



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

2 March 1994

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

ELECTORS INITIATIVE AND REFERENDUM BILL 1994

MR STEVENSON (10.31): Madam Speaker, I present the Electors Initiative and Referendum Bill 1994.

Title read by Clerk.

MR STEVENSON: I move:

That this Bill be agreed to in principle.

I am introducing a Bill with this new title thanks to the work of the Scrutiny of Bills Committee. The committee was kind enough to go through my Voice of the Electorate Bill in detail and make some suggestions, all of which we have noted in making a number of changes. The new title of the Bill - Electors Initiative and Referendum Bill - is a title that is being used around the country. Let me read the definition of the word "initiative":

The right of a citizen or defined number of citizens, outside the Legislature, to initiate legislation, as in some of the Swiss cantons, and in Switzerland as a Federal Republic 1889.

Later on this morning I will be withdrawing the Voice of the Electorate Bill, which this Bill replaces. This Bill is the same in intent and the description of the Bill will remain the same. Once this legislation is passed, a new law will come into being through an electors Bill that has a title and contains a description of the law the electors Bill seeks to introduce. The electors Bill will be accompanied by any written material in its support and may include a draft of the proposed law, or Bill, coming from the people. Once an electors Bill has been registered, its title may be changed to better reflect the purpose of the proposed new law, but the description of the Bill may not be changed. In this case I have changed the title of my Bill but certainly not the description of the Bill. I thank the members for their time.

Debate (on motion by Ms Follett) adjourned.

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LANDLORD AND TENANT (AMENDMENT) BILL 1994

MR CORNWELL (10.35): Madam Speaker, I present the Landlord and Tenant (Amendment) Bill 1994.

Title read by Clerk.

MR CORNWELL: I move:

That this Bill be agreed to in principle.

I am sorry that the Minister for Housing is not present; but he will no doubt read my comments. Madam Speaker, at present the ACT Housing Trust provides a loan of up to \$600 to eligible applicants to help them pay rental bonds to landlords in the private sector. It is a rather cumbersome, longwinded arrangement. The Housing Trust pays the money to the tenant; the tenant then pays the money to the landlord; and the landlord is now obliged by law to pay that money to the Rental Bonds Office, where it sits until the tenant vacates, when the whole business is reversed and we start going backwards. This strikes me as being rather cumbersome.

However, there are other problems associated with this procedure. After six months the Housing Trust requires the tenant to repay this loan by instalments over the next 12 months, so in fact the tenant has the use of the loan for something like 18 months. My proposal is that the money that the Housing Trust pays as a bond to eligible tenants in private rental accommodation should in fact be paid direct from the Housing Trust to the Rental Bonds Office. In other words, it should bypass the tenant.

I cannot see why we have to go through this very cumbersome and, as I will prove, inefficient procedure. The problem with the current practice is that, apart from the cost of administering this rather cumbersome scheme, some tenants either do not repay the bonds to the trust or, when the Rental Bonds Office gives them the money back upon their vacating the premises, they simply take the money and run. If members want evidence of this, I refer them to a letter from the Minister, Mr Connolly, on 21 June 1993 which states:

Loan money advanced in the 1991-92 financial year was \$277,729. Loan money repaid to the end of April 1993 amounted to \$38,864.

This clearly demonstrates, Madam Speaker, that - in spite of a requirement, even then, that tenants had to start repaying their money after 12 months - it is very obvious that most of the \$277,729 should have been repaid by the April 1993 deadline; unless we are to assume that most of that \$277,729 was in fact handed out in loans of up to \$600 in the last two months of 1991-92, namely, May and June. I simply do not accept that that is the case. Therefore, the Housing Trust - and by the Housing Trust I mean the ratepayers and the taxpayers of the ACT - is out of pocket by some \$239,000 for loans handed out in 1991-92 alone.

In that year, if each loan was worth the maximum of \$600, 462 loans were given out and only 64 of those were paid back - a 13 per cent return. I do not think that is very efficient, and I do not think it is in the best interests of the people of the ACT. I put it to you that if this amendment of mine is accepted we will find that we can avoid involving the tenant at all. The money will simply pass from the ACT Housing Trust to the Rental Bonds Office. If subsequently a tenant vacates

and there is some damage to the property, the landlord can apply for a component of that loan, or in fact all of it. The problem of rising debts to the ACT taxpayer will be avoided. The landlord will be happy. The trust will receive its money back. The Rental Bonds Office will continue to receive the bonds as the law requires. I have discussed this with the Real Estate Institute. They have no problem whatsoever with this particular amendment. I believe that it is a sensible step in the right direction. I trust that the Government, along with the rest of this Assembly, will see fit to accept it.

Debate (on motion by Mr Connolly) adjourned.

DISCHARGE OF ORDER OF THE DAY

MR STEVENSON (10.43): In accordance with standing order 152, I move:

That order of the day No. 1, private Members' business, relating to the Voice of the Electorate Bill 1993, be discharged from the *Notice Paper*.

A moment ago when I introduced the Electors Initiative and Referendum Bill, there were a couple of comments from members that I made only a short speech, when they expected some stirring arguments. I could have stood up and talked about this being a major economic measure that we could possibly take because it involves the citizens. I could have talked about it being direct democracy. I could have said that the lack of involvement of people in our community would be resolved by giving them an opportunity to introduce binding legislation, but - - -

Mr Berry: But nobody would believe you, so you did not bother.

MR STEVENSON: Mr Berry says that no-one would believe me. In fact, not only do the vast majority of people believe me but I believe them because it is their view. However, I keep in mind that I made an introductory speech in October last when I introduced the Voice of the Electorate Bill. I must also keep in mind that the time for private members business is very brief and that other members have matters to raise. That is why the speech was short.

Question resolved in the affirmative.

HOUSING ASSISTANCE (AMENDMENT) BILL 1992

Debate resumed from 23 February 1994, on motion by Mr Cornwell:

That this Bill be agreed to in principle.

MR KAINE (10.44): When I was cut off in my prime on this matter the other day, I was in the middle of making a couple of brief statements that I thought I would like to introduce into the debate. They had to do with the shallowness of the argument put forward by the Government in opposition to this Bill. I can go further than that and say that their argument is such as to totally lack all logic, and it demonstrates a lack of political nous as well. I must say that I am amazed to hear that from Mr Connolly.

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The reasons that I say that are twofold. First of all, somebody living in a Housing Trust house can buy it after eight years anyway. In saying, "We will not endorse the sale of this house after five years", all the Minister is saying is, "Whether you like or not, you are going to have to sit there another three years before we will entertain it".

Mr Connolly: When you introduced the scheme, it was 10 years.

MR KAINE: We introduced it at 10 years, and there was a logic behind that, Madam Speaker. We were concerned that there would be such a flood of applicants that if we opened it up for very limited tenancy we simply could not process the applications. Our intention always was to progressively reduce it from 10, and our target was always five. We introduced it at 10. Mr Connolly came on the scene, and it did not take him long to reduce it to eight. He saw that there was some logic in that, but he does not see any logic in reducing it further.

Let me make a point about declining to sell the house to somebody after a qualifying period of five years. Be02ar in mind that the financial circumstances of the tenant must improve over the five years or eight years to the point where they can afford to buy the house. If their financial circumstances change such that they are now in a position to buy and Mr Connolly says no, he immediately has a disgruntled tenant who would like to buy the house. He is in a position to buy it and Mr Connolly is saying, "No, we will not sell it to you; but, if you stick around for another three years, then you can buy it". Where is the logic in that?

Mr Connolly was waxing strong, saying, "They can always take their money and go and buy somewhere else". That may not be the case. Their financial position may well have improved to the point where they can take advantage of a favourable Government offer to buy the house that they are living in, but they may not be able to go that extra yard and buy a house on the private market, because it is just a little bit beyond their means. It is not a valid argument to say that they can take their money and buy somewhere else. Very often they cannot. For no reason that has any logic that I can see, Mr Connolly immediately puts the housing tenant offside because he will not sell him a house after five years, but if the tenant likes to wait till eight years he can buy a house.

If the Minister sells a house, he then has the money to buy another one and take somebody off the waiting list. So he can satisfy two people by selling a house. He can satisfy the person who is living in it and wants to buy it, and he can satisfy the next person on the Housing Trust waiting list, because he has money to buy another house to put a person on the waiting list in. I said that Mr Connolly's position lacks political nous because he is adversely affecting two people, or two families, by declining to allow a property to be sold. I do not see the logic in his position. His position is totally illogical, and Mr Connolly has not advanced any good reason why he should oppose this Bill.

Mr Connolly put an argument in which he used Reid as the example. Why he used Reid I do not know. What is wrong with Charnwood, or perhaps Richardson in Tuggeranong? He referred to getting \$300,000 for a house in Reid. It would be a pretty disadvantaged tenant who could afford to buy a house for \$300,000 after five years; that is all I can say! So it is a fairly unrealistic scenario, but it was Mr Connolly's scenario. He said, "If we take \$300,000 for a house in Reid, we cannot buy another one in Reid".

Madam Speaker, the argument is no different if the house is in Charnwood or in any other suburb in Canberra. If you sell a house in Richardson for, say, \$120,000, there may not be another one on the market there that you can buy anyway. The situation in Charnwood, Richardson, Gordon or Ainslie is no different from the situation in Reid. But, of course, it suited Mr Connolly to say, "Reid is obviously the yardstick, and you might not be able to buy a house every day in Reid". It is not only in connection with the better status suburbs that that argument could apply. If the Minister sells a house to a tenant in, say, Richardson after eight years - which is his present milestone - it may not be possible to buy another house in Richardson, because at that time there may not be another suitable house available in Richardson, so he has to buy one some place else. Of course, it is a specious argument anyway, because on many occasions it may suit the Housing Trust to buy a house in another suburb anyway, depending on what their current spread of stock is and how many houses they have in the suburb in which the house is being sold.

I simply do not see that any of the arguments that Mr Connolly has put forward so far against this Bill have any validity. They do not stand up to any kind of scrutiny whatsoever. I repeat that it demonstrates to me an absolute lack of political nous on Mr Connolly's part that he chooses to disadvantage two people - both the tenant who wants to buy the house and the person on the waiting list who could be accommodated if the house were sold. He chooses to disadvantage two people instead of selling the house and giving two people the advantage that they are seeking. I can only suggest to Mr Connolly that he rethink his position, rethink his argument, see how shallow it is and how it simply does not stand up to any scrutiny, and support Mr Cornwell's Bill.

MR CORNWELL (10.51), in reply: Madam Speaker, one of my colleagues said in the debate last week that we were indeed dealing with some very sloppy logic. I can only echo those sentiments. First of all, the Government put up the furphy about the loss of inner city properties. An example of a property in Reid worth \$300,000 was given. How many Housing Trust tenants could afford to pay \$300,000 for a property at Reid? In Reid the Housing Trust owns 30 properties. It is hardly an enormous number, and I would suggest to you that that would even reduce the number of people who would be interested in purchasing the properties.

Mrs Grassby: Why?

MR CORNWELL: Mrs Grassby wants to know why. I would be very curious to know why a Housing Trust tenant should necessarily have \$300,000 to purchase such a property. Let me go on. Part of the problem here is that people have misunderstood just what is involved. Eighty-five per cent of Housing Trust housing is now welfare housing. Therefore, under my amendment only 15 per cent would be eligible to purchase their houses. This works out at about a maximum of 1,230 of the 8,000-plus properties in the housing stock of this Territory.

I put it to you that the argument about inner city houses also does not make sense in that, if you accept that 85 per cent of the properties are welfare housing, it is reasonable to assume that 85 per cent of the stock in each of the suburbs are also welfare houses; therefore, only 15 per cent in any suburb - inner city, outer city or anywhere else in the middle, for that matter - would be eligible for sale to tenants. In other words, the stock that these people are concerned about losing

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would be minimal. We are dealing with approximately 1,230 properties. Many of the people living in these properties are elderly and may not wish to buy them. The assumption seems to be that if we drop the term to five years every person who is eligible to purchase a Housing Trust property is going to rush forward to do so. That is obviously nonsense. The age of many people will preclude them from doing so or showing an interest in doing so.

Ms Szuty said that subsidisation by full rents was falling rapidly and therefore we had to protect the rebated stock by not selling off the non-rebated stock. I have just pointed out that in the last few years the non-rebated stock has already fallen from 20 per cent to 15 per cent. Therefore, subsidisation of full rents and the amount of money coming in from that are falling, in any event. We really have to look at other ways of raising funds. One of them, of course, could be to chase up the rental arrears, Mr Connolly.

Madam Speaker, the case for encouraging such sales is that 66 per cent of the current housing stock is standard housing, but only 11.4 per cent of people on the Housing Trust waiting list want standard housing. These are not my figures; I am quoting from the ACT budget newsletter of December 1993. Obviously, there is a massive imbalance between what people on the waiting list want and what is available. What better reason is there for allowing a few more tenants to purchase their houses and then using the funds generated to provide the type of housing that people on the waiting list want? It stands to reason. Why not sell off some of the current stock in order to finance accommodation that is required?

Mrs Grassby made comments about fears of people buying Housing Trust properties and selling them the next day to developers. She obviously had not read my Bill. I have stated quite clearly that anybody selling such a property must, in the first five years following its purchase, give the Housing Trust first option to buy. On the question of the current market value, Mr Connolly raised the matter of whether or not improvements were taken into account. We believe that the amendments that I have put forward will allow such things to be taken into account.

The one area that did raise some concern was that my Bill gives the tenant an unfettered right to purchase accommodation. I have listened carefully to the arguments, and I am in agreement that that is not necessarily desirable. I therefore foreshadow that at the appropriate time I will be moving an amendment to my Bill to add to subclause 17A(1) the following new paragraph:

(d) the ACT Housing Trust agrees.

In other words, it will allow the trust to have a say in whether a property is sold or not. I recognise that, if we are going to allow the trust to carry out redevelopment, then it must have some flexibility. We cannot bottle up opportunities to redevelop areas if in those areas you have a house or two that the tenants are insisting on purchasing. That could be the situation under my Bill without the foreshadowed addition of paragraph (d). A tenant could prevent redevelopment, and I accept that that is not necessarily desirable.

Bear in mind that the trust already has impediments to sale. They will not sell houses that were acquired or upgraded in the last five years; they will not sell if the area has been identified for development; they will not sell if there is no separate title; and they will not sell where they have low stock holdings. None of these things, however, has ever been enshrined in legislation. I believe that the new paragraph that I propose will allow that to happen. It will give the trust some control over the sale of properties.

The original term of 10 years, Madam Speaker, was quite arbitrary. It was agreed to by the trust simply because they were unable to judge demand after an eight-year moratorium on sales. There was never anything hard and fast in the 10-year rule. It was simply a cautious approach to see what the demand was. I believe that this has been acknowledged by the Government's decision to drop the 10-year requirement back to eight in last year's budget. However, if you are not anxious to sell Housing Trust stock, if you are concerned about the future of Housing Trust stock here in the ACT for all the reasons you have advanced, why did you drop the time period from 10 years back to eight? If you concede that there is a case to sell, you can just as easily drop it from eight years to five years via this Bill. If, on the other hand, there is no case to sell, you should leave it at 10 years. I cannot work out the logic. Why is it okay to sell after eight years subject to certain conditions, but it is not okay to sell after five years? It simply does not make sense. I hope that we get some sort of explanation from the Minister as to why that should be the case.

I believe, Madam Speaker, that the amendment that I have foreshadowed, plus the original amendment to the Housing Assistance Act, is simple justice. It gives people flexibility. It allows tenants to purchase their own homes within certain restrictions; but, I repeat, it will extend only to 15 per cent of Housing Trust housing, which would amount to about 1,230 properties out of the housing stock empire of over 8,000 houses. Finally, I remind members once again that there is a case for encouraging these sales, because 66 per cent of Housing Trust stock is standard housing when only 11.4 per cent of current waiting list tenants need that type of accommodation. The sale of more properties will allow the trust to put together finance to enable them to build the type of accommodation that the balance of those on the waiting list obviously requires. I commend the Bill to the house.

MR LAMONT: Madam Speaker, I seek leave to speak further at the in-principle stage.

Leave granted.

MR LAMONT: Madam Speaker, I have just received on my table a copy of the amendment foreshadowed by Mr Cornwell, to which he addressed himself in his closing remarks. I think it should be brought to the attention of the Assembly that what is being proposed here is a bit of a three-card trick. The Bill provides for the sale of public housing for the purposes outlined in this Bill. At issue is whether provisions should be changed so that, instead of being able to buy a Housing Trust house after eight years of occupancy, a tenant will be able to buy such a property after having resided there for five years.

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We have a fundamental disagreement with the five years, and we have debated that already. What is being proposed by Mr Cornwell's amendment, if in fact we get past the in-principle stage, is that the discretion which is currently exercised by the Minister become an absolute bureaucratic discretion appealable through organs such as the Administrative Appeals Tribunal. The amendment will place into the legislation a mechanism that will in itself be extremely cumbersome, time consuming and costly for our ACT Housing Trust to administer.

Mr Humphries: The trust has to agree now.

MR LAMONT: No, it does not. The discretion exercised at the moment is not appealable, in my understanding.

Mr Humphries: It is not referred to here either.

MR LAMONT: Yes, it will be.

Mr Humphries: Why?

MR LAMONT: My understanding is that it will in fact become a statutory provision and therefore will be appealable.

Mr Connolly: Who knows? We have seen it for 30 seconds.

MR LAMONT: With the 30-second notification that has been given, our view is that it is more than likely that that will be the case. We do not believe that the foreshadowed amendment answers any question or goes any way towards enhancing the Bill. In fact, the reason why I have sought leave to speak at the in-principle stage is to ensure that members are aware of these concerns and understand that these issues need addressing.

There has been some suggestion that this debate may now be further adjourned. That does not need to happen. It does not need to be adjourned. The proposed amendment adds nothing to the Bill. It puts a greater obligation on the Housing Trust. It does not change the purpose of Mr Cornwell's Bill - that is, to change the time period from eight years to five years. In fact, it just places further encumbrances on how that discretion is currently exercised - and I think appropriately exercised. I suggest that members vote against agreeing to the Bill in principle.

MR STEVENSON: Madam Speaker, I seek leave to speak briefly again.

Leave granted.

MR STEVENSON: The reason I proposed that the matter be sent to a committee was - - -

Mr Connolly: You will be willing to serve on this committee, Mr Stevenson?

MR STEVENSON: I do not really want to go into all the details of that again. Mention it again, and I will be happy to do so. One more word and I will; make no mistake.

Mr Connolly: You will be willing to serve on this committee, will you, Mr Stevenson?

MR STEVENSON: Okay, here we go. Let us have a look at the situation. The Labor members in this Assembly, again and again, blocked me from appearing on committees. Let us not forget this. I was on a committee. On the Social Policy Committee we had a committee matter - - -

Mr Lamont: Madam Speaker, I rise on a point of order under the provisions of standing orders. I point out that Mr Stevenson has misrepresented me and other members of the Labor Government in saying that we have denied him access to committees. In fact, at the commencement of this Assembly we extended an invitation to Mr Stevenson to participate in the committee process.

MADAM SPEAKER: Mr Stevenson, would you just clarify your remarks.

MR STEVENSON: Yes, indeed. As Mr Lamont must well know, I meant the first term.

Mr Lamont: The First Assembly?

MR STEVENSON: That is right. I was on a fluoridation inquiry from 1989 to 1991. Eighty-eight per cent of submissions received by that inquiry were against compulsory artificial fluoride. That information was not represented in the final Government report and it was beholden on me, if I wanted the people to be represented, to put in a dissenting report, which I did. I spent literally hundreds of hours on it. We voted unanimously to reduce fluoride. And what happened? It was not done. So there are some things about committees that one could talk about, but I will not go on at the moment.

I get back to the point at hand. Unless there is something seriously wrong in our logic or our ideology, we must agree that it is a good idea to encourage home ownership; that it is not a good idea to encourage more and more state ownership of property. I know that that is an ideology that some people pay lip-service to; but what they do in practical terms does not make a lot of sense, as has been borne out by recent happenings around the world.

This Bill encourages people to buy properties. When I spoke on this matter in detail last week, I did not know how many properties had been bought by Housing Trust tenants. Thanks to the Minister answering a question I raised in this house, now I do. I said that it would be relevant to know. I said that, if there were many people buying properties, then we would have no fear that home ownership was being discouraged. Then we heard the number. The number was 109 properties over a three-year period. I am not good with a calculator, and I did not bother to work out what the percentage was once you get to point nought something, but it is not much. That was the key. What that told us was that whatever system currently operates does not work. If we agree, as we should, that people should be encouraged to own these properties, we should realise that when people buy a property it is not as if the money were gone. It is not as if the Housing Trust did not have an opportunity to buy more properties. Of course they have an opportunity to do so.

As we all know, a property has to be sold at current market value. It is always possible to buy more properties if necessary, but it may not be so necessary to do that if we encourage people to purchase properties. Anything we do towards that end should be beneficial. The suggestion by the members of the Labor Party was that we should drop the Bill in the bin, chuck it away. I suggested, "It is a good principle. Let us work on it". That did not look like it was going to happen.

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I do not think the Bill should necessarily go to a committee of inquiry. I think it should simply be looked at briefly and a couple of amendments made. But we should agree to it in principle. If the matter is adjourned, and I think that is a good idea, then there will be an opportunity to gain agreement from the majority of the members at least, if not all the members - and one would wonder why if they did not all agree - on what can be done to improve the situation so that over the next three years there will not be just 109 people who have bought properties but perhaps hundreds and hundreds. Would that not be a good thing for them? Would that not be a good thing for Canberra as a community?

MR MOORE: Madam Speaker, I seek leave to move the adjournment of this debate to allow further consideration of this Bill at the in-principle stage.

Leave granted.

MR MOORE: I move:

That the debate be adjourned to allow further consideration of this Bill at the in-principle stage.

Question resolved in the affirmative.

DISCRIMINATION (AMENDMENT) BILL (NO. 4) 1993

Debate resumed from 15 December 1993, on motion by Mr Moore:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.13): Madam Speaker, Mr Moore foreshadowed some time ago that he would be introducing amendments to the discrimination legislation. At the time he did so, I indicated that the Government would probably look at them very favourably. The issue that Mr Moore raised was one that had been agitated in the media here and in other parts of Australia. It went to the question of persons being discriminated against because of their trade or calling. He was particularly concerned about discrimination against people working in the sex industry, which we in this Assembly of course have decided should be a legal industry, provided it operates within the very tight guidelines for public health control and planning and land use control in the designated commercial areas of Canberra. There were some concerns that persons who were engaged in an activity which had been made lawful by this Assembly were finding that they were discriminated against. Mr Moore's Bill makes a very sensible amendment, effectively to make it unlawful to discriminate against a person on the basis of occupation.

I had some discussions with Mr Moore after we saw the text of his legislation. It is rather the same story as we had with the age discrimination legislation that we debated in government business last week. Unfortunately, it is easy to put in the simple basis on which people may not be discriminated against, but it requires a little care in establishing some exemptions. Once again, we can all agree on a simple occupation that should not be discriminated against, but we need to have some exemptions. Essentially, the exemption that we are putting in

is that it is not discriminatory to take into account a person's trade, occupation or calling if that trade, occupation or calling is relevant to and reasonable in the circumstances. For example, if one was to be treated by a brain surgeon and the person coming to do the treatment was in fact a garbage collector, it would not be discriminatory to say, "I do not want the brain surgery performed by the garbage collector". It would be quite - - -

Mr Humphries: What is wrong with garbage collectors?

MR CONNOLLY: If anything, the aspersion would be cast on the brain surgeon rather than the garbage collector. It is a very long time since garbage collectors have gone on strike in Canberra. Unfortunately, the same cannot be said for surgeons. Madam Speaker, without going onto an excursion into the relative industrial responsibilities of garbage collectors and surgeons, I give that brief example to illustrate the sort of thing that we have in mind.

