



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

30 May 1995

Tuesday, 30 May 1995

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and read the prayer.

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Moore**, from 173 residents, requesting that the Assembly ban the auctioneering practice of a buyer's premium.

By **Mr Kaine**, from 48 residents, requesting that the Assembly direct ACTION to work with the Yarralumla community in replacing the heritage bus shelter in Schlich Street.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Auctions - Buyer's Premium

The petition read as follows:

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 they object to the practice employed by auctioneers to create extra commission by the addition of buyer's premium to items purchased at public auction. This practice is especially oppressive when this surcharge is added at Government disposal auctions when taxpayers have paid for the original item.

Your petitioners therefore request the Assembly to ban this insidious practice.

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Yarralumla Bus Shelter

The petition read as follows:

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:

The Minister for Urban Services, and ACTION's, broken promise to replace the heritage bus shelter in Schlich Street, Yarralumla, destroyed by fire in 1993.

Your petitioners therefore request the Assembly to:

Direct ACTION to work with the Yarralumla community to achieve a result concerning the bus shelter which is satisfactory to the community.

Petitions received.

DEPUTY CHIEF MINISTER - SEXUAL HARASSMENT ALLEGATIONS

MS TUCKER (10.31): Mr Speaker, I ask for leave to move a motion relating to the ministry.

Leave granted.

MS TUCKER: I move:

That, in recognition of the seriousness with which the community regards sexual harassment and to ensure the continued good standing of the Legislative Assembly, this Assembly urges the Chief Minister to stand her Deputy Chief Minister aside until the sexual harassment allegations concerning him are resolved.

Mr Speaker, I will preface my remarks on this motion by saying that the Greens have not made and will not make an assumption about the innocence or guilt of Mr De Domenico in this matter; nor do we wish to cause Mr De Domenico, his staff, his family or this Government any harm. However, we realise that by talking to this motion and by discussing it in the media we, like all who have become publicly involved in the issue, bear some responsibility. Perhaps the majority of this public debate would have been avoided if Mrs Carnell had waited until after the resolution of the matter with the Human Rights Office before appointing Mr De Domenico to his current positions.

As we understand it, Mr Speaker, a series of allegations of sexual harassment have been made against the Deputy Chief Minister. The Minister and the complainant have sought to resolve these matters through conciliation and that process has failed. It may soon be up to the Human Rights Office to seek a fair and just resolution of this matter. It is not and should not be up to this Assembly or members of this Assembly to become involved in resolving the matter. The Greens also encourage the Assembly to consider a review of the processes and resourcing of the Human Rights Office.

Mr Speaker, the Greens believe that it is important that this matter be debated in the Assembly because of the issues it raises. Sexual harassment allegations are very serious. In the ACT it is imperative that we take a firm stand against sexual harassment and abuse. Sexual harassment and abuse is an issue that we as a society are only just coming to terms with. Ten years ago this allegation would not have been taken seriously. It would have been seen as normal behaviour even though the people, mostly women, subjected to it suffered considerably. Today it cannot and should not be downplayed.

I was shocked that in a paper presented at the recent ACT Women's Justice Forum it was stated by Patricia Easteal that her two-year period of research on marital murder showed that in Australia a woman dies at the hands of her husband, on average, once every five days. In a substantial proportion of these cases there is a history of domestic violence. While the ACT has more effective processes to deal with domestic violence than do many other regions, what is clear is that we have a problem and that, as leaders in our society, we have a clear responsibility to set a high standard regarding matters of sexual abuse of any kind, because, Mr Speaker, sexual abuse and sexual harassment are forms of violence.

One of the arguments put forward is that there has been only one allegation. The fact that there has been only one allegation does not lessen the weight of that allegation or the seriousness of it as seen by either the complainant or the community. It is not up to this Assembly to decide whether one allegation or half-a-dozen allegations constitute grounds for being stood aside. We are not here to judge guilt; we are here to look at what is the appropriate response by the Chief Minister when an allegation of this kind is levelled at one of her Ministers. The Greens believe that the appropriate response is for the Chief Minister to ask her deputy to stand aside. Standing aside is not an admission of guilt. Standing aside is a means by which Mr De Domenico and the Government can show that they respect community values, they respect the standing of the Assembly and, most importantly, they wish to encourage members of the community to fight against sexual harassment and abuse so that as a community we can continue to deal with this issue.

Mr Speaker, I quote from the ministerial code of conduct presented to the Assembly by the Chief Minister a few weeks ago:

... Ministers must accept standards of conduct which are different from those applying to others having office in the Assembly or the wider community.

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Whether it is fair or not, Ministers of this Assembly are representatives of the needs, aspirations and values of the broader Canberra community and as such are open to more rigorous scrutiny and at times subject to processes that many other people in the community may not be subjected to. However, it is seen as appropriate in other areas of work, such as teaching, to ask employees to stand aside if allegations such as this are made. Surely the Deputy Chief Minister should also be subject to such rigorous processes.

Mr Speaker, from the moment this Government was officially declared, the Chief Minister had it within her power to ensure that this matter was given only minimal attention, by waiting until the matter had been resolved by the Human Rights Office before appointing Mr De Domenico to his ministerial positions. However, she did not decide to take that course of action, and now she is left to make a much harder decision that could be determined by the numbers in this place rather than by what is best for the people of Canberra.

Finally, I will reiterate the main points of our argument. A decision by the Assembly to support this motion does not mean that this place is acting as judge and jury. It simply means that the members believe that Ministers of this Territory should stand aside while facing allegations that are as serious as those being faced by the Deputy Chief Minister. It is important that the Assembly send a message to the wider community that sexual harassment is not on and that the Chief Minister is prepared to make that point by asking a Minister facing such an allegation to step aside until the matter can be resolved.

MR HUMPHRIES (Attorney-General) (10.38): Mr Speaker, I must say that I am disturbed that the Greens should see fit to bring this motion forward to the Assembly today. It is a motion which, I think, does great damage to a number of important principles on which this Assembly and indeed this community have operated for a number of years. The Greens tell us that they are not interested in prejudging the guilt or innocence of Mr De Domenico in this matter, yet I would suggest to them that that is precisely what they are doing by demanding that certain action flow from the fact that allegations have been made against Mr De Domenico in the human rights commission of this Territory.

I ask members to think for a moment about the consequences of the course of action that the Greens are urging on us. If next week an allegation on a similar basis were to be made against me, for example, I assume that the Greens would have it that I should stand aside as well. If the week after a similar allegation were made against Mr Stefaniak, presumably he would stand aside as well.

Mr Stefaniak: Ms Follett?

MR HUMPHRIES: We do not know about members of the Opposition; but we do know that under the standard being proposed by the Greens such a claim brought against any member of the Government, with however little justification, on whatever spurious basis, ought to be assumed to be sufficient ground to have that person stand aside from the ministry.

There is an important difference between allegations made in this forum, which are, in many ways, akin to a civil action against an individual, and matters that are brought against a person in a criminal court for breach of the criminal law of the Territory. In the case of a criminal charge against an individual, people have the opportunity of knowing that there has been an assessment of those claims by an independent authority, namely, the Director of Public Prosecutions, before that charge is brought in a court against that individual. So, if I were to be charged with some serious criminal offence, people would have the slight satisfaction of knowing that it was not merely the opinion of an individual in the community that I had done that particular thing but also the opinion of the Director of Public Prosecutions that there was a sufficient case against me to have the matter dealt with properly before a court of the Territory. That is the protection that the community as a whole has in those proceedings. That is the reason that when such a serious criminal matter is brought against a Minister of the Crown that person quite rightly stands aside while the matter is being heard.

But, as I have indicated, proceedings of this nature in the human rights commission are, in many ways, more akin to civil proceedings than they are to criminal proceedings. There is no test of the strength of the claims when a person brings those claims before the tribunal, although ultimately there may be a decision by a court that there is not sufficient basis for those claims to proceed. The point is that when the claims themselves are brought there is no basis on which to say that they should be knocked out because, at that point, they are insufficiently sound to carry the matter through to an adverse finding against an individual. It seems to me very important that we do not assume that a case brought in the human rights commission is akin to a case in a criminal court of the Territory. That is a quite spurious analogy, and it is most important not to allow that to cloud our view about this matter. As I indicated, any person could bring a claim against any Minister in this place with little or no justification and, on the Greens' test, that would result in that person having to stand aside from the ministry. You could shut down government in the Territory if you wanted to use that device and apply that test.

Mr Speaker, I think there is a more important test to apply. That test entails weighing the nature of the allegation itself. I ask the Greens whether they have actually considered the details of the allegation as they have been indicated in the media, considered the well laid out format in the human rights legislation for resolution of these matters, which is transparent to everybody who wants to look at the way in which those provisions are set out there, and determined what consequences the Government of the Territory would suffer if this sort of standard were to apply to it. Mr Speaker, I think that we have here a quite massive red herring. Those opposite who seek to bring this matter forward to this place do great damage to the principle - a very important legal principle - that in our judicial system a person is innocent until proven guilty. Mr De Domenico is entitled to the application of that principle. He is entitled to benefit from that and to retain his place in the ministry until such time as it is shown that he has committed some act which makes him unfit to hold a place in that ministry. Mr Speaker, that position is far from the case at this time.

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The remarks made by Ms Tucker also made reference to examining the resourcing of the Human Rights Office. I indicate that that is also a quite dangerous red herring to introduce into this debate. I believe that Ms Follett has also raised the question of there being proper resources to have this matter dealt with quickly. I start by saying that the Government would dearly love this matter to be dealt with as quickly as possible. If we could arrange for the matter to be heard tomorrow, we would do it; but there is the small but not inconsequential matter from the point of view of the complainant in this matter that there are procedures set out in the legislation and in the instruments operating under the legislation that enable a person to have their claim and their allegations properly ventilated in the human rights commission. I cannot truncate that process. The commission cannot truncate that process unduly.

People who come before the commissioner are entitled to prepare their case and to take appropriate time to deal with certain matters such as conciliation steps and preparation for hearing steps before the commissioner. It is not appropriate or indeed legally possible for people in this place to attempt to manipulate that particular process. What is more, the human rights commissioner has indicated to me that she sees the process by which this matter should be dealt with as taking a certain amount of time which I believe it is not possible to truncate. I want to quote one paragraph from a minute that she has sent to me on this subject. She states:

The speed with which I can make a decision on the threshold issue of the correct respondent(s) to the matter will dictate the timing of the full hearing into the complaint. However, in order to permit proper process, the exchange of documents would ordinarily take approximately two and a half months from the time of the decision about respondents. Any requests for expedition agreed to by all parties could speed up this process.

It is clear from that that there is no question of Ms Tucker, I or anybody else in this place, except Mr De Domenico, having any capacity to reduce the period of time it will take to get this matter to a proper hearing. It is also a matter for the complainant in this matter to determine whether she will consent to processes which would reduce the time it would take to have this matter dealt with by the tribunal. There is no issue of there being inadequate resources to deal with the matter. Even if, as Ms Follett suggests we should, we appointed a special commissioner to come forward and hear this complaint instead of Ms Burnett, the Discrimination Commissioner, we would not see any reduction in the time it takes to hear this matter.

I am extremely receptive and have conveyed to the commission that if they wish additional resources to deal with this matter we will certainly entertain that suggestion. There has been no request from the commission to do that. There is also a question whether it is appropriate to provide particular resources to hear a case involving an ACT Government Minister when there are other matters before the commission which are important to the complainants in those matters and which should be dealt with in an appropriate timescale for those particular people. Mr Speaker, I am concerned about what this motion does to the procedures of this place and to the way in which our system, both in this place and in our general common law regime, might operate.

I also have to ask a very pertinent question as to the timing of this particular motion. Members of the Greens, who supported the election of the Chief Minister back in March, were well aware that an allegation of sexual harassment had been made against a member of the Government. Of course I do not mean on the day on which the Government was elected, but it was very soon thereafter. I am also sure that members of the Greens were well aware of who that member was. This motion could have been moved at any stage in the last three months without naming the particular Minister concerned. It is moved now, it would seem to me, to capitalise on the recent publicity which has attended the revelation of which Minister it is that is subject to these allegations. I ask why that is. Why should it be that this motion is dealt with at this stage?

With the greatest respect to the Greens, they have misunderstood the proper processes which ensure that a person is innocent until proven guilty. They have misunderstood the basis on which the commission is taking a long time to hear this matter. That is a matter of regret to every member of the Government but a matter which we can do absolutely nothing about. The Greens have misunderstood the procedures whereby we protect the integrity of the Government of the Territory. I would urge them to reconsider this motion they have put before the house.

MS FOLLETT (Leader of the Opposition) (10.49): Mr Speaker, the Opposition will be supporting the motion that Ms Tucker has put forward. We consider that this debate goes far beyond the allegation of sexual harassment that lies against Mr De Domenico, a grave matter though that is. I believe that the debate goes to the very core of the handling of the matter by Mrs Carnell and, of course, her capacity to act as the Chief Minister of this Territory. We in the Opposition have been scrupulous in refusing to become embroiled in the substance of the allegations against Mr De Domenico, and that will remain our position. Those allegations will be properly considered by the Human Rights Office; but I do not believe that that should deflect us from an entirely proper determination to ensure that the Government and specifically the Chief Minister conduct themselves in a manner which is not only proper but, when it is measured against every convention and against the public expectation of propriety and of leadership, is seen to be proper.

Mr Speaker, of all the antisocial occurrences that confront us, I believe that there are few which are so insidious, so offensive and so utterly demoralising as sexual harassment. I speak as a woman who has had over 30 years' experience in the work force. Sexual harassment does not invariably, or even most frequently, involve physical contact. In fact, the Commonwealth Government publication "Sexual Harassment: Knowing Your Rights" states that sexual harassment can take many forms. It can be obvious or indirect, physical or verbal. It then goes on to list examples. Prominent amongst the examples is the example of sexually suggestive comments and jokes. What is crucial to all allegations of sexual harassment is that the remarks, the behaviour or the advances are repeated and are unwanted.

It is not prejudging the issue to state that Mr De Domenico himself said in his statement on 22 May that he had never laid a hand on Ms Marshall but that he may have used inappropriate language in the office. Mr Speaker, I do not regard that as in any way automatically lessening the gravity of the allegations against Mr De Domenico.

Mr De Domenico: I did not say that at all.

MS FOLLETT: Mr De Domenico, I genuinely apologise if that is not what you said, but that is my recollection of what you said. In any case, Mr Speaker, the statement that it may have been only inappropriate language, in my view, in no way lessens the gravity of the allegations.

Mr Speaker, I turn to one of Mrs Carnell's more bizarre and defensive statements about this matter. She has said that Ms Marshall's allegations should be given less credibility because so far they have been made by only one person. She said, "To start with, all we have got here are allegations by one previous employee". I would ask: What kind of a message does this send to the many women who, we know, are putting up with sexual harassment on a daily basis but are too frightened or too intimidated to do anything about it? What Mrs Carnell is saying is, "Do not come bleating to my Government if you are the only person who has been harassed. If there is only one of you, then you have no credibility". I would ask, Mr Speaker, whether Mrs Carnell has put a figure on the number of women it takes before there is credibility in an allegation. Does it take three women to match the denials of one man? What is the figure?

Perhaps, Mr Speaker, we should not be surprised about this approach. In the last session, Mrs Carnell arrived in this place bearing and lauding the Government's new code of conduct for Ministers. Ms Tucker has referred to that document as well. Clearly, that document is completely phoney. It actually made no mention of the personal standard of conduct required of Ministers, as I have said previously in this place. As Ms Tucker said, even the very thin guidance that is offered to Ministers has, in fact, not been adhered to; so that document is a totally phoney one.

Mr Speaker, if you look at the statistics on sexual harassment - we have looked at the statistics from Victoria's Commissioner for Equal Opportunity - you see that they do show that there has been a 65.8 per cent rise in complaints from the previous year. I think that, rather than demonstrating an alarming increase in the incidence of sexual harassment, this is much more likely to be evidence that women - and 94 per cent of victims are women - are at last finding the courage to stand up and to say, "We will no longer tolerate this offensive and humiliating behaviour". That is a very good message to be sending out. I think it is about time women felt that they could have the courage to come forward with allegations and have them heard objectively and fairly.

Mr Humphries: Mr Speaker, I rise on a point of order. Ms Follett is referring to women having the courage to come forward to make allegations about offensive and humiliating behaviour. We are having a debate about Mr De Domenico. To make those comments in the context of this debate is to attribute in a subtle but effective way that kind of behaviour to Mr De Domenico. It is unbecoming of Ms Follett in this debate to prejudge the issue in that way. What she says about the need to attack sexual harassment in the community is very valid. To suggest, as she is doing, that this has anything to do with Mr De Domenico, in these circumstances where no claim has been proved against him, is offensive, and I would ask her to reconsider her remarks.

MR SPEAKER: Whilst, as I understand it, the matter before the Discrimination Commissioner is not subject to the sub judice convention, I would ask all members to recognise the importance of exercising some restraint in this matter when it comes to commenting on the situation of individuals. It is an important issue. I do not wish to prevent the matter from being debated. Indeed, the Assembly has agreed that it should be debated. But I do believe that the point of order raised by Mr Humphries has validity, and I would ask all members to exercise some restraint when it comes to commenting on the situation of the individuals concerned in this matter.

MS FOLLETT: Mr Speaker, with respect, the statistics that I was referring to are from the Victorian Commissioner for Equal Opportunity. I made the general point, based on those statistics, that I applaud women coming forward and actually making complaints about sexual harassment. I believe that that is in no way consistent with the inference that Mr Humphries has drawn. I have made no allegation against Mr De Domenico but rather a general point on the need for women to have courage to come forward and for governments - proper governments - to support them in that. That was my point.

MR SPEAKER: As long as we are aware, Ms Follett, that no implication is to be made in relation to any member, I am happy to allow you to continue on that point; but I would remind all members, not just the Leader of the Opposition, to be careful in their remarks in this debate. Please continue.

MS FOLLETT: Thank you for your guidance, Mr Speaker; but I repeat that I made no implication, and I will not withdraw any implication. Mr Speaker, it is very hard for anybody to come forward with an allegation of sexual harassment. Very often those who do so have to bear the brunt of embarrassing publicity and attack on their own character. That is a very common occurrence. Unfortunately, it is my view that the complainant in this matter, Ms Marshall, has found that that has been exactly the result of her coming forward. It is my view that that situation must be redressed and other women should not be deterred from coming forward when they have a need to.

It has also been my experience, Mr Speaker, that the number of women coming forward with vexatious or spurious complaints of sexual harassment has been nil. I make that also as a general comment simply because the experience of making a formal complaint - members opposite, including Mrs Carnell, can chuckle away merrily, but I know what I am talking about - and going through the formal process is a quite daunting one. As Ms Marshall has found, the victim can be a double victim by coming under attack herself.

Mr Speaker, Mr Moore has argued that there would be a precedent set here if a Minister were to stand aside on an allegation. In fact, nothing could be further from the truth. There are numerous precedents for Ministers standing aside while investigations are carried out. They do not have to be criminal matters, as Mr Humphries has said they have to be. Neville Wran - people remember Neville Wran - stood himself aside on the basis that there was one allegation. Just the name Neville was used - not Neville Wran, just Neville. He stood himself aside and a royal commission was held. Alan Griffiths was stood aside on the complaint of one woman. He was later exonerated on that matter.

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Terry Griffiths was stood aside, and a special inquiry was appointed by the New South Wales Premier, John Fahey, on that occasion. These were not criminal matters. Mr Humphries's assertion was quite incorrect. The truth of the matter is that the only precedent that would be set would be if Mr De Domenico was not stood down.

I think Mr Moore later refined his arguments to say that there is no precedent for a parliament to compel a Premier or a Chief Minister to stand down a Minister. Indeed, that may well be the truth, but I think it is a fairly specious argument. The only reason why a parliament has not done so is probably that there is no precedent for a Premier or a Chief Minister doing what Mrs Carnell has done here in the ACT. In our case, Mr Speaker, I think that what we have here is a weak and vacillating Chief Minister who, for whatever reasons of her own, has refused to follow the accepted precedent - the decent practice, in fact - and stand aside Mr De Domenico. We also have here a minority government and the balance of power in the hands of people who have consistently said that they will not slavishly follow any one party. In fact, I look in vain for any evidence of that from Mr Moore or Mr Osborne.

Mr Speaker, we have heard from Mr Humphries about the process of the inquiry that must be held. I support those processes, but I do not accept that there is in any way an interference by the Government in those processes if they seek to expedite them. I had suggested that the Government attempt to expedite them by the provision of additional resources. I accept that that is not appropriate. I do not have much voice left, Mr Speaker. I will speak again if I regain it.

MR STEFANIAK (Minister for Education and Training) (11.02): Ms Follett seems to have caught the same bug as Mr Berry had the other day.

Ms Follett: And I know what to expect too.

MR STEFANIAK: It is not good. Mr Speaker, I wish to respond to a few points the Leader of the Opposition made. She mentioned a number of precedents. She mentioned Neville Wran. That was a somewhat different case. There are any number of precedents of people not standing aside where criminal charges have not been laid. There are two very well-known cases in the ACT. Ros Kelly did not stand aside, and last year, when many of us were not members of this Assembly, Ms Follett did not stand aside Mr Berry but stood by him despite the allegations against him. So, there are any number of precedents for Ministers not standing aside when criminal charges are not laid.

I think one of the biggest dangers in standing Mr De Domenico aside would be a presumption of his being guilty until proven innocent. Ms Follett talked about offensive statements. I think a fairly offensive statement was made by Mr Jeremy Pyner from the TLC, who said that there had been so many suppression orders that Mr De Domenico must be guilty. That is indicative of an offensive statement and shows a prejudice in relation to a matter such as this. This is an interesting matter, Mr Speaker. I note that even the media, who are normally absolutely scrupulous in calling for parliamentary standards and propriety, have indicated that in their opinion Mr De Domenico should not stand aside. My colleague Mr Humphries has mentioned a number of points which are very valid indeed. The fundamental tenet of our legal system is that people are innocent until proven guilty.

