



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 April 1994

Wednesday, 20 April 1994

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

GOVERNMENT CONTRACTUAL DEBTS (INTEREST) BILL 1994

MR HUMPHRIES (10.31): I present the Government Contractual Debts (Interest) Bill 1994.

Title read by Clerk.

MR HUMPHRIES: Madam Speaker, I move:

That this Bill be agreed to in principle.

This Bill is being introduced to combat the problem that governments, from time to time, pay their creditors late, for no good reason. This problem does not arise often, I have to concede, at least in the ACT context; but, when it does arise, it is very serious for those affected by it. The ACT Government is one of the largest consumers of goods and services in the Territory. It has to accept the responsibility to its business creditors to pay its bills on time in that circumstance.

In 1990-91, according to figures issued by the Australian Bureau of Statistics and the Reserve Bank, the ACT Government spent \$823m on consumables. That is an \$823m injection into businesses in this town, a substantial number of which are Canberra's small businesses. Other figures which show how important the Government is in the overall consumer chain include the fact that in 1950 governments generally in Australia consumed 15 per cent of GDP and by 1985 that figure had increased to 45 per cent of GDP. The ACT Government has a responsibility to ensure that it plays its part in the market chain by paying its accounts on time.

Madam Speaker, I suspect that generally the ACT Government actually has a better record on these sorts of matters than have most governments around this country, but it is certainly not beyond criticism in respect of paying accounts. In 1985, for example, the New South Wales Chamber of Commerce completed a survey which showed that, on average, government departments were taking an average of 87 days to pay accounts. Countless anecdotal evidence exists in this town of the Commonwealth Government being very late in paying customers large sums of money that they were owed. One person who rang my office told me that she was required to take out an overdraft of over \$10,000 to pay an income tax bill, even though her business was owed over \$15,000 by one

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Commonwealth Government department - an amount which had been outstanding for over three months. Of course, if this woman paid her income tax a day late, she would be liable for a penalty tax of around 20 per cent. The same rule does not apply to her. In other words, she could not levy the Government with penalty interest.

In some areas around the country the picture is not very good. The Cain Victorian Government, for example, was severely embarrassed in September 1985 when a small business filing for bankruptcy revealed that it was owed \$100,000 by the Victorian Government. By mid-1985, after the Victorian Government had investigated how many creditors were affected by similar problems, it was revealed that there were over 200 accounts outstanding for more than four months just from the Lands Department.

Let us look, Madam Speaker, at the application of this sort of legislation. The Bill I have introduced today is modelled on an Act called the Prompt Payments Act, which was a law invoked by President Ronald Reagan in 1982 and approved by the United States Congress. Prior to its introduction, the US Office of Management and Budget reported that up to 30 per cent of government accounts were being paid late. Following its enactment in 1983, that same agency reported an improvement to 99 per cent of accounts being paid on time. The US law is based on three premises, and they are the same premises that cover this Bill. First, it would result in timely payment of accounts by government; second, it would result in better business relationships with suppliers; and, third, it would improve competitive tendering for government business. A business which is forced to wait for long periods of time for payments is forced necessarily to pass on higher prices to its consumers, one of which of course is the Government. Any legislation which implements better business practices by government and leads to cheaper prices paid by government and the consumer must be a welcome step. The effect of the US law is very simple: Bills should be paid on time, and failure to do so attracts a penalty interest rate. There is no need for court action to obtain that penalty interest rate. It is, in effect, written into the contract by operation of the law.

The danger caused to our local economy by late payment of government accounts becomes evident when you talk to some of the small businesses which are affected by late payments. One small business owner who contacted me following my announcement to proceed with this legislation said that he was owed several hundred dollars by the ACT Government for some fairly simple work he had completed as part of his trade. The effect of the slow payment - eventually the amount was paid after some four months - was that he was forced to pay a number of his own accounts considerably later than he would otherwise have wished to. His own suppliers did not have a great deal of sympathy when he told them that he was awaiting payment from his own creditors. For someone who maintained that he always had a good credit record with his suppliers, the incident was acutely embarrassing.

Canberra is in a unique position in this respect. Many of our small businesses rely to some extent on government business for part of their turnover. Those who do not are certainly down the chain, relying on other people who rely on government, and so on. As governments play a larger part in the Canberra market and as our Government participates in that market share, it is entirely appropriate that we seek to impose a requirement which is basically the same as that which government imposes on its own customers.

Let us look at instances where government treats its customers in a fashion which imposes penalties for late payments. The first and most obvious is the requirement that rates and land tax be paid by the due date. If payments are received late, interest on the rates or land tax will apply at the rate of 20 per cent. Whilst late payments by governments are tolerated, it seems that payments made to the Government will not be tolerated. A strict regime of interest based penalties applies. I argue, Madam Speaker, that late payment by government should now attract a similar penalty. I do not, however, suggest a rate as arbitrary as 20 per cent. If the ACT Government intends to be so demanding of the ratepayers of the Territory, why should they not be so demanding of the Government?

Madam Speaker, during the Estimates Committee process last year, I attempted to find out the extent of this problem. I asked a question of the then Minister for Health, Mr Berry, concerning the number of accounts in his department - that is, Health - outstanding beyond 30 days. I did so because, from my own time as Minister for Health, I understood that ACT Health's record of payment of accounts on time had not been very good, at least in some areas. I was told that there were some 11 accounts outstanding as at 30 June 1993. I was further told that none of those accounts were subject to any dispute and that they were paid eventually on 6 July 1993. No information was given as to the position of outstanding accounts as at the date I posed the question, which of course was about September.

I note that when I first announced this legislation Mr Connolly issued a challenge to actually produce evidence of late payment of accounts by government departments before he or his colleagues would consider support for this Bill. I have produced that evidence, and I hope that Mr Connolly and his colleagues will therefore consider that this Bill carries with it great value to the Government, to consumers and to small businesses in this town and will therefore consider supporting it.

The Enfield inquiry into health finances in 1991 referred, in part, to a serious problem with late payment of accounts. It said, in part:

The carryover of about \$1 million was a deliberate action because funds were not available to pay the accounts at the end of 1989/90. The carryover was certainly not due to the introduction of a new finance system.

I am sure, Madam Speaker, that, as a result of this report and action taken by the Alliance Government, this problem was substantially rectified in Health. However, I am concerned that last year in the Estimates Committee the Minister could not tell me anything about outstanding accounts at the time he was questioned. Clearly there is inadequate record keeping of accounts payable by departments and government agencies. As a result of inadequate information being maintained, the late payment of \$1m worth of accounts without reason, aside from budget measures, was harshly criticised - and properly so - by the Enfield inquiry.

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This Bill sets about establishing a new regime for dealing with accounts payable - dealing with accounts on the basis that they are due within a month and, if payments are made late without some reasonable dispute, interest begins accruing. The Estimates Committee actually made some comments on this proposal and went so far as to recommend that steps be taken to ensure payment of all accounts by government, where no dispute exists, within 30 days of an invoice being rendered. ACT Health told the committee that payments were made 30 days after the invoice was certified for payment. We asked: What happens if an invoice is not certified for a month? It, therefore, effectively takes two months to pay an account. Small business suppliers should not have to regard this as a normal business practice, in my view, even though it was suggested by Mr Ayling of ACT Health that that was normal business practice.

Madam Speaker, I turn to some of the mechanics of this Bill which I have presented today. Clauses 1 and 2, I think, are self-explanatory. Clause 3 contains a number of definitions. For example, a "commercial account" is described as being an account rendered to the Territory or a Territory authority for payment for goods, services or the execution of works. The definition includes deposits, part payments, instalments or bonds where applicable to a particular account.

