DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 September 1990

Thursday, 20 September 1990

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

PETITION

The Clerk: The following petition has been lodged for presentation, and a copy will be referred to the appropriate Minister:

Wanniassa Hills Primary School

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Legislative Assembly:

the fact that Kindergarten children at Wanniassa Hills Primary School (WHPS) finish at 2.30pm. This varies by half an hour with their fellow students at WHPS and students at the majority of other Government-run schools in the ACT, all of whom finish at 3.00pm.

Your petitioners therefore request the Assembly to:
assist in aligning the finish time for Kindergarten children at WHPS with that of other students at WHPS and other Government-run primary schools in the ACT.

By **Mr Humphries** (from 63 citizens).

Petition received.

VENEREAL DISEASES (AMENDMENT) BILL 1990

MR HUMPHRIES (Minister for Health, Education and the Arts) (10.31): Mr Speaker, I present the Venereal Diseases (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Venereal Diseases Act 1956. The Act provides for the mandatory notification of venereal diseases to the ACT Community and Health Service. The Act also authorises the payment of a $1 fee to medical practitioners and pathologists upon notification of a case of venereal disease to the appropriate authority.

This Bill seeks to amend the Act repealing the payment of the fee. The notification of the fee has proved expensive to administer, using resources to a value well in excess of the fees paid. Also, similar fees are no longer paid in other Australian States and continuation of such a minimal fee in the ACT is considered anachronistic. Removal of the fee payment will result in a small financial saving to the Government but, importantly, human resources tied up in its administration will be released for more productive work. I now present the explanatory memorandum for the Bill.

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

NATURE CONSERVATION (AMENDMENT) BILL 1990

MR DUBY (Minister for Finance and Urban Services) (10.33): Mr Speaker, I present the Nature Conservation (Amendment) Bill 1990. I move:

> That this Bill be agreed to in principle.

Mr Speaker, Namadgi National Park was declared under the Nature Conservation Act 1980 in 1984. The park covers 94,000 hectares in the southern ACT and is the northernmost extension of alpine and sub-alpine areas extending from the Victorian Alps, through Kosciusko National Park in New South Wales to Namadgi in the ACT. The Australian Alps National Parks Agreement covers Namadgi, and commits the ACT Government to conserve the outstanding natural and cultural values of the alpine national parks in cooperation with the other governments.

Namadgi has a wide range of plant communities and animal habitats, including alpine and sub-alpine snowgum forest, wet sclerophyll and montane forest, fragile ferns and swamps and frost hollow grassland in the valleys. There are also a variety of Aboriginal and European cultural sites in Namadgi. These include Aboriginal rock art sites, stone arrangements, artefact scatters and examples of European settlement, including pioneer and early grazing period homesteads.

Namadgi offers a variety of recreational opportunities to Canberra and Queanbeyan residents, as well as visitors to the ACT. Opportunities include camping, bushwalking, picnicking, cross-country skiing, horse riding, fishing and, of course, nature appreciation. The recreation objectives are to encourage visitors to appreciate the bush land of Namadgi and to provide a wide variety of recreational opportunities while protecting the natural and cultural values of the park. Members will be aware that on World Environment Day, 5 June this year, the Government announced the extension of Namadgi National Park to include the North Cotter and Mount Tennent and Blue Gum Creek areas.

This Bill is related to archaeological investigations in wilderness zones. Wilderness zones are declared under section 52 of the Nature Conservation Act 1980. In December 1989, the previous Government declared the Bimberi wilderness within Namadgi National Park. This put into place a commitment made in the management plan, and agreed to with the New South Wales Government, that a wilderness zone would be declared that incorporated the southern part of the ACT and part of Kosciusko National Park.

Like Namadgi National Park, the Bimberi wilderness zone contains substantial cultural resources. The management plan for the park, and the Act, require the conservator of wildlife to manage these resources appropriately. Section 59 of the Act specifically prohibits excavations in a wilderness zone. This is intended to protect the values in the wilderness area from being disturbed. There may be a requirement in the future to investigate the cultural resources of the Bimberi wilderness zone which may require a scientifically conducted archaeological excavation. The most appropriate course of action, Mr Speaker, is to amend the Act.

This Bill amends the Act so that the prohibition on excavation in wilderness areas does not apply to excavations carried out as part of a scientific archaeological investigation with the consent in writing of the conservator of wildlife. The Bill allows for permits to be issued by the conservator of wildlife to organisations that can demonstrate that the archaeological survey is of benefit to our understanding of the cultural resources and that excavation is necessary. The organisation is required to rehabilitate the area once the excavation is complete. The Bill, as presented, has no commencement clause. It will commence from the date of gazettal. Mr Speaker, I present the explanatory memorandum for the Bill.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1990

MR DUBY (Minister for Finance and Urban Services) (10.37): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 3) 1990. I move:

> That this Bill be agreed to in principle.

The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. This Bill will require vehicles being registered in the ACT to conform with the Australian design rules, which set out national design standards for vehicle safety and emissions. They are developed through a consultative process involving Commonwealth, State and

Territory governments, and industry, employee and consumer representatives, and are endorsed by the Australian Transport Advisory Council, of which I am a member. All States and Territories enforce the Australian design rules when registering motor vehicles.

With the exception of design rules relating to vehicle emissions, which were included independently in the Motor Traffic Act, the ACT has been enforcing Australian design rules administratively since 1973. This Bill will ensure that the Australian design rules can be legally enforced. It will also streamline the legal processes previously required to enable Australian design rules to be applied. Provision will be made to ensure that vehicle owners are not disadvantaged by the retrospective nature of the proposed legislative amendment. Vehicles registered in the ACT prior to the implementation of this amendment will be deemed to comply with the design rules applicable to that vehicle at the time of manufacture. Considerable consultation has occurred with the Department of Transport and Communications and transport authorities in other States. All have concurred with the need to legislate on this important matter.

Finally, there is an important additional reason for this Bill. The Federal Government's road safety initiatives include the introduction of Australian design rules relating to speed limiters for heavy vehicles. Accordingly, without legislating to introduce Australian design rules the ACT cannot participate in funding available under this Federal initiative. In this sense, this Bill forms part of our commitment to the Federal Government's 10-point package of road safety initiatives. I now present the explanatory memorandum for this Bill.

Debate (on motion by **Mrs Grassby**) adjourned.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1990

MR DUBY (Minister for Finance and Urban Services) (10.40): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 4) 1990. I move:

> That this Bill be agreed to in principle.

This initiative is part of our commitment to the Federal Government's road safety initiatives, which include increased enforcement of seat belt and child restraint wearing.

The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. This Bill will require children under one year of age, who are travelling in a moving motor vehicle, to be restrained in a suitable Australian standards approved infant or child restraint, where the

vehicle is fitted with restraint anchorage points. Under the Australian design rules, all cars built since 1976, station wagons since 1977, vans since 1986 and small buses since 1987, are equipped with anchorage points. At present, legal protection is given only to vehicle occupants one year of age and over. This Bill will ensure that all persons have legal protection.

Four States have introduced appropriate legislation, and other States will follow shortly. No State initially legislated for the restraint of children under one year of age because of the unavailability of suitable child restraints, such as baby safety capsules and child seats. There was also a high cost associated with the purchase of approved child restraints. Baby capsules cost approximately $100, although I must say that this is a small cost when measured against the value of a child's life.

Road crashes are the most common cause of death for Australian children up to 16 years of age. Most children killed in road accidents are passengers in motor vehicles, and the wearing of seat belts or child restraints has been shown to reduce the death and injury rates of children in crashes significantly. However, parents are still not recognising the importance of keeping their children restrained in vehicles. In the ACT, a staggering 57 per cent of persons killed in road crashes in 1989 were not wearing seat belts or restraints.

Baby capsules and other approved child restraints are readily available in a number of retail outlets in the ACT for those who wish to purchase. In addition, and as a result of the efforts of the Child Accident Prevention Foundation of Australia, an infant restraint loan service operates in the Territory. It provides baby capsules to parents of newborn babies for only $30. The Motor Vehicle Registry is also available to provide advice on the correct fitment and use of baby capsules and child restraints. A person hiring a rental vehicle is responsible for ensuring a restraint is used. I understand that rental car companies have suitable child restraints available.

The Bill provides for a period of grace of three months before its commencement to allow parents time to hire or purchase a suitable child restraint. During the period of grace a publicity campaign will be conducted to advise motorists of this new legal requirement. It will also direct attention to the issue of seat belt wearing in general.

Mr Speaker, let me say that I particularly welcome the opportunity to introduce this legislation as I believe it addresses a vital road safety issue. It ensures that parents or carers behave in a responsible manner towards young children's safety in vehicles by providing adequate restraints. In addition, this Bill could provide significant cost savings to the community through fewer

road deaths and injuries to young children in road crashes. The estimated cost to the community for each road death is $560,000. In 1989, 32 people died on ACT roads, representing a cost of nearly $18m to the community. The cost of a baby capsule or other restraint is negligible when measured against the suffering and pain caused to the community by death and serious injury as a result of road crashes.

Legislation such as this to require better protection of young children is an important step towards reducing the trauma. However, let me emphasise that child restraints and seat belts can be effective in saving human lives only if they are used. An unused seat belt cannot offer any protection and parents have a responsibility to ensure that their children are adequately protected. I now present the explanatory memorandum for this Bill.

Debate (on motion by **Mrs Grassby**) adjourned.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1990

MR DUBY (Minister for Finance and Urban Services) (10.45): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 5) 1990. I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill is part of our commitment to the Federal Government's road safety initiatives, which include increased enforcement of seat belt and child restraint wearing. The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic.

Mr Speaker, I am sorry to hold you up. There has apparently been a mix-up in the administrative side of things and I have a duplication of my previous speech.

Mr Speaker, the Motor Traffic Act 1936 regulates various motor vehicle and motor traffic matters such as vehicle registrations, driving licences, road safety rules, speed limits, parking rules and insurance.

In particular, section 36 of the Act provides that the maximum fares chargeable for taxi hire are as set by regulation. The Motor Traffic (Amendment) Bill (No. 5) 1990 amends the Act to allow the Minister to determine maximum fares for taxi hire by a notice published in the Gazette. The taxi industry has been critical of delays in giving effect to taxi fare variations. The amendment will overcome delays and enable fares to reflect market conditions more accurately.

This Bill has no direct financial implications for the ACT Government. It is simply a time saving technique which, as

I said, enables the Minister of the time to fix taxi fares as a result of consultation with the taxi industry advisory council. It means that in future when variations to taxi fares are required - and almost invariably that means fares going up - there will not be a lengthy time delay required for amendment and endorsement by the Assembly. Mr Speaker, I present the explanatory memorandum for this Bill.

Debate (on motion by **Mrs Grassby**) adjourned.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 6) 1990

MR DUBY (Minister for Finance and Urban Services) (10.49): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 6) 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, the ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. This Bill increases the penalties for on the spot fines for traffic infringement notices or TINS as they are known in the trade. This is part of the Government's ongoing commitment to improve road safety and reduce the road toll in the Australian Capital Territory. The increased penalties complement such measures as increased enforcement of seat belt and restraint wearing, graduated licences for novice drivers and continued road safety education programs in schools.

Traffic infringement notices are issued by the police for less serious traffic offences such as speeding, which has been graduated into three levels in the Australian Capital Territory - up to 15 kilometres above the speed limit, 15 to 30 kilometres, and over 30 kilometres; not wearing a seat belt; not stopping at a stop sign or giving way at a give way sign; not wearing a motor cycle helmet; and so on. Offences of a more serious nature, such as dangerous or negligent driving, are not traffic infringements. Offenders who commit these types of acts do not receive on the spot fines but are required to go before the court. Driving at a dangerous speed is one such offence with a penalty of up to $2,000.

The estimated cost to the community for each fatality as a result of a road accident is currently $560,000. In 1989, 32 people lost their lives on ACT roads, representing a cost to the community of nearly $18m; that is before taking into consideration the emotional cost to relatives and friends of the victims.

Let me say that I am confident that, by increasing the fines for traffic infringements, drivers in future will think twice about how they drive. There will be more incentive for them to behave as responsible drivers. There will also be strong deterrents for those who habitually

flout the law and risk the lives of others. The fines for traffic infringements have not been reviewed since they were introduced in 1983. They do not reflect an adequate level of penalty to provide a deterrent to potential offenders. This Bill provides for an approximate 60 per cent increase in the level of all traffic infringement fines, which is approximately the consumer price index since the fines were first introduced.

Fines for similar offences in other States have been considerably higher for some time. This Bill brings the ACT more into line with other States, with the exception of fines for speeding offences in New South Wales. In that State, fines for exceeding the speed limit have been increased more than fines for other traffic offences. This is essentially because of the recent horrific spate of crashes on the Hume Highway and other major New South Wales roads. On the spot speeding fines in New South Wales range from $81 to $750, depending on the speed and type of vehicle. ACT speeding fines will now range from $70 to $130. Mr Speaker, I stress that this Bill is essentially an interim measure pending a full review of penalties imposed under the Motor Traffic Act. I will be monitoring the effect of the increased fines over the time ahead, and I am confident that they will have a positive effect on the road environment. I now present the explanatory memorandum for this Bill.

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

GAMING MACHINE (AMENDMENT) BILL 1990

Debate resumed from 18 September, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (10.53): Mr Speaker, the Opposition will not be opposing this Bill in principle. I do, however, wish to raise a number of issues surrounding the Bill and I will be moving an amendment to it.

I would like to point out that the Labor Party does have an interest in the licensed club industry in that it established, and is a significant beneficiary of, the Canberra Labor Club. I, myself, am a member of a number of ACT licensed clubs.

Mr Speaker, I am a bit concerned that the Minister whose Bill this is is not in the house. Here he comes.

Mr Humphries: Look who is talking; you are never here.

MS FOLLETT: Not when I am in charge of a Bill.

Mr Speaker, as the Minister pointed out in his presentation speech, this Bill gives effect to three decisions made by

the Government as part of its budget. It increases the maximum allowable denomination for use in gaming machines from 20c to $2; it increases the number of class B gaming machines which can be installed in hotels providing accommodation from three to 10; and it introduces a new tax regime for gaming machines. It is that last change, the new tax regime, which could probably be seen as the most controversial.

We must always keep in mind when discussing the taxation of poker machines that licensed clubs are a very significant industry in the ACT. They employ around 2,000 people; they contribute to our important tourism industry; and they contribute greatly to the community in general. That, of course, is not to mention the significant revenue they provide to the budget. So it is very important that the taxation system on those licensed clubs does not kill the goose that lays the golden egg.

Mr Speaker, I think it is fair to say that in general licensed clubs will not be too concerned about the new tax regime and, in fact, very small clubs with less than, say, 10 gaming machines will actually benefit from the new system. Medium sized clubs will be affected little. It is the five or six largest clubs who will be most affected and from whom by far the largest proportion of the additional revenue will be generated.

My understanding, Mr Speaker, is that most of the clubs believe that the availability of $1 and $2 machines will largely compensate the large clubs for the new tax regime; but I would like to make a couple of points about that new regime. As a result of this new system, large ACT clubs could be expected to pay around 25 per cent more than their New South Wales counterparts. This is largely the result of the expected abolition of the gaming machine licence fee in New South Wales in December. The ACT is to retain a dual licence fee net revenue tax system. In addition, it is likely that it will take some time for GALA to arrange new contracts for the provision of $1 and $2 machines, so clubs may be in a position where they are facing a new tax regime designed to offset the benefits of the new machines well before the new machines are, in fact, available. I would urge the Minister to ensure that there are no delays in the introduction of the new machines by making that a priority for GALA.

Finally, Mr Speaker, the Minister would be aware that New South Wales clubs are able to have a pay-out ratio of 95 per cent on their $1 and $2 machines. Clubs find that these machines become more attractive to consumers if a larger pay-out ratio is available because it allows the consumer to use the gaming machines for a longer period for a given price.

Mr Speaker, I foreshadow that in the detail stage I will be moving an amendment to increase the maximum pay-out ratio to 95 per cent. I would like to emphasise that this does

not mean that a 95 per cent pay-out ratio is implemented; it simply means that GALA has the ability to determine such a pay-out ratio. I expect that the introduction of the changed pay-out ratio would then occur following further consultation between the Government and the Licensed Clubs Association. It may, in fact, be appropriate for clubs to be given the flexibility to increase the pay-out ratio above the GALA set maximum and up to 95 per cent.

Mr Speaker, as I said at the outset, the Labor Party will not be opposing this Bill, but we do seek the support of the Government for the amendment that I have foreshadowed and we ask the Minister to consider my suggestion - if he would only listen - concerning the timing of the implementation of the new tax regime.

MR WOOD (10.58): The Labor leader has indicated the support of the Labor Party for this Bill; but there are some concerns that I, in particular, want to express. First of all, we note the increase to $2 in the coins that can be fed into machines. I am not sure what the club term for it is, but you can play five lines at once and now are able to spend $10 in one throw. We have casinos in Canberra - and I am sure Dr Kinloch will realise this - with that very extensive - - -

Mr Jensen: We always have had.

MR WOOD: Yes, I agree; we have always had casinos in Canberra. I have argued that point before in this chamber; but now the amount of money that can change hands in these casinos is much increased. It is a point that I am sure will concern many in the community. There are people who are not impressed with the extent of the clubs and, in particular, the amount of money that flows through the clubs via the gaming machines. There will be a very rapid increase in the amount of money that is taken by these machines. I suppose - as Mr Jensen indicates - it is an indication of the growth of the casino industry in Canberra. That is something that we have to bear in mind and have to have some thoughts about.

I want to raise the point that there are many people who go to clubs for recreation without any particular thought of winning money. They do not go there to win the large pay-out; they go there to spend some time, perhaps with friends, in what they see as amiable surroundings. It is, I think, becoming more difficult to find machines that will take 5c coins and 10c coins. The Minister, in his reply, may indicate to me some data that I do not know, and that is the provisions in our legislation or our regulations that may indicate that a club has to keep a certain number of machines of different values. Minister, do clubs have to have so many 5c machines and 10c machines - - -

MR SPEAKER: Order, Mr Wood! Mr Stefaniak, as I asked yesterday, when you are caucusing, would you please press the control buttons of your microphones.

Mr Stefaniak: I am sorry, Mr Speaker.

MR SPEAKER: Hansard has difficulty enough with some speakers. Mr Wood is not a problem, but would members please press the buttons. They are there for a reason. Please proceed, Mr Wood.

Mr Duby: Old foghorn Bill.

MR WOOD: Well, 30 years of teaching does things to you, except that good teachers never speak very loudly. I think there are other reasons for my voice.

Mr Collaery: You will not be applying at Grammar next year, will you?

MR SPEAKER: Order! Please proceed, Mr Wood.

MR WOOD: I would be very well received there.

Dr Kinloch: You would be, Bill; you are quite right.

MR WOOD: Indeed, I would. I was asking the Minister to indicate in his reply, if the information is available, whether a set number of machines of different coinage have to be in the club. I think it is important that that be the case. I do not think it is a good thing if people are forced to play these casino-like $2 machines, effectively $10 a time. I see people playing from time to time and they are just as happy to do so with 5c coins. That is my preference, I might add, when I go to a club; but it is very difficult to find a machine that will take those coins. So, in this Bill, we are changing - I think, substantially - the nature of our clubs.

It is something that I am aware of. I accept it, though, as I said in the beginning, with many reservations.

MR DUBY (Minister for Finance and Urban Services) (11.03): Mr Speaker, I rise to speak in support of this Bill which is an essential part of the Government's budget package.

Mr Wood: The taxpayer's package. Is that the one?

MR DUBY: The budget package, Mr Wood. My colleague, the Attorney-General, has already outlined the elements of the Bill in his presentation speech. I wish to deal with criticisms of the Bill and explain further some of its features. I will deal firstly with the gaming machine taxes paid in the ACT compared with those paid in New South Wales. New South Wales, of course, has had poker machines in its jurisdiction since 1956, whereas the ACT did not introduce them until some 20 years later.

Before giving the comparative figures, I should point out that because of the different taxation systems used in New South Wales and the ACT the figures that I am about to

quote have been converted to a percentage of turnover for ease of comparison. To make the comparisons fair, the revenue percentages include all sources of revenue, and that includes, for example, licence fees. In other words, separate licence fees have been grossed with taxes. In 1982-83 New South Wales collected 2.33 per cent of poker machine turnover as tax. The ACT figure at that time was 1.3 per cent. ACT rates have, of course, risen since then, but until now have historically been well below New South Wales levels.

With the new measures included in this Bill, ACT gaming machine revenue, expressed as a percentage of turnover, has now risen to 2.5 per cent. This is almost identical to the figure for New South Wales. It is anyone's guess as to what the next New South Wales budget holds in store. The New South Wales budget has recently been brought down. But, by comparison with Queensland, the ACT rates are positively benign. According to an item in the Canberra Times on 10 September, entitled "Watchdog to Keep Control of Queensland Pokies", Queensland intends to tax poker machines at 4 per cent of turnover. This is 1.6 times the ACT rate. Queensland clubs are certainly being thrown into the deep end. In comparison, ACT clubs have had a long easy walk across the beach before getting their feet wet.

Mr Speaker, while I have compared ACT rates with those in New South Wales, I should add that this is for the purposes only of responding to criticisms that have been made about tax rates. The ACT is different from New South Wales and the Government has no policy of meekly following what is done in that State.

New South Wales has many more large clubs than we do. It calculates its tax in a different way. It permits draw poker machines in hotels but not clubs, while in the ACT the clubs have most, but not all, of the draw poker machines. And spending rates differ. New South Wales residents spend $340 per head each year on gaming - gaming consisting essentially of poker machines and lotteries - while ACT residents spend only $305. The Licensed Clubs Association has complained that, unlike New South Wales, the ACT is not dropping the gaming machine licence fees that apply in addition to the gaming machine levy or tax.