This particular matter is to be heard by the Discrimination Commissioner. As Mr Humphries said, it is not a criminal matter. It is more akin to a civil matter, and totally different standards apply. As Mr Humphries mentioned, in criminal matters there is independent scrutiny by the DPP. There are a number of scrutinies that make criminal matters quite different from this one. The scrutiny starts when a complaint is made. Police detectives do their scrutiny as they gather evidence. Many a matter does not proceed beyond that point, because there is simply a lack of evidence. There is also an internal checking system within the police force. If the matter proceeds, it goes to the DPP, where it is subject to another independent checking system. In a number of matters the DPP says, "The police have presented us with this evidence. We do not feel that there is sufficient evidence to go before a court". By the time charges are laid, you have been through a fairly rigorous process. There is ample precedent to suggest that if criminal charges are laid against a Minister there is a very strong case for that person to be stood aside. Of course, if matters are proven in any area, be it criminal or otherwise, the Westminster tradition is for Ministers to stand aside. There are ample precedents for that both in the British Parliament and in our own parliaments. The big problem here is that we do not have that type of situation at all; we have a very special kind of court.

We have a situation, too, of one allegation. As my colleague Mr Humphries said, similar allegations could be made by a person against him, against me or against Mrs Carnell - allegations that are not tested in any way and that might well drag on until the Human Rights Office process is finished. If Mr De Domenico is required to stand aside because of these allegations, Mr Humphries might have to stand aside tomorrow, I might have to the day after that and Mrs Carnell might have to the day after that. The same thing might happen to whoever replaces us - Mr Kaine, you, Mr Speaker, Mr Osborne, Mr Hird or anyone else.

Mr Moore: Me.

MR STEFANIAK: Mr Moore or the Greens. Allegations could be made against them. We would have complete anarchy. This Territory would not be governable. Dennis Stevenson would be absolutely delighted to see a situation like that. I think there is a very real problem here when one looks at the type of proceedings and the very dangerous precedent that could be set. I would ask members of the house to very seriously consider how they vote on this matter. Regardless of any of the rights or wrongs in this particular case, a very serious precedent could be set if members did vote in favour of this motion. I fear that it could lead to no-one being able to govern the Territory. We could end up with anarchy. I think members need to ponder on that before they cast their vote.

MR CONNOLLY (11.07): Mr Speaker, in opening the Government's defence in this debate, Mr Humphries made the point that he regrets that we are even having this debate. Indeed, the Opposition shares that regret. We should not be having this debate, because the established principles of appropriate ministerial standards are well known, are well established and should have been followed. We regret that this matter has to be brought on.

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Mr Humphries: Like Wayne Berry.

MR CONNOLLY: Mr Berry did stand aside from the relevant ministry. Mr Berry was never accused of personal impropriety. There was never any allegation going to Mr Berry's personal conduct or personal propriety. He was accused of maladministration - I suppose that that would be the term - in relation to the conduct of the racing portfolio, and he stood aside from the racing portfolio while the inquiry proceeded.

I also note the crocodile tears of those who say that you should not debate the merits of a matter in the Assembly if there is an inquiry going on but you should wait for due process. An inquiry was conducted into Mr Berry's conduct - an inquiry which cleared Mr Berry of any wrongdoing, you may recall - but that did not stop the then Opposition from using the numbers and running a merits argument in this place. But, if you want to talk about precedent in relation to standing aside, the fact is that Mr Berry did stand aside from the portfolio to which the allegation related. There was never an allegation of personal impropriety. Mrs Kelly was not accused of personal impropriety. Again, the allegation went to maladministration. She did not stand aside during that inquiry, but she did resign later on.

The precedents in relation to personal propriety are well established. They were observed by John Fahey only last year in relation to the Griffiths matter. There was no question as to how John Fahey would act as Liberal leader in New South Wales. He acted quickly and decisively. The precedent was followed in relation to Alan Griffiths by Prime Minister Keating. A Liberal leader and a Labor leader both acted swiftly and effectively. There is no question that that is the appropriate standard to apply to areas of public administration of high sensitivity.

Only yesterday we saw an announcement from the Australian Federal Police, ACT region, for which Mr Humphries is the responsible Minister, saying that three police officers have been stood aside while inquiries proceed into allegations of sexual harassment. Nobody would say that those police officers had been found guilty as a result of that, and nobody would say that there is any finding of impropriety in relation to those police officers in the mere act of their being stood aside; but the senior management of the Australian Federal Police, for whom Mr Humphries is ministerially responsible, took the correct and proper decision to stand aside persons who were the subject of sexual harassment allegations.

It must be a very bitter pill for officers stood aside when they can say, "A standard of conduct is expected of us which is not expected of our ministerial supervisors. A member of the ACT Cabinet against whom allegations have been made is not required to stand aside; but I, as a serving police officer, am required to stand aside". How can a different standard for those police officers be justified? If we were asking Independent members who are considering this matter - and I hope that they are considering it very seriously, as Mr Stefaniak said they should - to set a new standard, I could understand their reluctance. If we were asking you to pass judgment on conduct, I could understand your reluctance. If we were asking you to say that this should now be the standard required in Australian parliaments, I could understand your reluctance.

The fact is that we expected the Government to apply to itself the standards that other governments apply to themselves, that Premier Fahey applied to his friend and colleague, that Prime Minister Paul Keating applied to his friend and colleague when Alan Griffiths was stood aside, and that our then Government, in effect, applied when, while an inquiry was going on, Wayne Berry relinquished the portfolio that was subject to allegations about his administration. But you have chosen not to apply those standards of conduct to yourselves, although yesterday we saw those standards applied to persons who conduct the business of public administration in this Territory. Serving police officers were asked to stand aside. I note that the police union took no objection to their being asked to stand aside. There was no difficulty there. The Police Association said, "This is appropriate. The matter needs to be investigated". Of course, there is no suggestion there that there is any adverse finding against the officers.

In their desperation to defend what is a very significant weakening of the standards of ministerial propriety expected in Australian parliaments, this Government has two defences. Mr Stefaniak again raised in his remarks the point that there has been only one complaint. Ms Follett very strongly, but with due care for proprieties, made some remarks about how dangerous it is in this area of sexual harassment to be sending out signals that you need more than one complaint before action is taken. That is an appalling signal to send out. That has not prevented the Government, which is so desperate to accuse us of going into the merits of the case, from putting out innumerable statements attacking the veracity and motives of the complainant. In your statements she has been branded a liar; she has been branded an unreliable worker; she has been branded as somebody who was unable to carry out the duties of her employment. In your statements she has been accused of having political motives for making the complaint.

The merits have been gone into well and truly by the Government side in this debate. We refrain from going into the merits. Again, I make the point - - -

Mr De Domenico: You, of all people, should have known as early as January what was said. You know, don't you?

Ms McRae: Mr Speaker, on a point of order: Our side listened to the others in silence. Could we have a bit of order?

MR SPEAKER: Ms McRae, I uphold the point of order. I would ask members to cease interjecting from the Government benches. Continue, Mr Connolly.

MR CONNOLLY: I am happy to deal with that interjection, because it makes the point that this Government - - -

MR SPEAKER: No, Mr Connolly. Please continue with the debate.

MR CONNOLLY: This Opposition at no stage has used parliamentary privilege to canvass these allegations or to name names. Mr De Domenico was named, not by members of the Labor Party, but because the Human Rights Office decided to lift a suppression order. We are not the ones who have been dragging this matter up. We do not want to get into the merits of the matter; we do not want to get into the detail of the matter. We want to keep this argument to a matter of substantial high principle.

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That argument is that we are not asking Mrs Carnell to set a new standard of ministerial propriety. We are not asking Mrs Carnell to crank up the bar and say that there should be a higher standard of conduct for ACT Ministers. This Government is lowering the bar. This Government is saying that a standard of conduct lower than that which has been applied in other governments in Australia will apply to ACT Ministers.

Premier John Fahey, New South Wales Liberal, and Prime Minister Paul Keating, Federal Labor, are good examples in the last 12 months of where, in relation to an allegation going to personal conduct and personal propriety of a Minister, the leader acted quickly to stand that person aside. No implication of guilt should be involved in that. The standard that applies within this administration, the standard that applies within the Australian Federal Police and that was reported yesterday, clearly shows the established benchmark in Australia in relation to allegations of sexual harassment. Standing officers aside was a standard of conduct good enough for Premier John Fahey, good enough for Prime Minister Keating and good enough for the Australian Federal Police. Those police officers who have been stood aside must be asking themselves, "Why am I stood aside when it is regarded that a member of the ACT Cabinet in the same situation does not have to stand aside?".

Members who do not support this motion are not preserving the status quo. They are not keeping away from a mucky matter and avoiding being judge and jury. Members who vote against this motion are consciously and actively setting the standard of ministerial propriety in this Territory at lower than the established norm, and that is a serious step for this Assembly to take. It seems that the only defence of that has been the spurious argument from two Ministers that this motion would make government unworkable; that this would mean that nobody could conduct business because absurd allegations would be made against every Minister. There was only one allegation made against a New South Wales Government Minister in relation to this type of matter. There has been a subsequent allegation against a New South Wales Liberal backbencher. But this did not cause massive instability in a minority government situation for five years in New South Wales.

I am talking about allegations of sexual harassment, involving Ministers in Australia, that have gone to a commission and in respect of which the ability to strike out frivolous and vexatious matters has not been exercised. It must always be remembered that that is a power within the Act. I do not want to get into the merits of this matter, but I make the point that the argument that government would be unworkable because there would be allegations against every Minister has not applied even in areas where appropriate standards have been acted on. When Premier Fahey very swiftly said, "Minister, you stand aside while we quickly conduct an inquiry", there was not a rash of other allegations. If there were to be other allegations, the provision in relation to frivolous and vexatious complaints could be exercised.

The only defence the Government has is that if it were to require its Ministers to stand aside in these circumstances government in the ACT would be unworkable because no Minister could go ahead and do their duties. That simply has not been the case around this country. It is highly insulting to the process of sexual harassment allegations to suggest that all complaints are frivolous and vexatious and have not been made out.

You must come up with a better defence and, for Independent members, a better argument as to why, as you seem to be suggesting, they should not preserve the status quo. We are not suggesting a higher standard of ministerial conduct. We are saying that you should follow the standard practice throughout Australia.

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

MRS CARNELL (Chief Minister) (11.18): Mr Speaker, I think what we have here in this debate is a very sad time for this Assembly. What we have seen over the last few weeks I have found personally distressing. Forget the situation with Mr De Domenico. Ms Follett stood up before and said that it was basically with a heavy heart that she spoke today. But what we have seen around this Assembly - - -

Ms Follett: I raise a point of order, Mr Speaker. I said absolutely no such thing.

MRS CARNELL: Ms Follett indicated that she was distressed by having to bring these sorts of matters forward.

Ms Follett: I did not.

MRS CARNELL: Or she liked bringing them forward.

Ms Follett: On a point of order, Mr Speaker - - -

MRS CARNELL: All right. Ms Follett was very happy to bring this matter forward.

Ms Follett: Mrs Carnell was not present in the chamber. I made no such statement.

MRS CARNELL: I was present when you spoke. I was present the whole time that Ms Follett spoke. We have seen in the Assembly and around the Assembly over the last couple of weeks a level of personal attack that I have never seen before. I have actually been quite proud that this Assembly has not in the past gone to the depths that we have seen recently. Ms Follett's staff has been ringing members of the media on almost a daily basis, making fairly unfortunate comments about various people and basically muckraking.

That is a situation that we simply have not become involved with. When we were in opposition and information came into our hands about similar types of complaints against press secretaries of then Ministers, what did we do? We did nothing, because to have done anything would have been unacceptable. We are not going to debate the allegations against police officers, because to do so would be unacceptable. Mr Connolly is very happy to do it. When there were allegations against an ex-Labor member, what did we do? We did nothing, because to have done anything would have been unacceptable. There are processes that we must allow to be followed in this area. The way not to do it, if we are to get on with the business of managing and governing this Territory, is to allow these sorts of personal innuendos and this muckraking to upset us and take our minds off the important issues in managing the Territory.

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That does not in any way undermine the seriousness with which we take sexual harassment allegations. We supported the legislation, as did everybody in this Assembly. Obviously, these are serious issues. Allegations of sexual harassment must never be taken lightly. Ms Follett made comments about making sure that we encourage women - and it is predominantly women - to come forward. We totally support that. Certainly, debates like the one we are having today would go a long way to encouraging women to come forward when they are likely to end up the subject of debates in the Assembly and not be allowed to have the issue handled where it should be, in the Human Rights Office! That is the sort of absolute hypocrisy we have seen all the way through this whole debate. With a hand-on-heart approach, Labor is saying, "We really do not like getting involved with this", while they are still ringing up and talking to everyone they can possibly think of - and not just with regard to Mr De Domenico either. I have heard the most remarkable things being said about at least one other member of this Assembly. These sorts of things simply are not on in this place - or never have been before.

What we have in this particular case is one ex-staff member who has brought allegations against Mr De Domenico - allegations that must be heard in the appropriate manner by the human rights commissioner. As Mr Humphries said, there are very definite requirements for timeframes to ensure that the process is allowed to go through. Both parties - both the person who has alleged sexual harassment and the person who is at the other end of those allegations - are allowed time to respond. The human rights commissioner has to have time to do the bits of the whole process she must do and make the determinations she must make. That is the process. We would be thrilled for this process to be quicker. We would love to have had the matter heard before the election, but we will not interfere in what must be an arm's length approach to this sort of issue. That is the bottom line.

We have allegations from one ex-staff member. What Ms Follett forgot to say is that the statement I made referred to that one ex-staff member not being backed up by other staff members, unlike in the Terry Griffiths affair, where I think in the end 12 staff members were making similar allegations. Here we have one, not backed up by other staff. That is not to say that the allegations are right or wrong, but what we have here is one set of allegations. We have a proper process that must be followed. We are very happy to allow that process to continue, hopefully sooner rather than later. Ms Follett, and for that matter Mr Connolly, made comments about "the process" and how we would be totally stepping outside what was accepted practice in all parliaments around Australia. Apart from the Terry Griffiths affair, where in the end there were some 12 sets of allegations, it is very hard, certainly in the Federal Parliament, to find any circumstances where sexual harassment has actually required a Minister to stand down.

Probably the important issue here is to have a look at the ACT, because that is where we live. We have two instances in the ACT - one at the Federal level and one in the ACT Assembly - of Ministers being subject to inquiries. One was Ros Kelly in the sports rorts affair. Did Ros Kelly stand down? No, she did not stand down. Through the whole inquiry she stayed there. The other one, of course, was in this Assembly and involved Mr Berry. Did Mr Berry stand down from his ministry? Did Mr Berry stop being deputy leader? No. He stood aside from sport, and sport only. He stayed in his position as a Minister. He stood down from one small set of responsibilities for the time.

He did not stand down as a Minister. You were still a Minister the whole way through that, Mr Berry, and you know that. They are the only two instances in the ACT of Ministers being subject to inquiries. In neither case did they stand down as Ministers. So, there goes the argument that we would be setting a precedent.

Obviously, we would be setting a precedent in the ACT if Mr De Domenico did stand aside. We have any number of examples around Australia of Ministers not standing aside; but there is very little evidence at all, and certainly none in the Federal Parliament that we can find, of sexual harassment being alleged against a Minister, let alone any precedent for their standing aside. I would be very keen to see the list of precedents for Ministers who have been subject to sexual harassment allegations standing aside. So far we have found none.

Mr Connolly: In the only case that it has happened, they have stood aside. This will be the only time they have not stood aside.

MRS CARNELL: You were saying that there had been precedents all over Australia and that we would be setting a new one. The fact is that there is one. Now they have admitted that there is one, and it is Terry Griffiths. Terry Griffiths was subject to 12 sexual harassment allegations by individual staff over a period of time. In that case 12 staff alleged sexual harassment. Here we have one staff member, not backed up by other staff. But that is getting into the intricacies of this matter, and the whole way through that is the last thing we have wanted to do. We believe that the human rights commissioner must be allowed to continue with this process and that both parties must be allowed to have time to respond and time to do what is appropriate under the Act. Basically, we must allow them to have their time in court on this - not that it is a real court.

What we are talking about here is a fair go - a fair go for Mr De Domenico, a fair go for Ms Marshall and a fair go for the human rights commissioner, who seems to be under as much pressure as anybody else. Nobody on the opposite side of the house seems to accept that she is capable of seeing this whole process through to a fair and equitable conclusion. We believe that she can do that. The very basis of this matter is having faith in the human rights commissioner and the process. We have that faith. We hope that it is concluded sooner rather than later. I think we have now totally got rid of - - -

Ms Follett: Mr Speaker, on a point of order: Mrs Carnell has made the clear implication that the Opposition does not have faith in the human rights commissioner; that we do not believe that she can conduct this case to a fair conclusion. That is a totally improper and incorrect implication, and I ask that it be withdrawn.

MR SPEAKER: It may be incorrect, and I accept your assurance on that; but I listened very carefully to Mrs Carnell and she said "it seems that the Opposition". This is her opinion of it. You have clarified the matter. I do not believe that there is any further point to the point of order.

The member's time has expired.

MS McRAE (11.29): Mr Speaker, I would like to enter briefly into the debate because the major point has been entirely missed. The question we are talking about here is the perception of leadership. We are talking about a Chief Minister in whose hands lies the responsibility for good management for the people of the ACT. As a Chief Minister, she has already put down a code of conduct which defines that Ministers are special people, that they are above all others, and that they stand with a level of responsibility which no other person in the community shares. There are only four of them in the ACT. It is outrageous that, in supporting the stand that one Minister should not be stood aside, constant references have been made - - -

Mrs Carnell: Just as Mr Berry was not.

MS McRAE: Thank you, Mrs Carnell, for your interjection. I repeat the point that this is personal impropriety relating to personal behaviour that is being talked about, and therein lies the distinction which the Chief Minister must understand. There is a fundamental difference between personal impropriety and ministerial maladministration. Alan Griffiths was stood aside. He was exonerated in the end, but he was stood aside. It was personal impropriety for which Alan Griffiths was stood aside.

If my memory serves me correctly, the 12 or so women who came forward later in the Terry Griffiths case came forward only grudgingly after Mr Fahey showed some leadership and found a special inquirer because he understood the ramifications of standing a person down. Did he stand back from his Premier responsibilities and say, "Oh dear, government will come to a halt, so I cannot stand this man down."? No, he took matters into his own hands and said, "We must have an inquiry". He called an inquiry and then the rest of the women came forward. From the very beginning there was one person on stress leave and an enormous reluctance to talk about the issues. Why? Women understand the ramifications of bringing allegations out. I find it totally abhorrent to have it suggested that there is a series of women waiting to make frivolous allegations against the other Ministers and to bring them down. What a nonsense! Time and again we have heard that there is a proper process in hand. Yes, there is a proper process in hand. Someone has made allegations, correctly, to the Human Rights Office. It is no longer in the realm of scuttlebutt and ugly stories that we daily share and maybe take delight in telling others about, as all humans do. It is no longer in the realm of personal behaviour, that we may or may not know about, that ministerial staff, our friends or members indulge in. We are no longer in the realm of everyday behaviour. We are in the realm of the leadership being shown by a government, by a Chief Minister and by her Ministers.

The Government is saying that we have only one woman's unsubstantiated allegations and that other staff members will not come forward. Who knows whether they will come forward or not? The inquiry is not on yet. Mr Griffiths's tormentors, as they might be seen by some, did not come forward until Carmel Niland began her inquiry, and then the full details came out. Women fully understand the ramifications of behaviour. Women fully understand the implications of things and do not take these things lightly.

The message that our Chief Minister is giving is one that says, "I will not take the high moral ground here. I will not take my ministry above the realm of others". She is refusing to face her responsibility as a leader in this community. She is our Chief Minister. These are our Ministers. It does not matter what the allegation is. It does not matter whether there is one or 500.

We are demeaning the processes of the Human Rights Office by saying that these things are not important. It is the perception of the thing that matters, not the detail. The Minister may well be exonerated in the end, and I hope that he is. That is not the point. The point is that this is a formal process that has begun. This is a formal process that began when the Government began. The Chief Minister had it within her power on day one of the Government to call a special inquiry, to show leadership, to show to the people of Canberra that human rights commissions matter, that the people who put allegations before the Human Rights Office matter and that Ministers, most of all - unfortunately for all concerned because, God help us, we have all done things that we would prefer not to become public - carry a level of public responsibility which is unlike any other. When you take the oath of office, that is what you take on and must understand. We are all vulnerable - there is no question of that - but here we have a question of leadership, a question of standards, a question of perception and a question of saying to the women of Canberra, "If there is only one it does not matter" - which unfortunately is the message we are getting over and over again - "Of course, if there were 250 it would be different". What an absolute nonsense! This person has made a formal allegation. There is a formal process before us. We are a formal Assembly with a Chief Minister and Ministers with responsibility. There should be some acceptance of that, with the pain that goes with it.

Some leadership should be shown and perhaps a special inquiry conducted so that the matter is expedited. I find an absolute nonsense all those arguments that it is going to take months and months. We have a Chief Minister. She is in charge of these things. What did Mr Fahey do? He got an inquiry going and got the matter out of the way - end of story. That is within the power of the Chief Minister, and I think it is about time some leadership was shown and some seriousness was given to what we are actually talking about - not to the frivolous detail of it all, which is irrelevant. There is a formal allegation, a formal inquiry. We have a Chief Minister, four Ministers and a government, and it is about time they behaved like a government.

MR HIRD (11.35): I would like to draw the attention of the Leader of the Opposition to a statement she made on 12 April 1994 in this place. I quote from page 549 of *Hansard*:

Madam Speaker, the motion of no confidence in Minister Berry that we are debating today quite clearly seeks to pre-empt the inquiry into the circumstances of the VITAB contract that is now being conducted by Professor Pearce. I agree that it is a matter for the Assembly to determine whether it has been misled; but it is quite another matter to maintain, as the Liberals are doing, that the Assembly should reach a decision on the issue before all the facts are available to it. I believe that that is what is occurring this afternoon. It has certainly been the thrust of the arguments put ...