The term "due date" is defined as meaning the 25th day of the month after the day of rendering the account. That would mean that up to 55 days might elapse before an account was due to be paid and before interest began to run. As you can see, that is slightly less onerous than the condition that was recommended by the Estimates Committee last year. This due date mechanism uses a single day for accounts where a due date is not otherwise given but enables some flexibility where a contract makes different due date arrangements.

The term "Territory authority" applies to all government departments, statutory authorities and government business enterprises except those specified in Schedule 1 of the Territory Owned Corporations Act 1990. At the present time, of course, the only one is Totalcare Industries Ltd. The Liberal Party felt that if corporatised bodies were in the marketplace competing as non-government businesses they in effect should be in the same position as any business in the marketplace; that they should be subject to their own rules.

The operations of this Bill are predicated on the wish that the Bill would never be needed because government would be paying its bills on time. The Bill requires that all accounts payable by governments be paid by the 25th day of the month after the account becomes payable unless the terms of the contractual arrangement require different payment options. For example, if a government agrees to a seven-day account for any reason, the account becomes payable by the date established under that arrangement. Similarly, the Government could agree to longer terms of payment if it so wished. So we are not imposing any restrictive rules that the Government might find inappropriate in certain circumstances, although of course we expect some accountability by the Government in the circumstances where it decides to step outside the terms of this Bill and have a different, longer period for payment of accounts.

Where the account is unpaid at the due date, interest shall begin to accrue at the same rate as that used by the Supreme Court under section 70 of the Supreme Court Act 1933. That rate as of today is 12 per cent for amounts due. The interest is payable only from the same budget program as the expenditure is payable from in order to pay the account. That will ensure, of course, Madam Speaker, that program managers will be required to budget for interest payments out of their own budget allocations if they pay their accounts late. The Bill also enforces the common-law precedent that a payment mailed is deemed to be paid at the time that the cheque was posted.

Clause 10 of the Bill simply reinforces the desire on the part of government that the best price possible be achieved and that reasonable attempts be made to secure discounts for paying accounts promptly. Nothing in this clause requires discounts to be given or prevents government from entering into arrangements where discounts are not given. This provision puts the onus on government procurement officers to set about securing the best available deal for the ACT Government based on the Government paying its accounts promptly.

Madam Speaker, this Bill, as I say, is one which I hope will not have to be used very frequently; but it does give business protection that it needs from late payment of government accounts. As representatives of a community where business derives a considerable portion of its turnover from government, we should be doing what we can to ensure that payments are made promptly. We should also appeal to the Federal Government to ensure that it acts along similar lines in the interests of our local businesses.

Madam Speaker, since I first floated this proposal several Canberra businesses have contacted me to pass on details of experiences they have had with late payments by the ACT Government. They have done so, of course, in confidence because their continuing contractual arrangements with the ACT Government need to be protected, but it is clear that we need to make sure that the Government pays its bills on time. I believe that governments which adhere to good business practices need have nothing to fear from these proposals. I commend the Bill to the Assembly.

Debate (on motion by Ms Follett) adjourned.

DISCHARGE OF ORDER OF THE DAY

MR CORNWELL (10.47): Madam Speaker, in accordance with standing order 152, I move:

That order of the day No. 1, private members business, relating to appointments to university councils, be discharged from the notice paper.

I am sure that that will be to the joy of the Chief Minister.

Question resolved in the affirmative.

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SUBORDINATE LAWS (AMENDMENT) BILL 1993
Detail Stage

Clause 1

Debate resumed from 23 February 1994.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole

MR MOORE (10.52): Madam Speaker, I move:

Clause 4, page 2, line 30, proposed new paragraphs 6(14)(a) and (b), omit the paragraphs, substitute the following paragraphs:

- "(a) by a subordinate law under the Act containing the power to make the subordinate law amended or to be deemed to have been amended;
- (b) by the person or body so empowered; and
- (c) in compliance with any condition precedent, and in accordance with any procedural requirement, applicable to the making of such a subordinate law."

Madam Speaker, on 20 January 1994 I wrote to each member a letter that started "Dear Colleagues, Happy New Year". I attached to it a letter from the Parliamentary Counsel to me. In fact, this amendment was a suggestion from the Parliamentary Counsel to improve the Bill. His comment at the time was:

The amendment replaces proposed paragraphs 6(14)(a) and (b) as set out in the Bill with 3 proposed paragraphs. Paragraph (a) has been recast to emphasise that an Assembly amendment is to be treated for all relevant purposes as itself a subordinate law. A new paragraph (c) has been added to ensure that, in the unlikely event that the relevant law making power is qualified in some way, an Assembly amendment cannot be invalidated because, for example, the appropriate procedures were not repeated.

He then added:

While the substance of the Bill is unchanged, I think that this amendment would be a worthwhile improvement to reinforce the efficacy of the scheme, and I commend it to you accordingly.

He went on to say that he would be happy to elaborate orally and, indeed, he did. Madam Speaker, I believe that this amendment is an improvement to the Bill, and I think it will allow the Assembly the appropriate power under the Subordinate Laws Act to deal with amendments rather than just to disallow subordinate laws, as was discussed in the in-principle stage.

MR CONNOLLY (Attorney-General and Minister for Health) (10.53): The Government has no problems with Mr Moore's amendment, which is, as he says, a technical improvement to the drafting of the principal amendment.

Amendment agreed to.

MR CONNOLLY (Attorney-General and Minister for Health): (10.53): Madam Speaker, I move:

Clause 4, page 3, line 7, proposed new subsection 6(16A), after proposed subsection 6(16) insert the following subsections:

"(16A) Notwithstanding subsections (7A) and (11), an amendment of a subordinate law made, or to be deemed to have been made, under this section which would, but for this subsection, have the effect of waiving or altering any fee, charge, penalty or other amount payable to the Territory is of no effect.

"(16B) Notwithstanding subsections (7A) and (11), an amendment of a subordinate law, other than a regulation, rule or by-law, made, or to be deemed to have been made, under this section is of no effect."

When this quite innovative proposal by Mr Moore was introduced, the Government indicated that it had no difficulty in principle with the Assembly having power itself to initiate or to amend subordinate legislation, as the Assembly de facto and de jure has it anyway, in the sense that by an Act you can amend or change a piece of delegated legislation. An Act of this Assembly can do what it wishes with subordinate legislation. Mr Humphries and I had an interesting discussion in delving into the legalities of that some months ago. It seems right in principle that if you can do it through a cumbersome mechanism you should be able to do it through a clear and simple mechanism.

I did say at the time, though, that this Assembly imposes a fetter on itself, quite properly. In the Westminster tradition the Executive, which holds the purse strings, is accountable to this Assembly. The Assembly cannot, through the action of private members, do certain things with money Bills. Therefore, I was seeking the agreement of Mr Moore and members to impose a similar fetter in relation to subordinate laws. The amendment before us now seeks to have that effect. I discussed it with Mr Moore some months ago, and I understand that it may be acceptable to have provisions to that effect. If we find problems with that, the Government is amenable to discussion. What we are seeking here as we take this quite dramatic step with unanimous agreement - which is quite significant - is agreement that we fetter ourselves so that the principles of the Executive having responsibility, being accountable and taking the flak for money matters will remain.

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MR MOORE (10.55): Perhaps the most important aspect of this amendment, Madam Speaker, is that the Government can take the flak. The principle is that we effectively appoint the Government, allow the Government control of the money and monitor how they use it. We ensure accountability in that way, but it is reasonable that the Government operate by dealing with the money in the way that they think most appropriate. That being the case, Madam Speaker, this amendment that Mr Connolly has moved is acceptable as far as I am concerned. I have certainly discussed it with Mrs Carnell - and, I think, Mr Humphries, but perhaps not. I certainly discussed it with the Liberals, and I am quite pleased to accept that it is the appropriate way to go. More important, Madam Speaker, is the notion that a move like this - which is, to the best of my knowledge, unprecedented - has widespread support. It is just another way in which our Assembly is ensuring the utmost accountability, not only from the Government but also from the Assembly, so that the people can see clearly and simply what has been done.