Licence fees were introduced to cover the administrative costs of gaming machine regulation. Those administrative costs have not gone away. While New South Wales is abolishing licence fees, they are adjusting tax rates upwards to compensate. The figures I have already quoted include the costs of ACT licences. In other words, even when licence fees in the ACT are taken into account, overall ACT and New South Wales gaming machine tax rates are almost exactly the same. The Government's response, therefore, to the Licensed Clubs Association is that total ACT gaming machine taxation has only now, after nearly 15 years of poker machines being in the Territory, caught up with New South Wales.

Before leaving the tax rates, Mr Speaker, I must stress the benefits of the new scale to the smaller clubs. Based on the 1989-90 turnover, of the 67 licensed clubs in the ACT, 35 will pay less under the new scale. Let me stress that figure.

Mr Wood: Goodness me! I got attacked yesterday. You attacked me yesterday on a different matter because I was discriminating between different groups. Goodness me, Mr Duby! That was yesterday, was it?

MR SPEAKER: Order! Mr Duby, would you resume your seat? Mr Wood, do you seek leave of the Assembly to make a statement?

Mr Wood: I have made it, thank you; but next time I will.

MR SPEAKER: Well, please do so. Mr Duby, please carry on.

MR DUBY: I thank Mr Wood for his illuminating comments. As I said, based on 1989-90 turnover, of the 67 licensed clubs in the ACT, 35 will pay less under this new scale. Let me stress that figure; more than half the clubs will be paying less. The biggest clubs, those that have the greatest capacity to pay, will pay the bulk of the increase. Gaming machine taxes in the ACT will be even more progressive, not regressive. The previous position, under which the big clubs paid less relatively than the small clubs, will no longer apply.

I turn now to the introduction of gaming machines that will accept $1 and $2 coins. I am pleased to note that the Licensed Clubs Association has welcomed this component of the Bill. My colleague the Attorney-General has asked me to indicate that he is considering the rate of return for $1 and $2 coins. Let me explain this. Under the Gaming Machine Act as it now stands, the Gaming and Liquor Authority has determined that each gaming machine must return to the player 87 per cent of the money put through the machine. The legislation permits the authority to vary that rate of return between 80 and 90 per cent. On the other hand, New South Wales allows individual clubs the right to set any rate of return above 85 per cent and as a result many New South Wales clubs have set high rates of return for larger denomination machines - up to 97 per cent, in fact. This matter was raised by the Leader of the Opposition.

No doubt clubs do this to encourage club members to use those machines. In other words, they do it to encourage patrons to spend more. While the Government is prepared to consider a higher rate of return on $1 and $2 machines, this is a decision that needs to be taken very carefully. Let me add that it will be taken only after consultation with the Licensed Clubs Association and with the industry as a whole.

That is one of the problems with Ms Follett's proposed amendment to this Act; there has been no consultation with the clubs in that regard. Until such consultation does occur, we will be opposing that amendment.

The final component of this Bill involves an increase from three to 10 in the maximum number of class B gaming machines that may be installed in a hotel that has 12 or more accommodation rooms. Generally speaking, class B machines are draw poker machines. The licensing authorities will retain their general power to ensure that these machines are installed in concentrations and locations that do not interfere with the rights of other patrons.

In conclusion, Mr Speaker, let me say that this is a model budget Bill. It redresses longstanding inequities in the incidence of tax as between small and large clubs, and for that I congratulate the Attorney. It also brings the overall tax rate up to the level that currently applies to clubs in New South Wales. For the whole of the last 14 years the ACT gaming machine tax level has been below that of New South Wales. The increase to be brought about by this Bill is the culmination of a series of progressive increases. Nobody likes tax hikes; but this is a very modest one, overall, and it has the unique distinction of allowing most clubs to pay less tax.

DR KINLOCH (11.12): Mr Speaker, as one who has had a very long association with Gamblers Anonymous and as a co-founder of the National Association of Gambling Studies and an associated body trying to help compulsive gamblers, I would like to make some comments on this Bill. I wish neither to oppose it nor to support it but to comment on it. I wish to agree with several of Mr Wood's comments. I would indeed worry about the levels of loss which $1 and $2 machines will encourage. It is not difficult on 20c machines with multiple plays, to lose $50, $60, $70 in a relatively short time. Think what that would be in the case of $1 and $2 machines, especially if those are multiple play machines. At, let us say, five times $1 or five times $2, it would be $5 or $10 at one press of the button.

Some people can afford it and indeed can control it, but there are literally hundreds of compulsive gamblers in the ACT who will get themselves into serious difficulty. I very much regret the way this is going. I want to do something positive about it and I would ask that the whole Assembly, all 17 of us, come back to the casino report, Mr Humphries' committee report. One crucial part of that report asks that this Assembly set up a special advisory counselling rehabilitation unit for compulsive gambling. I do ask that that go back on the agenda.

MR COLLAERY (Attorney-General) (11.13), in reply: Firstly, I thank the members generally for their support for the Government's Bill. I should respond to specific issues

raised on both sides of the house. The first matter the Leader of the Opposition mentioned was that ACT clubs will be paying 25 per cent more than New South Wales, having regard to total amounts paid. This was part of a very careful assessment in budget cabinet. My advice is that the 1 December rates struck for New South Wales would mean, for example, that the Southern Cross Club, which under our new rate would pay $2.02m in revenue off machines, in New South Wales would pay $2.06m. That is not 25 per cent.

Ms Follett: What about the licence fees?

MR COLLAERY: I will come to that. For the Tradesmen's Club, the amount payable in the ACT under the new rate would be $1.58m. In New South Wales it would be less, $1.55m, given their graduated scale. I can advise the house that my officers have assured me that the licensing fee in New South Wales, such as they have, is included in that figure, as is ours; so there is no one-off issue that can make that a different computation. Of course, we have totally different systems of computation, but the all up payments on machines are the figures I have given.

Mr Duby: The total tax dollar, all the Government charges. Those figures include the licence fees.

MR COLLAERY: Certainly, Mr Speaker, that suggestion is wrong. It is a suggestion that regrettably has been put out by the Licensed Clubs Association who appear to have a mouthpiece in this Assembly this morning. I am looking now at a document that lists the gross takings last financial year of the 67 licensed clubs in the ACT, or those clubs with machines.

A computer run on last year's takings shows that 35 of the clubs will be paying less money. Those lesser payments vary. For example, for the Australian Croatian Club, the current payment of $10,803 will go down to $6,332. It is a difference of $4,471. For those Scotsmen in the chamber, I note that the Burns Club is right on the median line, naturally, as one would expect. The Burns Club will pay $880 less.

We go past the Woden Town Club and move to the larger 32 clubs, the clubs that one would regard as very large, essentially about the last six or seven clubs - Royals, the Hellenic Club, West Belconnen Rugby League, Tuggeranong Valley, Ainslie Football, Canberra Labor Club, Canberra Tradesmen's and the Canberra Southern Cross Club. I am happy to make these figures available to the Leader of the Opposition, but I would ask the members not to ask me to table the figures because they may well disclose some matters that the clubs would prefer not to be out. I am happy to make these available to members.

To give the house an example of another club below the line, the Woden Valley Rugby League Club will pay $21,790 instead of $23,791. The Southern Cross Club will pay an

extra $378,648, the Labor Club an extra $212,246, and the Tradesmen's Club an extra $282,689. I stress that that is based on last year's figures. I am not apprised of how their trading has gone since 1 July.

Ms Follett: Down.

MR COLLAERY: Well, I do not know whether you have been attending them, Mrs Grassby.

Ms Follett: It was me.

MR COLLAERY: I am sorry, Ms Follett. Mr Speaker, this has been a very difficult decision. I can say this: in making the decision we went backwards and forwards with our advisers. We did numerous computer print runs. We went from club to club. We really sought to get a median effect that would do away with what the smaller clubs perceived - were they able to speak for themselves and had they a spokesperson - to be an apparent inequity in the tax scale.

I believe that the Labor Party has always supported those concepts of equity in other areas of taxing. I believe that we have not slugged clubs 25 per cent more; but certainly the larger clubs have been asked to bear a heavier burden, as have many sectors of the community.

I want to acknowledge the enormous work the club industry does in the community services and support area and in charity areas, particularly those larger clubs I mentioned. You cannot take away from them the great works they do. It would be very regrettable if we see any diminution in those good works. I am sure those good board members of those good clubs will not react to this by altering their well known commitment to good works. Certainly, Mr Speaker, a difficult decision was taken by the Government.

I move on to Mr Wood's suggestion that he would see a social justice and equity issue in the smaller machines not leaving the club circuit, for reasons that were essentially elaborated upon by Dr Kinloch, that is, that with the larger denomination coins we may well see increasing social stress. Mr Speaker, my advisers tell me that the 10c machines are still the overwhelming machine in the club circuit. The rounded figures today suggest there are about 2,500 to 2,600 gaming machines in the Territory. A rough breakup of those figures - it may not be up to date but it is recent - reveals that there are 45 5c machines, 1,679 10c machines and 571 20c machines.

My informed advisers, Mr Wood, tell me that we do not anticipate too many clubs taking up the $1 and $2 machines. I do want to say that it is likely that those larger clubs I mentioned will take up the larger denomination coinage. By and large, on my observations and visits to those clubs occasionally, I believe that they are well run and that the committees are conscious of the presence on the premises of compulsive gamblers. I do not disagree at all with the

recommendations of the select committee that looked at the casino issue. I support Dr Kinloch's statements and, as he well knows, there are workers in this community, Mark Dickerson and others, to whom we legal practitioners and others have often sent compulsive gamblers, particularly compulsive gaming machine gamblers. I personally support that recommendation that came from the Humphries committee. Be that as it may, I do not believe you are going to see a breakout of $1 and $2 machines throughout the club circuit. I think that Mr Wood's comments are an appropriate enjoinder for the Government to look very carefully at these issues.

Mr Wood also asked whether the law set a regulated ratio of different denomination machines in various clubs. My advice is that no fixed minimum ratio is there but the Gaming and Liquor Authority, as it presently is, has the authority to determine the denomination and the spread of machines. So, clearly, this would be a decision that governments, judging on comments here in the chamber, should take an interest in and I will take an interest in it. As the Assembly is aware, we are moving to abolish GALA in its present form and I will speak to the foreshadowed amendment in that context, not that we disagree in principle with the proposal. I will speak about some technical problems and social problems about it at the stage when the Leader of the Opposition moves her amendment.

Finally, Mr Speaker, there have been a few other things thrown up at us, not by the Opposition but outside, and I think I should take the opportunity to put them on the record. ACT gaming machine levy rates are only now coming up to New South Wales levels after 15 years. The rate proposed for Queensland currently is 1.6 times the new ACT rate. Certainly, comparisons with New South Wales should not be taken too far. We have no policy, and no covert policy, I stress, of following any of the New South Wales directions. Our new scale is tax and socially progressive and makes the larger clubs, the wealthy clubs, pay more. I believe the increase is moderate. The other issues, of course, will be addressed by the Licensed Clubs Association and the smaller clubs. I wrote to all 67 clubs on budget day outlining our proposed changes. I believe that it is in the interests of the club industry for the voice of the smaller clubs to be better heard in these decision making processes, and that is why I believe we need to move carefully with the larger percentage pay-out issue at this stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 7, by leave, taken together and agreed to.

Proposed new clause 8

MS FOLLETT (Leader of the Opposition) (11.25): I move:

That the following new clause be inserted in the Bill:
"**Percentage pay-out**
8. Subsection 17(2) of the Principal Act is amended by omitting '90 percent' and substituting '95 per cent'.".

The amendment has been circulated to members. The effect of the amendment I have proposed is to increase the maximum - and I stress that it is a maximum - pay-out ratio to 95 per cent rather than the 90 per cent that is currently in Mr Collaery's Bill. I think members should be aware that in setting a maximum pay-out ratio it does not automatically follow that that is the pay-out ratio which clubs apply. Currently the maximum is 90 per cent but I believe the common pay-out figure in the clubs is 87 per cent. So it is strictly a maximum that we are looking at here.

In moving it up to 95 per cent I would be seeking to give the clubs some flexibility in order to meet the new tax arrangements and the new arrangements with the $1 and $2 coin machines. I believe that the increased maximum 95 per cent was used in New South Wales initially when they moved to these higher denomination coins and they found that it did in fact offer the consumer, the better, an increased level of enjoyment of playing those machines. I am merely moving this amendment in order that GALA establish that as a maximum and leave it to the clubs to decide, as they do now, whether they want to use that maximum or not.

Mr Speaker, this amendment has been the subject of some consultation by my office with the licensed clubs, predominantly the largest licensed clubs, the ones that we would expect to use the $1 and $2 coin machines. They have asked me to proceed with this amendment. They feel that it would be better for their members, better for the people who play their machines, and would make for an easier transition to these large denomination machines.

I am aware of the Government's hesitation about it, but I do assure you that there has been some consultation on it. I have been asked to move this amendment by the clubs with which we have consulted. So I would recommend it to members. I would stress again that it is a maximum and that there is no compulsion on the clubs to move their pay-out ratio up to that maximum.

MR COLLAERY (Attorney-General) (11.27): I do not object in principle to the amendment proposed by the Leader of the

Opposition; it is just that the Government has been attacked very strongly by the LCA in recent weeks for being non-consultative. My advice is that, although the proposal for any of us who are going to put $2 into a machine to increase our potential advantages could not be rejected, as the law stands it is the Gaming and Liquor Authority that determines the percentage pay-out applicable to each gaming machine - that is section 17 of the Gaming Machine Act 1987 - not the Minister.

It is our proposal, in the destructuring of GALA, to give the Minister determinative power so that percentage pay-outs are no longer stuck historically in the legislation but can be made more flexible. The implication of what the Leader of the Opposition is seeking is to alter the pay-out figure before I, as Minister, have spoken to probably the larger 20 clubs who might be interested in taking the machines on. I believe it is necessary to do that, and I say that for a couple of reasons.

We have just moved to correct inequitably impacting tax scales. Allowing a higher pay-out to the larger clubs may well operate to increase patronage to those clubs with the larger denomination machines. They can afford, in effect, to decrease their earnings because they are larger clubs. It adds to the spiral effect that is driving some of the smaller clubs out of the industry.

I know that there is a view afoot that inevitably 67 clubs in our town is too many and that some are going to go out, and some are going out, as we well know and as observed recently. But my advice is that this proposal put forward by the Opposition needs to be looked at in the context of what this likely added attraction is going to do for a likely number of clubs. I think the Leader of the Opposition would concede that it will favour the larger clubs because it is the larger clubs that will bring these machines in. I believe we need to debate this more fully, perhaps here, but certainly out there. I am quite amenable to the Opposition moving this amendment again in our next sittings which, I think, commence on 16 October, if we can get through some of those assessments and queries about what clubs are going to purchase the machines. I understand that some clubs have moved already, because they have been pressing for a while, and we could see these machines in within six weeks. I think there is time then, I say to the Leader of the Opposition, to settle this one; otherwise you are asking me to allow GALA to set a percentage figure, say next week, and then the machines may well have to be reprogrammed - and I understand that is an administrative effort in itself - if we change things again after we have completed our review.

I just feel the amendment is premature. I do not have any principled objection to it and I do ask the Opposition to consider that, although rejecting it, the Government will happily accommodate that proposal within a short time.

MR MOORE (11.31): I refer you to standing order 187, Mr Speaker. I move for reconsideration of the part of the Bill that refers to the $2 and $1 machines. I understand that that is clause 4, sub-clauses (a) and (b).

MR SPEAKER: I have not put the question yet, Mr Moore. I am not sure what you are trying to achieve here. The question is that the proposed new clause be agreed to. Those of that opinion say aye, to the contrary no. The noes have it.

Mr Berry: The ayes have it.

Mr Collaery: The noes have it.

MR SPEAKER: Ring the bells.

Ms Follett: You were a bit quick off the mark there. I would not have minded replying.

MR SPEAKER: I am sorry. Is it the wish of the Assembly to allow Ms Follett to speak on the matter?

Mr Collaery: Yes.

MS FOLLETT (Leader of the Opposition) (11.33): I thank you, Mr Speaker, and I thank the Assembly. I would like to say at the outset that I am disappointed in the approach that Mr Collaery has taken on my amendment. I think that he is being unduly cautious. If he is proposing to consult with the clubs affected only at this late stage, then he really has a lot to learn about consulting. Also, he would have got a much better reception had he agreed to this amendment at this point, not at some later point. I think it illustrates a pretty pathetic grasp of your portfolio if you come into this chamber and say, in the case of an amendment like this, which is a minor amendment, that you need to go away and consider it for a bit of time. You have your departmental officers here and I would have thought that a relatively minor amendment like this could be considered on the floor of the Assembly, particularly as you had some notice of it.

Mr Speaker, as I said before, the 95 per cent that I am proposing is a maximum percentage . There is absolutely no compulsion on the clubs to adhere to that maximum. Indeed, at present they do not adhere to the maximum permissible pay-out, which is 90 per cent. So, I think Mr Collaery is being unduly cautious and quite out of keeping with his usual shooting from the hip style. I just find it, overall, a rather disappointing approach. As I said, it is an incentive, if you like, which has been used in New South Wales, apparently successfully, on the introduction of these higher denomination coins. I believe that once that introductory phase has been completed the New South Wales clubs in fact no longer use that higher pay-out ratio. So it is an incentive; it is an interim measure that has been used elsewhere with some success. As I say, I am very

disappointed in the Government's approach. I would have thought it was a simple matter that they could consider on the floor of the Assembly and could readily accept.

MR COLLAERY (Attorney-General) (11.35): I regret very much, Mr Speaker, that the Leader of the Opposition has to be so churlish - - -

Ms Follett: Why is he speaking? I have closed the debate.

MR COLLAERY: I am speaking to the amendment.

MR SPEAKER: You can seek leave if you wish.

MR COLLAERY: Well, we will do it at the next stage.

MR SPEAKER: You can speak again anyway, Mr Collaery, if you wish.

MR COLLAERY: I thought I was entitled to.

MR SPEAKER: The Minister in charge of a Bill may speak as many times as he wishes on the Bill.

MR COLLAERY: Right. Thank you, Mr Speaker. Mr Speaker, I thought the Leader of the Opposition was unnecessarily churlish and personal again in her approach in the Assembly. The fact of the matter is that one of her staff brought the proposed amendment to the attention of my office, I think this morning, or last night.

Ms Follett: This morning, yes.

MR COLLAERY: This morning. Mr Speaker, there has been plenty of time for me to consult with my officers. Our considered view, acting on the advice of my office, is that we should not proceed with this amendment until we assess the intended and unintended results of it.

I believe, Mr Speaker, that one of the intended effects of this, led by the Leader of the Opposition, is to favour the larger clubs. This Leader of the Opposition is speaking for the larger clubs. I do not stand here and speak just for one end of any market. I as Minister am representing and responsible for 67 clubs and I trust that all those 35 under the line clubs will read these comments today and understand that this Leader of the Opposition speaks for the top dollar. As usual, she speaks for the top dollar, and that is the twist, of course. You see the notices in the lifts today, Mr Speaker, that the union movement is coming out against the Labor Party over its big business selloff of assets. So, if the Leader of the Opposition wants to play these games on the floor I will serve her back any time she likes, in measure.

The fact of the matter is, Mr Speaker, that the Leader of the Opposition has come in here this morning with an agenda. The agenda has been put to her by clubs she has

not named, spokespersons she does not identify and for a section of the industry that clearly wants the big rolling machines, wants the top dollar, and is going to further damage the smaller clubs by rolling in the big denominations and running advertisements in the club magazines and the club circuit saying, "Come to our club. We will pay you 90, 95 per cent".

Mr Duby: Where is her office?

MR COLLAERY: Certainly, yes. You can speak for this too. We will give them a serve now, Mr Speaker, if they want it.

Ms Follett: I have declared my interest, if you were listening to my speech.

Mrs Grassby: Yes, we have all declared our interest.

MR COLLAERY: You have declared your interest. Mr Speaker, I thoroughly endorse those interjections. This crowd opposite, two of them at least, have really declared their interest. They sure have, Mr Speaker. They have done it and there you have that concession on the record. They are speaking for the big high rollers. I do not speak for the high rollers.

That is the political change in this country, Mr Speaker. Not one member of the Opposition was present when people who go to clubs and represent community service organisations who benefit from moneys from some of these clubs were addressed by Janine Haines and me at a national conference this morning. What was the theme throughout the meeting? It was that you cannot rely now on the Labor Party to look for social justice. That is the thematic move at this stage of the century and we have seen another example of the - - -

Mr Connolly: From you and Janine Haines.

Mrs Grassby: Of all people, you and Janine Haines. Isn't that enough. The fruit loops.

MR SPEAKER: Order! Please proceed to the point, Mr Collaery.

MR COLLAERY: Mr Speaker, I should have guessed when I had my writing notes in blue that there would be a blue here over this. The Leader of the Opposition is not capable of commenting on a Bill in measured terms and with a full overview of the issues that her proposed amendment means. Or does she know what her amendment may well bring about? It may well bring about a further problem for the smaller club industry.

We need to assess that issue. We need simply to contact the clubs to see who is bringing in $1 and $2 machines and how they are going to run them. We may well want to see the machines in operation first, before we alter

those percentage rate pay-outs. Be that as it may, we are the Government, we make the judgments, and we do not make our judgments on the basis of some unknown people not referred to by the Leader of the Opposition and whom she seems to speak for this morning in her vast knowledge. The Labor Party, Mr Speaker, no longer speaks for a large section of the community. It now, on the admission of two members opposite, speaks for the wealthy large clubs.