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They are the words of the Leader of the Opposition when she was Chief Minister. In my opinion, there is no question that they are pre-empting the inquiry. Wait until the umpire brings in a decision. Wait until that decision is made. It is quite right and appropriate that the Chief Minister has not moved to interfere with the Human Rights Office. It is an independent body. But the way you put it across, Leader of the Opposition, would indicate that you would interfere with that independent body. I do not think that that is good government. That is probably why you are sitting on the Opposition bench right now.

MS FOLLETT (Leader of the Opposition): I seek leave to make a personal explanation, Mr Speaker.

MR SPEAKER: Leave is granted.

MS FOLLETT: Mr Speaker, it is apparent to about 16 members of the Assembly, but obviously not to Mr Hird, that we are not dealing with a motion of no confidence - far from it. Such a motion has been considered and found inappropriate by members of the Opposition. The reason why we found it inappropriate was quite simply that it would have been pre-empting the outcome of the deliberations of the Human Rights Office.

Mr Humphries: The principle is the same, is it not?

MS FOLLETT: Mr Speaker, the principle is completely different. A motion of no confidence by the Assembly indicates that a Minister is considered by the members moving it and supporting it to be no longer fit to hold office. No such motion has been moved in this place in relation to the sexual harassment allegations; nor will it be, Mr Speaker. The motion that is before us, moved by our colleagues the Greens, not by the Opposition - Mr Speaker, I will read it out for Mr Hird's guidance - urges the Chief Minister to stand her Deputy Chief Minister aside. It is not a motion of no confidence, nor is it a censure motion. I would have expected that Mr Hird, with some previous experience as a Speaker - he was not a very good one, but he has that experience - would have known the difference. I think it is a very sad statement that he has made. He apparently cannot appreciate the issue. A motion of no confidence would have prejudged the matter. Urging the Chief Minister to behave like a leader in no way does.

MR HIRD: Mr Speaker, under standing orders I want to make a personal explanation.

MR SPEAKER: Under standing order 46, you may proceed.

MR HIRD: I find the remarks of the Leader of the Opposition typical, because she and her colleagues have been caught with their hands in the drawer, in the cash - - -

MR SPEAKER: Order! You may make a personal explanation, Mr Hird. You may not debate the issue.

MR HIRD: In accordance with standing order 46, Mr Speaker. I would say that the remarks made by - - -

Ms Follett: I raise a point of order, Mr Speaker. If I heard Mr Hird correctly, whilst his own side was interjecting he said that I had been caught with my hand in the drawer. To my ears, that is an implication of impropriety that must be withdrawn.

MR SPEAKER: Mr Hird, first of all, you are not making an explanation of the sort provided for under standing order 46. Nevertheless, the implication you have directed at the Leader of the Opposition, to which she has objected, should be withdrawn. Would you please do so.

MR HIRD: I will do so, if she finds it offensive.

MR SPEAKER: Thank you. You may now continue with your personal explanation.

MR HIRD: I find it most offensive when the Leader of the Opposition casts doubts on my ability of four years in the honourable position of Speaker of the House of Assembly. I find it unfortunate that the Leader of the Opposition does not understand what motions are. I suggest that she learn the art of debating.

MR MOORE (11.41): Mr Speaker, I think that Ms McRae's speech really touched on the issue extremely well. She said that it is very much the perception of leadership that is in question here and that it is very much the responsibility of the Chief Minister to set the standards for her Government and to act accordingly. By and large, I find that argument particularly convincing, Mr Speaker. I believe it appropriate to allow the Chief Minister to do just that.

It is interesting that this motion should be put forward by Ms Tucker. I ask her to account for why it is that she has brought this motion up now, when the code of conduct for Ministers was tabled in the Assembly and debated on 2 May and the speakers to that code of conduct were Ms Follett, Mr Humphries, Mr Kaine, Mrs Carnell and I. There was not any contribution by the Greens. Certainly, there was the suggestion earlier that this was just opportunistic on their part, now that they realise that there is some media attention. I think it is incumbent upon Ms Tucker to explain why it is that they have moved this motion now rather than dealing with it earlier.

Mr Speaker, I am conscious of certain skeletons in other people's cupboards as far as these sorts of issues go. I wonder at some of the things that I hear from the Opposition benches. I wonder at how Labor can go on the way they did when it is such a short while ago, granted in a different parliament, that Ros Kelly for months tried her hardest to tough it out, until finally on a much more serious matter she stood down. It is interesting, Mr Speaker. Perhaps this Minister could take note of the actions of Ian McLachlan, who on the Hindmarsh Island affair very rapidly stood up and said, "I am going to stand down because I think that is the right thing to do". It is interesting that that has not happened in this situation; but, by and large, it is the responsibility of this Government to decide how they are going to operate. I believe that it is the responsibility of the public in general to make a decision about the way they consider this Government operates. They will be able to do that most effectively in three years' time. But, of course, they also have other techniques available to them, through processes and approaches that are quite public, to call, for example, for a Minister's resignation.

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The other factor that comes into a general decision on this motion, Mr Speaker, is the nature of the legislation. It is designed - we designed it appropriately in this Assembly - to resolve problems rather than to apportion blame. I wonder whether at the end of the process a Minister who stood aside would then be able to sit back and say, "The problem has been resolved". It is not a case of blame being apportioned and whether the person would therefore be in an appropriate position to take a place in the ministry again. The nature of this legislation is such that an allegation under it is quite different from a criminal charge that might be laid in other circumstances.

Mr Speaker, what I am trying to suggest is that this is not an easy issue to deal with. There are some very good arguments on both sides of the issue. I find in the Assembly that it is always the case that the most difficult issues to deal with are not those where you stand for something you believe in; where, even though 80 per cent of people may be against you, you genuinely believe that something is right and you go for it. Those are not difficult issues to deal with. The difficult issues to deal with are those where there are very good arguments on both sides and it is a very fine line. In the end, Mr Speaker, whilst if I had been in Mr De Domenico's circumstances I probably would have decided to stand aside, I think it is for the Chief Minister to decide how she sets the tone of her Government, and that is what I am going to allow her to do.

MS TUCKER (11.47), in reply: Mr Humphries and Mr Moore have both been curious about what they saw as our timing here. Maybe we do not quite understand the processes, but we were under the impression that there was a suppression order. It was said that it was well known who the person was and that we could have raised this issue before. It was not well known to us who the person was. I do not take a lot of interest in gossip. I have never asked anyone in particular who the Minister was. Because it has become public, we feel a responsibility to say what we believe is important in the issue of ministerial behaviour in this sort of situation.

We have been contacted by many people on several aspects of this issue. One of them is what a Minister should do and what a Chief Minister should do in this situation. We feel that there is a responsibility in this place to make clear to the people of the ACT what we believe is appropriate in this sort of situation. We have made it quite clear what the Greens see as appropriate. We agree that it is a complex issue, as Mr Moore said; but we have our view.

It was said several times that we have misunderstood processes. Perhaps there are some we have misunderstood, but I also think we have a different view from you on particular issues. There is legal argument about precedents anyway. The position is obviously not clear. Even if it were, I do not understand why as newcomers to this place we cannot say strongly as representatives of our constituency, many of whom have contacted us, what they see as appropriate behaviour. Our motion uses the word "urges". We are not speaking about a no-confidence motion. The idea of our motion was merely to make very clear our view of appropriate behaviour by the Chief Minister and Mr De Domenico, and I believe that that is what we have done.

We were also asked whether we had actually listened to the allegations. We spoke to all parties concerned - not about the allegations or the nature of them, but about the processes, because we did not want to be put in the position of judging the allegations. We are also extremely unhappy to hear the discussion around there being only one allegation. Obviously, one allegation is as important as any number. It has happened in previous cases that once these things become public more people come forward with complaints. I do not accept as a strong argument the point that, if one person can make an allegation and disrupt the Government, therefore many people can do the same thing. If you have confidence in the role of the Human Rights Office, then I would imagine that it would become very obvious very quickly if such allegations were made for those reasons. That is not an argument that we would agree with.

The intent of this motion, I repeat, is to make clear the seriousness with which the Greens and, we believe, the wider community view this issue and to urge the Government to consider the impact their actions have on the perceptions of this place by the wider community. In the few weeks that we have been here I have heard various people speak about how important it is that this place be held in high regard and about how that has not been the case in the past. It has certainly been the view of many people in the community that it is not appropriate that we have Ministers working when allegations have been made against them, whether they be civil or criminal. We do understand the difference, Mr Humphries. It is not something we misunderstand; we just have a different view from you as to the approach that should be taken.

Question put:

That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

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TRADE MEASUREMENT (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (11.53): Mr Speaker, I ask for leave to present the Trade Measurement (Amendment) Bill 1995.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Trade Measurement (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The presentation remarks and the explanatory memorandum to this Bill have previously been presented. I draw to members' attention that this Bill is exactly the same as the Bill presented in the last sitting period. There was, unfortunately, a discrepancy between the description of the long title in the notice I gave with respect to the Bill and the one that appeared on the Bill itself. That necessitates, under standing orders 169 and 170, the re-presentation of this Bill, as well as the next Bill on the notice paper.

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

TRUSTEE (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General) (11.55): Mr Speaker, I seek leave to present the Trustee (Amendment) Bill 1995.

Leave granted.

MR HUMPHRIES: I present the Trustee (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

My remarks apply as before.

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

WITHDRAWAL OF ORDERS OF THE DAY

MR HUMPHRIES (Attorney-General) (11.55): Mr Speaker, I ask for leave of the Assembly to move a motion to withdraw orders of the day Nos 2 and 14, Executive business.

Leave granted.

MR HUMPHRIES: I move:

That orders of the day Nos 2 and 14, Executive business, relating to the Trade Measurement (Amendment) Bill 1995 and the Trustee (Amendment) Bill 1995, be withdrawn from the notice paper.

Question resolved in the affirmative.

LEGISLATIVE ASSEMBLY (BROADCASTING OF PROCEEDINGS) BILL 1995

MR MOORE (11.56): I ask for leave to present the Legislative Assembly (Broadcasting of Proceedings) Bill 1995.

Leave granted.

MR MOORE: I present the Legislative Assembly (Broadcasting of Proceedings) Bill 1995.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Members, this Bill is exactly the same as the Bill of the same title that I introduced on 3 May 1995. Unfortunately, due to an administrative oversight on my part, the notice I gave for that Bill did not correctly cite the title. Therefore, in accordance with standing orders, that Bill must be withdrawn. I will be moving a motion to that effect shortly. I have reintroduced the Bill so that the Assembly can consider it and so that the requirements of the standing orders are met. After discussion with members, it may be appropriate later this week to refer this Bill to the Standing Committee on Administration and Procedure for consideration.

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

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WITHDRAWAL OF ORDER OF THE DAY

MR MOORE (11.57): I ask for leave of the Assembly to move a motion to withdraw order of the day No. 1, private members business.

Leave granted.

MR MOORE: I move:

That order of the day No. 1, private members business, relating to the Legislative Assembly (Broadcasting of Proceedings) Bill 1995, be withdrawn from the notice paper.

Question resolved in the affirmative.

CRIMES (AMENDMENT) BILL 1995

Debate resumed from 11 May 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (11.58): Tempting as it is for the Opposition to put out a "Government and Moore Cannot Get Their Bills Right" press release, I do understand that there was a fairly technical view taken of the compatibility between the Bills and the long titles and that, rather than argue the toss, it was thought best to reintroduce the Bills. So, we will let that one slide through.

The Opposition will be supporting the Crimes (Amendment) Bill that has been brought forward by Mr Humphries. It does three things, as he said in his speech and explanation. Firstly, it does away with some of the complication that can arise as to where a murder took place. In doing that, it is picking up some recommendations that were made through the Standing Committee of Attorneys-General in relation to model criminal procedures; those moves were occurring during the period I held that office. This is a sensible reform. There have not been many cases where this was crucial, but it can occur. There was a celebrated case in the ACT where, while bodies were discovered in the ACT, it had been a matter that originally had not been detected as a criminal offence. It was only later on, when the matter was reopened, that it was clear that this was a murder. The three people who the court subsequently found had been murdered perished as a result of some foul play which was attempted to be disguised, and was for a period successfully disguised, as a motor vehicle accident. Their bodies were discovered near the border, but it was very difficult to establish whether the actual killing had occurred within the ACT or across the border. That matter had to go to the High Court at the end of the day to resolve the law in those circumstances.

There was an earlier case back in the 1970s where a person fishing on the bank of the river in Victoria was shot by a person on the New South Wales side of the river and died. There was a question as to where the murder took place, and that turned on where New South Wales ended and Victoria started. Much to the annoyance of Victorians, who would have thought that the fair thing was to draw a dividing line down the middle of the Murray, the view was taken that New South Wales stretches - if my recollection serves me correctly - to the high water mark of the river across the border. So, the person who had been fishing on the Victorian side of the border and no doubt thought they were in Victoria, by putting their feet in the water to cast their line had entered New South Wales; thus the killing took place in New South Wales and not Victoria. The model Bill that has been prepared by the officers of the Attorneys-General Standing Committee will remove those interesting little points of law and, no doubt, deprive future lawyers of arguing nice issues in the High Court; but it is a sensible reform.

The second reform relates to the “year and a day” rule, which is a very old principle of English common law that says that, for the elements of murder to be established, as well as the necessary mental element and causation and other issues, the death must occur within a year and a day of the act that is alleged to have caused the death. This was a sensible rule when it was introduced, because medical knowledge in the mid-fifteenth century would have made it very difficult to establish after a year that the act that allegedly caused the death was in fact the cause of the death.

Proposals to abolish the “year and a day” rule were quite controversial some years ago. Members might wonder why the former Government did not move in relation to the “year and a day” rule. It was simply because this issue first rose to prominence in Australia three or four years ago, at a time when there was an element of, I think it would be fair to say, some hysteria in relation to dealing with AIDS and HIV issues. Some media commentators and some governments rather rapidly jumped in to say, “We are going to abolish the ‘year and a day’ rule in order to ensure that AIDS killers can be prosecuted”. There was quite a deal of concern within community sectors dealing with HIV that abolition of the “year and a day” rule for that motive could be seen to be adding to community hysteria and fear about HIV.

I think it was appropriate, for those reasons, that the ACT, along with a number of other States, let a bit of time pass before moving down what is, at the end of the day, a sensible reform. It does make sense that a rule introduced simply because of lack of medical knowledge in the fifteenth century be abolished; but there was some rather unfortunate community agitation at the time when the first State moved - I think it was Victoria first, but it may have been New South Wales. This was seen to be a knee-jerk reaction in relation to a fear of a rush of blood-syringe instruments - that if you did not legislate people would get away scot-free with needle-stick attacks. Of course, there were always substantial other crimes that you could charge them with, short of murder. We support the change. It does make sense; but I think it also made sense that a little bit of time passed so that this legislation would not be seen as a knee-jerk reaction to what was once perceived to be an issue of concern. Certainly, there has been no adverse reaction from those community groups in relation to the legislation at this time, whereas some years ago this was very contentious.

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The third amendment relates to clarifying some procedural issues in relation to sexual assault, and we are prepared again to support this. It appears to be a sensible issue. There are, I suspect, many more little potential loopholes in relation to sexual assault laws, and that is one reason why the then Labor Government referred the issue of procedure in sexual assault to the Community Law Reform Committee, which I believe is doing some work preparatory to issuing a major discussion paper on sexual assault procedure laws.

The potential loophole that has been detected here is the fact that it is necessary to specify the age the child survivor was when the assault occurred, and it may be difficult to establish when the assault occurred. You could perhaps clearly establish that an assault occurred; a jury could be satisfied beyond reasonable doubt that the child was assaulted, but may not be able to be satisfied beyond reasonable doubt that the child was assaulted before a particular birthday. A sensible suggestion has been made that we adopt the New South Wales provisions, where it is not essential that you establish the age; that is, it is not essential that a person be shown to be either under 10 or over 10. There are two categories of offence - under 16 and under 10. If you cannot establish that they are under 10 but you can establish that they are under 16, they are caught. In other words, there is no possibility of using that loophole. As far as I am aware, this has never been a loophole that has been exploited. I am unaware of any defendant successfully arguing that technical point and avoiding a prosecution. Mr Humphries might be able to enlighten the Assembly as to whether it has been successfully used. Nonetheless, it is a sensible move to close the loophole, and the Bill has the Opposition's full support. These are three sensible pieces of law reform which the Opposition will support. The Opposition, throughout the life of this Government, will support the Government on sensible, well thought out law reform measures, as these three are.

MR HUMPHRIES (Attorney-General) (12.06), in reply: I thank Mr Connolly and the Opposition for their support for this Bill. As he indicates, they are sensible and probably overdue reforms to ensure that, in some cases, technical defences are not capable of being mounted against crimes which, to all intents and purposes, have been committed and for which a conviction should be recorded. The question of not having to establish precisely in which jurisdiction a crime occurred is an important one. As Mr Connolly indicates, it is only rarely the case that there is a question of the jurisdiction being in doubt; but it is a matter that can and does happen from time to time and should therefore be dealt with in this way.

The "year and a day" rule is one of those things that law students learn. I suppose that there will have to be changes in the law curriculum at the Australian National University, now that we have abolished this particular provision of our law. Mr Connolly made reference to the question of the provisions that were suggested by the arising of the AIDS debate and whether people should be capable of being prosecuted quickly for deliberately injecting somebody, for example, with a blood-filled syringe containing the AIDS virus. That question is now, as he indicates, able to be canvassed in a calmer debate, and we are, I think, appropriately taking the step today of saying that what really matters is not when a person committed a particular act of assault which led to a particular consequence, namely, death, to a person but, rather, how the medical evidence points up the causal connection between those two events; so, the period of time is relatively immaterial in that whole question.

The other issue, which has probably not been fully sorted out yet, is the question of sexual conduct that leads to the infecting of another person with a communicable disease, particularly the HIV virus, which could lead to death. That issue is one that is yet to be resolved. At this stage, my understanding of the law is that it does not result in a person being guilty of an offence, certainly of murder or manslaughter; but that is a matter that may have to come back and be canvassed at some other stage in this place.

Mr Connolly raised a question to do with prosecutions failing where the exact age of a child could not be established when the charges were brought. I have information on that very question before me right now. I am told that the Office of the Director of Public Prosecutions has advised that the loophole in regard to sexual assault has not been used to date. So, we are pre-empting such a move by taking advantage of this Bill to amend that problem. I thank members for their support and look forward to the Bill being passed.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

WORKERS COMPENSATION PROVISIONS - SELECT COMMITTEE

Appointment

MR BERRY (12.10): I seek leave to move a motion regarding the establishment of a select committee on workers compensation provisions.

Leave granted.

MR BERRY: I move:

That:

- (1) A Select Committee be appointed to inquire and report on the provision of workers compensation arrangements in the ACT Government Service including Territory Owned Corporations and Statutory Authorities. The Committee will include in its inquiry the following:
 - (a) the adequacy of the Commonwealth Safety Rehabilitation and Compensation Act in the ACT Government context;
 - (b) the management of the Act in the ACT Government context;

- (c) the value provided to the workforce and to the ACT;
 - (d) the costs of the current arrangements and the underlying reasons;
 - (e) the cost of possible alternative arrangements; and
 - (f) any other related matters.
- (2) The Committee shall consist of 3 members, 1 member nominated by the Government, 1 member nominated by the Opposition and 1 other member. The nominations shall be notified to the Speaker in writing by 4 pm, Wednesday, 31 May 1995.
- (3) The Committee shall report by 23 November 1995.
- (4) If the Assembly is not sitting when the Assembly has completed its inquiry, the Committee shall send its report to the Speaker, or in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing and circulation.

The motion seeks to establish a select committee to inquire into and report on the provision of workers compensation arrangements in the ACT Government Service, including Territory-owned corporations and statutory authorities. It is proposed that that committee consist of three members: One nominated by the Government, one nominated by the Opposition, and one other member. Mr Moore has indicated that he will nominate from amongst the Independents and the Greens. I certainly will be a nominee to the committee. The aim is to report by 23 November, although in my view it could be done earlier. However, that gives a broad reporting date and, if the Assembly is not sitting, the committee could report outside of a sitting period.

Mr Speaker, this committee of inquiry emerges against a history of agitation around the issue of workers compensation. Mr De Domenico has been, shall we say, a dogged inquirer into the efficiency of Comcare in the past, and past governments have been supporters of the Comcare process and their management. The Opposition does not have a fixed view about these issues. If it were shown that there was another sensible way to provide compensation coverage for members of the public sector, that would be something that I am sure the Opposition would be enthusiastic about.

We are committed to the provisions which apply in the Commonwealth Act. It has had a long history, and recent amendments have continued to update the legislation. We recognise that, in the context of the Commonwealth Public Service, this is a small outfit and it is a quite different outfit, if I can describe it as that, from that which applies generally in the Commonwealth. In the ACT there is a higher percentage of physical and technical grades and professional grades than exists in the Commonwealth. That means that there may well be an area that the inquiry could look into in terms of the adequacy of the coverage for ACT workers.

This motion is also put forward against a background of emerging concern in the work force about what might happen to workers compensation in the public sector, knowing the facts of the matter. The legislation, when it was originally developed, may not have envisaged an ACT Government Service. It is an arrangement whereby, by exchange of letters, the Chief Minister and the relevant Commonwealth Minister - the Minister for Industrial Relations - enter into an agreement. This is scheduled in some way under the Commonwealth Act to make the Commonwealth Act apply in the ACT. That arrangement is open to change at fairly short notice, if the Government chose that course.

I think those 20,000 or so employees in the ACT Government Service deserve a very open and public inquiry into issues surrounding workers compensation. Those of us who have been associated with the union movement over the years well recognise the weight that is given to protection in the workplace, by way of either safety or rehabilitation, or compensation in the event that these matters do not see the best outcome for workers. There needs to be wide acceptance by the work force and the trade union movement that the process is an open and public one. I think the taxpayer out there, who may not be affected by the Act that covers Government Service workers, has a right to know that it is an open and public inquiry as well.