Mr Connolly drew attention to the fact that this is a simple mechanism and that technically we already have this power. Madam Speaker, that is quite correct. I recall introducing a Bill on insulation. That was the one that Professor Whalan referred to as a Henry VIII Bill. He was delighted that he had finally come across one whereby we effectively took power away from a Minister, made a law and then gave back to the Minister the power to change it, should - in that case - he so desire. Of course, that was a very cumbersome mechanism to achieve this sort of goal. It is far more effective for us to be able to take a regulation that is introduced by a Minister, suggest modifications to it and have the Assembly consider those modifications. Madam Speaker, I am delighted that the Government is prepared to accept that principle and has moved this very sensible amendment.

MR HUMPHRIES (10.58): Madam Speaker, I want to record the Opposition's support for both of these amendments and for the Bill as a whole. The Bill will enhance and better define the powers of the Assembly in respect of these matters and give the Assembly the power to deal with some issues which in the past it has been able to deal with inflexibly and to ensure that the appropriate level of accountability which we all expect in this place is maintained.

Amendment agreed to.

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

Bill, as amended, agreed to.

POISONS AND DRUGS (AMENDMENT) BILL 1993

Debate resumed from 17 February 1993, on motion by Mrs Carnell:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General and Minister for Health) (10.59): Madam Speaker, the Bill before the Assembly, presented by Mrs Carnell, seeks to make the unauthorised possession of anabolic steroids an offence. There is no doubt that there is commonality between the Government and the Opposition that anabolic steroids use can be a major problem. My predecessor certainly referred to that significantly in health, drugs, and alcohol and substance awareness campaigns. I am aware, from my prior incarnation and continuing incarnation as Attorney-General and from the work we are doing on a safer Civic, that there is a widespread perception by police that from time to time we have problems with bouncers or security personnel pumping themselves up on anabolic steroids. A small quantity of alcohol and a body full of steroids can be a potent combination, and that is something that is referred to in the discussion paper that the Government has released on control of the security industry.

In 1990 the working party of the ministerial committee on drug strategy recommended to the States that they should make it an offence for any person to administer to themselves or to any other person, or to prescribe, dispense or sell for human use, any schedule substance - which includes anabolic steroids - manufactured specifically for veterinary use and also make the unauthorised possession of anabolic steroids, whether manufactured for human or veterinary use, an offence. Mrs Carnell's Bill addresses the second issue. The Government policy is that both of those issues should be addressed. Most States, I am told - apart from the Northern Territory and the ACT - have now addressed these issues. Mrs Carnell thought the Northern Territory may have addressed them. I am not sure whether they have done so or not. In any event, there has been a lot of movement, and we are still to deal with this. The Government's proposal would be to circulate for members' consideration amendments to pick up the second part of the recommendation so that it is a complete package. We are quite comfortable that the Bill before the chamber be the vehicle for such change to occur.

Certainly the Opposition will want to have a look at the package of amendments. There are a couple of pages of them. I am sure that Mr Moore, who has a significant interest in these matters, will also want to look fairly carefully at what I am proposing. So perhaps the best course would be to adjourn this debate after Mr Moore makes his remarks. I have given Mrs Carnell a copy of my amendments, but I will ask that they be formally circulated. I will give the officials a chance to do that, so that all members can have a look at them. If there are any outstanding issues, we may be able to negotiate a way around them and perhaps at a further sitting of this Assembly agree to the Bill in principle and deal with whatever package of amendments finally comes up.

This is an issue that the Government thinks should be addressed comprehensively. Mrs Carnell, I think, acknowledges that her Bill goes part of the way and I think she would acknowledge that it would be better if we went the whole way. The package that we will be circulating shortly should achieve that. The Government is not opposing the Bill. We think that we should make it do the whole job. We believe that the

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amendments that were prepared some little while ago will achieve that. I would like members to have the opportunity to cast their eye over those before we take the debate out, so I will be suggesting that one of my colleagues adjourn the debate when members have had the opportunity to make remarks at the in-principle stage.

MR MOORE (11.03): Mr Deputy Speaker, in dealing with this legislation, I think it is very important for us to ensure that we cover the full range of perspectives in dealing with harm minimisation. There is no doubt that the intention of Mrs Carnell in tabling this Bill was to attempt to reduce the harm associated with the use of anabolic steroids. She has not attempted to ban anabolic steroids as such but to move them into the medical sphere.

Mr Deputy Speaker, the difficulty here is that in Canberra - unlike in New South Wales, for example - we do not have a medical practitioner of whom I am aware who is prepared to prescribe anabolic steroids for people who are determined to use them for body building. In Sydney there is a medical practitioner by the name of Dr Millar who in fact spends a great deal of his time doing just that. His philosophy is that you know that people are going to use anabolic steroids for body building. If that is going to be the case, then to avoid harm associated with such use, the risk of HIV, the danger of overdose and all the other dangers associated with using such complicated drugs, he believes that it is far better that users be under the care of a medical practitioner rather than under the care of a friend of a friend who thinks he knows something about the drugs and who is getting them not pharmaceutical preparations but veterinary preparations. It is quite clear that these are the sorts of issues that Mrs Carnell was wrestling with when she tabled this Bill.

It seems to me that before we are ready to support this Bill we ought to ensure that those services are in place. It seems to me that, once we have a medical practitioner - it may well be a government medical practitioner - who will prescribe these drugs, then it is the appropriate time to implement this legislation. I am not speaking against the legislation in principle. I am concerned that we adjourn the debate so that serious consideration can be given to assessing whether or not we can find a medical practitioner who is prepared to take a broad population health view of the issue, to look at the HIV risks and the other risks and to say, "That is how we will deal with it". In that way, when somebody says, "I am going to use steroids for body building", people can say, "If you go to Dr X, he or she will be able to deal with it". That doctor, in turn, can say, "Do you realise what this is going to do to the rest of your body? Do you realise the side effects of these?" and so on and so forth. That doctor can look at the dose rate and monitor people, as Dr Millar does in Sydney. Training could be provided, I presume, by working closely with that medical practitioner.

I also draw the attention of members of the Assembly to a published report on harm minimisation and anabolic steroids. It sets out the results and recommendations of the Drug Referral Information Centre injecting steroid user survey. The author was Stephen Plowright. The steering committee included Dr Gabriele Bammer, from NCEPH; Mick Batinally, a gym owner; Dr Tony Millar of the Lewisham Sports Medicine Clinic, the person I mentioned; Marion Watson, the service director of ADD Inc; and Richard Refshauge, a prominent lawyer and a person who has been involved in illicit drug use for quite some years. Their sixth recommendation reads:

No further banning of steroid use or possession for personal use should take place. All legislation relating to AS use should be reviewed and there should be an investigation into the effects of the legislation on unsafe practices with respect to AS use and HIV risk.

It seems to me that the legislation put up by Mrs Carnell can parallel that recommendation from nearly a year ago - July 1993.

Mr Deputy Speaker, I am pleased that Mr Connolly has some amendments for us to look at. I am pleased that he has indicated that he would like to adjourn the debate so that we can have a look at his recommendations. I also say as strongly as I can that it is an appropriate opportunity to ensure that the appropriate services are in place. I believe that those services could be cost neutral. We certainly have enough medical practitioners in Canberra who understand the ramifications of the spread of HIV and so on. Mr Deputy Speaker, it seems to me that this Bill has quite reasonable potential. I would like to be in a position to be able to support it, but before that can happen we need to have that type of service in place.