I think members who support the need for Mr Moore's amendment would recognise the need for the Government's slight refinement of the amendment, which entirely endorses the principle that Mr Moore is advocating. The Government welcomes this addition to the discrimination legislation but suggests that there needs to be a slight refinement to ensure that what we are dealing with is irrelevant or unreasonable discrimination on the basis of occupation or calling. That would clearly apply to the sex worker seeking workers compensation or seeking accommodation. It would not be discriminatory to refuse to rent premises in residential areas of Canberra if the premises were to be used as a brothel because that, of course, is not a legal activity. But if a person wants to simply live quietly in a flat it is totally irrelevant whether their occupation is a sex worker or a member of the Assembly - - -

Mr Moore: Or a journalist.

MR CONNOLLY: Or a journalist, indeed. We will not say whether they are three callings that might be perceived by the public to have some similarities. Madam Speaker, I hope that members who are prepared to support Mr Moore's sensible addition to the legislation will also be prepared to support the Government's slight refinement to it.

MR HUMPHRIES (11.17): Madam Speaker, the Opposition will be supporting this amendment Bill and also supporting the amendment which Mr Connolly has foreshadowed. I must say that I find the comments of the Attorney-General extremely ironic, possibly even hypocritical. He has talked about how we should be using this legislation to ensure that there is no discrimination against sex workers. He said that if these people apply for jobs or apply for accommodation there should not be any basis for treating them differently from anybody else. Yet I seem to recall a great hullabaloo by members opposite when in the not too distant past a member on this side of the chamber went to the extent of actually supporting important steps taken to protect the health of sex workers by physically going out and being present in a brothel during an open day. Then, Government members were very happy to make great play of the fact that a member of the Assembly was associating with sex workers. Apparently we are all very concerned about how we should not discriminate against sex workers, but if a member of the Assembly wants to be seen supporting the health of those people it is a different matter altogether.

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Mr Connolly: I simply commented on the Leader of the Opposition being photographed draped across the doorway.

MR HUMPHRIES: Yes, it is remarkable how political exigency means that you can jettison your principles when you want them to be jettisoned.

Mr De Domenico: At least we go through the front door, not through the back, Mr Connolly.

Mr Connolly: Madam Speaker, I take a point of order. That is a grubby little interjection - saying, "At least Liberal members go in the front door of a brothel, not through the back door like Labor members". That is a clear personal imputation against members on this side of the chamber, and I require that it be withdrawn.

MADAM SPEAKER: Mr De Domenico, I ask you to withdraw that.

Mr De Domenico: If I have upset Mr Connolly, I withdraw, Madam Speaker.

MADAM SPEAKER: Thank you, Mr De Domenico.

Mr Connolly: Madam Speaker, I ask for a full withdrawal. It is a grubby little withdrawal to say, "If Mr Connolly is concerned about this imputation, I will withdraw". He must withdraw absolutely the imputation that he was making.

Mr Moore: On that point of order, Madam Speaker: From my experience of many brothels, there are very few where you can get in the back door. In most, you can get out through the back, but there are very few where you can actually get in through the back.

Mr Humphries: On the point of order, Madam Speaker: I hope that you will not entertain Mr Connolly's point of order. Mr Berry always withdraws in the terms in which Mr De Domenico has just withdrawn, and I am sure that you will take no different view in this case.

MADAM SPEAKER: Excuse me, Mr Humphries!

Mr Connolly: Madam Speaker, I take it as an imputation from Mr De Domenico that I somehow use the back door when frequenting brothels. If he would care to make that statement outside this chamber, I would respect him greatly. If he refuses to withdraw the imputation completely inside this chamber, I will completely disrespect him.

Mr Cornwell: May I speak to the point of order, Madam Speaker?

MADAM SPEAKER: Yes, Mr Cornwell.

Mr Cornwell: It seems to me that Mr Connolly as an individual is very sensitive on this issue. Mr De Domenico did not mention members of the Labor Party. He did not make any - - -

Ms Ellis: He was speaking about all of us.

Mr Cornwell: That is the very point I am making, Ms Ellis. Madam Speaker, you have ruled previously that if the word "hypocrisy" is directed at an individual it must be withdrawn; however, if it is used against a group of people, it does not have to be withdrawn. I submit that the same ruling should apply in this case, because Mr De Domenico did not mention anybody by name; he did not mention even the Labor Party by name in his comments.

MADAM SPEAKER: In Mr De Domenico's comments there was a clear imputation against a member. Mr De Domenico has withdrawn that imputation against a member. We will continue.

Mr Connolly: Has he withdrawn the imputation, "At least he goes in the front door, not the back door", which was clearly directed at me? That statement, which purportedly has been withdrawn, is a statement which again I would be very happy for him to have the guts to make outside.

MADAM SPEAKER: Mr Connolly, it is my clear understanding, and it is now on record, that Mr De Domenico has made a total withdrawal. Continue, Mr Humphries.

MR HUMPHRIES: I must say, Madam Speaker, that it is quite extraordinary how members opposite get very sensitive about questions of prostitution and brothels when in fact - - -

Mr Connolly: Madam Speaker, they are doing it again. This is the real "When did you stop beating your spouse?" type of grubbiness. They are saying, "Members opposite are sensitive about allegations of visiting brothels", which is designed to get some sort of story running about a bit of grubbiness, a bit of sleaze, a bit of scum. You set the standards in this chamber, Madam Speaker. It is your choice whether we set the standards at the sort of grubbiness that those members opposite are trying to introduce or whether we have a rather higher standard. You can request members to get away from this grubby sort of personal stuff.

MADAM SPEAKER: Mr Humphries, please continue to speak about the matter in hand, with no further reference to members on the opposite side.

MR HUMPHRIES: Madam Speaker, with respect, the comments I am making about members opposite are extremely relevant to this debate. The comment I am making is very simply that there is considerable hypocrisy about the chamber when it comes to legislation which deals with discriminating against people on the basis of occupational calling - for example, prostitution.

Mr Connolly: That is fine, as long as you do not have these grubby suggestions about visiting brothels.

MR HUMPHRIES: Mr Connolly is interjecting about people using the terms "prostitution" and "brothels" or associations of that kind. The point I make is that members opposite have been extremely carefree about their associations in those terms before. They have been very quick to tar Mrs Carnell with being connected with a brothel. That was not grubby; that was all right!

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MADAM SPEAKER: Mr Humphries, may I simply point out that, were a point of order to be taken on that issue, I would deal with it.

MR HUMPHRIES: Indeed, Madam Speaker, and I am sure that you would deal with it very fairly. I make the point, Madam Speaker, that there is a considerable stench of hypocrisy in this chamber on this question.

Last year, when the Attorney introduced legislation to deal with age discrimination, he said that that particular amendment dealt with an important issue which completed the Government's discrimination program. Obviously Mr Moore has other ideas. He believes that the issue should be extended one step further. In this amendment before us today, we have an extension which clearly covers circumstances - I have not personally been aware of them in great detail, but certainly Mr Moore has had some contact with them - in which discrimination is practised against certain people on the basis of their occupation or calling.

I understand that particularly members of the sex industry in the ACT have had difficulty in obtaining access to insurance, and it may be that the Bill provides them with a valuable means of overcoming that discrimination. The amendments to the Bill that Mr Connolly has foreshadowed will mean that discrimination is still possible where it can be shown to be relevant to a consideration of the person exercising the discrimination. I think that the position Mr Moore puts forward will deal with the question of insurance for sex workers, but I cannot be certain.

There is one thing about the Bill, though, which I think deserves to be commented on, Madam Speaker. I refer to the comments that I made in the debate last week on the Discrimination (Amendment) Bill (No. 3) - namely, that there are two different models of how to legislate against discrimination. One can take, as the existing Discrimination Act does, several heads of discrimination and say, "It is illegal to discriminate on these bases". Then, if one wishes nonetheless to discriminate, one has to find a particular exemption referred to somewhere in the legislation. In other words, there is a broad ban on discrimination, and the only exceptions are those specifically listed in the legislation itself. The alternative course of action is to say that discrimination is illegal, unless it is inherently reasonable in the circumstances, and then to give examples of circumstances in which that discrimination would be legal.

The effect of Mr Connolly's foreshadowed amendments is to move something from the first category of legislative enactment to the second category. Rather than there being a broad power with certain limited exemptions, it is now more or less a case of saying that it is illegal to discriminate unless it happens to be reasonable. Madam Speaker, in some ways, this is the better way to go. In many ways, I would be happier if the Discrimination Act itself actually used this procedure in many other cases of discrimination - in fact, all other cases of discrimination. That is, it is illegal to discriminate unless the circumstances - not specified - of the particular case actually warrant discrimination.

With this legislation, as has been the case with all other amendments to the Discrimination Act that we have dealt with, obviously there are going to be unforeseen consequences. No doubt it will be difficult in some circumstances to explain to people how this legislation might impact on them. For example, when Mrs Jones, a woman living somewhere in Canberra, has an application for

someone to rent the granny flat behind her house and decides that she would prefer to take so-and-so because she is a widow like herself rather than Miss X, who happens to be a sex worker, it can be very hard to explain to Mrs Jones, "I am sorry. You cannot discriminate against Miss X merely because she is a sex worker". That is going to be a difficult set of circumstances. That is what the legislation does. Nonetheless, I think we agree that in the circumstances of discrimination one should not take those sorts of matters into account unless there is good reason to do so. I think that we will have to cross those bridges as we come to them.

The legislation makes a quite reasonable extension to the circumstances in which discrimination is illegal and I hope, therefore, that it will be supported by the house. At the same time we should remain vigilant for ways in which the legislation might be applied in unintended circumstances in the future and should at that time be prepared to come back and look at amendments if required.

MS SZUTY (11.28): I welcome the comments made this morning by the Attorney-General and by Mr Humphries about the amendment to the Discrimination Act proposed by my colleague Mr Moore. As the Attorney-General said, it is a very sensible amendment. I welcome the fact that Mr Moore has had some discussions with the Attorney-General and that they have been able to come up with some further amendments which I believe Mr Moore finds acceptable. I also note the Attorney-General's comments about this debate extending the debate that we had last week on the Discrimination (Amendment) Bill (No. 3). At that time, we debated very extensively amendments to the Act which will as far as possible prevent discrimination on the basis of age. I also welcome Mr Humphries's comments on this Bill. He has spoken fairly eloquently about the changes that are likely for people affected by this Bill. I welcome his support for my colleague's legislation.

MR MOORE (11.29), in reply: Madam Speaker, it is a very positive thing when the Assembly works in a cooperative way to achieve something for the benefit of the people of Canberra. That is what is happening here. Nevertheless, when we deal with the issue of prostitution, we have a long way to go in our community before people refrain from discrimination. Although we can pass laws and we can attempt to set the tone by those laws, there is still a great deal to be done if we are to reach a common understanding in our general attitudes.

Madam Speaker, I spoke to the point of order before and talked about the fact that I have gone in and out both doors of brothels and so forth. As a member of the Select Committee on HIV, Illegal Drugs and Prostitution, that is exactly what I did. Personally, brothels are not my form of entertainment or release; nevertheless, I accept that they are going to be part and parcel of our society, and the people who decide to work there ought not to be subjected to discrimination in any other ways. I think that is what everybody has accepted. By this legislation, we extend that concept to any workers. In a moment of levity, Mr Connolly talked about prostitutes, politicians and journalists. At the time I wondered about which one of those professions was the oldest of the professions.

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Mr Lamont: I think you should withdraw journalists. To elevate them to that level is just wrong.

MR MOORE: Mr Lamont interjects, wondering why it is that we would elevate journalists in such a way. It pleases me that people accept the intent of this legislation. Madam Speaker, Mr Humphries said that one of the things that motivated this particular piece of legislation was that sex workers cannot get insurance. We do not know whether this legislation will enable them to get insurance, but it provides for a sensible process that they can pursue to determine whether something they are seeking is reasonable or discriminatory. I hope that it will allow for sensible and rational decisions to be made on commercial grounds - indeed, insurance companies need to make decisions on commercial grounds - rather than on some moral ground.

Mr Humphries said that he preferred this system to a broad ban. I must say that I agree wholeheartedly. I think the broad ban approach would in fact allow much more discretion in the hands of the judiciary. I think that both the judiciary itself and this Assembly would prefer less discretion. Such discretion would lead to a build-up of common-law practice. This would not be so with the type of approach that makes the opinion of the legislature clear. I think that was a worthwhile subject to raise. We can keep that in mind if any further amendments to the Discrimination Act are necessary.

I hope that there will not be a need for further amendments. It seems to me that we have to set the tone in the community that discrimination on all the grounds set out in the legislation is simply unacceptable. The further we get along that path, the more tolerant people become. Members may recall the debate we had in the First Assembly on the naming of the Act. What a shame it is that we could not have called it the "encouraging tolerance Act" or something positive along those lines.

Mr Connolly: It was almost the no-name Act. It was, for about an hour.

MR MOORE: Mr Connolly is quite right. I had forgotten that. It was the no-name Act for quite some time. What this legislation is really attempting to do is to give us a much more tolerant society. With a more tolerant society, we can accept that we have a far better society. Madam Speaker, I often hear people of the generation prior to mine talking about how standards have dropped and so on. I like nothing better than to get into a decent argument with them on how our standards have actually improved significantly.

Mr Connolly: You always like nothing better than an argument, Mr Moore.

MR MOORE: I do not like arguments. Mr Connolly says that I like arguments.

Mr Westende: You like nothing better.

MR MOORE: Mr Westende also says that I like nothing better than an argument. I will take him on later.

Mr Westende: I meant that you like nothing better than you like an argument.

Mr Connolly: It seems to me that you are out-interjected, Mr Moore.

MR MOORE: That is why I am ignoring it. It seems to me that what we now have is a very sensible approach and a very tolerant approach. We already have a society that is much more tolerant than that of previous generations. I hope that we will continue to increase our tolerance of people who have different ideas from ours and who operate in different ways, even when we disagree with them. Madam Speaker, I thank members for their support on this Bill and look forward to its passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

Amendments (by Mr Connolly), by leave, agreed to:

Clause 2, page 1, lines 6 to 8, omit the clause, substitute the following clause:

Commencement

"2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

"(2) The remaining provisions commence 2 months after the date of commencement of section 1 and this section."

Clause 5, page 2, line 4, proposed new Division 6, after clause 4 insert the following clause:

Insertion

5. After section 57 of the Principal Act the following Division is inserted in Part IV:

"Division 6 - Exceptions relating to profession, trade, occupation or calling

Discrimination in profession, trade, occupation or calling

"57A. Nothing in Part III renders it unlawful to discriminate against a person on the ground of the profession, trade, occupation or calling of the person in relation to any transaction where profession, trade, occupation or calling is relevant to that transaction and the discrimination is reasonable in those circumstances."

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

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EMERGENCY SERVICE ORGANISATIONS - BUSHFIRE EMERGENCY

MR LAMONT (11.37): I move:

That the Legislative Assembly congratulates all members of the ACT Emergency Service organisations on their valued participation in the recent ACT and NSW bushfire emergency and recognises that the model ACT Service's success is as a result of individual commitment by these workers to excellence in their organisation.

On Tuesday, 4 January 1994, the ACT was experiencing very high fire conditions and a number of grassfires were reported. The conditions on Wednesday, 5 January, were extreme and a major outbreak of fire occurred at Curtin which threatened a number of properties. Generally, the outlook for Thursday and Friday was for milder conditions but worsening for the weekend. A large outbreak of fire occurred on Thursday, 6 January, on the southern slopes of Mount Taylor, with smaller fires at Long Gully and Yarralumla Woolshed. The ACT Rural Firefighting Service, the ACT emergency services and some ACT Fire Brigade resources were heavily involved in these fires.

Due to the fire threat, a leaflet drop by all organisations of the emergency management group was organised for the weekend of 8 and 9 January to advise householders in the urban and rural interface areas of measures to be taken in the event of threat of fire. Prior to the leaflet drop, the Rural Firefighting Service distributed some 10,000 pamphlets during the past two years and there had been a wide community media campaign.

At 4 o'clock on Thursday, 6 January 1994, the Chief Fire Control Officer of the ACT received an urgent request from the New South Wales bushfire headquarters for immediate assistance to help combat a major bushfire in the Sydney region. There were some 154 fires burning in New South Wales at that time. One of the values of the city-state and emergency management arrangements we are building in the ACT is that key players can be quickly brought together and decisions made. In conjunction with the appropriate services, the Government was able to consider and endorse appropriate action in responding to the New South Wales request.

The Government has given considerable attention to how we maintain the high quality of ACT emergency service organisations and continues to improve their operations and coordination. The people working for the police, ambulance, fire brigade, bushfire service and emergency services operate under considerable stress and pressure in order to protect and assist the community. They are the best community insurance policy we have to save life and property. The services are a mix of full-time staff and volunteers. In fact, volunteers in both the bushfire service and the emergency services account for nearly 1,000 people, who give up personal time to train and exercise and then to confront emergencies. They are supported by employers, who give them time and assistance in undertaking their community role.

We should not take these services and the people behind them for granted. I was reminded of this before this bushfire season, when in a report presented to the Minister the chair of the ACT Bush Fire Council said:

... for a range of climatic and associated reasons, we may well be approaching a period of high bushfire risk. I would not want the community, or the organisation, to be complacent following mild fire seasons.

Certainly, our emergency services have not been complacent. Mindful of the major problems confronting New South Wales, it was, however, important to consider the ACT situation. Particular considerations included maintaining the level of fire protection to the ACT community, as we were also in a high fire danger period; providing a margin of time to rearrange rosters and working arrangements if protracted assistance was required; and making available appropriate people with the right level of skills and experience. Recognising these requirements, a task force made up of members of the Rural Firefighting Service, the Fire Brigade, the emergency services and the Ambulance Service was assembled. Equipment was provided using primarily reserve urban standby and volunteer bushfire brigade equipment. A rostering system for off duty personnel and volunteer staff was developed. The United Firefighters Union agreed that normal award conditions would be waived for those members attending the Sydney fires.

At 7 o'clock that night, just three hours after the request was received, the initial task force departed for Sydney. The initial force, commanded by Superintendent David Mackin, included 12 Rural Firefighting Service volunteers, nine Fire Brigade personnel from the training and community safety section, four emergency services volunteers, and one Ambulance Service paramedic. This was the first occasion that a composite force of rural volunteer, emergency services volunteer and permanent Ambulance Service and Fire Brigade staff had left the ACT as a single group.

On Saturday, 8 January 1994, a further request for assistance was received from the New South Wales Fire Brigade for urban pumpers to help protect the southern districts of Sydney - two urban pumpers and 11 ACT Fire Brigade firefighters were dispatched - and for two experienced district officers to take control of specific task groups. Two district officers were dispatched to New South Wales Fire Brigade control. Assistance was also provided through the Chief Fire Control Officer of the ACT, Mr Peter Lucas-Smith, providing support to the New South Wales bushfire headquarters control centre to relieve Mr Koperberg. The helicopter and pilot on lease to the ACT Rural Firefighting Service were deployed for water bombing activities in the Blue Mountains. Mechanical support was included in the ACT contingent.

In view of the excessive public inquiries, it was inappropriate to coordinate the Sydney involvement and continue normal activities from the emergency management control room at Curtin. A separate emergency coordination centre was set up in the Curtin conference room. Appropriate services, that is, the police, fire brigade, bushfire, ambulance and disaster welfare, were also advised of its formation. Communications staff undertook the installation of the necessary telephone lines with ACTNET and Telecom technicians between 10.00 pm and 3.00 am on that first evening. The complexity of such arrangements is clear. The cooperation and speed with which all ACT services acted is something for us all to recognise.

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The ACT contingent was deployed in various areas of Sydney, all with great success because of their experience and self-sufficiency. Initially, the group worked in the Marsfield region, and then undertook operations in Chatswood, Turramurra, North Ryde, Terrey Hills, Pittwater, Narrabeen, Como, Mona Vale, Hawkesbury and St Albans. The separate organisation worked extremely well together. Their operations were based on the understanding that whatever was required in the way of firefighting the group would respond to and deal with, using the expertise of the various members to the best advantage.

A total of 211 personnel, consisting of 72 Rural Firefighting Service staff, 92 ACT Fire Brigade staff, 36 emergency services staff, seven ambulance staff, three mechanics and one emergency management group communications officer, took part in firefighting operations in and around Sydney from 6 to 15 January 1994. Many more staff and volunteers provided invaluable support behind the scenes, and without their assistance the ACT task force would not have been as effective as they were. The creation of the task force was an innovative arrangement for the ACT and clearly demonstrated a capacity to put together a joint force geared to meeting an emergency rather than rely on traditional boundaries of expertise. The exercise tested the resources and capabilities of all ACT services but showed that it can be done, and a number of ideas for further improvement have been brought forward.

The services are very self-critical because of their high professionalism and the need to review each incident. We have much to learn from such incidents, including debriefings being conducted in the ACT and interstate. I would expect that findings of the New South Wales coroner will also provide the ACT with information on how operations can be improved. In a healthy organisation such internal reviews are used productively to make improvements, and that is certainly the Government's view, as I understand it. In the case of the task force, the various statements by representatives of each of the services at the Civic reception were refreshing, with strong mutual support and recognition of integrated teamwork evident.

The ACT's contribution has been recognised from many quarters, with congratulations being received from the Premier of New South Wales, the State Minister for Police and Emergency Services, emergency authorities, local councils and, importantly, Mr Koperberg, and also direct from individual members of the community of New South Wales. All praised the professionalism and commitment of our front-line volunteers. It is also important that we recognise those who assisted with the logistics or provided office support and operational management expertise. Many of the people behind the scenes spent long hours under pressure to make the support relevant and appropriate and demonstrated a strong commitment to meet and cope with problems.

As I said earlier, I understand from the Government that they are conscious of the need to improve the operation of all our emergency services. The lessons learnt from incidents such as the New South Wales bushfires should not be lost. The Government is committed to ensure that improvements already in train continue. Members will recall that on 23 September 1992 the Minister announced that the Fire Brigade, Rural Firefighting Service and emergency services would be combined into one administrative organisation, but with each service retaining its individual operational identities and statutory responsibilities.

A new director, on secondment, was appointed to implement the structure and review counterdisaster planning and recovery. The director produced a blueprint for change through the development of a three-year plan. The plan has been widely supported because it was developed in consultation with all of the stakeholders and was based on ensuring that operational integrity was maintained. The plan not only identified areas of major change and development in the management and operation of the services, but also provided a logical savings program in line with Government budget requirements and a broader vision of integrating response to the hazard being faced.

The three-year plan set the ground for cooperation and commitment, as demonstrated in the task force sent to New South Wales. The development of the all-hazards approach to emergencies is a key factor in ensuring that we can respond to the range of incidents likely to occur. Similar cooperation has been demonstrated in local incidents, such as that at the Jolimont Centre. Subsequent joint debriefings have enabled operatives in each organisation and the senior management of each service to work out together how our already high-quality service and response capability can be improved.

The Assembly's concerns in relation to the future of the emergency services have, in my view, been largely answered in the review conducted by Bruce MacDonald, which was released earlier this year. I understand that the Minister will formally table this report in the Assembly, together with a follow-up report which Mr MacDonald has prepared in the light of recent incidents, including the support to New South Wales. Mr MacDonald said in his first report:

In summary, much has recently been achieved and action is on the right track, but a good deal remains to be done by the management team, if momentum is not to be lost and appropriate achievements are to be made. Despite different cultures, cooperation by all concerned is essential, working together in the interests of protecting and preserving life and property in the ACT community.

Mr MacDonald said in his second report:

In brief the ACT made a timely appropriate and professionally successful response to the national assistance to New South Wales, through task forces uniquely combining resources of its various emergency organisations. This reflected not only the benefits of co-location at Curtin, but also the substantially improved relations and coordination between the various organisations and the courage and competence of participants.

Nevertheless, improvements can be made.

Members will agree that the reports prepared by Mr MacDonald demonstrate a professional and thoughtful approach to his task. He has been thorough and practical, placing current changes in an appropriate context to ensure that improvements continue to be made.