I have spoken briefly to Mr De Domenico on this issue. He argues that we should wait. He is in the process of engaging a consultant who will inquire into this matter and determine which path the Government should take. In the scheme of things, I think that is a matter for the inquiry to decide. It is a matter for the committee to decide whether there ought to be a consultant or not. A full and open process by way of the proposed committee should decide whether there ought to be a consultant or not. I do not think it is a fair and open process for the Government to appoint a consultant, which then reports to the Government and does not have the process available for public scrutiny all the way through. The committee process I have proposed would ensure that. I should also add that, as far as waiting is concerned, I think there is a sense of urgency out there. I saw a press release in a news report the other day that the trade union movement had expressed no confidence in Mr De Domenico - I do not know what their reasons were; that is a matter for them - and that they had walked away from a consultative process the Government had proposed. I do not know the reasons for that - that is between them and the Government - but I think we have a responsibility to the taxpayers of the ACT to look into an area that is of such significant expense.

I understand that around \$30m worth of taxpayers' money goes into workers compensation, and I do not think that is the sort of inquiry that ought to be conducted behind closed doors. It seems to me that if you are going to have an inquiry into such an important matter you need to ensure that the whole process is out in the open.

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Again, I go back to the issue of a consultant. I do not think it is appropriate in these circumstances, given the agitation that has occurred about workers compensation, that the Government ought to be appointing one. I think it is a matter for a public inquiry to decide whether or not there ought to be a consultant. I know there would be a line of people out there hungry for the work. I suspect that it would cost many thousands of dollars to engage a consultant and put them to work in relation to this issue. Again, that is a matter for a full and open process. It is for a committee to decide, and, if the Government wants to make a contribution to the committee process, then it ought to.

I am not in the business of directing the Government not to appoint consultants to carry out particular tasks, but it would seem to me to be a waste of money for the Government to do that if the committee was moving down the path of looking at all of the issues. I think the Assembly Secretariat has proved by its performance in the past that it is capable of providing the appropriate backup to the committee process which would ensure that we end up with a full and open process and that all the issues are canvassed before we make a report.

I will leave it there, Mr Speaker. I urge members to support this motion. At the risk of repeating myself, it seeks to put in place a full and open process which ACT taxpayers would demand in relation to the expenditure of a significant amount of taxpayers' funds - \$30m. The work force would also demand full and open access to the process. It is the sort of workplace condition that is close to their hearts because it is the security of the worker out there that is guarded by this sort of legislation. I do not think it would be appropriate for the process to be entirely a government-union one. It deserves a more open process than that. I think the taxpayer is entitled to see the ins and outs of what is a highly technical area of legislation. It not only goes to compensation as a result of injuries or illnesses that have been sustained during the course of one's duties but also goes to the issue of rehabilitation and safety. Those are all issues of significance for the community.

MR DE DOMENICO (Minister for Urban Services and Minister for Industrial Relations) (12.21): Mr Speaker, the first thing I need to say is that it is a pity that we have seen the motion only this morning. I, for one, would have liked a lot more time to sit down and consider the motion. Unfortunately, I have not been given that opportunity. However, that being said, there are a few things Mr Berry said that need to be commented upon. Mr Berry throughout his contribution talked about the process being open and public, and I agree with him entirely. The process should be open and public. When you consider what the Government is proposing to do, it can be seen to be quite open and public.

Let us get the facts on the table. It is a fact that two years ago the then Labor Government paid \$20m a year to the Commonwealth through Comcare for coverage of ACT public servants for workers compensation. Two years down the track, for about the same number of public servants and exactly the same coverage - there is no proposal to change the coverage - the bill is now \$30m. Mr Berry is right when he says that both Mr Moore and I have been agitating about Comcare for over two years now. The then Labor Government, as usual, did nothing about it during four years in government, except willy-nilly to accept the bill that came in once a year from Comcare. We sent them a cheque. Comcare were delighted, quite obviously.

Some of the departments around the place are coming to this Government and saying, "Hold on a tick. We have been asked to pay this amount of money for our workers compensation coverage. Our claims have not gone up. Why are we paying more for workers compensation?". That is a very interesting question and a very salient question.

Mr Berry: I will tell you why.

MR DE DOMENICO: Mr Berry says that he will tell me why. I will take intelligent interjections, but I will not respond to the ones that are not. The Auditor-General is a classic example. The Auditor-General has had no claims at all, yet his workers compensation premiums continue to increase. Rightly, the Auditor-General said, "Is it not my role to be an Auditor-General and to spend as much money as I can to do what I am responsible for doing and not to spend it on workers compensation?".

This Government has said that we need to change the way we pay for our workers compensation. We cannot change the benefits to the workers; let us refute this public nonsense that this Government has intentions of changing coverage for workers. There is no intention to change the coverage that workers currently have in the ACT Government Service. The intention of this Government is to make sure that we are getting value for money. Let us look at what other governments do. Every other State and Territory government in this country self-insures or has a combination of self-insurance and part-insurance bought from the private sector.

Let us have a look at what instrumentalities of the Government did some two years ago, and I take ACTEW as the classic example. Three or four years ago ACTEW set aside an amount of money - \$750,000, I think it was - which quite adequately covered their workers compensation responsibilities. It invested that money into a separate account for the specific purpose of covering its workers for workers compensation. Mr Berry said that the previous Government "supported the process and management of Comcare". Heaven's above, why would any government support the process and management of Comcare when Comcare manages the cases - we have no say in the management of our cases - it sends us a bill, and we pay the bill and ask no questions? That is what Mr Berry supported. This Government is saying that that is not good enough. We have a responsibility to make sure that we are getting value for money. The best way to do that is to have a look at our existing arrangements with Comcare, which are, by the way, that we need to give them 12 months' notice before we tell them that we do not want them any more.

In the meantime, though, I want to make sure that we are making the right decision. Notwithstanding my 15 years' involvement with workers compensation, I said that the best way out of this was to get some experts to come in and tell us, first of all, whether the current system is the best way to go. Ironically, as soon as the first public comments were made, Comcare rushed in wanting to talk to the Government about potential \$7m savings in workers compensation. One wonders why Comcare did not do that two, three or four years ago. But no; it waited until someone made a public utterance and then, suddenly, it can show us where we can save \$7m. "Too late!", she cried. We needed to know that information years ago.

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What does this Government do? Instead of sitting on its hands, like previous governments, we make decisions in the best interests of the community, and the best decision to make here is to get some expert advice to tell us whether we are doing the right thing. After all, the consultants, whoever they may be - if Mr Berry is right, there is a long line waiting to do this work - might tell us that we should stay with Comcare. I doubt whether they will, but they might well say that. If that is the case, why do we need a committee? I do not think at this time that we do need a committee, to be honest with you. If the matter needs to be referred to a committee, what about the Public Accounts Committee, which looks at the expenditure of the Government? Surely, \$30m expenditure on Comcare would come under the auspices of the Public Accounts Committee. I know that this motion goes a little further than that, but we do have a committee that is quite adequate to do this. But we want to establish another committee. Is it because, one asks, Mr Berry wants to chair this new committee? We all know Mr Berry's public utterances about workers compensation. Every time anybody mentions workers compensation, Mr Berry comes up with the political line, "The Liberals are trying to ravage the workers and take away their benefits". That is not true.

Mr Berry talked about an open and public process. I said to the public servants, "We want the unions with us on this one. We will establish a committee. We will ask the Trades and Labour Council to nominate their representative on this committee, which in turn will recommend who the consultant should be. The committee will deal only with Comcare and only with workers compensation coverage for the public sector". I had a couple of meetings with the unions and then, suddenly, at the weekend we were hearing about leaked internal memorandums from the Industrial Relations Department to Mr Berry's office, and we were listening to Jeremy Pyner talking about hidden agendas, that the Government was going to take things away from workers. Not true; the committee will look at only - I stress this once again - workers compensation coverage for the ACT Government Service. It is nothing to do with the private sector.

Mr Berry well knows that in October last year this Assembly made some changes to the ACT workers compensation legislation that covers the private sector. In terms of that legislation, by the way, I believe that it goes further in protecting the worker than the ACT Government Service regulations do. That is why the Liberal Party is inclined to say that we should wait a little while before we go to the expense of setting up another select committee. We need a report from the expert consultants that tells the Government what they believe the Government ought to do. The Government would then be quite delighted to refer that report to a committee, if the Assembly sees fit to do that. Let us wait and see.

We know that Mr Berry has this great desire to be the chair of another committee, putting his ideological bent into the area of workers compensation. If you want to do that, that is fine. You and I have differences of opinion, and always will have, on workers compensation. What I have to make clear is that this Government is concerned that, for example, when we compare workers compensation coverage for Calvary Hospital private and workers compensation coverage for Calvary Hospital public - same doctors, same nurses, same risks - - -

Mr Berry: Different Act.

MR DE DOMENICO: Different Act - the workers compensation premium is doubled. I will take intelligent interjections and respond to them. That was an intelligent one. Let me explain it a little further. Yes, it is a different Act; but when the premium is 50 per cent higher - same risk, same doctors, Mr Berry - obviously, this Government needs to do something about it. It will, and it has. I think we ought to allow the due process of this thing to get going before we start forming committees, and we should not be politicising them either. I am concerned that the Trades and Labour Council has decided to pull out of a committee it wanted to be part of and to which it could have had an input, at arm's length from the Government. I am not inclined to support Mr Berry's motion.

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

Sitting suspended from 12.31 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Mrs Carnell: Mr Speaker, I wish to advise the Assembly that Mr Humphries will be late for question time today, as he is participating with the Deputy Prime Minister in a launch of regional planning strategies. In his absence, questions may be either held until his return - which will be in a short time - or asked of me.

Sexual Harassment Hearing

MR CONNOLLY: Mr Speaker, I will take up that invitation and ask a question of Mrs Carnell in relation to the Attorney-General's portfolio. My question is this: Was the ACT Chief Solicitor present at an ACT Human Rights Office conciliation hearing involving the Deputy Chief Minister; and, if so, why was a senior public officer present, at taxpayers' expense, on a complaint relating to the private conduct of an ACT Minister?

MRS CARNELL: Mr Connolly, Mr Humphries may be able to add more at some stage. At certain times, in relation to this issue, officers of the Government, or officers of the Attorney-General's Department, have been present because, as you would be aware, the human rights commissioner has yet to rule on who is actually the respondent to this claim. There has been no taxpayers' money at all involved, nor has advice gone from the Government to Mr De Domenico or his solicitors; but the human rights commissioner has raised the concern that under the legislation she is, at this stage, unclear as to whether it is the ACT Government or Mr De Domenico who should be the respondent to this particular claim. From that perspective, at certain times in this whole procedure, somebody from the ACT Government has been there, very much just with observer-type status, simply because we are unsure and unclear about how the human rights commissioner may rule on this matter.

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MR CONNOLLY: Just by way of a supplementary question, given that extraordinary answer, I ask: Will the Chief Minister and/or the Attorney-General give an assurance that the ACT Chief Solicitor will not be present and will take no part at all when merits are being discussed? My concern is that a conciliation hearing is an attempt to settle merits of a matter, and I am deeply disturbed to learn that the chief law officer, under the Attorney, the ACT Chief Solicitor - because I understand that it was Mr Peedom - is present in a situation where the merits of a matter involving the Deputy Chief Minister are being discussed.

MR HUMPHRIES: Mr Speaker, may I take that supplementary question? I know that it is not usual to do this. My advice is that the procedure being adopted in this case is entirely appropriate and proper. The decision to do this was initiated by the Government Solicitor's Office, not by any member of the Government, and the steps that will be followed will be entirely appropriate in terms of the procedure in such hearings. As the Chief Minister has indicated, we take the view that this is a matter on which the Government ought to be very much a creature of advice, and we have taken advice on this subject at each stage. The decision to appear at the hearing was not one made at the - - -

Mr Connolly: You previously said that there is no Government involvement in the defence, and now we learn that the Chief Solicitor is present.

MR HUMPHRIES: No. As the Chief Minister has indicated, the fact of the matter is that the Government is potentially a party to the proceedings because, technically, the Government was the employer of Ms Marshall.

Mr Connolly: So, the Government could be paying for the defence?

MR HUMPHRIES: So, the Government, unfortunately, does have the capacity to be entangled in the proceedings - not through any choice of its own. I speak on behalf of the Government here. However, the fact is that it was joined in proceedings. The decision to join the Government as a party to these proceedings was not made by the Government; it was made by the commissioner. That being the case, certain things follow from the fact that the Government has to appear at certain cases. Mr Connolly would be aware that there is the small matter of contempt in not appearing at hearings to which you are a party. It is entirely appropriate for the Government to be involved at that stage. However, that role is minimal, and I can indicate to the Assembly that the role that it will be playing in that process will be as minimal as possible in line with its obligations to the proceedings under the Discrimination Act.

Health Services - Consultancy

MR KAINE: Mr Speaker, through you, I direct a question to the Chief Minister and Minister for Health. Chief Minister, after many years and a number of consecutive consultancies to identify problems in the health system, and particularly in the running of the hospital, I understand that you have finally grasped the nettle, which the previous Minister absolutely failed to do, and have engaged outside experts to implement the recommendations of the Andersen committee, which again the previous Minister failed to do. I have heard that the unions have chosen to opt out of this exercise, which I find rather astonishing. First of all, can you confirm that the unions have indicated that they are not going to cooperate in improving service delivery through the hospital? Secondly, what concerns do you have about the ramifications of that? Finally, Chief Minister, could you advise me of what interest, if any, the Opposition spokesperson on health has taken in this particular consultancy?

MRS CARNELL: It is certainly with great regret that I have to agree with Mr Kaine that it is a real problem that the health industry unions have chosen not to participate in this most important part of the whole health system reform project. We have invited the unions to be part of every step of the way. In fact, through the Trades and Labour Council, we asked them to participate in the selection of the consultant, to participate in the steering committee that will oversight this project, and to participate in the actual project team that will work with the consultants. The steering committee is made up of representatives of the department and it will oversight the whole consultancy. So, we believe that it is essential that the unions are present in, or a party to, that whole process. In approximately 10 weeks, the steering committee will submit to the Government recommendations about the operational efficiencies that are achievable, so that we can then get on with decision-making and consideration of where to go from there.

The job of the project team will be to gather data for review, as part of this initial diagnostic phase. So, the project team will be gathering data, and it is an absolutely essential part of the whole process. We have even offered to pay the salary of a union representative on the project team for this whole process. This is an absolutely unique opportunity for the unions to represent their members in the conduct of a review that will determine the future direction of the health system in the ACT. I simply cannot understand why they have given up that opportunity. The enterprise bargaining agreement allows for the Government - and, for that matter, the department - to seek external and expert advice, and that is exactly what we are doing now. So, obviously, when the Government has considered the recommendations of the steering committee, we will then go into the phase of restructuring and implementing those restructuring proposals. Again, it is absolutely essential that the unions are party to all of these proposals, all of these parts of the restructuring of the health system. We feel that the unions are really letting down their members here. It is important that they are part of that whole process. But the offer is still open.

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It is really interesting to note that, as the unions have decided not to be party to the whole process, Mr Connolly seems to have decided not to be party to the process either. It was very interesting to hear Mr Connolly, on radio this morning, making comments about the consultancy; but, unfortunately, Mr Connolly did not seem to think it was important to turn up at the briefing that he was invited to. So, there we were, giving full briefings on the direction in which we are heading with this consultancy; but, of course, Mr Connolly chose not to turn up. He was happy to go on radio but not happy to turn up. But, further than that, he sent Annette Ellis, one of his staffers, to the press conference. So, he was happy to go to the press conference but not happy to turn up at the briefing. Mind you, I was very happy to have Annette Ellis there, because we all know Annette and respect her; but the shadow Minister involved here was simply not interested in a very important consultancy.

Mr Connolly: Mr Speaker, one would have to claim to be misrepresented when, in question time, a Minister says that failing to accept the dictated timeslot for a propaganda exercise means that I am not interested.

MR KAINÉ: I wish to ask a supplementary question, Mr Speaker. I can understand from what the Chief Minister has said why Mr Connolly would be a bit tender on this point. I ask the Chief Minister: If the unions and the Opposition spokesperson on this issue have deliberately chosen to remove themselves from the process, does the Chief Minister see that this in any way limits the capacity of the Government to achieve the objectives that need to be achieved in improving the delivery of health services?

MRS CARNELL: The absolute bottom line of this consultancy is to address the problems that exist in Health; that is, the long waiting lists, the extra costs, the 100 fewer public hospital beds that existed when Mr Connolly was Minister. It is interesting to note, Mr Speaker, that we have also given the unions an undertaking that any changes affecting staffing levels and changes in work practices and conditions of service - and the list goes on - will all be negotiated via the provisions within the enterprise bargaining agreement. So, they have nothing to fear. We believe that it is essential for the unions to be part of this whole process. We would like Mr Connolly to be part of this whole process as well. But it will go ahead, simply because it is essential to health in the ACT that we do something about the 4,600 people waiting for elective surgery in Canberra, that we do something about the more than 50 per cent of those who have been waiting for longer than six months and that we do something about the \$26m excess expenditure identified in Mr Connolly's own Andersen report. The people of Canberra will no longer accept a health system with those sorts of statistics.

Australian Stock Exchange

MS FOLLETT: Mr Speaker, my question is to the Chief Minister. I refer her to the recent failure by her and her Government to gain for the Territory part of the operation of the Australian Stock Exchange which it was actively seeking to locate outside of Sydney. I ask Mrs Carnell: On what date was the ACT Government approached by the Australian Stock Exchange? Is it true that that approach was made two weeks before it approached the Queensland Government? Did that offer include a proposal for 50 jobs, as was subsequently given to Queensland? Did it also include a guarantee of \$400,000 to the ACT to ensure that there was, in effect, no loss of revenue to the Territory during the first year of operation?

MRS CARNELL: Mr Speaker, interestingly, this Government does not enter into agreements with any entity, whether it be the Stock Exchange or anyone else, before an offer has been made. The fact is that no final offer has been made by the Australian Stock Exchange to the ACT Government. Certainly, there has been one meeting with me and there have been some discussions with Treasury, but no final offer has been made to the ACT Government. We are still engaged in negotiations with the Australian Stock Exchange and we are certainly hoping for a final offer to be put to the ACT Government in the next few days. We are certainly hopeful that, on the basis of that offer, we will be able to continue negotiations. So, our record is unlike that of the previous Government. Its only real dabbling in the contract area was in respect of VITAB, and we all know what happened to that. I wonder whether Ms Follett believes that this is more money for jam.

MS FOLLETT: Given that Mrs Carnell has answered not a single part of the question that I asked, Mr Speaker, I ask a supplementary question. What is the proposal that is "under negotiation"; will Mrs Carnell table that proposal, if and when she ever gets one; or is it the case that Queensland has pre-empted the ACT and has already done the deal?

MRS CARNELL: It is extremely hard to table a proposal that you do not have. As much as I would like to, it is extremely difficult to do that. On the basis that we do not actually have a proposal from the Australian Stock Exchange at this stage, I cannot table it. As I said, we have had discussions. No final proposal from the Australian Stock Exchange has been forthcoming. I certainly hope that that does happen in the next few days. Certainly, it appears that Queensland received an offer from the Australian Stock Exchange before we did. We were very disappointed by that. But we do not have a final proposal that I could table if I wanted to.

Namadgi National Park - Management Arrangements

MR OSBORNE: Mr Speaker, my question is addressed to the Chief Minister. Last week, half of the ACT was to be handed over to New South Wales to manage. Less than 24 hours later, it was not; but we heard that some services in our national park might be privatised. At the time, I said that I was concerned about the loss of local jobs and that I would need a lot of convincing that a handover would benefit the ACT. I want to know where this crazy idea came from. Did the Chief Minister know about it or discuss it with Mr Humphries? Did the idea come from some ideological cringe, some suggestion that the New South Wales National Parks and Wildlife Service could do better, or that the private sector could? Our Namadgi is not only an important community asset and tourist attraction but also a major part of our water catchment. Did the Chief Minister or any bureaucrats consider the implications of handing over our water supply to another government?

MRS CARNELL: I will give that question to Mr Humphries. It is his area.

MR HUMPHRIES: Mr Speaker, I must say that I am disappointed to hear the tone of that question from Mr Osborne. He is obviously picking up a few points from Mr Moore.

Mr Moore: Because it was a stupid idea in the first place.

MR HUMPHRIES: So you say. Mr Speaker, I might pose the question to members: Exactly what are we supposed to do in order to meet the requirements of people in this place? If we have a proposal which is floated for some issue of micro-economic reform, for management alternatives, or for whatever it might be, there are, basically, two alternatives facing any government: We can either announce immediately that we are going to explore this option and invite people to ask us what we mean by that, or immediately start to research the implications of that idea before putting it on the table for stakeholders and others to consider how they would react to that idea.

The drawbacks of the two arrangements, at least as far as some people in this place are concerned, seem to be that, if you take the first option and announce it immediately, you will get a barrage of questions coming from other people in the chamber, such as, "What do you mean by this proposal? How will it work? Who will do it? When will it happen?". They will say, "Of course, since you have announced it without thinking it through, you obviously cannot answer those questions", and then we will get motions of censure, claiming that we have not thought the thing through. The alternative course of action - which, I submit, is a much more sensible way of proceeding with these things - is to take an idea; work through it with appropriate officers within your own department, and elsewhere, if you need to; and, when you have an idea which is worth considering, put it on the table for stakeholders, members of the public and, of course, members of this place to consider whether or not it should be progressed. That was what this Government was doing.

This Government is committed to improving the quality of service being offered to the people of the ACT at less cost. Mr Speaker, I might say - I am sure that other Ministers would agree with this statement - that we will not leave any stone unturned in that exercise. We need to be finding ways of delivering the services of the ACT to the citizens of this Territory on a better, more cost-effective and cheaper basis. That is the only responsible course of action. We all know - I do not need to remind any people in this place - that, according to the Commonwealth Grants Commission, the ACT is significantly overfunded, by the standards of other States. We have three choices in that situation: We can do nothing and go down the gurgler; we can start to look at ways of dramatically increasing revenue in the Territory and raise more revenue; or we can look at ways of producing more cost-effective management of our existing resources.

