



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 September 1995

Wednesday, 20 September 1995

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Kaine**, from eight residents, requesting that the prayer be restored to the opening of the Assembly's sittings.

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

Legislative Assembly Prayer

The petition read as follows:

To the Speaker and Members of the Legislative Assembly in Parliament assembled:

The petition of the undersigned residents of the Australian Capital Territory respectfully notes that:

1. We are opposed to the abolition of the Legislative Assembly's opening prayer and replacement by 'silent reflection'.
2. We believe that, as the population of the Australian Capital Territory is at least 75 per cent Christian (committed and nominal), the Legislative Assembly has ignored the greater majority of the residents of this Territory.

We request that the Legislative Assembly recognise the Christian beliefs of the majority of ACT residents, and to rescind the motion that abolished the opening prayer.

And your petitioners, as in duty bound, will ever pray.

Petition received.

MEDICAL TREATMENT (AMENDMENT) BILL 1995

MR MOORE (10.32): Mr Speaker, I present the Medical Treatment (Amendment) Bill 1995.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Following the release of the exposure draft of the Medical Treatment (Amendment) Bill 1995, I now present the final Bill. This Bill has had the advantage of a great deal of consultation, debate and reflection. I believe that we now have a Bill that incorporates the best of all available legislation in this area, as it has incorporated many more safeguards for the patient's autonomy than the ones presented previously. That is what this Bill is about: Patient autonomy and choice. This house has heard me speak on many occasions on this subject, but I feel that I ought to point out to those who are still "on the fence" on this subject what the intentions of this Bill really are.

The arguments raised by the Right to Life, for example, have been that the proponents of this Bill are playing God. The reality is that someone will always play God on this issue. The question is: Who? Is it to be the state; that is, us? Or the doctors? Or the individual patient? Who do you believe is the more qualified to play God with our lives? The answer, if you believe even for a moment in personal autonomy, is: The individual. The person, and only that person, knows when that time is right. As Penelope Layland stated in the *Canberra Times* on Sunday, 3 September:

How dare anybody else tell me how much pain is bearable, how great the indignity I suffer must be. How dare anybody tell me that a God I am not at all sure exists should decide how and when I die. How dare they become His self-appointed earthly prison warders and keep me imprisoned in my body against my will.

No-one else can make a decision about our own quality of life. But still the quality of life argument is secondary to the one of choice. Many of the arguments raised against this legislation have, in fact, had nothing to do with this legislation. The most important word concept in this Bill is "voluntary"; that is, that, under certain conditions, a patient can make a choice that will be respected. That choice can be to have full treatment to the end, to have no treatment to the end or to have a doctor assist with that end. Without this Bill, we deny many the opportunity to choose the last of those. We may unwittingly be playing God and condemning people to long and agonising suffering, their only choice being whether or not to avail themselves of palliative care. The choice to some - not all by any means, but to some - is to have assistance to die when that person is ready.

Even if the latest survey showed that only five per cent of the community wanted this choice, instead of 75.5 per cent, would we have the right to deny them? We are not, by this choice, affecting the rights of others in any way. If one does not want this choice, for whatever reason, they need not avail themselves of it. In an indirect way, we will be strengthening the protection of those who are currently victims of involuntary euthanasia. Although there is some tolerance in the community for well-meaning doctors to assist the suffering to die, with or without their permission, this legislation will ensure that these doctors will have to show that they have satisfied the conditions and demands of the Act if they are to escape prosecution in the future; and that is the way it ought to be. The patient, and the patient alone, ought to not only have the choice but also be safeguarded, as much as possible, against abuse.

The situation that exists right now is that the practice is unregulated and dangerous. All those who would argue that this legislation will make it expedient for those in charge of health dollars to “do away with the aged” are arguing against themselves. That practice is a possibility only if there are no controls, if euthanasia is in the hands of the medical practitioners and not the patients, as indeed it is now. The life and the wishes of the patient can only be more respected with this protection, not less. Perhaps members of the Right to Life would get a shock - and I see Ms Tighe in our chamber today - to see me amongst their ranks, joining my voice to theirs, if this had anything to do with non-voluntary euthanasia. This Bill is about giving choice and more power to patients.

The slippery slope argument is also wearing a bit thin. Rummelink will be dusted off once again and misquoted once again by the proponents of social control. Let me remind members that, if Rummelink were to do a survey in Australia right now, the results, if the doctors were honest, would probably be about the same; that is, about 1.8 per cent of patients who were assisted to die were assisted without the patient's consent. The slippery slope reaction to Rummelink's report was to tighten the controls of the practice, to regulate it so that this level of abuse would be reduced. I might add that there is no way that it could have happened if the Dutch had had the benefit of legislation such as I propose today.

Senator John Herron, in his speech to the New South Wales Liberal Women's Council on 23 November 1994, presented a curious argument. He very eloquently gave arguments for and against voluntary euthanasia and then explained why he could not support its legalisation. Then he described a situation where he assisted a friend to die without consent and justified himself. Senator Herron is, of course, a medical practitioner. He justified himself in these words:

I visited him at home until the time came when fluid developed in his lungs which needed draining. He was admitted to hospital, it was drained, but within a few days it reaccumulated. I was called urgently to the hospital as he was screaming that he couldn't breathe. His wife was at his bedside. I ordered a dose of morphia intravenously. The nun drawing up the drug paused and I spoke to her quietly. “Sister, if you have any moral dilemma I will give it myself”. She replied “Doctor, I wonder if it is enough”. He died peacefully within the hour.

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Mr Osborne: That is hearsay.

MR MOORE: They were the exact words from a speech delivered by Senator Herron, talking about himself as a doctor. The interjection from Mr Osborne that it is hearsay could not be further from the truth.

Mr Osborne: About the nun.

MR MOORE: Mr Osborne indicates that his hearsay interjection was about the nun. Indeed, that may be the case. My interest is the view of a medical practitioner about the action that he is taking. He then goes on to say that he is against euthanasia and that doctors are not trained to kill. We realise that the disease was already killing the patient, but it appears that this kind of hypocrisy is rampant in the medical profession. They are trained to treat the sick, to help the patient in any way that they can as medical professionals and, hopefully, to respect that patient's wishes.

A good and compassionate doctor is also trained to help people to die. Whilst I have some empathy for those who help suffering patients to die, the difficulty that I have with accepting the current situation is that it is totally inequitable. Those who are smart enough, rich enough, informed enough or privileged enough to search out a sympathetic doctor who is prepared to break the law can receive help. Others are told that they must continue to suffer because it is against the law to meet their requests. Perhaps that example from Senator Herron, a medical practitioner, will assist members to understand the double attitude of doctors in dealing with this sort of legislation. It is not about whether or not they think that people should be assisted to have their life ended. It is about power; it is about who should make the decision.

Let me be very clear about what this legislation is about. It is only about the right of a patient, who is in a terminal phase of a terminal illness; where that condition has been verified by two independent doctors; where the patient is over 18 years of age; where all other forms of treatment and palliative care options have been made known to the patient; where the patient has been asked whether he or she wants to see a religious minister. Provided a cooling-off period has occurred, provided no-one involved in witnessing the decision has anything to gain from this decision and provided the doctor is satisfied that the request was made voluntarily and not under duress of any kind, then, and only then, can the request be made. The doctor is under no compulsion whatsoever to comply with the request.

Mr Kaine raised this issue when I tabled the draft legislation about a month ago. Whilst the advice from Parliamentary Counsel was that this protection was in place, I felt that it was not clear enough. It has now been clarified in the legislation; so, there is absolutely no doubt that the medical practitioner or nurse need not be involved in it, because they, too, have a right to make their own choices. All that is required of a doctor who does not want to comply is that he or she hand over the medical records of the patient to the doctor who can comply. No nurse need be involved. Although nurses are inextricably involved in passive euthanasia - the withdrawal of treatment - they are not required to be involved in active voluntary euthanasia.

Although I understand the intricacies of pressure being placed on parliamentarians over this issue, I am sure that everyone in the chamber wished, in fact, that I had not even brought it up. But as Marshall Perron said recently at the Australian Nursing Federation conference in Victoria:

The reason politicians would rather not take a stand on the issue is that although very much a minority group, many opponents to euthanasia feel so intensely about the subject that you'd rather not have them as enemies. The hierarchy of the churches are not people politicians - - -

Mr Kaine: Not half as intensely as the proponents.

MR MOORE: Mr Kaine, I am quoting from a Liberal member of parliament, Marshall Perron. I continue:

The hierarchy of the churches are not people politicians want working against them, and the AMA (although only representing a little over half of all doctors) is officially opposed to voluntary euthanasia. Your own doctor might be opposed and that would be worse than offending your bank manager.

However, change is inevitable, if we don't move to pick up this debate and respond to it properly, then the community will increasingly demand that we do.

The sanctity of life arguments, so often used by the church, may be grounds for an individual rejecting the option to request euthanasia. However, these arguments are not grounds for denying institutionalised euthanasia to those who want it. If respecting the wishes of those who do not want to request euthanasia is the right thing to do, then, by exactly the same reasoning, respecting the wishes of those who do want to request euthanasia is also the right thing to do.

I can conclude in no better way than with the words of Sir Mark Oliphant, when he addressed an audience on this issue in Canberra in 1990. Sir Mark Oliphant, at that stage, I believe, was in his eighty-ninth year. I quote:

Those who are incurably ill; those who suffer unremitting, intolerable pain; those who realise that they are losing their memory and their ability to look after themselves; those who have lost control of their bodily functions through disease or accident; and many others who hate to be a burden on others, may seek death as an end to their miseries. The law allows them to purchase a gun with which to end it all. It permits the sale, often without prescription, of drugs which, taken in excess, will bring an end to life. Suicide by drowning, hanging, jumping off a high place, cutting one's own wrists or otherwise bleeding to death, inhaling carbon monoxide in the exhaust of a car engine,

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wandering off into the bush or desert to lie down and die - all these are not crimes, though many are messy, creating unpleasant problems for those who discover the dead body. An unsuccessful attempt to end one's life is not a crime. Yet, if in the exercise of human compassion, a doctor, nurse, priest or any other person provides the means of suicide, or assists suicide in any way, he or she risks criminal prosecution.

I am an old man, in my 89th year. I live in continual fear that I might suffer an injury which would make me a chronic invalid, that Alzheimer's disease might take charge of me without awareness, that accelerating debilities of old age might leave me dependent on others, or that loss of memory could rob me of all that I cherish in life. If I can no longer enjoy the haunting beauty of the Flinders Ranges, or experience that feeling of oneness with life, and with the whole of nature, which is mine in the endless desert, I shall not wish to remain alive. As a man of science I know what to do if I am conscious. I have left instructions that in the case of injury or illness I am not to be kept alive unless I can subsequently lead a full and satisfying life alone. I hope that the medical profession, and others who may care for me temporarily, will respect my wishes.

I shall continue to advocate the legalisation of voluntary euthanasia as a fundamental right of every individual.

Mr Speaker, with those words, I commend the Bill to the Assembly.

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

PLANNING AUTHORITIES - OPTIONS FOR A SINGLE SYSTEM

MR KAINE (10.47): Mr Speaker, I move:

That this Assembly:

- (1) views with concern the dual nature of Canberra's planning system, and believes that the Commonwealth and the ACT Governments should commence negotiations to address problems this system generates; and
- (2) in particular urges the two Governments to consider the options for the creation of a single planning authority for the ACT with appropriate input and direction from both Governments.

I suppose that planning in the ACT has been one of the major items on the agenda for the last 10 years, at least. Certainly, from my recollection, that has been the case. There has been constant dissatisfaction in the community with the way that planning is implemented. There has been constant dissatisfaction in the community with the decision-making process and with politicians involved in planning. That includes politicians, both at this level and at the Federal level. Clearly, that planning is not working. Indeed, we had a debate on this in the house only yesterday, and there were continued criticisms of the planning system voiced.

We can identify, I suppose, some things that we think are wrong. We think that the legislation is not very good, although it took three years to develop and there were 1,000 public submissions that were taken into account in preparing that legislation. Yet people in the community can say that the legislation is not working. We can say that the plan itself is not working. Indeed, people say that every day of the week. We have witnesses appearing before committees of this Assembly constantly criticising the Territory Plan and the way it fails, in their view, to meet the needs of the community. The interesting thing about that is, of course, that there are really two territory plans. I think that much of the problem flows from the conflict between the two.

Those of us who have been around for a few years will be very familiar with the workings and the operations of the National Capital Development Commission, which was the sole arbiter of planning matters in this city for decades. In 1988, in anticipation of self-government, the decision was made - not by this community, not by the Legislative Assembly for the ACT; but by the Commonwealth Parliament - that the NCDC would be abolished. There were a lot of us who did not mind that so much because of the way that it functioned. Instead of the NCDC, there would be two planning authorities: The National Capital Planning Authority, which would have responsibility for the national interests; and the ACT Planning Authority, which would take care of local planning issues.

Over a period of three years, there was evolved by these two planning authorities the duality of planning systems that exists in the ACT today - a system, I suggest, that was bound to create confrontation, conflict and dissatisfaction. I think the evidence since 1988 suggests that that is exactly what has happened. The existence of the two planning authorities and the two territory plans makes the planning function in this city far more complicated than it needs to be; and I think it is the complexity of the planning process that causes people so much concern. The complexity arises from the fact that we have two land owners in the ACT. The Commonwealth owns land, and we own land. We have two overlapping sets of planning responsibilities and, if you like, authorities. We have this peculiar notion that, although the ACT may own certain lands, the National Capital Planning Authority has the planning jurisdiction over those lands.

One could argue in simplistic terms, of course, that if the National Capital Planning Authority confined itself purely to matters of national interest, which is essentially the Parliamentary Triangle, and left the rest to the Territory Planning Authority there would be no conflict. Unfortunately, that is not the case; and we find the National Capital Planning Authority intruding into geographic areas far removed from the Parliamentary Triangle and into areas where one, I think, is often confounded by the proposition that

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they have a direct and overriding interest in those areas. I think the time has come to re-evaluate whether we need two planning authorities and what those two planning authorities contribute to the wellbeing of this community and to the maintenance of the national interest in the Territory, and to determine whether or not there is a better option.

I know that there was a lot of dissatisfaction with the way that the NCDC operated, but the NCDC had a charter that went back to the 1950s. It operated on a set of planning principles and a philosophy that was long out of date by the time that it was finally done away with. But it also operated under a charter, granted to it by the Federal Parliament, that placed no constraints whatsoever on what the NCDC did. It was not responsible or responsive to any parliament, including the Federal Parliament that created it. One of its problems was that it had its own policies, its own course of action; and, even if the Commonwealth Parliament did not agree with what the NCDC did, it could do nothing about it.

We know from history - you will know, Mr Speaker; Mr Hird will know; and I know because we have been involved in local politics since 1974 - that there was enormous dissatisfaction with the way that the NCDC operated. We all hoped that that dissatisfaction would go away with the new arrangements set up in 1988. The fact of the matter is that that dissatisfaction has not dissipated.

Mr Wood: It never will.

MR KAINE: I am suggesting, Mr Wood, that since the new arrangements have not solved the problem we should have another look at it. That is exactly why I am proposing that the two governments have another look at it. I can conceive that, collectively, the two governments could set up a single planning authority that did not have the unlimited power of the NCDC; that was responsive to the interests of the Federal Parliament and of this Assembly; that had a single set of operating principles, philosophy and procedures that would satisfy the needs of both; and that, when planning decisions were taken, they reflected both the national interest and the local interest without the conflict, without the confrontation and without the complexity.

It should not matter who owns the land in the ACT; the planning principles of the place should be the same. It does not matter whether the Commonwealth wants to do something in the Parliamentary Triangle or whether we want to do something in Charnwood; there should be a set of planning principles that apply equally in terms of standards and the like. There will, of course, be some geographic areas to which special attention needs to be paid because of the national significance - the Parliamentary Triangle itself, of course. I accept that there are areas outside the Parliamentary Triangle which need to be preserved. They are already provided for in the plan, and nobody wants to intrude into those areas. In fact, the only one who seems to want to intrude into them is a telecommunications company. They seem to be prepared to intrude into any piece of land, no matter how classified and no matter how well protected - and I use the word advisedly - under the two territory plans. There are some people who seem to be able to get access. They should not be able to, for any reason.

I do not think that we are getting the best result from planning. There are thousands of people in this community who would agree with me. I think the new arrangements are not working to the advantage of this community; I am not even sure that they are working in the national interest either. I suggest to the Minister that there has to be a better way. I am asking the Minister and the Government to begin negotiations with the Commonwealth at the appropriate level - Minister to Minister - to see whether or not some alternative arrangements could be devised. There may be any number of options which would be better than what we have now. We may not end up with a central planning authority, but that would be a matter that would need to be carefully considered.

I ask the Assembly to support this motion. I ask the Minister, if the motion is passed, to take the matter seriously and to enter into serious negotiations with his Commonwealth counterpart to see whether we can come up with some planning arrangements that suit our needs better than the present ones do.

MR WOOD (10.57): Mr Speaker, the Opposition supports this motion. Indeed, we have long supported the view that one planning authority for Canberra would be sufficient and desirable.

Mr Kaine: Why did you not do something about it, Bill? You were the Minister.

MR WOOD: You ask me that question in six months' time, in two years' time or in five years' time, Mr Kaine. I would be very interested to see where this proposal goes. At the same time, the Opposition certainly acknowledges the need for a national interest in the national capital. This is our capital, the capital of 300,000 Canberrans. It is also the capital for all Australians. Therefore, there is a recognition of a national interest in Canberra that this city has to reflect the national character. There has to be some national input into what happens. There is more than the interests of the ACT citizens to be served in planning Canberra.

While I would want one planning authority, I would think there are some other mechanisms that might be needed to reflect that national interest. While not being absolutely definitive, the Commonwealth Parliament's joint committee, which has long had an oversight of activity in Canberra, or had comment on activity in Canberra, would be an appropriate body to do that. I would feel comfortable if that joint committee had the capacity to comment on what happens in the ACT at that national level, reflecting the national interest; but not, of course, to comment on the detail of what happens within our suburbs and on what is purely a local Canberran interest.

At the time of self-government, I was concerned at the land grab that took place. When you see the National Capital Plan you see the extent of the land for which the right of control is reserved to the National Capital Planning Authority. Strange things happened. They took control of all the hills, the ridges and the buffer zones, as they call them. What do they do with those hills? That same Commonwealth Government allowed towers to be built on them. We are now trying to retrieve that situation. Although they took control, I do not think the best interests of the ACT were served by the Commonwealth.

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I want to give some specific examples, in my time as Minister, of the difficulties imposed by the dual planning system. We have the example, of course, of our Magistrates Court building. Appropriate plans were designed and were thwarted at the national level, at considerable cost to the ACT taxpayer. After much delay that is now finally reaching fruition. Look at the hospice on Acton Peninsula. There was a clear wish of the ACT Government of the time - I know that there were some disputes at the political level - for the hospice to be located on Acton Peninsula. The politics, I believe, of the National Capital Planning Authority in saying, "If you are going to have to do it you can do it there" or "No, we do not want you to have it there; we want you now to put it over there", involved us in some costs and a lot of messing about that was entirely unwarranted.

Then we had the situation of the Kingston towers, which was not a proposal emanating from the ACT Planning Authority but was one proposed as a solution to a perceived problem by the National Capital Planning Authority. At the local level, we went along with it, to give the proposal light of day and to see what the community thought of it. It was not our proposal at all. In the end, we got the flak for it and then the National Capital Planning Authority pulled the plug on it. This dual planning and inconsistency between the National Planning Authority and our interests made life very difficult.