Mr Berry: On a point of order, Mr Speaker: Just get him to stick to the matter that is before the chamber.

MR SPEAKER: Thank you, Mr Berry. Mr Collaery, please stick to the point.

Mr Berry: Thank you, Mr Speaker, for your very good ruling on this matter.

MR COLLAERY: Yes. Mr Speaker, you are no doubt blinded by Mr Berry's buttonhole this morning. Certainly, Mr Berry has not spoken on this issue, and that is interesting. I challenge Mr Berry to get to his feet now during the detail stage and support his leader in supporting the wealthy, big rolling clubs. There is no firemen's club yet, but Mr Berry should get into the action in this debate and state where he stands on the question that we increase pay-outs now on the $1 and $2 machines for the larger clubs who are going to be able to afford them.

I want him to assure me that he does not believe there will be any draw card effect for the smaller clubs, certainly the remaining 40 clubs at least who may not purchase those machines and install them.

MR BERRY (11.41): Mr Speaker, I am happy to respond to the - - -

Mr Stefaniak: Flush him out, smoke him out!

Mr Collaery: He is up his ladder.

MR BERRY: I would not mind a bit of protection from the Chair as well.

MR SPEAKER: Please proceed, Mr Berry.

MR BERRY: I am happy to respond to what could only be described as a vitriolic and personal attack on the Leader of the Opposition. This is from a Minister who, of course, has not ensured that he has been briefed properly on this subject. This Minister very clearly has not consulted properly with the licensed clubs in the ACT. I suggest, Mr Speaker, that that is very clear from his own admissions throughout his speech.

This is the Minister who, at odd times - I emphasise the word "odd" - claims to be a consultative Minister being driven by a party which has consultation as its basis.

This is the Minister who has turned his back on those principles.

The Leader of the Opposition quite appropriately has consulted with the club industry, and has drawn that to the attention of - - -

Mr Jensen: Which clubs? Come on, put it on the record. Read out some of the small ones, Bernard, and ask whether she has been to them.

MR SPEAKER: Order, Mr Jensen!

MR BERRY: It is very clear that the Minister opposite is embarrassed, and so he ought to be. He ought to be embarrassed because of his lack of activity and lack of interest in this matter. That has been demonstrated by the way he has just wheeled up this piece of legislation and tried to bully it through with the numbers, without proper consideration for the people who will be affected by it. But such is the nature of this Minister. I have to say, Mr Speaker, that the vitriolic attack on the Leader of the Opposition was totally unwarranted. He challenged me to rise and defend the position. Of course, he would not understand that the Labor Party has a very solid position in relation to this matter.

Mr Kaine: When are you going to talk about the matter under debate? You have been up for three minutes already, and you have not said a word about the matter that is under debate.

MR SPEAKER: Order, Chief Minister, please!

MR BERRY: Mr Collaery would not understand the issue of solidarity. I stand firmly behind the Leader of the Opposition on this matter and will assist her in any way I can to ensure that the focus of the community affected by the lack of action by this Minister will be directed at him. He will pay an appropriate penalty in due course. This is an issue of concern to the community which has not been properly addressed by this Minister. The community is aware of the weaknesses of this Government. This is just another demonstration of those weaknesses, and I see that those weaknesses are supported by the Chief Minister. I repeat, Mr Speaker, that I am happy to - - -

Mr Kaine: I am just asking you to address the question. You do not know where I stand.

MR SPEAKER: Order!

MR BERRY: Thank you for your intervention, Mr Speaker. I rise to the challenge of Mr Collaery to clearly state my position. I am very firmly behind the move of the Leader of the Opposition in relation to the matter.

Question put:

That the proposed new clause be inserted in the Bill.

The Assembly voted -

AYES, 5	NOES, 11
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Jensen
Mrs Grassby	Mr Kaine
Mr Wood	Dr Kinloch
	Ms Maher
	Mr Moore
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak
	Mr Stevenson

Question so resolved in the negative.

Remainder of Bill, by leave, taken as a whole, and agreed to.

MR MOORE (11.52): Mr Speaker, I move:

That clause 4 be reconsidered.

Would you prefer to wait to reconsider it or will I just speak to it now?

Mr Collaery: We will listen to you.

MR MOORE: Okay. I would just like to reconsider clause 4. Having heard Mr Collaery's arguments, particularly explaining how the vast majority of our machines are 10c machines, it strikes me that the introduction of up to $2 machines will mean that those people who are most vulnerable to an addiction to gambling will in fact be those who are inclined to use those machines. I really cannot see the need to do that. Having got to that point, I seek that that clause be reconsidered. I have expressed my opinion. I do not mind if we debate it now; it does not matter.

Mr Duby: You do not want to have $2 machines. Is that what you are saying?

MR MOORE: That is right. I do not see any need for them.

MR COLLAERY (Attorney-General) (11.53): Mr Speaker, I should respond to that. The Government has made a decision in budget cabinet to introduce $1 and $2 machines. It made that decision after extremely careful assessment of all of the issues, particularly the revenue aspects of the introduction of the machines. They have been introduced

across the border in New South Wales and that gives the clubs across the border a difficult competitive edge when compared with the ACT. The Government believes that relatively few clubs will introduce the high rolling denomination machines.

I remind Mr Moore that I have not heard him oppose the minimum $5 bet for the proposed casino and he will have to be consistent in future on this issue. The Government would oppose the amendment foreshadowed by Mr Moore.

MR DUBY (Minister for Finance and Urban Services) (11.54): Mr Speaker, the issue that has been raised by Mr Moore is far greater than whether we should have $1 coin machines or $2 coin machines in the ACT. What he is really talking about is the issue of the imposition of wills, of someone's moral code being imposed upon the actions of others. The idea is that someone like Mr Moore has determined that he can handle gambling on poker machines but other people cannot and therefore they need to be protected. To achieve that end, all persons are denied the opportunity of using those facilities.

Those who so desire can quite easily jump in their car now and drive to Queanbeyan and play $1 coin machines and $2 coin machines - - -

Mr Jensen: As they did years ago.

MR DUBY: As they did many years ago, as someone said. Indeed, the clubs in Queanbeyan are having a minor resurgence at the moment because of the fact that they currently do have $1 machines and $2 machines. People who like to gamble on those facilities are going to Queanbeyan and using those facilities. As a result, clubs in the ACT are dipping out. They are missing out on revenue and missing out on patronage from people who would choose to play for high stakes, the high rollers of the town.

Of course, there are people who, as Dr Kinloch points out, are compulsive gamblers, who are having grave difficulties coping with even 10c or 20c poker machines in the Territory now. Taken to extremes, Mr Moore, if you are going to oppose $1 machines and $2 machines, you should go the whole hog and oppose 20c machines and 10c machines. As a matter of fact, you could ban the whole issue of poker machines because some people in the community are unfortunate enough not to be able to control their desires in this regard.

The fact is, of course, that the Licensed Clubs Association has been lobbying and looking forward for a very long time to the introduction of $1 and $2 machines into their clubs. It is something on which many of them have pinned very high hopes. It must not be overlooked that the Government will anticipate increased revenue from the usage of those machines. To suddenly, on the spur of the moment - it appears to me to be a spur of the moment thing - try to take out a most important part of this poker machine

program on mere whim seems to me to be rather irresponsible. Naturally we are opposed to that.

MR MOORE (11.57): Mr Speaker, I will take just a couple of minutes to respond to Mr Duby and the notion that what I am suggesting is a total ban. Very rarely would I support a total ban on anything. Quite clearly, what I support here is a semi-restrictive approach, not a total ban at all, so that people who still wish to use poker machines can indeed use those poker machines. By putting some restriction on it we can reduce the damage to those who have a problem in this particular area. That is what it is about. The sort of nonsense that Mr Duby just presented does not apply at all. He does not follow any rational logic in his argument.

Question resolved in the negative.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 14	NOES, 3
Mr Berry	Dr Kinloch
Mr Collaery	Mr Moore
Mr Connolly	Mr Stevenson
Mr Duby	
Ms Follett	
Mrs Grassby	
Mr Humphries	
Mr Jensen	
Mr Kaine	
Ms Maher	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	
Mr Wood	

Question so resolved in the affirmative.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1990

MR DUBY (Minister for Finance and Urban Services) (12.02): Mr Speaker, earlier today I presented the Motor Traffic (Amendment) Bill (No. 5) of 1990 in relation to ministerial determination of taxi fares. Unfortunately, at the time I did not have with me my presentation speech. For various reasons, the presentation speech is often used by people in the interpretation of Bills. I seek leave to have this speech incorporated into Hansard.

Leave granted.

Presentation speech incorporated at Appendix 1

COMMERCIAL ARBITRATION (AMENDMENT) BILL 1990

Debate resumed from 12 September, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR CONNOLLY (12.02): Mr Speaker, the Opposition supports this Bill. Unfortunately, we are not able to say that this is an historic day for law reform or another milestone in the process of reforming ACT law. This is a minor black letter amendment to the law made necessary because the Federal Government, which retains legislative control over the superior courts, has implemented an ordinance which vests the jurisdiction for commercial arbitration in the Supreme Court by virtue of that ordinance rather than depending upon New South Wales law.

Commercial arbitration, of course, is often seen as an attractive alternative to the conventional form of superior court litigation. It is increasing in importance, as is alternative dispute resolution. This Bill is a mere machinery provision which tidies up the ACT statute books to make way for the Commonwealth Government initiative. In that sense it has the full support of the Opposition. There is little more to say on the Bill.

DR KINLOCH (12.03): Mr Speaker, may I be naughty and first congratulate you and your staff on printing the daily program in green - a most timely gesture on your part.

Mr Duby: It is always in green.

DR KINLOCH: I realise that. I now move on to the Commercial Arbitration (Amendment) Bill 1990. Mr Speaker, this is a minor Bill in terms of its content, but it is a further step towards cutting our ties with residual laws that apply in the ACT. By this I mean the gradual removal from our statute books of the effects of some old laws of New South Wales which continue to apply in those areas not covered by laws introduced by the Commonwealth when it had responsibility for the administration of the Australian Capital Territory.

By the way, thinking of the term "New South Wales", I wish that State would dream up a new term for itself. It is a very old-fashioned name. They really ought to think up a new name altogether.

This Bill repeals the Arbitration Act 1902 of New South Wales as it applies in the ACT, and makes other minor consequential amendments. When repealing statutes it is, of course, necessary in some cases to save the effects of some matters which are still in the legal proceedings stage. A saving provision is also required where an arbitration order has been made and its terms still require application.

Clause 4 of the Bill provides a transitional provision in relation to the protection of arbitration proceedings and orders made before the commencement of this minor piece of legislation.

I understand that our colleagues in the Federal Parliament do not necessarily regard us as colleagues and fellow members of the Commonwealth Parliamentary Association. I deeply regret that and I have written to Mr David Simmons asking him to join me for breakfast to explain why he does not regard us as equal members of the Commonwealth Parliamentary Association.

Our colleagues in the Federal Parliament still have control over legislation which affects the ACT Supreme Court and consequently the Commonwealth has made the Supreme Court (Arbitration) Ordinance 1990 to allow the Supreme Court to make rules for referral of matters to arbitration. Reference is made to that ordinance in clause 2 of the Bill.

Commercial arbitration, I understand, is a growth industry, and I am advised that the former secretary of the Commonwealth Attorney-General's Department, Mr Pat Brazil, AO, is a driving force for the local chapter of arbitrators. Commercial arbitration offers a speedy and less expensive adjunct to extended court proceedings. It is not a free service, but it is becoming more acceptable to commercial clients who might otherwise be obliged to retain senior legal counsel for more extended periods during court hearings in a dispute over a commercial matter. So I support the Bill, Mr Speaker, and although it is only a minor Bill I am pleased to see such legislation coming before the Legislative Assembly, also with the support from the Opposition.

MR COLLAERY (Attorney-General) (12.07), in reply: I thank Mr Connolly for his apt comments and Dr Kinloch for his support. The purpose of this Bill, just to shortly remind the house, is to remove the residual effects of the New South Wales Arbitration Act 1902 as it applies in the Australian Capital Territory.

Mr Speaker, in conjunction with the Commonwealth Government, the ACT Government wants to facilitate reforms in the area of commercial arbitration as an adjunct to court proceedings. I was very pleased to attend a trade law conference a couple of weekends ago at the invitation of the Federal Attorney-General, Mr Duffy, and there are clear moves in this country to provide commercial arbitration within our region, and certainly on a world scale.

It is my fond hope that the efforts of Mr Pat Brazil, referred to by Dr Kinloch, and the efforts of Sir Lawrence Street in Sydney, who is a driving force in Sydney in this area of commercial arbitration and arbitration generally,

will result in Australia becoming a centre for important arbitration issues, certainly within our hemisphere. I will be parochial and say that I would like that centre to be in the Australian Capital Territory and in Canberra. I have been very interested recently to listen to initial proposals that we develop arbitration facilities in our national capital and make facilities available, given the very strong business law ties with the Law Council of Australia in the ACT and particularly the notable and national efforts of a Canberra practitioner, Mr Russell Miller, in this area.

Mr Speaker, I believe that this reform will be part of far larger developments that will come about in the next 10 years, that may well affect the ACT, that may well bring another industry to the ACT, and that may certainly result in greater scope and breadth for commercial operators who have disputes which they wish to keep out of the dry legal arena.

The other issue that is of continuing interest is the increasing support the New Zealand processes are having. It may well be that the closer economic relationship with New Zealand may see signal agreements and arbitration arrangements, at least across the Tasman and hopefully located in the ACT.

Mr Speaker, the Commonwealth has already made the Supreme Court (Arbitration) Ordinance 1990, referred to in clause 2 of the Bill. That ordinance will enable rules of court to be made to provide for a reference by the court of a matter arising in civil proceedings to a referee or arbitrator.

It is necessary for the Commonwealth to make such an ordinance because the ACT Legislative Assembly does not, as yet, have legislative responsibility for the ACT Supreme Court, and this is another reason why the Government needs to determine at an early date what the timetable for any taking over of ACT Supreme Court functions should be.

Those rules are now being formulated and they will provide for matters including the following: the proceedings that may be referred by the Supreme Court to an arbitrator or referee; the appointment of a person as an arbitrator or referee; the fees to be paid to the arbitrator or referee; the consequences of a determination or report by the arbitrator or referee; and other matters associated with such a reference.

Mr Speaker, members will note that in clause 2 of this Bill it is specified that the operative sections will commence when those rules of court are made. This qualification will certainly allow that process to continue. I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

DAY OF NEXT MEETING

Motion (by **Mr Collaery**) agreed to:

> That the Assembly, at its rising, adjourn until Tuesday, 16 October 1990, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report - Government Response

Debate resumed from 7 August, on motion by **Mr Jensen**:

> That the report be noted.

MR DUBY (Minister for Finance and Urban Services) (12.12): Mr Speaker, I would like to respond to the report by the Standing Committee on Planning, Development and Infrastructure on the new capital works program for 1990-91. On behalf of the Government, I would like to thank the committee for their report. With a total of 21 recommendations, I do not propose to speak to each individually. Rather, I will seek leave to table the Government's detailed response to each recommendation.

However, before doing so, Mr Speaker, I would like to take this opportunity to comment on a number of issues. Firstly, there is the non-participation of the Opposition in the workings of this committee. Mr Berry must appreciate that his presence on the committee would have injected the independence he yearned for and it would have helped counter the bias that he claimed that Mr Jensen's presence as chairman was providing - a lamentable contradiction, Mr Speaker.

In the first of its recommendations the committee sought to have the Government respond to the report prior to the budget. While this might be highly desirable, it has not been possible to achieve this due to the arrangement of the Assembly sitting dates. Furthermore, I do believe that it is appropriate that the Government's response should be provided during the Assembly's budget sitting.

One project that drew comment from the committee was the proposal to construct bus lanes on Athllon Drive south of the Woden town centre. As members would appreciate,

Athllon Drive provides a direct link between the Woden and Tuggeranong town centres and any improvements to this road must be considered in the context of the central role it has been assigned as an inter-town transportation link.

The proposition for the role of that road was the subject of a substantial consultation with the community in 1986-87 and massive investment on the strategy agreed at that time has taken place - for example, on the Eastern and Tuggeranong parkways. That investment is being further boosted by an additional allocation of some $11m this year on the Eastern Parkway. The first report on Athllon Drive was made publicly available in early 1989 and some further subsequent discussions have taken place. The proposal gives bus travellers, often the less well-off in the community, a much improved service and saves ACTION considerable recurrent costs. The Government believes that it is important for this work to proceed.

I noted with some regret, Mr Speaker, that, while the committee called for submissions from the public, only five, in fact, were received. The public hearings held by Assembly committees such as this are an important way for the public and special interest groups, such as the construction industry, in this case, to have input into the decision making process of government. The lack of response on an important issue such as the new capital works program is, frankly, most disappointing.

As its major theme, Mr Speaker, the committee looked at the extent of community consultation undertaken in the development of the capital works program. The committee has subsequently made a number of recommendations, the most far-reaching of which proposes broad-based community or regional consultative groups to provide input on construction proposals. The Government supports this proposal but considers that existing community groups provide the appropriate access. While the Government has adopted the former approach for consultation with the public in the development of the Territory Plan, we do not see that there is any application for this approach in the capital works arena when the current practices are, frankly, quite successful.

In the majority of cases, construction proposals have a fairly localised influence and therefore liaising one-to-one directly with the groups or individuals who are likely to be affected by the proposed work is a far more effective means of consultation. The Government will therefore continue the current practice of consultation with the public by speaking with those who may be directly affected.

Where projects have a broader influence, such as in many roadworks, it is important to develop broad consultation programs in the context of the Territory Plan and environmental impact statements. Of course, there may well be some further consultation required for particular projects beyond that stage. Indeed, the Assembly's

Planning, Development and Infrastructure Committee is an important further opportunity for that consultation.

Mr Speaker, one issue which the committee's comments on consultation do highlight is the importance of the consultation on the Territory Plan. The plan will set broad directions which will give the basis for very significant infrastructure development. Athllon Drive and the associated peripheral parkway system is a good illustration of the issue.

Once these directions are in place and investment made, substantial changes can be very costly and give contradictory results. This is particularly so when an area is substantially complete, as is Tuggeranong. I am not suggesting we cannot change plans; we can, and they will be reviewed and changed. But what I wish to emphasise is the importance of public input to the Territory Plan. My Government is committed to that input and I urge the public to become involved. Mr Speaker, I seek leave to have the Government's detailed response to the report by the standing committee incorporated into Hansard.

Leave granted.

Response incorporated at Appendix 2

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

Sitting suspended from 12.17 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Melba Flats

MR STEVENSON: My question is addressed to Mr Collaery and it concerns Melba Flats. As a result of the closing down of the Melba Flats, the shops in the Melba shopping centre are going broke. One has already closed its doors and the operators have walked away and others are not far behind. My question to the Minister is as follows: What is the position regarding the sale of the Melba Flats and when is completion due? Secondly, is compensation possible for the shopkeepers who are so adversely affected? I recall that I asked a similar question some many months ago.

MR COLLAERY: I thank Mr Stevenson for his question. To answer the last part of his question first, the short answer is no - and I cannot see how any government can even quantify such issues as compensation resulting from a temporary change in the demography of an area. I say "temporary", of course, because, in the construction and renovation program, the Government has to date demolished stage one, and that means that progressively over the next year the Government will entirely remove 420 flats or thereabouts. For many years a good proportion of the Melba

Flats were not occupied; so the complex has not been full for years, ever since the architectural and other problems became evident. Certainly there will be a downturn in the number of people in the area until the flats are completely demolished, the land is put back on the market and there is further development in the area.

That would seem to me to represent the normal vicissitudes of life. The flats were not suitable, the tenants agreed to the projects undertaken by the Government and some of the purchasing public have moved away from that area. But, by the same token, the news might be very much better in two to three years time because not only will there be a full scale redevelopment of the area, possibly following other decisions of the Government, but there will also be up to 50 aged persons units erected on land adjoining that area, with the Uniting Church. A proposal is currently before the Government and being considered. So there may well be an upturn in the purchasing population. But at this stage I do not think I could give any accurate predictions as to when that may come about.

Weetangera Primary School

MR SPEAKER: Members, I would just like to take the opportunity to welcome to the chamber visitors from the Weetangera Primary School.

New South Wales Code of Conduct for Local Government

MS FOLLETT: My question is directed to Mr Kaine as Chief Minister. I refer Mr Kaine to the New South Wales Government code of conduct for local government which was endorsed and tabled by the Attorney-General during yesterday's debate on a code of ethics. I ask whether the Chief Minister endorses his Attorney-General's support for this code, and in particular the following requirement that is in that code:

> Members who have a direct or indirect financial interest ... in a matter to be considered by their council (i.e. one in which there is a reasonable likelihood or expectation of an appreciable loss or gain) shall not take part in discussion or vote on the issue.

MR KAINE: I have not seen the code of ethics to which the Leader of the Opposition refers. I do not know without seeing it. It is easy to take one paragraph out of context, quote it and ask for a view on it - and I am not going to fall for that trick. I would like to see the document in its entirety. But I would make the point, of course, that it is a document that relates to the local government level and not the State government level. As

was evident yesterday, no State government in Australia has such a code of ethics; so there is a real question as to whether or not we should be considering something similar to that for this Assembly. I am quite sure that the debate on this issue is not dead. I agree that the electorate has a right to expect a level of integrity in its elected members and I have no difficulty with that concept whatsoever. But I want to read that document from which you quoted before I venture an opinion on it one way or the other.

