

ADDITIONAL COMMENTS

Deb Foskey MLA

Estimates Committee Report on Appropriation Bill 2006-2007

Further comment

Deb Foskey, Greens MLA

The process

The Estimates Committee is the primary mechanism by which the ACT community can be assured that the key tool of government, the annual budget, is subjected to close scrutiny. This year the ACT Government used its majority in the Assembly to shore up its expectations of controlling the Estimates Committee and ensuring it could veto recommendations that reflected adversely upon itself.

The Committee was made up of three members from the Labor Government, two from the Opposition Liberal Party, and a Green from the Crossbench.

Standing orders are such that a motion is lost unless a majority supports it.

As is usual practice with Committee reports, each recommendation can be accepted or rejected by the Government in its response to the Committee's report.

It should be noted that the Committee's deliberations were generally congenial and agreement was reached on most of the report.

On Friday August 11th, the Committee deliberated on all the recommendations of the report and the majority of members voted against including the final recommendation in the draft, which proposed that the Appropriation Bill be passed¹. Alternative wording I suggested was rejected and I offered to come up with a more considered text at a later meeting. Consequently, a further meeting was scheduled for 3 pm that afternoon.

Prior to that later meeting, I circulated some proposed wording for the final section of the report.

Although the non-Government members arrived punctually, the Government members arrived 15 minutes late, and before the meeting was officially opened, Mr Gentleman expressed his distaste for my draft in an outburst of offensive language, directed at the Opposition members and the Chair. When he departed the meeting room, the Chair was visibly shaken, the committee was inquorate and disassembled in disarray.

Mr Gentleman has since apologised to me in person and to the whole committee by email and verbally. Nonetheless, while I have accepted his apology, I am concerned that a process which had been, until then, civil, despite a number of contrasting positions, could be pushed off course. Nor can I be certain that it was purely a coincidence that Mr Gentleman's outburst so effectively served the purposes of the Government.

¹ One Government member, Ms Karin McDonald, was absent from both meetings on Friday August 11th.

It is on the public record that the third government member, Karin McDonald, returned unexpectedly from New Zealand to ensure that the Government would have a majority for the reconvened meeting held at 1 pm on Monday August 14th. Questions remain about the accuracy of statements concerning her absence made at Committee meetings on August 9th, 11th and 14th.

I also have concerns about phone calls which I believe were made to the Opposition leader and a Liberal staffer over the weekend, which apparently were intended to put pressure on them to accept a pairing, an arrangement which they are entitled to refuse as it is not a customary practice in Committee meetings.

At the reconvened meeting on Monday August 14th, I put a motion that the circulated draft text be included at the conclusion of our report. The motion was agreed to by the two Members of the Opposition and, unsurprisingly, opposed by the Government members, therefore ensuring that it is not in the Estimates Committee's report. Consequently, there are no recommendations in regard to the Appropriation Bill itself.

Additional remarks and recommendations

There is no doubt that this budget drastically curtails expenditure in a number of areas of core Greens interest. Of particular concern are education, environment and housing, especially emergency housing. I do not intend to go into detail here, as many of my concerns are reflected in the majority Estimates report. They will be expanded on in my speeches on the budget on August 22 and 24.

I wish to record my dissent from recommendation 54 (regarding the continuation of the Rally of Canberra, which was poorly attended last year). I also moved, unsuccessfully, to have the following included in the Estimates report:

The Committee asked for a copy of the feasibility study of the proposed dragway as well as the cost-benefit analysis which informed the Government's deliberations but neither was produced during the Estimates Committee process.

The Minister was asked whether, in light of evidence that patronage for motor sports is declining, plans to build a dragway would be reconsidered.

In the context of rising oil costs and the growing evidence of climate change, given the noise and other environmental impacts of the proposed dragway, in the absence of convincing economic analysis I believe that an appropriate site for the dragway cannot be found in the ACT.

Finally, I moved unsuccessfully that the following be included as the conclusion of the report:

The Committee has earlier in this report expressed concern that the Government has not provided detail of many of its proposals in this budget, and a number of questions asked both at hearings and as questions on notice were either not answered or inadequately answered.

Of prime concern, however, is the repeated refusal of the Government to release the Functional Review of the ACT Budget, which apparently provides the basis for this budget, either as a complete document or edited to protect privacy or confidential information.

The Committee has considered, to the best of its ability and within these constraints, the 2006-07 Budget, and believes that without sighting the Functional Review, we are unable to recommend that the Appropriation Bill be passed.

Recommendation

The Committee recommends that, unless the Government releases the Functional Review report, the Appropriation Bill not be passed.

The Government will no doubt reject this recommendation, since none of the Government members in the Committee supported it, and indeed, a great deal of effort, as outlined above, was made to ensure that it did not go into the final report. The Committee is not able to block the granting of supply and that is not the intention of my recommendation. I do not believe that the Committee was given enough information in the budget documents, in answer to questions or at hearings with Ministers, to sign off on the Appropriation Bill with confidence. Indeed, the consequences of this budget are still being rolled out in Government departments today in ways that were not detailed or foreshadowed in the Estimates process. I have not seen the social and environmental analyses – or even adequate economic data and rationale - to support the budget allocations. If I had I might not be recommending that the Appropriation Bill should not be passed until the Functional Review report is tabled.

If the ACT did not have a majority government, and if the Greens were in a position of balance of power, we might have been able to require the Government to table the Functional Review, or those parts of it which were not confidential or for which valid, non-partisan reasons exist to justify non-disclosure.

Astute readers of the report will see numerous references to lack of information and the difficulties that not having sighted the Functional Review report placed on our ability to scrutinize the budget. I believe that the final recommendation should reflect the concern of the community and Members of the Committee, and that it would have been irresponsible and contradictory to have retained the draft recommendation that the Committee recommends that the Appropriation Bill be passed.

The Committee process was almost scuppered towards the end of our deliberations. This is an issue of concern to the ACT electorate which, I believe, has the right to demand that proper analysis, transparency and accountability be required of the Assembly and, of course, the ACT Government.