Let me look at the operations of the two planning authorities. I have not gone into this year's budget, which came down yesterday, but the 1993-94 budget papers indicated that we have something like 80 staff in the Planning Authority and a budget of just over \$5m. The National Capital Planning Authority has a staff of 70 and a budget of \$7.3m, and lots of other money that it manages as well. The staff is about the same. Let us look at the workloads. At one period when I was Minister, I asked for some figures and was given these figures: While the ACT Planning Authority had given something like 6,000 approvals in this period, the National Capital Planning Authority had given 200. The workload on our Planning Authority, as I think members appreciate, is truly immense. They are handling an enormous amount of work. Members would be aware of the enormous amount of public consultation that they undertake in addition to all those approvals. The workload on our Planning Authority is enormous, as they do a great deal of the very significant planning around Canberra, as well as all the local level approvals of buildings and the like.

The National Capital Planning Authority also engages in public consultation. I told them on one occasion how well they had done it. At last year's Floriade they had a display tent in which they reviewed the central national area. Members may have seen it. It was an excellent display and was very well presented. They sought public comment on what Canberra's central national area should look like. You may recall that they had some Pryor cartoons of how different people might have viewed Canberra. It was comical but effective and was a very good means of getting the public interested in it - not just the Canberra public, but the people who came to Canberra to see Floriade. I thought that it was very appropriate and very effective.

But their community consultation was a lot more than that. They had a committee of, I think, eight people and probably some support staff. They visited every capital city. I would like to know what that exercise cost. They produced - and so they should have - a very fine brochure to explain what they were on about. But I have a right, when I see the ACT Planning Authority working so hard in our budget situation, not overflowing with funds - and the National Capital Planning Authority sending a large team around Australia - to ask what we could do for planning here with that money. If we had one merged planning authority, the Commonwealth would not be so generous as to provide all that money. I think it does point to the lack of balance between these two planning authorities. The planning for the new Gungahlin Town Centre - how it will look - cost us something like \$50,000. That is only a fraction of what this consultancy for the National Capital Planning Authority would have cost. Our people did a brilliant job on that; and I congratulated them on it. But they did it on a shoestring budget, and with a lot of dedication and competence.

While I support this motion for one planning authority, I want to express my appreciation for the goodwill indicated by their new Chief Executive at a dinner address last week. He certainly said the right words. While we have this situation of two authorities operating at the moment, his intentions seem very good and very sincere. I might take issue with him on one remark. He quoted the planning powers in Canada's national capital region that are shared, he said, among one federal authority, two provinces, three regional governments and 27 municipalities. I have heard at other times about the very complex planning arrangements in Washington DC. I do not think that is anything to go by. We can do better here. It is not sufficient to argue that ours are simple by comparison. Our planning functions can be better, as Mr Kaine suggested; and they ought to be. That is the aim that we should have. If we can achieve one planning authority, I will be the first to congratulate the Government. You would not want to wait, in all your planning operations, for that achievement.

MR MOORE (11.07): Mr Speaker, I welcome this motion by Mr Kaine. It is particularly timely that we should be discussing this issue at the moment, although the debate is by no means new. In fact, in the early 1980s, the White committee reported on, amongst other things, what planning there should be and what role planning should have in a self-governing ACT. That committee suggested a single planning authority. The arrangements that we have now - the separate planning authorities; the local one and, supposedly, the overview by the National Capital Planning Authority - I believe, are a result of bureaucratic negotiations between people who were concerned about the power that they had and about what might happen to the Territory and the national capital interest in the Territory. In fact, the conventional wisdom in the planning circles that I moved in at the time was: Thank goodness we have a National Capital Planning Authority, because it will be able to manage the excesses of the local Territory Planning Authority. I think there are far better ways to do that.

First of all, let me say that, on many occasions, I have been critical of the Territory Planning Authority and the Ministers who were responsible for that Planning Authority. My most strident criticism has been about the lack of a strategic plan. I welcome the fact that all members in this Assembly have recognised the need for that strategic plan.

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No doubt, we will see its implementation. It would be so much more effective if such a strategic plan could take into account the national capital aspects of the Territory as well as the strategic aspects that are of concern to local members, because there is nobody who lives in this Territory who does not recognise the importance of the Federal Government and the Territory as the seat of the Federal Government.

Mr Speaker, in some ways, it is with some fondness that I look back to the days when you and I were in discussions with the NCDC - with members and the commissioner of the NCDC - about how we could improve Canberra and how we saw the role of community involvement. I think I would be right in saying that you and I are the only members of the current Assembly who were actually involved in those discussions at that time. There were many others who had maintained a watching brief and interest. I know that Trevor Kaine and others fit into that category. I believe that the first time I met you was at one of those forums.

There were problems with the NCDC. I do not think any of us would expect that, if we agreed to Mr Kaine's motion and had a single planning authority, it would provide a panacea. It would not. But it would provide the opportunity for something that is much more effective and much more efficient than what we have now. It would take a great deal of time and effort. All governments that I am aware of have always been looking for situations where there is a duplicity - let me say a doubling up, rather than a duplicity - a doubling up on functions because of the lack of efficiency.

Mr Humphries: That was a Freudian slip.

MR MOORE: Mr Humphries interjects, "A Freudian slip". Considering my criticisms over the last four or five years, it may have come out that way, although it was certainly not my intention.

What we should have is a planning authority that has on it not only members nominated by this parliament but also members nominated by the Federal Parliament. Such a body could then take whole issues, integrate them and get an overview of what should be happening in terms of planning in the Territory; rather than have the notion that the NCPA was set up as an umbrella over what the Territory should be doing. I find that umbrella concept - and that was how it was described in the days when it was being set up - to be entirely inappropriate. These issues were the issues that I was concerned about when I led a public campaign to retain the NCDC, even though we were aware of many of its difficulties. Mr Speaker, those are the discussions that you and I have been through.

I believe that a single planning authority is a much more effective way of dealing with the issues. It would also allow us to be separate from the Planning Authority - just one step removed; more than we are now - in terms of how the Planning Authority is perceived. Members of the public, I think, see the Assembly almost as a virtual planning authority. I think we would be much more effective if members of the public saw the Planning Authority fulfilling its role, with the Assembly keeping an overview of what was going on. The role of the Planning and Environment Committee would be that overview role, rather than having us deal with specific individual issues. An example would be dual occupancy. All of us, at some time or another, have had people from both sides of a development come to us and try to lobby us.

Mr Wood raised the issue of planning in Ottawa and Washington and quoted from the new Chief Executive of the National Capital Planning Authority. I would like to reinforce Mr Wood's comments. I have been to both of those cities and have spent quite a bit of time in both of those cities. I believe that, if anybody is going to do any learning from anywhere, then those cities could do very well to come to Canberra and see how it is done. I would be delighted if the National Capital Planning Authority and the Territory Planning Authority amalgamated. That would provide for other bodies an example of how local, Territory and Federal government functions can be integrated and how people can work together on an effective planning authority. I believe that it can be done. I believe that it is a cheaper way to do things. I think it would be a more effective way to do things. It gives me quite a deal of pleasure to support the motion that Mr Kaine has moved.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.11): Mr Speaker, I am also very happy to support this motion and indicate that I hope that it does form the basis of some discussions with the Federal Government about the way in which the future of the Territory Plan should be conducted. It is also with a little relief that I hear the support in the chamber for the views that Mr Kaine has expressed in his motion. I am a relative newcomer to planning issues in the Territory. When looking at the issues, it seemed to me to be almost axiomatic that Canberra had a major problem by having two separate and fairly independent planning systems. To hear that people agree that there is a need for us to look at the issues of how to integrate those two systems is gratifying.

Mr Kaine made reference to the fact that, in a sense, the system of planning in Canberra gave rise to the great dissatisfaction with the way in which the system has operated here and the way in which planning decisions have been made and have delivered particular results. If people enjoy complaining about the actions of a government authority, they will have even more pleasure at being able to complain about two different authorities. It even gives a chance for members of one government to complain about the authority of another. That may well be the case.

The examples that Mr Wood referred to of problems that the ACT has encountered in recent years - problems with the Magistrates Court and problems with the hospice - are good illustrations of how inevitably our system revolves around conflict at that level. To the best of my observation, the people in both planning authorities are extremely talented planners and are very good at the job that they do. It is distressing to think that these people, all of whom have, as far as I can tell, a strong sense of what Canberra should be doing - how we best promote appropriate balance between development and the maintenance of the natural environment and the city and so forth - should be in conflict on a fairly regular basis about important issues. That is a matter of some concern.

Mr Wood went through those two examples. Others that I am aware of concern things like the Link at the Canberra Theatre. A tentative proposal by the ACT to enhance the Link between the Playhouse and the Canberra Theatre was put into serious jeopardy by the NCPA when it required that the Link be partially underground, obviously adding very considerably to the expense of that proposal. The Russell Hill office development is not so much a problem, but I suppose that it gives some concern to any government which

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watches the very significant changes taking place to the configuration of main road access to the Parliamentary Triangle. I think the NCPA has acted fairly unilaterally about Russell Hill. If the initial proposals prepared by the NCPA are accepted, they will have enormous implications for Canberra's metropolitan planning and major costs for the ACT Government with respect to transport and community facilities. Again, it may be that at the end of the day there is no avoiding those issues. It is a matter of concern to me, as Planning Minister, and I hope to all of us, that we face that problem of an authority acting very much outside our sphere of control or influence and making decisions that will have significant dollar implications for us.

Harcourt Hill was a proposal where the NCPA required quite stringent setback conditions that cost the Territory about \$500,000 in land sales. Again, perhaps with its interest in major means of ingress and egress to the Territory, the NCPA had a right to insist on that setback; but, again, that has an implication for us which perhaps has not been properly factored into their equation. Very simply, the changes in some planning guidelines established by the NCPA for the Barton office precinct, which is being developed around the back of York Park and the new Foreign Affairs headquarters, have had quite significant costs for the ACT Government and for the lessees of that area. They are, of course, picking up the tab for major new car parking requirements in those areas.

We do have a number of issues, and I happen to think it would be fanciful to imagine that those are the end of the issues that we will have to deal with in a dual planning system. The issue is not just one of inconvenience. We have, on one side, a government having to accommodate the awkward and difficult considerations of an agency of another government. The issue is really about the disjointed planning considerations that ultimately flow for the whole city of Canberra. You could say that those considerations are based, to some extent, on principles of jealousy and institutionalised conflict.

I think there would be a major benefit in establishing what, perhaps, is a unique example of intergovernmental cooperation for ongoing planning of a particular area of land. I am not aware of any precedent for two governments at different levels - the national government and a State government, in this case - being actively involved in the ongoing planning of a major city or a major area in this country. It may be that the multifunction polis proposal in Adelaide has some of those features, but I am not aware of that. It may or may not be the case. I think that level of challenge is appropriate, because I think it is, again, almost axiomatic that governments at all levels would have to engender a higher degree of cooperation than they have so far been able to achieve; and this is a very good case of where we should be starting to get the ball rolling.

I might say that raising this issue has had some benefits already. I have perceived a very much more cooperative approach on the part of the National Capital Planning Authority, even in the last few weeks. The Chief Minister and I were invited to have lunch with the board of the NCPA. I do not know whether that was a courtesy that was extended to the previous Government or not, but I would like to think that they are paying a little more attention than they were before. I might say that I think it is extremely important.

I think Mr Wood and Mr Moore raised this issue in their comments. It is extremely important that we not get a situation where any one interest prevails over the other. The national capital concerns are important. They do deserve to be protected. If we have financial considerations which might tempt us to want to cut corners with respect to planning issues, we should rightly be bounced by someone who is acting in the national interest. For example, I would envisage that you could have an authority comprising five or seven members, with an equal number of representatives from the ACT and New South Wales governments and with a chair or a chair and, possibly, other members with a national stature to act as independent members on that authority. There would be some benefits in having a certain amount of independence from the total control of any one government.

Mr Moore made reference to a strategic plan. Anybody who views the task of establishing a strategic plan in the ACT in the light of this problem of conflict between the two authorities would have to be concerned about how effective that would be. Mr Moore referred to how much better it would be if we could consider national capital issues as we are considering the nature of a strategic plan for the Territory. Indeed, that is almost essential. We will need to work out how we do that, even if we do not have the cooperation of or integration between those two authorities.

I hope that this motion receives the support of all members of this place and that we can move towards constructive negotiations with members of the Federal Parliament, to see whether such a model can ultimately be put in place. I know that there are supporters of this proposal in both major parties in the Federal Parliament; there are probably opponents also. I hope that, by sending a signal about this Territory's willingness to share that responsibility, we can get the ball rolling on constructive negotiations at that level.

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

WORKERS' COMPENSATION (AMENDMENT) BILL 1995

Debate resumed from 21 June 1995, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

Debate (on motion by **Mr De Domenico**) adjourned.

JOHN DEDMAN PARKWAY PROPOSAL

MS TUCKER (11.25): Mr Speaker, I ask for leave to amend Notice No. 3 as indicated by the amendment circulated.

Leave granted.

MS TUCKER: I move:

That this Assembly calls on the Government to:

- (1) take no action that would undermine the ecological, recreational and educational values of the Bruce Ridge, O'Connor Hills, Mount Majura and Mount Ainslie areas;
- (2) assure this Assembly that no work or further planning of any kind be carried out on John Dedman East, John Dedman West, or Monash Drive without being considered by the Standing Committee on Planning and Environment; and
- (3) carry out a full environmental and social impact assessment of the John Dedman Community Option as outlined in the report of the Joint Parliamentary Committee on the ACT entitled *Gungahlin's Transport Links*.

We have moved this motion today as a result of an article in the *Canberra Times* yesterday. I have been informed since that the *Canberra Times* misreported the situation and that it is not as the article made it appear; but I am still quite happy to debate the issue of transport for Gungahlin.

The whole affair was looked at in great detail in 1991 by the joint parliamentary committee chaired by John Langmore. That report was called *Gungahlin's Transport Links*. There was a great deal of community input into that report. The conclusions and recommendations that came out of it should be of interest to everyone in this place. No doubt, the issue will have to be addressed again, as the question of transport for the people of Gungahlin is quite pressing. While I obviously accept the need for roads to be built, it is really very important that these roads not be to the detriment of our unique environment in Canberra or the existing residential amenity of people living in the suburbs between Gungahlin and the city. The report and its recommendations overwhelmingly emphasised that the focus should be on public transport. The Greens and other people in this place also say that very often. Whatever I say about roads, I always want it to be understood that it is public transport that really needs to have the energy put into it.

Over the years of its existence, Canberra's urban environment has been designed to emphasise and complement the city's national landscape setting. Key elements in this setting are the inner hills and ridges which surround and frame the urban areas. The proposal for the east John Dedman Freeway, which is the one that was mentioned in the *Canberra Times* yesterday, gave absolutely no consideration to the value of the hills,

the amenity of the residences in the area or the environment. The committee, in its conclusions, said that they wanted the east John Dedman Freeway taken out of the National Capital Plan. That was a clear recommendation. Several other transport options for Gungahlin were discussed in the report. One was put forward by the community. It was referred to in the report as the community option. The report also recommended that a thorough environmental assessment be made of such a road.

I would like to stress the environmental value of our hills. Sometimes we lose sight of that. We are so busy working out how we can move around this city that we forget that there is a lot of other life here. The hills and ridges not only contribute aesthetically and symbolically to Canberra's character but also are used extensively for recreation by the community and have great environmental value. The forests and woodlands of the inner hills are fine examples of the type of vegetation that was once common in the area. As well as providing a valuable resource for nature studies and scientific research, remnant vegetation helps control soil erosion and salinity and serves as a habitat for wildlife. The inner hills in Canberra provide many outstanding examples of diversity in vegetation and topography which encourage a rich fauna. In particular, many bird species are known to use the inner hills and ridges.

The 1991 report referred to a study on the conservation of remnant woodland in the Australian Capital Territory which reported that over half of the bird species found in suburban areas of Canberra do not breed in the urban environment and are dependent upon such bushland for breeding habitat. Mount Ainslie, Mount Majura and Black Mountain support over 80 breeding species, including some species uncommon in the Territory. The hills and ridges also serve as wildlife corridors for transient species such as kangaroos and wallabies, providing access between the inner forest and woodland areas and other areas of open space.

The community option was the option which would impact least on these very important natural areas. This option was developed by the North Canberra Protection Group, which was an umbrella organisation representing the Mount Ainslie and Mount Majura Protection Association, the Black Mountain and O'Connor Foothills Protection Association and many North Canberra residents. The group was formed in 1988 to develop a coordinated response to the Gungahlin external travel study. Following a number of public meetings, the group prepared and presented to the travel study a ring road proposal which I have already mentioned. This was an example of community consultation and community input that we can be proud of. That is why I have asked members here to take very seriously the comments and options that the community came up with.

In conclusion, I say once again that I think we need to look at traffic, we need to look at traffic calming and we need to look at public transport. I commend Mr De Domenico on his traffic study of the Lyneham area. I am a little bit unsure about the timing, following the notice that came out yesterday about widening Mouat Street. Maybe we could have done the traffic study first. Traffic management and calming should definitely accompany such a widening. I guess that that is what will come out of the work that Mr De Domenico is doing.

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MR DE DOMENICO (Minister for Urban Services) (11.31): I thank Ms Tucker for her kind comments at the end. One thing that I - in fact, probably all of us - have learnt in this place is that you never base motions on what you read in the *Canberra Times* or hear on the ABC.

Ms Follett: They will get you.

MR DE DOMENICO: I do not care. People often say to me, "It must be so, because it was in the *Canberra Times*" or "It must be so, because it was on the ABC".

Mr Berry: This must be so because you said it on the ABC, perhaps.

MR DE DOMENICO: Exactly, yes. Mr Berry, of all people, should know all about that. Ms Tucker, I also read the story in the *Canberra Times* by Mr Clack. Whilst most of it was accurate and correct, I will quote one particular part which was not. He talked about the fact that we are going to widen Mouat Street. That is true. It has been no secret. But he went on to say:

The improvements -

the Mouat Street improvements -

are likely to signal the beginning of planning for another long-term major project, already recommended by the joint committee, for the building of the John Dedman Parkway to take traffic around the O'Connor side of Black Mountain and down to join Parkes Way.

That is Mr Clack's interpretation and nobody else's. Let us get that straight. Tonight I am going to launch the Lyneham, Turner and O'Connor traffic management study. One of the objectives of that study is to identify traffic calming measures for the residential areas which, in conjunction with improvements to public transport services, traffic management measures on Northbourne Avenue and additional arterial road connections to Gungahlin, will address the future transport needs of North Canberra while maintaining the amenity of the existing residential areas.

That is not something that this Government initiated. It was initiated by my predecessor, Mr Lamont, and is something that this side of the house supports, that everybody supports. Whilst we all talk about lack of public consultation, with this study we are going to go through an extensive public consultation process. This process commenced in August 1995 and will go through to March 1996. All residents in the area are going to be involved in a household survey for a start and all sorts of community consultation and what have you. When I read the story in the *Canberra Times*, I asked my department why I had not been told that we were about to drill holes through Black Mountain, put freeways through and do all sorts of things, only to be told once again that I should not believe everything I read in newspapers or hear on radio stations, which I do not.

On reading Ms Tucker's motion, it is very difficult to decide whether to support it or not support it. My understanding of the way things happen in this place is that the first people asked for their opinion are the community. With a major project like John Dedman Drive or Monash Drive that would have an effect on the environment, you would have to consult the National Capital Planning Authority - this morning we have been debating the role of the National Capital Planning Authority - before you even started contemplating lifting a rock or a stone. Another policing process goes on through the Planning and Environment Committee. My colleague Mr Humphries tells me that this is one matter that definitely would have to go to the Planning and Environment Committee. It would then go to the Assembly, and ultimately, after all those processes, the Assembly would decide.