MRS CARNELL (Leader of the Opposition) (11.09), in reply: I welcome Mr Connolly's amendments to my Bill, because there is no doubt that the ACT lags behind every other State and Territory in its legislative approach to anabolic steroids. It is probably fairly remarkable that in every other jurisdiction in Australia - except, I must admit, South Australia, although they are moving to upgrade their legislation and say that they will have done so by 1 July - possession of anabolic steroids by an unauthorised person is an offence.

The police and Customs are in a totally invidious situation in Canberra. They are not in a position to take action against somebody who is pushing these very dangerous drugs in our gyms unless they can catch the person involved actually selling the drugs. No matter how much of these drugs you have in your possession, it is simply not an offence. If we in the Assembly here had a whole roomful of anabolic steroids, the police or Customs could do absolutely nothing about it. We have placed our law enforcement agencies in an almost impossible situation by not having moved in this important area earlier. I fully accept Mr Connolly's comments that my Bill went only half of the way, although it was a pretty important half. It really did give our law enforcement agencies some sort of capacity to stem what is a very difficult problem.

I suppose that it is important to think just for a moment about how widespread steroid use in Canberra is. That is very difficult to ascertain, as was shown in the report on harm minimisation and anabolic steroids that Mr Moore has already alluded to; but it was interesting to note what one of the people involved in that survey - Ms Marion Watson from the ACT Drug Referral and Information Centre - is reported in the *Sydney Morning Herald* of 19 March this year as saying. The article states:

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Two local needle exchange outlets reported 50 "contacts" with steroid users a month.

"That's generally people coming in to collect a box of 100 needles and syringes," Ms Watson said. "I would say that's a very conservative estimate of the numbers that are actually doing it."

"Users come from a wide range of educational and socio-economic backgrounds," she said. "They're not just big, beefy dumdums - They're from everywhere in the community."

It shows that we have a huge problem in Canberra - something that I do not think we can put off legislating on. I hope that we really can reach agreement on this important issue quickly. My Bill has been on the table for 12 months, which I think is too long, as I have attempted to reach some sort of agreement, particularly with Mr Moore.

I do not believe that the comments of Mr Moore are actually relevant to this Bill, and Mr Moore is aware that I think that. I think that harm minimisation is a very important issue; but, unless we can put in place the tools for our law enforcement agencies to attempt to stop the pushing of these harmful substances, there is simply no point in doing anything. The issue of personal users and how we educate them and give them treatment is a totally separate issue and must be treated as such. It should be treated as a health issue, not a law enforcement issue. I certainly look forward to working with both Mr Connolly and Mr Moore on this issue.

Debate (on motion by Mrs Grassby, by leave) adjourned.

TREE-PLANTING IN NEW SUBURBS

MR HUMPHRIES (11.13): I move:

That this Assembly calls on the Government to solicit the views of local residents before deciding on tree-planting for streets in newly-developed suburbs.

Mr Deputy Speaker, this might appear to be a relatively trivial matter; but it is a matter that has concerned at least a small number of people and perhaps a quite large number of people in the ACT as we continue our push in different directions, as we develop new suburbs in Tuggeranong and Gungahlin and West Belconnen and, in the future, Jerrabomberra and places such as that. People build their houses and move into them in those newly developed areas and are very intent as new home owners to establish gardens and attractive landscaping around their homes. They also seek to do so in an environment that is generally attractive and conducive to the sorts of things they hope to achieve on their properties.

Members may recall in June of last year an item on Prime television dealing with concern by residents in a street in Macarthur about the policy of tree planting in their street. The residents of that street were very concerned about the policy of planting particular types of eucalyptus trees because they felt that these trees were inappropriate for their street. They felt that there were a variety of problems with those trees and they resented fairly bitterly the fact that there had been no consultation between them and the developer of that part of the suburb on the sorts of trees that ought to go into that streetscape.

I was concerned about these comments and I wrote to one of the people in that street, who wrote back to me and gave me details of the problems they had encountered. In particular, this resident outlined a great many of the problems with eucalyptus trees as she saw them in that streetscape. To diverge for one moment, I think members would acknowledge that in many respects eucalyptus trees present some problems relating to providing heat in winter and offering shelter for houses in summer. Solar design is not very compatible, for example, with gum trees. Other people complain about the fact that gum trees shed their bark and drop sap and present a problem for cars if they are parked underneath them. Obviously, there are also aesthetic considerations about those sorts of trees.

The point that needs to be made is not so much that we do or do not favour or have some views about eucalyptus trees but that we should acknowledge the basic principle that people who live in a particular residential street in Canberra, who have moved into that street as the first occupiers of houses in the street, who are there at the time trees are to be planted as part of the streetscape, ought to have some say on, some right to contribute to, the policy that forms the basis of that streetscape. Obviously not all new developments will fall within this category. As Ms Szuty has pointed out to me, very often when people move into new houses in developed suburbs they find that the trees have already been planted. I gather that that is an increasingly frequent occurrence. But it is still the case that sometimes trees have not been planted and residents in those circumstances, particularly for a tree planted directly outside their home, ought to have some capacity to put forward a point of view about what kind of tree, what kind of vegetation, is planted in front of their homes and in their streets.

It follows, of course, that if people are not consulted, if people do not have the capacity to make some kind of contribution, to have some say in what is going on, their willingness to contribute to the upkeep of those trees or shrubs is greatly diminished. I have had anecdotal suggestions, for example, that in the street concerned in Tuggeranong there has been a problem with the trees planted not being tended and having died. That will be a pretty well inevitable consequence where people are not asked about what they want. I accept that there are problems with giving people what they want. It is impossible to say, "You may choose the tree you wish. If you want a Moreton Bay fig, yes, you can have that, and the next person can have a red gum, and the next person can have a pine tree". That is obviously not going to work. I think there is some evidence, particularly in smaller streets, that the residents like to be able to get together and discuss these things, and they may well have an approach that is common in that street and that might develop a pattern the developer can exploit when he or she wishes to proceed with the planting of trees.

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The resident of this street in Macarthur sent me a copy of the note she had received, and I will table the note. It indicates what the procedure would be with tree planting. It says:

You are reminded:

This work is carried out in the nature strip which is "Unleased Territory Land" ie - public land.

Street tree planting is a requirement of the ACT Government's Department of Environment Land and Planning (DELP) and is approved by them and other relevant authorities.

Once planted, street trees become the property of the ACT Government and are protected by law.

Then it adds, on a slightly more tender note:

It would be appreciated if you would co-operate with the landscape contractor to achieve a successful completion of this work.

I seek leave to table that document.

Leave granted.

Mr Kaine: Who is that letter from?

MR HUMPHRIES: I do not know whether the resident wants me to mention her name. She was on television; I suppose she would not mind. This was Mrs Sandra Rushton of Starritt Place in Macarthur. Mr Kaine assures me faithfully that he has not put up any of the residents of his street to say this; it was their own view. I should say that many residents expressed that concern about the landscaping and treescaping of their street, and they have a right to express that point of view. They have a right to be concerned.

I imagine that, if I were moving into a street that was being newly developed and trees had not been planted and I had planned, say, a native garden and it was proposed to put an oak tree outside my house, I might feel a little unhappy about that. Conversely, if I had planted a cottage garden and there was a large gum, I might also feel concerned about that. I chose the house in my street in Weston because it had lots of oak trees in it and I like oak trees and that was compatible with my plan for my garden.

Mr Wood: You do not burn those leaves in winter, do you?

MR HUMPHRIES: Not at all. I carefully mulch them and use them responsibly on my garden, and I am sure that all of us in this place do such things. We need to make sure that we establish a regime which people can feel comfortable with and can live with, and I suspect that the present arrangements are insufficiently flexible. I have not said in my motion that the Government must adopt some rigid new policy that would be difficult to enforce, but I do believe that there is capacity at least to solicit the views of local residents and to obtain some kind of feedback from them.