Mr Wood: These are new words from you.

MR HUMPHRIES: Mr Wood interjects about not liking the idea. I might remind members opposite that, in fact, there are significant parts of the management of Namadgi National Park which are already contracted out. Things like the shop and roadworks are contracted out. We are not embarking on a new concept. Mr Speaker, let me make it clear that, if members in this place say to me or members of the Government, "We will not look at particular options", that is fine. They have the power to do that. They can knock off anything on our agenda that they want to. That is up to them. But, ultimately, it is our responsibility to advance and put in the public arena ideas which may benefit the citizens of this Territory. If we produce an idea which is not worth pursuing, fine; we cop the flak for that at a political level in this place and in the broader community. But give us the right at least to work up an idea to the stage where it can be presented to stakeholders and we can say, "What about this idea?". That, surely, is responsible government.

MR SPEAKER: Mr Osborne, did you have a supplementary question?

MR OSBORNE: I would be happy if Mr Humphries had answered one of the questions that I asked, Mr Speaker. Would you like me to read them again, Gary?

MR HUMPHRIES: Mr Speaker, Mr Osborne is not satisfied, obviously. The fact of the matter is that this is an idea which has been floated on a number of occasions. I am sure that Mr Wood has seen the idea before as well. It is not a new idea.

Mr Moore: Yes; he rejected it out of hand, as any sensible person would.

MR HUMPHRIES: Yes, he probably rejected it out of hand: "No, no; ideology says that we cannot do that. Throw it in the bin". I am at least saying, "Let us have a look at it". If I come back with an idea that you think is a crock of poo, then you can do what you do with a crock of poo.

Mr Moore: Flush it.

MR HUMPHRIES: You can flush it. That is your option. Mr Speaker, it is my job, as a Minister in this Government, to look at ways in which we can do things better, and I will keep doing that.

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Australian Stock Exchange

MR BERRY: My question is directed to Mrs Carnell in her capacity as Chief Minister. I must say that I was interested in Mr Humphries's response in relation to Namadgi, when he said that he would basically leave no stone unquarried.

Mr Humphries: You will leave no stone uncast, will you, Wayne?

MR BERRY: That is certainly what I read into it, anyway, Mr Speaker.

MR SPEAKER: Or was it unflung?

MR BERRY: Leave that to me. Also, in directing my question to the Chief Minister, I cannot help thinking about the dud deal that was done on the Kingston-Acton swap, the fact that the negotiations were behind closed doors, and so on. But, in listening to her response to the Leader of the Opposition on the Stock Exchange matter, I found it difficult to understand what they were negotiating. Was there an offer on the table or was there not an offer on the table? What were they negotiating about? Or were we heading down the Kingston-Acton path again?

MR SPEAKER: I hope that we are heading down to asking a question, Mr Berry.

MR BERRY: If you had been listening, Mr Speaker, you would have heard me ask a question about whether or not there was something on the table. I would like the Chief Minister to let us know whether there is, in fact, a deal on the table or whether there is not. In relation to those meetings, I would like to know how many meetings there were, where they were held, and between whom, and the dates upon which they were held.

MRS CARNELL: It is always wonderful to get a question from Mr Business. We know that the only business that Mr Berry ever managed to enter into did not come to much. I said in answer to the last question, Mr Speaker - it is interesting to actually get the same question again; but that is fine - that, No. 1, there is no final offer on the table. Therefore, I cannot table it. I cannot give it to you, because it does not exist. There has been one meeting, as I said, between me and the chairman of the Stock Exchange, in my office in Canberra, up there. There were subsequent discussions between members of the Australian Stock Exchange and Treasury. There were also telephone discussions between my chief of staff and members of the Australian Stock Exchange, all leading up to a final offer, which we hope to get this week - - -

Ms Follett: But Queensland has got it.

MRS CARNELL: We hope.

MR BERRY: As a supplementary question: Would the Chief Minister mind letting us know when the Government became aware that the Australian Stock Exchange is also negotiating with Queensland?

MRS CARNELL: When Queensland announced.

Australian Stock Exchange

MR WOOD: I also direct a question to the Chief Minister on this Stock Exchange affair that never developed. I do so in the context that this Government is vainly trying to show its business credentials - witness the Kingston-Acton land swap, which has all sorts of difficulties; the privatisation, as it were, of Namadgi; and now this. I ask: In view of all this promotion of business competence that the Chief Minister expresses, what did she do, or what did she not do, which so quickly turned the Stock Exchange away?

MRS CARNELL: I am not sure that the Stock Exchange is turned away. Certainly, as I have said before, we have had discussions with the Australian Stock Exchange. It is coming back with a final offer. That has not arrived yet. We do not have it. Therefore, we could not accept it or reject it. We do not do business that way, interestingly. We do not accept offers that we do not have.

MR WOOD: I have a supplementary question, Mr Speaker. She is talking about a final offer; but why would she expect one? They have shown absolutely no interest. Where did she go astray? What was the first offer, if there is to be a final offer?

MRS CARNELL: Discussions have taken place. There is no offer on the table. Where it was coming from was the Stock Exchange. The reason why I think a final offer will come forward is that the Stock Exchange said, "We will send you one".

Flynn Primary School

MR MOORE: Mr Speaker, my question, which has nothing to do with the Stock Exchange, is directed to Mr Stefaniak, as Minister for Education. Mr Stefaniak opened the Dickson College gymnasium, which had been damaged and rebuilt by the Labor Government. Indeed, Mr Stefaniak's party had promised the Flynn Primary School that it would - - -

Mr Berry: On a point of order, Mr Speaker: We did not damage it. We only rebuilt it.

MR SPEAKER: Would you like to rephrase that, Mr Moore.

MR MOORE: No, I would not. I withdraw any imputation that Labor was responsible for burning that particular college.

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Mr Speaker, the Liberals had promised to rebuild the Flynn Primary School. In fact, earlier in the week, Mr Stefaniak put out a press release to that effect and said that it is expected to cost approximately \$600,000. What he did not add was when, and that is my question.

MR STEFANIAK: I thank Mr Moore for the question, Mr Speaker. I am very pleased that, on behalf of his party, Mr Berry has denied any involvement in damaging the Dickson gymnasium. The police still have not found the culprits; so, at least Mr Berry is clear on that one. I am amazed, given that the previous Government did take some action in relation to fixing up the gymnasium at Dickson, that it did nothing in relation to Flynn Primary School. We and the ALP indicated that that damaged facility would be repaired. The school lost its library and several classrooms. Despite the budgetary mess left to us by the last Government, I reaffirm our commitment to rebuild the damaged facilities.

When I realised a couple of weeks ago that nothing much appeared to have been done, in terms of people turning the first sod, I commenced inquiries as to when work on rebuilding the facility could possibly start. As Mr Moore said, I issued a press release earlier this week, confirming that funds for rebuilding the damaged parts of Flynn Primary School will be available in the capital works of the budget. I understand that there is some money there now, and already - - -

Mr Berry: The budget has fallen apart.

MR SPEAKER: Order!

MR STEFANIAK: Will you shut up? You might learn something, Mr Berry. The replacement facility will include a library reading room, a computer laboratory, office space, storage and ancillary spaces. There will also be external landscape works.

Mr Wood: They said all that last year.

Mr Hird: On a point of order, Mr Speaker: This is of very considerable importance, certainly to Mr Stefaniak and me, as members for Ginninderra. Keep those people in order.

MR SPEAKER: Order! There are far too many interjections from both sides of the house. The Minister is answering the question.

MR STEFANIAK: I am advised that a considerable amount of preparatory work has been undertaken already. I have impressed upon the Department of Education the need for this project to be commenced, for the first sod to be turned and for the building to be put up as soon as possible. I am advised that the project will be fast-tracked so that it will be completed early next year. I am very keen for it to be completed in time for the school year next year, and I have impressed that upon the department.

MR MOORE: I have a supplementary question, Mr Speaker. Mr Stefaniak, is it true that the previous Government had set aside the \$600,000 to rebuild Flynn Primary School? If that money had been set aside, why was this building not started until the school board and the Parents and Citizens Association were forced into the position where they had to go to the media and to members to get this under way?

MR STEFANIAK: To answer the supplementary question, Mr Speaker, I am amazed that, if the previous Government did set aside any money, nothing occurred until recently, because the previous Government did have some months in which to do something. However, money certainly is there now, and the facility will be built. I want it built as quickly as possible.

Local Area Planning

MS TUCKER: Mr Speaker, I direct my question to the Minister for the Environment, Land and Planning, Mr Humphries. Given the Government's commitment to local area planning, when will a model of local area planning that is suitable to the Liberal Government be available?

MR HUMPHRIES: Mr Speaker, I thank Ms Tucker for that question. In the media recently there have been a number of questions about the Government's approach to local area planning, and I assume that Ms Tucker is not picking up the rhetoric of the Labor Party, which has been accusing the Government of abandoning local area planning. I can assure her that that would not be a fruitful track to pursue.

The fact of the matter is that this Government has maintained, in writing, in the recent election campaign - and I do so again today - a commitment to the concept of local area planning for the development of the ACT. It is clear from one of the outcomes of the Lansdown review of residential policies that the concept of area recognition - to embrace the idea that people in a particular region or area of Canberra have a particular concern about the way in which their amenity in their suburb might be affected by planning changes - predicates a certain level of control and planning input by those people. It is, therefore, the case, as we said during the recent election campaign, that we are committed to a model of local area planning for the ACT.

The suggestion I heard in the media the other day - I think, from Mr Wood - was that we had abandoned the structures for putting in place local area planning. In fact, the local area planning unit within the Planning Authority is still in existence and will be proceeding with its work when I make a statement on planning in the Assembly later next month. I have indicated that I will be making a statement at that stage.

Mr Wood: They should have been doing it for three months.

MR HUMPHRIES: I might indicate, in taking that interjection from Mr Wood, that it took a long time to get to that stage; that Mr Wood was Minister for the Environment, Land and Planning in the former Government for 3½ long years, and the local area planning unit, which he set up to respond to this question of local communities being

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involved in the planning of their local areas, commenced work on 13 February 1995 - five days before the ACT election. I must say that he acted like greased lightning, did he not? "Greased Lightning" Wood got onto this problem really fast!

So, on that timetable, at the same pace, we have until about 1997 to respond. We will, however, be responding much faster than that. Next month, in the Assembly, I will make a statement on the general direction of planning in the Territory. Local area planning is an integral part of this Government's policy. We are presently pursuing a way of making that happen, and that will be delivered, I assure you. I ask members to await that process and to contribute to the debate which will flow from that statement.

MS TUCKER: I have a supplementary question, Mr Speaker. Mr Humphries, could you, at this point, give an indication of the level and nature of the resourcing that you will give to local area planning?

MR HUMPHRIES: To be perfectly frank, no, I could not. That really depends on the model that we choose to do this. There is, obviously, a range of ways in which we can proceed. I might suggest that the weakness with the previous Government's approach was that it was a very slow process of suburb by suburb planning. Naturally, in that process, it takes a very long time before some of the 70 or 80 suburbs in Canberra are reached. The question arises as to whether things are on hold in those suburbs until such time as the local area plan is developed or whether we should not have some model for proceeding with all of Canberra within some kind of local area planning model appropriate for particular parts of the Territory. The question of which path we go down is an expensive issue. Very many resources are entailed in this question, and we have to work out how we will fund them. I think that to do it properly will require funding of a significant kind. How we do that and in what timeframe will, of course, be a matter that we will have to bring back to the Assembly in that planning statement next month.

Contaminated Sites - Theodore

MR HIRD: Mr Speaker, I direct a question also to Mr Humphries. I ask the Minister for the Environment, Land and Planning whether he saw a story, carried by Prime News last night, about a Ms Johanna Jones of Theodore, who believes that she is suffering severe health effects from arsenic. I am concerned about this matter and I ask the Minister whether there are any issues which Ms Jones raised which were not balanced in Prime's news story last evening.

MR HUMPHRIES: I thank Mr Hird for that important question about this issue. Members may have seen the broadcast last night on Prime Television. It concerned me for a number of reasons, and I will explain them now. I have to say at the outset that I express my sympathy to Ms Jones and her family for the problem that they have gone through. No-one wants to minimise that problem at all. I will say, however, that I am very disappointed with the approach taken last night by Prime Television in sensationalising and possibly generating some hysteria about these issues. I think that we have to be very careful in relation to what we say about things like arsenic through

contamination of former sheep dip sites. That is an issue of some sensitivity; but it is a matter, I think, about which we should not jump to conclusions. Mr Moore has a committee which is currently looking at this matter. We have exhaustive scientific work going on at the moment about that question. I would urge members not to jump to conclusions about these things before the processes have been completed.

I would also say that at no stage has Ms Jones made any formal approach to the Government to support her claim for compensation. In fact, the Government has arranged tests of the soil on her block and immediately behind, in six different places, comprising 11 separate samples. There has also been an analysis of six types of produce from her vegetable garden, an analysis of placental tissue following her most recent miscarriage, the opportunity to consult with two eminent specialists engaged to provide advice on residents' health concerns and access to ongoing counselling.

As the story last night indicated, Ms Jones and her family live on a hill, approximately 50 metres above the site of a former sheep dip in Theodore. Over the last six months, the whole area has been the subject of very extensive investigation for arsenic. In February and March, local residents were given the opportunity to nominate sampling points to address particular concerns, including the residents' belief that there may have been concentrations of arsenic under trees uphill from the dip. As a result of these tests conducted in April and earlier tests conducted last December, 11 soil samples from Ms Jones's block have been analysed. None has shown arsenic levels above the environmental investigation level set by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council. The environmental investigation level for arsenic is one-fifth of the health investigation level - a very low level of arsenic contamination.

These results are similar to the results in all the backyards up the hill from the dip, where a total of 123 samples from 69 locations have now been analysed, and none has been over the environmental investigation level. Concurrently with that sampling, Theodore residents were given the opportunity to have fruit, vegetables and eggs analysed for arsenic. Ms Jones and her partner coordinated the collection of produce from the area. Following the first round of analysis, residents were advised that no arsenic had been detected at the limit of detection of the technology used. The tests were run again on more sensitive equipment, and again no arsenic was detected, although the limit of detection was 10 times lower. I am advised that a consensus of expert opinion is that arsenic is not usually taken up by vegetables, although some might be ingested if root vegetables are not washed; in other words, if you eat dirt. Of course, this is an issue only if there is arsenic in the soil in the first place.

Like all other residents in the vicinity of sheep dip sites, Ms Jones has been kept informed of the results on her block and the general results in the area. She knows that no produce has been found to have arsenic at even one-twentieth of the level of concern. While Ms Jones has made no formal approach to my department or to me, seeking compensation or relocation, officials were aware of her concerns about her history of miscarriages and arranged an early meeting between her and Professor Michael Moore - no relation, I understand - Director of the National Research Centre for Environmental Toxicology at the University of Queensland, and Dr Peter Stewart, a clinical biochemist and consultant physician at the Royal Prince Alfred Hospital in Sydney.

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Ms Jones and her partner have been offered urine tests to establish what level of arsenic might be present in their bodies. In light of her concerns, ACT Health and Community Care also arranged for analysis of placental tissue following her most recent miscarriage. I am advised by the ACT's Chief Health Officer that arsenic levels detected in curette tissue were at the limit of detection using current methodology; that is, 0.04 milligrams per kilogram. This compares with normal tissue, such as lungs at 0.085 milligrams per kilogram and liver at 0.092 milligrams per kilogram; in other words, a level of arsenic in the tissue which is not above anybody's level of arsenic that we would all expect in our everyday lives.

The Government has been providing free counselling to Ms Jones and funding her discussions with Professor Moore and Dr Stewart. However, I must say that, in light of her concerns expressed on television last night, I am very happy to offer her a full medical examination. I do want to say that I am prepared to offer her anything at all to give her peace of mind and reassurance in this situation. I would also be very happy to examine any of the other evidence which the Prime story claimed Ms Jones has but which has not yet been provided to my department or, indeed, to my predecessor, Mr Wood. The Government has been prepared to examine on its merits any case where people claim to have suffered a demonstrable impact from sheep dips. We have also shown good faith by our willingness to resolve individual cases and to follow up residents' concerns promptly.

Mr Speaker, we are concerned about such claims. We will follow them through appropriately and fully. I hope that that is the result of the inquiry that Mr Moore is currently doing into this area. But I think we should be very careful and, in particular, the media people should be very careful about giving credence to claims which, arguably, have no basis in scientific merit.

Mr Connolly: You should also be careful about quoting people's medical figures on the phone.

MR HUMPHRIES: I have checked that already. There is no problem with the Privacy Act.

Australian Stock Exchange

MR WHITECROSS: Mr Speaker, my question is to Mrs Carnell. Mrs Carnell, why was it possible for you, in 24 hours, to conclude an agreement with the Commonwealth Government in relation to the Acton-Kingston land swap but not possible, over several weeks, to reach an agreement with the Australian Stock Exchange? If, as you have said in answer to earlier questions, the Australian Stock Exchange had not presented the ACT Government with the proposal, why did the ACT Government not develop its own proposal and put it to the Stock Exchange, as the Queensland Government obviously did?

MRS CARNELL: Possibly the major reason for that is, as Michael Lee said in his press release after the agreement had been reached between the ACT Government and the Commonwealth Government, that all the ACT Government was doing, or I had done, was actually continuing the negotiations that were in their final phases with the previous Government and Ms Follett, and which had been going on for a number of years, as you would obviously be aware and certainly as Michael Lee was very well aware. The issue with the Stock Exchange is that we had one meeting in my office. There were backup discussions with Treasury and with my chief of staff. We asked for the Stock Exchange to come back with a final offer. It has yet to do so.

MR WHITECROSS: As a supplementary question: Mrs Carnell, did you consult the Minister for Business, Employment and Tourism on your approach to this matter, and is this an example of what Mr De Domenico means when he says that the Liberal Government will have the ACT open for business?

MRS CARNELL: The answer to the first one is yes, but the answer as well is that this Government will not enter into agreements with people who have not offered one.

Water Pollution - Gungahlin

MS HORODNY: My question without notice is to the Minister for the Environment, Land and Planning. Is the Minister aware that there are significant pollution control problems associated with excessive run-off from building sites in Gungahlin?

MR HUMPHRIES: I thank Ms Horodny for her question. I am aware that, in the past, there have been concerns expressed about this and I understand that there have been ongoing issues of monitoring of those sites where run-off has been a problem. One of the ways in which the Government proposes to address this, in the future planning of Gungahlin, is to make efforts to ensure that appropriate arrangements for run-off are made before building work commences on particular sites where run-off might be expected to be a major problem. If Ms Horodny has concerns about particular sites, I am happy to brief her, either on the floor or privately, about particular sites. I am happy to take on notice that part of the question that deals with the general policy of dealing with these sorts of run-off issues. We certainly do not wish to contribute to any higher level of pollution of the ACT's waterways than is necessary, and we will be taking measures to monitor that situation on an ongoing basis. I am very happy to provide any further information that she requires. If she would like to be more specific, either privately or in a supplementary question, I am happy to do that.

MS HORODNY: I can do that with a supplementary question. What is the Government intending to do to alleviate the siltation problems, in particular, at Gungahlin ponds, which is resulting in significant downstream pollution in Ginninderra Creek?

MR HUMPHRIES: I will take that question on notice, Mr Speaker.

Sports Betting

MS McRAE: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Sport. Minister, my question is in regard to sports betting in the ACT. In asking the question, may I remind you and the rest of the Assembly that the legislation regulating sports betting in the ACT was supported by all - including the Opposition and the Independents - last year. Up to date, the only current public explanation being offered about the cessation of the proposal for sports betting is that it will not raise sufficient revenue, and the only other explanation which I have managed to receive thus far for not establishing a sports betting hall in the ACT has been the reduction in the turnover tax in the Northern Territory. Minister, only two bookmakers operate in the Northern Territory. Even if their tax payable to government has been reduced by 2.05 per cent, it is not clear to me why you should stop the six highly reputable applicants in the ACT from going ahead. Would you please explain why the sports betting auditorium has not been proceeded with?

MR STEFANIAK: Mr Speaker, I thank the member for the question. When the Liberal Party formed government, I, the Chief Minister, the Deputy Chief Minister and a number of advisers looked long and hard at this matter over a period of some weeks. It became clear to us that, since the matter was raised last year and since the amendments were made to the betting Act which enabled sports betting to proceed in the ACT, a number of things had happened. Firstly, the Northern Territory had dropped its taxation rate to 0.5 per cent for national bets and to 0.25 per cent for international bets. Tasmania also had dropped its rate to 0.48 per cent. A number of problems were raised with us by some individual bookmakers and other experts in the area. In terms of the amount of money the Government was meant to put in to set up sports betting and the problems that were mentioned to us, we decided that it was best not to proceed at this point in time. I am currently having further discussions, and the Government is having further discussions, in relation to this matter. If that situation changes, the Government will then proceed. But, at this point in time, the sums basically do not add up, and no-one could indicate to us that it was a really viable option for the ACT to proceed at this point in time.

MS McRAE: I have a supplementary question, Mr Speaker. I am pleased to hear that the Minister is at least continuing to consider the matter. Does the Minister really believe that the Government's financial situation is so good that it can afford to forgo potential revenue? The outlay for the Government is simply in the setting up of the auditorium and the monitoring. All the advice I have, which is from at least six reputable bookmakers, is that the proposition is, in their opinion, a goer and, therefore, ready to be taxed by the Government.

MR STEFANIAK: I am interested that Ms McRae asks, as a supplementary question, "Does the Government think that its finances are in such a good state that we can forgo revenue?". Our finances are not in a good state, Ms McRae, thanks to the former Labor Government. We find ourselves with some significant financial difficulties, which we are grappling with in the context of the budget. Of course, if we felt that there

was a very good chance of the ACT being able to make a significant amount of money out of this, we would be in it like a shot. We are concerned to ensure that proper procedures are followed and that the Government does not blindly rush in. As I indicated to you, I am having further discussions and the Government is having further discussions. The Chief Minister and I will be talking to other members involved in the - - -

Ms Follett: Like the Stock Exchange?