Adoption Law

MS MAHER: My question is addressed to the Minister for Housing and Community Services. I recently attended a seminar on adoption and listened to many views from the community. I gained the impression that reform is necessary. I note that in the budget papers there is no mention of proposed changes to the adoption law. Does this mean that there will be a delay in the reform of the current ACT adoption practices, and could the Minister explain what action he intends to take on adoption and whether the community will be consulted on those proposed changes?

MR COLLAERY: I thank Ms Maher for the question; it is a timely question. Since 1987 a community consultative process has been operating in the review of the ACT adoption law. A major report was produced around the time of self-government. That report has been extensively examined and consulted upon with various groups. A proposal recently went to the Government and the Cabinet has approved the drafting of a Bill incorporating a very comprehensive change to our adoption laws.

Since the issues are of extreme public interest and importance, the Government proposes that that Bill be put forward for community consultation and further exposure, as we did with the planning legislation. It is our ambition - and I stress the word "ambition" - to table the draft legislation during the current sittings of the Assembly. Of course, the draft will be distributed in the community so that we can get further feedback on those vital areas of adoption reform.

Canberra Church of England Girls Grammar School

MR CONNOLLY: My question is addressed to the Chief Minister in his capacity as Minister for planning. I refer to the block of land in Deakin which the Minister intends to give free of charge to Canberra Girls Grammar Junior School and to the Minister's statement during the MPI discussion yesterday that:

> ... its former approved use as a diplomatic site would also not necessarily derive any revenue for the Government.

I ask the Minister: Is it not true that the land in question has previously been subject to a policy plan which would have allowed commercial development on that site?

MR KAINE: No, in fact that is not true. Mr Connolly is obviously under some kind of a misapprehension, or his information is incorrect. The position is that in 1977 blocks 10, 11 and 12 of section 49 in Deakin were shown as allocated for diplomatic use on policy plan AP4134. This plan was gazetted in January 1989 and is currently in force. In June 1983 the then National Capital Development Commission changed the policy to enable part of block 11 to be identified as a site for an art gallery. Local residents were advised of the selection of the site for this purpose in June 1983 and the art gallery was subsequently relocated to the west of block 10 of section 49, and this is the site currently occupied by the Solander Gallery.

The change of policy of June 1983 referred to was not subsequently gazetted and is therefore not in force. The current gazetted policy for block 11 is for diplomatic use, and the Planning Authority does not consider the site is suitable for commercial development, particularly in view of the effects such development would have on the residential amenity of houses on the opposite side of Grey Street. In short, Mr Connolly's suggestion that the site could be rezoned now for commercial use, or has been in the past, conflicts totally with the views of the Planning Authority.

Erindale Pool

MR JENSEN: My question is directed to Mr Duby in his capacity as Minister for Urban Services. I refer the Minister to a comment by Mrs Grassby on page 53 of the proof Hansard on Tuesday. In referring to the Decoin proposal to construct a swimming pool in the Tuggeranong Valley, Mrs Grassby said:

> Last year, a report prepared by the Follett Labor Government indicated that the cost of extension of the Erindale -

I presume she meant the Erindale pool -

> would be about $2 million and the cost of a new pool would be about $4 million.

My questions to the Minister are: What report was Mrs Grassby referring to? Are the figures she cited correct? Is this a case of Mrs Grassby comparing apples with oranges

rather than apples with apples; and/or is this another case of the Opposition being rather careless with its facts?

MR DUBY: I thank Mr Jensen for the question. There was, indeed, a series of papers presented to the Follett Labor Government last year with respect to estimates for the provision of swimming facilities in Tuggeranong. These estimates were based on varying options for swimming facilities ranging from a basic outdoor 50-metre pool at Erindale to a fully indoor swimming complex at the Tuggeranong town centre; and, within this range of options, varying costings were put forward.

Initial estimates - not based on any design or site analysis - from ACT Public Works in November last year indicated that costs could range from $1.33m for the outdoor pool to $5.15m for an enclosed swimming facility in the town centre. None of these options included ancillary facilities to raise revenue to offset recurrent expenditure. The then Deputy Chief Minister, Mr Whalan, appointed a community-based committee to assess the need for swimming facilities and recommend options to meet those needs.

That committee reported on 24 November and recommended that a range of facilities be included in the swimming complex, with the town centre as the preferred site. It was also agreed that the advice of a consultant should be sought to recommend on siting, costs and the combination of components to ensure that the proposed facility could meet its recurrent costs.

Based on this information - and whilst Mrs Grassby was still the Minister for Housing and Urban Services - her department raised the estimate for the pool to $5m. When this Government came into office it followed up the work of the committee and appointed consultants to cost the options. These options were to ensure the facility would meet its recurrent costs. The consultant's report was finalised in mid-1990 and established costs ranging from $6.7m at Erindale to $10.2m in the town centre. The proposals costed included ancillary facilities to ensure the complexes would recover operational costs.

Mrs Grassby is again - as Mr Jensen said - comparing apples with oranges when she talks about proposals considered by the Follett Government and costs estimates forecast by this Government. She is also talking about preliminary, pre-designed estimates as opposed to proper assessment of costs based on draft sketch plans. It is, I think, another example of this Government's commitment at least to fully examine the costs of proposals before committing expenditure, to ensure full value for money - something which, of course, those opposite were never able to do.

Melba Preschool

MR MOORE: My question is directed to the Minister for Education, Mr Humphries. It is very timely, considering that Mr Collaery has just earlier today mentioned that the change in Melba's demography is simply a temporary change. Under what premise and with what input from the communities involved and other interested groups has the decision been made to move Melba preschool, which was not nominated by the task force as one of the six for closure, to the primary school, and to subsequently convert that preschool site to a creche? Can the Minister tell this Assembly whether, in fact, the decision was just an arbitrary one made by the department of community services?

MR HUMPHRIES: No decision has been made to move the Melba preschool into the Melba Primary School, and I think Mr Moore should be more careful before he believes everything he reads.

Weston Creek Health Centre

MR BERRY: My question is directed to the Minister for Health. Mr Humphries, on Tuesday you outlined plans for the Weston Creek health centre and claimed to have consultation with the community there. Is the Minister aware that the Weston Creek Community Service works out of the health centre and also the Community Centre next door? Is he aware that these people are still waiting to be consulted and have, in fact, requested a meeting with him to discuss the planned closure? Is the Minister also aware that his proposals to relocate those services will split the functions of the Community Service and lead to increased overheads?

MR HUMPHRIES: I do not accept the premises that Mr Berry has outlined in asking his question. It may well be true that the association has sought a meeting with me and I have made myself quite - - -

Mr Berry: No, the service; it is not the association.

MR HUMPHRIES: The service, I beg your pardon. It may well be true that the service has sought a meeting with me, and I pride myself on being able to make myself available to such people. I am sure that if they have sought such a meeting the request will come up to me in due course or, indeed, it may have already been put in my diary for me to meet with them at some point in the near future. In terms of the splitting of the services between those two sites, I have to say that I would hope that those issues would be sorted out thoroughly with those organisations before any decision was made, so that it was possible to deal with them in an appropriate fashion.

Mr Berry: I raise a point of order. Mr Humphries does not seem to have heard my question. I asked him whether he was aware of those two locations.

MR HUMPHRIES: I am only half way through answering it, Mr Speaker.

MR SPEAKER: Yes. I do not believe that is a valid point of order, Mr Berry. Please proceed, Mr Humphries.

Mr Berry: Well, just by way of assisting him with responding to the question - - -

MR SPEAKER: Thank you, Mr Berry. Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, it is impossible for a Minister to know every single detail of every decision that might be made. I am certainly hopeful, however, that the parties that we consult will be able to advise us of potential problems that could arise with respect to particular proposals, and that that process will throw up the appropriate responses or solutions to problems that have been posed. I certainly hope that it is possible to sort out these difficult problems by discussions with those parties and to find a solution which is suitable for all concerned.

MR BERRY: I have a supplementary question. Is the Minister prepared to meet with representatives of the Weston Creek Community Service and review his decision? Does the Minister acknowledge that he misled this Assembly when he last addressed this issue and said that he had consulted with the service?

MR HUMPHRIES: Mr Speaker, I have in front of me the Hansard from Tuesday and, if Mr Berry would be kind enough to direct me to where it says that I have consulted with the service - - -

Mr Berry: I do not have it in front of me.

MR HUMPHRIES: I have certainly made reference to consulting with the Weston Creek Community Association on several points.

Mr Berry: That is the service.

MR HUMPHRIES: If that is what you are referring to - you corrected me before when I confused the two, Mr Berry. You wished to draw the distinction between the two of them. If you want to say there are two of them, in fact there has been consultation in that sense. I did not mislead the Assembly. I am advised - if Mr Berry is listening I will proceed with the answer - that Ms Sue Kirby of the ministry went out to speak to people from the service last Friday. Unfortunately, she had not arranged an appointment before she arrived, and as a result was not able to speak to Helen Szuty from the service.

Last Monday, I am advised, a Ms Jenny Brogan from the department rang Ms Szuty and spoke to her about the proposals the Government had floated and indicated there would be some further discussion on the subject. That might not be the nth degree of consultation, but it is certainly a reasonable start, and I do not think that kind of contact is unreasonable.

Mr Berry: Pretty poor, I would say.

MR HUMPHRIES: Of course, the Opposition runs on the premise that if everything is not done by yesterday it is not done soon enough. I reject that assertion.

Ms Follett: It should be done before you announce it.

MR HUMPHRIES: I did not announce it; I was asked a question in the Assembly. I am doing my best to ensure that these things are done in a proper fashion, in appropriate time and at an appropriate pace. I am not going to be rushed by the Opposition into announcing decisions prematurely before proper consultation has occurred.

Mr Berry asks whether I will reverse my decision. The practical fact of the matter is that there has been no decision as yet. No decision has been made about where those particular tenants should go and, when the decision is made, I will certainly advise the Assembly. But the decision is still being consulted about and I will advise the Assembly when that is set in concrete.

Children with Intellectual Disabilities

MR STEFANIAK: Mr Speaker, my question is addressed to Mr Humphries as well.

Mr Berry: See whether you can get a straight answer out of him. You might be able to. He probably has the answer to your question in writing.

MR STEFANIAK: I am sure I will get a straight answer. I always get straight answers from Mr Humphries. What is the Government's policy, Mr Humphries, on the placement of intellectually disabled children in schools, and when will this policy be revised?

MR SPEAKER: Order! That is not a valid question.

School Closures - Inquiry

MR WOOD: Mr Speaker, I direct a question to the Minister for Education. Mr Humphries, what will be the cost of the Hudson inquiry into school closures - and that includes secretarial support as well as his fee? I have heard estimates varying between $10,000 and $40,000. What is the correct figure?

MR HUMPHRIES: I thank Mr Wood for his question. In fact, I suspect that the rumours that Mr Wood has heard are, for a change, probably fairly accurate. I would expect the cost to be somewhere in that range - - -

Mr Wood: I do not work on rumours; I stick to the hard facts.

MR HUMPHRIES: That remains to be seen. However, I can advise the Assembly that the question of Mr Hudson's fee for his services and the amounts needed to be paid to other people for ancillary services to this inquiry will have to be negotiated. I met Mr Hudson for the first time only today, and I understand he is in discussions this afternoon on what resources he will require for that inquiry. I can assure the Assembly that we will be doing our best to ensure that the resources are adequate. If necessary, we will pay for those resources as appropriate, but they will be contained within reasonable limits. The figure will be a reasonable one in the circumstances and will produce a desirable kind of process for resolving these issues.

Traffic Fines

MRS GRASSBY: My question is addressed to Mr Duby. I refer to the Bill which the Minister introduced into the Assembly this morning, which has the effect of doubling traffic fines. I ask the Minister: Is it correct that the Government has taken no action to adjust the fine default rate in line with the new penalties, which means, in effect, that a traffic offender who is unable to pay a fine will now have to spend twice as long in gaol and twice as long as an offender in New South Wales?

Mr Humphries: Are you going to oppose the Bill?

MR DUBY: I think that might be the relevant question that needs to be asked of Mrs Grassby: Will the Opposition oppose the Bill? Of course, the answer to that will be no. That Bill that I introduced this morning, Mrs Grassby, as you are well aware, upgraded penalties for traffic infringement notices - things along the lines of speeding, refusing to wear a seat belt and things like that - and those penalties have not been upgraded since 1983. On average, the fines have risen only 60 per cent, so I think they are quite commensurate with the penalties that were there. In relation to the question of penalties for people

who do not pay or cannot afford to pay, I suggest that you address that question to the Attorney-General.

Teachers

MRS NOLAN: Mr Speaker, my question is addressed to Mr Humphries in his capacity as Minister for Education. Is it true that salary increases for teachers would lead to fewer teachers being employed in the ACT?

MR HUMPHRIES: Mr Speaker, I thank Mrs Nolan for this question. The Government, as members I am sure are well aware, is continuing negotiations at both the national and local level about teachers' salaries. Indeed, last Friday in Melbourne I attended a meeting on that subject with other Ministers for education. The ACT Teachers Federation and my ministry are discussing possible structural changes to the teaching profession and associated salary structure. Members will certainly be aware that under national wage principles issues of that kind are very much to the forefront of negotiated wage increases.

The Federation has lodged notification of a dispute in the Australian Industrial Relations Commission and the parties will make an appearance before the Commission on the 27th of this month.

The ministry will follow the normal industrial process to settle the dispute as directed by the Commission. If the negotiations result in salary increases, naturally the ministry will need to examine the impact of the costs on the education budget. Ideally, the structural efficiencies gained will contribute to meeting any increased costs. However, if the costs are high the ministry will need to review its staffing policies. It is intended that structural efficiency improvements and productivity improvements will benefit ACT public schooling.

Weetangera Primary School

MS FOLLETT: My question is also addressed to Mr Humphries as Minister for Education. Mr Humphries, was there ever a review of the decision to close Weetangera Primary School? If so, what was the nature of that review and what advice did you subsequently give the school?

MR HUMPHRIES: Mr Speaker, there was never any undertaking on the part of the Government to conduct a review of the Weetangera Primary School decision.

Mr Moore: That is not their understanding.

MR HUMPHRIES: Well, if they have a different understanding it is a maliciously founded misunderstanding because I met

with the school representatives several times and discussed the issue with them at some length, and I am convinced that there could be no misunderstanding based on what was clearly said by me.

What I told the school was that I would review the circumstances relating to the decision on Weetangera school and, if that led to doubts in my mind as to the validity of the decision we had made, I would institute a review. I met with the representatives of the school some time after that. I think it was probably in the region of three weeks after that original offer - it was on a Sunday - and I advised them that I had carefully examined the evidence and in my view it was not appropriate to review the decision in a more formal sense. That was the clear advice that I gave to them at that stage. Of course, subsequently this was discussed in the Government and that view was affirmed.

In respect of the way in which the advice was conveyed to those at Weetangera school, I believe that about a week after that decision of our Government a document was sent to the school which amended the grounds on which the Government considered the closure of the school appropriate. That rationale was amended to acknowledge the strength of some arguments that had been put forward by the representatives of Weetangera school. It was an acknowledgment that the Government had put emphasis on certain factors without warrant.

That was the basis on which I reconsidered the evidence in respect of Weetangera school. However, the argument that I put to those parents and to the Government was that, in the circumstances, although some arguments were less reliable than others, certainly the evidence still pointed very firmly in favour of the closure of Weetangera Primary School. That was the basis of the Government's decision and that was the basis on which it was conveyed to those people at Weetangera.

Children with Intellectual Disabilities

MR STEFANIAK: My question is directed to the Minister for Education. Minister, what is your attitude to the placement of children with intellectual disabilities in schools, and who can have input into that placement?

MR HUMPHRIES: Mr Speaker, I thank Mr Stefaniak for his question. My position on this matter is quite clear, and it is reflected in our Government policy on disability. That policy encourages the mainstreaming of children with disabilities. This may be, of course, a full integration of those students into a regular class or into a special class within a mainstream school, or supported integration at regular intervals.

The need for some special schools, of course, cannot be denied and these will be continued. The Government school system currently provides placement options for intellectually disabled children in schools - placement of children with Down's syndrome, for example. There are currently three children with Down's syndrome in mainstream classes and seven children in special classes in mainstream schools, in addition to children placed in special schools.

In placing a student with special needs, officers consider the interests of the student, the interests of other students in the school and, of course, the system's overall capacity to bear that placement.

The ministry's revised draft policy for services to students with special needs was recently released, and I hope members will take the opportunity to comment on it. It is a green paper. The ministry has invited written comments on the document by the close of business on 12 October 1990. Parents of students with special needs are encouraged to take part in that process. I want to remind the members, though, that every effort is made to accommodate parents' wishes, although these must be balanced by the professional views of the educational needs of the student. The ultimate responsibility for deciding on a recommendation for placement of a student with special needs in a mainstream school does lie with ministry officers.

Preschools

MR MOORE: Mr Speaker, my question is also directed to the Minister for Education. I must say, Minister, I note your department's distribution of these so-called facts sheets on preschool collocation and clusters, which of course are much more about propaganda than facts, because they present arguments, and arguments are not facts.

MR SPEAKER: Order, Mr Moore! Is this a question?

MR MOORE: Can the Minister offer an accurate financial schedule of how much it will cost in refurbishment for each of the six preschools destined for closure to be collocated with primary schools - because collocation really is closure? Bearing in mind the quite specific needs in capital works required by preschools, can the Minister indicate from where the funding will be drawn to accommodate those costs?

MR HUMPHRIES: Mr Speaker, once again Mr Moore is attempting to have the Government announce decisions which have not yet been made. It is true that the decision has been made to close a certain number of preschools as part of a cooperative approach to this issue with the Canberra Pre-School Society and with users of preschools. That, as I have indicated, does entail the closure of at least six

preschools, as a result of the recommendations of the preschool task force some weeks ago.

Of course, until the decision is made on which preschools should close, I cannot advise Mr Moore or members of the public what the cost of closing those schools will be. However, I will present figures on those decisions in the same accurate detail as those I presented with respect to other school closures. If Mr Moore can identify any shortfall in information in respect of those decisions, I would be happy to hear about it. But I have not been told by any member of the parties opposite what information is lacking from the documents released to date, and I will happily rectify any lack of information which is not available, providing it is within my power to do so.

MR MOORE: Mr Speaker, I ask a supplementary question. Mr Humphries, you have stated quite clearly then, if I am not mistaken, that no decision has been made on which preschools are to close. Fisher Pre-School, for example, has been told that it is going to be collocated at Waramanga. Are you saying that, in fact, that decision has not been made and that somehow or other somebody is making a decision without your knowledge? I do not understand. Or are you trying to mislead the parliament?

MR HUMPHRIES: Once again, Mr Speaker, Mr Moore is asserting what someone has told him to be fact. Nobody has told the Fisher Pre-School it is going to close. Certainly it is possible that people from the department have had discussions about the closure of Fisher Pre-School with the parents or the teachers of that preschool. That is not an indication of a Government decision; that is an indication of wanting to consult with that community about the possible consequences of that decision. I refuse to abstain from that kind of process. I think it is an entirely appropriate process to be engaged in if one is considering such decisions.

The alternative is to march into this place or elsewhere and say, "We are closing the Fisher Pre-School" or, "We are closing X or Y preschool and, by the way, we will get around to consulting with you about that afterwards". This is by far the more appropriate action and I will stand by that process.

MR KAINE: Mr Speaker, I request that any further questions be placed on the notice paper.

Molonglo River

MR KAINE: Over the last days I have been asked a number of questions which I have taken on notice and, since the Assembly will presumably be in recess for three weeks, I would like to answer those questions now.

First, on the 19th Ms Follett asked me a question about the levels of cadmium, lead and other heavy metals in the Molonglo River. In answer to that question, I should start with some history and inform Ms Follett that mining operations at Captains Flat between 1882 and 1962 have resulted in heavy metal pollution in the Molonglo River upstream of Hoskinstown bridge. Remedial engineering works were undertaken in 1976 and the chemical monitoring undertaken before and after that remedial work has demonstrated a significant improvement in the river water quality. This becomes more evident with progression downstream from Captains Flat.

The level of heavy metal pollution below Hoskinstown bridge meets the objectives of the World Health Organisation standards for drinking water. The standards for the objectives of the ACT water policy plan are also achieved downstream of this point, with the exception of zinc. Further monitoring is suggested. However, the designated uses of the Molonglo River under the ACT water policy plan are not compromised, due to heavy metal pollution emanating from the Captains Flat mines.

Contamination of Fish

MR KAINE: Another question, from Mr Wood, was of a similar nature. He asked whether I was aware that the extent of contamination in the fish of Lake Burley Griffin by zinc, copper, lead and cadmium is of concern to noted scientists, and he asked a supplementary question in relation to the depositing of silt in the lake.

In connection with the first question, heavy metal pollution of Lake Burley Griffin waters is currently not a problem. Tests for pollutants have shown that levels of heavy metals are within the ranges of the water policy plan, which is far more stringent than the World Health Organisation or the National Health and Medical Research Council standards.

Scientists within the ACT Government Service and from non-government institutions are concerned about the possibility of contamination of fish. However, this does not imply that the fish are contaminated. In fact, tests completed two years ago did not find any contamination of fish in Lake Burley Griffin. Levels of heavy metals have been monitored until recently in the Molonglo River and there is no indication that further research funding for analysing fish is necessary at this time.

In answer to the supplementary question, the nature and origins of sediment in Lake Burley Griffin are part of a study by the ACT Parks and Conservation Service in collaboration with the CSIRO Division of Water Resources and involving the Soil Conservation Service of New South Wales. The study has recently been completed and the report is now being finalised.