Mr Deputy Speaker, I believe that it is appropriate and timely that we have taken time this morning to place on the public record in this chamber the history of the emergency services group's activities in New South Wales earlier this year. The Government provided a civic reception for those persons involved, but I believe that it is appropriate that the parliament of the Territory, this

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Legislative Assembly, place on record its appreciation, and I believe that that appreciation is bipartisan, for the efforts of our volunteers, our full-time employees, and the companies and agencies that employ those people in the ACT, not least of which is the ACT Administration, and for their valued participation and cooperation in providing support for what I think is regarded as the model for emergency service organisations throughout Australia.

It is pleasing to hear the comments that are being made by organisations such as the New South Wales emergency services, amongst others, that the effectiveness of our team was critical in saving a great deal of property and life in that emergency in New South Wales. I believe that it is appropriate that the comments made today be relayed by the Speaker to both the organisations and individuals involved, so that there is recognition by the participants in our emergency services that their parliament does understand, does acknowledge and does appreciate, on behalf of all the people of the Territory, their contribution to the preservation of property and life, not only here but interstate. That appreciation and acknowledgment from this Assembly may very well be in the way of formal letters to each of the participants or in some other appropriate form determined by the Speaker. I thank members for their indulgence this morning.

MR HUMPHRIES (11.52): I think Mr Lamont has put his finger on the great qualities that we as a community should be proud of in the effort that our emergency services workers from those five arms of emergency services response in the ACT delivered when they were called upon to respond to emergencies, not just in the ACT but during that critical period in New South Wales in January. We were served proud by those people, and the Opposition is very happy to support wholeheartedly the motion Mr Lamont has moved today.

When incidents of this kind occur, they bring out a special quality not just in officers whose duty it is to respond directly to these events but in the whole community. The community finds a certain spirit of cooperation and working together which regrettably is not always present in the case of other major challenges we face as a community from time to time. We can in those circumstances be very grateful that we can rely upon the leadership of those emergency services personnel whose duty it is to be in the front line in dealing with dire situations. Certainly, where a householder might be facing the prospect of a major fire coming towards their home, it is comforting indeed to know that there are people available in the ACT, and for other places in Australia from the ACT, to help in emergency circumstances to avert the tragedy of loss of property and sometimes even loss of life.

We have seen a quite extraordinary effort by our emergency services, particularly in the circumstances where the new arrangements for coordination of their efforts had only recently been put in place at the time of this major emergency in Canberra and, following that, in New South Wales. The new emergency services centre in the old North Curtin school had been in place in its full operational sense for only a few weeks at the time this emergency occurred, and it resulted in a great deal of testing of the new arrangements having to occur in a real life situation rather than in a mock exercise. From all accounts I have heard, and I visited the centre at the invitation of the Minister during the emergency, those responsible came through with flying colours.

It is hard to see, when looking at the North Curtin centre, why we did not previously have some arrangement which resulted in the coordination of our efforts. We can all point to certain factors that would have led to that. There has obviously been resistance from some of those services to being coordinated in the way in which they now are, and there is, no doubt, some resistance yet to be overcome. I do not, in saying that, indicate that there are not some very good reasons why we should consider very carefully such cooperation and coordination, particularly when it involves co-location in a single place. There may be arguments about that; but, in the circumstances where this particular emergency placed a challenge before the Territory, those concerned were able to meet that with great alacrity and with great accomplishment.

I was impressed, when I visited the North Curtin centre, by the great spirit of comradeship and common purpose which was clearly present in that place. There was obviously a great spirit of working together. People from different branches - ambulance officers, Fire Brigade officers, Bush Fire Council workers, emergency services personnel and even police - were present in the building at that time and they appeared to be working very hard to make sure that the best possible foot was put forward. I think they succeeded.

It is perhaps too early to say whether the entire experience of the new arrangements is perfect, whether there cannot be improvements, whether there should not be changes in the arrangements. I am sure that the follow-up report of Mr MacDonald, which we will see later today, will throw some more light on that subject and help us to refine the arrangements. I confess to having had reservations about some aspects of these matters, but I believe that we have made a considerable step forward in the arrangements that have been adopted, and I think we can build on those to see the best possible arrangement put in place. The tricky question, of course, remains the role of the police in such arrangements in the future. There is obviously a case for saying that they should be integral to any such arrangement; but it is very hard to see quickly how that can be done without some misgivings, and I think we have to talk a great deal more about that.

Mr Lamont talked at length about the way in which our emergency teams worked in New South Wales, how quickly they responded to the emergency, and how they were able to deal with their role in an independent fashion, very much as a coordinated and independent unit, and to fit in quickly with the New South Wales command structure to achieve a very positive result. Mr Lamont is quite right in saying that that resulted in the saving of both property and life in New South Wales.

At the height of the bushfires in New South Wales, on about 10 January this year, I understand that there were from the ACT, obviously a small jurisdiction, some four urban fire pumpers, four Rural Firefighting Service tankers, two urban fire tankers, four command vehicles and four four-wheel drive vehicles - a fair fleet, a fair flotilla of ACT equipment in New South Wales. They were being looked after by 31 Fire Brigade members, 23 Rural Firefighting Service members, 12 ACT emergency service members and two ACT ambulance paramedics. This is on top of the people back here in the ACT who were coordinating and supporting that effort by means of work at the North Curtin centre and elsewhere. I might mention, without wanting to detract from the bipartisan nature of the debate, that there was also from the ACT a helicopter with water bucket. I merely say that the helicopter, I am sure, was a very useful tool in dealing with that emergency in New South Wales.

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The task force we had in New South Wales at that time was organised as two separate units, two separate response task forces. One was working in the Sutherland Shire and there was a mixed service group operating on the North Shore of Sydney, where there were some very serious outbreaks of fires. Each of those two groups was accompanied by an ACT ambulance paramedic and there was an ACT fire service fleet mechanic in attendance. It is worth noting that that arrangement is quite different, I am told, from arrangements in place for emergency teams from other States. I gather that it is not common practice to have a mechanic present to deal with possible breakdowns of equipment. It goes without saying that, if you are in the middle of an emergency, fighting a fire front, and your pumper suddenly breaks down, you want the quickest possible effort made to repair it; and to get that and your crew out of the scene as quickly as possible. That is possible with a person present on the site where the emergency is taking place.

The other important thing, of course, is having an ACT ambulance paramedic available to work with the task force on a particular fire front. Those paramedics can monitor the level of effort, the level of effectiveness, of the workers who are dealing with that problem. It goes without saying that many people involved in these sorts of situations are hyped up, they are full of adrenalin, they are obviously giving a 110 per cent effort, and sometimes that can result, at the end of a very long day or series of days, in lapses in judgment. It is very important in that circumstance to have somebody who can say to an individual, "I think you are too tired to be doing this. You should get out and let somebody else take your place". That is possible with our structure. It is a structure, I understand, that other emergency services do not have. So the ACT emergency services have, in that respect, a superior arrangement. The people I spoke to suggest that it works so well that other State emergency services might look at adopting the same kind of model.

We also need to indicate that the employers whose workers were on those task forces in New South Wales showed great support, for the most part - as far as I know, exclusively. They did not try to make life difficult for their employees, and I think they deserve to be congratulated for that. I do hear of cases in other States where sometimes employers decided to dock wages or even to sack workers.

Mr De Domenico: They are bums.

MR HUMPHRIES: As Mr De Domenico indicates, they are bums in those circumstances. That is not quite the word I would have used; nonetheless, it is a sentiment we could all agree with. I am very pleased to say that it has not happened here.

I think that the sentiment that Mr Lamont has expressed today can be translated into a very practical form. Members will, I assume, be aware that I have nominated the ACT fire and emergency services group for the Canberra Citizen of the Year award this year. That award, I take it, will be made in the next few days. Canberra Day is coming up fast, and I assume that that is when the award will be made. I hope that the motion we pass today in the Assembly can be an indication from all members of the Assembly that we agree that the people involved in that task force in New South Wales and, indeed, in the ACT deserve an award of that kind.

There is one important point to make before I sit down. The concept of sending emergency service workers to fight those fires in Sydney was a very important psychological message about the role Canberra plays in Australian society today.

Mr Wood: And how well organised they are.

MR HUMPHRIES: It does show that we are very organised, that is true; but it shows something more important than that. People often think about Canberra as a place to which they constantly send things, particularly money, and it is nice for people in other places in Australia to know that Canberra can also have a very human and very real heart. It can make a positive contribution to the day-to-day welfare of individuals living in other places in Australia. This is not just senior public servants and politicians; it is real Canberra people who go somewhere else in Australia and say, "If you are in trouble, mate, we are here to help you". That is an important message that perhaps people overlook when they think about Canberra. We achieved a very important message about what Canberra is about and how Canberra people are prepared to stick up for people elsewhere in Australia when their backs are against the wall. I am very proud of what our emergency service workers did in those circumstances and the way they have sent that message. I hope that we will all support this motion in that same spirit.

MS ELLIS (12.05): Madam Speaker, I do not think any of us will forget the drama, the threat and the horror that were brought to us by radio broadcasts and television pictures during the early weeks of January. I am not convinced that those of us who were fortunate enough not to be directly involved can comprehend what the people involved were going through. Out of such tragedy and predictable horror came personal actions and, in many cases, heroism and bravery, care and concern for others. It is what some people call the true Australian spirit. This is something that is difficult for most of us to define, but at times like this it becomes very evident what we mean when we talk about the true Australian spirit. The people from the ACT who were sent to New South Wales were part of that extraordinary thing.

The ACT sent 200 volunteers from urban and rural brigades, emergency and ambulance services. Much praise has been heaped upon our contingent by everyone involved, both here and in New South Wales. As a Canberran and as a member of this place, I am both pleased and proud that the community of Canberra could respond so quickly and so positively in this terrible emergency. In taking the opportunity to be part of a contingent from the Canberra community, those people gained invaluable experience in firefighting and emergency response in conditions more extreme than any that had been experienced in recent times.

I have had the opportunity since then to speak informally to some of the members of our contingent in social contact. The overwhelming attitude transmitted to me has been quite extraordinary. It has been one of gratitude that they were in a position to participate. It is extraordinary when you think of the level of danger that they happily walked into - and I say "happily" because I think that was the case. In paying tribute to those 200 personnel who visited New South Wales in the emergency, there is another group whom we must consciously not forget when addressing a motion such as this. I refer to the fires and the emergency workers who did not go. I do not think they did not go because they did not want to; in fact, they believe that it might have been a lottery they lost.

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The ACT community was in a position to be able to send 200 personnel because of the proficiency and the excellence of the services we enjoy here. But for that level of competence and efficiency, we may not have been able to make that decision, particularly as we were facing fairly hairy times ourselves in very unpredictable weather. We have only to think of Curtin and a few other instances around the ACT to verify that.

I do not think there would be any hesitation on the part of any Canberran in being pleased to see this motion on our program here today and to see the bipartisanship with which the motion has been handled. In endorsing Mr Lamont's motion and his words and those of other speakers, I have pleasure in commending all of the people who went and all of those who did not go. I commend this motion very sincerely to the house. Unfortunately, it sometimes takes tragedy and horror for us, as Australians, to look at ourselves honestly. It is something we need to do often and very rarely do. In the sort of example we saw in the New South Wales emergency, it does us good as a community and a country to think about what we are capable of doing.

In a very strange comparison, at about the same time another First World country suffered a fairly dramatic incident. I saw on the TV news the sort of response people had to put up with following the fires in America, and I felt very sad. When I think of the camaraderie, the support, the understanding that Australians showed for Australians, and the apparent lack of those things in the American experience, I know where I am pleased to be. I know that the rest of the community would join with us, if they had the opportunity to do so, in passing on our thanks and our congratulations to these people and endorsing completely the role they took in this affair.

MR MOORE (12.11): I rise to congratulate Mr Lamont on presenting this motion to the Assembly. It is an appropriate time for us to make clear to those members of the ACT emergency service organisations that we as a community appreciate the efforts they have made. I think the non-partisan comments that have been made today reflect the positive attitude that all of us have to the work done by those people and the risks taken by them. It is invariably in adversity that we see the very best in our community. That is what we admire. When things are going well we are conscious in the back of our minds that they are there, but it takes a situation like this to remind us of how much we rely on these people, who so often give their time to ensure that other people are looked after in adversity.

MR DE DOMENICO (12.12): I endorse everything that has been said by all the speakers. Mr Moore hit it on the head when he used the word "adversity", as did Ms Ellis when she referred to camaraderie. I can speak with some personal experience on this because our youngest son is a volunteer. Unfortunately, he was unable to go to Sydney because he had a busted toe at the time - although his mum and I were delighted, in a sense, that he did not go, I can tell you. I would like to thank the whole organisation, firstly, for showing me that young Justin has more courage than his dad will ever have and, secondly, for helping his mum and me make him into a man, which he is now, through the camaraderie and some of the things he has experienced by being a volunteer.

I endorse the comment by Ms Ellis that it is at times of adversity that Australians show what they are, that is, the greatest race on Earth. I was in Sydney at the time, doing something in relation to the bushfires, and I took the opportunity of saying, "Listen, we do actually bleed in Canberra when we are cut. We are human beings and we are Australians as much as anybody else". It is at times of adversity that Australians come to the fore. The thing I learnt through that period was how all Australians came to help their fellow men. I agree with Ms Ellis that it is a pity other nations could not emulate what we did here. I think we have a lot to be proud of in our emergency services. I congratulate Mr Lamont and all the other speakers, and I am delighted to endorse Mr Lamont's motion.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.14): Madam Speaker, I rise briefly, as the Minister responsible for the emergency services, to thank members for their contribution. It is certainly a great privilege to have been the Minister responsible and to see at first-hand the camaraderie, the spirit, that members have referred to in the groups that went to Sydney. Mr De Domenico is right when he talks about character building and the contribution volunteers put in, and also what they get out. I was very pleased, when I attended the field day early in the bushfire season, late last year, to see the new recruits. Many of them are young people, but many of them are women. I am not taking a gender-specific point, but Mr De Domenico said that it made his son a man. Perhaps it also has some influence on young women. It is a great thing that we have such a dedicated group of young Canberrans involved in the emergency services.

Ms Ellis made the point that those that went were served by those that stayed behind. There was a fabulous level of cooperation from those that stayed behind - the coordinators. The Federal Police played a big role in that coordination. The Federal Police were champing at the bit. They would love to have gone and made a contribution as well. In fact, the New South Wales police advised us that they were not in a position where they required assistance, but certainly there were some AFP officers who were champing at the bit, wanting to get up there and do their bit - and good luck to them for that. They were very helpful in organising events back here.

I want to pay tribute to the fire union. The issue of taking award condition firefighters and sending them to a different jurisdiction where they would be working flat out for 36 or 48 hours was potentially full of enormous industrial minefields. From the moment the request for assistance came in, and we were able to respond with our first crews within an hour-and-a-half, we had the union working with management to work out shift arrangements and all the rest of it. There was not a hint of any industrial problem or squabble during the whole exercise, and that is a great tribute to those officers of the fire union. In the past the area of fire and emergency services has been a rocky road. Apart from the police-fire and emergency service barrier, there has been rivalry within the services, the professionalism of the Urban Fire Service versus the volunteer ethic of the Rural Firefighting Service and the emergency service. It is terrific to see that that has all now died down and that they are working very much as a team. Mr Humphries made the point that that scene is a model for other fire services. It is indeed.

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We in Canberra can be very proud of the way these people served our community. I have said that before; Mr Berry as Acting Chief Minister made comments on behalf of the Government at the time, which we all share. I thank members for their contribution today, and I can assure them that this will mean something to those people - both the volunteers and the professionals who went up to Sydney. The fact that it has achieved bipartisan support, unanimous support, in this Assembly will mean a lot to them. As members have said, these people often think they are ignored and that the community does not realise the contribution they make. We do recognise it and it is appropriate that we pay tribute.

Question resolved in the affirmative.

Mr Connolly: Madam Speaker, perhaps you can note, for the *Hansard*, that it was passed unanimously.

MADAM SPEAKER: There is a unanimous vote of agreement. I concur with the view that I should send on our appreciation to the firefighters.

Sitting suspended from 12.17 to 2.30pm

QUESTIONS WITHOUT NOTICE

ACTTAB - Contract with VITAB Ltd

MRS CARNELL: Madam Speaker, my question without notice is to the Deputy Chief Minister in his capacity as Minister for Sport. I refer to the Minister's advice to the Assembly yesterday that the dividends of ACTTAB and VITAB are the same. My question is this: When the horse, odds and dividend are the same, does - - -

Mr Lamont: Is this your horse or somebody else's horse?

MRS CARNELL: It does not matter which horse it is. Does a bet - - -

Mr Lamont: So it does not matter if it is your horse - - -

Mr Wood: It has to win.

MRS CARNELL: It will take the Minister a bit of understanding to answer this question. I will stress again - - -

Mr Lamont: You obviously do not understand.

MADAM SPEAKER: Order!

MRS CARNELL: My question is: When the horse, odds and dividend are the same, does a bet with ACTTAB cost the same as the bet with VITAB?

Ms Follett: It depends on whether it wins or not.

MRS CARNELL: No, it does not.

MR BERRY: That is a hypothetical question and is therefore - - -

Mrs Carnell: No, it is not.

Mr De Domenico: You do not know, do you?

MR BERRY: Hang on a minute. It is just like the Liberals - - -

Mrs Carnell: It is not hypothetical.

MR BERRY: That is a hypothetical question because - - -

Mr De Domenico: It is not. It is not a hypothetical question.

MR BERRY: I am telling you that it is. You are asking the right person because I am the one who has been given the undertaking by VITAB that they will not offer inducements to ACT bettors and, therefore, it will not happen. It is entirely hypothetical. It is a matter of public record here. It was in the *Canberra Times* this morning. There is also a commitment from them that they will make sure that people are not poached. That is the name of the business. You people do not - - -

Mr De Domenico: Do you believe any of that?

MR BERRY: I believe it as far as the Northern Territory TAB is concerned. You are not suggesting - - -

Mr De Domenico: They are not registered in Vanuatu, though.

MADAM SPEAKER: Order!

MR BERRY: Oh! Here is more of this racist stuff.

Mr De Domenico: No. It is a tax haven. It is not racist. It is a tax haven.

MR BERRY: What is wrong with Vanuatu?

Mrs Carnell: What is wrong with a tax haven?

MR BERRY: Indeed, what is wrong with a tax haven? Many of your friends would just love them. It is an entirely hypothetical question and is, therefore, out of order. There is a commitment from VITAB that they will not be offering inducements for Australians to bet with VITAB, so it is not an issue. While we are on this matter, there are a few other things that we might as well discuss. The Liberals do not raise the issue of the Northern Territory TAB, of course, where we have a similar arrangement.

Mr Humphries: I raise a point of order, Madam Speaker. I think Mr Berry is about to stray from the question. The question, very simply, was: Is there the same payment, the same costs of a bet, in the event that the horses, the odds and the dividends are the same? That is the question, and I ask the Minister to stick to that question.

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Mrs Carnell: Is the answer yes?

MR BERRY: You have to draw comparisons with what happens with the Northern Territory TAB to get to an actual situation here in the ACT. That, too, is not a problem for the ACT because TABs across Australia have an agreement that they will not offer inducements to each other. The Northern Territorians could bet in the ACT if that was their wish, but we do not poach their bettors. We have a similar arrangement - that is, the Northern Territory TAB pay us one per cent for the use of the facilities in the TAB. So there you have it, Madam Speaker. This is entirely hypothetical. We have an understanding from VITAB that they will not offer inducements in the ACT or in Australia even, or actively recruit Australians; so I do not think it is a matter that will ever arise.

MRS CARNELL: I ask a supplementary question, Madam Speaker. Madam Speaker, I know that this is out of order, but the question was - - -

Members interjected.

MRS CARNELL: Okay; I will ask a supplementary question. The Minister has not answered the question at all. If the horse, the odds and the dividend are the same, does a bet with ACTTAB cost the same as a bet with VITAB? Yes or no.

Mr Moore: Or "I do not know".

MRS CARNELL: Or "I do not know".

MR BERRY: I am glad that you agree with me; it is hypothetical and it is out of order.

Kambah - Traffic Calming Measures

MS SZUTY: Madam Speaker, my question without notice is to the Minister for Urban Services, Mr Connolly. Residents of Bateman Street in Kambah have long complained about the significant increase in traffic using their street. Following recent discussion with key residents, it appears that their concerns would be effectively addressed through the construction of appropriate traffic calming measures in their street. My question to the Minister is: What traffic calming measures is he prepared to implement in Bateman Street, and in what timeframe, to satisfy local residents' concerns?

MR CONNOLLY: Madam Speaker, this is probably one of the longest and most intractable traffic calming community arguments in Canberra. It goes back well into the First Assembly. Both the Alliance and Labor governments in the First Assembly were grappling with this problem. I well recall attending a number of meetings with residents there where the residents basically split 50 : 50, saying, "We want the street blocked" or "We do not want the street blocked" or "We want traffic calming" or "We do not want traffic calming".

The Government, a couple of years ago, went through a very long process of monitoring all the streets and we had vast amounts of statistical information. I will give copies to Ms Szuty if she does not have them already. We conducted a survey of all the residents in that area. The residents were given a choice of what they wanted, and the bottom line was that they did not want any action. While some residents who lived in that street wanted the street blocked

off so that they could live in a cul-de-sac and have the convenience of the quietness of a cul-de-sac and being able to whip to and from work on other roads, other residents who lived in the next street did not want the street to be blocked off because they needed to go down the street to get to their own street. The Government adopts the consultative model. The local community traffic options surveys that we go through are a very expensive process. It involves the expenditure of - - -

Mrs Carnell: And then you ignore them.

MR CONNOLLY: No, that is not so. We probably ignore what you said. You probably did not say that you wanted the street blocked off or you did not want a traffic calming device outside your house; but the general community did not want the street blocked off, so we gave them traffic calming. I can show you the result of the survey, which was that there be no action. We do look from time to time at low level traffic calming, but it is a difficult problem which I do not think any government will ever solve to the 100 per cent satisfaction of the community, because different groups in the community have deeply entrenched, diametrically opposite views.

MS SZUTY: I ask a supplementary question, Madam Speaker. Given that the residents in the local area do now not want their street blocked off, will the Minister consider some traffic calming measures which are appropriate along Bateman Street?

MR CONNOLLY: I will certainly ask my traffic engineers for some advice on what may be appropriate, what is feasible and what is consistent with the previous consultation model.

Ms Ellis: It is a very big street.

MR CONNOLLY: It is, as Ms Ellis points out, a very long street and traffic calming devices tend to be effective in the lower streets or where you want to divert traffic away from an area. The survey we did on number plates did indicate that the bulk of the traffic on both Bateman Street and Learmonth Drive is local area traffic. There is a widely held view in the community that it is used as a rat run, but when we did the number plate survey - where we actually take the number plates of the vehicles and run them through the computer to see where they are registered - the bulk was local area traffic, so it is a problem.

Hilmer Report

MR LAMONT: My question is directed to the Chief Minister. Chief Minister, is it true, as the current spokesperson for the Opposition on financial matters, Mr Kaine, has claimed on radio, that the adoption of the Hilmer report recommendations will result in State and Territory governments wasting money in competition with each other?

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MS FOLLETT: I thank Mr Lamont for the question, Madam Speaker. It is the fact that support for the Hilmer report at the Council of Australian Governments meeting last week was national and it was bipartisan. The conservative governments right across the nation joined with the Labor governments - the Commonwealth, the Queensland Government and the ACT Government - to express their support for the reforms that were recommended in the Hilmer report. It was in stark contrast to that, Madam Speaker, that Mr Kaine, when he was asked for his opinion about it, could find nothing positive to say about it at all, but only perceived these reforms as resulting in governments wasting money as States competed against each other. Those are virtually Mr Kaine's own words.

Mr Kaine: I note that you said "virtually".

MS FOLLETT: I will read out what Mr Kaine said, Madam Speaker. He said:

... the Chief Minister's now talking about competition between the States.

That is not what I was talking about. He continued:

I think there's an inherent danger in that you'll find all sorts of public money, both at the Federal and the State level, being poured into some artificial competition so that it ends up costing more than it needs to.