MR STEFANIAK: Not the Stock Exchange, Ms Follett. We will be talking to other members of the racing fraternity in relation to this matter and other matters shortly. As I said, Ms McRae, if the right checks and balances can be put in, if there really is a good chance of this running properly and of the Government being able to make some money out of it, of course we will proceed. But, on the figures that were available to us at the time we took that decision several weeks ago, it simply was not the case, and no-one could indicate to us that it really was as viable a concern as it seemed to be last year.

Mrs Carnell: I ask that all further questions be put on the notice paper.

PERSONAL EXPLANATIONS

MS FOLLETT (Leader of the Opposition): Mr Speaker, I ask for leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes; proceed.

MS FOLLETT: Mr Speaker, during question time, Mr Stefaniak said - totally inaccurately, but, my guess is, without malice - that the previous Government had done nothing about the reconstruction of Flynn school following its damage by fire late last year. I have before me here three media releases, which were put out late last year and early this year, concerning the Flynn Primary School. Mr Speaker, the first of - - -

Mr Kaine: Mr Speaker, I take a point of order. Is this a point of order or is it a justification of something that the former Government did or did not do?

MR SPEAKER: I think Ms Follett is leading up to a personal explanation by referring to these documents, which she will probably seek leave to table.

MS FOLLETT: I will indeed, and it is my understanding that I have leave to do so.

MR SPEAKER: You will have to ask for leave.

MS FOLLETT: Mr Speaker, I asked for leave to make the explanation.

MR SPEAKER: You asked for leave to make a personal explanation. That is correct. But, if you want to table the documents, you will have to get leave for that.

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MS FOLLETT: Yes. I was going to read them out first. Thank you, Mr Speaker. The first of these press releases is dated 6 November, and it refers to the immediate period when Flynn school had to close because of fire and smoke damage. It was closed for one week. The second media release is dated 11 November. It refers to the consultation process that the Government did embark on with the Flynn school community in order to arrive at options for making good the damage that had occurred at Flynn. Also, it refers to the interim arrangements for the students from Flynn school to attend Melba and Fraser schools.

Mr Speaker, the Government considered very carefully and consulted very closely with the Flynn school community. As a result of that consultation, a range of options for Flynn were considered by the Government and, as a result of that consultation, the Government did take the decision to reconstruct - - -

Mr Kaine: Mr Speaker, I again take the point of order.

MS FOLLETT: I have leave, Mr Kaine.

Mr Kaine: A personal explanation under standing order 46 has to do with something that relates to the person. This is a justification of the previous Government. I submit to you that it is not a standing order 46 personal explanation. That is the point I was trying to make before.

MR SPEAKER: You have leave, Ms Follett - - -

MS FOLLETT: I do. Mr Speaker, if I may speak to that point of order, my personal involvement in this is as the leader of the previous Government, which Mr Stefaniak has quite clearly accused of having done nothing. I am just indicating, relatively briefly, what action we did, in fact, take. I think it is important that that is on the record.

Mr Kaine: But you never did get around to making a decision about it.

MS FOLLETT: I was coming to that point.

Mr Kaine: You did lots of consulting and talking, but you made no decision.

MR SPEAKER: Order! There is no point of order. I accept the Leader of the Opposition's statement that, as leader of the previous Government, she is explaining her role in that decision. Please continue.

MS FOLLETT: I will be relatively brief, Mr Speaker, as I said. As the result of the consultation and the discussion of different options for Flynn school, the previous Government took a decision to reconstruct at Flynn, and to reconstruct as a permanent building rather than as a temporary building, in order to meet the needs of that Flynn community. The Government allocated a sum of \$585,000 for that task. That announcement is dated 5 January 1994. It is my recollection that, having allocated that money, we had also sought to embark on a process of fast-tracking the approvals for the construction work to occur.

The final press release, which is dated 5 January and which refers to those matters, says:

Stage one of the rebuilding program, which should be complete by the start of term one this year -

that is 1995 -

involves creating two classrooms in the existing library area so that all classes can be accommodated at the school in 1995.

I am quite unable to account for the lack of progress on this matter. I find it totally reprehensible, because it was not for lack of decision-making or of funding by the previous Government. I seek leave to table those three media releases from the then Minister.

Leave granted.

MR CONNOLLY: I also wish to make a personal explanation under standing order 46.

MR SPEAKER: Yes; proceed.

MR CONNOLLY: In question time, Mr Kaine - again, I am sure, inadvertently - made the statement that I, as Health Minister, had done nothing to implement the recommendations of the Andersen review. In the last sitting period, the Minister for Health made a statement about progress on implementation of the Andersen review. That statement quite clearly set out the progress achieved to date and quite clearly showed that much of the first year's action had, indeed, taken place. So, your Health Minister can enlighten you as to the progress which I had made.

QUESTIONS WITHOUT NOTICE

Acton Peninsula

MRS CARNELL: Mr Speaker, in question time in the previous sitting I was asked to table the leases with regard to associations on Acton Peninsula. I have here the leases of those associations and organisations that have agreed that that is an appropriate course of action to take. I present the following papers:

Australian Defence Force Academy - Copy of lease, dated 12 October 1994; letter of acceptance, dated 15 December 1994; and authorisation for tabling, dated 25 May 1995.

Australian National University - Copy of licence agreement, dated 7 March 1994; and authorisation for tabling, dated 19 May 1995.

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Australian Red Cross - Copy of lease, dated 4 November 1994; letter of request, dated 22 August 1994; and authorisation for tabling, dated 19 May 1995.

Canberra Festival Incorporated - Copy of letter of acceptance, dated 13 January 1993; and authorisation for tabling, dated 29 May 1995.

Diabetes Australia (ACT) - Copy of lease, dated 14 February 1991; letter of request, dated 17 August 1990; letter from Diabetes Australia (ACT) to the Director, Acton Peninsula Development Project, dated 13 January 1992; letter from the Department of Health to the Director, Acton Peninsula Development Project, dated 6 January 1992; and authorisation for tabling, dated 29 May 1995.

Epilepsy Association of the ACT Inc. - Copy of lease, dated 1 November 1990; letter of acceptance, dated 29 November 1990; and authorisation for tabling, dated 26 May 1995.

Home Help Service ACT Inc. - Bennett House - Copy of lease, dated 10 November 1993; letter of acceptance, dated 11 November 1993; and authorisation for tabling, dated 18 May 1995.

Mental Health Resources ACT Inc. - Copy of letter from the Director, Acton Peninsula Development Project, dated 1 November 1990; and authorisation for tabling, dated 26 May 1995.

Southside Community Services Incorporated - Copy of agreement, dated 14 September 1992; agreement to occupy premises, dated 14 September 1992; and authorisation for tabling, dated 19 May 1995.

Sudden Infant Death Association (ACT) Inc. - Bennett House - Copy of lease, dated 23 April 1993; letter of request, dated 20 April 1993; and authorisation for tabling, dated May 1995.

Technical Aid to the Disabled (ACT) Incorporated - Copy of lease, dated 11 July 1993; and authorisation for tabling, dated 18 May 1995.

Emergency Ambulance Service

MR HUMPHRIES: Mr Speaker, I have answers to two questions which were taken on notice, or partly on notice, on previous occasions. On 11 May, Mr Kaine asked me a question concerning a number of 000 calls made by Mr Michael Gration of Gordon and comments made by Mr Whitecross about these calls. For the information of members, I provide the following information, which has become clear as a result of officers of my department and me speaking to Mr Gration that afternoon and subsequent investigations by Telstra Australia, which is Telecom.

It is not disputed that Mr Gration made two calls. Telstra was unable to advise where the first call ended. In fact, they cannot confirm, by using their equipment, that a first call was made at all. At 5.54 am on Sunday, 7 May, Mr Gration called 000. His call was not answered by a Telstra operator. Due to a technical fault, the call dropped immediately to the ACT Fire Brigade - in line with the fail-safe procedures to ensure that all calls are answered. The Fire Brigade answered the 000 line and transferred the call to the ACT Ambulance Service. Mr Whitecross has claimed in a press release that this took 30 seconds to do. In fact, this call was recorded electronically, as all calls are, and the time it took to transfer the call was precisely nine seconds. An ambulance was dispatched immediately to a priority one situation. The ambulance arrived at the scene at 6.02 am, eight minutes after Mr Gration's second call. That response time satisfies procedures monitored by the ACT Ambulance Service.

Of some concern, however, is the first call Mr Gration says that he made at approximately 5.50 am. Due to a combination of some apparent technical failure and the fact that the Telstra automatic call diversion management information system in Canberra was not working that morning, Telstra advise that it is not possible to trace the whereabouts in the system of that call. A thorough search and a series of rechecks of call logging equipment by officers of the Australian Federal Police and the Emergency Services Bureau have revealed that no officer in either communications centre answered Mr Gration's call. I am advised by Telstra that it is impossible to ascertain exactly where that call went. I, however, as Minister, am satisfied that there was no call received by any of those officers in either of those places.

The instance of not being able to establish where the first call terminated has resulted in officials from the AFP and the Emergency Services Bureau working with Telstra to ensure that procedures for 000 call handling by Telstra, in the first instance, and Emergency Services, thereafter, are reliable. Telstra, I am advised, have undertaken some retraining of their staff. Police and Emergency Services procedures are deemed satisfactory at this point, but ongoing training is always available for staff in these areas. Telstra also have made improvements to their call management systems, which will enable easier tracing of future 000 calls. To put this issue into perspective, Mr Speaker, the 000 line receives some 16,000 calls a month. That is 203,000 calls a year. In all telephone services, technical faults are possible. I emphasise that Telecom itself manages 000 lines. The ACT Government does not; and we cannot be held responsible for a failure in Telecom's equipment.

The final aspect upon which I seek to comment is Mr Whitecross's claim that Canberra police need training in basic telephone manners and telephone transfer techniques. Mr Speaker, I have been approached by several police communications officers who have been hurt by this reflection on their professionalism. I now table a declaration from the Australian Federal Police, assuring me and the Assembly that Mr Gration's calls were not answered by any officer in AFP communications. In fact, during a three-hour search of all incoming police lines, no call from Mr Gration was received on a 000 line or any other telephone line into the police communications centre. I again call on Mr Whitecross to apologise to Canberra's police officers for this slur on their professionalism.

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We are all human, Mr Speaker, and we do not mind accepting criticism if we make mistakes. But it is not fair to criticise those who have made no mistakes and have no right to respond to that claim. So, Mr Speaker, I call on Mr Whitecross to do the honourable thing.

It seems that I am not going to be taken up on that offer, Mr Speaker; so, I will answer the second question, which I took on notice from Mr Moore. Mr Moore asked about representations from Restoring Our Residential Environment regarding trash pack - - -

Mr Berry: On a point of order, Mr Speaker: Mr Humphries had a bit of a shot at Mr Whitecross then, and I just wonder what particular standing order he thought Mr Whitecross was going to use to respond.

MR HUMPHRIES: No standing order; just a matter of honour.

MR SPEAKER: I would have thought, standing order 46.

Mr Kaine: On a point of order: Under what standing order did Mr Berry just take his point of order?

MR SPEAKER: Touche! I would have thought it would be standing order 46, perhaps - a personal explanation - Mr Berry.

MR HUMPHRIES: I would have thought, honourable behaviour, Mr Speaker; but apparently that does not apply to those opposite.

MR SPEAKER: Please continue, Mr Humphries.

Ms Follett: On a point of order, Mr Speaker: I do not think that is an appropriate comment for Mr Humphries to make about another member of this Assembly, unless there is a substantive motion before us. To accuse somebody of not behaving honourably, I think, is a clear impugning of his character, and it should be withdrawn.

MR SPEAKER: I did not hear the comment.

MR HUMPHRIES: Mr Speaker, I stand by those comments fully. A failure to apologise, when there is clearly no evidence of any lack of professionalism by officers of the AFP, is dishonourable conduct. I stand by that statement.

Mr Berry: Mr Speaker, clearly there is an imputation against the member concerned. It is not permitted under the standing orders. Mr Humphries should be asked to withdraw it.

MR SPEAKER: I am wondering whether or not Mr Whitecross is going to make a contribution to this debate later.

Mr Berry: On a point of order, Mr Speaker: That is not the issue at large. The issue at large is that Mr Humphries has impugned Mr Whitecross's character, and he has to withdraw it.

MR SPEAKER: Under what standing order?

Mr Moore: Under standing order 55.

MR SPEAKER: Standing order 55 says:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Mr Connolly: Is “dishonourable conduct” acceptable as a term - - -

MR SPEAKER: There is nothing dishonourable here. We are talking about personal reflections, under standing order 55.

MR HUMPHRIES: Mr Speaker, if those opposite wish to shield themselves with the standing orders, I will withdraw.

MR SPEAKER: Thank you. Please continue, Mr Humphries.

Ms McRae: On a point of order: Since when were standing orders a shield? They are the proper and appropriate way that this Assembly runs. Mr Speaker, I think you should take him to task.

MR SPEAKER: Ms McRae, would you kindly sit down. He has withdrawn under standing order 55, which deals with personal reflections. Please continue, Mr Humphries.

Residential Leases - Operation of Businesses

MR HUMPHRIES: Mr Speaker, Mr Moore asked a question about representations from Restoring Our Residential Environment, regarding trash pack businesses operating from residential leases. Trash pack businesses usually meet the home occupation criteria specified in the Territory Plan, as they operate primarily as a contact point for distribution of waste packs and as full packs are not stored on the premises. There are relevant controls for home occupations, namely, that the business does not result in the storage on the block of materials obtained for or generated by the business other than within the confines of approved structures, that the business does not generate pollution or create a health hazard, and that no commercial vehicles are used as part of the business. Those are the criteria. I think it is true to say that the matters raised by RORE represented a departure from those home occupations criteria and did, therefore, give rise to some concern.

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The ACT Planning Authority is proposing a variation to the Territory Plan which, among other things, will amend conditions relating to the operation of home occupations. It is proposed to include in the home occupations criteria that the operation of the business does not cause unreasonable annoyance, nuisance or danger and is not unduly offensive to any tenant or occupier of adjoining land, or words to that effect. The other thing, Mr Speaker, would be an upgrading of the level of protection offered to residents of adjoining blocks of land, to ensure that they have the opportunity to take reasonable objection when those sorts of rules are being put in place. The variation will also amend the criterion which relates to pollution and health controls by adding "and any other relevant legislation applying in the Territory". So, things like Public Health Act concerns or ACT Occupational Health and Safety Act concerns can be built into the concerns which are raised as the basis for saying that the particular business carries on offensive conduct on a site which might not therefore be permitted under the Territory Plan. These proposed amendments will, in due course, be brought before the Standing Committee on Planning and Environment.

I indicate also, Mr Speaker, that the particular matters which were raised by RORE were addressed by officers of the Department of the Environment, Land and Planning, who visited at least one of the sites concerned and spoke to the residents of that site. I understand that arrangements are in place for the cleaning up of those sites and for that particular behaviour with respect to trash packs not to be repeated. I have written to RORE, indicating that I am very happy to continue to monitor the situation, and I have invited them to advise me if there are any ongoing incidents of concern.

PERSONAL EXPLANATION

MR WHITECROSS: Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes; proceed.

MR WHITECROSS: Mr Speaker, in providing further information in relation to the question asked by Mr Kaine in the previous sitting, Mr Humphries has suggested that my original raising of this matter was inappropriate and that I should be apologising for having raised it. Mr Speaker, I am more than satisfied with the result that has been obtained by raising this matter, and I am sure that Mr Gration will be, because the result has been that Mr Humphries and his officers have worked with Telstra to overcome the faults which, Mr Humphries has indicated in his answer, did appear to be occurring with Telstra's switching equipment. Everything that was in my original claim was Mr Gration's explanation of what happened. He did make a call, which was answered by someone identifying themselves as a police officer, and I think it was reasonable for me, in good faith, to reflect that. Mr Humphries has conceded that he is not disputing Mr Gration's version of events. If, in the process of raising what I believe I did legitimately, some police officers have felt that it was inappropriate for me to accurately reflect what my constituent told me and have taken offence at that, then I am very sorry about that and I regret any distress that it has caused them; but I do not think it was inappropriate to raise it. I am very satisfied with the outcome.

**EMPOWERMENT OF ABORIGINAL PEOPLES AND
TORRES STRAIT ISLANDERS
Implementation Report 1993-94**

MRS CARNELL (Chief Minister) (3.38): Mr Speaker, for the information of members, I present *Empowerment of Aboriginal Peoples and Torres Strait Islanders in the ACT*, which is the Government's implementation report 1993-94 on Aboriginal deaths in custody. I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased to be able to table in the Legislative Assembly today the 1993-94 ACT Government report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. I fully support the bipartisan approach the Legislative Assembly has adopted towards Aboriginal and Torres Strait Islander issues in the ACT and I trust that it will continue with this approach. It is important that all parties work together to redress the disadvantage experienced by Aboriginal people and Torres Strait Islanders in the Territory and in Australia generally.

Today, I would like to acknowledge the progress made under the previous Government in this area. There has been a lot of work done towards improving the economic, social and political conditions of Aboriginal people and Torres Strait Islanders in the ACT. This has been achieved by implementing many of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and these are outlined in the 1993-94 implementation report. I want to emphasise that this Government intends to carry on and further progress the implementation of the royal commission's recommendations.

This Government is currently seeking nominations for the second ACT Aboriginal and Torres Strait Islander Consultative Council. The *Canberra Times* of Saturday, 29 April 1995, carried this advertisement and so will the community newspapers, including the *Koori Mail*. One of the important roles of this council will be to continue monitoring the Government's implementation of the royal commission's recommendations. This work is critical to the effective implementation of the recommendations.

The Government will continue to support the important work of Winnunga Nimmityjah, the Aboriginal Health Service. This service is used by most members of the ACT Aboriginal and Torres Strait Islander communities. I am particularly pleased that the Acton Peninsula-Kingston foreshore land swap with the Commonwealth gives a green light for the Aboriginal and Torres Strait Islander Cultural Centre to go ahead on Acton Peninsula. I believe that it is the right and sensible location. The previous advisory council consulted widely with local indigenous communities and the Acton Peninsula site was the preferred location. The Commonwealth intends to build the Gallery of Aboriginal Australia on Acton Peninsula and to co-locate the Australian Institute of Aboriginal and Torres Strait Islander Studies with the gallery. This grouping of complementary facilities

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is unique and exciting. It will create a site of truly national significance for both indigenous and non-indigenous Australians. These developments on Acton Peninsula have some potential benefits to Aboriginal and Torres Strait Islander communities in the ACT in terms of employment opportunities and in the promotion of local indigenous culture.

Mr Speaker, I would like to address the report in more detail. This is the second annual report produced by the ACT Government detailing the important steps taken to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The commission's report found that the most significant reason for the high numbers in custody was the disadvantaged and unequal position of Aboriginal peoples and Torres Strait Islanders in our society socially, economically and culturally. To address this, the commission's report emphasised the need to empower Aboriginal peoples and Torres Strait Islanders and to return to them the control of their lives and their communities. The commission made 339 recommendations to Commonwealth, State and Territory governments. The recommendations addressed issues of empowering Aboriginal peoples and Torres Strait Islanders, policing, custodial facilities and procedures, legislative reform, health, housing, employment and education.

The former ACT Government, with the Commonwealth, State and Northern Territory governments, released its response to the commission's recommendations in March 1992. The ACT expressed its support for these recommendations and outlined the actions it would take to implement each of the 339 recommendations. This second annual report details what further progress has occurred to implement the recommendations of the royal commission since the 1992-93 report was tabled. I would like to draw members' attention to the artwork and new-look format of the report. The cover features the new title and a print of the artwork that was commissioned by the former ACT Government to celebrate the International Year of the World's Indigenous Peoples. I would also like to draw your attention to the artwork that appears on the covering page of each chapter. That was prepared for the National Aboriginal and Islander Day Observance Committee Week, which is coming up very shortly.

A fundamental principle behind the royal commission's recommendations was that Aboriginal peoples and Torres Strait Islanders should have greater control over their own lives, and the key element of this is political empowerment. A positive local initiative was the appointment of the ACT Aboriginal and Torres Strait Islander Advisory Council in 1993 to advise the Government. The council has provided these communities with a direct line of communication to the Government and it has provided a mechanism for the Government to seek the views of these communities. The term of the first council finished in March 1995. As I said earlier, I will be seeking nominations for the second ACT Aboriginal and Torres Strait Islander Consultative Council. The first council had a major role in monitoring the implementation of the Government's commitments in relation to the Royal Commission into Aboriginal Deaths in Custody. The ACT's Native Title Act 1994 was developed in consultation with the advisory council. The council also consulted publicly on this legislation. The ACT legislation validates existing titles, legislation and land management practices and uses, to the maximum extent allowed under the Commonwealth Act.

I turn now to the area of law and justice. The former ACT Government implemented a number of legislative reforms in accordance with the recommendations of the royal commission. For example, the Evidence (Amendment) Act 1993 and the Crimes (Amendment) Act 1993 implemented recommendations on the use of interpreters in courts. The Crimes (Amendment) Act 1993, together with the Crimes Act 1914 of the Commonwealth, provided the assistance of an interpreter to a person being questioned. The Crimes (Amendment) Act (No. 2) 1993, which implements recommendations on sentencing, contains the principle that imprisonment should be utilised only as a last resort.

Mr Connolly: Mr Speaker, I do not like to take a point of order on a statement the Opposition is no doubt endorsing, but there is absolutely no member of the Government present while Mrs Carnell is speaking.

MR SPEAKER: Are you drawing attention to the state of the house?

Mr Moore: There is an adequate number of members here.

MR SPEAKER: A quorum is present. Please call for a quorum in future, Mr Connolly, if you want a quorum.

MRS CARNELL: The Coroners (Amendment) Act (No. 2) 1993 addresses the recommendations in relation to coronial inquests. The Domestic Relationships Act 1994 gives effect to most of the recommendations concerning relationships of the Australian Law Reform Commission's report on customary law. The Australian Federal Police, ACT Region, and the Aboriginal and Torres Strait Islander Advisory Council worked together to review and restructure the Aboriginal-Police Liaison Committee. The committee now comprises advisory council members, members of the Aboriginal and Torres Strait Islander communities, and officers from several agencies, including the AFP.