Preliminary findings are that 30,000 tonnes dry weight of sediment is being delivered each year to the lake, most of it being trapped in the East Basin, and that the Molonglo River is the only significant source. It has further been concluded that subsoils are the principal sources of sediment. The Lake Burley Griffin catchment protection scheme has been designed to address the problem and is due for renewal in June 1991.

The current agreement between the Premier and the Prime Minister involves works by the New South Wales Soil Conservation Service and by landholders in the catchment designed to minimise soil erosion in the catchment. The lake is a national asset and is a Commonwealth responsibility.

School Land

MR KAINE: The third question, Mr Speaker, was from Mr Moore, and it had to do with the status of planning in connection with the leases of the land of the schools to be closed at the end of this year.

The Interim Territory Planning Authority has referred to the National Capital Planning Authority possible changes of land use policy for the school sites identified by the Government for closure.

The ITPA has been advised by the NCPA that these draft proposals are not inconsistent with the certified draft National Capital Plan. The ITPA, after discussion with other ACT Government agencies, is now preparing draft variations to policy which could be released later this year for public comment. After considering public comments on the draft variations to policy, the ITPA will make recommendations to the Government on those proposals. I believe it is entirely appropriate for the ITPA to prepare planning policy proposals for the school sites following the announcement of their closure.

I should add that the Government finds it to be a matter of interest that the fact of the contact between our agencies and the NCPA on this matter, which took place only last Friday, has immediately been made known to Mr Moore.

Hospitals Redevelopment Project

MR KAINE: Mr Speaker, the next question was from Ms Follett. It related to $10m which I was going to seek from the transitional trust fund held by the Commonwealth. She asked:

How much of this amount is for redundancy payments and how many jobs will be affected?

The answer to that question is that none of the $10m requested for the hospitals redevelopment project is for redundancies. Rather, it will be used to fund the construction element of the project to enable significant recurrent savings in future ACT budgets.

National Press Club Address

MR KAINE: The final question was from Mr Berry. It referred to an advertisement which appeared in the Canberra Times of 12 September in connection with an address that I was delivering to the National Press Club. He asked whether the ACT Government paid for that advertisement.

I have been told that my department published the advertisement mentioned in Mr Berry's question. I would say that it did it without reference to me. However, I do consider it perfectly legitimate for the people of Canberra to be informed where the head of the Executive Government, whoever that is, is involved in an event such as that. It was an event of considerable interest. It had to do with the financial future of the ACT. I made a lengthy speech on the subject and the Press Club was full - which indicates that there was a lot of interest in that subject.

Ms Follett: It made money for the Press Club, which is why it should have paid for the ad.

MR KAINE: It is interesting that I now have the previous Government's response to this, because I would like to refer to what I consider to be blatant misuse of public moneys by the previous Government. I refer to a series of advertisements in the media, put there by Mrs Ellnor Grassby with her photograph and signature on the bottom - all of them at public expense. That is a gross misuse of public money.

ACT Driving Licences

MR DUBY: Mr Speaker, yesterday Mr Stevenson asked me a supplementary question concerning the availability of driver licences for shorter terms than five years.

I am pleased to be able to advise Mr Stevenson that driver licences are issued for terms shorter than five years. This occurs in cases where licence holders advise that they are leaving the ACT within a short time. In such cases some evidence of travel or posting is requested and approval is granted at counter supervisor level at the Motor Vehicle Registry. Short-term licences are also issued in cases of declared hardship, where people cannot

afford to pay for the full five-year licence. However, applicants in these cases must produce supporting evidence, and this is generally produced by the CARE Credit and Debt Counselling Service.

The Government is keen for the services it provides to be flexible to meet the legitimate special needs of members of the community. This flexibility does, of course, involve extra cost for the Government, and it is for this reason that individual cases are carefully considered and are the exception rather than the rule.

PAPER

MR COLLAERY (Deputy Chief Minister): Mr Speaker, I table for the information of members the following paper:

> Office of Industry and Development and Business and Employment Bureau - Report for 1989-90, including freedom of information statement.

SUBORDINATE LEGISLATION - PAPER

MR COLLAERY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I table the following subordinate legislation in accordance with the schedule of gazettal notice for a ministerial declaration made by the Executive:

> Nature Conservation Act - Declaration of the Jerrabomberra Wetlands Nature Reserve (S62, dated 19 September 1990).

COURT STRUCTURES IN THE AUSTRALIAN CAPITAL TERRITORY - REVIEW
Ministerial Statement and Paper

MR COLLAERY (Attorney-General), by leave: Mr Speaker, I have pleasure in tabling, for the information of members, a discussion paper entitled Review of Court Structures in the Australian Capital Territory. This paper was prepared, at my request, some weeks ago by Mr Lindsay Curtis, and I now have pleasure in speaking to the matter. Members will now have received a copy of this very detailed and useful discussion paper which goes far towards fulfilling a longfelt need for a comprehensive study and analysis of the issues confronting the Territory's court system.

I am confident that the paper will achieve the object of stimulating discussion among the legal profession and the community generally about the options for the future of the Territory's courts and tribunals. I should like to take

this opportunity of acknowledging the Government's gratitude for the time and trouble which Mr Curtis has taken in preparing this major document. I am sure that all members of the Assembly will join me in conveying our thanks to Mr Curtis.

It is a model of clarity and lucidity for a discussion paper involving a complex and, to many people, abstruse subject. As many members will be aware, Mr Curtis was formerly a deputy secretary of the Commonwealth Attorney-General's Department. He has been able to apply the extensive experience and knowledge of court administration thus gained to comprehensively address the major issues confronting the Territory Government in relation to our courts.

The present early period of self-government provides us with a particularly appropriate opportunity to be innovative and adopt a sensible and cost-effective restructuring of the Territory's courts. There is no need to be unduly circumscribed by what is done by the Commonwealth, the States or the Northern Territory.

I think it is realistic to comment that, when the Territory's courts were under Commonwealth control, it seemed that there was never an appropriate time for giving proper attention to the Territory's courts. National needs prevailed over those of the Territory. This is why it is so desirable that full advantage should be taken of the present opportunity.

Some members may feel that such an urgent and important issue as this should be referred to the newly constituted Community Law Reform Committee under the chairmanship of the Honourable John Kelly, who was formerly a judge of the Supreme Court of the Territory and of the Federal Court of Australia. However, this is an important matter calling for full consideration by the Government as part of its duty to discharge its responsibilities for the effective administration of the Territory. In so doing, it will have the benefit of an extensive consultative process. To this end, I will be closely consulting with the judges and Master of the Supreme Court, the magistrates of the Magistrates Court and the members of the ACT Administrative Appeals Tribunal and the Credit Tribunal in order to obtain their views as well as those of the presidents of the Law Society and the Bar Association. Members' attention is also drawn to my comments to this matter earlier this week in the chamber in response to a matter of public importance.

There will be a process of consultation at the widest level with members of the public and representatives of various community groups. This will be accomplished by means of a seminar, at which there will be ample opportunity for all persons interested in the subject to express their views in a public forum. In order to encourage this process, the seminar - and that can be read singularly or in the plural;

the seminar or the seminars - will be widely advertised and the discussion paper will be circulated to all interested parties.

I should like to take this opportunity of making it clear that the Government does not yet have any settled views on the policy which should be adopted in relation to the conclusions reached by Mr Curtis. I must emphasise that the Government will not be making decisions about the Territory's court system in any abstract or theoretical fashion. The Government is anxious to have the benefit of the views of all concerned with the courts.

I can assure members that any views which they may wish to convey to me, either on their own behalf or on their constituents' behalf, will be very carefully considered when the Government is determining the appropriate policy. I should hope that it will be possible for the Assembly to treat this issue with the degree of dignity and importance which it merits. I am hopeful that there will be a worthwhile and vigorous debate on this important subject, which is of importance not only to judicial officers and members of the legal profession but also, of course, to the public.

It should be made clear that, whenever decisions are eventually taken, the legislation relating to the courts will need to be amended and the related amending Bills will provide the Assembly with an opportunity to further consider in depth the important issues relating to the administration and operations of the courts and tribunals.

I think everyone here would share my view that the basic need is for a system of justice which can deliver effective justice without imposing undue financial demands on its principal users, the members of the general public. This need could be met by integrating the administration of the Supreme Court and the Magistrates Court. This could involve the unifying of accommodation, listing and enforcement procedures, and sharing common services, such as the library and computer services, statistical data collection and workload measurement.

Mr Curtis' paper contemplates that the Chief Justice of the Supreme Court could be given the overall authority for operating the Territory's courts, but perhaps under a council of the judges of both the courts. However, it is important to note that Mr Curtis proposes that the Chief Justice would not be responsible for the day to day internal working of the lower court, but to quote the discussion paper:

> ... the integrated structure is unlikely to work effectively unless there is a single source of authority at the head of that structure which is responsible for its overall operation.

A significant reform could be that the courts would have common rules and procedures, except where differences of function dictate different procedures. The civil jurisdiction of the Magistrates Court could be defined as at present, but without limitation as to monetary amount. However, the lower court would not ordinarily exercise jurisdiction under this proposal where the amount at issue exceeded $50,000. The Magistrates Court could, on Mr Curtis' proposal, be given additional powers in relation to granting specific performance and injunctive relief.

The judicial system itself could, under Mr Curtis' model, determine in which of the two courts an action is to be brought. He recommends that:

> Jurisdiction should be distributed within the court structure according to the sound management principle that a task should be performed at the lowest level in an organisation at which it can be most effectively and efficiently performed.

On this basis, it would be possible to transfer cases, in Mr Curtis' view, to the most appropriate forum. This would produce economies for litigants and facilitate the resolution of their cases.

One result of Mr Curtis' proposal would be that, from the litigant's viewpoint, the threshold between the two levels of courts will be largely invisible. This process would be encouraged by having a common public counter and staff.

With regard to the criminal jurisdiction of the Magistrates Court, Mr Curtis does not feel that it would be desirable to follow the New Zealand decision to give the lower court a completely concurrent jurisdiction with the Supreme Court. Mr Curtis suggests that the "radical step" of creating a jury trial jurisdiction in the lower court ought not to be taken until there has been a comprehensive examination of the management of jury trials in the Supreme Court to determine whether more effective and efficient use can be made of the available resources, including those of the police, prosecution and defence, by having jury trials in the lower court.

The discussion paper notes that it might aid flexibility in deploying judicial resources if summary trials were left to the lower court, with the Supreme Court continuing to hear jury trials, but having some lower court judges empowered to sit in the Supreme Court for certain types of matters. The discussion paper suggests that the range of cases which might be dealt with by the lower court on a plea of guilty might be extended to all offences with a penalty other than life imprisonment. Similarly, the Supreme Court might be given jurisdiction to deal summarily with summary offences relating to a trial for an indictable offence.

I should mention that Mr Curtis favours the retention of committal proceedings, but incorporating the procedural reforms now being put in place by the Chief Magistrate.

I should also refer to appeals. At present there is, in general terms, a right of appeal from the Magistrates Court to the Supreme Court. An appeal from a single judge of the Supreme Court lies to a full court of the Federal Court of Australia and thence, by leave, to the High Court of Australia.

In order to ensure that there are sufficient judicial resources to enable appeals to be taken to a full court of the Supreme Court, which would consist of not less than three judges, the number of judges required to sustain a full court might be supplied by securing the services of additional judges either from other courts, by inter-governmental arrangement - and I would include New Zealand in that - or by utilising the services of judges of superior courts on a sessional basis. There could be a panel of part-time judges established for this purpose.

However, the integration of the Territory's courts cannot proceed until such time as the Commonwealth gives the Territory administrative responsibility for the Supreme Court. The Commonwealth's Australian Capital Territory (Self-Government) Act 1988 provides for the transfer of administrative responsibility for the Supreme Court to Territory control by 1 July 1992.

I am hopeful that this change will be accomplished before then, and I am glad to note that Mr Curtis shares my view that it would be in the interests of all concerned that the transfer should take place as soon as possible. Mr Curtis' paper - I am sure that it will not be long before it is referred to simply as the Curtis report - addresses several important topics which, while technical, need to be carefully examined.

Let me now draw members' attention to several of the more important of the conclusions. The Government has an open mind in relation to the appropriate nomenclature for a lower court. It is true that earlier this year I suggested that the name "Canberra Court" would be suitable for a unified court structure. Mr Curtis has pointed out that this term, while it is an attractive and simple one, may suggest that the Supreme Court has little to do with Canberra, and the city of Canberra is not the whole of the Territory. At this stage it is sufficient to assure the Assembly that I would not wish to pre-empt any other suggestion for the name of a new court.

Mr Curtis has also made valuable recommendations in relation to the role of the Territory's Administrative Appeals Tribunal. This tribunal was set up in 1989 as part of the legislative package which enabled the translation from Commonwealth to Territory control of administrative law in the Territory.

Mr Curtis recommends that the administrative review function presently carried out by the ACT Administrative

Appeals Tribunal be carried out by an administrative division of the lower court - and I stress that; he did not propose that it be abolished. Mr Curtis suggests introducing flexibility by allowing the administrative division to undertake judicial review of decisions which it may review on the merits and by conferring a merits review jurisdiction on the Supreme Court where the type of matter justifies this approach.

Appropriately qualified non-judicial members would be appointed, in Mr Curtis' view, to the administrative division. I am pleased to see that Mr Curtis proposes that the preliminary conference procedure, which has worked very well in the Administrative Appeals Tribunal - as members here would be aware - should be a feature of the proposed administrative division.

With regard to the Credit Tribunal, Mr Curtis feels that it is quite appropriate that the judicial functions of the Credit Tribunal should be amalgamated in the lower court, while the licensing and inquiry functions could remain with a specialist tribunal. This question is bound up with the overall question of how the courts can best deal with commercial litigation.

This discussion is not concerned only with what is usually regarded as the conventional role of courts. Mr Curtis draws attention to the need for suitable procedures applicable to commercial arbitration and alternative dispute resolution. The discussion paper notes that in other jurisdictions only about 5 to 10 per cent of cases filed reach a contested hearing. I think that there is a real need to examine the raison d'etre of courts in that the real need is to resolve rather than litigate issues. The court would still have the power to enforce decisions by legal process, whether the dispute was determined by the court or settled independently by the parties.

The sheer cost to all concerned of contested legal proceedings makes it essential that procedures be introduced involving the court itself in the process of encouraging and facilitating the settlement of disputes, rather than leaving all such responsibility with the parties themselves. It is important to ensure that the court staff involved in this process are properly trained in order that the process of achieving consensual resolution or a negotiated settlement is fair to all concerned.

I note that Mr Curtis has recommended that the whole question of professional costs allowable in different jurisdictions should be examined. This issue of scales of costs is a particularly technical and complex one and I note Mr Curtis' conclusion that the scales of costs be made by the single rule making body, which he suggests should make rules for both the Supreme and Magistrates courts.

Today, computers play an essential role in the operation of the courts, as they do in many other activities. Bearing in mind the considerable cost implications, I was disturbed by Mr Curtis' conclusion that the requirements of the Supreme Court might not fully be met by the design of the computer system which is proceeding in the Magistrates Court. Again the early transfer of the Supreme Court would assist in minimising duplication of effort and unnecessary expenditure by independent bodies.

The discussion paper also refers to the inadequate accommodation of the courts. This represents a significant example of the continuing and manifest lack of attention given by the Commonwealth to the Territory's court system. The ACT's court accommodation is fragmented, inadequate and inappropriate to the needs of a modern judicial system. It is timely that our courts be accommodated in a manner which is conducive to the effective dispensation of justice under user-friendly conditions.

I will shortly be embarking on a process of consultation with the judiciary and court user groups as part of the process of developing a design brief for purpose-built court accommodation. I will, of course, examine any innovative solutions to the problem of the funding of what will be a very expensive enterprise, including the involvement of the private sector.

Assuming that the funding issues can be resolved and that the Government approves the project, the completion of a project of this magnitude could take in the order of five years.

In conclusion, I have pleasure in commending this statement to the Assembly. I present the following papers:

Court Structures in the Australian Capital Territory - Review -
Discussion paper, prepared by L. Curtis, dated August 1990
Ministerial statement, 20 September 1990.

I move:

That the Assembly takes note of the papers.

MR CONNOLLY (3.27): Mr Speaker, before making some remarks this afternoon on the Curtis report that has been tabled by the Attorney, I would like to place on record appreciation for the Attorney's courtesy, when the house adjourned this morning, in presenting me with a copy of a draft of the statement that he would make this afternoon, to enable the Opposition to more fully respond. This is a procedure that we have been requesting for some time and I thank the Attorney very much for that courtesy. It aids the smooth operation of this house when these courtesies can be observed.

Mr Speaker, the Opposition will not take up much time of the house this afternoon in commenting on the Curtis report because we raised a matter of public importance on the first sitting day of this week on this very issue.

The concern of the Opposition, then stated and reiterated this afternoon, is that, while the Curtis report makes some very positive suggestions in respect of procedural reforms for the courts, we have real reservations about proposals for structural reform. I would like at this stage to join the Attorney in putting on record the Opposition's thanks for the work that Mr Curtis has done, particularly in respect of the procedural reforms where he has had something of a free hand and has come up with some very positive suggestions which I am sure will be referred to as the reforms emerging from the Curtis report.

In respect of the structural change, however, the Opposition is concerned that perhaps these should not be referred to as the Curtis reforms; they are very much the Collaery reforms. Mr Curtis, in his brief, was specifically directed to look at a unified court structure. The consultant brief says:

> By "unified court structure", the Attorney-General has in mind a structure that would consist of two complementary parts: (1) a Supreme Court dedicated to the hearing of appeals, important first instance matters, and matters that for constitutional or other reasons could only be heard by the Supreme Court; and (2) a lower court (which might be styled the Canberra Court) that would amalgamate the jurisdictions of the Magistrates Court, the Administrative Appeals Tribunal (and possibly the jurisdiction of other determinative/adjudicative bodies such as the Credit Tribunal and the Parole Board).

So, Mr Speaker, on that fundamental structural reform, the so-called unified court structure, Mr Curtis was not given a free hand. He was not, in effect, asked what would be the best model for reform of the Canberra courts. He was told to report on this type of reform. It is on that preliminary point that the Opposition parts company with the Government.

I welcome the remarks that Mr Collaery made that indicated that the Government is not locked in to any definite model for reform. I am pleased to hear that. I hope that the process of consultation, debate and discussion on this issue that the Attorney has outlined this afternoon, that will involve the community and the profession and that may at some stage involve the Community Law Reform Committee - we would favour it being referred to the Community Law Reform Committee at an early stage - will focus on the question of what is the appropriate structure for courts in Canberra, not the question of how we implement the Collaery model, the so-called unified court structure.

There is a fundamental problem, if we are discussing this type of important reform, if the whole discussion is premised on one particular model for reform. There may well be, at the end of the day after a full discussion, some merit in what I am calling "the Collaery proposals". But the Opposition is very concerned that this should not be the only proposal for reform. Our concerns were outlined on Tuesday and I will only briefly reiterate them. They are, in effect, that the Magistrates Court - a lower court system presided over by a magistrate and with the appropriate degree of informality and flexibility that that tribunal is renowned for - ought not to be replaced by a court staffed by judges and carrying with it the superstructure of formality that so often is associated in the public mind with superior courts.

We are also concerned that the Administrative Appeals Tribunal, which operates very effectively, very informally and in a fundamentally different way from a court, because it is a tribunal concerned with merit review designed for the lay person to present their case, ought not to be amalgamated into an intermediate court structure presided over by judges and with the subsequent blurring of the distinction - the fundamental distinction - between merit review and ordinary superior court litigation.

So, Mr Speaker, they are the reservations that the Opposition has on this report. We welcome Mr Curtis' very positive recommendations in respect of procedural reform, and I know the profession has welcomed those proposals because I have spoken with Mr Phelps on an ABC radio program on those. I am sure that the Government will find little difficulty in moving, at some speed, with the profession and the community along the line of procedural reform.

On the question of structural reform of the courts, however, I reiterate the Opposition's concern that any restructuring of the courts ought to be premised on a full examination of all the alternatives and ought not to proceed down tracks that have been laid in advance towards a so-called unified court structure. With those reservations, Mr Speaker, I welcome the Curtis report.

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

ESTIMATES COMMITTEE
Membership

MR BERRY (3.33): Mr Speaker, pursuant to standing order 223, I move:

> That Ms Follett (Leader of the Opposition) be discharged from attendance on the Estimates Committee and, in her place, Mr Moore be appointed a member of the Committee.

Ms Maher: Shame! A lazy Opposition.

MR BERRY: I had agreed that there should be no debate on this matter. I would expect that the members opposite would avoid the temptation to interject; otherwise debate will start. Let the fun begin.

Question resolved in the affirmative.

SMALL BUSINESS
Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Mr Stevenson proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> In view of the severe financial hardship and frequent closures being suffered by small business in Canberra due to extremely high interest rates being imposed by the trading banks, are business operators being prevented by any removable banking or financial circumstance, factor, law, or condition from enjoying the benefits of low interest rates?

MR STEVENSON (3.34): Mr Speaker, there are removable banking and financial circumstances, factors and conditions that prevent the people of the Commonwealth of Australia and the ACT from enjoying the benefits of low interest rates. The authorities tell us that this is so. In the Bank of New South Wales Review of 27 October 1978, under the heading "Sources of Money" in the article on economics, at the beginning of paragraph 5, it is stated thus:

> Today in Australia, as in most other modern economies, all money is a debt of the banking system.