It is pretty clear to me. In saying that, Madam Speaker, Mr Kaine has put himself very firmly at odds with his Liberal colleagues across the rest of the country, and also very firmly at odds with Mr De Domenico, who put out a press release on the same day urging me to adopt the micro-economic reforms advocated by the Hilmer report and supported by the Prime Minister and all other State Premiers, the Northern Territory Chief Minister - and the Chief Minister of the ACT also, Mr De Domenico. They are, unfortunately, very much at odds, just across the way here, and at odds also with their colleagues interstate. Mr Kaine does seem to be out of step with those colleagues, as I say, and, as the Opposition treasury spokesperson, he has failed to understand the very nature of the national competition policy and the benefits that it can bring to all jurisdictions.

Madam Speaker, the States and Territories will not be wasting money to compete against each other, as Mr Kaine seems to suggest. On the contrary, the States and Territories are aiming to save money, and particularly to save money for the consumers in their own jurisdictions, as we are in the ACT. They will be aiming to save money by being able to buy the goods and services they need from the cheapest source, without artificial constraints on that marketing. They will be able to trade freely in the goods and services that are produced. That will not only benefit the national economy; as a Territory and as a consumer only of things like gas and electricity, this Territory aims and stands to benefit as well. I think it is an unfortunate example of the Liberal Opposition being out of step with the rest of the nation, and, worst of all, out of step with each other and showing yet again their tendency to shoot from the lip and say whatever occurs to them, no matter how asinine, once they are on air. Madam Speaker, I can put to rest the concerns that Mr Kaine may have raised.

ACTTAB - Contract with VITAB Ltd

MR DE DOMENICO: Madam Speaker, my question without notice is to the Deputy Chief Minister.

Mr Berry: I thought it would be.

MR DE DOMENICO: It is in his capacity as Minister for Sport. Mr Minister, we will ask you questions until you turn blue or until you turn over all the documents. Minister, yesterday you informed the Assembly that the firm Price Waterhouse, Vanuatu, had provided you with advice in relation to VITAB. Could you now enlighten us as to who actually asked for the Price Waterhouse, Vanuatu, investigation to be done? What were Price Waterhouse asked to do? Finally, who paid for it?

MR BERRY: I think I need to paint the big picture again, to make sure that all of the advice is clear to those people opposite. I think it is most important that members fully understand what has occurred. The Price Waterhouse matter was arranged in terms of looking at the bona fides of the people - - -

Mrs Carnell: By whom?

MR BERRY: By Price Waterhouse.

Mr De Domenico: No; who asked them to look into it?

MR BERRY: By Price Waterhouse and, of course, they - - -

Mr De Domenico: Who asked them?

MR BERRY: They did that job. As well, and I will go through my advice in relation to this - - -

Members interjected.

MADAM SPEAKER: Order! The Minister is endeavouring to answer your question.

Mr Cornwell: He is not, you know, Madam Speaker.

MR BERRY: I am endeavouring to give you all of the information in one package, if you can just be patient. This matter was raised with me. I have a copy of the advice that was given to me in relation to the matter. Members will get the chance to read this once I have gone through some of those very important points. This was raised with me by Mr Neck in seeking my agreement to enter into a contract with VITAB. Mr Neck is from ACTTAB. He was seeking my agreement to enter into a contract with VITAB to provide betting services. That was, as you know, an Australian company, and it had at the time been granted, I was informed, the second betting licence. ACTTAB in turn had submitted a proposal to VITAB to provide the support that VITAB needed. What was proposed was very similar to the arrangement already established between ACTTAB and the Northern Territory TAB, which makes you lot look very silly.

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Mr De Domenico: No, no; because VITAB was not an Australian company. It still is not.

MR BERRY: Hang on a minute. There is the same sort of arrangement between ACTTAB and the Northern Territory TAB in these respects: ACTTAB provided - - -

Mrs Carnell: Except that one is established as a tax haven and one pays taxpayers' money back.

MR BERRY: Yesterday I put out a press release which said that we looked like getting \$500,000 out of this deal for this year - - -

Mr De Domenico: Yes; but how much are we losing?

MR BERRY: Hang on a minute. We look like getting \$500,000 this year. We have already paid our set-up costs. If we had sat back and done what Mr De Domenico wanted us to do, to ignore it, we would have had no opportunity to get that.

Mr De Domenico: Oh, no!

MR BERRY: No, no; Mr De Domenico does not want us to get that sort of money. He does not want us to profit. Somebody else would have it. Would you rather it that way? Those are the clear facts. We have the money. VITAB have said that they are not going to recruit Australian punters. The arrangement is that ACTTAB provide detailed assistance with the establishment of VITAB's operation; that ACTTAB process VITAB's bets using ACTTAB's computer system; that VITAB pay ACTTAB a percentage of turnover as a process fee; that VITAB meet all its establishment and operational costs. The significant benefits, which I just mentioned, were talked about at the time, although they have grown to \$500,000 now. We are doing much better.

Mrs Carnell: You are not doing anything.

MR BERRY: Yes, we are doing much better. We are in front. That is the problem with you. You behave the same with every successful enterprise in the ACT.

Mr De Domenico: Who asked Price Waterhouse, Vanuatu, to do the check for you? Who paid for it?

MADAM SPEAKER: Order! You can ask that as a supplementary question.

MR BERRY: I do not have in front of me information as to who signed the cheque, but I will find out and inform you.

Mr Humphries: Who commissioned the report?

MR BERRY: I will get the exact details for you and I will tell you.

Mr De Domenico: But this is the report that you based your recommendations on. You do not know who did it?

MR BERRY: Price Waterhouse, as I said yesterday, are an internationally recognised company and they were to look at the bona fides of the people involved in the company. My advice is that they did. Also, as you will find from this advice, close consultation was had with Treasury. The draft heads of agreement prepared by ACTTAB and VITAB were referred to the ACT Government Solicitor - the advice names a couple of officers - for scrutiny and advice. Following a series of meetings between Mr O'Neil, Mr Woods, Mr Neck and the officer who signed the advice and exchanges of correspondence, and ACTTAB's solicitors, all of the issues raised have been addressed and reflected in the heads of agreement, where appropriate.

I am informed by Mr Neck that VITAB has accepted the substantial amendments proposed by the ACT Government Solicitor's Office. What we are doing is making sure that everything is okay. This advice says:

It is the opinion of the Government Solicitor's Office that the Agreement as now framed does not expose the ACT Government to any risk of financial liability. Any such liability would rest with ACTTAB which has negotiated suitable indemnity provisions in the agreement.

So all of these facts are clear. It continues:

Under the provisions of Section 7(1)(d) of the Betting (Totalizator Administration) Act 1964 your approval is required to enable ACTTAB to provide to VITAB Ltd the services covered by the Agreement.

The recommendations were as follows:

... that you:

- i) note this advice;
- ii) agree to ACTTAB providing services to VITAB Ltd pursuant to Section 7(1)(d) of the Betting (Totalizator Administration) Act 1964; and
- iii) agree, pursuant to Section 38 of the Betting (Totalizator Administration) Act 1964, to ACTTAB entering into a contract with VITAB Ltd and to pay VITAB Ltd, should it ever be required within the terms of that agreement, amounts exceeding \$250,000; and
- iv) sign the attached letter to the Chief Executive Officer of ACTTAB.

That was subsequently signed. In a handwritten note - - -

Mr De Domenico: From whom?

MR BERRY: A handwritten note from one of my officers. ACTTAB asked for Price Waterhouse to do the job. A general company search was asked for. ACTTAB paid and will provide costs as soon as possible, if required. Madam Speaker, I table the advice that was given to me by officers. I am sure that that should settle the matter.

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MR DE DOMENICO: I have a supplementary question, Madam Speaker. I thank the Minister for answering the question that it was ACTTAB who asked Price Waterhouse, Vanuatu, and it was ACTTAB who paid for the advice.

Ms Follett: You had that wrong, didn't you?

MR DE DOMENICO: No; we knew the answer. Minister, seeing that you based your acceptance of the contract on the advice now given to you and asked for by ACTTAB of Price Waterhouse, the Government legal office and the Treasury, and noting that none of those three reports can be seen in any way, shape or form to be commercial-in-confidence, will you therefore table those three advices, and also table the requests for those three advices?

MR BERRY: I have tabled the advice to me by officers, Madam Speaker.

Gordon Valley Homes

MR KAINE: Madam Speaker, I have a question to Mr Wood, Minister for the Environment, Land and Planning. Minister, can you confirm that Gordon Valley Homes withdrew from the joint venture consortium Habitat only days before the company publicly declared itself unable to carry on business, and that this restructuring was agreed to by the ACT Government as a partner in Habitat? Secondly, what were the benefits that were seen to flow to the various stakeholders in this operation, including the Government, the consortium, and particularly the directors, shareholders, consultants and subcontractors and suppliers to Gordon Valley Homes, from allowing that company to withdraw from the consortium?

MR WOOD: Madam Speaker, I would have to make a careful check of dates to ensure accuracy; but I believe that Gordon Valley Homes did withdraw from that joint venture arrangement with Habitat, the consortium, before they went bankrupt. I am not sure about the full purpose of Mr Kaine's questions or the logic of those questions, so I will explain the background of it.

Gordon Valley Homes had a number of shares in the Habitat consortium, three shares, and they purchased those at \$100,000 each. That money, as I understand it, was put on deposit, as other shareholders did, as part of the arrangements leading to the agreement we signed with them. I might point out that at that time we had done a very careful scrutiny of the various shareholders of Habitat, to check as far as humanly possible their viability, and we believed at that stage, some little time earlier, that Gordon Valley Homes as well as the other partners of Habitat were quite viable companies.

I understand that Gordon Valley Homes sought to withdraw because they found themselves in trouble, perhaps a little more abruptly than anybody could have imagined, and I do not believe that they expected a little time before to have that trouble. On doing so, they sought a return of the \$300,000 that was part of their shareholding. In fact, the Gordon Valley Homes part of the deal, their investment, was bought out by, I think, three of the other four companies.

They bought them out, I am told, at a price of \$330,000. Their investment had appreciated because of the quality of that investment. So Gordon Valley Homes received back the \$330,000. I could not tell Mr Kaine what happened to that \$330,000. I presume that they did the best with it. They needed that money to try to keep their firm afloat and I would presume that they used it to pay creditors and to keep themselves going; but I cannot give the details of that. I think there was an inference in Mr Kaine's question that maybe creditors of Gordon Valley Homes did badly out of this. In fact, they got \$30,000 more than they might otherwise have done because of the Gordon Valley Homes investment in Habitat and the joint venture with the Government.

MR Kaine: I ask a supplementary question, Madam Speaker. My original question asked whether or not there was any benefit for anybody in allowing the company to withdraw when it did, but perhaps - - -

Mr Wood: Thirty thousand bucks worth.

MR Kaine: Perhaps I could ask the Minister the obverse of that question. Did the Government, before it agreed to the withdrawal of Gordon Valley Homes from this consortium, establish that there would be no detriment to people who had an interest in that company - and I speak particularly of subcontractors and suppliers?

MR Wood: Madam Speaker, I understand that it was carefully assessed, as it was before they even came into the venture, and it was expected that the best outcome would be provided by allowing Gordon Valley Homes to withdraw from Habitat because by so doing they had access to those funds which would help them. I think that, in terms of assisting the subcontractors and other creditors, this was the best possible result, and that assessment was made before agreement was given.

North Watson Residential Development

MR Moore: My question is to Mr Bill Wood as Minister for the Environment, Land and Planning. It refers to the Access Economics paper which was prepared and which was tabled in this chamber, I think, yesterday. On page 7 of that report it states:

... it was not part of our brief to undertake a cost benefit analysis of the North Canberra Area Strategy.

A little bit later on it says:

... North Canberra will have implications for lifestyles, travel times, pressure on amenities, and so forth.

Later still it says:

Third, we have not been concerned to try to estimate in any absolute sense the net costs and benefits arising under the North Watson proposal.

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Considering the ramifications of the North Watson proposal for all of North Canberra, why was it that the brief eliminated the North Canberra area strategy?

MR WOOD: Madam Speaker, Mr Moore jumps to his feet to take a point of order from time to time. I would think that this is out of order on the ground that it anticipates a debate that Mr Kaine proposed yesterday. Nevertheless, I am happy to answer it. We provided that brief to Access Economics in precisely the terms that Mr Lamont, as chair of the committee, gave it to me. That was the background of it. It was as simple as that. Ms Szuty nods. That was what we were asked to do, and that is what we did.

MR MOORE: I ask a supplementary question, Madam Speaker. On the following page, talking about the distribution of costs and benefits, Access Economics says:

Final political decisions necessarily rest upon some understanding of the effects on winners and losers. The proposal may fail politically if it is judged to place intolerable costs upon one section of the community. Or, if there is greater good in the proposal, there may be a case for compensating some of the losers.

If you have only half of the brief, and if we do not know the impact on the North Canberra community, how can we proceed with that variation?

MR WOOD: Madam Speaker, Mr Moore quotes very selectively from that report. I urge him to go back and read it in a little more detail. Maybe he will do that before we have this debate tomorrow. The report does say some things about the cost-benefit analysis, pointing out that it was not specifically its brief to do it and pointing out that it did not go into exhaustive detail on it. It also pointed out, certainly in the verbal briefing that I had - I am not sure of the words in the document - that the cost-benefit analysis at this stage would suggest, as with the economic analysis, as with any financial analysis, a very large plus for taxpayers in the ACT.

Mr Moore comes into this chamber with all sorts of issues, but one of the issues that he does not pay much attention to is that of taxpayers, the people who have to pay out the money to keep this Territory running, in education, as in everything else. Now jump up on a point of order about reflecting on a past decision of this Assembly. Mr Moore in the past has not shown much respect for taxpayers in this place, but this Government does. The Access Economics report, which we will debate again tomorrow, demonstrates that this is a very large plus for residents in the ACT, as I have been saying for a very long time, and I think that is something that Mr Moore should take note of. I would point out that the Access Economics report refers to economics. Whenever I have spoken about the development at North Watson - it was a proposal to be developed and I never assumed too much at the start - I have pointed, first of all, to the environmental benefits. That was not part of the Access Economics study, of course; but Mr Moore does not seem to want to consider those environmental aspects either, surprisingly. I also pointed, secondly, to the social benefits of it, but there was no further study. Let us explore those issues. I welcome the debate which we will get onto tomorrow.

ACTTAB - Contract with VITAB Ltd

MR WESTENDE: Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Sport. Deputy Chief Minister, you mentioned just a moment ago that there were amendments to the VITAB contract. What were the amendments to the VITAB contract that were recommended by the ACT Government Solicitor?

MR BERRY: They were amendments to strengthen the deal between - - -

Mrs Carnell: Wasn't the first one all right?

Mr Humphries: In what way?

MR BERRY: You are grasping at straws, boys and girls. Of course it was carefully checked by the Law Office. I do not have the amendments.

Mr Humphries: Will you table them?

MR BERRY: Hang on a minute. They form part of the contract, which so far has been treated as commercial-in-confidence, because that is the understanding that we have with VITAB. It was closely examined by the ACT Government Solicitor and - - -

Mrs Carnell: Is the contract with the Northern Territory commercial-in-confidence?

MR BERRY: Mrs Carnell mutters something about the Northern Territory agreement. I have already said that it is similar to the arrangement with the Northern Territory TAB. It is fair enough that people who have commercial contracts with the ACT would expect them to be kept in confidence. None of the Liberals' friends would be too happy if their contracts with the ACT Government were all exposed to the community and to their commercial competitors; neither would they be satisfied if any of their tendering arrangements with the ACT Government were exposed. At any time the Liberals could leap to their feet and say that there is a big question mark about the tendering arrangements in relation to such and such. The people who support them would scream their heads off if those tendering arrangements were released and exposed commercial advantage for one group over the other. They are treated very carefully. I do not have the amendments with me.

Mrs Carnell: You do not have anything with you.

Ms Follett: Neither have you, so far. It has been a fruitless search so far, has it not?

MR BERRY: It is barren ground. You people keep sticking your head up and you scream when you get nothing. You have got nothing.

Mr De Domenico: Because you have given us nothing.

Mr Humphries: You have the contract. You are the Minister. Tell us what is going on.

MADAM SPEAKER: Order!

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MR BERRY: You are the people who are raising the suspicion and trying to create some mystery about the whole arrangement. What has happened is that the ACT Labor Government has struck a good deal, a good deal which returns - - -

Mrs Carnell: Show it to us.

Mr De Domenico: Show us how good it is. We do not believe you.

MADAM SPEAKER: Order!

MR BERRY: I have told you the details of it. It will return us \$500,000 a year. We are in front. If we had not taken it up somebody else would have it.

Ms Follett: That is the whole problem, of course.

MR BERRY: I think that is where we get to the nub of the problem. Who is it that they are supporting? Is it the person who missed out?

Mrs Carnell: Was there someone else?

Mr De Domenico: There is another player now.

Mr Humphries: Tell us who missed out.

MADAM SPEAKER: Order!

MR BERRY: Maybe it is the person who missed out. Who knows with this lot? They always play personalities; they are always interested in vested interests. I am telling you that what happened in relation to this was that the ACT Government spotted a good deal for the Territory. We saw \$500,000 a year and, of course, we went after it. We know a good deal when we see one. What we also did, and what I personally was involved in, was to make sure that the deal was safe with respect to the Territory.

Mr De Domenico: Minister, that is a shonky deal. It is a shonky deal.

MADAM SPEAKER: Order!

MR BERRY: Madam Speaker, I think that has to be withdrawn.

Mrs Carnell: He did not say that you are shonky. He said that the deal was shonky.

Mr Humphries: Why?

MR BERRY: That is a - - -

MADAM SPEAKER: He is not accusing you of being shonky, is he, Mr Berry?

MR BERRY: I am the one who is alleged - - -

Mr De Domenico: Minister, we believe that it is a shonky deal.

MADAM SPEAKER: Mr De Domenico, I ask you to cease interjecting. Mr Berry, continue.

MR BERRY: What we have is an agreement that has been well checked by Treasury and the Law Office, and they have approved it.

Mrs Carnell: Give us the papers.

Mr De Domenico: Let us have a look at their advice.

MADAM SPEAKER: Order!

MR BERRY: They have approved it. What bugs you lot is that it is a good deal, we are making some money out of it and the Territory - - -

Mrs Carnell: How do we know?

Mr De Domenico: Minister, it is a shonky deal.

MADAM SPEAKER: Order!

MR BERRY: You do not know. Why criticise it? Who behind you is providing you with dodgy information or no information?

Mrs Carnell: They are mostly your members.

Mr De Domenico: They are a different faction from you.

MADAM SPEAKER: Order!

Mrs Carnell: They are his friends.

Mr De Domenico: It is a shonky deal, Minister.

MADAM SPEAKER: Order! Mr De Domenico, I asked you to cease interjecting.

MR BERRY: The fact of the matter is that there has been a deal struck and it has been cleared by the appropriate parts of government. Advice was given to me on the basis of an assessment of the contract by relevant officers throughout the department and it was recommended that I deal with it.

Mr Humphries: Let us see it.

Mr De Domenico: Give us a look at the advice.

Ms Follett: He has tabled it.

Mr Humphries: No, the contract.

MR BERRY: The advice has been tabled.

MR WESTENDE: I ask a supplementary question. Mr Minister, can you advise the chamber what were the set-up costs? You just mentioned that you get half a million dollars? What were the set-up costs from ACTTAB and the ACTTAB-VITAB contract? In relation to the deal, what other expressions of interest or proposals from other investors were considered?

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MADAM SPEAKER: Members, may I just caution you? I am usually amazingly lenient with supplementary questions, but this is a completely new subject. Mr Westende, the first part of your question related to omissions or something to do with the solicitor's advice. Now you have moved into a completely new area. I will allow the Minister to answer it because he did come to his feet, but I just caution you that there are particular standing orders in relation to supplementary questions.

MR BERRY: My understanding is that it is \$10,000 for insurance, and we have already overtaken that. There is mention in this advice of some person hours that would be required in the setting up of it, but my advice is that we have already well and truly achieved over and above that which was required as setting-up costs.

Woden Valley and Calvary Hospitals

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Could the Minister inform the Assembly as to the numbers of complaints and commendations received by Woden Valley and Calvary hospitals?

Mrs Carnell: It is in the activity report that has been tabled in the house.

MR BERRY: I thank Ms Ellis for the question. Mrs Carnell interjects that it is in the activity report, but you would never think so if you were waiting for her to comment on it, because it is good news.

Mr Humphries: A \$5m blow-out is good news? I would hate to see what bad news was like.

MR BERRY: The Liberals would not be interested in that. They are never interested in saying something positive about the public hospital system. All they are ever capable of doing is reducing themselves to a rabble whenever they start to get information from me about the good performance in our public hospital system. They do not like it.

In the December quarter there were 37.2 commendations per 1,000 admissions - that is about 3 per cent, which is not a lot - compared with 6.3 complaints per 1,000 admissions, which is minuscule.

Mrs Carnell: Have you ever had a look at your complaint form? Anybody who could fill it in would have to be a genius.

MR BERRY: So 95 or 96 per cent of people who use the hospital system walk away satisfied, it appears. On any assessment, Madam Speaker, the hospital system is doing well. It provides over 400,000 outpatient occasions of service; it provides services to people who are amongst the 50,000 or so who are admitted to the hospital system. Of course, any business of that size which provides that sort of service would receive some complaints; but, when you have a look at the facts, it is a clear demonstration that the hospital system is going well. What Mrs Carnell has set out to do in all of this is to try to give the people of the ACT the impression that it is not going well, that it is in crisis. She regularly says "crisis".

Mr Humphries: That is a pretty accurate description.

MR BERRY: It is not in crisis.

Mrs Carnell: Sue Belsham thought it was.

MR BERRY: It is absolutely outrageous and gutter politics for somebody like you from a health background to be criticising the public hospital system in the ACT.

Mrs Carnell: No; I just criticised you.

MR BERRY: If you want to go to personalities, go for me. That is fine. Go for me on personalities, I do not mind that; but get yourself back to the health issue. Personalities are not what people out there are - - -

Mr Humphries: May I quote a few Wayne Berry press releases from 1991?

MR BERRY: If you do not like me, that is fine; I can wear that. In fact I can smile about that, I am perfectly happy with that. But when it comes to the hospital system, lay off. If you are fair dinkum, you will. You know very well that we have a hospital system that is doing all right, thank you very much. We have 50,000-odd people going through the place every year - - -

Mrs Carnell: With 3,688 people on the waiting list, 200 fewer beds - - -

MADAM SPEAKER: Order!

MR BERRY: Here we go on beds; it is lovely. Do we treat beds in our hospital system? No, we do not; we treat people - 50,500 of them last year; over 400,000 occasions of service in outpatients. It is big business and it is quality service which the people of the ACT expect and enjoy. In this city there is general acceptance of the need for a strong public system. Mrs Carnell is swimming upstream on that score. All she wants to do is to tear down the public hospital system. Well, you cannot, because it is doing well, and everybody knows it, no matter how much you try to destroy it. You and your mates federally tried to rip apart the Medicare system at the last election. It did not work. That would have ripped into the public hospital system.

Here we have 37.2 commendations per 1,000 admissions, and 6.3 complaints per 1,000 admissions, which is 0.6 per cent, and 95 or 96 per cent of people walk away from the hospital system reasonably content with the arrangements. So, 50,500 people treated, and over 400,000 occasions of service in outpatients. The Liberals are a joke on this issue and it is time the community were awake-up to them. All they are interested in, on Mrs Carnell's own admissions, is a personal attack on me. They are not interested in the health system.

Ms Follett: Or Sue Belsham or anyone.

Mrs Carnell: Sue left. She was sensible.

MR BERRY: Or Sue Belsham. I saw your reports in the paper. Were they not your comments in the paper?

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Mr Humphries: She is a clever lady, I think. She is getting out while she is ahead.

Ms Follett: What a snaky little comment!