I am pleased that Ms Tucker supports the need for a major transport study of the whole area to look at the impact of the extra traffic coming in from Gungahlin, where it is going and the type of traffic. We should not be going off holus-bolus building roads, when we could perhaps get around that by looking at things like light rail - something that my predecessor, Mr Lamont, was very keen on. An allocation in this budget will enable us to go through that major transport study.

I can assure Ms Tucker and the Assembly that this Government has no intention of going ahead holus-bolus bulldozing Black Mountain and all that sort of thing. However, it is true that the Government is about to rebuild the blockage-prone intersection of Ginninderra Drive and Mouat Street in Lyneham to improve the traffic flow from Belconnen and Gungahlin. It is essential that we do that to prevent cars from going through suburbs like Turner, O'Connor and Lyneham and causing havoc to the residents of those suburbs. We may need to look at road traffic calming measures, unpopular as they are with residents. I note that Mr Wood is smiling. He is aware that some people in Kambah are unhappy about traffic measures on Learmonth Drive. They are unhappy because, poor things, they cannot speed along Learmonth Drive to get to the Hyperdome. They now have to go the way they are supposed to go, down the Tuggeranong expressway - or the Tuggeranong speedway, as some people call it. But those whose amenities are being spoilt are, of course, delighted that we have put the traffic calming measures in. Having driven around traffic calming measures myself, I have said to residents that they do exactly what they are meant to do, and that is slow you down - slow you down before you run over someone's child as they are playing in their front yard.

A lot of things are going to be done before we even turn a stone. I can assure members of this Assembly that they will have the final say, as always. But, before the matter comes here we will go through community consultation, we will talk to the NCPA and the matter will go through our Planning and Environment Committee. There will be plenty of opportunities for everybody in this place to have input. I think I will stop there. My colleague the Minister for Planning might want to say something, and I know that Mr Wood is quite anxious to get on his feet as well.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.37): Mr Speaker, I might say something briefly before this debate is adjourned. The issue of traffic from Gungahlin is a very sensitive and very difficult one, and it presents the Territory generally with no easy options. Members are well aware that, with Gungahlin growing, the need for people from that area to move to the city and points further south grows almost on a daily basis. Even if we assume a significantly higher level of public transport use - and that is part of the reason that there has been so much debate about a light rail link with Gungahlin - there will be a need for us to consider significant additional road capacity between Gungahlin and the rest of the city as Gungahlin grows.

The Gungahlin external travel study identified the need to accommodate an additional peak capacity of over 12,000 vehicles per hour. I assume that that is at the point that Gungahlin is completed. But 12,000 extra vehicles an hour spells a very big motorway, Mr Speaker, I would submit. The options that were identified for that purpose, the options that Ms Tucker referred to in her remarks, were the John Dedman Parkway, passing between Belconnen and North Canberra; the Majura Parkway, going to the east through the Majura Valley; and Monash Drive, also to the east but to the west of Mount Majura, along the slopes of Mount Ainslie and Mount Majura. Mr Speaker, those options all entail very high dollar figures for the Territory. At least two of the options entail considerable impact on residents in parts of North Canberra. They all entail difficult decisions about how the Territory is to accommodate those needs, while at the same time integrating a strategy for appropriate urban public transport.

Mr Speaker, the joint standing committee of the Federal Parliament has also had a look at those issues and expressed some views about them. Ultimately we will have to make a decision about those issues as well. I suggest that it is important for us to explore all the options fully. If we take the view that no existing green space of whatever kind ought to be disturbed, then we have a very considerable problem on our hands, because the cost of building a tunnel from Gungahlin to the city would be rather immense. The alternative is to look at how we constructively encourage people to use public transport short of forcing them onto trains, trams and buses or to explore ways of providing them with appropriate road links with the rest of Canberra which are commensurate with the volume of people who will be using these links in the future.

Gungahlin has the potential to be the largest township in the Territory - 100,000 people or more within 20 or so years. It is incumbent on us to plan appropriately for those contingencies because, as sure as night follows day, in a few years' time when the pressure builds up on existing road links we as members of the Assembly will all be under pressure to answer the question, "Why have you not made provision for the people of Gungahlin to get to the rest of Canberra?". The people of North Canberra will almost certainly say, "Why have you not made provision for some alternative routes for people passing through our streets?". Those are issues which have to be addressed.

Ms Tucker has raised environmental issues. She is right to identify those issues. We must be sure that we address those things. The ecological and environmental elements of those parts of the Canberra Nature Park are very valuable to the Territory. We cannot lightly threaten them or put their present use at risk by virtue of some change, but we must also look at the options. Anything of this kind raises the question of the value of particular environmental assets. How much is a piece of nature park worth versus, say, the cost of building a more expensive motorway? All those sorts of issues are real. Much as we would like to pretend that we do not need to think about affecting any of the existing nature parks, the fact is that that is an option we have to explore. I hope that Ms Tucker's motion does not exclude exploration of those issues.

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

PURCHASE OF FRENCH PRODUCTS

MR BERRY (11.43): The motion standing in my name requires a small amendment to have it make sense. I seek leave to move Notice No. 4 as indicated by the amendment I have circulated.

Leave granted.

MR BERRY: I move:

That this Assembly requires:

- (1) the Government to provide a list of products purchased by them which are manufactured by French companies or are produced in France; and
- (2) that an indefinite ban be implemented against the purchase of products which are manufactured or supplied by French manufacturers or suppliers or are produced in France, whether by French establishments or otherwise. This ban will apply in respect of all new contracts and also contractual arrangements in place which allow the Government to opt out.

This gives us the opportunity to put our money where our mouth is, given the debate which is going on in relation to the atrocity which is being committed in the South Pacific. Most of us have taken a strong stance against French nuclear testing in the Pacific. We have stood up and we have said that it is wrong. We have had the benefit of the support of the community on this issue. A significant campaign has developed across the Australian Capital Territory. It has the support of the whole community, as far as I can make out. For a place so small, the community ought to be congratulated for the strength of the campaign that they have put up on this important issue.

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I think we have the opportunity as parliamentarians to take the next step, and that is to deal with this issue of the purchase of French products. Some may claim that it is a small gesture in terms of the French economy, but I think it is a big statement for a government, even though a small government. I think it is a huge issue for the community. It is a demonstration that we as parliamentarians stand by our public statements. The last time we debated the issue of French testing in the Pacific, we were treated to a lecture from the Chief Minister using the same sorts of arguments that Mrs Thatcher used in the case to drop sanctions against South Africa. I said then that sanctions against South Africa worked, and they did. It is important that we all act to demonstrate our abhorrence of the nuclear testing in the Pacific. To do nothing, Mr Speaker, makes our statements hollow. If we talk loudly and do nothing, we deserve the title "hypocrite". We can do something meaningful. The motion before us allows us to back up our words with action.

The first step is to identify where we purchase French goods and where we deal with French suppliers. We need to do an inventory of purchases and contracts. Then we can identify those areas where we can take action. We should not expect members of this community to demonstrate their anger at French nuclear tests in the Pacific unless we do so as well. It seems to me that for us as politicians to ignore the strength of feeling in the community is an abandonment of our duties to the community. There is a strong flow of energy going into the campaign against what the French are doing. We, as elected members here, have the responsibility, I believe, to do something about it.

Let us see where there is room for us to act on our principled stance against the French Government. Let us get the list, and then we can sit down and take action. I drew attention to one area where I knew we were making French purchases. We were purchasing French machinery for the manufacture of our buses. Mrs Carnell responded by saying that if we did not make those purchases it would throw Australians out of work. What rubbish! The rolling chassis that come to this country for the production of buses could come from SAAB Scania or from Mercedes.

Mrs Carnell: Why did you buy them from the French?

MR BERRY: Mrs Carnell interjects, "Why did you buy them from the French?", referring to the Labor Government. Of course, that was before Jacques Chirac had got his job and was able to take this action. Mrs Carnell, do not try that smart one. It does not work. There was no French testing when those purchases were being made, and it was a sensible decision for us to make. But now you can get them from somewhere else, and you ought to. Do not give us this nonsense that it will cost Australia jobs. You can build a bus on a SAAB Scania rolling chassis; you can build a bus on a MAN rolling chassis; you can build a bus on a Mercedes rolling chassis. There is a range of other rolling chassis that can be purchased from the Japanese. So do not give us that nonsense, and do not try to mislead the community again.

Mr Hird: Why did you buy them in the first place?

MR BERRY: I will say this very slowly so that my colleague Mr Hird will understand it. There was no bombing in the Pacific when the contracts were signed. Things have changed, or have you not noticed? Jacques Chirac is now the man in France. If the Liberals opposite want to retain their sycophantic stance with the French, good on them; but do not include me. Already we know that the majority of French people object to what their Government is doing, and already we know that the Federal Government has taken much stronger action as a result of the community uprising around this issue.

Many of us were concerned with the diplomatic actions that were taken in the first place; but, as I have said to community meetings in the past, it is the strength of the action out there in the community which I think goaded the Federal Government into action. I think their actions have been welcomed by the community. I think they have done a pretty good job in the circumstances. Of course, more can be done. That is where it comes to us. Now we have the responsibility and we can do something about it.

The whingeing of the cringing, crying Liberals opposite about the actions of the Federal Government really does not amount to much in this debate. What we have to do is see their claw in the air when it comes to a vote on this issue. What I want is a big yes out of you when it comes to the vote.

Mr Hird: Show us your tie, Wayne.

MR BERRY: It is made in Australia. It is synthetic material; it is not even made from imported silk. We already know that the majority of the French people object to what their Government is doing, and I think it is time we gave them some support as well. Let us give them the proof that the actions of their Government are having a negative effect not only on the environment and their international image but also on their economy. We have to get the message home. The Francophiles opposite, of course, do not seem interested in that.

When French companies tell Jacques Chirac that his actions are hurting them, then he will listen, the same as an Australian government would if Australian companies told them. When his business supporters say, "We are hurting", then I think we will get a change in his attitude. But if we sit idly by and do nothing, as seems to be the attitude of the Liberals opposite, then nothing will change. The explosions will go on, our environment will be permanently damaged, in due course people will be injured and so on. Nobody needs to go to the case about the damage that nuclear weapons can do to our country and to our world, and indeed - - -

Mr De Domenico: The Chinese ones are good, are they?

MR BERRY: The stupid little man over there tries to draw some distinction between the Chinese weapons and the weapons which have been exploded in the South Pacific. They are both bad.

Mr De Domenico: The Chinese ones are closer.

MR BERRY: They are both bad.

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Mr De Domenico: Are we going to ban Chinese products too? Come on; let us get real. Stick your paw up and get real. Come on.

MR BERRY: If you want to amend the motion, go for your life. This is a reasonable motion. It reflects the attitude of the people of Canberra. It reflects the sentiments raised in the debate we had on this issue in June. You got dragged kicking and screaming when we had the last debate. You ought to have been embarrassed about your stand on the issue. You looked like a bunch of fools. If you have to be dragged kicking and screaming on this one, you are going to look like a bunch of fools again. I urge all members to support this motion, and I trust that they will, if they have any good judgment on the issue. I suspect that, all of a sudden, the Liberals have been able to measure that there is an attitude out in the community that might affect them if they are not prepared to come to the party on this. I look forward to their support.

MRS CARNELL (Chief Minister) (11.55): This motion has been moved by the Leader of the Opposition - or is he not the Leader of the Opposition?

Mr De Domenico: Not yet, but he is working on it.

MRS CARNELL: That is certainly true. It is without doubt the most stupid motion I have ever heard. I have absolutely no problems whatsoever, as I am sure none of you here would, in making sure that wherever possible the products that we buy are not French products. Certainly we are doing that. But this motion, even with the amendment to make it make sense, does not make sense. You failed, Wayne. It says that this Assembly requires the Government to provide a list of products which are manufactured by French companies anywhere in the world or are produced in France by companies of any nationality. That is fine. That is it. How do you think we might get this list, Wayne? The products could be manufactured anywhere. How do you think, Wayne, that - - -

Mr De Domenico: He wants to go to Paris.

MRS CARNELL: We will send Wayne not just to Paris but to the whole of France to make this very long list. Obviously, we would need a total list so that we would know what we were not allowed to purchase. It is not just French products. We are talking about anybody who produces anything in France, or potentially any bit of anything in France - - -

Mr De Domenico: Even Australian companies.

MRS CARNELL: Australian companies, all of that sort of stuff. To start with, we have a motion that simply does not make sense. The motion then goes on to suggest that there be an indefinite ban - - -

Mr Berry: You want to get somebody to write your speech for you. You cannot cope with it out of your head.

MRS CARNELL: Wayne, you are just a clown. Just be quiet. He suggests an indefinite ban on the purchase of products which are manufactured or supplied by French manufacturers or suppliers. We are talking about anybody who is a supplier, anyone who is a manufacturer. Supposedly, it includes French suppliers of non-French products. Anyone who is a French supplier of a product that was made anywhere in the world falls under this stupid motion. The motion covers all products that are manufactured in France and anything supplied by a French manufacturer, regardless of where it is manufactured. It could be manufactured in Australia and supplied by a French manufacturer. This is what your motion says, even after you amended it to make sense. It does not make sense.

Mr Berry: Do you agree with it, or do you not?

MRS CARNELL: Not like it is. It is stupid, Wayne.

Mr Berry: Amend it.

MRS CARNELL: It is absolutely stupid. It does not make sense.

Mr Berry: Amend it.

MRS CARNELL: It is your motion. What we have here is a motion that does not make sense. It cannot be implemented. Mr Berry, the acting Leader of the Opposition, feels a need for a very long trip to France, but not just to France, because we are talking about products manufactured anywhere in the world by any company that may have French ownership at some level. We are also talking about all products that are supplied by French suppliers, whether they be of French origin or not. This is simply a silly motion.

I can give the Assembly a total undertaking that in all contracts entered into by this Government we will be taking into account very definitely where products are manufactured. We believe that the French actions in the Pacific are totally unacceptable. We will take that into account, and where there is an option we will not be buying French products. But we will be getting the best possible deal for the ACT and we will not be sending huge delegations of people not just to France but around the world to compile databases of totally useless information.

MS TUCKER (12.00): I seek leave to move two amendments to this motion together.

Leave granted.

MS TUCKER: I move:

Omit "French" wherever occurring, substitute "French or Chinese".

Omit "France" wherever occurring, substitute "France or China".

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I also accept that perhaps the words of the motion could be polished up a bit, but the essence of this motion we support absolutely. In no way does this motion imply any kind of prejudice against French people living in Australia as French citizens.

Mr De Domenico: It does.

MS TUCKER: That is your interpretation of the wording. I can see how you could interpret it that way, but that is not how we choose to interpret it.

Mr De Domenico: Then you should throw the motion out.

MS TUCKER: I think the essence of this motion is so important that if you do not accept this motion because of the wording then you should put an amendment up.

Mrs Carnell: I did. I said what the Government's position is. It is in *Hansard*.

MS TUCKER: We could have an amendment to this motion if you do not like the wording as it is. The amendments that we have moved to this motion cover China as well as France. That is a very important step. We hear that China is different because China is doing it in its own backyard. That is, in fact, not true at all. I have here a briefing paper which shows quite clearly that the people who live in the region of Lop Nor, where the test site is situated, are an indigenous people who have a similar situation to that of the people who live in Tibet. The Uighurs are the principal inhabitants of the autonomous region around Lop Nor. The status of "autonomous region" is essentially a token concession by Beijing to areas where Han Chinese are not the principal inhabitants. Tibet is likewise an autonomous region; but, as is well known, this has not prevented Beijing from exercising repressive measures there from time to time. Lop Nor - actually the name of a lake - is the name given to the site where the Chinese have conducted their atmospheric and underground nuclear weapons test program. It is in this region that the Uighurs live. The Uighurs are a Turkic people, speaking a language of the same family as modern Turkish, though far removed in development.

It has always been an objective of Chinese policy to control central Asia. To date, grievances have clustered around the devastation of mosques and persecution of religious leaders during the Cultural Revolution, the increasing number of Han people being sent to the area, the control Han people exercise and the employment preference given to Han people, the choosing of Lop Nor as the site for nuclear testing, the building of labour reform camps in the area and the breaking of the promise not to enforce the family planning policy in the area. While many Han Chinese sent to live in this area want to return home, the Chinese leadership has shown no sign of willingness to relinquish control. The Eastern Turkistan Union in Europe claims that many Uighurs are suffering from radiation-linked disease. Despite protests by the Uighurs, including one as recently as May 1995, the Chinese continue to conduct nuclear tests in the region. The 43 nuclear tests at the Lop Nor test site over the last three decades have produced an ecological disaster, with polluted water and food affecting the local population as well as all animal life. The nuclear testing conducted by China is just as important an international issue as the French tests in the South Pacific. We must work together to put an end to this nuclear madness.

MR DE DOMENICO (Minister for Urban Services) (12.04): If this matter were not so serious, we could just call this motion silly and throw it out. But this matter is very serious. I wonder whether Mr Berry and Ms Tucker know exactly what it is they are doing. If you read the motion and the amendments carefully, you can see that they would prevent us, for example, from dealing with an Australian company operating in France or China. Does that mean that people in the ACT and the ACT Government are not allowed to buy Foster's Lager? I can tell you, Mr Berry, that Foster's Lager has an enormous investment in China. If you read your motion carefully, it says that the ACT Government would not be able to deal with Carlton and United Breweries if it manufactures in China.

Mr Berry: That is fine. I do not care. What a blow!

MR DE DOMENICO: Mr Berry says, "What is wrong with that? That is fine". Mr Berry, Rhone-Poulenc is a major worldwide pharmaceutical company. It is a French company making certain medicines that only it can make to save people's lives. Are we going to ban them too, Mr Berry? If we pass your motion, the answer to that is yes. Do we deal with any Chinese suppliers that deal in American products? There are a number of Chinese suppliers here in the ACT dealing in non-French or non-Chinese products. Do we ban them from the ACT? Do we put a fence around the ACT and say, "Hey, listen, we are different to every other jurisdiction in the world here in Canberra because of a motion passed by the next Leader of the Opposition from the mad Left of the Labor Party", just to try to get some headlines in the newspaper? Of course we do not. It is a silly motion.

What about Jean-Pierre Favre, Mr Berry, the guy you went on radio singing with? Do we talk to him?

Mr Moore: He is Swiss.

MR DE DOMENICO: French, though. Pretty close. Do we talk to him? Do we go and eat at Chez Moustache? I bet you they have some French products at Chez Moustache. Do we ban them, too, and then put them out of business? Are you saying yes to that?

Mr Berry: If it is a French product, you do not buy it.

MR DE DOMENICO: Even though it puts some Canberrans out of business?

Mr Berry: Yes.

MR DE DOMENICO: Mr Berry said yes. We put Canberra people out of business because of this motion. That is fine, Mr Berry. Do we ban the French language from school curriculums in the ACT? What is the answer to that, Mr Berry? Do we ban the French language from our curriculums in the ACT?

Mr Berry: The answer is: Don't be such a dickhead.

MR SPEAKER: Order!

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MR DE DOMENICO: Mr Speaker, will you rule on whether that is parliamentary language?

MR SPEAKER: Order! I did not quite hear the interjection, but I am sure that it was out of order. I am sure that he will withdraw it.

MR DE DOMENICO: Mr Berry said, "Don't you be such a dickhead".

MR SPEAKER: It is out of order.

MR DE DOMENICO: I require Mr Berry to withdraw that comment, Mr Speaker.

MR SPEAKER: Mr Berry, withdraw it, if you said that.

Mr Berry: I withdraw that.

MR SPEAKER: Thank you. Proceed, Mr De Domenico.