I accept that not all residents will have a chance to have that say, partly because they might not be interested, partly because they might not be residents of the street when the planting goes ahead; but it makes a lot of sense to offer that kind of input. I believe that the mechanisms would not be onerous and would be a valuable part of a process of ensuring that our governments and the contractors and developers who work under them have some affinity with the people who are receiving the end product. If we can achieve that outcome, we can make people happier in these new settings and I think we will have achieved something important. I hope that the Government and the Independent members will support this motion and that it will lead the Government to consider seriously what kinds of mechanisms it might put in place to produce that cooperation.

MS ELLIS (11.23): I think it is fair to say that we all want to see the new suburbs in Canberra receiving the benefit of mature growth in their street trees as soon as possible. When you look at the new areas and compare the very stark difference between those and the mature growth in the older areas, you can see immediately the advantages in having mature trees in the streets.

Through the Planning, Development and Infrastructure Committee, I had the advantage on one of our trips interstate of having discussions with some developers, who put at rest some queries that were being made evident to us here in the ACT relating to how early you can plant street trees. One of the biggest issues that appeared to be a bone of contention was the view locally that in developing a new area you could not plant street trees any earlier than the completion of the infrastructure development in that suburb, and in most cases even the development of the housing, because of the damage the newly planted trees might suffer from trucks and machinery. On our interstate trip, the PDI Committee saw very good examples of how that can be worked around. Developers who have the interest of the developing suburb in mind were successfully planting street trees very early in the development. I was very impressed by the achievement.

We know that new suburbs in some areas of Tuggeranong can fill up quickly; but, overall, it does take a while for houses to be built and then for people to move in in a new suburban development. It may be all very well for the first one or two households who move in to have some consultation on their choice of street trees, but the people who come in later would not have that same choice; it would have been made for them. By the same token, with proper botanical advice and with proper consultation and regard for the historical planting of street trees in the ACT, I am of the view that any responsible developer of an urban area could move in very early and plant trees that are suitable for the area, suitable for the size of the streets, suitable for the size of the blocks, and get growth going very early. The advantages to the new suburban area of doing that, I believe, are huge. As I said earlier, you only have to see the comparison between the starkness of the new areas and the more developed areas to get that message.

The other thing about Mr Humphries's motion that concerns me, and I have referred to it briefly already, is how and when you consult and with whom. I am speaking here specifically of the new suburbs. How do you measure when the consultation process should take place? Is it when 25 per cent of the suburb is inhabited? Is it when six out of the 10 houses that will be in the street are inhabited? When do you decide to do that?

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Do you wait until everybody is there? I think it is a vexed question for Mr Humphries to face. I understand the motive in his motion, and it is an honourable motive, trying to do the right thing; but I think it is taking the need for consultation a teeny bit too far, to a point where it would be, in my view, unworkable.

The beauty of urban Canberra is its mixed treescape. I was talking to Mr Wood a moment ago about a street in Forrest - I think it is Dampier Crescent. It is a very wide street, if I have the right one by name. The eucalypts in that street are magnificent; they feature in brochures showing Canberra at its best. Any innuendo that eucalypts are unacceptable can be put down immediately by taking that street as an example, but it is probably one of the best examples you could wish to see. There are other streets in this Territory where you will see magnificent large deciduous non-native trees, and they are just as gracious in the suburb and the setting in which they grow.

We have some expertise in this town in our parks and conservation area. We certainly have an awareness as a community of the advantages to be gained by good choice in the planting of street trees. The emphasis should be more on preserving and conserving and progressing that attitude than on being prescriptive and saying, "We do not want gums here; we want such and such". For all I know, what they want may not suit their particular area. When you consider block size, street size and general lie of the land, there are some very good plantings and some not so good plantings in a lot of areas, although not necessarily in Canberra. The PDI Committee had the great advantage of seeing exactly what can be done in that respect.

Mr Humphries needs to consider more carefully the upshot of his motion rather than the intent. I understand the intent, but I do not think the motion will achieve what he wishes. I would much rather see in the new areas of Gungahlin - the new areas of Tuggeranong did not have this - a move towards the earliest possible planting of street trees. When the people move into that suburb they will have a feeling of settling, a feeling of landscape, a feeling of promotion of the beauty around their homes, and an encouragement to do more in their own gardens. I would much rather see that occurring than have people sitting on their hands waiting for this indefinite period, which has not been clarified, when consultation takes place. If we consider the issue along those lines rather than in the way I interpret the motion, I would be fairly confident of a much better outcome.

MR DEPUTY SPEAKER: Most appropriately, I now call the Minister for the Environment, Land and Planning, Mr Wood, on this matter.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.30): Yes, it certainly is appropriate, Mr Deputy Speaker. The other day, as Mr Westende knows, I was a guest of the Wood Heating Association, and it was a very pleasant occasion. It is the case that the Government seeks at every possible opportunity to consult the people of Canberra on matters that affect them. There is a very distinguished record attached to that principle. We do first seek to involve the community. Mr Humphries acknowledged that in the circumstances that apply in tree plantings that is not always the case.

I should indicate that we as a government remain very committed to the policy of planting street trees in newly developed suburbs. The benefits of such plantings cannot be overestimated. This is truly the city in a park, the bush capital. Ms Ellis indicated that it is good - and we are doing this - to plant as early as possible in a suburb's development and to require the use of trees that are as well developed as possible. Given that our soils are not always the best and the climate not always encouraging, I think it is important to get as good and as early a start in our planting as possible.

The planting of street trees is just one part of a coordinated landscape policy for newly developed suburbs. I think that in the nature of this debate it is important that we understand the context of street tree planting. The broad landscape policy for new areas is established prior to development and includes consideration of a number of functional and aesthetic criteria. These include landscape design themes, wildlife corridors, wildlife habitat and future maintenance costs, to name just a few. It is also important that there is a consistency in the street planting. If you travel through Canberra and look at the trees in the streets, they do have a strong consistency. I refer Mr Humphries and others to a book, *Trees and Shrubs in Canberra*, by Pryor and Banks, where they will get a very good understanding of the distinguished history of tree plantings in the ACT. One of the appendices has helped me identify the trees in my street and in other places where I see trees of particular interest. I refer members to the book because it gives a background, a context, that is so important. Trees are not planted at random and they are not organised late in the piece.

Further to this context, the landscape principles are developed during the early planning phase for new suburbs. For example, the Gungahlin environmental impact statement, which was released in mid-1988 and finalised in 1989, contained the landscape principles for Gungahlin. There was certainly a stage of consultation there, although I would not expect in that circumstance that many of the people who subsequently purchased in Gungahlin took up the opportunity to comment on the plantings or the broad principles.

Prior to the release of land for development, landscape principles are further developed at the draft outline planning stage. Following land release, a developer, whether private enterprise or government, produces a landscape master plan for each estate. The selection of street tree species for each street is then made within the context of the landscape master plan. The species selection at this stage must also take account of local factors such as soil conditions and nature strip width. Some of our suburbs with higher densities - the higher densities people are wanting to buy - mean that we cannot always plant some of those large eucalypts that are a feature in Forrest and other places.

In this careful process, the selection of species for nature strip plantings is a final detail that must fit into the overall landscape context that has been set in the earlier planning stages. In order to coordinate with other aspects of planning for a new estate and to be prepared for landscape construction as early as practicable in the life of the estate, the landscape policy must be developed well before householders take up residence. In fact, it would be unreasonable to expect new residents to forgo the benefits of immediate landscape construction in order for them to participate in the development of landscape policy. I am sure that new residents appreciate the amenity of that more developed landscaping, and that more developed landscaping is something we are increasingly urging on ourselves and private developers.