MR BERRY: What a snaky little piece of work that was! Let us get down to policies. I do not want to talk about personalities, about whether you like me or not. All I am interested in is policies. We will compare your policies on health to ours. This is performance. This is performance, and the people of the ACT will be happy with it.

Ms Follett: I ask that further questions be placed on the notice paper, Madam Speaker.

State Bank of New South Wales

MR CONNOLLY: Madam Speaker, yesterday in question time Mr Stevenson asked me about the follow-up to some remarks he had made in an MPI discussion in relation to the State Bank. When I said that the matter was before the courts in New South Wales I should have added that I had faxed to the New South Wales Attorney-General copies of the *Hansard* of Mr Stevenson's remarks. He asked what action had been taken. I should have said that.

EMERGENCY SERVICES - REVIEW Report and Supplementary Report

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.13): Madam Speaker, for the information of members, I present the "Report of the Review of Aspects of Australian Capital Territory Emergency Services" by Mr Bruce MacDonald - that is the report that was commissioned by this Assembly in its resolution of 13 May 1993 - together with a supplementary report by Mr MacDonald which looked at the response of the ACT to the Sydney bushfire emergency. I move:

That the Assembly takes note of the papers.

We discussed the matter this morning.

Question resolved in the affirmative.

MAGISTRATES COURT (ENFORCEMENT OF JUDGMENTS) BILL Exposure Draft and Papers

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.14): Madam Speaker, for the information of members, I present the exposure draft of the Magistrates Court (Enforcement of Judgments) Bill, an explanatory statement and the tabling speech, and I move:

That the Assembly takes note of the papers.

Madam Speaker, I will not go into the full tabling speech today because in due course we will be bringing in a final Bill. This implements the recommendations of the Australian Law Reform Commission in a 1987 report on the enforcement of judgments in the inferior courts. It seeks to develop a system which protects

consumers from arbitrary debt recovery processes; a system to ensure that, where property is seized to secure a debt, the property will be sold for a fair price, and that puts some balance between the consumer and people who may be pursuing the consumer for debt.

The Government took the view that we should produce this as an exposure draft because it is a quite significant piece of legislation. It is one which has been many years in the making. The Law Reform Commission report was some six years ago now and events have changed. We felt that it was appropriate that the community have an adequate and appropriate time to consider the legislation before it is formally introduced into the house. For members' information, we have indicated that the middle of May will be the cut-off date for public submissions on the legislation.

Question resolved in the affirmative.

GORDON VALLEY ESTATE DEVELOPMENT **Discussion of Matter of Public Importance**

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

The need to inquire into improper actions involving the Gordon Valley Estate development.

MR STEVENSON (3.15): I title this matter of public importance the Gordon Valley Estate rort. Let me give a simple introduction. The ACT Government sold land at Gordon to a developer named Landcorp. House sites were then marketed by the real estate company called Realty World, which was owned in common with the developer. In Realty World's extensive marketing and promotion of the land, which they called the Gordon Valley Estate, they emphasised no government housing. They also emphasised that there were covenants requiring minimum conditions on the size and type of properties that could be built. Advertising led prospective buyers to believe that there would be no government housing on the estate, and that the investment they were making in their new homes would be protected.

Since then a 36-unit medium density housing project was purchased by the ACT Housing Trust. In addition to this, the 36 Housing Trust units were not built in accordance with the conditions issued by the vendor which had been placed on other purchasers of private property home sites. Many private home owners on the estate are now alarmed to find that the conditions or the agreements under which they made their original purchase were misrepresented to them before they bought. They say that this misrepresentation has resulted in a financial loss, or a potential financial loss, because the value of their homes has been reduced due to the public housing development. In addition, the owners say that the ACT Government was aware, or at the very least should have been aware, of the deceptive claim of no government housing. They say that the Government had a duty to take action to prevent these misleading claims at the time.

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There are many questions raised by these events that need to be answered. I introduce this matter of public importance and raise these questions on behalf of the many home owners who have contacted me with their concerns, on behalf of the many other private home owners out at the Gordon Valley Estate, and on behalf of Canberrans in general, as all our lives are affected by any unethical and unfair actions that take place in the community. I make the point that the private home owners on this estate have said that they have no dispute whatsoever with the Housing Trust tenants. Their concern is with what they see as false marketing claims, broken contractual agreements and a government that was aware of these false claims but took no action.

The matters I will discuss concern the developer's involvement, the Government's involvement, and what should now be done. This is not, by any means, a detailed statement of the events, but rather a summary of some important issues. Firstly, let me look at the advertising and promotion campaign used to sell property on the Gordon Valley Estate. The first two questions we need to ask and to answer are: "Did these ads mislead people?" and, "Were these ads deliberately placed with the purpose of misleading prospective home owners?".

Let us look at the ads. This was in the *Canberra Times* and was placed by Realty World. It says:

No government homes - Unlike other sub-division there are no government developments in this estate therefore protecting your investment for resale.

A fax from Realty World on 18 December 1990 says: "Definitely no government homes in Gordon". That was in respect of a vacant block of land, more or less, at that time. That is not surprising, but the intention is clear. With respect to the question, "Did these ads mislead people?", there is no doubt about that. I have received statements from many people that they were misled.

With regard to the other question - "Was it deliberate?" - let us have a look at a couple of points. The developer and the real estate company knew that they could not guarantee no government homes. They know that. We all know that. This was the statement made by Mr Alex Brinkmeyer, the substantial owner of Landcorp.

Mr Connolly: Mr Deputy Speaker, I raise a point of order. I am not seeking to disturb Mr Stevenson. I was going to make this comment in my response. This matter has been referred by the Director of Consumer Affairs to the Director of Public Prosecutions to make a decision as to whether criminal or civil action for misleading conduct under the Trade Practices Act should be taken. I do not want to force Mr Stevenson to make no comment on it; but, bearing in mind that the matter is before the independent Director of Public Prosecutions to make that decision, I wonder whether Mr Stevenson could refrain from drawing the conclusion. Perhaps he could be a little careful in the remarks that he makes. I do not want to stop Mr Stevenson from having his say in this place, but I draw to his attention the fact that the matter has been referred to the Director of Public Prosecutions, so drawing a conclusion that a person committed the wrong act might be sailing a bit close to the wind. Would you bear that in mind?

MR DEPUTY SPEAKER: Mr Stevenson, would you please take note of what Mr Connolly has said.

MR STEVENSON: Indeed, Mr Deputy Speaker. First of all, to claim that there was no government housing perhaps would be impractical if the development had not been finished. You could not say one way or the other. Also, to say "no government homes, therefore protecting your investment for resale" indicates that it is going to be protected in the future, not just for a few days or months or a year or two. To say, "protective covenants - ensures your second home has good surrounding development" would indicate the same thing. There is no doubt that home owners in Canberra have the right to purchase properties that they feel are not going to be near public housing. One could say that that is a good idea or a bad idea, but you cannot make the statement that they should not be allowed to do it. Everyone has the right to buy a property for whatever reasons they wish.

When we look at the question of the Government's involvement, we must ask, "Did the ACT Government, the Minister for Housing, or any of the relevant departments he administers, know about these deceptive claims?". As the advertising campaign continued, apparently, for some two years, indicating no government homes, it is logical that they must have known. Let me read a statement from one of the people who have been most concerned in this issue. David Wheeler, the organiser of the Gordon Valley Estate Betrayed Home Owners Association, first contacted Mr Connolly's office in November last year, 1993. This was after hearing that section 426 was medium density government housing. He told me that he was eventually told by a lady from the Housing Trust, representing Mr Connolly, that people had inquired as to whether or not the area would have government housing and that they, the trust, had hidden nothing from those people and had informed them that no such guarantee could be made. That made sense. He says that they were told that the trust was aware of Realty World's advertising campaign in relation to public housing. When he inquired as to why they did not warn the public to ignore the ads, he was told that the ACT Government could not compete with Realty World's advertising dollar. That statement can be substantiated by someone else.

The public housing land purchase was finalised, I believe, in August 1992. I am not aware that the claims of no government housing were made after that time, but it is interesting to note that late last year Hooker, a real estate company, was telling people - I have statements - that they were going to be age pensioner units. This was long after it was known that they were not going to be age pensioner units. I have statements from people that, when they eventually did ask what the site would be used for, they were told that it would be only a retirement village for age pensioners. I also have statements that some of the age pensioners, in the eight properties of the 36 that have been set aside, asked the same question, and they were told the same thing - that they were just for age pensioners.

I know, as everyone does, that it is a policy of the ACT Government to integrate housing in the ACT. One would say that this is a good policy. However, who would suggest that a 36-unit housing development was integrated housing? It is not. Is there any benefit to the Government because of what happened, because they did not take any action? Indeed, there is.

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Did they benefit financially? Yes, they did. It has been proposed to me that larger houses were built on the estate because of the conditions and the indication that there would be no government housing. Also, higher prices were paid for land than would have been paid, because there was going to be, they believed, no government housing. This, of course, is because of stamp duties and higher ongoing rates determined by the sale price, not the later market value.

We had a situation where there were two different conditions required. There were conditions required for private home purchases and then there were relaxed conditions for the Government purchase. In March 1992, when Mr Wheeler purchased his property, included in the transfer documents was a memorandum of restrictive covenants. It listed those sections and blocks on the estate to which restrictive covenants applied. The memorandum of transfer stated that a covenant restricting the size of all dwellings to a size greater than 12 squares applied to all sections including section 426. In August 1992 the Government purchased section 426 and commenced to construct public housing of less than 12 squares in size.

On 15 November 1993, after Mr Wheeler's letter of complaint to Mr Connolly, Mr Wheeler received a reply from Mr Connolly stating that when the Government purchased section 426 "there was no leasing condition or covenant which restricted the size of the houses to more than 12 squares". To support this statement Mr Connolly included documents signed on behalf of the Government which did not reveal any such covenant. On 2 February this year Mr Wheeler received a letter in response to his complaint to the Land and Planning Appeals Board which stated, in regard to restrictive covenants, that the annexure to the memorandum of transfer of title was a private legal arrangement and as such the restrictive covenants do not come within the control measures of the department or within the powers of the registrar of the board.

My questions, and the questions that arise out of this, are: Is this vanishing covenant an indication of a deliberate attempt at fraudulent misrepresentation by Realty World developers in order to lull purchasers into a false sense of security by inserting restrictive covenant documents into transfers of title with these purchasers which it then, at a later date, drops out of similar transfer documents with regard to the government development? Should the Government be required to ascertain whether restrictive covenants have been made with other private purchasers on the estate, and assurances given by these covenants that size limitations apply, to which the Government, at a later date, would be morally if not legally bound to comply? Should the Land and Planning Appeals Board be granted powers to take action and to impose control measures on such restrictive covenants even though they form part of private legal arrangements?

What we have is a situation where people reasonably believed that they were going to be protected from having their investment detracted from because of public housing being built on the estate. Was that a wise decision? One could argue the point. However, it was certainly a decision that was stated for a long time and they were aware that the Government did not do anything. What could the Government have done? The Government could, first of all, have said to the developer, "Do not do it. Do not make these claims that you know you cannot substantiate". Secondly, they could have said that if these claims continued there would be legal action taken. Thirdly, they could have made the matter public in the media so that private purchasers or prospective purchasers in the ACT would have known to ignore such deceptive claims.

When we look at the government housing cluster we can ask: Were the government homes built by a company owned in common with the developer and the real estate company? If so, it could be suggested that there was a further financial benefit in selling part of the estate for government housing under different requirements from those for private home buyers. The Minister for Housing, Mr Connolly, said in a televised interview, "I just do not accept that public housing reduces land values". To support his claim Mr Connolly quoted Red Hill as an expensive suburb that has quite a lot of public housing. Whether this claim is true or false is not the point.

The next question I ask is: Is it a practice for the ACT Government to wait until most of the prospective properties in new estates have been purchased before they purchase land for public housing? This certainly appears to be what has happened in this case. Was this a coincidence or was it planned? When did the Government first start negotiations to purchase land in the Gordon Valley Estate? We need to know the date of the first time.

What we have, in summary, is that many people have worked hard to buy properties in this estate. They were given certain assurances. There were covenants that they believed protected them. They feel betrayed by the vendor and certainly poorly let down by the ACT Government. I believe that these matters need to be fully investigated. The DPP, I suggest, is not going to investigate the Government's actions. We need to make sure that those actions are investigated; that the actions within departments are investigated. I have raised many questions, and many more need to be raised; but something must be done to right this injustice.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.31): I guess that this MPI raises two issues: Firstly, should there be an inquiry or an investigation into the misleading claims; and, secondly, the general policy of the distribution of public housing in the ACT. I will address the second issue first, because I will address the first issue only very briefly. It is the policy of this Government, and it has been the policy of successive ACT governments, whether they be Labor or Liberal, that public housing be spread across all suburbs in Canberra. I will seek leave in a moment to table a document which, while it is in slightly small print, is quite readable. It is the latest print-out I have from the Housing Trust which shows the distribution of Housing Trust properties throughout the ACT. There are only a couple of suburbs where we do not have houses. For some reason we do not seem to have a house at Weetangera. We must address that. For some reason we do not seem to have a house at O'Malley.

Mr De Domenico: You could not afford one in O'Malley.

MR CONNOLLY: It may be a tad expensive. For some reason we do not have a house at Bruce.

MR DEPUTY SPEAKER: Your phone will never stop ringing, Mr Attorney.

MR CONNOLLY: Yes, there will be lots of offers to sell. We do not have a house at Fyshwick, but nobody else does either. Basically, we have a distribution throughout the suburbs of Canberra that ranges from some quite high distributions in some surprisingly salubrious areas. In Barton and Parkes, where townhouse prices are quite high, the Housing Trust has 40 per cent of stock.

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We have some 13.9 per cent, nearly 14 per cent, of stock in Red Hill. In Ainslie, where property values are notoriously very high at the moment - a very desirable suburb in which to live - some 32 per cent of the housing stock is held. In the suburb of Gordon - and this, I am assured, includes the current controversial Housing Trust stock holdings - we have slightly under 3 per cent of housing stock. So, for all the controversy about Gordon, we are in fact well under. The average should be running at round about 12 per cent of the housing stock in the ACT. I will table this for the information of members if they are interested in the distribution of the public housing stock in the ACT. I can feel 500 questions coming on over this, Mr Deputy Speaker, but in any event I table this document.

MR DEPUTY SPEAKER: That fellow Cornwell asks an awful lot of questions.

MR CONNOLLY: He does indeed. The issue as to whether there was misleading conduct by the vendors here is one that did become controversial late last year. I asked the Director of Consumer Affairs to look at the matter. He has formed some preliminary views about that which have resulted in the entire files, the Housing Trust files, all of our involvement in it, being sent to the DPP for appropriate action. I do not want to go further than that.

I appreciate that Mr Stevenson, when I pointed that out publicly, did adjust the tenor of his remarks so that he did not draw conclusions which would perhaps have been pre-empting those decisions. I will report to the Assembly when that conclusion is reached. Certainly, whenever it has been raised with me as to whether a person can claim that there is no public housing, I say no, and I have said that publicly not just in relation to this controversy but also in relation to previous controversies. The fact that people claim to have acted on the misrepresentation here is a matter obviously of concern to those individuals, and of concern to the Government, and as a result of that I have put the matter in the hands of the appropriate authorities.

MR DE DOMENICO (3.34): Mr Deputy Speaker, I rise briefly to endorse the comments made by both Mr Stevenson and Mr Connolly. I went to three or four public meetings that were held in Gordon. There is no doubt that a lot of people there were very concerned because in their view - and I stress "in their view" - they believe that they may have been duped by some of the things they saw in the media.

I think Mr Stevenson made a very good point when he said that as far back as December 1990 there was a facsimile from a particular real estate company saying quite succinctly, "Definitely no government homes in Gordon". That facsimile was sent from someone to a prospective buyer saying, quite definitely, no government housing. Like the Minister and Mr Stevenson, I am appalled that some people think that there should not be any public housing anywhere. As the Minister said, both political parties have said quite categorically - and I believe very strongly in this - that there ought to be a mix or a pepper-and-salt effect, with public housing in every suburb. If the Minister could afford to buy in O'Malley or Weetangera or wherever, there seems to be no reason why that should not happen. I also believe very strongly that if some people wish not to buy a particular house because of its location, whether it is because it is next-door to a public house or what have you, any prospective buyer also has an inherent right to purchase where he or she wants to purchase.

It is interesting, and Mr Stevenson pointed this out quite succinctly, that over a period of two years the impression appears to have been given to prospective buyers that this suburb, Gordon, will have no public housing. Mr Deputy Speaker, one can only be led to believe that this sort of thing is happening. I do not expect individuals in the community to realise the policies of particular political parties. With the greatest respect to all of us in here, people are not riveted to their chairs waiting for every word we utter in here or outside. If they were, a lot of them would be very bored indeed, notwithstanding which person on any particular side of the house was speaking.

I quote from this ad which appeared in the *Canberra Times*:

No government homes - unlike other sub-division there are no government developments in this estate therefore protecting your investment for resale.

I think they are particularly important words.

Mr Connolly: Could you read the date of that ad?

MR DE DOMENICO: The date was Saturday, 22 February 1992. So we have a facsimile transmission of December 1990 saying one thing, and we have ads in February 1992, over two years afterwards, saying the same thing, and specifically saying, "protecting your investment for resale". As I said, people out there who genuinely, for whatever reason, want to purchase a house in a suburb which purports to have no public housing have every right to buy in that place.

The second point I want to bring up is perhaps the more important point. Let us forget about the no public housing situation and look at the covenant situation. I am trying to find the covenant now. For example, it suggested that there will be no prefabricated garages or carports. So the situation is that the ads in the *Canberra Times* and the facsimile message say, first of all, no government housing. Okay, they then realise that that is wrong, that there is going to be government housing. Might I also say that I think I spoke to about 60 or 70 people and not one of them was attempting to say, "Listen, we do not want public housing". So the issue was not one of, "Here am I not wanting public housing". That has to be stressed quite clearly. Let us accept the fact that that is impossible and that there is going to be public housing and then have a look at the covenant. There is the annex to the contract and point 1(a) says:

The Transferee for himself -

or herself, it should say -

and for his ... assigns covenants with the Transferor that he will not ...

(b) Erect any prefabricated carport ...

If members want to go out to Gordon and have a look at what is being erected, across the road 36 Housing Trust properties have prefabricated carports. On the one hand the private purchaser has to comply with a covenant which says that there will be no prefabs at all. I spoke to one family with five children who really could not afford to build that brick garage that they have now; but, in the

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spirit of the agreement, they said, "Yes, we understand that in the future our resale value may be enhanced by the fact that there are going to be no prefabricated buildings. We will not build a carport. Let us not put the curtains on, or what have you; let us build a garage in brick". That is what they did, only to find out that across the road there are 36 prefabricated carports. It makes them twice as angry as they were at the beginning. It comes back to one thing. I believe, like Mr Connolly and Mr Stevenson, that this is a consumer affairs issue; it is not a housing issue.

My other concern, though, was this: At one of those meetings that I attended the question was asked, in public, "Is there anyone here representing the Housing Trust?". This had gone on in the media for a number of weeks. I knew, Mr Deputy Speaker, that there were at least two people there who quite obviously worked for the Housing Trust. When the question was asked, "Is there anybody here representing the Housing Trust, because we would like to ask them some questions?", no-one said anything. I was tempted, I must admit, to say, "Hey, listen, I am aware that there are two people here representing the Housing Trust", but I was honestly afraid for those two people's health had I done so. A lot of those people genuinely wanted to ask some straight questions. What I am suggesting is that if anybody turns up from the Housing Trust they obviously should own up. All people want is to have their questions answered, for heaven's sake. They were not there, as I said. Media reports speculated about demonstrations against the Housing Trust.

Mr Connolly: No. That was the meeting where there had been an ad in the paper the day before saying that there would be a demonstration against the community group. Our people were there to resolve the conflict, in case there was trouble. They were not there as spokespersons. That is why they did not identify themselves.

MR DE DOMENICO: Mr Minister, thank you for that. Had you waited just a little longer I would have said that it was in reaction to an ad in the *Canberra Times* on the Saturday that suggested that there was going to be a pro-public-housing demonstration against the supposed anti-public-housing demonstration, which never was, anyway.

Mr Connolly: No; but it could have been nasty, which was why we had a couple of people there.

MR DE DOMENICO: It could have been nasty. Minister, had you been there, or had anybody from the other side been there, you would have noticed that the police were there as well, as a precautionary measure, and that is fine. There were, in fact, no other people protesting pro public housing.

Mr Connolly: The police were there only because of the possibility of the two groups coming into conflict, not because of the - - -

MR DE DOMENICO: Fair enough, and so they should have been. That is wonderful. As I have said, Mr Deputy Speaker, this is more a consumer affairs issue. I must admit that, once the Minister was convinced that people were genuinely concerned, he immediately asked his Consumer Affairs Bureau, and Mr Charge in particular, to look into the matter. The Minister tells us now that he has referred all files and paperwork to the DPP. I accept the situation that this place has certain privileges that other people do not have, and I think it would be unwise to comment any further in that respect.

In concluding, Mr Deputy Speaker, I think this is a classic situation. All people want is to be informed truthfully as to what is going to occur. Let us not try to put one over anybody, and let us stop anybody else attempting to put one over anybody else. As I said, I am very concerned that some of these ads went on and on over a period of two years, plus facsimile messages from companies. I think that, once and for all, the people in the ACT should realise that no suburb should be exempt from the salt-and-pepper situation of having a mixture of housing. I believe that that is the only fair way to go. That being understood, I think it should be made loud and clear to any developers and any real estate agents that it will be taken as a very serious thing indeed by this Assembly and other places, I am suggesting, if there is any attempt to dupe any person into believing that any suburb is not going to have public housing. I look forward to what the DPP has to say. I am sure that the people in Gordon are delighted that something is being done. I hope that everything is resolved amicably.

MR DEPUTY SPEAKER: The discussion is concluded.

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE
Report on Feral Animals and Invasive Plants**

MR MOORE (3.44): I present the report of the Standing Committee on Conservation, Heritage and Environment on feral animals and invasive plants in the ACT, together with extracts from the minutes of proceedings, and I move:

That the report be noted.

Madam Speaker, this has been one of the most interesting investigations that I have been party to in the Legislative Assembly committee process. We clearly have before us an opportunity to take action which will have ramifications long into the future. One thing that fills me and, I imagine, other members of the committee with some pride is the process by which we have come to this report on feral animals and invasive plants in the ACT - that is, the calling of public submissions and then the development of a discussion paper on the issue which in turn evoked a series of responses that have been taken into account in our report.

The report, Madam Speaker, has a series of recommendations which I will take the opportunity to outline now. The recommendations include the notion of a general public information campaign so that the community is aware of the implications for the Canberra Nature Park and other natural areas, and for native flora and fauna, of the problems associated with the dumping of garden waste and other refuse in other than approved areas. It seems to us, Madam Speaker, that the community needs to be made aware of these problems and that adequate provision needs to be made so that the refuse can be dumped in an environmentally sound and safe way in appropriate areas that are convenient.

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Madam Speaker, the committee, being concerned with the dispersal of feral animals and invasive plants, recommended consultation with ACT pet retailers and plant nurseries to ensure that they understand the risks associated with the distribution of some of the plants and animals that are currently in nurseries and retail pet stores. If we had no rabbits in Australia and a pet store had a pair of rabbits, imagine how horrified people would be with the knowledge of hindsight. That is something that we have to be conscious of. There are many pets that are not likely to become feral and there are many plants that are unlikely to become invasive. It is appropriate for us to try to deal with those at the source of the possible problem.

Madam Speaker, it is appropriate also for this Territory to develop a code of practice complementary to that in New South Wales. That is a fairly obvious step when we are surrounded by New South Wales. It is also important for us to run a specific, targeted education program on the potential damage both from invasive plants and from feral animals. With that in mind, Madam Speaker, the committee felt that we should also recommend a general code of practice about control measures for potential pest animals and plants. If that is not seen to be successful, then it will be appropriate to move to legislation.