MR DE DOMENICO: Let us have a look at the Department of Foreign Affairs publication called *A Composition of Trade : Australia*. Total French imports to Australia in 1994 were worth \$1,638m. France is our eleventh largest supplier. In 1994 the pharmaceutical products I spoke about that save people's lives - we cannot buy them, except from French companies - were worth \$21m. Medical products used in our public and private hospitals were worth \$63m; telecommunications products that perhaps some of us here use, \$41m; passenger cars, \$45m; and electrical products, \$91m. The source is DFAT, not Monsieur Mignon or Jacques Chirac.

If we accept Ms Tucker's amendments the motion will include Chinese products. I do not have figures for the trade we do with China; but, if we read very carefully what the motion says, we would be prevented from dealing with companies, even Australian companies, that manufacture products in China or France. I have to tell you, Mr Berry, that that means BHP, Carlton and United Breweries, CRA, and even some ACT high-tech companies. If that is what you want, you support this motion. If that is what other people want, they can support this motion as well. We would be building a fence around the ACT. We still have not had an answer yet. Are we supposed to be banning the French language from our curricula?

Mr Berry: You got an answer, but you did not like it.

MR DE DOMENICO: No; I got an answer which was unparliamentary. But, coming from you, that is not a problem. It is better than voting for a silly motion from the next Leader of the Opposition. If you need any help with that, let us know, because we would love you to be the Leader of the Opposition. We would be in government forever. That is another story that we can debate at another time.

Mr Berry, I would like to ask another question. What if the French next year, as they have promised, stop their nuclear tests? Will we be allowed to buy the products again?

Mrs Carnell: No. It is an indefinite ban. It says it in his motion.

MR DE DOMENICO: Yes, but if they stop next week are we going to buy the products again?

Mr Moore: We will bring the motion back.

MR DE DOMENICO: “We will bring the motion back”, Mr Moore says. What about existing contracts that your Government signed, Mr Berry? Do we cancel those? Do we cancel the contract with Renault, for example? What about the Chinese? Do we deal with the Chinese or do we not? Are we allowed to buy Chinese products?

Mr Kaine: What about the Taiwanese Chinese?

MR DE DOMENICO: They are different, are they? It is a silly motion, Mr Speaker, and I think Mr Berry ought to go back to the drawing board and have a good hard look at what he wants us to support before he comes into this place calling everybody Richard Craniums and all sorts of names and getting a bit personal. We can all get personal, but on this side of the house we will not. We will get very political, but we will not get personal. Mr Berry, have a good look at what you really want us to support. Even you will realise that it is a silly motion. It is unsupportable. By the time we do the inventory that you want us to do, the French will probably elect another socialist President. By the time we do the inventory that your motion wants us to do, the next French elections will be over. For that reason, Mr Speaker, this motion should not even be voted on. It is a silly motion. Mr Berry should withdraw it and go back to the drawing board.

MR MOORE (12.11): Of course, if you think you are going to lose a motion, the first thing you do is look at the language and see how you can rip it apart. The Government has done that fairly successfully.

Mr Kaine: Is that what you do?

MR MOORE: Mr Kaine interjects, “Is that what you do?”. Mr Kaine has observed my techniques on many occasions. It is not new to parliamentary processes. It is a part of the way we sometimes debate.

Mr Speaker, we have a perfectly rational motion which gives the Government some room to move. Instead, they choose to read it in a very narrow way. Mr De Domenico says that this will stop us from dealing with French people, and raises the spectre of the French language being cut from our schools and so on. None of that is in the motion, Mr Speaker. First of all, the motion requires the Government to provide a list of products which are manufactured by French companies or are produced in France. A government that wanted to take that very casually would give Mr Berry and the Assembly, if we approve this motion, a list of only 10 or 15 products. A genuine response would be a list of the main sorts of things that are purchased by the ACT Government. How the Government deals with this area is what we are interested in. I think it is very easy to read into a motion things that are not there, particularly if you do not want it to succeed.

Mr De Domenico said that Australians purchased a bit over \$1 billion worth of French products. If we can put a reasonable dint in that \$1 billion, the message will be clear. Making a reasonable dint in that \$1 billion range of French products starts with ordinary people. Ordinary people have already started to resist buying French products. In fact, my nine-year-old son recently refused to buy a croissant. Even though I pointed out to him that it was actually made in the bakery at Campbell, he said that he still would not have anything to do with it.

Mr Hird: What did he get instead, Michael?

MR MOORE: A cream bun. There is an amusing side to this. I think we need to keep it in perspective. This motion allows us to do something quite significant. There is no doubt that contracts that are managed by the ACT Government, not least those for the purchase of buses, are quite significant and involve quite significant sums of money. As Mr Berry pointed out, the rolling stock for Renault-Mack buses could be replaced by rolling stock for other buses that would do the job just as efficiently.

The first thing that we deal with in this motion is the list of products. The second part of the motion deals with the products which are manufactured or supplied by French manufacturers or suppliers or are produced in France. If you wanted to take a narrow reading of that you could say that "suppliers" includes anybody in Australia who supplies the French with goods that then come back to us. I think that is an extraordinarily narrow reading of the wording of the motion. The motion is worded adequately. I believe that it gives you a reasonable amount of freedom but at the same time sends a very clear message from this Assembly to the Government that it is our wish that we resist buying French products. The reason behind it is twofold: First, the environmental vandalism by the French and, second but much worse, their role in reversing the direction of the nuclear arms race. That is what the issue is about. On that I believe we are all agreed.

We must ask ourselves where we are prepared to stand. Do we do everything we can unless it is going to cost us some money or affect our business, or do we say, "Even if there is some money attached to it we are going to make a principled stand."? It is a difficult decision to make. It is not black and white.

Mrs Carnell: Take the money out of education.

MR MOORE: The interjection from the Chief Minister is not worth responding to.

Mrs Carnell: Is the answer yes?

MR MOORE: The interjection from the Chief Minister now has been reinforced, so it is worth responding to. Should we take the money out of education? No. In fact, we will have to come back and look at that education budget. The more I look at it, the more I think I see some fancy accounting. We may have to revisit it.

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: Thank you, Mr Speaker. I am glad that you drew my attention to that. I will in turn pass your advice on to the Chief Minister. Try to keep your interjections relevant, if you would not mind, Chief Minister.

MR SPEAKER: Interjections are out of order, Mr Moore.

MR MOORE: Mr Speaker, we have a very sensible motion put up by Mr Berry to assist in getting a clear message of disapproval through to the French Government, who I believe have been shocked by the international reaction to the tests. They really believed that there would be a minimal amount of international reaction. We have to keep that going.

Ms Tucker, in moving her amendments, quite rightly said that it is inappropriate for us to tackle the French when the Chinese are continuing their nuclear experiments. That is an issue that we are going to have to deal with in due time. The real reason that we are tackling the French is that they are in the process of reversing the direction of the nuclear arms race. That is why we need to send the French a very clear message. Every little bit helps. That is why I will be supporting this motion.

MR KAINE (12.18): Mr Speaker, I will not be supporting the motion. I am going to pull the motion apart, just as Mr Moore suggested. It really is a nonsense motion. I understand the general proposition that Mr Berry is trying to put forward and that Mr Moore is trying to justify, but the Assembly has already expressed its opinion on that matter with a very strong motion. The Chief Minister, for example, was directed by this Assembly to write to the mayor of Versailles and tell him exactly what we thought. How many times do we have to repeat this? It is just a political gimmick. It is not even a useful gesture.

What does Mr Berry expect to do with this list of products when he gets it? What earthly purpose is it going to serve for the Government to be put to such an enormous amount of trouble? Public servants the length and breadth of the ACT Government Service will have to sit down and analyse what they buy and what they use, to see whether it comes from France or not, and then produce a mammoth inventory. They will also have to see whether it comes from China. I presume that we mean the People's Republic of China. What does the word "Chinese" mean? Let us be specific. I cannot imagine what Mr Berry or anybody else is going to do with the list when it has been produced. If he had bothered to spend a little bit of time writing a motion that meant something, I suggest that he would have had even the support of the Government; but the motion is a ridiculous motion. I could not possibly support part (1) of it, because it simply puts a lot of people to a lot of work for no purpose whatsoever. Perhaps Ms Tucker can tell us what she is going to do with the list when we produce it, other than prop the door of her office open with it. It will be big enough, I submit.

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The second part of the motion, if it had been properly worded, I perhaps could have supported. I cannot support it, because it is so wide ranging. Mr De Domenico made the point that much of what we import from France or from French companies, however defined, has to do with the saving and preservation of life - pharmaceuticals and medical equipment. I am not about to ban the purchase of that kind of equipment that we need in our hospitals. I do not believe that Mr Berry intended that, but he did not think his motion through. He just stuck down a few words to try to put the heat on the Government. Mr Berry even opts out himself - I use the word advisedly - in the last few words, "which allow the Government to opt out". He knows that we cannot opt out of his Government's contract for Renault-based buses without considerable penalty. He has got himself off the hook. He can no longer be subject to criticism because his Government ordered Renault buses. He has opted out by putting in a few neat little words that let him off the hook on the one major contract that the Labor Government entered into for the delivery of French goods.

It is clearly a motion, Mr Speaker, that is not needed. We have already expressed quite strongly how we feel about this issue. I do not think we need to do it again; but, if we do need to do it again, let us have a motion that does that. If we must have a motion that says what the Government can and cannot buy, then let us have one that is capable of being implemented. I submit that this one is not. The minute you try to implement this, you are going to run up against all kinds of exceptions where you cannot refuse to buy or you cannot cancel a contract, for the reasons that Mr Berry envisaged when he put these weasel words on the end of his motion. The motion is a nonsense motion. If put into effect, it will put the Government to a great deal of trouble and effort and waste of resources for no good effect. I submit that it is a motion that is incapable of being implemented anyway. I will not support the motion.

MR BERRY (12.23): Mr Speaker, the Labor Opposition will not be agreeing to the amendments. This motion has been brought forward on the basis of community action. I think this is an important feature of the debate occurring in this place at this time. We will thunder against the Chinese, because what they are doing in their own backyard is terrible and something that we strenuously oppose. But, as part of the debate that is going on in relation to the French, I think we have to keep the pressure on the French. What they are doing in a colony that they have established in the Southern Hemisphere is something which the community in the ACT have risen against.

Mr Hird: You do not deal with the Chinese, Wayne.

MR BERRY: I think that what the Chinese are doing is outrageous, but I am saying that there is a strong campaign against the French at this point. They are bombing a colony which they have established in the South Pacific. It is quite different to what the Chinese are doing. It is quite different in the sense that there is not a community uprising about the Chinese. I believe that there will be, and I will be right behind it and so will the Labor Party. I think it is outrageous. We will be opposing the amendments.

Amendments negatived.

Question put:

That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 10

NOES, 7

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

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

Question so resolved in the affirmative.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Superannuation - Budget Provision

MS FOLLETT: Mr Speaker, I direct a question without notice to the Treasurer. Mrs Carnell, this morning on ABC radio you said, "We've got to start putting real money aside for superannuation". Do you recall saying that? I refer you to Budget Paper No. 4, Volume 1, where, at page 70, it is very clear that in fact the subvention from the Consolidated Fund to the Superannuation Provision Trust Account has been slashed by \$19m, or 65 per cent, which I think demonstrates even further your contempt for public servants, or you would not jeopardise their retirement future in this way. Mr Speaker, my question is this: Why was the decision to slash the Superannuation Provision Trust Account by that \$19m, each year for the next three years, not advised to this Assembly, not advised to the public servants affected and not advised to the community? It is, surely, a very major decision. Why did you try to keep it secret?

MRS CARNELL: I think the fact that it is in the budget papers, at page 70, properly indicates, surprising as it may seem, that it is not secret. This Government takes the view that if you are in deficit it is bloody stupid to borrow money to invest money, because you inevitably lose on the transaction. You did it, Ms Follett. You did it, but that showed something about the general approach that you took. Remember that you left the cupboard dry. There was nothing there, nothing left in the cupboard, no reserves that we

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could legitimately use, after you left government earlier this year; the whole deficit had to be borrowed. If we borrowed more money to put into the super fund, to invest, that would cost us money. It would also cost public servants money. It is simply like putting your home payments on Bankcard. It is not a good idea. It is bad financial management. The reason we brought down the budget that we did yesterday, which turns a \$44m deficit this year into a \$21m surplus in three years' time, was so that in three years' time, and from then on, we will be in a situation where we can put real money into superannuation, not money we borrowed to put in, and real money into debt repayment.

MS FOLLETT: I have a supplementary question, Mr Speaker. I am intrigued that Mrs Carnell's definition of real money apparently means slashing it by 65 per cent. I think that is a novelty. It is a novel approach. Mr Speaker, my supplementary question to Mrs Carnell is this: Will the paltry amount that you have put into superannuation - that is, \$10.291m this year, \$9m-odd next year and so on - compared to the \$29m that was put in last year, meet the emerging costs of superannuation? Does that emerging cost include the superannuation for the 3,000 public servants who will be leaving the service because you have slashed their jobs?

MRS CARNELL: I cannot believe that the previous Chief Minister asked that question. If she knew anything about budgeting, and anything about the budget that she brought down last year, she would know that the increase in unfunded superannuation, under her last budget, was over \$100m. It was over \$100m in extra unfunded superannuation in just one year. The only way that we can turn that around is by having a budget that operates in surplus so that we can put money into it. Ms Follett left us in a situation where we did not have any money. We would have been in a position of borrowing to invest, like putting your home payments on Bankcard. How stupid is that? That is indicative of the previous Government's approach. Ms Follett has some very weird idea that 3,000 public servants are, all of a sudden, going to be made redundant.

Ms Follett: It was not my idea.

MRS CARNELL: Are you quoting from the *Canberra Times*, Ms Follett? Is that where you got the figure from?

Ms Follett: And others.

MRS CARNELL: Yes. Obviously, it must be right then! Now, 3,000 public servants over three years would be extremely difficult to fund out of the \$30m that we put aside for redundancies over the next three years. It is \$12m this year. Ms Follett spent \$11.5m, I think, last year. There are some things that are extremely interesting here that I think this Assembly should know about. Ms Follett is talking about 3,000 public servants who are going to lose their jobs under our budget. Guess how many public servants were made redundant over the last three years. There were 1,019. At what cost? The cost was \$37.7m, Ms Follett.

Education - Budget Provision

MR MOORE: Mr Speaker, my question is to the Chief Minister and it is about the Government's proposed framework for enterprise bargaining. Chief Minister, is it true that in a document entitled "ACT Government's Proposed Framework for Enterprise Bargaining" - a without prejudice proposal of 22 August 1995 - you have proposed a 1.3 per cent budget-supplemented pay increase for each financial year covered by the framework agreement over three years, meaning an overall budget-funded increase of 3.9 per cent over the life of the proposed 2½-year framework agreement, which would apply across the board?

MRS CARNELL: That was to apply across the board to all employees. Where it does not apply in terms of budget supplementation is in the area of education. Education was not treated in the same way as everybody else right from the beginning. Education was not required to find any savings whatsoever in this budget process because we had already committed our bottom line during our election campaign when we said that education funding would remain in real terms. To quote from our policy, this will mean an increase of approximately \$7m. That was actually \$7.7m, which also was supplemented by an extra \$2m for enrolment adjustment, which meant \$9.7m, not just this year, but over the next two years as well, when the full CPI increases will be added to the education budget.

MR MOORE: I have a supplementary question, Mr Speaker. Chief Minister, what you are saying is that you are going to protect every other department, every other worker across the board, in terms of budget-funded increases. However, in the case of education, you are effectively going to wield a \$6.9m cut.

Ms Follett: That is real money.

MR MOORE: The real money. That is the effect of what you have just said. That \$6.9m cut will mean cuts in central office staffing, by about 10 per cent; school maintenance by about \$1m; the privatisation of Birrigai; work experience support cut out of schools; curriculum support axed in eight key learning areas and Aboriginal studies. This is the effect of what you are saying, is it not?

MRS CARNELL: No, it is not the effect of what we are doing. Certainly, there already are plans in place for savings in central office and in other administration in Education, as there should be. The difference in Education is that they have been asked to find no savings whatsoever, unlike every other department. What we have done is exactly what we said we would do; that is, real terms, in line with the CPI, each year over three years, with adjustment for enrolments.

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Libraries - Budget Provision

MR BERRY: Mrs Carnell, again you have the chance to respond to - - -

Ms Follett: Try not to swear.

MR BERRY: No, it is all right.

MR SPEAKER: Order! Mr Berry has the floor, officially, too, this time.

MR BERRY: I will read this very slowly so that you get the gist of the question. We are in pursuit of an answer here, not a mouthful. How do you propose to remove \$1.1m from the \$7m library budget, which is about a 16 per cent reduction? Given your commitment that managers will not be making political decisions, which service cuts will be political?

MRS CARNELL: We have directed that library hours will not be reduced. Our approach in this budget has been that managers will manage, as they always should have. In the library area there is a cut, as I said this morning on radio, in salary outlays for libraries. We have been told, and we know, that by better usage of staff - - -

Mr Berry: Staff are the people who unlock the doors, you know.

MRS CARNELL: Staff are the major cost in the ACT public service right across the board. We will be requiring better usage of staff in every area - not just libraries, but right across the board - simply because we will not continue to spend money that we do not have, unlike you mob. In the library area we will be bringing in new efficiencies, things such as the introduction of an electronic client checkout system that will allow library users to process their own library borrowings. That will cut staff requirements. There will be a review of current staffing arrangements, particularly in central overhead areas. Vacant positions are not being filled and temporary staff are being replaced by excess officers. That is exactly the sort of thing that you should have been doing. You should have been ensuring that current staff were used better. If you had done that you would not have ended up with such a horrible financial situation. You would not have ended up in a situation where the Consolidated Fund hit zero earlier this year.

MR BERRY: Mr Speaker, I have a supplementary question. Will you therefore give an unequivocal commitment that no library will close? Will you also give an unequivocal commitment that library hours and services will not be cut?

Mrs Carnell: Forever?

MR BERRY: Just for the term of your Government; in your three-year budget will do. Will you give an unequivocal commitment that no library will close? Will you give an unequivocal commitment that library hours and services will not be cut?

MRS CARNELL: We have given a direction that library hours and services will not be cut. In fact, what we are talking about is increasing library services by better electronic link-up, by better use of information technology.

Mr Berry: What about an unequivocal commitment that no library service will close?

Mr Hird: You are not listening, Wayne.

Mr Berry: I would not mind a direct answer to the question.

MRS CARNELL: I just did.

Mr Berry: This is an important issue for people in the community and young children who need to get access to these libraries. They want an unequivocal position on this issue.

MR SPEAKER: Order!

Mr Hird: I take a point of order, Mr Speaker. I would remind Mr Berry that he is making a statement on the point of order.

MR SPEAKER: Mr Berry, as you are well aware, Ministers answer questions as they choose to.

Ms McRae: Mr Speaker, on a point of order: There is a directive in the standing orders which says that Ministers shall answer questions. This parliament is under your control, and your hiding under what may or may not have been done in previous parliaments is simply hype. This is a different point of order. With the greatest of respect, you are now the Speaker. The standing orders require that Ministers answer questions. Mr Berry is asking for an answer to a question. I think it is about time we got some answers.

MR SPEAKER: Order! I would also remind members of standing order 117(c), which says that questions shall not ask Ministers to announce Executive policy.

MRS CARNELL: I am very happy to answer the question again if that would be easier. We have given a direction that library hours and services will not be cut, but we will make them more efficient. We will ensure that the services are available to the people of Canberra in a better way and we will ensure that information technology is used more efficiently to link our libraries.