Mr Speaker, the royal commission spoke of the need for a deeper understanding between Aboriginal and Torres Strait Islander communities and the wider society, and of each other's culture, and that is very important. The commission found that non-Aboriginal society needed to change its attitudes towards Aboriginal peoples and Torres Strait Islanders if the inequalities of society were to be addressed. Additionally, in 1992 the Council of Australian Governments endorsed the national commitment to improved outcomes in the delivery of programs and services for Aboriginal people and Torres Strait Islanders. One of the principles of the national commitment is empowerment, self-determination and self-management.

Public awareness of Aboriginal and Torres Strait Islander cultures and issues was raised by the previous ACT Government through a range of initiatives during the International Year of the World's Indigenous Peoples and National Aboriginal and Islander Day Observance Committee Week. An Aboriginal woman, Ms Grace Coe, was named Canberra Woman of the Year in 1994. This was in recognition of her significant contribution to women in the Canberra region. Ms Coe at that stage was a member of the ACT Women's Consultative Council - another council we are in the process of reappointing. Individual ACT Government Service agencies have also developed cultural awareness training programs appropriate to their specific needs.

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The education of young people is vital to all communities. The Government will continue to provide and improve services to Aboriginal and Torres Strait Islander students through the Aboriginal education strategic initiatives program. In 1993-94, the Department of Education and Training employed an Aboriginal project officer to survey the wishes of these communities in relation to the teaching of Aboriginal languages in ACT schools. The results of this survey will be incorporated into the development of any prospective Aboriginal language programs.

There has also been a focus on economic opportunities. During 1993-94, a consultancy was funded by the Commonwealth Department of Employment, Education and Training to develop an Aboriginal employment and career development strategy for the then Housing and Community Services Bureau. That strategy aimed to increase access to permanent employment in the bureau. This encompassed the range of available occupations and the levels of employment. There is an agreement with the Commonwealth Department of Employment, Education and Training to fund a project officer. This agreement is under the Aboriginal employment and development program. The project officer will develop an ACT Government Aboriginal and Torres Strait Islander peoples employment and career path strategy. The aim of the strategy is to establish recruitment, training and career development programs that will increase access by indigenous Australians to permanent employment in the ACT Government Service.

In the area of health, the previous ACT Government maintained funding for the Aboriginal Health Service. It obtained funds under the national Aboriginal health strategy for a full-time coordinator for the service; a mental health worker; a drug, alcohol and HIV/AIDS worker; a hospital-based Aboriginal liaison worker; an education program for mainstream health workers on Aboriginal issues; and an immunisation service.

In relation to housing, the former ACT Government received money under the national Aboriginal health strategy to jointly fund, with the Commonwealth, an emergency accommodation project. I am advised that this project is now operational and is being managed by an Aboriginal community organisation. During 1994-95, the ACT Housing and Family Services Bureau has been reviewing housing assistance. The review involves consultation with Aboriginal and Torres Strait Islander people about issues such as the design and location of housing. After the review has been completed, a housing policy will be developed in consultation with these communities.

I am pleased to present the 1993-94 report to this Assembly. It depicts a positive basis for this Government to continue implementing the royal commission's recommendations. An important part of this process is the empowering of Aboriginal peoples and Torres Strait Islanders in the ACT - something, I am sure, that this whole Assembly supports. We will be doing this by encouraging their active participation in the development of policies and programs. I certainly look forward to working with the new consultative council to improve services; in particular, with the development of the Aboriginal and Torres Strait Islander Cultural Centre on Acton Peninsula. We believe that this is a very exciting challenge.

Debate (on motion by **Ms Follett**) adjourned.

APPROPRIATION AND AUDIT ACTS
Papers

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present instruments pursuant to section 49B of the Audit Act 1989, together with a statement and an instrument made pursuant to section 7 of the Appropriation Act 1994-95 relating to supplementation for approved wage and salary increases. These instruments were circulated to members when the Assembly was not sitting, in accordance with the recommendations of the Standing Committee on Public Accounts Report No. 3 of 1993, as accepted by the Government and noted by the Assembly on 14 April 1994.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR HUMPHRIES (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, instruments of approval under the Heritage Objects Act and the Occupational Health and Safety Act, and the Supreme Court Rules and Regulations. I also present a notice of commencement for the listed section of the Health Complaints (Amendment) Act and minor changes to the Administrative Arrangements as gazetted in *Gazette* No. S90 of 1995, dated 5 May 1995.

The schedule read as follows:

Agents Act - Determination of fees - No. 34 of 1995 (S96, dated 10 May 1995).

Boxing Control Act - Boxing Control Regulations (Amendment) - No. 17 of 1995 (S100, dated 12 May 1995).

Electricity and Water Act - Determination of fees - No. 33 of 1995 (S95, dated 19 May 1995).

Health Complaints (Amendment) Act - Notice of commencement (1 May 1995) of section 4 (S84, dated 1 May 1995).

Heritage Objects Act -

Determination of criteria for the assessment of the heritage significance of objects - No. 35 of 1995 (S101, dated 12 May 1995).

Instrument of approval - No. 36 of 1995 (S101, dated 12 May 1995).

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Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 18 of 1995 (S103, dated 17 May 1995).

Occupational Health and Safety Act - Instruments of approval -

Australian Standard - Safe Working in a Confined Space - AS2865-1985 [NOHSC:1009(1994)] - No. 30 of 1995 (S91, dated 8 May 1995).

National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)] and National Code of Practice for the Control of Workplace Hazardous Substances [NOHSC:2007(1994)], the National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)] and the National Code of Practice for the Preparation of Material Safety Data Sheets [NOHSC:2011(1994)] - No. 31 of 1995 (S92, dated 8 May 1995).

Public Place Names Act - Determination No. 37 of 1995 (S106, dated 22 May 1995).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 15 of 1995 (S89, dated 5 May 1995).

Water Rates Act - Determination of fees - No. 32 of 1995 (S95, dated 19 May 1995).

Weapons Act - Weapons Regulations (Amendment) - No. 16 of 1995 (S99, dated 16 May 1995).

Administrative Arrangements Orders - Amendment (S90, dated 5 May 1995).

INDUSTRY, TRADE AND REGIONAL DEVELOPMENT

Ministerial Statement

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on industry, trade and regional development.

Leave granted.

MR DE DOMENICO: I am pleased to have the opportunity today to present a ministerial statement which builds on my statement on the Government's business development policies. In that statement, I set out the Government's vision for business and industry and the new administrative structure that we have created to achieve

that vision. I focused on the need to work in partnership with business and the important role governments must play in aiding business growth. I also announced a number of initiatives which aim to remove impediments to business competitiveness.

Today, I would like to outline what the Liberal Government will do to assist business to compete more effectively at a national and international level. As Minister for Business, Employment and Tourism, I have recently participated in two key ministerial forums. The first was the Industry, Technology and Regional Development Ministerial Council meeting held in Adelaide, where I had the opportunity to discuss with my Commonwealth, State and Northern Territory colleagues challenges facing business, particularly small- to medium-sized businesses. Of particular importance to the ACT was the discussion on the Commonwealth's innovation statement due to be released in August-September this year, the AusIndustry initiative, the use of government purchasing policies to assist the development of local industry and the importance of regional development initiatives as a means of facilitating business growth. State and Territory governments, including the ACT Government, expressed support for the above national initiatives to facilitate the development of industry but reinforced the view that the Commonwealth must undertake this role in partnership with State and Territory governments and the business community.

I would like to highlight some of the specific issues covered. Small companies often experience difficulties in accessing venture capital and seed funding for their projects. Initiatives flowing from the innovation statement are expected to address this and to provide support for innovative businesses, particularly small- to medium-sized enterprises. The statement will seek to assist companies and institutions to commercialise their research and development activities. The ACT has a very active research and development sector, and the innovation statement has the potential to further support development in this area. I am confident that benefits will flow to the ACT from this Commonwealth initiative. Mr Speaker, the ACT Government will, of course, continue to support the R and D sector. You will be aware that the Government has recently approved a \$100,000 grant to CAMBIA, a world leader in agricultural molecular biology. We have also provided support to local companies, Willing and Partners and HYDSYS, to move into the Asian market in environmental and water resource management. We will also continue to actively support our cooperative research centres.

The ACT Government is currently negotiating a bilateral agreement with the Commonwealth to implement the AusIndustry initiative in the ACT. AusIndustry was a major initiative announced in the Commonwealth's white paper on employment, industry and regional development. AusIndustry will be launched nationally on 28 June 1995. On that day the ACT Government and the Office of AusIndustry will host an ACT industry launch with senior members of the private sector. The launch will be video-linked to Sydney, where the Prime Minister and Senator Cook will launch AusIndustry nationally. AusIndustry is a significant initiative in the history of Australian enterprise improvement programs. It will provide a single point of contact for businesses and a client manager who will individually assist and track a company's enterprise development program. The service will be delivered through the ACT Government's Business Services Centre. Most importantly, it will involve private sector program deliverers and reflects the Government's commitment to the involvement of the private sector in providing services to business. The ACT and New South Wales governments

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and Austrade are currently exploring opportunities for greater integration of business programs to facilitate their efficient delivery throughout the region. AusIndustry is a critical link in this process. It is important to the future prosperity of the region that the New South Wales, ACT and Commonwealth governments move in the same direction on business and regional development matters.

In respect of regional development, the ACT and region is well placed to take advantage of national programs to support regional development. The ACT Government is working in cooperation with the New South Wales and Commonwealth governments to support the work of the South East Regional Development Council. The council is currently developing its strategic plan for the region for the next three years. Appropriately, the draft plan will be launched on 1 June, during Canberra Region Week. The council is seeking wide private and public sector participation in the development of its strategic plan and is currently identifying a number of specific region-wide projects which it will support through funding feasibility studies and promotion to government funding bodies. Projects range from infrastructure proposals, communications and information technology, environmental management, access to finance for small- to medium-sized business, sport and tourism. One of these projects, for example, will involve examining the feasibility of developing an electronically networked region through the extension of the Gungahlin broadbanding project. I am also planning to visit and meet with a range of local government and business leaders throughout the region later next month to discuss a number of regional development issues. I hope during that visit to see first-hand some of the activities which the council is considering supporting.

Another area where the ACT and New South Wales governments are working closely to ensure administrative efficiency and to maximise the outcomes for business is in the tourism sector. Canberra Tourism and Tourism New South Wales are supporting joint marketing and promotion of the region to attract both domestic and international visitors. An example of this cooperation is the promotional work being undertaken by the Southern Tablelands Canberra Regional Tourism Organisation - an organisation on which both governments and local industry are represented. The first major joint promotion will surround the region's springtime celebrations, including our very successful Floriade. The springtime promotion aims to encourage visitors to come to the region and stay longer to experience all that the region has to offer. Such joint approaches make good economic sense and encourage greater cooperation within the region among governments and businesses alike. Canberra Tourism is also working closely with other Canberra region localities on joint promotions; for example, the Snowy Mountains and the South Coast. One initiative under development is a backpackers budget touring guide that encompasses Canberra, the Southern Tablelands, the South Coast and the Snowy Mountains. (*Quorum formed*)

Mr Speaker, the ACT Government is also involved in regional planning issues through the ACT and Sub-region Planning Committee. The committee involves representatives of the ACT, New South Wales and Commonwealth governments and the five New South Wales local councils surrounding the ACT. The draft strategy provides a framework for integrating and guiding regional development and resource management to a possible future regional population of about 560,000 by the year 2021. The draft strategy complements the work of the South East Regional Development Council and is due to be released shortly for community consultation.

The Industry, Technology and Regional Development Ministerial Council meeting not only facilitates discussion and cooperation among governments but also provides an ideal opportunity for the host government to highlight what its State or Territory has to offer. I am pleased to announce that Canberra will host the next Industry, Technology and Regional Development Ministerial Council meeting, which is expected to be held in October this year. Many of the programs and initiatives discussed at this forum are aimed at assisting Australian businesses to become more internationally competitive, and it is important for the economic wellbeing of the ACT to have internationally competitive industry.

International competitiveness was also the theme of the second ministerial forum at which I represented the ACT Government. The aptly named ministerial meeting - Team Australia - addresses Australia's trade policy framework, our market priorities and international competitiveness issues. At this forum, Commonwealth, State and Territory Ministers agreed that, as Australia continues its major transformation to an open, outward looking economy, it will be critical to improve our international competitiveness. A key task for all governments is to create the optimum conditions in Australia and offshore for Australian firms to operate globally. It was recognised that a cooperative approach to trade activities can provide positive outcomes for Australian companies. The recent coordination at several major trade and promotional events is a tangible example. Those ACT communication and information technology companies which participated at CeBIT'95 in Hanover can attest to this.

I have proposed a similar approach for Australia's participation in Globe 96, which is an international environmental industries trade fair. The ACT has a number of world-class companies in the environmental management field. For small companies, individual participation in international trade fairs is often out of the question. However, these trade fairs provide a valuable means for these companies to become known, to negotiate sales, to export and to expand. I am pleased to say that Ministers at the Team Australia forum were generally supportive of my proposal and have undertaken to examine it in the context of their individual trade priorities. I hope to be able to announce in the near future that the Commonwealth and State governments are prepared to participate in Globe 96 and that we will adopt a united and coordinated marketing approach to this project.

The Business, Employment and Tourism Bureau will be identifying and liaising with ACT companies which may be interested in participating in Globe 96, in a similar manner to the facilitation role that they played in assisting Canberra companies to participate in CeBIT. On that point, I must congratulate the Follett Labor Government for involving itself in the CeBIT exercise, which was a very successful one for all concerned. Mr Speaker, ACT enterprises interested in participating in Globe 96 will no doubt include ACTEW, a leading member of AUSTEMEX. AUSTEMEX, as you may know, is a consortium of 42 Australian companies involved in the export of environmental management skills, technology and systems. In addition to ACT companies, I understand that a number of environmental management companies from Victoria, New South Wales and Queensland have also expressed an interest in participating.

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The ACT Government has already established strong international links. For example, we have a sister city relationship with Nara in Japan - once again an initiative of the Follett Labor Government. Since Canberra's twinning with Nara in October 1993, a number of cultural, educational, business and sporting links have taken place. The sister city relationship, which continues to enjoy strong support from the Canberra community, also benefits our children by offering them a wealth of information about different cultures and lifestyles. The Government fully supports the relationship and looks forward to further strengthening the links and increasing the level of exchanges. We are now working to expand our involvement in sister city relationships and the business potential that these relationships offer. Canberra twinned, so to speak, with Versailles-Les Yvelines, on a people to people basis, in Versailles in 1987 and Canberra in 1988. Following these events, a number of activities have taken place, including student exchanges and a spectacular bicentenary fireworks display. The Government is now considering ways in which it might officially affirm the relationship, thereby placing it on a government to government footing.

The Government is committed to implementing its election promises and to working closely with business and the wider community to ensure that the ACT and region has not only a healthy and vibrant business sector but one which is world class and can compete internationally. I will continue to keep the Assembly informed of our achievements. I present the following paper:

Industry, trade and development - Ministerial statement, 30 May 1995.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

SPORT AND RECREATION - GOVERNMENT SUPPORT **Ministerial Statement**

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on Government support for sport and recreation.

Leave granted.

MR STEFANIAK: Today I would like to speak about the support and initiatives for sport and recreation that this Government will be pursuing in its first term of office. The Government has already begun work to fulfil a number of the election commitments contained within our policies on sport and recreation in the ACT. Our policy statement noted that sport and recreation are an integral part of life in the Canberra region and of great social and economic value to the ACT. A recent Australian Bureau of Statistics survey showed that almost 40 per cent of Canberrans, 15 years and over, are involved

in sport. This is the highest involvement in sport in Australia, with a national average of only 33 per cent. Of particular interest was the fact that the ACT also had the highest involvement of females, at 31.5 per cent, compared to 26.9 per cent nationally. This indicates the importance of sport to the ACT community.

I wish to draw to the Assembly's attention a range of important initiatives that this Government will be pursuing over the next three years in working towards creating a healthier, active city and further encouraging community involvement in sport and recreation. We are committed to encouraging all Canberrans to maximise their leisure time through sport, recognising that some groups in the community, such as women, disabled and older adults, need increased support to participate fully; improving the status and level of school sports by ensuring that all school students participate in sport and physical education as part of their school curriculum; assisting sports in improving their management and marketing skills and providing long-term funding to organisations to encourage strategic forward planning with greater certainty of levels of assistance; drawing on Canberra's facilities and sporting expertise in attracting major sporting events; and taking advantage of the 2000 Olympic Games as a catalyst to develop and promote Canberra as a centre of sporting excellence and maximise Canberra's participation in the Olympic Games.

We intend to work and consult with ACTSport, other sporting organisations and the community when making decisions that impact on sport in the ACT. We will draw on the knowledge and expertise of persons and groups within the community to attract major sporting events. We will work in partnership with the whole community in marketing Canberra as a centre of sporting excellence.

I come now to the 2000 Olympic Games. We will take maximum advantage of the 2000 Olympic Games in our endeavours to encourage and support involvement in community sport as well as high performance sport, acknowledging that there must be a balance between the two. To that end, we intend to work with the Project 2000 Committee to profit from Canberra's proximity to Sydney and the increased international interest in Australian sport in the lead-up to the Olympic Games; market Canberra as the national seat of government, an ideal location for major events and a place for sports development as a part of Australian activities planned during the 1996 Atlanta Olympic Games; and provide assistance, in cooperation with the Commonwealth Government, through the ACT Academy of Sport, to support our athletes to reach their full potential and perhaps gain selection for the 2000 Olympic Games. The emphasis is on obtaining results through the joint Commonwealth-State-funded intensive training centres programs.

Facilities are the key to providing opportunities for increasing sporting participation and attracting major events. We have been concerned about the planning of those sporting facilities. A long-term facilities plan, being developed by the Sport and Recreation Council, is now well advanced. It is addressing needs for both sport and recreation facilities in a coordinated review of current provision and future plans. This includes examining the needs in Gungahlin, where I have noted the relevant studies by the Gungahlin Community Council. We are looking at innovative ways to provide more money for sport by savings generated from more efficient ways of carrying out sporting maintenance work and working cooperatively with community and sporting clubs on

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joint ventures in facility developments. We intend, as a first step in meeting our commitment to establish a swimming pool in Belconnen, to undertake investigations into the best options to build an indoor pool. This study will consult widely with the community and existing providers of swimming and recreational facilities on needs and options for construction and management.

In regard to sports events and tourism, the tourism potential of sport is only just being fully recognised nationally. Other jurisdictions have been actively pursuing major events which have significant economic impacts through tourist-related activities. I am keen to ascertain, through an independent study, the economic benefit of sport in the Territory. I understand that there is now a national move to improve the statistics for the sport and recreation industry, and the ABS is currently undertaking a number of surveys which will provide the ACT with important information on the economic value of the sport and recreation industry.

I am working closely with my colleague the Deputy Chief Minister and Minister for Business, Employment and Tourism to ensure that we maximise Canberra's participation in the lead-up to and also after the 2000 Olympic Games and capitalise on our very good existing features and facilities. Hosting the Australian Masters Games in October 1997, with an estimated 8,000 participants and visitors - and I have recently seen material which indicates that the number might go to about 12,000, which would be even better - is an integral part of this strategy. With a growing national interest in mature aged sports events, it is expected that the Government's seeding funding will be fully returned to the Territory. I am also keen for Canberra to host the Australian University Games in 1996 as a forerunner to the Masters Games and to further raise the ACT's profile as a top sporting and tourism destination. Those games will provide about 20 ACT sporting organisations with a much needed trial run in terms of the Masters Games. I am particularly pleased that the Australian university sports unions want to hold those games in Canberra.

I was also pleased to be instrumental in gaining the in-principle support of the Australian Rugby Union to hold test matches in Canberra. The Government is keen to support other initiatives for hosting selected international and major national events, and a number of sporting groups have already approached the Government with some exciting proposals. The opportunity to watch top class national and international events in Canberra is a great way of getting money into the community. Once rugby union has been successful with test matches, that should certainly lead the way for international matches in other sports such as soccer and rugby league.

I deal now with funding and support. Another important area is the allocation of funding to organisations, which directly assists the delivery of improved sporting and recreational opportunities to the community. Government policy is to increase the funds available to the Health Promotion Fund by raising tobacco franchise fees from 3 per cent to 5 per cent. Community groups, including sporting organisations, would benefit and be able to further develop effective marketing of health messages through sport and recreation. I do not think there would be too many people who would not agree that the best way to sell a healthy message is through sport and recreation.

The Bureau of Sport, Recreation and Racing has various programs which directly assist organisations in the delivery of sport and recreation services, including the sport and recreation development grant program, the volunteer involvement program and the ACT Coaching Centre. An identified priority is the enhancement of organisations' professional management skills to encourage long-term planning, accountability and self-sufficiency. The aim is to assist organisations in obtaining sponsorships, finding funding alternatives, constructing and managing their own facilities and staging major events.

As stated in our policy, we will also be moving towards a system of triennial funding of major organisations to enable effective long-term planning and greater certainty in funding arrangements. This is in line with national trends and will involve annual assessments of performance against the organisation's agreed development plan. The sporting community has lobbied hard for this approach, and we will involve sporting groups in the development of a streamlined grants process that meets sports needs and is fully accountable based on outcomes to the community. We will also continue to ensure access and opportunities for all the community by making available resources, facilities and coaches to identify and meet the needs of women, the young, the disadvantaged, people with disabilities and Aboriginal and Torres Strait Islander people.

In regard to physical education and school sport, I have already outlined in my statement as Minister for Education the Government's commitment to upgrading the level of school sports in the ACT. As the Minister for both portfolios, I have been able to tackle this issue head-on, as it were, to commence the development of a joint approach to sports education that was sorely needed and, until now, sorely missing. I have already established a four-person Physical Education and Sports Unit in the Department of Education and Training to improve the focus of this area in schools. I have also given directions that a physical education teacher be identified in each primary school to coordinate the delivery of PE programs. The strategy is that they will be trained, if they are not already, so that they can then pass on the skills to others. By this time next year I would hope to have sharpened the focus for the delivery of PE in every primary school and have PE as a compulsory subject up to Year 10 in high schools. It is up to Year 8 at present. In addition, I will be reintroducing specific times in the school curriculum to foster both interschool sport for primary and high schools and intraschool sport for primary and high schools. By 1997 school sport will become an integral part of education.