We further recommended that encouragement be provided to rural lessees and lending institutions to examine the feasibility of funding for lessees to undertake pest animal and pest weed control and eradication programs as necessary. It is often the rural lessees who are at the forefront of dealing with problems that are going to be general community problems. It is inappropriate for them to be left on their own to attempt to control or eradicate - as the case may be - particular plants.

The committee recognised that eradication will not always be possible, that there will be some invasive plants and feral animals that we are simply going to have to live with and that we are going to have to try to get some balance. The tenor of our report, more than anything else, is to ensure that there is an appropriate balance in our environment and that one species does not dominate other species in a totally inappropriate way. Similarly, Madam Speaker, we would expect the ACT Weeds Committee to be able to directly access community opinions on matters related to its relevant responsibilities and also to work in a reciprocal way with New South Wales.

Madam Speaker, one of the issues that I believe may well cause some consternation in the community is the approach we have taken to cats. Of course, for many people cats are a particularly close and important animal. The committee is very keen to ensure that no member of the community thinks that there is anything at all wrong with that relationship. Therefore, Madam Speaker, the committee has recommended that an integrated package of measures designed to minimise the effects of wandering cats on ACT native fauna and urban environment should be developed by the ACT Parks and Conservation Service - a package to include a cost-effective desexing program, registration and community education which is economically accessible to cat owners and to the community.

To achieve that, the Government ought to legislate to provide that all domestic and farm cats be registered, be subject to a registration fee and wear identification. As part of a program of encouraging the desexing of all cats which are not required for professional breeding purposes, we have recommended that the registration fee be significantly higher for whole cats than for desexed cats. We have also recommended that cats be confined within their registered address at night, that wandering cats be impounded and that identified owners be liable for pounding fees.

Madam Speaker, this probably does not sound unusual to anybody who has owned a dog. Granted, there are significant differences between owning a dog and owning a cat. There have certainly been examples of risk to public safety from dogs. Such risk is not a real issue with cats. The real issue here is not public safety but rather preserving our environment.

Mr Humphries: Do you own a dog, Michael?

MR MOORE: Madam Speaker, Mr Humphries asks whether I own a dog. I own a dog which is desexed and confined not only at night but right through the day. Madam Speaker, the important and significant thing about the recommendations with reference to cats is that any responsible cat owner now will not find those recommendations onerous at all. They are simply reasonable measures to ensure that we do not have a transition from domestic cat to stray cat to feral cat. They are measures that have already been put into place with some success and well accepted in the Sherbrooke Shire in the Dandenongs, which the committee visited. Madam Speaker, the committee also believes that a lot of the work currently been carried out by Landcare groups in the ACT needs to be encouraged and that with some further encouragement some of our problems, particularly those with invasive plants, can be dealt with in a successful way.

One of the unusual things that this committee has done is talk about an increase in funding. We are reluctant in all the committees that I sit on - and I think there are five of them - to recommend any measures that are not either cost effective or cost neutral. Madam Speaker, in this case the committee has recommended that a minimum of \$200,000 a year be sought through Federal Government funding for such programs as weed control, and that a concerted 10-year program be put into place. We are talking about \$200,000 per year over a 10-year period. If that funding is not forthcoming from the Federal Government, then it is appropriate that the spending be made within the ACT Government and directed specifically to this purpose. It is the old case of a stitch in time saves nine. It seems to us that a relatively small expenditure now will save us from needing to look at a far greater expenditure in the not too distant future.

Madam Speaker, one of the other issues that the committee dealt with was the issue of kangaroos. We originally started with the notion of feral animals. A number of people in responding to our discussion paper pointed out that kangaroos were not feral animals, and that is correct. But it is fair to say that the eastern grey kangaroo has reached pest proportions on a number of occasions. We certainly saw that in a most public way at the Governor-General's residence. Madam Speaker, the committee, therefore, believed that it was appropriate to recommend the best way to deal with a species that has got out of kilter with the environment around it because of the role that people have played in changing that environment and providing a sound source of food.

The committee, therefore, recommends that the current policy which does not allow the issue of permits for the culling of kangaroos be modified to provide for the issue of such permits under very strict conditions. Those conditions are that it be established that a particular species of kangaroos is present in such numbers as to pose an economic threat to leaseholders or to be a danger to public road traffic in the ACT; that culling pose no threat to public safety; and that where culling is to take place it comply with the accepted codes of practice, including the appropriate national code of practice. Those codes of practice are well set out and quite clear. They are referred to in the body of the report.

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Madam Speaker, it is with some pride that I table this report, which I believe will add to the environment of Canberra. It will help ensure that people in Canberra continue to live in the bush capital and that it will be a bush capital that we can be proud of. I would like to take this opportunity to thank other members of the committee, who worked hard, who had some meetings at rather unusual times and who, I believe, were particularly prepared, as is often the case in our committees, to make compromises, to listen to each other and to come up with a report that I think we can be proud of. I am certainly proud of it. Madam Speaker, I would also like to draw the Assembly's attention to the work done by the committee secretary, Mr Bill Symington, who as always has been outstanding in his efforts to ensure the smooth operation of the committee and the presentation of this report to the Assembly at this time.

MS ELLIS (3.57): Madam Speaker, at the tabling of this report there are a few points worth noting. As the chairman of the committee, Mr Moore, has said, this has been an extremely interesting and extremely challenging topic of great current interest, given our community's increasing awareness of environmental matters. In this case the issue is close to us rather than distant from us. As can be seen in the report, large numbers of people and organisations lodged submissions to the inquiry, appeared at public hearings and replied in writing to the earlier published discussion paper. I believe that the discussion paper process was an incredibly useful tool initiated by the chair of the committee. It opens up the potential for such a tool to be used again should the topic warrant it.

The discussions held with various people were at times fairly controversial. Questions such as those addressed in this report almost have to be controversial if we are to come to some decision and consensus. During our inquiry we had the opportunity to visit the Sherbrooke Shire in Victoria. The Sherbrooke Shire, as some members may be aware, is located in the Dandenong mountains. It is a forested tourist area. In a lot of ways it is not all that different from the ACT, given the proximity of national park and general park areas to urban areas. That is something that we understand very well because Namadgi National Park constitutes in excess of 50 per cent of the ACT, and we have very accessible park areas woven throughout our urban environment; hence the high level of interest in an inquiry such as this.

In passing, I pay tribute to the Parkcare groups that we came across during our inquiry. The work they do to combat invasive plants in our nature park areas is an enormous contribution to our amenity in this Territory. I do not think we could praise enough the volunteer work of these groups.

When we speak of feral animals and invasive plants, it could be very easy to assume that all we are really talking about is cats and pampas grass, but nothing could be further from the truth. I suggest very strongly that people need to read this report with an inquiring mind - rather than a closed one - and be ready for a learning process. We on the committee have only just begun that process ourselves. This whole topic gives plenty of room to develop an interest in, and a knowledge of, things beyond the apparent.

The recommendations are important and deserve careful consideration. Amongst the recommendations referred to by the chair of the committee is the controversial recommendation concerning cats. I would like to dwell on that for a moment. The comments outlined in this recommendation are

incredibly important. What we are really saying here is that to address the problem of stray cats in our environment we have to come up with an integrated reform package which comprises several elements. As outlined in the report, that package should include a cost-effective desexing program that is accessible, in economical terms, to all cat owners no matter what their socioeconomic position in our community. Along with that, we recommend the registration of cats and a community program to educate people in the responsibilities of owning a cat.

I personally do not believe that any one of those elements is going to work on its own; there must be a cohesive and coordinated approach. Should any government in the future consider adopting this sort of recommendation, it must be adopted with that broad approach. Probably the most important element is community education. The report recommends community education in a whole range of areas.

The desirability of confining cats within registered addresses at night came through very strongly during our visit to the Sherbrooke Shire. Research by the Sherbrooke Shire indicated that damage to mammals and birdlife by cats straying through bushland near urban areas tends to be done more in the evening hours than in the daylight hours. As a result, the Sherbrooke Shire brought in a by-law that people keep their cats in at night. They are to be commended on the way they operate that particular by-law. It is not policed in any overpowering or overbearing way. Rangers go out on receipt of a complaint or a notification from a resident and set very safe cage traps for the cat that they hope is the one that has been complained about. Should that cat be registered, it is returned to its owner safely. If such a regime were approached in a similar fashion here, it would be very constructive and cat owners would have nothing to fear.

When Mr Moore was speaking, Mr Humphries asked, "Do you own a dog?". Mr Moore was making the comment that registration of dogs is already in place. I think an important thing to consider here is that we are not really saying that we have to have a competition between dogs and cats in their registration by owners. Dogs are registered for specific purposes. We are suggesting that cats should be registered for specific purposes as well, not just because dogs are. There are a whole range of different reasons why we need to consider registration of cats. Protective cat owners - and I have spoken to many of them over the last few months - really should look at this constructively, rather than in fear, and see just exactly how simple it is and how they can participate should such a regime be put in place.

The last major comment I make, Madam Speaker, relates to education. In an ideal world, people who take on the ownership of a pet of any kind - be it a cat, a dog, a bird, a fish or whatever - accept responsibility to the animal, something the animal deserves, and responsibility to people around them. It is a double-edged sword, as far as I am concerned. My belief is that the first responsibility is to the pet. If you look after it properly, care for it properly and take responsibility for it, then there should probably be no intrusion on the lives of people around you. But the people around you have to be considered as well. The most important thing that any government can do is to spend some money, if necessary, on educating the community, from young children up, through a slow process over many years, so that people really understand what it is they are doing when they take that responsibility on. I hope that our comments in relation to education are taken as broadly as can be.

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I would like to pay tribute to everyone who has contributed to this inquiry - the people who wrote in, the people who had casual discussions with members of the committee and the people who appeared at the public hearings. I would like to thank, as the chair did, secretary Bill Symington. We had mountains of material to sift through. There were views put to us as different as black is from white, and we needed to plough through them and come down with recommendations and comments that hopefully are accepted by the broad majority of the community. I would also like to thank my fellow committee members. It has been a very interesting and very challenging inquiry. We can come up with this sort of product at the end only after going through a process of really working hard together as a team. As we have said many times here, yet again a committee has come up with a very good product after a lot of congenial work. This is an ideal way of proving that the work of MLAs is not merely measured by sitting days.

MR WESTENDE (4.07): Madam Speaker, what can I say? Our chair and Ms Ellis have already covered most of the points. To understand the problem, you have to read the whole report. It is a quite extensive report. Like Ms Ellis, I am particularly pleased that we could present a unanimous report and that there were no differences in the outcome that we all wanted to achieve.

However, there is a small area of the report which I believe is of significance - and I would like to talk about it, albeit briefly - and that is the awareness of the presence of feral cats in and around the ACT. The committee believes that there is enough evidence, in the form of depredation of native animals, that cats are efficient hunters and, if neglected, have the capacity to become feral. The report noted that the average female cat can produce at least two litters a year at any time and that, except for purebred and domestic cats whose movements are closely supervised, cats have the capacity to produce strays which become feral. With an estimated population of some 30,000 cats in the ACT able to produce as many as, say, 12 offspring a year, you can see the size of the problem that we could have. It is a problem sufficiently important to warrant some kind of legislation. The report, therefore, recommends that the Government legislate to register all cats, be they domestic or farm cats. Lower cost registration would be offered as an incentive to those cat owners who desex their cats, whether they be male or female. The report also recommends that there be provisions in the legislation for confining and impounding cats as well as a liability on owners for pounding fees.

The committee also found that it would be in the public interest to run information and awareness campaigns. Ms Ellis covered that matter quite eloquently. Those campaigns should target cat owners, pointing out the responsibilities of those owners to their pets. Mr Humphries has not asked me whether I own a dog. I do not own a dog, Mr Humphries, because I would not leave the dog alone at home during the day. I do not think that would be fair to the animal. I think we could well take a leaf out of this report, and those of us who have pets should at least know how to look after them.

I turn to feral plants. I believe that we can all contribute by removing invasive species from our own backyards. I must admit that I had about 15 cotoneasters in my garden and I have one left, so I have put my money where my mouth is and started to eradicate them.

Mr Humphries: When is the last one going?

MR WESTENDE: This coming winter. I have some parrots that like to eat the berries, and I am giving them one more chance. I also believe that as soon as possible the parks and gardens service should remove those invasive plants that have been allowed to flourish unchecked on road verges and public land. In this context - and I would like the Minister to listen - I mention that less than a year ago I observed new plants which I believed to be hawthorns being planted on the nature strip in Flinders Way, fronting the playground of the Canberra Grammar School. I know that there are a lot of other hawthorns, and those might have been replacing others that died. But should those hawthorns not be removed and a more friendly native species be planted in their place? Perhaps the Minister responsible would like to look into this matter.

The report goes on to make various recommendations about the dumping of waste and other refuse which might help the spread of invasive plants. It recommends that there should be consultation with nurseries, retailers, rural lessees and the Federal and New South Wales governments on various aspects of pest plant and animal control. It recommends the setting up of codes of practice for not stocking and selling those animals and plants which are identified as having a propensity and a potential to create pest animal and weed problems. The report also recommends weed control programs funded by the Federal Government. Mr Moore has adequately covered that already and suggested that we should seek funding.

Overall, I believe that the implementation of the committee's recommendations will enhance the quality of life in the ACT, not just for current generations but also for many generations to come. Like people before me, I would like to thank my fellow committee members, the chair, especially, and also Mr Symington for the work that he put into this report. I commend the report and its findings to this Assembly.

Debate (on motion by Mr Wood) adjourned.

GOVERNMENT'S PRIORITIES FOR 1994 AND AUTUMN LEGISLATION PROGRAM Ministerial Statement and Paper

Debate resumed from 22 February 1994, on motion by Ms Follett:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (4.14): I welcome this opportunity to debate the Government's priorities for 1994 and its legislative program. However, I do not propose to spend all the time available to me today in a fruitless examination of the Chief Minister's so-called priorities for 1994. I would also like to briefly outline the Opposition's legislative agenda, an agenda which stands in stark contrast to the ideas - or lack of ideas - coming from Ms Follett and her Government; an agenda which shows my party's intention to pursue open and accountable government that is more accessible to Canberrans.

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Firstly, let me deal with the rhetoric from the other side of the chamber. This Government's agenda is a clear signal to Canberrans that the Government proposes to achieve little, if any, reform in this pre-election year. The Chief Minister has made an art form out of avoiding difficult decisions, failing to embrace nationally acceptable reforms and really failing to bring her Government into the 1990s. Let me examine her so-called priorities and highlight the realities of life under her Government, a Government which has run out of ideas - that is, assuming that they ever had any - a Government which prefers to plod along with its "ideology first, management second" approach. Let us look first at her priorities. Ms Follett claims that she will produce a strategic plan for the aged. I am sure that Mr Kaine will say something about that. Let us hope that any plan will actually translate into action, because there has been very little movement at the station so far.

Mr Humphries: Yes, very little movement anywhere.

MRS CARNELL: That is right. Services for Canberra's elderly have been gradually eroded, and the Government has not made any real commitment, particularly in the area of home based care. We still do not have any real indication from the Health Minister about the future of Jindalee Nursing Home. Successive reports have recommended that Jindalee be sold and the funds be used to build modern aged care facilities. Recent statements from the Council on the Ageing have highlighted the need for more nursing home beds and greater attention to the level of care which is actually provided.

The Chief Minister has also conveniently ignored the need for a convalescent care facility. With decreasing lengths of stay - something that Mr Berry is very proud of - and grossly inadequate bed numbers in our hospitals, the demand for long-stay convalescent beds is critical; yet Ms Follett has said nothing of it. Ms Follett says that this year will also see help for young people with disabilities. Let us hope that this help includes a separate nursing home facility for young people and improved respite care; but, of course, we still do not know, because it was not mentioned in the statement.

Mr Wood: What about the revenue raising side of it?

MRS CARNELL: It was the Chief Minister herself, Mr Wood, who said that this was a year when she was going to make sure - her words - that we did something for young people with disabilities. Let us hope that it is something that they really need, such as a nursing home facility or desperately needed improved respite care.

I find the Chief Minister's remarks about unemployment, particularly youth unemployment, hard to swallow. To use her words, "The Government will not rest on its laurels".

Mr De Domenico: Huh!

MRS CARNELL: Yes, I would laugh too, Mr De Domenico. Laurels? You just have to be kidding! I think it is important to have a look at the facts. Between 1990 and 1993, the number of Canberra teenagers in full-time employment plummeted from 5,000 to 2,800. That is a drop of 40 per cent. The number of Canberrans receiving unemployment benefits jumped by 21 per cent last year alone. Across Australia there was an average increase of only 6 per cent. That compares with 21 per cent in the ACT. On these figures,

the Chief Minister's initiatives to provide jobs for the long-term unemployed simply have not worked. Our three major employment bases - that is, the public sector, construction and retailing - are all contracting in employment terms. Ms Follett simply has not come up with any answers to diversify and expand our jobs market.

The Chief Minister has pointed to - her words again - "a record of financial responsibility". This is from a government which intends to borrow at least \$220m over the next four years. Yes, we do have the lowest debt in Australia, but we have had self-government for only five years. It is very hard to compare. Now there are clear signs that Ms Follett intends to pursue heavy borrowings as her sole strategy to offset Commonwealth funding reductions. Remember that this is a government that told us in its last budget that it would raise \$49m more in taxes and charges but actually went ahead and spent \$56m more. How does the Chief Minister pursue efficiencies in the operations of Government departments? It is the old salami slicing approach; 2 per cent across the board in every department. That means that more efficient areas, such as some of the areas in Mr Connolly's portfolio, suffer because of Ministers who simply cannot cope in their own areas. Probably the best example of this is Mr Berry and ACT Health.

I was surprised to hear the Chief Minister claim that local business confidence is growing in the ACT. I am sure that she will not mind me telling the Assembly that private investment in the ACT declined by more than 7 per cent in the year leading up to the September quarter 1993.

Mr Humphries: She meant that it was growing smaller.

MRS CARNELL: Yes, growing smaller. I must have got it wrong. That is despite an increase in investment across the rest of Australia of 3 per cent. In the ACT investment has fallen by 7 per cent; in the rest of Australia it has increased by 3 per cent. Supposedly, that is a good result. If something was not good news - of course, that was not good news - it was not in Ms Follett's statement. Ms Follett did not put any of those things in her ministerial statement last week, just the good bits.

Ms Follett also touched on three shining examples of Labor's commitment to the people of Canberra - the Electoral (Amendment) Bill, definitely a shining example; the new public service, another shining example; and she even talked about ACT Health.

Mr De Domenico: The one that is nearly \$5m down in six months?

MRS CARNELL: That is right. It was nice to see Ms Follett's promise last week to implement the electoral system chosen by the people of the ACT, but that certainly was not the system she put before the Assembly last year. Ms Follett also turned her back on a golden opportunity to reform the public service as it moves towards official separation from the Commonwealth. One can only wonder what will be left of our public hospital system by the time Mr Berry has finished with it. Certainly, these are three shining examples of Ms Follett's Government. She spoke about a charter of patients' rights, which is only window-dressing when there are 3,688 people who cannot even get a bed and do not have any rights whatsoever.

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Mr De Domenico: But surgery is not about beds!

MRS CARNELL: And you do not need to get into a hospital, do you? But then, of course, you do not have rights. A *Canberra Times* editorial earlier this week about inadequate treatment for cancer sufferers said:

It is a sorry tale and it fits a pattern of health bungles in the ACT which end with the same bottom line: patients having to go interstate. A dispute with the visiting medical officers which should never have been allowed to boil over; idiotic biases against private clinics; an odd law on abortion; and delays in replacing radiology equipment are other examples.

Those are examples of a hopeless system. The person responsible for that is not even here. Obviously, Mr Berry is not interested.

Mr Kaine: There is hardly anybody here from the Government side.

MRS CARNELL: No, but I can understand that. This Government's appalling record on health is simply indefensible, and it was amazing to me that Ms Follett even thought of speaking about it in her statement last week. Madam Speaker, this agenda does not reflect well upon the Government.

Turning to the legislation program, the first thing you notice is the number of Bills which have appeared on previous legislative programs - 60 in all. Sixty of the Bills have actually been there before. I was fascinated to see in the first priority area for health that all of them, bar one, were first priorities on the last program.

Mr Humphries: It is an extra first now.

MRS CARNELL: A double first; but I think they were first the time before that, too, so they are triple firsts. At first I thought the Government must have produced the wrong paper. I thought there must have been a problem. But then I read on and thought, "This must be part of the Government's recycling initiatives. They are recycling Bills as well". There is some legislation that we as a party would welcome and some that we would need, obviously, to examine to decide whether we would support it or not. There are certainly bits of the legislative program that this side of the house will welcome.

As I noted earlier, the Opposition is totally committed to changing the culture of government in this Territory. Unlike the Chief Minister, we do not sit back and hope that everything will turn out all right, that maybe if you look the other way it will all go away. Our program contains real reforms, particularly in the area of government accountability, freedom of information and community participation in decision making. By the end of the year, Canberrans will know that there really is a clear alternative to this Labor Government. Our community referendum system will put real power back in the hands of Canberrans. Our changes to freedom of information laws will remove much of the secrecy with which the ACT Government seems to cloak itself - - -

Mr Berry: All you want to do is save yourselves some money. You are too miserable to pay.

MRS CARNELL: Something that Mr Berry would know nothing about because he thinks secrecy is appropriate.

Mr Humphries: I raise a point of order, Madam Speaker. The Chief Minister's speech on this matter, which was made last week, was heard in silence.

Mr Lamont: It was not.

Mr Humphries: It was heard in silence. The *Hansard* clearly shows that there were no interjections during her speech. I would ask that the same courtesy be extended to the Leader of the Opposition on this matter.

MADAM SPEAKER: Order! Continue, Mrs Carnell.

MRS CARNELL: Our whistleblowers Bill will afford real protection to employees who disclose corrupt conduct or examples of wastage in the public sector. We hope to bring forward other amendments to reform defamation laws, occupancy loading laws, the Poisons and Drugs Act, the Landlord and Tenant Act, and a range of other commonsense pieces of legislation. Madam Speaker, I look forward to seeing whether the Chief Minister can deliver on the rhetoric she pumped out last week. We are certainly looking forward to seeing jobs for our young people. We are looking forward to seeing a better deal for our elderly and for our youth, but we are not holding our breath.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.27): Mrs Carnell's speech was typically unbalanced. It was leaning all one way, and it was a pretty bad direction in any event. It was, like many other speeches, one long whinge - carping, criticising and very cynical. It was populism in the extreme. Like the speech she delivered last year in response to the Chief Minister's budget, it picks on lots of areas where more money should be spent. But nowhere does she indicate where the revenue is coming from.

Mr Kaine: That is the Treasurer's job. This is the Treasurer's statement we are commenting on.

MR WOOD: This speech she made needs that balance. If the Leader of the Opposition wants to be taken seriously, she has to come up with serious propositions. We cannot have endlessly "Spend money", with no reference to the revenue for it. Indeed, in the speech on the budget and on other occasions she said that we should tax less. There is a very big gap in what she is providing.

Mr Kaine interjected a minute ago. I would pay Mr Kaine a compliment. When he was Chief Minister and then when he was Leader of the Opposition he was much more honest and up front with the ACT community. He did tell people, quite often, that something could not happen because the money was not there. Since Mrs Carnell has come into the job and we have a new strategy, new surveys, new advice - perhaps it is the same advice, but it has been taken up differently - the strategy has changed to: Say nothing hard, say everything easy. I think Mrs Carnell, and her party with her, will always be subject to criticism about where it is coming from. If she wants to be a serious contender in the election stakes next year, this community will demand to see how she is going to fund what she intends to do.

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Mr Humphries: Do not worry about that.

MR WOOD: That is typically your approach, of course. You will set out to fudge everything over and to say as little definitive as possible. Madam Speaker, the Chief Minister's address last week gives me the opportunity to elaborate - - -

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to be put forthwith without debate.

Question resolved in the negative.