Budget Deficits

MR KAINE: Mr Speaker, I address a question to the Chief Minister and Treasurer. Chief Minister, your budget this year is in a new format. It uses the GFS format.

Ms Follett: Yes, incomprehensible.

MR KAINE: For those uninitiated, including the former Treasurer, that is the government finance statistics format. Chief Minister, using the new methodology, you are forecasting a \$44m deficit this fiscal year. Can you tell us how that deficit compares with previous deficits, say, over the last five years, if those deficits were converted to the same format for a direct comparison?

MRS CARNELL: Thank you very much, Mr Kaine. Mr Speaker, this is an excellent question because it goes to the heart of the principles driving the three-year budget strategy that I put to the people of Canberra yesterday. When the ACT was granted self-government it was essentially debt-free. As Ms Follett would know, that is the basis of the AAA credit rating. It has nothing to do with her management. Unfortunately, there were strings attached. The Commonwealth made it clear that it would be weaning Canberra off the endless supply of Federal money and forcing the city to pay its own way. This meant reducing Commonwealth funding to State-like levels over an eight-year period. Since self-government, Commonwealth general purpose funding to the ACT has, in fact, been cut by 49 per cent. The key task of each ACT government has been adjusting to the ever-reducing funding.

So, what is the record? In 1991 Ms Follett took over from Mr Kaine an economy in fine shape, with a healthy budget and reserves in the Consolidated Fund of \$180m. She was handed a budget in surplus, in GFS terms, and has been running it down ever since. In 1991-92 there was a \$36m surplus in GFS terms. In 1992-93 there was another surplus, but this time only \$30m. It was down \$6m. The slide was beginning. In 1993-94 it was still in surplus, but this time only \$14m. This time there was a deterioration of \$16m. The slide was getting worse. Then, in 1994-95, last year, under this previous Government, there was a \$46m turnaround. We went from a \$14m surplus for the year to a \$32m deficit in GFS terms. What I would like to do now is table, if the Assembly is happy, a graph of the Consolidated Fund running from 1990 through to the present.

MR SPEAKER: You do not need leave, Chief Minister.

MRS CARNELL: In other words, for the first time since self-government, a budget deficit was recorded in GFS terms. In her final budget Ms Follett forecast a deficit of \$10m, which ended up blowing out to more than three times that amount. I cannot stress enough how dramatic this financial turnaround was.

In its final year in power the Labor Government squandered a strong financial position and plunged the ACT into debt. In their desperate bid for re-election they literally threw buckets of money at anything they could find to spend it on. For example, three days before the election they did a deal with Canberra's nurses for a 9 per cent pay rise with very little offsetting. To pay for this profligacy, they plundered the bank account. Reserves fell to virtually nothing, as everyone will see from the graph that I have just tabled. Earlier this year the ACT's Consolidated Fund, its main bank account, hit zero for the first time since self-government. Labor took over reserves from Mr Kaine of \$180m and squandered the lot. The deficit recorded in 1994-95 is not only an indictment of the previous Government's financial irresponsibility; it also provides the context for my first budget. That is the reason why we are turning around a \$44m deficit, a legacy of the previous Government, into a \$21m surplus in three years.

Health Assets

MR CONNOLLY: My question is to Mrs Carnell as Health Minister. Minister, you already have announced the sale of Jindalee Nursing Home, and yesterday you announced the sale of the Kippax and Melba health centres, which is an interesting finesse on your election promise that no health centres will close - you will just flog them off instead. I assume that these sales are the basis of your projection of \$7m in asset sales for Health for the financial year 1995-96. Can you now advise the Assembly what will be the asset sales that will lead to revenues of \$8m in 1996-97 and \$4m in 1997-98? In other words, can you tell the Assembly what further Health assets will be flogged off in your attempt to maintain your budget predictions?

MRS CARNELL: If Mr Connolly would like to wait until the end of question time, I have those figures upstairs. There are a number of other sales, some of them to do with houses, in that Health offer, as you know. I think there were plans for sales in those areas in the past. We have the sale of Jindalee Nursing Home, which everyone knows about. With regard to the two health centres, Kippax will be sold. Currently there are negotiations under way at Melba Health Centre with the doctors, with the current CMPs, who may be interested in leasing the establishment. We are in the process of talking to them about it. Hopefully, we will be able to come up with some sort of an arrangement with those doctors, simply to provide some continuity of service in those areas. I can promise Mr Connolly that there are no other health centres planned to be sold. We do not have any other nursing homes, as you have pointed out often; so we will not be selling any other nursing homes. So there you are. I am very happy to table the full list.

Mr Connolly: You will give me a list of the additional \$12m?

MRS CARNELL: Absolutely; no trouble at all.

Budget - Opposition Claims

MR HIRD: My question is directed to the Deputy Chief Minister, Mr Tony De Domenico. I refer the Minister to claims made by Mr Berry to the media during the last month that the Government was planning a horror budget for the Territory. Given that Mr Berry said to a local newspaper last week, "Prove us wrong", can the Minister, in fact, do just that?

MR DE DOMENICO: I thank Mr Hird for his question. Mr Speaker, Mr Berry has been, as we know, Acting Opposition Leader for some time now. I imagine that it will not be long before he drops the title "Acting". In the six weeks prior to the budget, Mr Speaker, Ms Follett was listed as missing in action, so the baton was passed on to Mr Berry and he did not let his Labor colleague down. In the past few weeks Mr Berry has given the media his insights into the budget that was handed down yesterday. He told the *Canberra Times* that the Labor Party and the trade union movement were unhappy with the pre-budget process because it was secret.

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Translated, that means that Mr Berry and the Labor Party were unhappy because they were not getting the accurate budget leaks that they expected. The union movement was unhappy because, for the first time in 4½ years, the Trades and Labour Council did not get to write this year's budget. Mr Berry made a series of claims and he challenged the Government to prove him wrong. Today, Mr Speaker, I am about to do that.

Mr Berry said that the Government would adopt a slash and burn approach to public sector jobs. Wrong, Mr Berry. The Government has set aside \$12m in a centralised fund for targeted voluntary redundancies in 1995-96. This compares with \$17m that was allocated by the Follett Labor Government in both 1993-94 and 1994-95 for untargeted redundancies. That is \$34m in just two years, and that was never announced by Mr Berry when he was Minister. Mr Speaker, Mr Berry claimed that the Government would privatise the Canberra Theatre Trust, the Street Theatre and the Nolan Gallery. Wrong, Mr Berry. These facilities will be maintained in public ownership throughout the term of the Government. The Government has also delivered on its promise to increase funding for the arts and cultural activities by \$3m over the next three years.

Mr Berry claimed that the Government would privatise Namadgi National Park. Wrong again, Mr Berry. The Government in fact has acted to protect our diminishing lowland native grassland by setting aside more than 100 hectares of grassland in Gungahlin from development. I understand that Mr Humphries plans to make further announcements about the protection of grassland areas in the near future. Mr Berry claimed that the Government would abandon its promise to fund the planned Tuggeranong indoor sports centre. It was on the front page of the *Valley View* and the *Chronicle*. Wrong again, Mr Berry. The Government will provide a \$1.5m capital grant to a sports consortium for a major multicourt indoor sports facility.

Mr Berry: Mr Speaker, I take a point of order. If the Minister is so hell-bent on proving me wrong, will they reverse their position on the Belconnen pool? Then I will be proven wrong.

MR SPEAKER: There is no point of order.

MR DE DOMENICO: I believe that I am answering a question from Mr Hird. Construction is expected to commence in November of the \$1.5m indoor sports complex that Mr Berry said was not going to go ahead, and the centre is expected to open in late 1996. That is progress, Mr Berry. Before Opposition members say, "Enough", because they, like this side of the chamber, are embarrassed by Mr Berry's public antics, let me point out that the Acting Leader of the Opposition said that we would be putting library services out to competitive tender. Dare I say it again, Mr Speaker: Wrong again, Mr Berry. Wrong, wrong, wrong, wrong, wrong!

It is a pity that Mr Berry does not spend more time looking at how the Territory can better manage its assets rather than carrying on like a clown. This Government, Mr Speaker, is setting out to create a can-do culture for Canberra. Mr Berry is part of the cannot-do culture that left us with the problems that we are facing up to today. Mr Speaker, the last time Mr Berry went shopping for a deal it cost the ACT community \$3.3m. What this Government promises, we deliver.

Public Housing

MS TUCKER: My question is for Mr Stefaniak, as Minister for Housing. We note with interest this document "Tenant responsibilities for property maintenance or damage" that was circulated to public housing tenants a couple of months ago. We are also aware that this has been the cause of considerable anxiety to some tenants who are absolutely responsible. As a landlord, does the Government intend to ensure that it is fair where responsibilities are met?

MR STEFANIAK: In answer to the member's question, yes, of course. The Housing Trust prides itself on being a very responsible landlord. Just as the Housing Trust expects its clients to do the right thing by it, it certainly will do the right thing by its clients. As you know, Ms Tucker, we have about 12,500 trust properties. There is always demand for attention to fair wear and tear. The Housing Trust responds as best it can. This Government is very keen to see that the Housing Trust does live up to its responsibilities, and it does everything it possibly can in relation to that.

MS TUCKER: I have a supplementary question, Mr Speaker. If the Government fails to meet its fair wear commitments - and we are aware that this is happening at the moment with problems such as dangerous wiring, leaking roofs, peeling lead paints and faulty cookers - will the Government financially compensate tenants for this negligence?

MR STEFANIAK: I think you will probably have to establish that it was negligence first, Ms Tucker; but the Housing Trust does attempt, through its budget and through its officers, to attend to any maintenance requests it gets. Because we have a large number of tenants and a large number of properties, sometimes there may be a delay in that occurring. It has a rolling program of maintenance. If you have any specific difficulties or any specific constituents who might have troubles, my office would be delighted to see whether we can assist. We do get a number of complaints about a number of matters, including maintenance.

ACTION Services

MS HORODNY: My question is to the Minister for Urban Services, Mr De Domenico. Will the Minister give an unequivocal promise that no services will be cut from ACTION?

MR DE DOMENICO: When? In the next three years, or - - -

Ms Horodny: In this budget.

MR DE DOMENICO: The answer to that question is no, of course not. May I say about ACTION buses, though, that there will be \$6.7m worth of savings next year - at least. Today I signed an enterprise agreement with the Transport Workers Union and they are sure that they can deliver \$6.7m worth of savings. If there are routes that nobody wants to use, routes where there are buses with one driver and no passengers

on them, we will ask the community why they are not using the buses. We will better deploy our buses. We will introduce into the system mini-buses and smaller buses. Some routes that currently have buses on them that nobody wants to use will no longer be operated. We will supplement routes that need more buses with more buses as required. We will make sure that the ACT has the safest and most cost-effective public transport system in the country.

Police Services

MR OSBORNE: Mr Speaker, my question is to the Minister for Police, Mr Humphries. A feature of a media statement released in conjunction with yesterday's budget was the announcement of 20 new police recruits to join the Canberra police force later this week. How many of those new police have been earmarked for Tuggeranong? In the same media release was the statement that, by the end of this week, approximately 45 additional police officers will have been assigned to areas most needing attention. Minister, are any of these 45 police men and women in addition to numbers that we already have, or are they the result of disbanding various squads, such as the fraud and drug squads to name a couple, and will this practice continue?

MR HUMPHRIES: Mr Speaker, I thank Mr Osborne for his question. The 25 police officers referred to in the press statement yesterday were the 25 police officers we have diverted into the four regions of Canberra - approximately six each - as the result of the disbandment of the Major Crime Squad and of the Legal Services Branch. Mr Speaker, the general philosophy underpinning that trend towards getting people out of specialised jobs and, if I might put it this way, jobs remote from day-to-day policing activities will be a continuing trend under this Government.

We have taken the view, and I might say that the Federal Commissioner has also taken the view, that the problems of our policing system in the past have stemmed from an assumption about the way in which we should do work with our police which is not borne out by the nature of policing duties in the ACT. There is, in my view, Mr Speaker, and in the Government's view, much greater value in making sure that the skills that build up in particular areas such as the Major Crime Squad, the Legal Services Branch, or whatever, are shared amongst other police around the Territory so that people do not get roles that are so specialised that no-one else can do that job, and so that ordinary police get to see the more interesting or more exciting sorts of work that are done by specialised police elsewhere. That is a trend, Mr Speaker, which I suspect will be the new way of policing, and a trend that we will continue to promote.

I have made it clear, however, that in respect of both the Drug Squad and the Fraud Squad the Government will not be embarking on any process to devolve those functions down to the regions unless it is clear that the overall task of ensuring that the fight against fraud and drug use and drug trafficking is maintained in that process. If there is a question of losing some of our punch, some of our capacity to deal with those problems, the Government will not support those changes. Mr Speaker, Mr Osborne asked me how many of the 20 new recruits who have graduated recently will go to Tuggeranong. The answer is five.

ACTION Services

MR WHITECROSS: Mr Speaker, my question without notice is to Mr De Domenico in his capacity as Minister for Urban Services. I know how much he has been looking forward to getting a question. I want to ask Mr De Domenico to expand on his answer to Ms Horodny about ACTION buses and the proposal to cut \$12m from the ACTION budget over the next three years. I understand that he has referred to an enterprise agreement. Can he expand a bit on how the Government proposes to save this \$12m over the next three years? In his answer, could the Minister explain how the statement in the budget papers that there will be a rationalisation of services can be reconciled with Mrs Carnell's previous promise that no ACTION services will be cut?

MR DE DOMENICO: I thank Mr Whitecross for his question. Mr Speaker, a further savings agreement is being put into place, as Mr Whitecross said, for ACTION to save \$12m over the next three years. The savings are going to be achieved through a range of initiatives, including productivity and efficiency measures for key employment groups, rationalisation of services, and overhead cost reductions, including debt servicing and revenue measures. Mr Speaker, progress will also be made during the year for ACTION to be commercialised by 1 July 1996. This will allow ACTION to improve commercial viability and will position it better for success in a more competitive environment. Mr Whitecross would also be aware that ACTION will be run by a board that will do nothing else except provide expertise on how to run the most cost-efficient, clean and safe public transport system for the people of the ACT.

MR WHITECROSS: Mr Speaker, I was wondering whether Mr De Domenico would care to renew Mrs Carnell's commitment that no ACTION services would be cut.

MR DE DOMENICO: Mr Speaker, I will answer that question in the same way that I answered Ms Horodny, in case he was not listening. Mr Speaker, there will be no ACTION buses going around the ACT with no passengers in them, because it is not an efficient way to run a public transport system. There will be rationalisation of the current services. The buses that are running around a route today may not be running around the same route in two, three, four or five weeks' time. Let me also assure Mr Whitecross, through you, Mr Speaker, that the community will be consulted before any changes are made. We will not ask only the people who use the buses; we will also ask the people who do not use the buses why they do not use the buses. Perhaps we might get more people on the buses than are currently using them.

Academy of Sport - Budget Provision

MS McRAE: My question is for Mr Stefaniak in his capacity as Minister for Sport. Mr Stefaniak, in the budget papers in relation to funding for the ACT Academy of Sport, you have said that the extra funding to be provided to the ACT Academy of Sport will be financed, in part, from the one per cent levy to be put on gaming machines. Will you confirm that the rest of the money will come from extra charges that are to be placed on individuals or teams using our public ovals?

MR STEFANIAK: Ms McRae, if you read the budget papers carefully I think you will see that the ACT Government's component for the academy programs is about \$1.3m in this coming year. Basically, \$1m of that, or close enough to it - I think it is \$968,000 or thereabouts - will be from the one per cent levy. The academy already is funded to an extent. It is funded to the extent of around \$300,000, which is the rest of it. That additional money, as you might recall, was needed because we have gone from four intensive training centres to 12 intensive training centres. Hence the need for the additional funding, which is to be achieved through the one per cent levy on the clubs. The remaining funding is, in fact, base funding, which I think you will find is effectively a continuation of normal funding.

MS McRAE: I ask a supplementary question, Mr Speaker. The levy for the Academy of Sport, as I understood it, was for only one year. Are you then proposing that the shortfall will be met by levies on individuals and teams using our ovals?

MR STEFANIAK: I think you will find, Ms McRae, that that levy is intended for more than one year. That levy is not only for the academy. If there is money left over from that levy it will go to other sports-related activities. There may be some readjustment and rationalisation of the 12 intensive training centres. There might be other sports added; there might be some deleted. After Atlanta you will find that the Commonwealth will do that too. It is quite likely that that level of funding may well be needed for the academy in the lead-up to the 2000 Games. It is certainly not intended that that is going to stop after one year.

Tourism - Budget Provision

MR WOOD: Mr Speaker, my question is to Mr De Domenico. Mr De Domenico, in your election policy you promised this:

Allocating an extra -

I emphasise "extra" -

\$5m annually for an enhanced tourism and business marketing campaign to promote the ACT more aggressively in Australia and overseas as a more attractive destination.

You repeated this promise after the election and told us to wait. Would you outline where this extra \$5m of real money, new money, is in the tourism budget? For an accurate answer we will need something more than the figures in that misleading document that you were waving around earlier.

MR DE DOMENICO: I thank Mr Wood for the dorothy dixer. Mr Speaker, in line with an election commitment, significant new funds will be injected into developing and marketing the ACT's tourism and business potential. The commitment totals more than \$5m, Mr Wood. It includes a strategic marketing group called CanTrade with \$1m to aggressively market the Canberra region and to bid for major events. It will be

oversighted by a board comprising senior representatives from both the public and private sectors. There will be \$737,000 to initiate the redevelopment of Kingston foreshore, \$1.85m to upgrade the ACT Visitor Information Centre, \$250,000 for further investigation of transport options for the Sydney-Canberra corridor, including high-speed rail, \$850,000 for industry assistance and to provide incentives to businesses seeking to expand or relocate in the ACT, and \$150,000 for the advanced technology industry to support industry participation in the Gungahlin broadband project.

On top of that there is \$1.6m for employment programs, in line with the forward estimates, that focus on providing opportunities for the most disadvantaged in the labour market. In terms of tourism, Mr Speaker, there is \$250,000 more than was provided by the Labor Government. The Visitor Information Centre, as I have mentioned, will be expanded at a cost of \$1.85m. Increased advertising of Canberra as a holiday destination for domestic tourists will also be encouraged, Mr Speaker, and there will be targeted international promotion of Canberra, including cooperative ventures. Over a three-year period, Mr Speaker, over \$10m more will be provided by this Government than was provided by the former Follett Labor Government.

Mr Speaker, ironically, Mr Wood was very timely in asking me this question. The Canberra Business Council is not too friendly with Liberal administrations from time to time, but I want to quote from their press release. It says:

The Business Council since self-government has constantly recommended a long-term strategy with a focus on developing a vibrant private sector generating "jobs for our kids", but also addressing deficit problems.

This budget commences that task.

The Business Council believes a close partnership between government, community and business is essential for economic success in this community.

This budget presents the opportunity for these three groups to work together to foster a flourishing economy and ensure the future success of Canberra ...

...

In particular the Business Council supports:

- . The Government's commitment to a 9 per cent reduction in costs.
- . Payroll tax deductions ...
- . The resourcing of CanTrade in this budget will enable our community to realise the potential of Canberra and region.

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- . The opportunity offered by the on-going cost reduction program ...
- . The multi-year funding approach ...
- . The recognition that long-term debt control is an important factor ...

Time and time again, Mr Speaker, this Government puts its money where its mouth is - more than \$5m, as promised. As I said before, what we promise, we deliver.

MR WOOD: I have a supplementary question, Mr Speaker. We have some interesting interpretations here about what promotion is and is not. I thought it strange that capital works have become part of our promotion outside of Australia.