In the National Australia Bank Monthly Summary for October 1986, the bank states, in paragraph 5:

> The development of the new global economy demands a fundamental realignment of policy-making power, away from national governments to some as yet undefined institutional order, where the traditional nation-state plays a more subordinate role.

This shows that the thinking of the bankers is that they must have control of the monetary system. The authorities tell us that bankers create money, create credit, out of thin air. Dr H.C. "Nugget" Coombs, former Governor of the Commonwealth Bank, later the Reserve Bank, and financial adviser to every Federal government from Chifley to Whitlam, stated:

> When money is lent by a bank it passes into the hands of the person who borrows it without anybody having less. Whenever a bank lends money there is, therefore, an increase in the total amount of money available.

The barrister, H.D. McLeod, in a British royal commission, was selected to prepare a digest on the law of bills of exchange, notes, et cetera. His book, published before 1897, of over 1,400 pages and entitled The Theory of Credit, has, on page 607, the following statement:

1. Bankers are not dealers in money. They never lend money. The sole function of a banker is to create and issue credit, and to buy money and debts by creating and issuing other debts in exchange for them.

(Quorum formed) There has been talk of whether or not State and Federal governments can create money. The sovereign States of the Commonwealth of Australia have the constitutional right to carry on a banking service within the borders of each State for the State's own needs. This was validated by a number of rulings of the High Court of Australia, for example, in the famous bank nationalisation case in 1948, 76 Commonwealth Law Reports, pages 337-338. I quote:

> It is open to the States, at all events in contemplation of law, under the exception of State Banking, to provide for their own needs.

It is important to make a differentiation between cash - notes and coin - and credit. For this I refer to the Year Book of Australia, by the Australian Bureau of Statistics in Canberra, for 1986. At that time the ratio of dollars of legal tender to credit was $77.08 for every $1 cash.

The Right Honourable Reginald McKenna, one-time Chancellor of the Exchequer and Chairman of the Midland Bank in the United Kingdom, addressing a meeting of the shareholders of the bank on 25 January 1924, stated:

> I am afraid the ordinary citizen will not like to be told that the banks can, and do, create and destroy money. The amount of money in existence varies only with the action of the banks increasing or decreasing deposits and bank purchases. We know how this is effected. Every loan, overdraft or bank purchase creates a deposit, and every repayment of a loan, overdraft or bank sale destroys a deposit.

That came from Post-War Banking by Reginald McKenna. The July 1938 issue of Branch Banking, a United Kingdom bankers' journal, stated:

> There is no more unprofitable subject under the sun (than) to argue any banking or credit points, since there are enough substantial quotations in existence to prove to the initiated that banks do create credit without restraint.

In fact, the only restraint on bankers is what they term "sound banking practice", and this means "as much as we, the banks, can safely loan, in our estimation".

John Maynard Keynes, the architect of the deficit budgeting system used by our governments today, was the wartime Governor of the Bank of England. He stated:

> There can be no doubt that deposits are created by the banks.

Governor Eccles, one-time head of the Federal Reserve Bank Board of the United States, said in giving evidence before a congressional inquiry:

> The banks can create and destroy money. Bank credit is money. It's the money we do most of our business with, not the currency which we usually think of as money.

Indeed, Mr H.W. Whyte, Chairman of the Associated Banks of New Zealand, gave evidence before the New Zealand Royal Commission into Banking in 1955. He said:

> Banks create credit when making loans and advances, and they have been doing it for a long time ... Today, I doubt very much whether you would get many prominent bankers to attempt to deny that banks create credit. I have told you that they do; Mr Ashwin (Secretary to the Treasury) has told you that they do; Mr Fussell (Governor of the Reserve Bank) has told you that they do.

Mr Graham Towers, Governor of the Central Bank of Canada, made these statements to the Canadian Government's Commission on Banking and Commerce during the 1939 session. He was asked the question:

> Will you tell me why a government with power to create money should give that power away to a private monopoly and then borrow that which parliament can create itself, back at interest, to the point of national bankruptcy?

Mr Towers replied:

> If the parliament wants to change the form of operating the banking system, then certainly it is within the power of the parliament.

He was asked the following question:

> Would you admit that anything physically possible and desirable can be made financially possible?

Mr Towers said, "Certainly". He went on to say:

> The limit of the possibilities depends on men and materials.

He was asked the question:

> And where you have an abundance of men and materials you have no difficulty in putting forth the medium of exchange that is necessary to put the men and materials to work in defence of the realm.

Mr Towers replied, "That is right". The next question was:

> Well then, why is it, where we have a problem of internal deterioration, that we cannot use the same technique? In any event, you will agree with me on this, that so long as the investment of public funds is confined to something that improves the economic life of the nation that will not of itself produce inflationary conditions?

Mr Towers said, "Yes, I agree with that". I would ask the question, "Why are not politicians in Australia and this Assembly aware of these facts of financial life?". During the period of 1935 to 1937 there was a royal commission into the monetary and banking system of Australia. A portion of paragraph 504 of the commission's report says:

> Because of this power, too, the Commonwealth Bank ... can lend to the Government and to others in a variety of ways, and it can even make money available to governments and to others free of any charge.

The royal commissioner, Mr Justice Napier, was asked for an interpretation of this section. He replied through the secretary of the commission, Mr W.T. Harris, who said:

> The statement in the paragraph mentioned (504) is to the effect that as a matter of power, the Commonwealth Bank can make moneys available to governments or to others on such terms as it chooses, even by way of a loan without interest, or even without requiring either interest or repayment of principal.

Indeed, this was the power used under the Constitution by the Commonwealth - the common wealth - Bank of Australia at the start of this century, after its founding in 1912, to fund the First World War to the tune of $700m and the national shipping line and the national railway line. This principle now applies to our central bank, the Reserve Bank of Australia.

Finally, Mr Speaker, let the Labor Party speak from the past. In 1934 the Parliament of Tasmania, with Premier A.G. Ogilvie, appointed a select committee to inquire into and report upon the money system. The committee reported back to the Parliament on 29 October 1935. This report is available from the archives. The terms of reference were:

> (1) Whether the people are being prevented by any removeable banking or financial circumstances, factor, law, or condition from possessing, consuming, and/or utilising and enjoying the increase of wealth and/or the actual and potential increase of production over the last thirty years; and, if so, the cause, and what remedial steps should be taken ...

The reply, when the report was concluded, was this:

> On the evidence presented before it the Committee finds that the people are being prevented from possessing, consuming, and/or utilising and enjoying the increase of wealth and/or the actual or potential increase of production over the last 30 years; that the cause of this is shortage of purchasing power in the hands of the community as a whole; and that this can be effectively remedied only by -
>
> (1) Restoration to the sovereign community of effective control over money in all its forms, and
>
> (2) The establishment by the Commonwealth Parliament of machinery which would secure regular equation between the community's production and the community's purchasing power.

Mr Speaker, I quote Sir Denison Miller who was the first Governor of the Commonwealth Bank of Australia:

> The whole of the resources of Australia are at the back of this bank, and so strong is this Commonwealth Bank ... Whatever the Australian people can intelligently conceive in their minds and will loyally support, it can be done.

Mr Speaker, we have seen that, indeed, the banks do create credit out of thin air. We have seen that the Constitution of Australia, under section 51 (xiii) can, by the use of parliamentary State and parliamentary Federal banks, create all credit required and necessary for public works. This is not an unlimited creation of credit as is touted by some persons not equipped with the facts. It is the creation of credit by the people through their parliamentary representatives in place of that credit now created by the private banking system and for which the people of the Commonwealth of Australia are taxed beyond belief to pay profits to what amounts to nothing more than a private

bookkeeping service. It is also not a system that removes private banks, for the private banks would continue to supply credit for the community for private and commercial purposes.

The advantage of the revised system would be that there would be a mechanism by which the people could control the operations of the private banks through their own parliamentary banks. I make the point that parliamentary banks differ from what we now know as State banks, in that State banks are simply commercial trading banks owned by the respective governments and a parliamentary bank is set up and run by the parliament.

Mr Speaker, with this sort of evidence there is no excuse whatsoever for politicians of any political party who are debating and voting on financial policies which affect the whole community to be ignorant of the way the nation's money is made. Mr Speaker, I will be moving for an inquiry to be conducted by the Public Accounts Committee into the matter of the creation of credit.

MR KAINE (Chief Minister) (3.49): I think this is, and will continue to be, a rather curious debate. I had some serious thoughts about whether I would participate in it at all, but I thought that it really is necessary that we come down out of cloud cuckoo land and talk about the real world. Mr Stevenson's matter of public importance has to do with, in his own words, circumstances, factors, laws or conditions which prevent business from enjoying the benefits of low interest rates. I am quite sure there are hundreds, if not thousands, of such factors that affect their ability to enjoy the benefits of low interest rates. (Quorum formed)

The second part of his matter of public importance has to do with whether any of them are removable. Well, I would remind Mr Stevenson that this is the Legislative Assembly of the Australian Capital Territory. It is not the Federal Parliament. The Federal Treasurer does not sit here. It is not the Reserve Bank. While it might well be that there are some factors that are removable, it is not within the jurisdiction of this Assembly to remove them. So, one would have to wonder why we are debating the matter at all, since it is purely academic. No matter what we say or what we decide or what we conclude, it is a pointless academic exercise.

Mr Stevenson: We should take action on behalf of the people of Canberra.

MR KAINE: Well, I would submit, Mr Speaker, that everything that this Government can do, or that this Assembly can do, is in fact being done. Having said that the ACT Government has no administrative or legislative control over the operations of the trading banks, and that that is a Commonwealth responsibility and up to the Federal Parliament or the Federal Treasurer to deal with, I would

have to say, however, that we have done whatever we can. We are well aware of the effects on small business of the crippling rates of interest which currently apply.

This is compounded by the generally adverse national economic conditions in which everybody is trading. And that is not going to change drastically; no matter how much we discuss it here, it is not going to change. I am quite sure that, although there are ideological differences between us, the things that the Government is doing, broadly - - -

Mr Stevenson: I read quotes from Liberals and Labor.

MR KAINE: Yes, but I am just covering myself. I am sure that Mr Connolly and I are in synchronisation on these matters. The first thing that we are doing is ensuring that the ACT itself is not adversely contributing to the national economic position; the second is that we have introduced budget measures specifically aimed at assisting small business; and, thirdly, we are actively introducing important micro-economic reforms which, in the event of their successful introduction, will be useful to the whole economy of the ACT without any great impact on what is happening outside it.

I believe we have contributed positively to the national economic situation through our own fiscal restraint - for example, by limiting borrowings for our capital works program to 70 per cent of the limit set by the Loan Council under the global allocation arrangement, and by bringing down a balanced recurrent budget. Those things, in themselves, contribute to economic and financial well-being.

In our budget we have also recognised the plight of small business in the ACT and we have announced amendments to the payroll legislation which increased the exemption limit to $500,000. That will have a significant effect on our small business by reducing the tax burden. We have established a workers compensation premiums monitoring committee which will monitor premiums imposed for workers compensation in the ACT and bring down the costs to small business.

Increases in revenue that we necessarily impose have been spread across the whole community in order to avoid substantive adverse impact on any particular sector, and I do not believe that there is a particularly discriminatory level of taxation on the business sector. Taxes in general have been kept at or below those in the State of New South Wales which completely surrounds us. There is no disincentive to people doing business here.

As recently as last Monday I launched the "Made in Canberra Region" campaign. This is part of a larger campaign to see the growth of business and economic development not only in the ACT but the whole region. I think it is important that we do not just consider that our interests end at the

border. We should exhibit some concern for what happens to the 300,000 other people who live close by in surrounding shires. That campaign has been well received. I noted that most of the surrounding shires and councils were represented when I launched that, and local business supported it. Micro-economic reform is a major feature of our strategy and this directly impacts on the ACT business environment. We are talking about deregulation; we are talking about reform of the public administration; and we are talking about corporatisation of some government business enterprises to make them more efficient.

The Government's planning legislation will simplify the planning process and be of considerable benefit to small business and there will be a more straightforward appeals process and simplified land use lease management. We might even be able to cope with the block of land in Deakin that we have been discussing recently. We have already moved to liberalise retail trading hours to make Canberra better able to compete with New South Wales. The Government's public sector reform will reduce expenditure in this year and in future years and this will reduce the long-term taxation burden on businesses and on the rest of the community.

The Public Sector Management Board has been established to achieve better use of our staff and resources and to reduce the cost to the public, in general, and to business in particular. Corporatisation, of course, will make the Government's major utilities more commercial in approach, increase their efficiency, reduce costs to the community and, where appropriate, return a dividend to the taxpayer. We have talked about the agencies, in particular, that we intend to corporatise. In addition to that, we have a committee reviewing the Beddall report on small business to see how we can help small business in particular and pick up the recommendations from that report to the extent that they are applicable to the Australian Capital Territory.

Mr Deputy Speaker, I think that to debate generally the theory of credit and how it applies in the national economy is nothing more than academic, even if the debate is a learned one. It is nothing but academic; it does not do a great deal for us in the Territory because we do not control the major factors that lead to levels of interest rates and the kind. I think that in our own small way we are doing a great many things to make things easier for business, and I know that that is not entirely successful. Mr Stevenson, I know you talked about small business, a shop that has gone out of business in Melba. If you look around Canberra there are a lot of them and there are some things that we can do to mitigate the effects of the economy; but you cannot act as an insurer against all businesses when times are tough, or even when times are good.

Mr Stevenson: If we let people know about the credit creation system that will solve the problem.

MR KAINE: Your hypothesis about credit and all of that, as I said before, is really cloud cuckoo land stuff.

Mr Stevenson: Which particular quote, Chief Minister?

MR KAINE: Well, all of it. In terms of this ability to generate credit, all of it. Perhaps we should put it to the test. Perhaps we should seek from the Commonwealth the power to establish our own bank, which, unfortunately, we do not have, and then we should make Dennis the chairman of the board of directors of that bank. If his philosophy is right, our economic and financial troubles are over. Well, I doubt that that would be so. I think we would pretty soon find ourselves in the same situation as Victoria, where our bank was bankrupt and the Government was almost bankrupt as well, because it is not that simple. If it were that simple we would have some very healthy governments in Australia.

We do not have too many, other than that in Queensland, strangely enough, that are really healthy in financial terms, so perhaps we should be studying the economic philosophies of Joh rather than the ones that you are espousing.

I think that we do have to be realistic. It is unproductive, in my view, to have this kind of pie in the sky debate. It leads nowhere. It does nothing for us. It does nothing for our economy.

Mr Stevenson: It is leading somewhere.

MR KAINE: Well, I do not think it is leading anywhere and I think that when this debate concludes that will be the absolute end of it. I do not expect this Territory to get any benefit out of the one hour that we are spending on this debate, or as much of that hour as we consume, quite frankly.

MR CONNOLLY (3.59): Mr Deputy Speaker, I will not take up much of the hour that has been allocated to this debate. I have already spoken on some of these theories of Mr Clampett who, I understand, is present in the chamber. I have, I think, fairly effectively debunked them, in common with the Chief Minister. But just for a minute let us sit back and reflect: would it not be wonderful if Mr Clampett was right? Would it not be wonderful if economics was no longer the dismal science, if economics was not an issue of allocation of scarcity, if we could have unlimited creation of public credit by State banks?

Mr Stevenson said that this Territory could never have a bank. That, of course, is not so. The Commonwealth Parliament, as you would be aware, Mr Deputy Speaker, under the Territories power - the Territories power is a plenary power - could, if it were so minded, give this Territory full power to operate a bank. So we could have this great

experiment: the constraints of economics, the difficulty of allocating scarce resources, the essential basis of the political divide in Australia would no longer exist. You would not have debates between Labor and Liberal as to whether there should be a greater proportion of gross domestic product allocated to the public sector as against the private sector.

We certainly would not be having to debate about school closures. Mr Humphries says he would like to keep the schools open but the budget cannot stand that. We say that priorities could be altered to allow the budget to maintain the schools. If Mr Stevenson was right, if Mr Clampett was right, both of us would be satisfied. We all say we should keep the schools open. Mr Humphries says we cannot afford to. If Mr Clampett was right we could have a school in every neighbourhood, a school in every suburb, indeed, a school for every child.

Mr Kaine: That would be going a bit too far.

MR CONNOLLY: Even we would say that is a bit extreme. Economics would not be about scarcity; it would be simply about demand. Whatever you wanted you could have. As I said in the debate earlier this week, this theory really is the ultimate magic pudding, Mr Deputy Speaker. There is no limit to the credit that can be created in this fantasyland. Credit is not an issue of balancing debt against assets. The Chief Minister has seen a balance sheet or two in his time, I am sure, and, like other members of this Assembly, with the exception of Mr Stevenson, understands that you cannot create credit without an asset backing.

There is just one point that I do wish to reiterate tonight. I made it earlier in the debate, and it is rather less humorous than some of the aspects of this theory which I think are humorous. I refer to the publicity material surrounding the learned tome Hand Over Our Loot which describes its author as Professor of Constitutional Law. Mr Deputy Speaker, as I said earlier, that is quite fraudulent. The author of this tome has no qualifications in law; he is not a professor of constitutional law. That is a title that is held by a very few senior academics in the Australian law schools. To describe oneself as a professor when one has not earned that title by study and research and service in a university, I think, is a quite scandalous thing to do. If it is intended to lend added authority to these ideas, it has dismally failed.

I did comment the other night that these ideas are not new. It is just taking the crazy idea of running the printing press one step further to create unlimited electronic credit. I refer to the theories of one Major Douglas who was around in the 1930s, originating, I think, from Britain, but achieving some popularity in Canada. At one stage the Social Credit Party, the followers of Major Douglas, actually gained control of the Saskatchewan

Legislative Assembly and did attempt to put this theory into practice, with fairly disastrous results. The Federal Government had to exercise its powers and take over the public debt and the public finances of that province.

But the theory was not even original to Major Douglas. It is a theory that has really run throughout economics. I was sure that I had read a quote on this and I was not able to lay my hands on it the other night, but I have since located it. It is in a fairly recently published work by Professor John Kenneth Galbraith, who is a well known American economist. He taught for many, many years at Harvard, and he is probably best known for popularising economics through his Age of Uncertainty series on television. He has written widely and taught widely in this field. He is writing about one Pierre Joseph Proudhon, who was a Frenchman in the nineteenth century, a contemporary of Marx and a regular opponent of Marx. Proudhon is best known as the founder of syndicalism and the cooperative movement.

But Proudhon also favoured unlimited creation of public credit through a cooperative bank. This is what Professor Galbraith says of Proudhon's theory:

> And Proudhon is one among many parents of the great continuing faith in monetary magic - of the belief that great reforms can be accomplished by hitherto undiscovered designs for financial or monetary invention or manipulation. Proudhon's bank was a dubious imitation of the one with which John Law first astonished, delighted and then ravaged France a century earlier.

Mr John Law ran the Bank Royale in France in the seventeenth century, with disastrous consequences. Galbraith goes on:

> There are some economic lessons that are never learned. One is the need for the most profound suspicion of innovation in matters concerning money and more generally the field of finance. The thought persists that there must surely be some as yet undiscovered way of solving great social problems without pain, but the simple fact is that there is not. Ingenious monetary and financial designs, without known exception, turn out to be, if not innocuous, then frauds on the public or, frequently, on their perpetrators themselves. Proudhon was not the first to have faith in monetary magic, but he was an early advocate in an enduring tradition.

Mr Deputy Speaker, this monetary magic, this idea that everyone out there is wrong and that the world would be perfect and we would live in a Shangri-la if only people understood the simple truth about credit, is, as I have said, an enduring fallacy of economic thought. It would be wonderful if it were true, but sadly it is not.

MR DEPUTY SPEAKER: The discussion is concluded.

ORGAN DONOR NOTIFICATION SCHEME
Ministerial Statement

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.06), by leave: With the Legislative Assembly's leave I would like to inform members about the new ACT organ donor notification scheme which I will be launching tomorrow. Transplantation offers life, sight and hope to thousands of Australians. The success of organ transplantation, particularly over recent years, has led to an increasing demand for donor organs. Transplantation is now a highly accepted treatment for many forms of life threatening organ disease.

Some national statistics assist in understanding the magnitude of success now achieved with transplants for many Australians. In Australia there are some 3,000 people with functioning kidney transplants and 200 people have received liver transplants in the past five years. All of these people would have died without the transplant. Approximately 120 people have received heart transplants. Many thousands of Australians have had cornea transplants.

However, the number of people having transplants of one kind or another is restricted, due to the shortage of donor organs. Many people die before a suitable donor organ can be located. Many of these are children. The waiting time for kidney transplantation is some 18 months. A thousand people are on this waiting list. Twenty per cent of people waiting for heart transplants die before a suitable donor heart can be found.

Mr Deputy Speaker, there are many reasons as to why donor organs have been scarce in this country. Community attitudes regarding the removal of organs have taken a very long time to change. This is, I think, understandable. When you lose a loved one, especially if it comes unexpectedly, it is hard to be also confronted with having to make a decision on a request for organ donation. The grief and shock of loss is great and the speed with which medical intervention has to take place to retrieve an organ makes a request seem unnecessarily intrusive.

By the time a grieving next of kin is able to contemplate the request, the opportunity to retrieve an organ to save someone else's life or sight has often passed.

These difficulties can be alleviated considerably if people take the opportunity to discuss their wishes with their relatives before they die and if they can leave a legal document to advise their next of kin and medical authorities about their desire to donate their organs. An organ donation notification scheme can help to overcome the

difficulties. The educative side of such a scheme emphasises the need for people wishing to become donors to discuss their wishes with their families and loved ones. They are also encouraged to sign a donor organ notification card which will alert medical staff to the fact that the person consents to offer their organs after death.