GOVERNMENT'S PRIORITIES FOR 1994 AND AUTUMN LEGISLATION PROGRAM Ministerial Statement and Paper

Debate resumed.

MR WOOD: I will provide a little elaboration on the comments the Chief Minister made last week, and I will refer particularly to the Department of the Environment, Land and Planning. I will have something further to say about education at another time. We have a very clear direction in the way we are going. We are maintaining Canberra as the bush capital, as a prosperous and attractive city, and what we do will enhance our environment. At the same time, there will be further growth in the city - that is inevitable - in the suburban as well as the town areas. It will be a great place in which to live, as it has always been, with its population now at about 300,000, and it will become an even more diverse and vital city.

To demonstrate what I have said, I mention two steps we have taken recently. Yesterday I announced a draft variation, which will come into this Assembly in due course, to extend very significantly the boundaries of Mulligan's Flat. The Territory Plan showed quite significant areas there proposed for residential development, and we have changed that. We did so because we believed that that was an area of great importance. At the same time, probably passing through the Assembly this week, depending on what happens tomorrow, is the North Watson development, which is again a very useful use of the ACT's resources.

I point out that we are committed to the planned development of Civic as well as of the town, group and local centres. We believe that Civic must remain as the prime centre of Canberra, but it is not to be the only centre of Canberra. The Territory Plan, as members may know, restricts the proportion of the work force in Civic to 20 per cent of the total ACT work force. That enables us to

continue the policy of dispersed development while still giving Civic the capacity to grow, but within that restriction. This year we will see the release of a site on section 52 for a hotel or some form of residential or short-stay use. As well, the ANZ site on the corner at Ainslie Avenue is likely to be redeveloped for predominantly residential use, though the ground floor will certainly be commercial. I indicated in response to a question last week that there are three different studies going on into the way Civic might progress. I think the impact of all that will be that Civic will grow, within that restriction, into a very vital, vibrant heart of Canberra.

The Government is also committed to ensuring that the residents of new areas have access to a high standard of social and community facilities. This is exemplified by the Government's approach to the development of the Gungahlin Town Centre and to the school and community facilities in new areas of Gungahlin. We have involved the community in the planning for the Gungahlin Town Centre, as was evidenced through the innovative planning workshops and now the release of the Gungahlin Town Centre discussion paper. A number of proposals for joint facilities are being explored in Gungahlin, including emergency services and education and library facilities. A current proposal involves a preschool, child-care centre and community house, co-located with the primary school, which in turn is likely to share some facilities with a non-government school. These joint facilities will lead to savings in land, capital and operating costs.

I mentioned earlier our policy on urban renewal. We have carefully examined the advantages of increasing residential densities, particularly in central Canberra, and utilising vacant land within or adjacent to existing suburbs. The policies contained in the Territory Plan, and anticipated variations to the plan for North Watson and Richardson section 450, will allow development in and adjacent to existing suburbs that reduces the need for new capital works and assists in the regeneration of existing areas, including the provision of wider housing choices, and more efficient use of vacant land and existing infrastructure and services. In addition, benefits in the form of decreased metropolitan vehicle emissions and associated air pollution and reduced pressure on fringe development with more compact housing development will emerge. The Government in 1994 will continue to work to improve the development of increased residential densities and to develop, in conjunction with the building industry, demonstration projects that will assist better community understanding of the advantages of this form of housing.

I want to say something about joint ventures. During 1994, as a further step towards the resumption of public sector land development by the Government, the Government will expand its participation in land development through joint ventures. Last year, joint venture agreements were concluded with two companies to develop the first stages of the new Belconnen suburb of Dunlop. Also, the Government is continuing its successful relationship with the Housing Industry Association of the ACT and the Master Builders Association by jointly developing two new estates in Ngunnawal. The Government is committed to developing, with its joint venture partners, quality and efficient estates which will meet the high standards expected by the ACT community. Land from these estates will cater for all sectors of the market, but we will ensure that, in particular, sufficient affordable land prices are contained.

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The Government is participating in a major construction project, Harcourt Hill tourist development in Gungahlin. The development, with an estimated cost of \$75m, will comprise a quality residential estate of some 1,500 blocks, a championship golf course and associated country club, as well as convention facilities and a site for a three-and-a-half- to four-star hotel. (*Extension of time granted*) The development of these facilities for local, interstate and international visitors will enhance Canberra's reputation as a tourist destination. The project will contribute to the Territory's economic growth through the creation of up to 200 jobs during the construction phase and another 200 when facilities are completed, and through revenues, with around \$40m expected to flow to the Territory from the project between 1994 and 1998.

I have also been working with another arm of my department to develop the ACT environment strategy, which will provide a framework for the review and revision of appropriate strategies and legislation needed for effective environmental management. This will set the direction for achieving the preferred environmental future for the ACT to 2020. A draft version of this strategy is currently out for community consultation, and comments received will be used in developing a final strategy. We will also work on the ACT environment education strategy, which will link the issues identified in the ACT environment strategy. The environment education strategy will focus on education as a lifelong process and will encourage environmental awareness, understanding, values and action. Integrated environment protection legislation is being developed to replace the existing separate Acts covering such issues as air, water, noise, pesticides and ozone protection. A public discussion paper on broad principles for the new legislation is currently out and further opportunities for community consultation will be provided as the legislation is developed.

We are also paying very careful attention to water issues and to water quality. Improving water quality is another major concern for government in 1994. Efforts will focus particularly on working with the community to address water quality issues. Actions include involving the community in water quality monitoring through the ACT Waterwatch program; working with the community to prevent and manage major outbreaks of blue-green algae by implementing the ACT algal action plan; encouraging the building industry to minimise water pollution during residential building development; and participating in the Cooperative Research Centre on Freshwater Ecology, which will develop a better understanding of freshwater systems and establish sustainable management strategies. We will be in a better position to assess our performance in environmental management issues later this year. Following the Government's creation of Australia's first statutory Commissioner for the Environment and the appointment of Dr Joe Baker as inaugural commissioner, his first state of the environment report will be provided to me later this year for tabling and discussion in the Assembly.

Madam Speaker, these are a few of the significant matters that are before me as Minister for the Environment, Land and Planning. They indicate that we are very clearly focused on what is to occur in Canberra this year in line with the way Canberra ought to develop into the longer term. We are determined to see that the city of Canberra remains environmentally the very best city in Australia. We are not just going to keep it that way; we are actually moving to make it better and better.

MR WESTENDE (4.41): Madam Speaker, I will not have one long whinge, as the Minister just - -
-

Mr Wood: You are going to tell us where the taxes are coming from, are you?

MR WESTENDE: I am going to tell you very many ways you can do things. What is more, I have proved in an organisation I belong to that you can do things if you try. Let us begin with the Chief Minister. On page 4 of her speech she said:

A key component in building our future is the tourism sector.

I am a great believer in tourism and I use every opportunity, both here and when I go overseas, to promote this city. Like you, I happen to believe that this is one of the fairest cities in the world to live in, one of the most beautiful cities. I have no problem in doing that, because it is easy to be enthusiastic when you believe in something. As they say, knowledge is enthusiasm on fire. You might use that in some of your education, Mr Minister. It costs nothing.

I commend the Chief Minister on her mention of the Autumnfest. We have some great tourist attractions in this town. We have Floriade, and this year the Minister will receive some support for Floriade from an area I have some control over. We are not just talking about where the money is coming from; we are going to contribute some.

Mr Wood: Acknowledged.

MR WESTENDE: Okay. Is it just possible that we could learn something from other places? For instance, I have just been to the Northern Territory on a private visit, and whilst I was there I talked to the Northern Territory Tourism Commission. I have spoken to very many tourism commissions, including our own, and most of them are market driven. In the Northern Territory they have tried something new. They were previously market driven and it did not get them very far. They said, "Let us find out what people want. Let us find out what we have. Let us produce a discussion paper and, instead of being market driven, let us be research driven". That is the sort of thing we could do in this town. I am not saying that we have all the answers; but at least if we found out what are the best things we have, what people who visit this town want to do, that would be a start.

The Chief Minister also mentioned her trip to Japan. I commend the Chief Minister for trying to attract more tourists from Japan, but Japanese tourism is almost entirely linked to access through an international airport.

Mr Berry: Who was it that you sacked for saying that the Chief Minister's trip was a good idea? John Louttit agreed with this once, and he got the sack for saying that.

Mr De Domenico: Who sacked John Louttit?

MR WESTENDE: John Louttit moved of his own accord, Mr Minister. We live in a democracy and people can resign if they want to. Let us just for one minute think of one thing. We have just established that in order to attract Japanese tourism we need an international airport. The Minister is going to ask me again where the money is going to come from. Let us be a little innovative.

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Instead of subsidising a local transport system to the tune of \$50m or \$60m a year, maybe we could find a way whereby people would be prepared to pay a bit more to use transport. If we did not have to subsidise it to the same extent, then just maybe, if we had an imaginative government, we could use some of that money to provide an international airport. That would create jobs, it would enhance this city even more, and it would allow us to target international tourism.

As we all know, international tourism could be enhanced by having a better and more vibrant business community. Mr Minister, I am not whingeing. If you have a vibrant business community they can pay taxes. Taxes come only from profitable businesses. A business that loses money does not pay taxes. So what do we do? We are building a new Assembly and we are giving the joinery to a Melbourne firm. On checking with Confact, there are at least eight local joiners that would be capable of doing the job, but they were not asked. The eight do not include an organisation I have something to do with. If we are serious and we want to create money, does not charity begin at home? Should we not look after our own first? Having said that, business does not expect charity; business only wants opportunities. The charity comes after that. Business will be able to be charitable and pay taxes if they are given an opportunity.

Mr Berry: There were a number who were given an opportunity and some who could not measure up. There were none who could deliver over the Christmas period.

MR WESTENDE: There were at least eight organisations that I know of - - -

Mr Berry: But they could not deliver over Christmas.

MR WESTENDE: Just a minute. Those eight people were not asked.

Mr Berry: They were not up to it.

MR WESTENDE: They were good enough to build on the hill. Anyhow, I am saying to you, irrespective of the interjections, that charity begins at home. If you give business the opportunity, they will contribute to your coffers. All they want is the opportunity to quote. They want the opportunity to participate, and they want the opportunity to prove that they are competitive. How can you prove your competitiveness if you are not even asked to quote? We have had a tender board for 15 months, but we have one person on the tender board. I have heard the Minister for Urban Services say that they have no money. Has it ever occurred to the Minister to ask the business community to provide another person? I know some businesses that would contribute to that. But no, that is too innovative; that is too daring. It cannot be done. But it happens in other places. Then maybe we would have two people on the tender board and maybe we would send out some local tenders.

Mr Minister, the only way you are going to get money into your coffers is to get the money where it is made, and that is in productive industries. We know that we have very good public servants and they are hard workers, but they do not actually produce anything. The money you are going to get comes from productive industries. That will allow you to give local employment. Interstate companies do not provide local employment.

Mr Cornwell: Yes, and they do not pay taxes.

MR WESTENDE: They do not pay local taxes. What we want is not words, but actions. The Chief Minister talks on page 5 about business and having to go overseas, as follows:

I believe that local business confidence is growing and the time is right to market the ACT aggressively in ... international markets.

One of our problems is that we cannot be competitive on international markets because we have such a small home market. In the ACT especially we have a very small home market. Why not give those businesses an opportunity to expand, an opportunity to grow? You will find that that will create the money you need to give to other causes.

MR KAINE (4.51): Every time I read one of these statements by the Chief Minister, and over the last three years she has made a number of them, it takes me back 20 or more years to when I was in the service. There were two people who were well known in those days. One was an airman who was called Gunner because he was always "gunner" do something but he never actually got around to it. The other one was a senior officer who was called Robinson Crusoe because he was going to do everything by Friday. At least he was usually only a week away from his target; the Chief Minister in these statements is years away.

I do not have to go any further than her statement here about the problems of the ageing. The Chief Minister says that they are placing a high priority on caring for the aged this year. They placed a high priority on caring for them last year and the year before that. What have they done? Absolutely nothing. What are they going to do in 1994? They say, "We are going to closely examine our role. We are going to investigate issues of concern. We are going to develop strategies. We are going to review our policy framework". So we are going to examine, we are going to investigate, we are going to strategise and we are going to review. Nowhere here does the Chief Minister say that she is going to do anything in 1994, and, of course, she does not intend to.

When you start talking about examining and investigating and reviewing and the like, the Chief Minister already has the advantage of two comprehensive reports from this Assembly's committees over the last three years which comprehensively spell out the needs of the ageing. She has had, of recent date, a detailed budget submission from the Council on the Ageing that again spells out in very great detail the things the Government should be doing to satisfy those needs. They have already defined the needs of the ageing. They do not need to examine and strategise and investigate and review. They know what the needs are and they have told the Government what they are. We do not see any of that here.

When does the Government intend to do something about Jindalee? When does the Government intend to do something to get those 40 disabled and handicapped young people out of aged people's hostels so that 40 aged people can get into hostels that were designed for them in the first place? When does the Government intend to do something about a convalescent unit so that ageing people who have to leave hospital and have nowhere else to go can recover before they are thrown out on the street?

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Finally, when does the Government intend to do something for those people who are struggling to continue in their own homes and who cannot even get support under the HACC program? Why can they not get support? Because this Government refuses to take Commonwealth money that is available to them, because they will not put up the dollar for dollar money that they are obliged to put up to get it. In fact, last year they did not take advantage of a considerable amount of money that was available to us under the HACC program because they simply would not budget from their own resources the limited amount of dollars that were required to get it. The home and community care program in this Territory at the moment is frozen at the levels that were applying in 1991-92. This is the Government that is concerned about and gives high priority to caring for the ageing. They are going to develop a social justice budget this year. Those ageing people who are waiting for all of these facilities that the Government is going to examine, review and strategise about must really be impressed about the you beaut social justice budget we are going to get.

We can tie this Government's promises, or lack of them, and lack of any commitment whatsoever to the ageing, to the concern of the Minister for Health and the Chief Minister for a charter of patients' rights. The Minister might be interested to know that this afternoon one of the 3,688 people who have been on the waiting list to get into the hospital for an operation has finally made it into the hospital. No, she has not made it into the hospital yet, because at 4.00 o'clock this afternoon she was still waiting for an ambulance, which they asked for and which was expected at 1.00 pm. So this woman, who has waited for months for surgery to relieve very severe pain that has been debilitating her, finally gets to the point where she can be admitted to the hospital. She finally gets a bed allocated to her and her surgeon finally gets a place on the operating schedule, and this Minister's ambulance cannot even pick her up and get her to the hospital so that she can go through the pre-op. We sure need a charter of patients' rights, all right, and we sure need a social justice budget.

I would like to see the Chief Minister put her money where her mouth is and deliver some of it, because it sure is not being delivered right now. I think the Government's performance on the ageing and in health is absolutely scandalous. We get more words: "We are going to examine; we are going to investigate; we are going to review". Some help! There are hundreds of thousands of people out there waiting for the Government to do something. A year from now there is an election day, and the Government will find out that people will be voting on these issues.

When the Chief Minister finished telling us that she was going to examine, investigate, strategise and review the ageing, as though she had actually done something, the very next statement was this:

The Government will also continue to improve services for young people.

The implication is that she has already fixed the old ones, so now we are going to get on with the young ones. The question is the same: What has she done? What has this Government done for youth?

Mr De Domenico: She has increased the unemployment queue.

MR Kaine: And we still have lots of young homeless people out there. We have all sorts of disadvantaged young people. We have people who cannot get into our TAFE system. They cannot continue their education and they cannot get a job, but we are going to continue to improve services for them. Which services and for whom? This Government is full of talk. The Chief Minister then says:

... the Government will not rest on its laurels.

I do not know where the laurels are that they could possibly rest on. They do not have any.

I make a couple of other minor points. The Chief Minister, in her usual disparaging way - Mr Berry gets on his high horse whenever we criticise anyone on that side of the house - talked about a number of Government initiatives that the Canberra Business Council has congratulated them upon, including development in the North Watson area, about which she then goes on and says, "which the Opposition has tried to delay". That is an outright lie. The Opposition has not tried to - - -

Mr Berry: Madam Speaker, Mr Kaine ought to be ordered to withdraw that. He accused the Chief Minister of lying.

MADAM SPEAKER: Yes, Mr Kaine.

MR Kaine: I withdraw that, Madam Speaker. But in fact it is not true to say that the Opposition has tried to delay anything; the Opposition has not done that. What the Opposition has done is to support the community, who have major difficulties with what was being proposed up there. But the Government is not interested in that. If they cannot bulldoze and roll the thing over the community, if the Opposition interposes itself between the Government's steamroller and the rights of the people out there, we are delaying.

Mr Berry: It was a shallow stunt. That is all it was.

MR Kaine: You are shallow and you are a stunt. It is simply untrue to assert that the Opposition has tried to delay anything. The Minister for the Environment, Land and Planning knows darned well - and I am one of the people who have been criticised here by the Chief Minister - that I am totally supportive of the development there. I have gone to great lengths to make sure that it goes ahead, but goes ahead with the full understanding and knowledge of the community. Even though they may not always like the outcome, at least they understand what the Government proposes to do. In fact, I am helping the Government by making sure that they do understand it. And for that I am told by the Chief Minister that I am delaying. It is not true and it is not reasonable.

The Chief Minister talks about our public service, saying that it is obviously a key to the effective delivery of all these services. Last May the Chief Minister told us that she expected the Assembly to pass the legislation by the end of February this year. February has been and gone and we have not even seen the legislation.

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Mr De Domenico: But the PSU has.

MR KAINE: The Public Sector Union has and a number of other people have. How do we know that what the Chief Minister is proposing will generate a public service that does all the things she talks about here, one that has clear values and standards and the like? We have nobody's word for it but hers at the moment. Everybody else in the world seems to know about this. The Public Sector Union and the Trades and Labour Council all know what the Government is proposing, but it is not proper for this Assembly to be informed. It is inappropriate that we be told. The debate has to take place in this Assembly, so I hope the Chief Minister changes her mind at some time in the near future. Finally, we are told:

There will be no froth and bubble, none of the empty effervescence and populist politics that we have come to expect from the Opposition.

This is nothing but populism. It talks about all the good stuff the Government is "gunner" do, maybe by Friday, but which it has not delivered on in the last three years.

MR HUMPHRIES (5.01): Madam Speaker, I must say that I share the view of Mr Kaine and Mrs Carnell about the incredible shallowness of the statement we heard the other day from the Chief Minister. I could have written the statement myself. It is so familiar to us - all the familiar shibboleths and platitudes about being concerned about the elderly, concerned about the young, concerned about the jobless and people from non-English-speaking backgrounds, concerned about the environment, concerned about people in multicultural situations. The question really has to be asked whether the concern of Ms Follett or her Government about any of these matters is translating itself into action which any of those people can feel confident is helping them.

Mrs Carnell referred to the problem of the young jobless in this community. That is a problem which has become much worse in the days since this Government resumed office about two-and-a-half years ago. Between 1990 and 1993, the number of Canberra teenagers in full-time employment dropped from 5,000 to 2,800, a drop of 40 per cent in the space of just three years. I do not think those people are going to think that things are getting better for them. That is a great program! Tremendous progress is being made there! I bet Ms Follett thinks those are wonderful achievements. The number of Canberrans receiving unemployment benefits has jumped by 21 per cent in the last year alone, compared with an average increase across Australia of just 6 per cent for the same time.

This Government trades on the strong financial position it inherited when it took office - and I do not mean just from the Alliance Government; I mean from years of strong, careful decision making by successive governments. This Government is trading on that; but at the same time it is eroding that strong base, and the future of the ACT is very much gloomier than was the case before.

Mr Wood: What is our credit rating at the moment, Mr Humphries?

MR HUMPHRIES: Borrowings are getting higher. I do not think borrowings are going to make any difference, at the end of the day, to what sort of credit rating you have; but they will make a very important difference to the future prospects - - -

Mr Kaine: The more you borrow the better credit rating you have.

MR HUMPHRIES: You can borrow and get a better credit rating; that is right. You can get AAAA, if you are really lucky. The fact of life, though, is that this Government is borrowing more than all the governments that have gone before it put together, and you are making decisions that will come back to haunt us in the future.

Ms Follett made few references to some of the really important issues facing the Territory at the present time, like the crisis in our health system. That situation was glibly overlooked or passed by very fleetingly by Ms Follett in her statement. There are few areas in Government administration in the ACT today which have more popular concern being expressed about them than the administration of the health system. How the Government's legislative program and plans for the coming six months can ignore the crisis in our health system is a mystery to me.

Mr Berry in his statement earlier today in question time, and it was a statement, made some assertion about people being very happy with what is going on in health at the present time. "Things are getting so much better now", says Mr Berry. That statement - "Things are getting better; people are happy" - will go down in history with statements like, "Let them eat cake", indicating the utter unreality, the utter disconnection between the person making the statement and the truth of what is going on in the community around them.

Mr Berry should come down and listen to some of the things that are being said on the phone-in line Mrs Carnell has set up, listen to what people, both consumers and workers within the hospital system, are saying about the problems facing our hospital system today. It is absolutely and utterly disgraceful. How this Minister manages to get up every day and look in the mirror and then come to work, knowing what is going on in the health system, is a complete mystery to me.

He uses phrases like, "We do not treat beds; we treat people". That phrase rings a bell. I thought, "Where have I heard a phrase like that before?", and then it hit me. It sounds very much like that phrase used by the gun lobby: "Guns do not kill people; people kill people". Exactly the same logic is used in the phrase, "We do not treat beds; we treat people". Of course, beds are extremely important. Waiting lists are an important indicator. They were important to the Minister when he was in opposition, but somehow they seem to have been overlooked now that he is back in government.

The Government makes fleeting reference to the Electoral (Amendment) Bill. Ms Follett has the gall to say:

... an important focus this year is the implementation of the electoral system chosen by the people of the ACT.

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You can almost hear the teeth gnashing as that phrase "the system chosen by the people of Canberra" is uttered. This Government hates the system chosen by the people of Canberra. This Government would love to dump the system chosen by the people of Canberra, and actually tried to do that not two months ago. Fortunately for the people of this Territory, they did not get away with that, and they will not in the future.

We have not seen the public sector Bill yet, as Mr Kaine pointed out. That is a crucial piece of legislation that was promised to be in place by February this year. What did Ms Follett, or somebody else in her Government, say at the time? They said, "The Liberals are going to try to delay this matter; the Liberals are going to try to block this important piece of legislation". We do not need to. You are doing a good job by yourselves. I am concerned about more important issues than the shallow references made by the Chief Minister in her statement last week. I am concerned about the real issues - the quality of our health system, the future job prospects for young people in this city, and the fundamental strength of our economic basis in the Territory. Those are matters given scant regard by this Government, and that is shameful.

There are a couple of things about this statement which I think are actually worth congratulating the Government for, perhaps giving them a few laurels they can rest on in the future. I note that for the first time the list of Bills coming before the Assembly contains details of what the Bills are about. In previous years there have been broad references such as "amendment to the Crimes Act" or "amendment to the Public Health Act". That is practically useless; we do not know exactly what that means. It is good that we can see what the Government is talking about. It might limit their capacity to repeat these suggestions in future years, as they have been prone to do in the past.

I note that first priority is given to the mutual recognition Bills for various health professionals. I also note that that has been a first priority, or a high priority, for at least three years. Goodness knows how it can remain a high priority and not actually get done.

Mr Kaine: They should have a look at the ones that are down at priority five.

MR HUMPHRIES: Goodness knows what the bottom of the rung manages to get. We will probably reach them by about the year 2000. Nonetheless, despite the fact that we have a nice description here, the sense of *deja vu* is rather overpowering. I hope that we will not have to see 61 of these 107 Bills repeated in next session's program, as we have for this session.

There are a few Bills that, I have to say, I welcome seeing on this program. The Native Title Bill is, of course, a very important piece of legislation. It is a piece of legislation which, I note, we called for following the concern expressed about the Mabo decision at least six months ago and which Ms Follett and her Government, Mr Connolly in particular, denied was necessary. They said that there was no need for such legislation to occur.

