back and say that what the government is proposing is the best possible thing. But we have a responsibility to the people who have asked us, and I have a responsibility to the people who have asked me, to look at this issue openly and try to hear the views of the people.

Mr Wood may not think that committees are important, but I happen to think that committees are important and that they are a useful way of tapping into the views of the community. That is what we found when we had 25 or 30 hours of hearings on draft variation 200. The community came to us. The other day I had an email from somebody with whom, generally speaking, I would disagree to say how grateful he was for how courteously he was treated before the Planning and Environment Committee. He was happy just to have his day in court, because he was treated so well by us. Even if we ended up disagreeing, at least he had his day in court and somebody heard him. Mr Wood is not prepared to let those people have their day in court.

Mrs Cross: So much for unanimous decisions.

MRS DUNNE: That is right. I am going to have to get used to being ignored. The planning minister said, "Get used to being ignored, Mrs Dunne." I suspect that mentally Mr Wood is saying, "Get used to being ignored, Mrs Dunne." The scheme that the government proposes is in some way new to the ACT. It had not been canvassed until the announcement on it was made and it was dropped as legislation. The only message that I am getting from the community is one of angst. I think that there is so much angst in the community that we must go and hear what the community has to say—the owners, the drivers, the mums, the dads, the users—and see if we can come up with a unanimous report that might move this process on. One of the reasons for putting in the reporting date that we have is so that it will not slip off the agenda, because we can come back here in the first week of February next year and Mr Wood can introduce amendments, if necessary, or a new bill, if necessary, and we will debate the issue. I make that commitment. I will debate it and I want it solved in the autumn session of next year.

Question put:

> That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Adjournment

Motion (by **Mr Wood**) proposed:

That the Assembly do now adjourn.

Mr Sean Mills—death

MR SMYTH (Leader of the Opposition) (6.51): Mr Speaker, I wish to bring to the attention of the house the death several weeks ago of a young man by the name of Sean Mills. His death came to my attention during the estimates process. Ms Gallagher and her staff were aware of it. Sean was a youth worker with the RecLink youth program. I believe that he died from a heart attack at age 37. I think that the really sad thing about his death is that he was a man who I thought, and I think everybody else thought, was incredibly fit. Sean will be missed. He is survived by his wife, Anne-Maree, and three young daughters, Danielle, Kelsey-Lee and Mackensie.

The depth and, I think it is fair to say, sorrow that a large number of people around this town felt were shown on Sunday night when a fundraiser was held on his behalf through the auspices of the Police and Citizens Youth Clubs. For 200 people from any sector to come out on a Sunday night from 6.30 pm till late—I think that we were there until well after midnight—for a fundraiser was a tribute to this city. I think that what people will miss about Sean and what people tried to say on the night about him was that he had an uncanny ability to talk to young people. I think that was his gift. He could sit and talk to somebody and make a difference. In that regard, he was very popular and he will be missed not only by the young people in the main that he worked with but also by the adults that were his mates and his peers and those who respected him.

Because he was a young man and dropped dead unexpectedly, there has to be an autopsy before a full death certificate can be issued and then the normal processes take place, which left the family in limbo. About 200 people turned up on Sunday night and raised something like $7,500 to go directly to the family. The Youth Coalition had a table, as did the PCYC, Men's Link and the police force. Bob Sobey, whom I think the Chief Minister appointed as Canberran of the Year, organised it. The Chief Police Officer, John Murray, turned up. Meredith Hunter, who is the head of the Youth Coalition, was there. We had a broad spectrum of the community saying that he was a man that they respected, and he will be missed.

It was a trivia night and it was really beaut that the members of the winning table were mates of Sean's. All the guy that was elected to be the spokesman for the table could say was that they just loved him. You do not often hear Australian men say that. The rest of the table choked at that point, but it was quite clear that as a group they loved their mate Sean and they will miss Sean.

I wanted to acknowledge Sean's passing, I wanted to acknowledge the lives he has changed through the uncanny ability he had to talk to young folks, and I wanted to thank groups such as Funny Bones Entertainment, Fyshwick Mower Service, Allens Stores, Weston Creek Laundromat, Video 2000 at Weston, McDonald's at Weston, Ruchi Indian Restaurant, Southern Cross Club, Canberra Yacht Club, Serbian Club, Canberra PCYC, Jurkiewicz Adventure Store, Bates Pets Paradise and Jim Murphy's Market Cellars,

which over about 10 days were canvassed and delivered the goodies so that the people of Canberra could, as a sign of respect for Sean, raise the money that has gone to his family. I think that that was not a bad effort. Well done to all those who attended on the night and well done to those who donated, but particularly well done to Sean for all the work he did in making Canberra a better place. Anne-Maree, Danielle, Kelsey-Lee and Mackensie, we will never forget your dad.

One of the things I have spoken to Meredith Hunter about, and we are going to have a meeting on it in the coming weeks, is whether we can do the fundraiser annually, set up a Sean Mills scholarship and come together once a year to remember a mate, raise some money and put it to a good cause, which would be to sponsor some other youth worker either to travel round Australia or round the world to pick up more skills and continue to make the difference that Sean wanted to make. Sean, mate, goodbye.

ADF personnel—return from Iraq

MR PRATT (6.56): Mr Speaker, I rise to give the house notice that this week we will see ADF personnel who served recently in Iraq being welcomed home in Perth and Sydney, approximately 1,000 in Perth and 1,500 in Sydney. I rise simply to welcome those people home from what was an onerous, arduous and dangerous task.

I would like to congratulate those personnel on having conducted themselves professionally and having carried out a very worthy task. They made an incredibly significant contribution, way out of proportion to their numbers, to bringing a major international threat to heel, albeit right now the situation in Iraq is still quite volatile and quite messy and it will take a great deal of wisdom on the part of the occupying powers to finally resolve that mess. Nevertheless, our people have done a sterling job and they are home in one piece.

I would remind the Assembly that some of those personnel are, in fact, Canberrans and, as our constituents, I think that it is right and proper that we should send them a message that we at least thank God that they are home safe and thank them for their professional conduct.

Certainly, I was quite happy to hear about the celebration of the safe return of a human shield who was there some time ago. I am quite seriously, Mrs Cross. Whilst I did not agree with that human shield's cause, one had to admire the conviction of their purposes and the fact that they did get home in one piece. Against that, I think that it is also extremely appropriate that we note this issue.

I would like to hope that all members of the Assembly share my sentiments. I do not know whether we might be able to put together some sort of motion to that effect down the track, but perhaps we should consider that. On that note, Mr Speaker, I say to those young men and young women of the ADF: well done, welcome home and hold your chins up. Unlike other veterans in recent decades, this nation will not forget you and the good job that you have done.

Question resolved in the affirmative.

Assembly adjourned at 6.57 pm.

Schedules of amendments

Schedule 1

Gaming Machine (Cap) Amendment Bill 2003

Amendment circulated by Ms Tucker

1
Clause 4
Page 2, line 12—

omit

"2005"

substitute

"2004"

Schedule 2

Gaming Machine (Cap) Amendment Bill 2003

Amendment circulated by Ms Dundas

3
Proposed new clause 5 Page 2, line 12—

insert

5 Restriction on gaming machines
Section 23B (2)

omit

5 200

substitute

5 020