Another reason why donor organs have been scarce is the lack of a coordinated approach to finding people who are willing to donate their organs. Nearly all States now have organ donation notification schemes. Consequently, more and more people are becoming identified as prospective donors. With a greater pool of prospective donors there is a greater chance of matching a donor with a recipient. The schemes allow the process of tissue typing and matching to be commenced much earlier than if there was no identification that a person wishes to donate organs should they die. The time factor in removing organs so vital to the lives of others is crucial.

Tomorrow I will be launching the ACT organ donor notification scheme at 12.30 at the Canberra Centre. The ACT scheme is simple, but will be highly effective in its goal of encouraging people to become organ donors. This is an important issue for the Canberra community. As children and adults in our Territory suffer and die from organ failure, we must all consider the thought that their only possible hope comes from other members of the community who agree to donate their organs after death.

The ACT scheme consists of an organ donor notification card which the person fills in and signs in front of a witness. People are asked to identify which organs they consent to donate for transplant and/or other therapeutic, medical or scientific purposes. The donor may indicate all or any of these things. Before organs are retrieved it is the practice to fully discuss the donation with the next of kin if they can be contacted.

This allows the next of kin to contribute to the decision making process and have the opportunity to be fully informed of the processes involved. I must state that doctors not associated with transplant must declare the donor dead before a transplant team is contacted.

Mr Collaery: It did not look like that in Jesus of Montreal.

MR HUMPHRIES: I have not seen that film, Mr Collaery, so I would not know. Associated with the card is a small blue sticker which the person attaches to their driver's licence. At a fatal accident the ambulance drivers, police and other attendants always look in the person's wallet or purse for identification purposes. They will see the distinctive blue sticker which will alert them to the fact that the person has agreed to donate their organs should they die. They can then alert transplant teams. Timing is crucial in transplant procedures. Organs must usually be transplanted within 24 hours or 48 hours, sometimes sooner.

The ACT Community and Health Service has developed posters and pamphlets to complement the cards and stickers. Members may have seen television advertisements, for example.

There are many common questions asked by people about organ donation. The most commonly asked questions are answered in the pamphlet. I have copies here for the information of members. The ACT scheme was developed after extensive consultation by the ACT Community and Health Service with the ACT Department of Urban Services, the Australian Kidney Foundation and the National Heart Foundation (ACT Division). This cooperative liaison has enabled the photographic licence which has been introduced to incorporate a space to place a distinctive blue sticker.

The Department of Urban Services will be actively promoting the scheme by displaying the information materials and distributing them with licence renewals. Pamphlets, cards and stickers will be distributed from health centres and the Health Advancement Service within the ACT Community and Health Service.

Organ donation is indeed a gift of life for many, many people. It can dramatically improve the quality of life for others. I encourage members of the community, including members of this Assembly, to consider the possibility of becoming an organ donor and I invite you to the launch of the ACT scheme tomorrow. Perhaps members here would care to sign a card at that time or take one home to carefully consider how they can contribute to alleviating the pain and suffering experienced by so many of our community who desperately need organ donation to live. Mr Deputy Speaker, I move:

> That the Assembly takes note of the paper.

MR BERRY (4.14): This is one of the few occasions when I am able to rise in support of the Minister for Health, but there are very good reasons for that.

Mr Collaery: What organs have you got to give?

Ms Follett: He does have a heart.

Mr Collaery: He has a heart!

MR BERRY: Mr Deputy Speaker, if Mr Collaery had the same heart that I have I am sure that we would not be in so much difficulty over the education and health systems in the ACT. This is a progressive move for the ACT and for Territorians, or anybody else around Australia for that matter, who might be in need of a transplant.

As Mr Humphries has said, many lives have been extended with transplants and one would expect that, with progressive plans like this one, many more lives will be extended as a result of changes in technology. But it is

necessary to have a very strong public hospital system to be able to provide the resources to ensure that effective transplant schemes work and that they work for the common person.

I think there is some conflict in the introduction of new schemes such as this when hospitals which deliver basic services for the people of the Territory are under threat. The delivery of those services is under threat. Of course, as we see those services reduced, it will be difficult to convince the ordinary member of the community that things are much better in health in the ACT because of the introduction of an ACT organ donor notification scheme. I would hope that the Minister does not set out to create a smokescreen from what would be seen, in the normal circumstances, as a progressive move. I hope that this progressive move is not seen to be a smokescreen to cover up what is really happening in hospitals in the Territory.

Mr Deputy Speaker, I will not take too much more of the Assembly's time, other than to say again that the Labor Opposition is behind this scheme and we would wish it every success, but at the same time I say that it must have its successes in a very strong public hospital system which is able to cope with the needs of the people of the ACT. May I say, on a lighter note, that one of the questions that I have been most asked by the school community of late is: Does Mr Humphries have a heart? That is because of their concern about school closures. Whatever size it is, I am sure he does have one, and I would hope that he is still able to be convinced that what has been planned for the education system should not go ahead. Mr Deputy Speaker, the Opposition welcomes the introduction of this scheme.

MR DEPUTY SPEAKER: I think I might even donate what few organs I have left that actually work.

Question resolved in the affirmative.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD
Ministerial Statement and Papers

Debate resumed from 14 August 1990, on motion by **Mr Collaery**:

That the Assembly takes note of the papers.

MR STEVENSON (4.19): Mr Speaker, Lord Acton spoke wisely about power corrupting, and absolute power corrupting absolutely. In Australia, we have the privilege of having a parliamentary system which gives wide safeguards for the people against the principle of power corrupting. Indeed, at the beginning of our Federation there was a full constitution, including a bill of rights, including a wide range of common law, and including certain protections before the courts. With the benefit of wide community

discussion and referendums, we formed the Australian Constitution Act, which unfortunately many people refer to as the Constitution. It is, of course, just part of the Constitution.

The safeguards included what is called a lower house and an upper house in most parliaments. They included the right of the Crown to disallow legislation within one year of that legislation being passed by parliament. They also included the right of an appeal to the Privy Council. It is interesting to note that that right of appeal was removed in 1986.

Mr Connolly: Long overdue.

MR STEVENSON: I note that Mr Terry Connolly of the Labor Party indicates that the removal of the right to appeal to the Privy Council was long overdue, in his consideration. I will return to that point shortly.

I think we should look at how UN treaties work as we look at this UN Convention on the Rights of the Child. The reason that so many people who understand the facts of UN treaties are concerned about the UN Convention on the Rights of the Child is that this and other UN treaties are able to be passed into law in Australia without full and open parliamentary debate. It is worthwhile looking at the fact that Australia was one of the co-signatories of the UN Convention on the Rights of the Child. Hardly anybody knew that - certainly people within parliament and certain others, and hardly any of the people of Australia to whom this and other UN conventions apply. The Attorney-General for New South Wales, the Honourable John Dowd, recorded in New South Wales Hansard on 16 November last year:

> I suspect more than 16 million of Australia's 16.5 million people do not even know it exists.

If this is an indication of parliamentary democracy I think it is relevant that more people understand that we do not have one.

Once the politicians in the Federal arena decide what is good for Australians, without reference to them, by agreeing within themselves that we should have a particular UN treaty, the matter is then signed, but it does not have to be debated in parliament beforehand. The UN Convention on the Rights of the Child was signed just a few short weeks ago even though, as I mentioned, most people in Australia are absolutely unaware of its existence.

Once the convention has been signed it can be introduced in Australia by ratification. This once required parliamentary debate on the passage of an Act, but it no longer does. The Human Rights and Equal Opportunity Commission Act 1986, part III, section 47(1) indicates that the Federal Minister may, by process of notification in the Government Gazette, bring about the ratification of a

treaty, in other words, the UN Convention on the Rights of the Child.

It is perhaps relevant that we look at the United Nations. It is becoming increasingly obvious that the United Nations has, and has had for some time, a distinct bias against Western-style democracies and towards totalitarian-style regimes. This was the reason why the United States and the United Kingdom left UNESCO in 1984 - because of political bias.

Let us have a look at a statement that the Attorney-General made in the house when we last discussed this matter. Mr Collaery talked of the ACT Government approving the ratification of the optional protocol. I would think that most people in Australia and even people in this Assembly would not know what the optional protocol is. Notwithstanding that, the people of Canberra have been committed by their laughingly called "elected" representatives to a UN treaty that does not need to be ratified and does not need to be passed and debated fully in Australian parliaments. We have been committed, even though we do not know it, to a treaty linked with the UN Covenant on Civil and Political Rights.

If this protocol is approved before the people of Australia understand what it is, if a legal case in Australia is found in the High Court and someone does not agree with it, it would mean that there can be an appeal to the United Nations. If the appeal went against the High Court ruling of Australia, it would be binding under international law on Australia and Australians. Personally, I think that is appalling.

I noted a few moments ago that when I mentioned the right of appeal to the Privy Council of England, which has had one of the best democratic systems ever devised and which we were privileged to inherit, Mr Connolly said, "It was a good thing, too, that the right of appeal to the Privy Council was done away with" - not that many people in Australia necessarily know anything about the Australian Act from which that occurred. I am sure that Terry Connolly and the Labor Party, as they have indicated, would be perfectly happy to have the right of appeal given to the United Nations - an organisation with, in many cases, an absolutely appalling history of the derogation of rights and of doing nothing about things that should have been handled long ago.

Let us look specifically at some of the articles within the UN Convention on the Rights of the Child. Article 3 says that in all actions concerning children the best interests of the child will be paramount. Who decides the best interests of the child? Of course, the Government does. But what standards are used? What standards are used by a government that would compel the people of Australia, the children of Australia, to compulsory drugging via fluoridation? This may be its opinion, but what right

should it have to determine the best interests of the child? The Constitution does not give the Federal Government the right to give children new rights. That is contained within State responsibilities.

What will happen if the UN Convention on the Rights of the Child is approved by the politicians, because it certainly would not be approved by the people if they knew what was in it? What will happen is that, if the States' laws do not fully accord with the laws of the UN Convention on the Rights of the Child, they will be required to do so by the Federal Government. If they do not agree with that, the Federal Government will take Federal action to introduce it into law, using the supposed external affairs power. It is interesting that there was a High Court decision that said the external affairs power of the Commonwealth Government can be used to control the internal affairs of the States. This is absolutely contrary to the intention of our Constitution, and any fool who understood that the colonies intended to limit the power of the Federal Government, well knowing what Lord Acton had said, would understand that.

I refer to article 5, which says:

> States parties shall respect the ... rights ... of parents ... to provide, in a manner consistent with the evolving capacities of the child, appropriate direction ...

Who determines a manner consistent with the evolving capacities of the child? Of course, the state. And who determines appropriate direction? Once again, the state.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 4.30 pm, I propose the question:

> That the Assembly do now adjourn.

Mr Collaery: Mr Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD
Ministerial Statement and Papers

Debate resumed.

MR STEVENSON: Articles 12 to 16 of the UN Convention on the Rights of the Child were basically lifted from the treaty I mentioned earlier - the International Covenant on Civil and Political Rights. There is one major difference. Instead of the word "persons", it talks of "children" and of "child". Certainly, there are inalienable rights that parents have regarding freedom of association, freedom of communication, freedom of privacy and other things, but any suggestion that these rights should be the right of children - any person under the age of 18 - is a nonsense. Every parent I speak to bar none - and I have spoken to a number of them concerning specifically this treaty - says that parents have the right to determine who the child shall associate with, what the child shall look at, et cetera. And, indeed, they do.

Article 13 talks about freedom of expression, as I mentioned. There are limits to the rights which our children should have. The rights should be the parents' rights of responsibility in rearing their children.

In Australia there are adequate laws to cover every case of the abuse of children. If there are not, they should be introduced under our parliamentary system and not through treaties that people do not have the opportunity to find out about and that make us internationally bound under law. The suggestion that these things cannot bind us internationally is a nonsense. It would be like saying that because the police are on strike we will go out and steal cars because they will not be able to enforce the law. If we agree to international law, we should follow it; but we should not agree to international law that gives the state power to determine and take away the rights and responsibilities of parents. There has been too much of that.

Let me give a brief example about what happens when the state gets involved with parental and child control. There have been too many tragic examples of children being removed from their homes by overzealous government officials. I think we all remember the Melbourne boy who divorced his parents in 1986, supposedly on the grounds of irreconcilable differences. He later claimed that government social workers duped him into the action and was happily reunited with his parents in 1989. The South Australian father denied access to his children had to sell his home to find the $60,000 before he could clear his name and regain access to the children.

There have been many calls for a moratorium on the rights of the child. A one-year moratorium was called for by the Federal shadow Minister for Health, Dr Bob Woods; and indeed this should happen. (Extension of time granted)

I will end my statement with a brief story from Queensland. There was a debate in Queensland on the 7.30 Report, and in that debate there was a poll. Of the 6,500 people who replied to the poll on the question, "Should Australia sign the UN Convention on the Rights of the Child?", 94 per cent said, "No, it should not". Shortly after that, the Australian Government signed the UN Convention on the Rights of the Child.

MS MAHER (4.34): Mr Speaker, I would like to take this opportunity to express my support for the UN Convention on the Rights of the Child. I believe it is essential that we put this important convention into perspective so as to understand why it is needed.

Mr Speaker, some of the issues the UN convention will address include the fact that more than 38,000 children die every day due to lack of food, basic health care or because they are homeless. Unfortunately, some of these children are Australian. Also, in some cultures infanticide continues to be practised. The killing of children, either deliberately or otherwise, by police officers or government officials is reported as a common event in many countries.

Mr Speaker, it is estimated that worldwide more than one billion people, most of them children, have no home or live in appalling conditions. There are more than 10 million child refugees. In many current conflicts 90 per cent of the victims are women and children. Another problem of considerable magnitude in many societies, including Western societies, is the abuse of children, which includes sexual abuse. Hopefully, the Alliance Government's recent amendment to the domestic violence legislation will go a step further towards addressing this problem in the ACT.

Children also often face discrimination due to their sex, culture, race or creed. Over the last decade, budget share allocations to education, juvenile justice, public health, social welfare and other services for children have decreased in many countries. These are just a few of the reasons why Australia should become a signatory to this international instrument which will recognise and protect the fundamental rights of children.

Mr Speaker, I am concerned that this convention is perceived by some members of our society as interfering with the relationship between parents and children, as taking away the rights of parents and diminishing the role of the family. Since the convention became internationally recognised, the guiding principle behind this document has been to recognise the special human rights of children, rather than their special rights as opposed to other humans. I find it disappointing that some members of our community, including Mr Stevenson, constantly refuse to listen to reason and to see the possible benefits to children worldwide which can be achieved by the adoption of this convention. In his recent ministerial statement my colleague the Attorney-General covered the objections to

the convention raised by Mr Stevenson last year. I will not waste the Assembly's time repeating that information. However, I will say that the ministerial statement disclosed that Mr Stevenson had only partially read and understood the convention.

The rights of the child are an integral part of human rights and as such are under the umbrella of the text of the Universal Declaration of Human Rights. However, for those people who have no legal background, like myself, it may help to explain that declarations are what is known as soft law. They are statements of general principles which carry no specific obligations as such. Conventions, on the other hand, are binding or hard law, requiring an active decision by states to ratify or submit to them. States that sign the conventions indicate their intention to comply with the provisions and obligations they contain. That compliance is usually monitored.

On 20 November 1959, a 10-point declaration on the rights of a child was adopted unanimously by the General Assembly of the United Nations. The Convention on the Rights of the Child supplements rather than replaces the 1959 declaration. The proposal of this convention was launched by Poland prior to the International Year of the Child in 1979.

The United Nations has been working on this document for the last 10 years and Australian delegates have been actively involved in the drafting process. During the development of the convention and lately regarding its signature, the Commonwealth has been meticulous in its communication with the States and Territories. I am pleased that such assistance from the Commonwealth officers has been given so that all governments in Australia fully understand the implications of Australia signing the convention.

The Australian Ambassador to the United Nations signed the Convention on the Rights of the Child on 22 August this year. At that time, the minor concerns of the ACT and other States were known by both the Prime Minister and the Commonwealth Attorney-General.

Mr Speaker, I am pleased that the ACT was able to indicate support for the convention. I believe that by doing so we have made a public commitment to the well-being of our children.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.40): Mr Speaker, I rise to speak very briefly on the subject, to put the - - -

Members interjected.

MR HUMPHRIES: I just want to state the position of the Liberal Party very clearly. There has been some discussion about this in Liberal Party ranks and I think it is worth

putting our position on record. The Liberal Party does endorse the UN Convention on the Rights of the Child. It is an important milestone in achieving a consensus across our planet on protecting those rights - rights which are not universally acknowledged and upheld.

In the Attorney-General's statement made some time ago there were two qualifications. I want to make one brief reference to one of those qualifications. I must say we find it regrettable that there is not more express reference made to the right of parents to choose the type of education that a child receives. It is a matter of some slight concern. I note that there are express statements of that right in other documents published by the United Nations, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and another document published by the United Nations referring to the rights of the child - that particular freedom is articulated there.

However, that is not a reason to reject or qualify one's overall support for this document; it is a worthwhile development and I urge members of the Assembly to support it warmly.

MR COLLAERY (Attorney-General) (4.42), in reply: Mr Speaker, Australia signed the convention on 22 August 1990, as the house has already observed. Next week the State, Territory and Commonwealth Attorneys meet in Hobart. I can inform the house that the question of ratification is likely to be raised then by the Commonwealth. I can further inform the house that, in the event that the views of the ACT are sought, we will again indicate that we would support early ratification of the convention.

Mr Speaker, it is fitting, of course, that the signing on 22 August took place during National Child Protection Week, which is fundamentally what this convention is about. I would just like to inform Mr Stevenson - through you, Mr Speaker - that there are over 80 international instruments which apply implicitly to children by virtue of their status as human beings. They make either specific or explicit reference to the child. Many are binding on those states which have signed them as conventions or covenants. But Mr Stevenson's suggestion that the relevant Federal Minister willy-nilly can sign into domestic law and declare international conventions and treaties by Gazette notice is not correct. I am not going to engage in debate on that. I do ask Mr Stevenson to seek competent legal advice in the future before he makes those suggestions, which may concern members of the public.

I draw Mr Stevenson's attention to section 47 of the Human Rights and Equal Opportunity Commission Act to which, I believe, he was referring. It says:

> The Minister may, after consulting the appropriate Minister of each State, by writing, declare an international instrument, being -

(a) an instrument ratified or acceded to by Australia; or
(b) a declaration that has been adopted by Australia -

such as a declaration on the rights of a child -

> to be an international instrument relating to human rights and freedoms for the purposes of this Act.

That is a quite specific provision, Mr Stevenson, and I will not go into and detain the house on the fact that your assertion is largely and probably totally, with respect, wrong.

The United Nations convention sets children's rights firmly where they should be, not in opposition or in conflict with the rights of adults but as an integral and necessary aspect of the body of international human rights law. Last month I addressed, and we addressed jointly in this house, most of Mr Stevenson's concerns. I believe he has repeated those concerns today. I am unable to logically grapple with those arguments; nor, I suggest, are other members of the house. I say that with respect; but simply, Mr Speaker, I cannot comprehend his arguments. But I do say that on this issue the Commonwealth Government, which is ultimately responsible for the Commonwealth Parliament at election time, has spoken; it has signed the convention on behalf of Australia and I dare say and trust and hope that it will ratify it as soon as possible.

Question put:

> That the Assembly takes note of the papers.

The Assembly voted -

AYES, 16	NOES, 1
Mr Berry	Mr Stevenson
Mr Collaery	
Mr Connolly	
Mr Duby	
Ms Follett	
Mrs Grassby	
Mr Humphries	
Mr Jensen	
Mr Kaine	
Dr Kinloch	
Ms Maher	
Mr Moore	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	
Mr Wood	

Question so resolved in the affirmative.

APPOINTMENT OF ADDITIONAL MINISTERS
Statement by Speaker

MR SPEAKER: On 16 August 1990 the Assembly agreed to a resolution proposing that the number of Ministers for the Territory that the Chief Minister shall appoint be a number not less than three and not exceeding five. The resolution also stipulated that the Speaker address its terms to the Governor-General. Chapter XXIII of the Assembly standing orders makes provision for an address to the Queen or the Governor-General. However, I believe that the fact that we have these provisions in our standing orders does not necessarily mean that we have the right.

My inquiries to date have supported this view. Whilst the ACT (Self-Government) Act gives the Governor-General a role in relation to the Assembly - for instance, he has the power to dissolve the Assembly and make certain regulations pursuant to the Act - we do not have the same constitutional link between the Governor-General and the Assembly as there is between the Governor-General and the House of Representatives and the Senate, nor are there the same traditional ceremonial links.

I therefore propose not to proceed with the presentation of the address. Chapter XXIII of our standing orders needs to be reviewed, and I will be taking further action on this matter. In conclusion, I understand that the Chief Minister will be conveying the terms of the resolution to the Commonwealth Government.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Canberra Raiders

MR STEFANIAK (4.51): I rise during the adjournment debate to mention a rather remarkable event that is going to occur on Sunday.

Mr Collaery: You are not going to do it again, are you?

MR STEFANIAK: What is that? No, I am not going to do it again. That was Monday, Bernard.

The fact is that the Canberra Raiders, who play in the New South Wales rugby league competition, which is very much a national competition and is regarded as the hardest of that

code in the world, are playing in all three senior grand finals - the first grade, the reserve grade and the under 21s.

Mr Kaine: Are they going to win all three, Bill?