Ms Follett: That is not true.

MR HUMPHRIES: I said that we needed legislation to validate existing titles. Ms Follett said that I was scaremongering.

Ms Follett: I said that whatever action was needed would be taken.

MR HUMPHRIES: If she can explain to me the difference between her position now and my position then, I would be very happy to hear it.

Ms Follett: I was right.

MR HUMPHRIES: But I said the same thing. So if you are right, I must be right too, Ms Follett. Perhaps you can explain it to me at some stage. My simple mind cannot comprehend the difference between these two subtle positions. I also welcome the Referendum (Machinery Provisions) Bill, which is referred to in the Chief Minister's program. That, I hope, will be of great importance to the people of the Territory in the future as we come to rely more directly on the people's wishes in respect of some of the matters I think they would like to express a view on, particularly today with things like our Electoral (Amendment) Bill.

I also welcome the Public Sector Management Bill. The proclaimed places legislation is an important piece of legislation that is well overdue. The transfer of the University of Canberra to the jurisdiction of the ACT is also much sought after. The Domestic Relationships Bill and the Evidence (Closed-Circuit Television) (Amendment) Bill will also bring some needed reforms to the ACT's legislative framework. That, however, does not make a summer, and I regret that there are not more good things in this program to look forward to.

MR TEMPORARY DEPUTY SPEAKER (Mr Westende): I call the Deputy Chief Minister.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.12): Thank you, Mr Deputy Speaker, or Mr Acting Deputy Speaker, or something like that.

Mr Moore: For how long have you been here? Five years?

Mr Humphries: He is a fast learner.

MR BERRY: It is irrelevant, but I am sure that the decisions will be impartial.

Mr Moore: I take a point of order, Mr Temporary Deputy Speaker.

MR BERRY: It is irrelevant because I know that the decisions will be impartial.

Mr Moore: I withdraw my point of order.

MR BERRY: I must say that I was deeply concerned about some of the whining I heard from the Liberals about the Government's performance, in health in particular. But it is not uncommon; it is merely an echo of the past. The lie that is being told about the performance of our hospital - - -

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Mr Humphries: Mr Temporary Deputy Speaker, Mr Berry was very quick to ask that the term "lie" be withdrawn in respect of his Government before, and I would ask that that word be similarly withdrawn by him at this point.

MR BERRY: None was directed at any of you people.

Mr Humphries: You have to withdraw it.

MR BERRY: If it was directed at an individual - - -

Mr Humphries: Come on; just withdraw, Wayne, and stop making a fuss.

MR BERRY: It was not directed at any of those, so I do not think it is relevant.

Mr De Domenico: Just withdraw it. Say, "I withdraw".

Mr Humphries: It is not hard. Come on. Mr Kaine withdrew without hesitation.

MR BERRY: There is no imputation against the members opposite.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Berry. That is all we want to hear.

MR BERRY: The lie that has been told about the performance of health outside this house - - -

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I must warn you.

Mr Humphries: Mr Temporary Deputy Speaker, that is clearly a reference to Opposition members telling lies. I would ask that it be withdrawn.

MR BERRY: A guilty conscience, I think. I made no imputations against the members opposite, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Would you make life a bit - - -

Mr De Domenico: On that point of order, Mr Temporary Deputy Speaker: Could you please tell Mr Berry or instruct Mr Berry that he needs to say, "I withdraw".

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I am sure that you would not want to upset the house.

MR BERRY: There are no imputations against the members opposite, Mr Temporary Deputy Speaker, and I make no imputation that either of them is lying.

MR TEMPORARY DEPUTY SPEAKER: Thank you.

MR BERRY: Fulminate though you might, Mr De Domenico, the facts of the matter are that there are lies being told outside this chamber about the performance of the health system.

Mr Humphries: Mr Temporary Deputy Speaker, Mr Berry clearly is flouting the suggestion you made to him, and I would ask that you direct him to withdraw the statement.

MR BERRY: No, I am not. I am talking about outside this chamber. Surely one is allowed to describe events which occur outside this chamber. I have not named anybody in respect of it and I do not see that there is any imputation that they can object to in that, Mr Temporary Deputy Speaker.

Mr Humphries: Stop telling lies, Wayne. It is as simple as that.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, it would help the debate if - - -

Ms Follett: I take a point of order, Mr Temporary Deputy Speaker. Mr Humphries made an audible interjection, "Stop telling lies, Wayne", and I think that ought to be withdrawn. It is completely the opposite situation and it ought to be withdrawn.

MR BERRY: That is the contrast.

MR TEMPORARY DEPUTY SPEAKER: Maybe it would help if Mr Berry would withdraw first, and then I will ask Mr - - -

MR BERRY: There has been no imputation made in relation to members opposite, Mr Temporary Deputy Speaker.

Mr De Domenico: And will you withdraw?

MR BERRY: There is nothing to withdraw. I have made no imputation.

Mr Humphries: I am not withdrawing, in that case.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, it would help the proceedings if you would just say that you withdraw.

MR BERRY: I am not going to. Mr Temporary Deputy Speaker, there is no imputation against the members opposite, but I withdraw.

Mr Humphries: Good.

MR TEMPORARY DEPUTY SPEAKER: Good.

Ms Follett: Mr Temporary Deputy Speaker - - -

MR TEMPORARY DEPUTY SPEAKER: Yes, I did ask Mr Humphries to withdraw.

Mr Humphries: I also withdrew.

MR TEMPORARY DEPUTY SPEAKER: Thank you.

MR BERRY: The untruths that have been told outside this place about - - -

Mr Humphries: Oh, Mr Temporary Deputy Speaker, come on!

MR BERRY: Okay; I withdraw. The inaccurate information that has been provided to the community outside this place by the Leader of the Opposition, Madam Speaker - it will not work with that one - - -

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Mr De Domenico: I take a point of order, Madam Speaker.

MR BERRY: I withdraw that. You are really fulminating. The top is going to blow right off shortly. The Leader of the Opposition has tried to create the impression that there is something wrong with the health system which has caused a crisis. Of course, that is not true. It is completely untrue and it is something that she cannot be allowed to get away with. I think the community are a awake-up to it.

Mr Humphries: You have been exposed, Wayne. You have to admit that.

MR BERRY: Mr Humphries now knows that his short period as Health Minister created a whole heap of problems for the health system. He now knows that we are doing much better. Last year we treated 50,500 people - something that he could never aspire to. (*Quorum formed*) There has been an across-the-board improvement in the operation of health in the ACT since Labor took office. There is no question about that.

Mr Humphries: What about the bed numbers?

MR BERRY: Mr Humphries screeches bed numbers again - an echo of Mrs Carnell. We do not treat beds. That should have sunk in by now. We treat people, and we are treating more of them. The outcome is that 50,500 people have been treated. That was never done in the past. There were over 400,000 occasions of service in outpatients. This is all great news about health in the ACT.

The ACT Labor Government made the decision about the clinical school. That was a great step forward and it will further improve the quality of care, which we have already improved, here in the ACT. The recruitment of academics and salaried specialists will continue. This is all good for public health care in the ACT and it will strengthen the public system. Of course, the Liberals want to tear it down. They have always wanted to tear down a strong public system. They see the public health system as a health system for the poor, not one for the broader community. They have been exposed on a number of occasions in relation to that and they have lost, and they ought to know it by now.

In relation to legislation, those health occupations amendments will come through this year, as well as the proclaimed places Bill which was an election promise by Labor before it came into office and is something that we take seriously. The Tobacco Act will be reviewed this year with a view to strengthening it because of some shortfalls that have been discovered. That is all important news in terms of providing better health care and better health out there in the community. We get no help from the Liberals on that score. We get the Liberals falling into line with the tobacco companies, and even promoting the consumption of tobacco with their silly notion that ventilation systems are a good outcome out there in public places. That is silly. They want to encourage people to smoke.

Mr Humphries: Let us face it; you have been outflanked.

MR BERRY: Mr Humphries says, "You have been outflanked". It is all a game to Mr Humphries. What we think about in the Labor Party is the quality of life and the health of the community. That is why we are concerned about these particular issues.

Mr Moore: What you think about in the Labor Party is preselection and getting elected.

MR BERRY: I hear a chuckle from Mr Moore, too. They are all in deep trouble over this, and they are still stinging. I am sorry about that, but it is true. In sport, we have done well again. I need to mention only the high participation rates, of both men and women, in the ACT. We are the highest in the land. I think the Labor Government can take some credit for that because of our commitment to sport; because of our recognition of the social worth of sport and our continuing commitment to it. So, across the board, in my portfolios, as in other portfolios, there has been a solid approach in the past. There will continue to be a solid approach in the future, and that is what aggravates the Liberals opposite most.

MR DE DOMENICO (5.22): Madam Speaker, we have just listened to Mr Berry and I think that the most significant thing I can remember him saying was, "They have lost and they ought to know it by now". Perhaps I can show Mr Berry who has lost. I will tell you who is losing, Mr Berry, through you, Madam Speaker - the 3,800 people on the list waiting to get into hospital. They believe that they are losing. Much was said about how wonderful everything is; that everyone is feeling better now. "I am all right now", says Mr Berry about his health department. Mr Berry, if you are all right, with a \$4.9m blow-out in six months, I would hate to see what would happen if you were not all right. That is something that we can expect from this Minister because he has never been on budget yet and, dare I say it, he never will be on budget.

Mr Kaine commented on a statement made by Ms Follett. At the top of page 4 she said:

They have also supported a number of Government initiatives, including development in the North Watson area, which the Opposition has tried to delay.

Ms Follett knows that that is not true. She said it, knowing that it was not true; so I leave people to work out in their own way why she said it. As Mr Kaine said, it is not going to be delayed one minute. The variation was introduced into this house and it was approved, subject to the economic study which has now been produced. After sitting in this house for the allowable period, it will be debated tomorrow, as it would have been debated had the economic report not been produced. Ms Follett's suggestion that the Opposition tried to delay the project is simply not true. I do not know who wrote this speech, but whoever wrote it was incorrect.

Since I have been in this place, since February 1992, I have heard Ms Follett tell us all that the No. 1 priority in her mind was youth unemployment.

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Ms Follett: Unemployment, I said, and we have the lowest in the country.

MR DE DOMENICO: Unemployment, total unemployment - and she always wants to sit back on her laurels and say, "We have the lowest unemployment in the country". We have. We always will have and we always have had. Notwithstanding that, let us have a look at what has happened under Ms Follett. The number of young people employed in the work force fell from 5,000 to 2,800, a drop of 40 per cent. The number on the unemployment benefit has gone up by 21 per cent. Let us also note that we are going to be borrowing \$200m over four years. Mr Wood interjected before and he said, "Yes, but we have a AAA rating". Mr Wood, we may have a AAAA rating, but how many jobs is that going to create? Not one; not according to this speech anyway.

Mr Lamont: A darn sight more than you - sacking half the public service, getting rid of half of ACTION, and all the rest of it.

MR DE DOMENICO: I will take that one on board, Madam Speaker. Whenever Mr Lamont interjects it gives me great delight because he digs his own hole. Mr Lamont talked about the public service. Mr Lamont would remember that as far back as May 1992 the Chief Minister received some correspondence from Mr Keating suggesting that she ought to be doing something about creating her own public service. When this Assembly decided to form a committee to oversight the creation of the ACT public service, Ms Follett and others stood up and pre-empted it all, saying, "The Liberal Party will probably try to stall the passage of the legislation". We are still waiting for the legislation. The PSU has seen it. They are not elected members of this Assembly.

Mr Lamont: Tut, tut, tut!

MR DE DOMENICO: Mr Lamont can "tut, tut, tut" all he likes. That shows the scant responsibility he has. Members of this Assembly ought to have a copy of the legislation before anybody else does.

Another statement Ms Follett made, on page 3, was this:

We will again consider the special needs of unemployed young people.

Ms Follett has been considering the special needs of unemployed young people since she was elected as Chief Minister. Mind you, she has not done anything about it. She is still considering the special needs. Let us wait and see what the wonderful fruits of her consideration will be. I have just a few suggestions. Mr Wood was criticising Mrs Carnell and others for not suggesting alternatives to the way the Government is doing things. Mr Westende, quite clearly, talked about ACTION buses. Who could ever forget the press release that Mr Connolly put out last week when he did a deal with the Transport Workers Union? I think the press release read, "Win, win, win, win, win, win, win; everybody is winning. This will mean that there will be no disruption in the buses for evermore". What happened 48 hours later? About 120 buses were off the road because the other union that he did not do a deal with disagreed. Mr Westende quite adequately pointed out that we could be saving millions upon millions of dollars in one area alone.

Mr Berry stood up and told us how everything was hunky-dory; that everything was going to be okay; that everyone should sit back on their comfortable couch and not worry about a thing. Let us have a look at what Mr Berry has done. These are some areas of Mr Berry's responsibility alone where we can save some money. What is Mr Berry going to say about the \$3m that he is going to spend for a hospice on the Acton Peninsula? Every group in this town, all the professionals, say, "Hey, listen; it should not be there. Save yourself the \$3m and put it up at Calvary". There is \$3m, for a start. Private money is being used to build a private obstetrics unit at John James Hospital. Not one cent of public funds is involved; but Mr Berry will not give that the go ahead, notwithstanding the fact that there are 3,800 people on the waiting list.

What was Mr Berry's reaction, Madam Speaker, last Easter when ACTEW came forward with a proposal, which Mr Connolly signed off, to save taxpayers half a million dollars? What did Mr Berry do? He stopped it at the door of the Industrial Relations Commission because he disagreed with it. What did Mr Berry do about designated work groups when he brought the number of employees down from 20 to 10? Ms Follett, in her speech, talked about the importance of the tourism industry. In one fell swoop, according to the tourism industry and every other group of employers in the town, he did the wrong thing. This is what Mr Berry has done in only one area of his responsibility.

Let us have a look at more of what Mr Berry has done. Mr Lamont will recall this. I will be interested to see his reaction to this, by the way. Mr Lamont will recall that as far back as 1984 he and I were on a committee, working very closely, and I must admit very amicably, that made over 100 recommendations about amendments to the Workers Compensation Act. One of the most important ones, Madam Speaker, was to provide a termination clause - - -

Mr Lamont: It was 32.

MR DE DOMENICO: No; there were more than 32, mate.

Mr Lamont: There were 32 recommendations.

MR DE DOMENICO: One was for a termination clause for insurers to be able to terminate benefits. Every other State and Territory jurisdiction has a termination clause. Mr Lamont agreed to the provision of the termination clause.

Mr Lamont: Along with the other 31 recommendations.

MR DE DOMENICO: No, no. He agreed to the provision of the termination clause. He made no stipulation about linking it to occupational rehabilitation. It is now 1994 and we still do not have a termination clause.

Mr Lamont: You are dealing loosely with the truth, Mr De Domenico.

MR DE DOMENICO: I am dealing with the truth. We have most of the other 31 recommendations, Mr Lamont, but you have had the most important one on the books for 10 years and we are still waiting. Mr Berry comes in here and talks about how everything is hunky-dory, but it is just not true.

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Mr Berry also continues to suggest that the Liberal Party is in some strange matrimonial deal with the tobacco industry over the smoking situation. Let us tell the truth about that. What Mr Berry literally said was that extraction systems are okay in casinos, but the same extraction system is no good in a restaurant. That was the basis of Mr Berry's comment - that the Liberal Party believed in extraction systems. Mr Berry obviously believes in extraction systems as well. What he is saying literally is, "It is okay to smoke in casinos and clubs and bars, but not okay to smoke in restaurants, because, quite obviously, the ability to contract cancer in restaurants is higher than the ability to contract cancer in bars". That is the logic of Mr Berry's arguments. For Mr Berry to come in here and talk about people getting into bed with tobacco companies is sheer nonsense.

Madam Speaker, this speech from the Chief Minister is as shallow as the Government's actions over the past two-and-a-half years. We continue to hear rhetoric about examining and doing all sorts of things. As Mr Kaine quite aptly said, the Chief Minister ought to have been in the air force as she would make the biggest gunner of all time. She is always gonna do something. It is about time she did.

Question resolved in the affirmative.

ADJOURNMENT

Motion (by Ms Follett) proposed:

That the Assembly do now adjourn.

Adoption Legislation

MR HUMPHRIES (5.32): Madam Speaker, it is a year since the Assembly passed adoption legislation making an important change to the law in this area, and I want to bring to the attention of the house a matter which I think is fairly significant. There was much controversy at the time the legislation was passed and there was great concern about its impact on different sectors of the community. I think all of us who were instrumental in passing that legislation acknowledged that this new regime of freer access to information would impact differently on different people in this community. There was disagreement about how damaging that process would be to individuals. There was also disagreement about the consequences of changing the law after people had adopted children under different rules.

Madam Speaker, a letter has been sent to me by a Canberra couple to relate their experience under this new legislation. That experience is not a happy one. They have authorised me to read to the Assembly what that letter says, and I would like to do so. In fact, it is a copy of a letter sent to the Attorney-General, Mr Connolly. It says:

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Dear Attorney General

We are writing to convey to you our bitterness at the operation of the new adoption legislation. We believe that you had carriage of its passage in the ACT Legislative Assembly.

We adopted an infant of 2 months in Canberra 21 years ago. Under the then prevailing law, we were not given any information on the identity of the natural parents, but we were told some of their background. It was an unhappy story.

At an early age we told our adopted son that he was adopted, but we did not tell him what we knew of his background. We had no reason to believe that he would ever learn of it and we did not think that he had need to know it.

Recently your new legislation sparked a curiosity in him and, with misguided concern for our sensitivities, he made inquiries without telling us. In the past few days your Department told him his background, including what we had known but had chosen not to reveal. You might be interested to know that the information has devastated him. Thank you.

It seems to us that the new legislation has reduced the adopting parents to nothing more than foster parents. We are not entitled to even the courtesy of being informed in advance that background information is about to be released to our adopted child.

If we had been told, then accepting the inevitable, we would have told our adopted son in our chosen circumstances and in our chosen manner. We have had his upbringing for 21 years and might just have some better appreciation of how to inform him than an anonymous public servant doing the job for us.

We adopted under a law with which we agreed, and it was because the law was as it was that we decided to adopt. Now you have applied retrospective detriment to us by changing the law. We cannot go back in time and remake our decision. If you think that fair, then we obviously have different concepts of fairness.

We are resigned to the fact that we will receive a patronising response prepared for you by another anonymous public servant. But on the one in a million off chance that you might take a moment to read and personally consider this letter, we are taking the trouble to write to you.

Yours sincerely.

Madam Speaker, I think it is worth noting that this letter - - -

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Mr Lamont: What was the date of the letter?

MR HUMPHRIES: The copy is not dated. It was sent to me with a covering letter, so it is not dated.

Mr Lamont: When did you receive it?

MR HUMPHRIES: About a month ago. Madam Speaker, the downside of the decision that we made this time last year is evident in a letter like that. Obviously, not everybody who has experienced adoption under these new procedures will have had the same experience that these two people in Canberra have had, but it is worth noting that not all experiences with the legislation have been happy ones. In fact, some have been bitterly unhappy ones. I think it could be said that people who have had experiences like those two people from whose letter I have just read have been forgotten to some extent by the Assembly in the course of considering the legislation that we passed last year. There would be, regrettably, I suspect, other people like that out in the community. I merely say that I hope that there are not more of that kind in the community and that there are not more people with that kind of experience. Let us hope that we can consider these issues in light of those kinds of concerns in future when they arise.

Adoption Legislation

MR LAMONT (5.37): Madam Speaker, I think it behoves me to extend the sympathy of this side of the house for any pain and suffering which has been experienced by the family concerned. I think it is also incumbent upon me to recount another circumstance, one of a contrary nature to the one outlined in the letter read out by Mr Humphries. I think that to do so will provide some balance to anybody who may read this at a future time.

The experience that I speak of is of a child who was informed only very latterly in his life that he was adopted and who, under this legislation, has undertaken a similar course of action to that outlined by Mr Humphries as far as the adopted child was concerned. The experience of finding out who his biological parents were and ultimately introducing them to his adopted parents proved to be one of great joy to the adoptee. A family relationship has been established between the biological parents, who have remained married now for nearly 30 years, and the adopting parents. While the adopting parents would not, on their own initiative, have undertaken such action, and probably would not have encouraged it, the fact that a person who has reached an appropriate age and maturity to determine in their own right to seek such information now has that opportunity, I believe, far outweighs any perceived detriment. That was the debate that we had when this legislation was put through and I think it was a proper debate. I think it was acknowledged that the circumstances that Mr Humphries outlined would possibly occur in the future. The sentiments expressed by Mr Humphries were quite proper, but they need to be balanced.

Adoption Legislation

MS ELLIS (5.39): Madam Speaker, I was chairperson of the standing committee of this place that inquired into the adoption legislation that Mr Humphries alluded to in his brief remarks. I do not wish to comment directly on the case that he brought to our attention this evening. I would like to dispute slightly one comment that he made. He expressed the hope that in the future debates such as the one that took place last year would be conducted with consideration for these sorts of people, as that may not have happened in the past.

Mr Humphries: I did not say that exactly.

MS ELLIS: I know that you did not say that precisely, Mr Humphries, but that could be construed from your comment. All I am attempting to do, in an uncontroversial fashion, is to assure you and anybody who cares to read *Hansard* that in no way did the committee of which I was a part consider any aspect of that legislation in other than an incredibly compassionate fashion to every participant in the adoption system. I think it is worth putting that on the record.

It was not an easy inquiry and it was not an easy debate for this Assembly. There will always be, unfortunately, exceptions similar to the one you have cited today. Some people may not be enamoured of the procedures that have been put in place. This legislature, in looking into that legislation at the time, had to make the best judgment on behalf of the majority of people who may come in contact with that sort of thing. The remarks that Mr Lamont made mirror that. I just wanted to assure the Assembly and you, Mr Humphries, that the Social Policy Committee applied every aspect of compassion that could have been applied. I thought it important to stand up and say that.

Adoption Legislation

MRS GRASSBY (5.42): Madam Speaker, I also would like to add to that. It is a sad story and I am always sorry to hear that somebody has been hurt, but I agree with Ms Ellis that the Social Policy Committee did look very carefully into this. I think that somebody who is aged 21, who is able to vote and who is able to go away and fight for their country, has the right to know certain things about themselves. I know that you are going to say that it would have been better for the parents to have told them. At 21 they are an adult. The parents should have realised when this law was passed that curiosity would cause them to want to know about their parents. There is not a person alive who has been adopted who has not wanted to know about their mother and to know why their mother gave them up.

I know quite a few people in New South Wales who were adopted. They wanted so much to find out about their mother. They had tried for months and years to find out but were blocked because of legislation. When the legislation came through one person I know, who is my age and who had had to give up a child, did not quite know how to handle it when the letter was written and the child wanted to know. She did not know whether she would see the person. She said, "I did not know how I would handle this". It was under

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the old Catholic law. She went to a Catholic home, had the child, and the child was adopted out. She said that she did not know how to take her. She did not know how she would handle this child. It became the greatest thing out. There is not a child in the world or an adult in the world who does not want to know about their mother.

There was enough publicity about the legislation, Mr Humphries. There were public hearings. They should not blame a Minister; they should not blame a Legislative Assembly.

Mr Humphries: You cannot criticise these people, Ellnor. They acted as they thought best.

MRS GRASSBY: I think that the blame has to be laid at the door of the parents who did not take the responsibility and say, "We think you should know some other things. You know that you are adopted. These are the things you should know". Mr Humphries, I do not think you can blame a Minister for the Bill, and I do not think you can blame the committee - - -

Mr Humphries: You are blaming the parents.

MRS GRASSBY: They should not be writing a letter blaming the Minister. They should have thought about it when the publicity went out. They knew that that Bill was going through. They should have said to the son, "We need to tell you things that we did not tell you before. We did not think it was important because we thought it would never come out. Now we think you should know". To write a letter and blame a Minister is wrong. I would take it very hard as a Minister if somebody wrote me a letter blaming me for something that was not my fault.

Question resolved in the affirmative.

Assembly adjourned at 5.45 pm