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There is some scope, where possible, for finetuning of landscape policy to take residents' views into account. When street tree planting is programmed, residents are notified and offered further information if they require it. If residents of a particular street develop a consistent view on a proposal to alter the tree species to be planted and that proposal is compatible with the landscape master plan, it may well be possible to accommodate their request. This process gives residents a reasonable opportunity to express their views without detracting from the appearance of the street or the amenity provided by the trees. I say that particularly to Mr Humphries. I do not think it is the inflexible system he is worried about.

There is one other matter I should raise relating to a campaign I have been running recently about work on your nature strip. We do find from time to time that enthusiastic new home buyers move in and develop the landscape on their nature strip - perhaps that is the problem Mr Humphries found - and that landscaping is not always in tune with the type of tree that is proposed for the area. But there is a more significant problem. I have seen some immaculate lawns rapidly developed, and then the house owner realises that there is a concrete footpath about to be put down. Indeed, the concrete footpath is about the last thing that is put into a new suburb.

Mr Humphries: If it is.

MR WOOD: Not every side of every street in Canberra has a concrete footpath. I live on a corner, Mr Humphries, and nowhere in that area is there a footpath. Some people recently expressed surprise that new suburbs did not in every case have a footpath. I point out to residents that they need to understand that a footpath is likely to be provided after all the driveways are in place and work has been done.

Mr Humphries's motion brings to mind the recent debate on the relative virtues of native and exotic plants in the Gungahlin landscape. This was raised at some time late last year. As I pointed out at that time, careful planning has produced a Gungahlin landscape policy that creates an extremely successful blending of native and exotic plants. There will be wildlife habitat and corridors through the suburbs, as well as the visual variety and functionality which the addition of exotic species can achieve. That is perhaps not something that every resident who wants to make a claim as to what goes on their nature strip would understand. The Gungahlin master plan provides for corridors of species so that birds in particular and other wildlife may move along from one wooded area of Gungahlin to another through these trees that have been planted. That has been very carefully organised and planned, and it would be unfortunate if subsequent changes at the street level put holes in those corridors. (*Extension of time granted*)

Most importantly, as we drive around Canberra we can see the benefits of the landscaping policy. Our streets are magnificently landscaped with fine trees. I think the record of Canberra is outstanding. It does not stay the same, it does vary, and it does catch up with modern circumstances. I think Mr Humphries's motion is probably more of an expression of intention and is not worded in the best possible way. Perhaps Mr Humphries's intentions and mine are no different. I am not sure that the motion exactly captures what he meant to say.

MR KAINE (11.42): Mr Deputy Speaker, I should declare my interest in this subject because the street in question happens to be the one I live in. I know that members opposite will scoff at the fact that Mr Humphries has put forward this motion, but in fact this began with some people in the street going to the media on the subject. Without my knowledge, Mr Humphries picked that up from the media and pursued the matter.

Mr Lamont: That is really good, Mr Kaine. They have you in their street and they go to the media.

MR KAINE: It was interesting. They did approach me on the subject and I said that I thought it would be pure self-interest for me to push the issue, and I did not. That is why the matter has been brought up by Mr Humphries.

I listened with great interest to what the Minister said. I think we can give a subject like this too much broad-brush treatment. I appreciate what the Minister was saying in relation to green-acre development, where a developer moves in and develops a huge mass of land, puts the streets in, builds lots of houses and puts in recreation areas. It is a sensible thing to do some tree planting and some streetscaping before people start to move in; otherwise people are moving into a desert in many ways. But I do not think that necessarily applies to other places where building occurs.

It is the Government's policy at the moment that 50 per cent of housing for the next 10 years or so will be through urban infill. Some of that will be by dual occupancy; but some of it will be in the form of the area I live in, Macarthur, and the street where this complaint came from - a small extension of an existing suburb or, in some cases, a relatively small area of unused land in a suburb the Government now decides should have a few townhouses or something built on it. That is a totally different situation from the broad-acre development, and I would submit that under those circumstances it is reasonable for the Government to solicit views, as Mr Humphries suggests.

I am not saying that we demand that you implement whatever the community tells you they want, but it would at least give the people moving into that small enclave an input. Generally speaking, it is going to be a tight-knit little community that develops within an existing suburb, so people are going to get to know each other well, as is the case in Starritt Place, Macarthur. The people who live in that street have street parties, and they are developing it. It is a cul-de-sac, and at the top end they are developing a little area which is open land. They are planting trees and turning it into what will ultimately be a nice little park. Under those circumstances, it would not be unreasonable to ask them beforehand what they envisage their street or their little community looking like in the future, including the forms of trees.

Ms Ellis has commented on what members of the Planning, Development and Infrastructure Committee saw in Adelaide. The in thing was edible landscaping. You can laugh at that, but they are planting trees and shrubs that do produce fruit. I have to say that most of the houses in Starritt Place were occupied when they came along and put the trees in, but if the residents had been spoken to they might have said, "We would like some plum trees or some peach trees or something other than

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eucalyptus trees". I do not know what they would have said. I have not discussed it with them to find out what they really wanted. The sense I did get was that they did not want eucalyptus trees. In that little cul-de-sac, with no more than 20 residential units, it would not have been unreasonable to ask them what they would like.

The Minister talked about the predetermined landscaping plan, and I can understand what he is saying in the broader context; but I do not think we should deal with development as though it is all the same. It is not all the same, and in some instances it would be possible to do what Mr Humphries is suggesting. At the end of the day, the Government may decide not to go along with what the community expresses as its needs, and there may be good reasons why they should not do so. But this merely suggests that the Government should solicit views and give weight to them in whatever way they can. I do not think that is unreasonable in any way.

As long as the Government simply does not give this the broad-brush treatment and reject it in its totality, I will not feel aggrieved, and I do not think the people in Starritt Place, Macarthur, will be either. I think it is a fair proposition that, when the circumstances are right, the people who live there should be asked what they think, and that is essentially what this motion says.

MS SZUTY (11.47): I have listened very attentively to the words that have been spoken in this chamber this morning on an issue that I think we all have some concerns about, and that is the landscape quality of our city. I asked Mr Humphries before the debate exactly what the intent of his motion was. I think some confusion has arisen in the minds of members in this chamber about the intent of Mr Humphries's motion. On the face of it, consulting and soliciting the views of local residents before deciding on tree planting for streets in newly developed suburbs seems reasonable. As the Minister set out in his remarks, we know that the planning for the very high-quality landscaping we enjoy here in Canberra happens often many years before local residents move into a new area. Notwithstanding that, I think Mr Kaine's point about seeing the development of the ACT as happening in various stages and in various ways, and perhaps the department being a little more proactive in talking with local residents in particular areas, is a good idea. The Minister might take that on board, particularly where areas of urban renewal are being developed across the Territory.

I noted that the Minister talked about how the landscape for Gungahlin was decided upon, and it goes back some years. We are talking about the late 1980s and it is now 1994, and people are only now moving into the new town centre of Gungahlin. We know that there was an environmental impact statement for Gungahlin approved initially and a landscape policy prepared. A draft outline of the landscape planning was developed by the planning and land section of the Department of the Environment, Land and Planning. The land was subdivided and a deed of agreement was signed, which included a concept outline for landscape. This was all happening at a very early stage. Then there is a development plan, an implementation plan, presented, and approvals are given. Developers then provide sketch plans and final details of the whole estate, which includes landscape and tree planting schedules. The land is then developed, and part of the landscaping, including drainage, floodways, local open space and playgrounds, is completed. Land sales proceed, building and construction occurs, and new residents purchase and move in.