Mr De Domenico: What is a tourist information centre about?

Ms Follett: "Campaign", you said; a marketing campaign, not a building.

MR WOOD: Yes, the Opposition Leader accurately draws the line between the promises and the shonkiness contained in Mr De Domenico's answer. I would like to know where the new money is; not capital, not redirected money, but money that is new or additional. You used the word "extra" in your policy. We may have to wait until the Estimates Committee to get that answer, Mr Speaker, if Mr De Domenico does not want to give it now.

MR DE DOMENICO: I will give him the answer again, Mr Speaker, because obviously he was not listening. We are giving more than \$5m of new money; more money than they gave last time. Mr Wood highlights the Visitor Information Centre. If Mr Wood had read carefully he would have realised that the Visitor Information Centre will also include a theatrette and exhibition space to inform visitors about Canberra's heritage and tourist attractions. If that is not marketing and promoting the ACT, Mr Wood, I do not know what is.

Mr Wood: It does not fit in with your promise, Mr De Domenico.

MR DE DOMENICO: No, no, just wait; you asked the question. You might not like the answer, Mr Wood, but you are going to get it anyway. We will ram it down your throat time and time again. Over the next three years of the Carnell Liberal budget, over \$10m more will be provided than was provided by your lot. You sat on your hands for five years and did nothing. This Government will spend an extra \$10m over three years in promoting Canberra as a tourist destination, as a business destination, as a sporting destination, and as a centre of excellence. It is about time we got off our backsides. You did not do it. It is about time we put our money where our mouth is. Mr Wood, what this Government promises, it delivers.

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

Schools - Entertainment Videos

MR STEFANIAK: Mr Speaker, on 23 August this year Mr Osborne asked me a question relating to films and videos in schools. I took that question on notice and I have subsequently provided Mr Osborne with an answer in writing. I now seek leave to have this answer incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

PAPERS

MR SPEAKER: I present, for the information of members, the following papers:

ACT Legislative Assembly Secretariat - 1994-95 Annual Report, together with the financial statements and the Auditor-General's report.

Auditor-General's Report No. 5 of 1995 - Annual Management Report for the year ended 30 June 1995, which includes a general report on efficiency audits, pursuant to section 68 of the Audit Act 1989.

SOCIAL POLICY - STANDING COMMITTEE Report on Social Policy Issues Raised by Community Groups - Government Response

MRS CARNELL (Chief Minister) (3.15): For the information of members, I present the Government's response to the Standing Committee on Social Policy's Report No. 1 entitled "Issues Raised by Community Groups". I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased to table the Government's response to this inaugural report of the Social Policy Committee. I would also like to congratulate the committee on its work in collecting and reporting community perceptions in this area. The Government's response addresses in detail the recommendations and comments highlighted by the committee for government attention. I am pleased to note that the Government has strategies and programs in place to address each of the concerns raised in the report. I also recognise the need to be alert to the changing needs of the community and the importance of monitoring and evaluating services.

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The issues raised in the report encompass services to people with disabilities, issues related to the ageing, child protection and social policy coordination. The provision of improved customer service is of paramount importance to the Government. The alignment of policy and service areas in the community services envelope enhances service delivery for the community in the areas of Health and Community Care, Education and Training, Children's and Youth Services Bureau, Family Services, the Canberra Institute of Technology, law and justice, community safety, and planning.

In line with the Government's commitment to enhanced community consultation and community relations, the refocused Community Relations Branch has responsibility for the introduction and enhancement of policies designed to achieve better outcomes for Aboriginal people and Torres Strait Islanders, people of non-English-speaking background and women. The Government's commitment to community consultation is further demonstrated by its unprecedented support for community councils, establishment of the Aboriginal and Torres Strait Islander Consultative Council, the Multicultural Consultative Council and the Women's Consultative Council, and, of course, our meet the Minister program. I believe that the standing committee will be presenting a separate report in the near future on community consultation. I am particularly interested in the views of community groups in relation to the further development of this consultation.

The issue of violence in the community was raised by a number of groups, and I note that the committee is conducting an inquiry into the prevention of violence in schools. I look forward to the report of that inquiry. In view of the diversity of issues canvassed, I will not elaborate any further at this point, but I commend the response to them.

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

QUESTIONS WITHOUT NOTICE

Ministerial Travel : Student Assessment

Mr Berry: I raise a point of order, Mr Speaker. At question time during the last sitting Mr Stefaniak gave an undertaking that he would check out whether certain payments in relation to travel were appropriate and would advise the Assembly. He also said that he would provide us with the Year 12 assessment guidelines. We have received neither.

MR SPEAKER: Are we discussing the 30-day rule here, Mr Berry?

Mr Berry: No. He just said that he would do it for us.

MR SPEAKER: I will leave the matter for Mr Stefaniak to follow up.

PAPERS

MR HUMPHRIES (Attorney-General) (3.20): Mr Speaker, for the information of members, I present the following papers:

Attorney-General's Department - Annual Report 1994-95, including financial statements and the Auditor-General's report, and together with Annual Reports of the administration of the Credit Act 1985; administration of the Sale of Motor Vehicles Act 1977; the Community Law Reform Committee; the Guardianship and Management of Property Tribunal; the Mental Health Tribunal; the Office of the Community Advocate; the operation of the Freedom of Information Act 1989; the Parole Board; the Tenancy Tribunal; and the Chief Coroner.

Criminal Injuries Compensation Scheme - Annual Report 1994-95, pursuant to the Criminal Injuries Compensation Act 1983

ACT Electoral Commission - Annual Report 1994-95, pursuant to section 9 of the Electoral Act 1992

ACT Human Rights Office - Annual Report 1994-95

ACT Vocational Training Authority - Annual Reports for 1991-92 and 1992-93, pursuant to section 12 of the Vocational Training Act 1989

Construction Industry Long Service Leave Board - Annual Management Report 1994-95

Department of Education and Training and Children's and Youth Services Bureau - Annual Report for 1994-95, including financial statements and the Auditor-General's report

Department of the Environment, Land and Planning - Annual Report for 1994-95 and financial statements 1994-95, and the Auditor-General's report together with the financial statements 1993-94, and the Auditor-General's report for the Bureau of Sport, Recreation and Racing and Annual Reports for the Animal Welfare Authority, the Land and Planning Appeals Board, the Pollution Control Authority, the Registrar of Pesticides, the Surveyors Board of the ACT, and the Conservator of Flora and Fauna

Department of Health and Community Care - Annual Report 1994-95, including financial statements and the Auditor-General's report, pursuant to section 97 of the Audit Act 1989, and Annual Reports for the Mental Health Act 1983, the Chiropractors and Osteopaths Board, the Dental Board, the Dental Technicians and

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Dental Prosthetists Board, the Medical Board, the Nurses Board, the Optometrists Board, the Pharmacy Board, the Physiotherapists Board, the Veterinary Surgeons Board and the ACT Radiation Council

Legal Aid Commission - Annual Report 1994-95, together with financial statements and the Auditor-General's report, pursuant to the Legal Aid Act 1977

Public Trustee for the Australian Capital Territory - Annual Management Report 1994-95, together with financial statements and the Auditor-General's report

Pursuant to standing order 83A, a petition which does not conform with standing orders, concerning staffing of the Kaleen Youth Shelter, from 149 residents, lodged by Ms McRae.

CONTAMINATED SITES MANAGEMENT - STRATEGIC PLAN Paper

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.23): Mr Speaker, for the information of members, I present the strategic plan for contaminated sites management. I move:

That the Assembly takes note of the paper.

Mr Speaker, contamination of land, particularly in urban areas, is a reminder that environmental problems are not limited to the habitats of animals and plants but occur in our own habitats. It also demonstrates that environmental factors cannot be considered in isolation, but need to be seen in a context of broader government decision-making, such as health and planning issues.

This Government is committed to maintaining the high level of public health and environmental quality Canberrans have come to expect. The strategic plan for the management of contaminated sites is an important aspect of this commitment and sets out our policy for the identification and sensitive management of land that does not meet the stringent standards we all expect in the Territory. A comprehensive program to identify contaminated sites which began under the previous Government is continuing. This has involved a search of records, including topographic maps, aerial photographs, old NCDC plans, construction drawings from development sites and historical records and photographs. Officers also spoke to a number of former rural leaseholders and farm workers in order to determine the location of former sheep dips. Over 100 former sheep dips and more than 70 former landfill sites have been identified, as well as other potentially contaminated sites such as former petrol stations and other sites with a history of industrial use.

The Government's first priority in contaminated site management is the protection of public health. We recognise that public health is not limited to physical health, and that, especially in residential areas, the potential for stress associated with the investigation and assessment of possible contamination can itself be a public health concern. The sensitivity required to manage this issue is not only a result of the public health and environmental implications. Affected residents have also expressed concerns about their property values and other issues of possible economic loss. In light of this, Mr Speaker, the Government has adopted a policy which it believes is fair and equitable in that it has offered compensation for any demonstrable, sustained long-term economic loss associated with proximity to the contamination, without the need for residents to enter into litigation. By providing the basis for a transparent process, and by stating our priorities clearly, the Government hopes that this strategy will be the first step in reassuring Canberrans that their health and the state of the Territory's environment are the Government's priorities in contaminated site management. This is particularly important to residents living near sites in urban areas.

Mr Speaker, residents living on affected blocks can expect the following: A detailed explanation of the process of assessment, the possibility of remediation, validation and certification, and the time each stage is likely to take; consultation over sampling points; information on the possible health impacts of the particular contaminant; to be fully informed of the results of any soil sampling; and compensation for any demonstrable long-term economic loss associated with proximity to a contaminated site. In the event that results indicate some contamination, residents can also expect the following: Government-funded consultations with a toxicologist and a clinical physician; government-funded health testing, usually urine testing; analysis of garden produce; analysis of house dust, and speciation of both dust and any surface soil samples with results significantly above the health investigation level; independent counselling, if desired, at government expense; and remediation at government expense. In the event that results indicate a contamination significantly higher than the relevant health investigation level, residents can also expect the offer of buy-out and/or temporary relocation prior to and during remediation. The Government will continue to work with affected residents and their local communities to devise and implement appropriate remediation plans for each affected residential site.

The testing program in all urban sheep dip sites is almost completed. The assessment of these sites is well advanced, and consultation with residents about remediation options has begun. Assuming remediation plans can be agreed to by all parties, remediation should begin in two suburbs before the end of 1995. We have given residents a commitment to the process of consultation, which will see plans developed in consultation with those who are most affected by the process. We are also working to avoid the possibility of contamination affecting future developments. Before a site is to be released for development or is being redeveloped, a comprehensive examination of the previous land uses is undertaken so that, if there is any potential for contamination, the site is assessed to ensure that the state of the land is consistent with its proposed use. A number of organisations were consulted in the strategy's development and I take this opportunity to thank them for their involvement.

As the strategy states, the Government will release a discussion paper on the preferred management options for contaminated sites, including the possibility of legislation, and I hope that the community will again take the opportunity to become involved in this issue. The Government has already made a submission to the Standing Committee on Planning and Environment for their inquiry into contaminated sites management, and will continue to offer the committee its full assistance. Mr Speaker, we will be looking to any recommendations the committee might make in its report before developing a final position on options for this matter, including possible legislative amendments and the future management of contaminated sites. I commend this statement to the house.

MR MOORE (3.29): Mr Speaker, I rise to say a few words on this matter as chair of the Standing Committee on Planning and Environment that is inquiring into contaminated sites. My immediate reaction when Mr Humphries began speaking to this matter was to check standing order 59 about anticipating discussion of a matter on the notice paper. There is no doubt that, technically, the notice paper finishes where the Clerk has signed his name and that information about committees is presented just after that. However, in my mind there is some question of propriety in terms of the Minister making a statement before the committee has reported. In some ways it is a little disappointing because the committee has worked - - -

Mr Berry: Rude. Just “rude” would do.

MR MOORE: There is an interjection from the deputy chair of the committee, “Just rude”, and I suppose that in one sense that is the feeling that I have. It contrasts, Mr Speaker, with the very positive relationship that the committee has had with the Minister on this issue and other issues, and the very positive relationship we have had with the public servants who look after this area. That aside, Mr Speaker, because I could not really leave that unsaid, I am sure that the committee will be pleased to take the strategic plan as proposed by the ACT Government and the Department of Urban Services and use it as part of our consideration of our report on our inquiry into contaminated sites.

I think that the Government needs to think about how it is dealing with its committees and to what extent it is going to attempt to lead its committees with issues in the Assembly, or to what extent it is going to assist by providing such documents as this to the committee in a draft form and saying, “We have prepared this strategic plan as a draft. How do you feel about it?”. I understand that the last few paragraphs of Mr Humphries’s speech were very much in that tenor, saying, “We wait to hear from the committee to see what they think about it”; but this strategic plan on contaminated sites management is launched without having “draft” across it. Apart from the Minister's speech, the impression to anybody reading the strategic plan would be that that is the final word on the issue. I think that is entirely inappropriate.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.32), in reply: Mr Speaker, as I indicated in the final paragraphs of my statement, the Government views this process as an ongoing one. Indeed, I indicated in the third last paragraph that we intend to release a discussion paper on preferred management options for contaminated sites. There are a whole series of issues which are, as yet, unresolved and which I expect that the Planning and Environment Committee will be giving the Government views about so that we can formulate positions on those things as well.

Mr Berry: Yes, but you do not. It is rude to operate separately.

MR HUMPHRIES: If Mr Moore or his committee interprets what is in this document as being the final statement on this matter, Mr Speaker, I certainly regret that impression.

Ms McRae: It does not say "draft".

MR HUMPHRIES: If Ms McRae had cared to read my statement, particularly the third last paragraph, instead of chatting as she was while the thing was being read, she would have noticed that that is what we say in the third last paragraph.

Ms McRae: Yes, but it does not say it here.

MR HUMPHRIES: It does say it there, Ms McRae, so you should look.

Ms McRae: Yes, but I am reading bits.

MR HUMPHRIES: You should look further, should you not, Ms McRae? Mr Speaker, I certainly acknowledge that the Government will need to, and expects to, work closely with the Planning and Environment Committee about these issues. I would point out, however, that there is a large number of people in the community who are anxious to see where they stand on the question of contaminated sites. It may be that the committee has been talking about it, but it is also the case - - -

Mr Berry: We have been talking to them.

MR HUMPHRIES: Not necessarily to all of them. As I indicated in my statement, there are something like 100 different sheep dip sites in the Territory and 70 former landfill sites. I am sure that you have not spoken to all the people affected by those, Mr Berry. So there are other people who are observing this process and who are interested in knowing what is going on. I assure the committee that we will incorporate the committee's recommendations into our final strategy on what to do about these sites, but there is some need for us to be able to show that we have made movement on this subject in order to show that those people have not been abandoned by the Government.

Question resolved in the affirmative.

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PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Capital Works Program

MR MOORE (3.35): Mr Speaker, I present Report No. 3 of the Standing Committee on Planning and Environment entitled "Report on the Government's 1995-96 Draft Capital Works Program", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

It was quite refreshing for a committee like ours to get such a rapid and positive government response. On Friday, Mr Speaker, after you authorised the publication of this report out of session, we released it, as a committee, at a press conference with all four members present, at 10.30 am. By the afternoon the media were back contacting me and asking how I reacted to the Government's response in taking on board the recommendations; to which I could say nothing other than that I was absolutely delighted.

I think that part of the reason was that a great deal of the committee's attention was focused on administration and administrative issues. I think that what the committee has done is point to a series of difficulties in the process which, I believe, the Government should have addressed earlier. We had written to the Chief Minister suggesting that we look at the draft capital works program as early as, I think, April or March - something of that order - and we eventually managed to get the draft capital works program about two or three weeks before we reported.

In that time it became very clear to us that there was a series of major problems. It is very unusual, I think, for a committee to write into its recommendations something like we did in recommendation 4.50, namely:

The Standing Committee on Planning and Environment gives agencies notice that it will consider recommending to the Assembly that proposed expenditure in future years' Draft Capital Works Programs not be endorsed unless adequate documentation has been provided to the Executive and the committee.

For a committee to say that we will consider holding up the capital works budget under those circumstances was, as far as we were all concerned, a particularly serious matter. But it was also important to point out, as we did in our report, that the Chief Minister had written to us and suggested a different process for the draft capital works program so that we would have time to see whether there was a problem like that and send it back.

Nevertheless, the overriding message of this report is that the capital works process was entirely inadequate and that we wanted to see something done about it. Recommendation 4.43 emphasises that by stating:

The committee recommends that the government ensure a clear statement is provided for all proposed capital works about how each project fits within the overall priorities and long-term strategy of each agency and of the government.

Recommendation 4.55 states:

The committee recommends that the government reassess past recommendations of Assembly committees that have scrutinised the Draft Capital Works Program and, in light of this report of the Standing Committee on Planning and Environment, formally advise the Assembly on their implementation.

The reason we went for that recommendation was that our committee felt that many of the things that we were saying were not new. The issue of ensuring that priority was given to certain projects, how that priority was given and how they fit into a long-term strategy has been raised by previous committees. Basically, we are still having the same problems.

One of the things, I think, that led to that first recommendation which I referred to, in which the committee effectively threatened to reassess whether we would endorse the capital works next year, was that the committee felt that previous committees of the Assembly, which had made very sensible suggestions, had simply been ignored. To make it so much easier for the bureaucrats who are working on this, at Appendix A the committee included all those previous recommendations so that there would be no discussion about what was a recommendation or what was not a recommendation.

The overall tenor of this report - and we use this word in the report - was that we were appalled. I can understand why it is that the Government responded very quickly. Having read through our report, I can understand that they, too, probably were appalled, and probably thought, "Yes, the committee has actually put its finger on something that had concerned us; but perhaps we had not given priority to it in terms of our time and our efforts". But we are talking about \$111m. We are talking about 10 per cent of the budget. We are talking about a considerable sum of money. There is no doubt that any of the areas that in other parts of government have been facing cuts or looking at being revamped would have appreciated all or part of that \$111m.

Then there was a series of individual cases that concerned the committee. One significant one for me was the recommendation of the proposed expenditure on replacing the roof of the Canberra Theatre. We were told that \$500,000 is going to be needed to replace the roof on the Canberra Theatre. I was surprised, as were other members of the committee, at that. After all, the Canberra Theatre has a copper roof. We certainly remember, for example, that when the New Zealand High Commission decided to go with a copper roof it explained to the people of Canberra that it was going for a copper roof because it would never need to be replaced. We know that that is one of the great advantages of copper. But here we have \$500,000 proposed for a replacement of the copper roof.

Mr Berry: It is buried in the arts funding; it is described as arts funding.

MR MOORE: It is described as arts funding, as Mr Berry said; but he will have a chance in a minute. What happened was that, when we examined it more closely and began to ask questions about what was the problem, we were told that the roof was leaking. None of us would take any stance other than to say that, if the roof in a theatre

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is leaking, then obviously there are some dangers associated with that. The long-term damage could be very severe. It is appropriate that leaking roofs are fixed. I would not be surprised if today it leaked just a little more, with the heavy rain that we had just prior to lunchtime.

When we examined the proposal carefully we found that no asset management survey of the building had been carried out and that this roof was being repaired in isolation, compared to the rest of the building; and we could not even work out what the alternatives were. There was a fairly offhanded comment given to us, namely, "It may well be that we use a Colorbond roof" - I think "Colorbond" was the word used - "and that could be much cheaper. Then perhaps we will not use \$500,000; perhaps we will use \$200,000". But that was not fitted into any context; nor did it deal with problems such as, if you are going to use Colorbond, what does that do to the noise? If you are in a theatre and there is heavy rain and the noise disrupts the entire performance, that is hardly going to be a sensible way to deal with that kind of issue. So, we believe that that specific example gave us an insight into the failure of the Government to prepare proper proposals for the capital works program.