MR STEFANIAK: I would be picking them to win at least two out of three, Trevor. I certainly hope they win all three because they have had an exceptionally good season. It is remarkable because the club was established only in 1982. I went out to some of its early games at Seiffert Oval and it got beaten by quite significant scores. Yet in eight short years the club has managed to get all three teams into the grand finals, which is a huge feat. It is the third appearance of the first grade side in a grand final. Having lost to Manly in 1987 and won last year, it is going for back to back premierships this year. I am sure all members of the Assembly will join me in congratulating the Raiders, the administrators, the coaches and all the players, on that magnificent feat.

I think it is significant to note that, while in these days we hear of a number of sportspeople taking performance enhancing drugs and other drugs, the Raiders recently were declared to be drug free. This makes them very - - -

Mr Connolly: What about Raiders milk?

MR STEFANIAK: I do not know about that and what that has in it. I hope they convert you, Terry. At any rate, this is important because the young in our community look up to adults, and especially prominent sportspeople, as role models. It is important that they promote a healthy and clean image and I think this is something that our Canberra Raiders do, and do very well. They certainly are role models for thousands of children in Canberra and the surrounding regions.

The success of this club brings a lot of credit, not only on them but also on to Canberra as well. It helps put Canberra on the sporting map, which is terribly important in terms of our future development. It not only gives Canberra soul but also gives it economic development, because many people travel from the south coast and the Riverina to watch the Raiders' games. They did that when they were at Seiffert Oval; they are certainly doing that at the Bruce Stadium. It not only boosts Canberra, Canberra's sport and Canberra's image and Canberra economically; it well and truly puts us on the map.

Mr Jensen: When are we going to get our test, Bill?

MR STEFANIAK: Hopefully next year, Norm; I think the rugby league will get us one even though the rugby union will not. So, finally, congratulations again to the Raiders. I certainly hope they win all three grades and I am sure all members of the Assembly will wish them very well for Sunday.

Canberra Institute of the Arts

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.54): Mr Speaker, I want to speak very briefly in the adjournment debate on the open day recently held at the Canberra Institute of the Arts. At that time there was an exhibition, which I was fortunate to open, by members of the school - particularly the School of Art. It is worth dwelling, just for one moment, on that exhibition. It represents the personal achievement which reinforces the ethos of the school which places an emphasis on the school having practitioners, not just teachers, in its ranks. It encourages those teachers to develop their art continually throughout the period of their holding positions in the school.

Mr Wood: It distinguishes the school.

MR HUMPHRIES: It distinguishes the school, as Mr Wood aptly says. There is a hoary old phrase that says those that can, do; and those that cannot, teach. It is well belied by the experience of the Canberra School of Art, now the Canberra Institute of the Arts, because there we find a very high quality of practitioner performance as well as teaching performance.

The school itself, of course, fulfils a very important role in the life of Canberra. It is an institute which is able to achieve two things at the one time. It, of course, has a national and international reputation, a reputation which I believe is getting better and better every year, and it has a local dimension, a dimension which greatly assists in promoting the cultural diversity and enrichment of the ACT community. We should all be extremely proud that the Canberra Institute of the Arts has achieved such high standards in both fields, at both levels simultaneously.

The Government, of course, welcomes the amalgamation of the Institute with the Australian National University. It is in line with the recommendations of the committee which Dr Kinloch chaired last year on the question of tertiary institutions. I think this is a good sign that this institution will become for Canberra an increasingly important focus for cultural enrichment and achievement.

Assembly Business

MR BERRY (4.57): I rise to speak on the same subject that I spoke on very near to the conclusion of the last set of sittings. It concerns the Government's performance in relation to legislation. I do this at the end of a sitting that has seen the Territory's worst ever budget introduced for consideration by this Assembly. But I will not go on

about that, Mr Speaker, because I am sure that would prompt a lot of leaping up and down on the other side and perhaps you might prevent me from speaking further on the matter.

It is appropriate that I raise this issue of legislation and the absence of a legislation list again. The last time I spoke about this the Attorney-General was embarrassed and complained that it was our fault that it was not here. Well, it is not our list, it is his list, and I do not know why it is being kept locked away up in his office and why there is some reluctance to put it before the Assembly.

If this Attorney-General opposite really wants to lay something on the table, he ought to do that. If he thinks it is so important for the governance of this Territory, then he could probably use his numbers to suspend so much of standing orders as would allow him to table the matter. But, of course, it is not very important; it cannot be very important. Or maybe he might muck this up the same as he mucked up the issue of extra ministries for the Territory. That will be an embarrassment for some time.

What I want to see, Mr Speaker, is the legislation list. There were some indications earlier that it was available from the Attorney-General's office, but today the indications seem to have changed, as so often things do. It might not be available and, according to my most recent advice, one would have to use gelignite to get at the legislation list.

Mr Kaine: TNT - gelignite is not strong enough.

MR BERRY: I am not an expert in explosives.

One of the questions that I would like to ask is: where is the Weapons Bill? That is extremely important - not like these pieces of legislation, these one-page wonders that fly through the house. Where is the Weapons Bill? Whilst I am having a bit of a shot: where is the Tobacco (Amendment) Bill?

MR SPEAKER: Order! It being 5.00 pm, the Assembly stands adjourned until Tuesday, 16 October 1990, at 2.30 pm, in accordance with the resolution agreed to this day.

Assembly adjourned at 5.00 pm until Tuesday, 16 October 1990, at 2.30 pm

MOTOR TRAFFIC (AMENDMENT) BILL (N0.5) 1990

TAXI FARES BY MINISTERIAL DETERMINATION

PRESENTATION SPEECH

MINISTER FOR FINANCE AND URBAN SERVICES

I MOVE THAT THIS BILL NOW BE AGREED.

PRESENTLY, TAXI FARE LEVELS ARE ALTERED BY AMENDMENT TO THE TAXI AND PRIVATE HIRE CAR REGULATIONS.

ESSENTIALLY, THIS BILL WILL INTRODUCE A MORE EFFICIENT MECHANISM FOR EFFECTING DECISIONS ON TAXI FARE INCREASES. IT WILL STREAMLINE FUTURE FARE INCREASES AS WELL AS FREEING UP LEGISLATIVE RESOURCES.

THE IMPLEMENTING OF TAXI FARE INCREASES HAS HISTORICALLY BEEN CHARACTERISED BY LONG DELAYS, BECAUSE OF THE EXTENDED LEGISLATIVE PROCESSES REQUIRED TO AMEND THE TAXI AND PRIVATE HIRE CAR REGULATIONS.

DRAFTING OF A LEGISLATIVE AMENDMENT IS AT PRESENT REQUIRED TO IMPLEMENT FARE INCREASES. THIS EMPLOYS LEGISLATIVE RESOURCES AND REQUIRES INCLUSION ON THE LEGISLATIVE PROGRAM. AS MOST FARE INCREASES ARE QUITE STRAIGHT FORWARD, THE ALLOCATING OF THESE RESOURCES IS UNNECESSARY.

I SHOULD ADD THAT THE NEW ARRANGEMENT WILL PARALLEL THAT EMPLOYED IN ADJUSTING BUS FARES IN THE A.C.T., WHICH ARE ALREADY SET BY MINISTERIAL DETERMINATION.

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THE TAXI INDUSTRY, FRUSTRATED BY DELAYS IN IMPLEMENTING PREVIOUS FARE INCREASES, HAS WELCOMED THIS INITIATIVE AS IT WILL ALLOW GOVERNMENT TO BE MORE RESPONSIVE TO ECONOMIC FLUCTUATIONS AFFECTING THE TAXI INDUSTRY.

THIS BILL WILL NOT REDUCE THE DEGREE OF CONSULTATION WHICH HAS EXISTED FOR PREVIOUS FARE INCREASES. I WILL STILL BE SEEKING ADVICE FROM THE TAXI INDUSTRY ADVISORY COMMITTEE, MADE UP OF REPRESENTATIVES FROM THE TAXI AND TOURIST INDUSTRIES, THE UNION MOVEMENT, CONSUMERS, AND THE ACT TAXI SCHEME FOR THE DISABLED. THIS BILL WILL ONLY REDUCES THE NEED FOR LEGISLATIVE CHANGE.

THE SETTING OF NEW FARES WILL BE A GOVERNMENT DECISION. THAT DECISION WILL BE PLACED BEFORE THE ASSEMBLY, AS THE NOTICE IN WHICH NEW FARES ARE PUBLISHED WILL BE A DISALLOWABLE INSTRUMENT, OPEN TO SCRUTINY BY ALL MEMBERS OF THE ASSEMBLY.

I NOW PRESENT THE EXPLANATORY MEMORANDUM FOR THIS BILL

APPENDIX 2 : (Incorporated in Hansard On 20 Septemter 1990 at Page 3543) -

ACT GOVERNMENTS RESPONSE TO THE REPORT BY THE STANDING COMMITTEE

ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE ON THE 1990-91 NEW

CAPITAL WORKS PROGRAM

1

Recommendation 1.

A formal government response to the Committees Report on the 1990-91 Capital Works Program be provided to the Assembly before the 1990-91 Budget is brought down.

Goverment Response:

Due to the arrangement of sitting days for the Legislative Assembly it has not been possible to respond to the Committees report prior to the 1990-91 Budget being brought down.

Recommendation 2.

Future new capital works programs include details of the indicative costs of projects identified as part of a reserve amount pending consideration by government.

Government Response:

Accept recommendation.

Recommendation 3.

The Government, when it responds to this report, provides full details of where the $22.1m of reserve funds are to be allocated.

Government Response:

The funds identified in the New Capital Works program as "reserved" have been allocated to the following projects:

. Civic Olympic Pool $2.106m
Upgrading of mechanical equipment and construction of an air supported bubble over the pool to allow year round use.

. Decade of Land Care $0.125m
Repairs to degraded land and other conservation measures.

. Hospital Redevelopment Project 519.859m
This allocation forms part of the
overall authorisation of $111.8m
required for the project in 1980-91.

$22.100m

R-11 details of the Governments New Capital Works Program are provided in Budget Paper No 6: Capital Works Program.

Recommendation 4.

Detailed population projections for the Tuggeranong Valley together, with an explanation of the provision of schools in the south Tuggeranong area, be made publicly available before work on the Bonython school is commenced.

Government Response:

The Minister for Health, Education and the Arts will shortly release a comprehensive package of information outlining school planning proposals for southern Tuggeranong. The package will include population forecasts for each surburb, identify school catchment areas and provide enrolment profiles for each proposed school. This information is expected to be available before construction commences on the new primary school at Bonython.

Recommendation 5.

The Department of Education fully explores the advantages of school facilities and resources being geographically placed so as to offer the greatest community access and thus allow for more sharing of facilities and resources.

Government Response:

Town Planning practice generally has as one of its objectives the location of schools as close to the geographic centre of the planned catchment areas. In many cases, this has meant that schools and outdoor play equipment are sited close to neighbourhood ovals, shops and community facilities. In southern Tuggeranong, the practice has varied slightly so that some schools can cater for larger catchment areas. Having schools located central to their catchment areas is a feature which is being applied widely in the development of Gungahlin. In doing so, the Government believes this will provide the greatest opportunity for community access and thus allow for more sharing of facilities and resources.

Recommendation 6.

Before the new boiler is installed in the Canberra Theatre complex, confirmation is needed that the new boiler can be re-sited if and when a new performing arts complex is built.

Government Response:

The new boiler proposed for the Canberra Theatre can be relocated/reused in the future. However, the proposed boiler is a one-off purpose built piece of equipment and consequently, any future use would be limited to a building of similar size and capacity to that of the existing Canberra Theatre.

Recommendation 7.

The Government take no precipitate action with respect to the Playhouse Theatre and that a final decision not be made until after the Select Committee on Cultural Activities and Facilities completes its inquiry.

Government Response:

The inquiry by the Select Committee on Cultural Activities and Facilities is expected to identify many issues which will impact on the priorities for cultural facilities in Canberra. The Government will give careful consideration to the recommendations of the Standing Committee before making any decisions concerning the provision of future cultural facilities. Concerning the Playhouse Theatre, it should be noted that this facility is within the boundaries of the parcel of land identified for the development of Civic Square and its environs and if that development proceeds then the Playhouse Theatre will be demolished.

Recommendation 8.

TAFE and the Department of Education should work closely together to ensure that capital expenditure is targetted to provide the maximum benefit to the community.

Government Response:

The Ministry of Health, Education and the Arts and the TAFE will complement the existing co-ordination arrangements between their agencies with the adoption of an explicit consultation process addressing capital works proposals where common facilities could be provided.

Recommendation 9.

A broadly based consultative committee on Community Services be established to allow for more public input into identification of priorities for capital works in the Community Services portfolio.

Government Response:

In general, the Governments approach to consultation with the public on specific projects has been to liaise with those groups or individuals who may be affected by a particular proposal eg Community Services would liaise with the Tuggeranong Community Council over the provision of community facilities in the Tuggeranong Valley. Because of the direct nature of this approach it has, over time, proved to be most beneficial for all parties involved.

It is not the Governments intention to preclude existing community forums from the broader consultative process.

Recommendation 10.

The Government ensure that a close working relationship be established between the Departments of Community Services and Education on the development of capital works programs for related community facilities.

Government Response:

Discussions will be held between the Ministry of Health, Education and the Arts and the Housing and Community Services Bureau aimed at establishing consultation processes for addressing their common capital works requirements.

Recommendation 11.

All sections of the health delivery community should be involved in the consultation process which prepares the timetable for hospital rationalisation.

Government Response:

The structure that has been set up to undertake the rationalisation of ACT Public Hospitals includes the establishment of approximately 50 working parties representing all functional areas of the health delivery network. It is the task-of these groups to examine the needs and requirements of their respective areas and input this into the rationalisation process. The Government believes that this is a most effective means of consultation as it is involving the full range of staff from the health community

Recommendation 12.

Every effort be made to ensure that new design development in bus stops and shelters are reflected in future programs, especially if recurrent costs can be reduced.

Government Response:

ACTION currently has a number of prototype shelters installed in various locations throughout Canberra on a trial basis. it is expected that following these trials a number of the prototype shelters will be introduced once bus routes during 1990-91. The new type of shelters are expected to be 30-9 cheaper to construct than the existing concrete ones. These shelters also have the potential for recurrent savings in terms of cleaning and graffiti removal.

Recommendation 13.

All projects of an identical nature should be listed in the same sub-program.

Government Response:

Accept recommendation.

Recommendation 14.

Before any transport and engineering works are planned or designed, all residents and organisations who will be directly affected by those works should be consulted and, where possible, involved in the decision making process.

Government Response:

It has been the practice of the Government to consult with groups or individuals wherever they are affected by construction proposals. The type of consultation, however, does depend upon the type of work being undertaken eg cycle paths and cycle related facilities would be discussed with Pedal Power ACT Inc. which is acknowledged as the public organisation representing the views of interested cyclists. The Government is of the view that this type of direct consultation is successful and will continue to adopt this approach.

Recommendation 15.

Before any work is commenced on the upgrading of Athllon Drive the following takes place:

a further study of current traffic travel figures be completed;

the results of the traffic travel survey be used in a review of the two options for the upgrading of Athllon Drive from Sulwood Drive to Beasley Street (either construction of bus-only lanes or dual carriageway) to confirm which option should be proceeded with; and

justification be given as to why only section of the staging strategy recommended by the Denis Johnston and Associates 1989 report on the upgrading of Athllon Drive are included in this capital works proposal.

Government Response:

Athllon Drive was constructed in the late 1970s as a relatively low cost two lane road, designed to provide a temporary connection between the developing suburbs of Kambah and Wanniassa, and their places of employment and shopping.

The road was constructed along a corridor reserved for the future express intertown public transport system.

As Tuggeranong developed, the arterial road system was completed in order to provide high quality access out from the Tuggeranong Valley. These roads included, firstly, the completion of the Tuggeranong Parkway, followed by the extension of Yamba Drive south to Erindale Drive (this road has recently been upgraded further to provide a divided carriageway north from Sulwood Drive); and supplemented by the ongoing construction of the Eastern Parkway, designed to carry traffic from Tuggeranong towards City, North Canberra, Fyshwick and Queanbeyan. The development of the Eastern Parkway resulted from an extensive Environmental Impact Statement in 1986, with broad community consultation. This Statement canvassed a range of road alternatives, including the upgrading of Athllon Drive. The recommendation not to upgrade Athllon Drive for general traffic was accepted at that time.

Following the completion of much of the Tuggeranong Town Centre and the extension of Athllon Drive to connect into the Town Centre, the ACT Government commenced work to provide an express bus service between Tuggeranong and the towns to the north. The upgrading of public transport services is consistent with the ACT Governments policies relating to favouring public transport. Because of traffic congestion on Athllon Drive, which is the preferred route for this express service, buses were forced to detour via the Tuggeranong Parkway, resulting in longer journeys, which are less attractive to bus travellers and more costly for

ACTION to operate. For example, if the reduced travel time and distance via Athllon Drive allows ACTION to reduce its bus fleet by only one bus, this will save ACTION about $330,000 in capital cost and $120,000 per year in reduced operating costs for those express buses routed between Tuggeranong and Woden. Further savings in local bus route operating costs will also be achieved due to the overall reduction in travel time along Athllon Drive.

In addition to the ACTION difficulties, the ACT Government was aware of a number of other problems emerging in the Athllon Drive corridor. These included traffic intrusion into south Woden residential suburbs caused by motorists taking short cuts through the suburbs to avoid congestion in Athllon Drive; pedestrian, and especially school student safety problems crossing Athllon Drive; an increasing crash experience at some of the intersections along Athllon Drive; and road pavement damage resulting from heavy traffic on the road, which has now exceeded its design life.

Two consultancies were commissioned, with the objective to investigate the most cost effective way of addressing the issues raised by the present arrangements on Athllon Drive. Both studies accepted the basic premise established by the earlier Environmental Impact Statement, that Athllon Drive should not be significantly upgraded for general traffic but should have an enhanced public transport role.

The studies, which both utilised the latest available traffic volume information, recognised the need for traffic capacity to be maintained north of Sulwood Drive, to provide access for north Tuggeranong residents to Woden, and south Woden residents to Tuggeranong as well as to avoid putting unnecessary traffic through Woden Town Centre. However the capacity of the road system north of Athllon Drive, especially on Adelaide Avenue is very constrained. A number of high quality alternatives exist which will improve traffic safety and access to the north. In addition, the other major users of Athllon Drive, which are residents of the south Woden suburbs, will gain from improved safety and reduced delays at the intersections.

The $1m will upgrade the Beasley Street south and Beasley Street north intersections on Athllon Drive and improve signal linking at the northern end of Athllon Drive.

in summary, therefore, in response to the specific recommendations of the Committee it is advised:

- all studies have utilised the latest available traffic figures; further studies are not therefore considered necessary.

- all the options for Athllon Drive have been thoroughly reviewed by R J Nairn and their conclusions are consistent with those of Denis Johnston & Assoc

- the proposed staging strategy for implementation. of t:e work is generally consistentibetween the two studies. More detailed evaluation by R J Nairn may result in minor variations to the timing of implementation.

- the current works do not preclude duplication of Atoll:: Drive if such a need were.demonstrated.

Recommendation 16.

Regional consultative groups be established to provide a focus for such consultation.

Government Response:

The Government does not support the establishment of communitylregional consultative groups for on-going public consultation on construction proposals. Experience has shown that consultation with the groups or individuals directly affected by a particular proposal is the most effective means for the public to have input into these works.

Consultation with the public on capital works is carried out at a number of levels. Firstly, in developing the Territory Plan a wide range of issues are canvassed with the public. In particular, road reserves and functions are established within the Territory Plan: and in broad terms land uses are indicated so that.it is clear where such community facilities are located. A comprehensive public consultation. process is currently being developed for the new Territory Plan. Beyond this a number of infrastructure items would be subject to Environmental Impact Statements (IS). This is done either in terms of broad greenacre development or particularly large projects such as the Eastern Parkway. This EIS process also includes public consultation. Secondly, where the impact of a proposed project has an identifiable function there would be consultation with the local or affected communities. It can be difficult at times for some projects, particularly roads projects, to identify who the users or affected communities are. As a result consultation at this level is taken on a case by case basis. The Infrastructure Committee of the Assembly, of course, forms an important last stage of the consultation. process in that the public can provide comments on particular proposals.

Therefore the Government will continue to adopt the approach outlined when developing and implementing its capital works.

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Recommendation 17.

Comment on the extent of community consultation be added to the criteria used in preparing the list of projects for the final works program.

Government Response:

The Government recognises the importance of public consultation in the development of any proposal. Agencies will be required as part of the justification of their proposals to indicate the extent of consultation on their particular projects.

Recommendation 18.

The future recurrent implications of capital works projects should be added to the criteria used in preparing the list of projects for the final works program.

Government Response:

Accept recommendation.

Recommendation 19.

As far as possible full and complete data and background on all programs be provided before the public hearings so as to ensure-that the Committee does not have to request the information at a later date.

Government Response:

Accept recommendation.

Recommendation 20.

One line budget allocations should be avoided wherever possible.

Government Response:

The Government agrees that one line budget allocations should be avoided wherever possible. The amount of money in such allocations has been substantially reduced in 1990-91 from that put forward in 1989-90.

Bulk provision items are essential for various categories of works. They have two prime objectives:-

(1) to cover a large number of small items; and

(2) to cover emergency situations that arise from time to time.

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Recommendation 21.

The Government continue its efforts to convince the Commonwealth to release funds from the ACT Transitional Funding Trust Account for urgent capital works.

Government Response:

Wherever possible the Government will initiate moves to obtain the release of funds from the Transitional Trust Account for use on projects of a capital nature. 7 with that approach the Government has sought the Commonwealths agreement to the release of $10.Om to assist in meeting expenditure on the Hospitals Redevelopment Project in 1990-91.

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