My advice on this matter from the Department of Urban Services landscape area, which I obtained some time ago, indicated that usually the department waits until the new area is about 80 per cent settled before the completion of the landscaping occurs. That has been to protect the trees from dying or vandalism, as the case may be. I recall last year being taken to some parts of McKellar and Evatt, I think when we were considering the Territory Plan, where it was obvious that the residents had very different ideas from each other as to the type of landscaping they wanted in the area. With each resident removing the street trees that were planned for that particular area, the area ended up with no treescape or streetscape at all. I think it is a great shame when things go to that extent.

I would also like to repeat a comment that was made to me about the attempts by the Department of the Environment, Land and Planning and the Department of Urban Services to encourage developers to use landscaping of a new area as a selling point. This has been a neglected part of the sales area in the past and, given that we have a small number of developers in the market in Canberra, there is more emphasis these days on ensuring that the end product is one that will attract people and therefore give the developers a good name with potential home buyers. That may mean, as Ms Ellis has indicated, that landscaping is completed at an earlier stage, before local residents move in.

Ms Ellis mentioned some of the areas interstate that members of the Planning, Development and Infrastructure Committee visited last year in particular. The one that came to my mind was the Robina development in Queensland, behind the Gold Coast, where a new community is being established with the landscaping largely in place. It really does have a magnificent settled feel. I returned to the ACT from that visit and went out to Palmerston and contrasted the two developments. The contrast between the very advanced landscaping plans for Robina and the very new landscaping in Palmerston was stark. I made a comment at the time that Palmerston looked more like a construction site that local residents were living in than a settled community, with a degree of landscaping having been developed.

In conclusion, Mr Deputy Speaker, I have listened with interest to the remarks that various speakers have made about this issue. I do take on board Mr Humphries's call on the Government to solicit the views of local residents, where possible, before deciding on tree planting in streets in newly developed suburbs. At this stage, I will support the motion, but in the context of all the preparatory work that is done by many people in this city to ensure that we have a high-quality landscape that everyone can enjoy.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (11.54): I rise mainly to address a couple of points raised by Ms Szuty. In general, the difficulty associated with Mr Humphries's motion is not in agreeing with or acknowledging the sentiment, which I think is broadly supported by everybody in the Assembly, but in being able to implement such a sentiment in a way that is workable. We live in a city which demands many things from its government, and quite rightly so, as far as public amenity is concerned. We saw for the period of Mr Kaine's stewardship that that was not achieved and we have seen the remarkable change since.

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In principle, what we have been able to do through the activities of organisations such as the Planning, Development and Infrastructure Committee is increase the awareness of developers, whether they are single house developers or larger-scale developers, of the need to provide far better amenity in the development of particular subdivisions. As an example, I regard Palmerston as approaching one of the better examples of urban landscape in the ACT. When I look at what has happened in some areas in Tuggeranong, such as Conder and Banks, and the way in which the treescape has been planted and compare it to the stage that Palmerston is now at, there is no comparison. It is almost as stark as the difference Ms Szuty saw between Robina and Palmerston.

We need to take into account that we are talking about a number of levels of streetscape and treescape, and this is where the difficulty in implementing what Mr Humphries is talking about comes into play. I do not think we should be doing anything which would prevent any householder from having on their land whatever type of garden they wish, whether it is a native garden or an exotic garden; but I do believe that it is essential that we help create characteristics of suburbs. I only need to draw your attention to the older inner south and inner north areas of Canberra, where we have quite distinct suburban features that have been able to be created because of the way in which the planting regimes for those areas were implemented when those suburbs were developed. That was quite deliberately done, and I think it has been extremely successful.

If we look at the arrangements for, say, Aranda, they are quite different from the inner north and inner south areas, but there is a central theme and the strategy upon which those plantings were based was devised for the entire suburb. It is extremely difficult to say, on a one-off basis, that because we have added half a street at the end of one of the areas we can necessarily depart from that regime. That is one of the concerns I have, not about the sentiment of the motion but certainly about the implementation of that sentiment.

When we look at what is happening, even in areas of urban accretion or urban consolidation, we generally find that there is a requirement now placed on the land developer to have mature streetscapes and treescapes in place almost prior to the blocks being sold. This is to provide a break in the traditional suburban development, again with no disrespect to Conder and Banks, that we see so starkly in those two areas. It is important that we do not deny the opportunity to provide those mature streetscapes and treescapes by the time those buildings are occupied.

It is extremely difficult, I acknowledge, in areas such as the golf course estate in Tuggeranong, where some streets have been occupied for some considerable time and new streets are being brought in, to ensure that you match the consistency of the growing form across the suburb. In Palmerston, say, if we were to go to the extent that is implied in Mr Humphries's motion, we would not be planting trees in most of that area because over a third of Palmerston is not yet built.

Mr Humphries: I am not saying that you should do that.

MR LAMONT: How then do you take into account the views of the neighbours and the views of the street?

Mr Humphries: Only when they are there already.

MR LAMONT: So what you are saying is that if a developer says, as we are requiring them more and more to do, "We will put in tree plantings in this area; we will then sell the blocks and allow the houses to be constructed", that is fine?

Mr Humphries: I will answer the question when I get up to reply.

MR LAMONT: I presume, from what you have just said, that you acknowledge that that is fine. If you acknowledge that and can identify that, I have no difficulties in essence with your motion. I do say, however, that there is some scope in a place such as the golf course estate in Tuggeranong, where there has been, I understand, an overall strategy developed for streetscapes, treescapes and tree canopy, unilaterally to change that.

Mr Humphries: No-one is talking about changing it, David.

MR LAMONT: Yes, you are.

Mr Humphries: No.

MR LAMONT: To some extent you are, Gary; you have to acknowledge that. I will acknowledge that you have not had much experience in planning matters and so forth, and I certainly take on board the views expressed by your colleague, the former chair of the Planning Committee and the former deputy chair of the Planning Committee, and believe that - - -

Mr Kaine: Also a former chair of the Planning Committee.

MR LAMONT: I did say that, Mr Kaine - and former leader of the Liberal Party and former deputy leader of the Liberal Party.

Mr Stevenson: Former Chief Minister; throw that in.

MR LAMONT: Former Chief Minister - - -

Mr Connolly: Twice former leader of the Liberal Party.

MR LAMONT: Twice former leader of the Liberal Party.

MR DEPUTY SPEAKER: Might I suggest that all members acknowledge the Chair in making their comments.

MR LAMONT: Thank you, Mr Deputy Speaker. I do not think he has been a former deputy chair.

Mr Humphries: Or deputy leader.

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MR DEPUTY SPEAKER: We might also concentrate on some relevance.

MR LAMONT: But there is still time, Mr Humphries, for him to be a former deputy leader, I am sure. I suggest, Mr Humphries, that there are difficulties in implementing the motion in the terms you are outlining. I do understand and accept the broad thrust of getting people involved in that area, but I think people need to bear in mind that there are some difficulties with it.

MR DE DOMENICO (12.00): Mr Deputy Speaker, I rise briefly to comment on this motion of Mr Humphries's. It appears that everybody who has spoken on it agrees with Mr Humphries. I do not know why there is angst amongst any of us on this quite sensible motion. Interestingly, a couple of points Mr Lamont made need responding to, in particular when he said, "You want to change things". As Mr Humphries said, that is not true; that is not what the motion says. As a direct example of that, in the case of Starritt Place, Macarthur, I am advised that the residents were informed by the Department of the Environment, Land and Planning that it was about to come in and plant a certain species of tree and that there was some concern expressed by some of those residents about the type of tree that was going to be planted there. Lo and behold, what did happen eventually was that the trees that were planted were not the same species the residents were advised of.

For anyone to say that Mr Humphries's motion is unworkable is just not true. I think all of us will recall that people are very interested in what happens close to their front yards. Who will ever forget last year when a certain resident of Fadden came home, after spending the whole weekend doing his garden, to find a great big hole in his nature strip because someone had decided, without telling him, that they were going to put a bus-stop in front of his yard. He was very concerned.