We are also particularly concerned that we could not tell which proposals had been eliminated and which had been given preference; all we had was the final say, "These are the ones that are left. Have a look at these. Do you like these; do you not like these?". It was very difficult for us to tell why it was that the Canberra Theatre roof had priority over the building of a primary school at Nicholls; or why, within that area, that had priority over the building of a road, for example.

Yet another example that was of further concern to the committee was the unilateral decision by Mr Humphries to relocate the proposed Cultural and Heritage Centre from the North Building in Civic to an unspecified site elsewhere in Canberra; and the committee drew attention to that in its report. Certainly we know that, in answer to a question at question time yesterday, Mr Humphries indicated that he had an architect's report on that. As far as I am concerned, a single architect's report on how he might go about rebuilding and refurbishing the North Building is hardly the final say on that issue. What had happened was that a committee of this Assembly had considered these matters particularly carefully and had put forward a proposal which had been accepted by the Assembly as a whole. For a single Minister to then turn around and say, "No; we have done away with that now. We are thinking about doing it somewhere else", is hardly a reasonable way to deal with things; it is hardly the approach of a consultative government. It would have been appropriate for Mr Humphries to say, "We have problems carrying that out because it does appear that it is going to cost us much more", and then seek the opinion of the Assembly to see whether it would review its decision.

I, for one, am not ready to review my decision, because I think that what Mr Humphries seems to have lost in looking at a specific dollar criterion is that that committee was seeking to have this area in which the ACT Assembly sits seen as a cultural centre: The Canberra Theatre, the ACT Assembly, and, in the North Building, a further cultural centre. What the committee was looking to do was to try to get the heart of Canberra re-established in arts terms. I see Mr Wood agreeing that that was the intention of that committee at the time.

Mr Wood: And of the Minister.

MR MOORE: And the intention of the Minister. So a fairly unilateral statement, "It is going to cost \$3m more, according to one architect; therefore, we dismiss it", is hardly an appropriate way to deal with a very carefully thought out recommendation of the Assembly's committee.

There were further examples, in terms of long-term strategy for control of weeds, where \$400,000 was put down on one project; yet that was not put in the context of an overall control mechanism in terms of invasive plants. In fact, the Government had responded last year that they were looking to put \$100,000 in over 10 years. I think that was the figure; I may have the figures wrong. But then to turn around and spend \$400,000 on a specific issue for weed control, after the removal of a section of forest, I find quite extraordinary. I found it even more extraordinary because I would have expected that that would be the role of ACT Forests and that ACT Forests, having used that land, should, as a part of their normal process, if they are removing forest from land, then regenerate that land and take appropriate action, as we would demand, for example, from any mining company right across Australia. Why should ACT Forests be different? It is just a way of moving money from one section of government to another.

There are other individual issues that I could deal with, but they are in the recommendations of the committee. The fact that we had a unanimous report on this issue, that it was focused very much on the way that agencies prepared things, and that we did have a very positive reception from the Government is a very good indication that things will be done. I look forward to the comments of my colleagues on the committee and to the formal Government response to this committee's report.

MR BERRY (3.48): I would like to reinforce some of the things that my colleague Mr Moore has said. But before I do, I would also like to thank the members of the secretariat for their hard work on this report, because they were set a pretty tall task. They worked very hard. Mr Rod Power put a whole heap of work into this, at short notice, without complaint and under a great deal of pressure. He was able to replicate the thoughts of the committee members very swiftly and in an expert way. I thank him for that, and I am sure that all the other committee members do so as well.

Today we had an example of what I thought was arrogance - the contaminated sites strategic plan - in light of a matter that was part-heard before a committee of this Assembly. In relation to the decision by Mr Humphries about the cultural centre in Civic, there is a very clear position of a former Assembly committee, a former government and a former Assembly, of which Mr Humphries was part and of which most of us were part. It would have been good manners at least if discussion about this had been taken up with this Assembly committee or other parties in this Assembly to determine a way forward. No; what we were hit with in the committee was a copy of a press release from the Minister setting out his reasons for doing this. I think that that is outrageous.

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It is outrageously rude; it holds the Assembly committee in contempt; and, in effect, it also holds the Assembly in contempt. I think that Mr Humphries has behaved very badly on that issue. I know that Mrs Carnell has come out and said, "I agree; we will do all these things". But that is not good enough. You can stand up and say, "I agree with everybody", which you do most of the time. The problem that we have is this continued bad behaviour and poor performance. From my point of view, I intend to draw attention to it whenever it happens; and it is quite easy. I have no difficulty in finding targets.

The committee has called on the Minister to provide the Assembly with a full explanation of the basis for his unilateral decision to relocate the proposed Cultural and Heritage Centre; and I hope that the Minister takes that recommendation seriously. I hope that the full explanation is here quickly. I suspect that what happened was that the Government needed the money for something else and wanted to use it for something else; and this important feature of the ACT was just brushed aside at a whim.

One of the other things that first came to my attention with this capital works budget was another broken promise. I heard Mr De Domenico say today, "We always deliver", or words to that effect. Every time he has said that there is this electric jolt about the Belconnen pool, petrol taxes and so on. He says, "What we promise, we deliver". I would not use that one any more. It does not work. It is a bit stale; it does not work. When we saw the public works budget, quite clearly out of it was the Belconnen pool. There was not a dollar for it. Clearly, it was a broken promise. It is a great disappointment to me that two Liberal members from Belconnen have not been able to hold any sway over this Government in relation to this pool. One of them is the Sport Minister, for heaven's sake. The Sport Minister, one would think, in relation to a sports facility - - -

Mr Hird: You did not leave any money in the kitty, mate. Have a look at next year.

MR BERRY: You had enough money in the kitty, mate, to subsidise a few of your business mates and give them a little helping hand so that they could give you a round of applause.

MR SPEAKER: Order! Mr Berry has the floor.

MR BERRY: Not by myself, Mr Speaker.

MR SPEAKER: No. But that will change.

MR BERRY: I hope so. That will make it much easier on me.

MR SPEAKER: Indeed. And on me.

MR BERRY: Mr Speaker, the Liberals are never going to forget that broken promise. The people of Belconnen listened to their promise; and many would have supported them because of it. It did not turn up within the capital works budget.

The MBA appeared before the committee; and I have to thank the MBA for coming along, because they put things to us in a different perspective. They went to the issue of a delay in the actual commitment of a job. Whether it be on account of a budgetary process or prolonged decision-making in terms of the planning of the works, we find that the construction period becomes very compressed; and, one way or another, the community pays for that delay, because there are extra costs. The committee has made a recommendation in response to that. I think their attitude to the whole process is really shown up by this sentence in a quote in the report:

Now, a practical construction company just rolls its eyes and says, "But this is madness, you know, if it was my money ...".

That is the language which the MBA used in response to the Government's management of these matters. The committee has made this recommendation:

The committee recommends that the government institute an appropriate process to improve liaison between the agencies expending capital works funds and the private firms undertaking the work, in order to minimise the waste of public funds on inappropriate scheduling of works.

Business has had a strong shot at the Government there, and rightly so, because they have not been able to respond to the concerns of business. Do not tell me that you do not even talk to them! It is an open, consultative council-style government that does not even talk to business to find out what their concerns are! Is that another promise? What a joke!

The report states:

The committee emphasises the obvious point that this year the Draft Capital Works Program has been examined by the Assembly committee that has responsibility for environment matters ... The committee is aware of demands by community groups that governments adopt the requirements of ecologically sustainable development in their capital works expenditure.

One of our recommendations, which is extremely important for me as the environment spokesperson, in particular, is this one:

The committee recommends that the government make it a requirement that proposed new capital works meet the need for ecologically sustainable development. Where the proposed works involve the development of new office and facilities infrastructure, an 'Eco-Office' of the Administration should be resourced to provide advice on whether the plans satisfy best environmental practice.

That was raised by my colleague Ms Horodny. It is a very important recommendation that the committee is making. I am sure that she will have something to say on that.

One other matter, which comes up in relation to the capital works budget, is the allocation of over \$8m for the demolition of the buildings on Acton Peninsula and almost \$3m for the refurbishment of alternative accommodation. In the course of our discussion it was made clear that no survey of possible alternative uses for those Acton buildings was carried out by the Government before making the decision. What an outrageous position! This is a decision which has soaked up most of the special revenue assistance, which was given to us by the Commonwealth, into something that has not even been properly thought through. It is off-the-cuff decision-making, without consultation with the people who are really concerned about it. I think that this is an extremely important recommendation.

The Government does not see it that way. Mrs Carnell leaps to her feet and says, "I agree with everybody". We see her spring up like a jack-in-the-box, saying, "I agree with everybody".

Mr De Domenico: Except you.

MR BERRY: No; I am everybody. I must be included amongst the "everybody". "I agree; I agree; I agree", says Mrs Carnell, to try to get the foxes off her tail. You cannot do that if you keep running a crook government. The sorts of decisions that have been made thus far show that there is a poor process of decision-making within the Government. This \$8m investment of Territory funds is going to hit ACT residents hard. There is no real proof that it ought to have been spent by this Territory.

In fact, there are a lot of arguments that, if there was going to be any expenditure of this sort on land that the Commonwealth wants, they ought to spend it themselves. This is a waste of the money. The \$15m of special revenue assistance that could have gone to the provision of services here in the ACT has, of course, been handed over. Mrs Carnell threw away \$5m of the expected return from the Commonwealth, as well as over \$8m on the demolition; and the refurbishment of the school came to almost \$3m. What we are saying is that absolutely no funds be allocated to the demolition of government buildings unless an appropriate survey of the possible alternative uses has been carried out and the survey results are provided for scrutiny by this committee. The Government might laugh at that, but so far Mr Humphries has a practice of treating the committee system with some contempt. Members of the committee are serious about these recommendations. If you keep laughing at the committee system you will do so at your own expense; so be warned.

The other issue which I think was important was a submission that was put to us by the MBA in relation to the timing of the budget. The MBA also expressed concerns about the level of funding. They said that the cut of 27 per cent next year, or 41 per cent from 1994-95, in their view, was too high. They pointed to the fact that, for every million dollars not spent, about 15 jobs go. This Government's position on employment has not been that bright thus far, especially when you have a look at the employment levels across the Territory. They are dead flat or declining since Mrs Carnell came to office. Have a look at the percentage figures.

Mr De Domenico: The highest participation rate in history; 5,000 new jobs.

MR BERRY: Go away! The unemployment rate is flat or declining right across the Territory.

Mr De Domenico: That is right; it is declining. Spot on; I agree, Wayne.

MR BERRY: The unemployment rate in the Territory has been rising or flat, and so has the economy, every month since you have been in office.

I was interested in the Chief Minister's speech yesterday when she talked about the \$32m in claims for additional expenditure by departmental heads. She said, "If I had not said no to these demands, the deficit would have been greater. I announced that we were deferring the proposed June budget". Because a few departmental heads make a big claim you defer the budget. But you do not consult with business. They are outraged because of the extra expense and uncertainty that this has caused in the business fraternity. They have a right to complain. These people are supposed to be your traditional constituents; and you have turned your back on them. We will not turn our backs on them. They made strong complaints about the timing of the budget and the delay and its effect on business. The committee recommended:

The committee recommends that the timing of the ACT Budget should not work against certainty and predictability for ACT business in order that employment and business success is not hindered unwittingly.

That is the point which I finish on; unwittingly, because that is about the style of this Government. They do most things unwittingly and have not stuck to their promise of consulting with the community or their traditional constituents, the business sector.

MR KAINE (4.03): Mr Speaker, there are a number of aspects of the capital works program this year that I would like to comment on. Some of them have already been mentioned by earlier speakers. The thing that strikes me most about it is that, after six years of various committees - estimates committees and planning committees - reviewing the public works programs year after year and making any number of recommendations each year about how the program can be improved to make it more understandable and more meaningful, we seem to have failed utterly.

We have been trying, during all of that time, to persuade the administration to put together a capital works program that is cohesive; that looks like each year's program is part of a strategy where the works have some priority in the scheme of things; and where each project that is put forward is fully justified; so that we can see why it has been done, how much it is going to cost and the like. Unfortunately, in that respect, this year's program is no better than any of the others that we have seen.

In 1993 we made some very real recommendations about how things might be improved. The Chief Minister at the time recognised all of that. In responding to the Planning Committee's recommendations on this matter, on 23 November 1993, the then Chief Minister said in respect of this program, amongst other things, that there would be established a capital works group. She added:

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This group, chaired by Treasury, with representatives from the ACT Planning Authority, Estate Management, sponsoring agencies and Public Works and Services, assesses the quality of project submissions from departments and agencies. This includes project costings, justifications and cost benefit studies.

All I can say is that that group, if it still exists, has failed miserably, because there were so many projects that came to the Government and to the committee this year where the costings were not complete; where the justification was incomplete; and where, in some cases, where one would have expected them, there were no cost-benefit studies. The only thing that the committee can do is to continue to make recommendations to the Government and to the Assembly to try to get some improvement in performance.

I just mention that over a period of years various committees have made recommendations as to how the program, when it is put forward, might be improved. I would like to quote one or two of them. In fact, the first is from the most recent, the 1993-94 report. There was no report in 1994-95 because of the timing of the budget. But in 1993-94 - in terms of trying to get a handle on the projects themselves, what their priority was, how much they were going to cost, and where they fitted into the scheme of things - although we made a large number of recommendations, there were three in particular that bear on that problem. One of them was:

That the Capital Works Program include a status report on all projects carried over from previous years, identified by project.

We did not see such a thing this year. Another one was:

That the Capital Works Program include information updating the status of items that appeared in the previous year's forward design program ...

The interesting thing about forward design programs is that this year you will get a number of items included in the forward design program, and then they completely disappear; they do not show up next year. Although they were considered to have a priority sufficient to justify their inclusion in a forward design program in one year, they just disappear. There is no explanation as to why they disappeared or whether they are going to pop up in future years or anything of the kind. But that information update did not accompany this year's program.

Another one was:

That the Capital Works Program include information on an agency's list of outstanding new works, in order to provide an insight into the type of projects being considered for future years.

That referred to not only the ones that appear in the forward design program for next year but also other significant projects that are simply in the pipeline and that are expected to come forward in future years.

There are recommendations, which I will not develop in any detail, about proper justification, about demonstrating that they have been properly costed and the like. Yet in this year's program, and I have made reference to this before, in one case a project, not a major one, appeared in the capital works program; it was costed, but the site had not been determined. How can you justify a project for inclusion in the capital works program in September of the fiscal year? How can you justify putting a project in the capital works program with a costing against it when you do not even know when you are going to build it or where you are going to build it?

Mr De Domenico: This is the Monash preschool, is it not?

MR KAINE: I was not going to mention that. But I just mention that as indicative of the lack of justification of a project. My first reaction is: If you do not yet know where you are going to build it, how can you cost it? Secondly, why is it in the program this year? There are some things that get into the program, of course, because they simply have to be included, like the primary school at Ngunnawal. You have to program to build schools to accommodate kids as they come on stream for education. They automatically slide into the program. You expect to find a project like that there. But many of the others that appear in these capital works programs from year to year seem to have no justification in terms of a strategy or a long-term plan to provide the facilities and infrastructure that the Territory needs.

There was another recommendation which we made in the year 1991-92 and which also seems to have been forgotten. That was that projects involving essential maintenance and upgrading - and we referred specifically, for example, to the Adelaide Avenue bus lane reconstruction and the city bus interchange pavement construction - be included in the new works construction program. By and large, these are certainly maintenance projects, but they are very large ones. Until recently, along the Monaro Highway there were a couple of miles dug up. In response to questions, the current Minister gave me some information about the costing. The costing of that project was in excess of \$1m. It did not appear in any forward design program. It did not appear in any capital works program, because it was a maintenance project no doubt. But if any other project worth a million dollars were to come up we would require a very comprehensive cost-benefit analysis to demonstrate why it needed to be done.

I wish to raise another matter, but it is not in the same order of cost. Mr De Domenico and I are aware of the fact that half of Drakeford Drive was resurfaced a little while back; and it was done so badly that it had to be stripped off and it is going to have to be redone. At what cost? We do not know, because it is hidden in a maintenance program somewhere. We never do find out what happens with projects of that kind and how they get in there. What is the maintenance program for resurfacing and repairing our roads? I am trying to demonstrate that for years members of this Assembly, through its committees, have been trying to get a cohesive capital works program where everything is justified; where you know what you are doing and why you are doing it; and where you know how much it is going to cost. We are failing.

On the question of achievable projects, I note that in last year's program \$33m worth of projects were not started by the end of the fiscal year. The Chief Minister and Treasurer had to review \$33m worth of projects that were in the previous year's capital works program and that, as of 30 June this year, had not been started. Some of them are very significant ones. One has to ask: Why? How did they get into the program if it was not possible to implement them? Why was the money not spent? What did the people who should have been overseeing and implementing those projects do? It is very significant work. There must have been a lot of public servants sitting around not doing much, when \$33m worth of projects did not even get started. One has to ask what they were doing.

That is the reason why the committees, the Government and this Assembly need to be sure when we approve a capital works project that it has been properly researched; that projects are properly put together and properly costed; and that we know, with some degree of certainty, what is going to happen. I, and others, I am sure, will be looking very carefully in future years, project by project; and, if the committee has anything to do with it, nothing will get into the program in future unless it has been properly justified from the outset.

MS HORODNY (4.13): Mr Speaker, as a novice to this process, my initial response to this capital works program was that, as other members have said, the proposals appeared to be rather ad hoc; and I could not see any clear strategy. When I remarked to the other members about this void they all said that they ask for a strategy each and every year; and each has responded to this question in this way today as well: The lack of a long-term plan is an ongoing issue. I would like to reiterate the point. Let us hope that this is the last year that a capital works program is presented to a committee without that overall plan.

I was absolutely horrified to see the proposal for the spending of \$435,000 on so-called nature reserve infrastructure with no - and, I repeat, absolutely no - indication of where it would be sited. That is obviously the critical point about this issue. I had no idea what it was; why it was there; what it was about; and where it was to be located. How on earth can I endorse such a proposal when I do not know the answers to those questions and was not able to get those answers from the people who were there supposedly to address those questions? It is impossible for me - and it should be equally appalling, and I think it was, to the other members of that committee - to give any such endorsement to a proposal like that.

I was equally unhappy with the proposal to invest \$400,000 in the rehabilitation of Boboyan Pines, with no information about a weed strategy to provide some context about implementing that plan. It does not make any sense to me to be preparing that area for rehabilitation when there is no comprehensive strategy in place to make sure that weeds in the nearby Tidbinbilla area do not invade that freshly prepared area for rehabilitation. We need to be tackling invasive plants all over Canberra, particularly in the Tidbinbilla Nature Reserve. I recently went for a drive through this nature reserve to investigate the weed problem there. I had not been there for some 18 months. I noticed an incredible increase in weeds there. I was really horrified, knowing how quickly these plants spread. I noticed pyracantha, cotoneaster, privet and box elder.

They were everywhere. I know that it was not the case 18 months ago when I was last there. I ask again: What is the point of preparing this land at Boboyan Pines after the pines have been logged and the stumps removed? The soil will be tilled; it will be right for sowing native vegetation, as it should be; and then to have the weed infestation from this nearby area is a ridiculous waste of money and time. The rehabilitation program certainly needs to go on, but it needs to have a context; and the weed strategy needs to be in place so that what happens in this rehabilitation area actually has lasting effect.