The racing component of the sports portfolio will receive particular attention. I have revived the Racing Industry Forum, involving representatives of the gallops, trots, greyhounds, bookmakers and the TAB. It will meet shortly to discuss and seek resolution to common issues affecting racing interests throughout the Territory. It will assist the Government in best meeting the needs of the racing industry. It was a particularly useful forum in the past, when I chaired it under the Alliance Government. It is a great way for all those groups to get together and sort out problems with the Government. Another area of racing is motor sports. The needs of motor sports are an area which the Government has proceeded to address quickly. The bureau is currently examining all options, ranging from the relocation of motor sports to a long-term strategy for the Fairbairn Park and Sutton Road facilities.

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These initiatives that I have outlined today will make an excellent start to implementing commitments made prior to the election. These are commitments which will assist a large proportion of the community directly by providing opportunities to participate in activities which promote a healthy, active lifestyle. They will also assist in increasing the economic benefits that sport provides to the Territory via events-related tourism. I reiterate that studies show that at least one-third of people who visit Canberra come here for sports-related reasons. I present the following paper:

Sport and recreation - Government support - Ministerial statement,
30 May 1995.

I move:

That the Assembly takes note of the paper.

MR KAINE (4.21): Mr Speaker, this is an important statement. There is no question that I support what the Government is attempting to do. There is much development in sport in Canberra yet to be carried out. We have gone a long way over recent years in developing our sporting prowess. We are represented nationally. A very high percentage of our population participates in sport in one way or another.

I was disappointed in one respect when I read this paper. It mentions all the imported brands of football but makes no reference whatsoever to the only Australian brand of football, that is, Australian rules. There are many people who have been working very hard over many years to advance Australian rules in the Territory. Much of that effort in recent years has been directed towards having an Australian Football League team in Canberra and participating in the AFL competition. The most recent example of their work, of course, was the game here only last Saturday between the West Coast Eagles and Fitzroy - the first Australian Football League competition game ever played in the ACT. It is a milestone in the movement towards getting a permanent team established here.

Governments over the decades have put a great deal of money into, for example, bringing the Raiders here from Queanbeyan and establishing them at Bruce. A great deal of public money was committed to that, and I do not regret a cent of that expenditure. It has been a great investment of public money to support teams like the Raiders and to generate interest in soccer, rugby union and other sports; but I believe that the ACT will be well served the day that we get an ACTAFL team here.

I had hoped that in a comprehensive statement of the Government's intentions - this is a forward looking document - there would be some statement at least supporting, even if not financially at this stage, the efforts that have been made and continue to be made by a lot of people to get an AFL team here. I support what the Government is proposing to do across a wide range of sporting activities, but that is one omission. I am sure that people like Ron Cahill and all of those hardworking supporters of ACTAFL, who have

spent years and years trying to build up Australian rules here in Canberra, would have been heartened by even a passing reference in the Minister's statement to the effect that the Government will support this game. I am sure that it was only an omission and I am sure that the Minister intended to say that he is totally supportive of the game of Australian rules and that he intends to discuss with the promoters of the game here ways by which the Government might be able to engender some support for this game.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Yowani Golf Club

MR MOORE (4.26): Mr Speaker, I present Report No. 1 of the Standing Committee on Planning and Environment on the draft variation to the Territory Plan for Lyneham, section 67, block 1, known as the Yowani Golf Club, together with a copy of the extracts from the minutes of proceedings. This report was provided to you, Mr Speaker, for circulation on Friday, 26 May 1995, pursuant to the resolution of appointment. I move:

That the report be noted.

The first report of the Standing Committee on Planning and Environment is an important report. It indicates a fairly significant change in the planning of the Territory, particularly planning in terms of the Territory Plan. I begin by drawing members' attention to paragraph 34 of the report of the committee, which reads:

The committee considers this illustrates the crying need for a broad strategic planning overlay to ACT planning legislation and to the Territory Plan so that the Government and public can readily appreciate where one-off developments such as the one currently before the committee may be placed. The committee gives notice that it will be moving to ensure that such a broad strategic view of planning is prepared.

In other words, in looking at the series of variations to the Territory Plan, there has never been any reference point for approval of such variations to the Territory Plan; rather, they have been done on a general sense of where the Territory should be going. By and large, the Assembly's former committee - the Planning, Development and Infrastructure Committee - has actually handled rather well, in the vast majority of cases, that sense of where the Territory is going, which is something that many of us have shared. But it is quite clear that it did at times get us into strife and into quite strident debate.

There were a number of other issues raised during this inquiry. One of the most significant of those was to do with the lease. (*Quorum formed*) The issue of lease administration and the loss of value on this lease was also of great concern to the committee. The committee's advice was that the betterment payable would be approximately \$2.5m, if this lease were valued at a 50 per cent betterment rate.

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The committee was concerned in the initial instance that perhaps the lease, which was reissued in 1987, would attract up to a 100 per cent betterment rate. A concern since this report was released is that the lease may not be levied at 50 per cent; rather, the remission would be 20 per cent. That is an issue that I have raised with Mr Humphries and with the Lease Administration Branch. It is a matter that is being considered at this moment. Indeed, Mr Humphries informs me that a legal opinion is being sought from the Law Office. We are waiting to see what the Law Office comes up with on that issue. If the lease is a concessional lease and it is at 20 per cent, then we are talking about additional income for the Territory of probably \$1.3m, or certainly a figure of that order. It is of concern generally to the committee that such issues be dealt with particularly carefully. There is no business in this city that would ever deal with such sums of money without double checking and triple checking them to ensure that they were accurate. It will be of great concern to the committee to ensure that we fulfil our role in double checking that such sums of money are dealt with appropriately.

I go to the critical factor - the variation to the Territory Plan. It operates separately, in one sense, from the variation to the lease. In that sense, the committee determined that it was appropriate to endorse the draft variation to the golf course, subject to a series of conditions. The first one is that the area not be a gated community; that access to the golf club be available from North Lyneham and by other members of the community. It was the committee's opinion that that ought to be stipulated in the lease conditions and the agreement that the Government has with the golf club.

In relation to traffic matters, which were also matters of great concern, we felt that it was appropriate that the Government ensure, as the consultants who had been employed by the developers recommended, access and egress from Ellenborough Street. The committee also felt that the broader traffic considerations should be taken into account. It is high time that the traffic problems at the end of Ginninderra Drive, as it goes into Mouat Street, and for traffic coming out of Kaleen and Giralang were addressed. The committee felt that it was best that the problems be addressed by providing access onto the Barton Highway for the Kaleen and Giralang travellers and that the travellers down Ginninderra Drive have access into an upgraded Mouat Street. That also requires traffic work to allow people from Lyneham access to Mouat Street as well. Those issues, we believe, are appropriate to be dealt with in the 1995-96 capital works program.

The other issue is the entrance into Ellenborough Street. The recommendation was to install traffic lights, that being the responsibility of the developer. The committee did note, however, that, if the traffic situation were dealt with appropriately at both Mouat Street and the Barton Highway, the need for that set of traffic lights may lessen and fall to a lower priority. There are a couple of issues in terms of the way that papers were presented. It is more about the relationship that the committee has with the department than anything else. We hope that the papers that we get will be easier to read and will be set out in a more reasonable way.

The final recommendation, at paragraph 42, is:

The Committee recommends that the Government urgently review the policy on renewing concessional leases in order to ensure that the community does not lose important public revenue and options for land development.

The issue of this planning variation and the leases is the subject of a unanimous report by the Assembly committee, and I believe that it will set a new tone in the way that we deal with planning and in the way that we deal with our leasehold system in the ACT. I am very pleased with the work that has been done by the committee on this inquiry and by the ease with which the Assembly committee reached agreement on these issues. On behalf of the other members of the committee, I thank the secretary, Rod Power, for his work in supporting the committee and for his assistance in preparing the original draft of the report. I commend the report to the Assembly.

MR BERRY (4.35): Mr Speaker, my contribution to this debate will not be a long one, as Mr Moore has covered most of the issues. I can bring some historic corporate membership to this particular application, because it was an application that was left over from the last Government. That would have frustrated the proponents, because they had moved some time ago to get this matter resolved in order that the development could go ahead.

In the process of considering these issues the committees - and I use the plural because the previous committee and the present committee were involved - have dealt with issues which will send to those who are preparing variations for consideration by the committee a strong message that there has to be a comprehensive layer of work conducted and completed before it comes to the committee; otherwise, there will be some legitimate committee criticism of the process. For example, when the matter first came to the previous committee, the committee of the last Assembly, it was felt that the evaluation of the site was incomplete in so far as it had not dealt with some endangered species which were said to possibly exist on the site.

The traffic arrangements did not satisfy that committee either. I am pleased that that work has been taken right through and that alternative traffic arrangements have been recommended. This problem will affect not only the community that might live on the development but also those in the surrounding area of North Lyneham and Lyneham proper. I have been approached many times by people in Lyneham proper about the traffic problem in Mouat Street. There is an opportunity here for the Government to come up with a solution to at least some of the problems which have been caused as a result of the Ginninderra Drive extension not being completed. The decision not to go ahead with the Ginninderra Drive extension has had an impact on those surrounding suburbs, and there now need to be some alternative traffic arrangements - as recommended - carried out to reduce the impact of that extension not occurring.

This matter highlights the issue that was raised by Mr Moore about the overall planning of the ACT and the need for a major statement in relation to the matter. I am sure that that was what was intended by Mr Wood when he announced the long-term planning inquiry for the ACT in the last Government. Certainly, from my point of view, I am keen to

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pursue that course because, without some sort of overall picture of what one wants at the end of the day, it is very difficult to work within the small environment of occasional variations which come to the committee. It makes the committee's work harder. I am sure that it makes it more difficult for proponents and probably earns - I do not know whether "earns" is the right word; but certainly brings - criticism of the department which might be avoided if there were a little bit more certainty available to people by an easily understood assessment of the planning for the future of the ACT.

This report is a good one. There has been a lot of work and a lot of contribution made to the process by the community. It is regrettable that it was delayed. The delays have resulted from an inability to complete the inquiry. Mind you, it was interfered with somewhat by an election, which slowed down the process. The message that has been sent to those people who prepare these draft variations is that all of the work has to be completed, because the committee is going to be vigilant about these issues and make sure that they are completed before variations are recommended for approval.

MR KAINE (4.40): As with many issues in the ACT, this particular proposal considered by the committee developed in a rather interesting way. It brought out - if we were not aware of it before - yet again the interrelationships that exist within this community. It highlights the fact that what happens on Yowani golf course affects not only the people who live within 200 metres of the development but also people who live a long way away from it. It says something not so much about deficiencies in the Territory Plan - although it is asserted that there are deficiencies in that plan, I am not certain that there are - but about the way that the plan is implemented and the way that the administration of the plan is carried on.

There seemed to me to be three issues that emerged that were way beyond the question of whether or not we should approve this particular variation for the land use on this small piece of ground in Lyneham. The first, and probably the most important, is the question of the community interest in that land. It was put to us quite strongly, as it has been on previous occasions, that, when people are the recipients of a concessional lease and they want to use the land for some other purpose than that for which the concessional lease was granted, there arises the question of whether the Government should not simply resume the land. It was pointed out to us quite strongly that the leasing legislation under which this current lease was granted permits the Government to do that. It was put to us quite strongly that Yowani Golf Club and the developer should not be permitted to take the benefit of being able to turn land, under a concessional lease, to commercial use. There is some validity to that argument, but we have had it argued so many times over the last 10 years or so that the principles that were put to us were not new at all. But there is that question.

A question arises as to whether the payment of the betterment tax, under whatever tax regime is currently applying, is a sufficient return to the community. The committee took the view that it could not reject this particular proposal because those arguments were again put to us. We felt that the lessee had a right to exercise his rights under his existing lease and under the existing law; that the committee should not use this as a basis for rejecting this proposal; and that the committee should not go back to the Government and say, "You should revise the policy". We have approved it, and we have approved it on the basis that there is current law and that the community will derive such benefit as it is

entitled to under the existing definition of betterment tax. Sooner or later, the Government must address again whether or not a concessional lessee should be allowed to develop that land and take the profit; or whether, if they no longer need the land for the purpose for which their concessional lease was granted, the Government should resume it. There are some very real issues involved in that, and that is why I think it is a matter for a review of Government policy. It certainly was not appropriate that our committee use this case study as a test case, reject it and then see what happened. That would have been unfair to the lessees, who have a reasonable expectation of the courses of action open to them under the current law. It is an issue that the Government perhaps needs to revisit. It has been some time since the Government looked at that question of commercial development of concessional leases.

The other broad issue is this question of traffic management. The proponents argued, rightly, that the couple of hundred residential units that they are going to put in there represent only a very minimal increment to the amount of traffic flow in that area - a reasonable proposition. Existing residents in the area, however, argued that the traffic along Ellenborough Street is already a nuisance; it makes it difficult for them to get out of their development in North Lyneham; and that, having traffic coming in from the opposite side of the road, from this development, would create a traffic situation that would be intolerable and could be hazardous to people's health. The fact is that, if it were not for the through traffic coming from West Belconnen, coming down Ginninderra Drive, and traffic coming down Ellenborough Street from suburbs like Kaleen and Giralang, there would be no problem there.

But there is a problem generated by the existing road arrangement, and the traffic coming out of this new development will be an increment to the traffic problem that exists there already. That led us to suggest that it is time that the Government looked at the traffic problem generated by Ginninderra Drive coming to a dead end a mile short of Northbourne Avenue, on the south side of this development, and at the traffic coming in from some of those western suburbs, which should perhaps be diverted onto the Barton Highway, instead of coming down Ellenborough Street. We have asked the Government to institute a review of those traffic arrangements, so that the people who already live in North Lyneham and old Lyneham and the people who are likely to be moving into this development have reasonable access to their places of work, places of recreation and places of shopping. But it indicates, as I said before, that the impact is on not only the people who live in the immediate vicinity but also those who live in those western suburbs; because, if those traffic arrangements are corrected, it will have a beneficial effect for people living 10 or 20 kilometres away.

The other matter that I want to refer to briefly is what has been described as the strategic issues. There is the question of the gradual erosion of the amenity of people living in an area. I raised the question during the inquiry: "If you continue to approve the change of land use purpose from what is currently green space in an area, and you approve this one, the next one and the one after, at what point, incrementally, do you reduce the total available green space for the people living in those suburbs to an unacceptable level, and even perhaps to a level that is not in accordance with the Territory Plan?".

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We are nibbling away, a bit at a time; and nobody seems to be looking at the overall situation, even to sound a warning that says, "If you approve this one, you are getting dangerously close to the lower limit of what is acceptable". These are issues, I suggest, that are not deficiencies in the Territory Plan or the accompanying legislation. They say something about the way that those documents are administered. It might be that, when developers come to the Planning Authority, to the Planning and Environment Committee and to the Government with a proposal, they should be looking at all of these issues and making sure that they are all dealt with.

In the case of the traffic issue, the developer did a traffic evaluation. He looked only at the immediate vicinity of the development that he was proposing. He was not concerned about people who lived in Dunlop or Gungahlin. He was concerned about only the local area; as well he might be, because that is his only interest. We have a much broader interest than that. Apart from the Government having another look at this question of the development of concessional leases, the Government must have another look at traffic arrangements in the broader sense, and this strategic overview within which a specific proposal for variation is being processed; so that when the proposal comes to us - and I mean "us" collectively - all of those issues should be covered in the briefing papers. We should not be left to ask the questions about what is the true situation with this, that or the other thing.

The betterment tax was a classic case where there seemed to be a belief on the part of the officials that 50 per cent betterment was okay. It was not until we raised the question with them that they satisfied themselves even as to the effective date upon which this current lease started. Was it 1987 or was it 1954? They went away; they checked; they came back; and they affirmed that it was 1954. Those two dates are very critical in terms of how much betterment tax is paid under the existing law. Yet there seemed to be uncertainty amongst the officials as to what the conditions were. There needs to be a bit of homework done. Perhaps this report will sharpen up the way that the law and the plan are administered.

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

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION NO. 23
TO THE TERRITORY PLAN
Papers and Ministerial Statement**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, I present, pursuant to section 29 of the Land (Planning and Environment) Act 1991, approval of variation No. 23 to the Territory Plan relating to Yowani golf course, which is Lyneham, section 67, block 1, in part. In accordance with the provisions of the Act, the variation is presented with the background papers, a copy of the summaries and reports and a copy of any direction or report required. I ask for leave of the Assembly to make a statement.

Leave granted.

MR HUMPHRIES: I have listened with interest to the debate on the report just tabled by the Planning and Environment Committee. It is a significant debate, not just because it is a matter which raises a number of critical issues to do with both the administration of our planning system and our betterment tax system in the Territory but also because it is the first debate on this subject in which I have taken a real interest. Having been given the responsibility of Minister for the Environment, Land and Planning, my attention to this debate was more critical than it might have been on previous occasions when this subject was debated.

The variation which I have just tabled is to enable the development of up to 210 residential dwellings on the former driving range of Yowani Golf Club. (*Quorum formed*) I do not know; I just shake my head sometimes, Mr Speaker, about those opposite. As members have heard in the debate on this matter already, there was a referral to the previous PDI Committee of the Assembly; the matter then rested with the Planning and Environment Committee. The issues of contamination of the site, the legless lizard population and traffic issues were all raised in that process. Members are aware that the Planning and Environment Committee has produced its report and has addressed some of these issues.

It has recommended that there be a number of preconditions for the approval of this particular lease variation. They include:

that the lease ... stipulate that pedestrian and vehicle access will be open to the public at all times, and that a 'gated community' will not be permitted;

significant improvements being made to the Ellenborough Street/Barton Highway intersection to facilitate the movement of traffic into and out of Kaleen, preferably via the Barton Highway (in order to lessen traffic flow on Ellenborough Street);

Mouat Street to be widened to its intersection with Northbourne Avenue in order to improve the present traffic problems of the area;

both of the above works to be funded out of the Government's 1995-1996 Capital Works Program;

the developer to meet the whole cost of traffic lights at Ellenborough Street/Cossington Street (south) ...

The committee noted that the Planning Authority might consider that lights were no longer needed "in light of the above road works".

The issues raised here are quite significant, and I have to indicate at this stage that the Government cannot respond fully to all of those issues. Certainly, as far as the gating of the community is concerned, I can indicate that the recommendations in that respect will be taken seriously. In fact, there is a stipulation in the lease that the development be an open one and that it be accessible to members of the public at all times.

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The other recommendations, particularly concerning things like roadworks, for example, are matters of some concern which the Cabinet needs to consider in more detail. I can indicate that I will be making a statement about the position of the Government on those questions at some time in the next week or two, so that there will be ample opportunity for members to disallow the variation in the sitting of the Assembly in the later part of June if members are not satisfied with the Government's response to the issues raised by the committee.

There are some other issues, though, that I can respond to positively at this stage. The making of a copy of all submissions available when documents are submitted is an important step which we would support. That will, I hope, occur as of now. The question of concessional lease policy is a matter of some considerable concern to me. Mr Moore has indicated a concern that there might have been some loss of revenue to the Territory on the basis of an error in the way in which the discount rate is calculated. That is a matter of great concern, not so much because of this particular matter but because, obviously, leases have been issued over a number of years under this regime, and it is possible that betterment has in some way been compromised over that period if the issues raised by the committee are proved to be true. Mr Moore has indicated that there is legal advice being sought on that position. I indicate my concern about the implications of the finding that there is a problem with our calculation of betterment.

As I said earlier today in question time, I intend to make a statement to the Assembly in June on a range of planning and leasing issues. In that statement, I will respond to at least some of the issues raised by the committee. I have tabled the variation to the Territory Plan, and I commend it to the Assembly. The issues that are raised in this debate are of some concern. Mr Kaine's concerns are important ones which need to be picked up in that statement that I intend to make in June. I hope that we can resolve those issues at that stage.

The traffic recommendations cause me, I confess, a slight concern, because they would consume a very large proportion of the betterment tax that we currently expect to receive from the development. That may result in having to bring forward some roadworks which would not otherwise have been planned to be brought forward at that pace. Maybe that is an appropriate thing to happen. I simply indicate that my advice at this stage is not to confirm any necessity for that to occur, but I am prepared to accept that the committee has made the recommendations and that we should take them on board if that is appropriate.

Mr Berry: You had better.

MR HUMPHRIES: I will respond to the committee when I report on that matter in the next sitting.

ADJOURNMENT

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

That the Assembly do now adjourn.

Chief Minister's Birthday

MR MOORE (4.59): Mr Speaker, it would be churlish of us to let this day go by without mentioning that it is the Chief Minister's fortieth birthday. It is a great achievement, of course, for somebody to reach 40 and still be relatively sane.

MR SPEAKER: In this place, Mr Moore, it is a miracle.

MR MOORE: Indeed, Mr Speaker. I passed that small milestone about five years ago. I know that there are others who have passed it a little longer ago than that - you included.

Mr Osborne: I have a long way to go yet, Michael.

MR MOORE: Of course. On the other hand, I have sitting on my left a 28-year-old who has more time to fulfil his ambition in regard to the papacy and so forth. Even though it is the Chief Minister's birthday, I do digress to say that it is possible for a lay person to be Pope - in case anybody was under the misapprehension that that could not happen. I believe that it has happened. It is certainly possible; so, we must not underestimate the possibility of Pope Paul VII. Mr Speaker, I think it is reasonable, in an attitude of good spirit, that we say happy birthday to the Chief Minister on her fortieth birthday.

Chief Minister's Birthday

MR HIRD (5.01): I would like to concur with Mr Moore on that matter.

MR SPEAKER: I trust that we all would.

Question resolved in the affirmative.

Assembly adjourned at 5.01 pm

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