I also believe that it is vital for the Government to actually implement environmental guidelines relating to all aspects of our environment and planning. This includes using the ecologically sustainable development principles, which should cover all materials used for government buildings, as well as design and siting, internal fixtures, fittings and furniture. The fundamental ideas behind ESD include recycling, minimising energy use, sourcing materials from ecologically sustainable processes and protecting ecological communities within our urban areas as well as outside our urban areas. This principle views the recycling of all buildings as an essential element. In 1995 it is absolutely inexcusable to be spending \$8.125m to demolish buildings at Acton which probably still have a lifespan of 30, 40 or more years. When I asked the people that appeared before the committee whether any assessment had been made of the cost of refurbishing buildings at Acton, I was told flatly, "No". That is interesting.

Another real concern that I had about the program was that the Canberra community was being asked to cover the cost of the link between the two courts, when the National Capital Planning Authority requires a much more costly semisubmerged structure. Surely we have to insist that the Federal Government pay the difference between the cost of the link that would be adequate to our community standards and that required by a national standard. That seems like a very sensible idea to me. I am pleased to hear that the Government has been talking recently about long-term strategies; and I look forward to future capital works programs which reflect some kind of strategy very clearly and decisively.

Debate (on motion by **Mr De Domenico**) adjourned.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1995

Debate resumed from 22 June 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR CONNOLLY (4.21): This Bill is designed essentially to tidy up what could be some legal doubt about the process of dispensing heroin in pharmacies. That was an issue that excited quite considerable debate last year when the then Opposition Leader moved private members legislation to expand considerably the ability for takeaway doses of methadone to be dispensed through private pharmacies in the Territory. The Labor Party then in government had some real reservations about that, but the Assembly voted in favour of the proposal. We do not intend to redebate that fundamental issue here,

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although I can put the Minister on notice that in the estimates process we will be asking some questions about how that is going and how safeguards are going, and in particular some questions about what form of urinalysis and the like is taking place, both at the centre and for people with takeaway doses, to ensure security. Methadone, as we know, is not a safe substance and there have been tragic events occurring as a result of methadone. However, we are not relitigating that now.

The concern has arisen because of an advice from the ACT Government Solicitor that the word “treatment” as it stands in the original legislation may not cover the passage of takeaway doses for consumption elsewhere. I must say that that would not be my interpretation. I would assume that, when I go and see a doctor for treatment, the treatment could well include the whole process from the doctor prescribing the drug, my trotting off to the pharmacist, who dispenses the drug, and my going home and taking the drug. That commonsense language would persuade me, and I think it would probably persuade a court; nevertheless the ACT Government Solicitor has taken a contrary view and the Government, in order to put the matter beyond doubt, brings this legislation forward. As it is correcting a potential technical problem, the Opposition has no quibble with it.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.23), in reply: I appreciate the support of the Opposition on this Bill. As Mr Connolly says, the definition of “treatment” includes the supply of methadone to a person for self-administration at the centre or elsewhere, and this can occur at both public clinics and non-government treatment centres such as pharmacies. So the problem potentially exists at both the government clinics and pharmacies. I believe that it is always better to have legislation in place that makes sure that the law is clear and leaves very little room for reinterpretation, particularly in an area like this. There will always be people who will attempt to interpret it in a different manner, for all sorts of reasons. This amendment Bill provides a clear basis for the legality of the provision of takeaway doses of methadone to be consumed elsewhere as prescribed. I think that is appropriate, and I am pleased that the Assembly supports this.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CHILDREN'S AND YOUTH SERVICES BUREAU - ESTABLISHMENT
Ministerial Statement

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

That the Assembly takes note of the paper.

MR OSBORNE (4.24): Mr Speaker, I realise that it has been quite some time since Mr Stefaniak presented his ministerial statement on the establishment of the Children's and Youth Services Bureau, but I am pleased that in this case it has given me the opportunity to give a bit more thought to what the Minister has put forward as a *fait accompli*. In the Tuggeranong Valley and the electorate of Brindabella, we have more young families and more children than in the rest of Canberra.

Mr Moore: And you are doing your bit to improve it.

MR OSBORNE: And I am doing my bit to improve that, too. I am sure that we have more need for support services for children and families than in the older areas of Canberra, so I am particularly concerned that we get it right.

I am troubled that in creating this integrated service, this bureau in the Department of Education and Training, we are putting all our eggs into one basket. The Minister says that it will ensure improved coordination of service delivery, that the emphasis for the youth services grant program will be on service delivery, and that funded services will be required to demonstrate a commitment to providing outcomes for all young people. That is bureaucratic jargon. It seems to me that this has come out of some management manual and is about processes, not people. It all sounds to me like more public service jobs and more bureaucrats having meetings with each other and acting as inspectors on community organisations.

While the one-stop shop idea of having one central bureau in the Education Department looks like efficient management, it also means only one avenue for people to access and only one bureaucratic body making judgments and advising on allocating funds. The needs and problems of families and of young people from babyhood through to their twenties are much more diverse than a single bureau in the Education Department is ever likely to understand. Where is the link between the bureau and Family Services, which is still in Housing? It has been well demonstrated in recent years that public sector welfare agencies can be downright jealous of community organisations intruding in their paddock.

Frankly, I think the Minister has been too hasty in accepting this proposition from his department and his department has been too smart in getting up an empire-building proposal fast and early with their new Minister. Other speakers in this debate have expressed doubts too. I worry because the health and welfare and the problems of our young people and families are too important and too diverse to be shoved into a single bureau in one department. Maybe I am wrong. I hope that previous speakers in this debate will consider joining me in demanding that the Minister and his department take a much broader and more sympathetic view on this matter.

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MR STEFANIAK (Minister for Education and Training and Minister for Children's and Youth Services) (4.28), in reply: I thank members for their comments. I want to deal with a couple of the points Mr Osborne raised. The idea of putting all the eggs in one basket, as he described it, is to enhance services. It is not a question of more bureaucrats; it is really a question of providing a better service where it is needed. One point he raised was that Family Services is still in Housing. In fact, Mr Osborne, as from 1 July this year the Family Services Branch has been part of the bureau. That involves child care and protection, adoption and foster care, juvenile justice and also community grants. What it means is that the full range of services for youth, children and families are in the bureau.

I think we have seen a number of improvements so far. Taking possibly one of the worst areas - the provision of services to youth at the worst end of the scale, in the Quamby Remand Centre - the rationalisation of those services under one department has enabled us to improve the delivery of training programs to the detainees in Quamby. We are seeing some good programs go in there now and some significant attempts at rehabilitation of the detainees. I expect to see a lot of benefit from the various programs that have gone in there over the last couple of months. I do not think that would have been so easy to do had we not had youth and family services in the one area. This obviously needs ongoing monitoring. It is something that this Government is keen to see work, and the current signs are very positive that it has been a good move. Certainly, I will be closely monitoring it, as will my colleagues in government, Mr Osborne; you can rest assured of that.

Question resolved in the affirmative.

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

Debate resumed from 30 May 1995, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

MS FOLLETT (Leader of the Opposition) (4.30): Mr Speaker, it is a great pleasure for me to be speaking on one of the most important social justice issues of our time, namely, the empowerment of Aboriginal peoples and Torres Strait Islanders in our community. It is my view that this issue ought to remain as apolitical as possible. In government I sought from other parties a commitment to this approach, and I commit my own party to such an approach from the Opposition benches. There are, however, a number of points I wish to make on Mrs Carnell's statement, which I have studied in considerable detail.

It is with disappointment that I place on the record what I regard as a lack of real progress on the implementation of the report on Aboriginal deaths in custody. When Mrs Carnell had delivered her statement I naturally enough went back to my own last statement, which I made on 16 June 1994, that is, about a year before the current

ministerial statement on the same issue. To say that there is little difference between the two statements would be a major understatement. In fact, there are entire paragraphs from my statement last year that are repeated in Mrs Carnell's statement. I fully accept that Mrs Carnell's views and sentiments on these matters may well be identical to my own - I assume that her middle name is not Demidenko - but I do think some recognition of the source of those views and those paragraphs might well have been appropriate.

I consider that one of the most significant responses to the report on Aboriginal deaths in custody and one of the most significant initiatives taken by my Government was the appointment of the Aboriginal and Torres Strait Islander Consultative Council. This meant that, alone of all the Aboriginal and Torres Strait Islander communities in Australia, these peoples in the ACT have had direct access to the head of a government and direct input to policies across all portfolios. In my view, this is empowerment in action, not just empty rhetoric. The council provided advice to me and my then Ministers on a myriad of issues. They included relations with police, law reform, corrective services policy, education and language policies and, of course, the keeping place or cultural centre. The council was also crucial to the appropriate commemoration of the International Year of the World's Indigenous Peoples.

Perhaps more important than their advice to government, though, is the role the council can and must play in consulting with Aboriginal and Torres Strait Islander peoples in the ACT and in providing all of those people with a voice to government. I realise that consultative processes can be long and somewhat messy; they do not often fit into a deadline-driven bureaucratic view of decision-making, and they are all the more important because of this. I also realise that the council's consultative role is sometimes a difficult one for them. We should no more expect all Aboriginal and Torres Strait Islander peoples to share the same view on important issues than we would expect it from any other disparate group of people. The council always sought to be inclusive in their consultations, and that is greatly to their credit.

I am happy to place on the record again my grateful thanks to Kaye Mundine and the council for all their work during the time I was in government. I pass on also my very best wishes to the new council in their work. There is, however, one note of disappointment that I had with the council, and that was that Ms Matilda House, a very prominent Canberra Aboriginal representative, has consistently declined to join the council. I invited Ms House to join the first council on a number of occasions but was unable to persuade her to do so. I genuinely hope that this present Government does succeed. I stress that I consider it essential that the council operate in as inclusive a way as it possibly can.

As I said earlier, one of the council's important tasks was to advise the then Government on the keeping place-cultural centre project, which had been recommended and accepted for funding from the casino premium. The council's advice was received fairly late last year, after an exhaustive consultative process. As members will know, the council's view was to emphasise the cultural aspects of the project. They were also very keen for the centre to be co-located with the Gallery of Aboriginal Australia. I share Mrs Carnell's view, as she has expressed it, that the best site for these developments was and remains Yarramundi Reach. Nevertheless, the decision on siting for the National Museum and the

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Gallery of Aboriginal Australia was always a decision for the Federal rather than the Territory Government. I accept that the Federal Government has chosen Acton Peninsula, but I still regret that Mrs Carnell has done such an appalling deal on the handover of Acton to the Federal Government.

There are a number of other matters I wish to draw to attention because of my view that action on them could and should have been swifter. First, members might have noticed in the empowerment report a little addendum slip inside the cover. This addendum reflects the fact that the police have not yet brought all their instructions and procedures into line with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, although the body of the report indicates that they have. I regard this as an unsatisfactory state of affairs, and I hope that Mrs Carnell will be able to account for it in her closing remarks. When I spoke on this issue in June last year - that is over a year ago - I stated:

... the AFP (ACT Region) has brought almost all its instructions and procedures into line with the Royal Commission's recommendations. Work has also commenced and is continuing on upgrading police cells to the standards outlined by the Commission.

That was over a year ago, and I would very much like to know why that work has not yet been concluded. If my memory serves me right, and it usually does, funds were allocated for this work from our deaths in custody money from the Commonwealth, and that was some time ago. I hope that both Mrs Carnell and her Police Minister will take this matter up urgently.

There is another fairly sensitive matter that I would like to draw to attention, and that is my approach to the Commonwealth to grant a lease in perpetuity to the ACT's Aboriginal community over two sites that have special significance to them. These sites are Boomanulla Oval at Narrabundah and the site of the cultural centre. I wrote to the Prime Minister perhaps two years ago on this matter and, despite following up my letter on a couple of occasions, I had not had a response at the time we went into caretaker mode before the recent election. I assume that there has still been no response, although Mrs Carnell might want to address that matter. It is my view that the granting of leases in perpetuity on these two areas may well be the ACT's major, if not only, recognition of the High Court's Mabo decision, and I therefore regard progress on the matter as having a high priority. Such progress is unfortunately a matter for the Commonwealth, under the Seat of Government Act, and I am disappointed that they have not so far been more responsive. Members may be aware that the overwhelming majority of the ACT's land could never be subject to a successful Mabo-style land claim as it was under lease or otherwise alienated many years ago. So the possibility of these leases in perpetuity, and perhaps some suitable arrangements in Namadgi National Park as well, may be the only means open to us to recognise, as does the Mabo decision, the right of Aboriginal peoples to land.

In conclusion, I express the hope that the next time Mrs Carnell reports on implementation of the Aboriginal deaths in custody report she will have some progress by her own Government to report, rather than a reiteration of action taken by mine, and I genuinely wish her well in this endeavour. Such progress is not easy.

It often requires coordination of a large number of agencies and the commitment of both resources and energy by those agencies. I realise that scarce resources also mean prioritising of tasks. However, it is my view that there can be few higher priorities for any government than redressing the acute disadvantage and disempowerment of Aboriginal peoples and Torres Strait Islanders over the past 200 years. I commit the Labor team to being vigilant watchdogs over progress in this matter - not, I repeat, in order to score political points; rather to ensure that empowerment of Aboriginal peoples and Torres Strait Islanders does become reality rather than mere rhetoric.

MRS CARNELL (Chief Minister) (4.40), in reply: I think I made it very clear when I tabled the response on 30 May this year that the response I was giving was predominantly with regard to the previous Government's reactions or what they had put in place as a result of the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. In fact, by its very nature it had to be, because it was the 1993-94 ACT Government report. I think that is an appropriate approach, and I made it very clear when I was speaking that we were talking about things the previous Government had done.

There are two things that need to be clarified. The new ACT Aboriginal and Torres Strait Islander Consultative Council has now been appointed, and it held its first meeting on 21 August 1995. One of the members of that new consultative council is Ms Matilda House, and I am very pleased that she has decided to take that position. We hope that the new consultative council does represent all of the different groups in the Aboriginal and Torres Strait Islander community. We have changed the approach somewhat and allowed the council itself to elect its chairperson, which we believed was an appropriately democratic approach to the new council; and we will see how well that works in the future.

The other issue Ms Follett spoke about was the issue of the last ACT Aboriginal and Torres Strait Islander Consultative Council recommendations with regard to the cultural complex. Ms Follett seemed to suggest that their recommendation was to have the facility co-located with the Federal Government's Gallery of Aboriginal Australia. In Ms Follett's press release on the issue, which was put out on 25 January 1995, a long time before the election and certainly a long time before the land swap, she said:

The ACT Aboriginal and Torres Strait Islander Advisory Council has indicated to me that it prefers a site on Acton Peninsula.

Ms Follett: I prefer Yarramundi; so do you. They wanted Acton.

MRS CARNELL: The council actually suggested that they wanted Acton Peninsula, not Yarramundi; co-located with the gallery, but on Acton Peninsula. It is just an interesting clarification of comments Ms Follett made. As we know, progress has been made to achieve that end for the ACT Aboriginal and Torres Strait Islander Consultative Council, who recommended to the previous Government that that is where they would like it to be. I understand that expressions of interest for designs have been sought by the Federal Government for both the Gallery of Aboriginal Australia and the cultural complex. We agree that they do need to blend together, although they will be separate facilities, and we will be very keen to see what comes out of that.

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The Federal Government has indicated that for the Gallery of Aboriginal Australia and the Institute of Aboriginal and Torres Strait Islander Studies they are now looking at \$25m to \$30m in expenditure for the ACT, which I think is very exciting. Add to that our own cultural centre, and I think we could have on Acton Peninsula something very exciting for the ACT and for Australia. I would like to reaffirm this Government's commitment to working towards improving economic, social and political conditions for Aboriginal people and Torres Strait Islanders in the ACT. We certainly will be progressing the implementation of the recommendations of the royal commission, and I am very pleased to hear from Ms Follett that there will be a non-partisan approach to this very important issue.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Sex Workers - Police Records

MR MOORE (4.44): Mr Speaker, today when the Canberra Kookaburras were greeted by the Assembly and congratulated, the Chief Minister used a photo opportunity to be in the front row. It occurred to me that she was taking the role of hooker, which in turn suggested another problem about different types of hookers - not the football style of hooker, as she was in the photo opportunity, but the hookers at Fyshwick and Mitchell. It reminded me that the Select Committee on HIV, Illegal Drugs and Prostitution recommended that, where the other type of hookers, the prostitutes, had records that the police were keeping, the Minister for Police should ask the Chief Police Officer to destroy the records of such workers. My understanding is that that has yet to be done.

It is quite some time - I think, three years - since the successful legislation was passed in this Assembly on a vote of 16 : 1, and I think it is time those records for people who, under our present regime, have not committed a crime were destroyed. We have a situation where citizens of the ACT have inappropriate records kept on them, and I believe that it is appropriate that those records be destroyed. Where a particular person is involved in some investigation for a specific crime it is an entirely different issue, and of course the police may well find that there are specific records that fit into that category. Perhaps somebody is involved in a crime with drugs or some other issue that requires investigation. I am talking about the long-term records of people that were kept simply because they were sex workers. Those are the ones that need to be destroyed, and I call on the Minister to take action on that matter. Let me emphasise in closing, Mr Speaker, that it was only a kick, in my mind, from the front row hooker that was in any way reflecting on the Chief Minister.

Football Teams

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation) (4.47): I suppose Mr Moore jogged my memory there. He does not make a bad front row forward, actually. He packed in there quite well as a prop, and the Chief Minister did an admirable job hanging between Mr Moore and me in the hooking position. On the matter Mr Moore raised, congratulations are certainly due to the Canberra Kookaburras on winning in second grade and in first grade getting to the grand final - a truly excellent effort in their first year in the AAMI competition, which is a major competition. I think all of Canberra can be very proud of what they have done, and it was very appropriate that the Chief Minister of this Assembly hosted a function for them. On that subject, Ms McRae indicated that she was missed out, and I will certainly take that up to make sure that things like that do not happen again. I would have thought everyone would have been invited to that function. Thank you for bringing that to my attention, Ms McRae. You should have gatecrashed it! I will make sure that things like that do not happen again. It was very appropriate to congratulate the Kookaburras on such an excellent effort.

Might I say that in the coming Winfield Cup grand final on the weekend the best team in the competition unfortunately will not be playing, but I am sure that all of Canberra will applaud Tim Sheens and his team on their efforts this year. Many members of the Canberra public have enjoyed the excellent displays out at the Bruce Stadium over the year.

Mrs Carnell: Ossie's team won.

MR STEFANIAK: Indeed. While we are on congratulations, congratulations to the only member of this Assembly still playing very high level competitive sport, Mr Osborne, who has not lost any of his ball skills, for West Belconnen's excellent 26-14 win over Queanbeyan Blues. It was an excellent effort. Mr Osborne did not leave the field very often either. I think he had a couple of breathers and that was about it. He showed a bit of pace and some excellent skills. Well done, Mr Osborne.

Football Teams

MR OSBORNE (4.49): I must say that I am disappointed that both Mr Moore and Mr Stefaniak have jumped the gun on me. I would like to echo Mr Stefaniak's words and congratulate the Kookaburras on a very successful season. We do not appreciate how hard it must have been for them going into their first year and doing so well, with their reserve grade winning the competition and their first grade playing so well. Also, congratulations should go to West Belconnen. I did look after the five local members out there. I tried my best. Finally, on the Raiders, obviously something was missing from last year. I do not know what it was. I just could not quite put my finger on it, but they certainly were not the same side as last year. It was a great effort, and unfortunately the best side will not be there. I just hope that Manly gets smashed.

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Sex Workers - Police Records

MR HUMPHRIES (Attorney-General) (4.50), in reply: Mr Speaker, I indicate that I am very happy to take up the issue Mr Moore raised about the records of sex workers.

Question resolved in the affirmative.

Assembly adjourned at 4.50 pm