Once again, all Mr Humphries's motion is seeking to do, and I think the Assembly as a whole has given it broad support, is reflect the fact that, when suburbs are established and people are living in houses and when there is no advance understanding of what is going to be planted there, you could at least knock on the door and say, "We intend to plant a gum tree or an oak tree or whatever. What are your views?". It is as simple as that. If it is a matter of saying, "It has been decided that the natural landscaping in this suburb or in the street is supposed to be gum trees or pine trees or whatever", at least the resident then knows what the advance planning is. In this situation, I am advised, the residents were advised that they were going to plant whatever species of tree it is, some expressed concern about that and, lo and behold, once the trees were planted it was found that they were a different species from the ones the residents were advised were going to be planted.

All that Mr Humphries's motion is attempting to do, which the Assembly should support, is to say that there should be a little more consultation. It does not do anybody any harm, for heaven's sake. As Ms Szuty and other speakers have said, we can be justifiably proud of our landscaping in the ACT. It is the best I have seen throughout the country.

As a member of the PDI Committee, to which Ms Ellis, Ms Szuty and Mr Lamont have alluded, I believe that we have not seen any city in this country that does it better than it has to happen in the ACT, and I acknowledge that there are some areas of great concern. Very simply, Mr Deputy Speaker, Mr Humphries's motion ought to receive the support of this Assembly because it is saying one simple thing: For heaven's sake, when humanly possible, let us talk to the people before we do anything.

MRS GRASSBY (12.04): Mr Deputy Speaker, one of the things I always enjoyed about living in Aranda was the fact that all the trees were left there and the houses were built around them. They were the trees that grew in Canberra long before Aranda was developed. I do not know how you knock on a door on an empty block and ask them about what you are going to plant there. I would not have liked to move into Isaacs, as I know Mr Kaine did, in the very early stages when there was not a tree there. It is only now starting to look like a reasonable suburb. Until the trees started to grow, I think it was one of the worst looking suburbs in the whole of Canberra. At least now that the trees are starting to grow, it looks a lot more pleasant.

I find it very hard to understand how you are going to knock on the door of an empty block and ask somebody what they want. I would much prefer to see some trees growing in the area, so that you do not end up with an area like Isaacs, which looks like a mass of houses, little boxes, and no trees.

Mr Berry: There are some big boxes there, Ellnor.

MRS GRASSBY: Yes, you are right there, Mr Berry. There are some very large boxes. That is all the more reason, I think, why there should be more trees there to hide some of those very large ugly boxes.

MR DEPUTY SPEAKER: I am fascinated that you found that the trees in Aranda were left. I do not know how you established whether they were left or right, but never mind.

MR STEVENSON (12.06): That is a most interesting thought, Mr Deputy Speaker. The motion is simply a matter of consultation, and that is a reasonable thing. The motion does not suggest that the consultative advice has to be followed, but it is a good idea to do it. Mrs Grassby says that she does not know how you knock on the door on an empty or vacant block of land. It is difficult. However, there are many cases where, though the block be empty, it has already been purchased by a prospective home owner. Though you may not be able to knock on the door on that block, you could certainly send a letter to their current address and ask them about the consultative process. That needs to be thought about.

Secondly, once the homes start to go up, you can talk to other people in the area, and that is what should be done. If there is no-one to talk to, obviously you cannot have that process. It is a sensible motion; it would increase consultation. It is important to keep Canberra as the showpiece of this nation.

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MR HUMPHRIES (12.07), in reply: May I first of all welcome students of St Clare's College, who are in the gallery listening to our debate. I hope that they are enjoying the debate and perhaps benefiting from it.

I do not think some members of this chamber have really understood the parameters of the debate. I have made it quite clear in the comments I have made on this motion that I am not talking about cutting across policies of planting new trees in suburbs where those trees have been planted and decisions made prior to residents moving in.

Mrs Grassby observes with great brilliance that you cannot knock on the door of an empty block. Of course you cannot. However, the policy to which Mr Wood and Ms Ellis referred, of planting trees in advance of the houses being built in the suburbs, is not generally the policy pursued by the Government. How do I know this? Because the Government has told me so. Let me refer to the answer to question No. 824 to Mr Connolly, the then Minister for Urban Services. He said in answer to my question about the policy followed by the Government:

The ACT Government has a street tree policy which includes the planting of street trees in new residential areas. The planting is carried out when approximately 80 per cent of houses in a suburb have been completed.

I repeat that:

... when approximately 80 per cent of houses in a suburb have been completed.

Mr Lamont: What was the date of that answer?

MR HUMPHRIES: This question is not dated, but I asked it late last year, after I put this matter on the notice paper. So Mr Connolly was telling us, and I assume that he was telling us correctly, that, with 80 per cent of houses in suburbs having been completed - not begun; completed - before tree planting actually begins, it is fairly obvious that it is possible at that stage to talk to the residents. I have no problem at all with trying to put forward a policy which puts trees into suburbs as soon as possible, even before residents have begun to build their houses. That is a great idea. As the then Minister pointed out:

The planting of street trees any earlier than this results in a significant loss of trees due to building construction activities.

That is a very good point to make; I assume that you cannot always plant them too early. But where you have a policy that says, "Let us plant them when most of the houses are in the street", it does follow that you have an opportunity to talk to the residents.

This motion of mine is not a prescriptive motion. It does not say, "You must do certain things in certain timeframes in certain ways with all the residents and get agreement, make sure that they have all voted for it, and not diverge from their express point of view".

That is not what is suggested by this motion. It is a simple motion that asks that their views be solicited. You may, if you wish, Minister, ignore their views, having solicited them; but I do think you have an obligation to ask them what they think. You may ask them and ignore them if you wish, but you should at least be asking them.

Ms Ellis pointed out that there are some great gum tree plantings in Dampier Crescent, Forrest, that look magnificent. I quite agree; they do. I am not a fan of gum trees, but I quite agree that they can look very good. I was not attacking eucalypts. I think some people can do great things with them.

Ms Ellis: No, I know that you were not, but some residents are.

MR HUMPHRIES: Some residents do not like them; that is true. But I think there is a certain danger with that attitude. It says, "We, the urban designers, the landscape planners, know better than the residents. We know that some ghost gums along this street will be magnificent. I am sorry if you want something else, but we know best". That is a policy that I think it does not behove any government to follow, and that is something we should be trying to avoid. It is important to get as early a start as possible, but the Government should not be worried about surrendering its capacity to make those decisions based on some consultation.

Mr Wood is flicking through the Pryor and Banks book on Canberra trees. I have a copy of that book at home; it is a very valuable book. If you look at it carefully, particularly in the case of the older suburbs of South Canberra, it indicates that there is a very effective policy of divergent planning policies for different streets. Some streets of Forrest have some great gums in them; they look magnificent. Other streets in Forrest have some well-developed European deciduous trees; they also look great. It is not essential that the suburb have a policy, like Aranda, where every street has a eucalypt theme, or the same eucalypts.

Mr Lamont: There is an overall strategy in those suburbs.

MR HUMPHRIES: Indeed there is, but within a strategy you can build in some question of personal choice. It is not necessary that every street have the same trees planted in every spot. You can have some interaction with the people who live in the street. If you say to the residents, "In this street, because the soil is very poor, it is essential that we have native species which are relatively fast growing, which are good in poor soil with poor drainage. That has to be the policy, and here are some trees that fit within that policy. How about giving us some ideas?", residents can do that.

Mr Lamont: We give in, Gary. We yield. You have worn us down.

MR HUMPHRIES: I hear what Mr Lamont says, and I am glad to see that. I think we can see with this motion a fairly positive step, and I hope that it will have the support which will give the Government some guidance on how we should proceed to implement such a policy.

Question resolved in the affirmative.

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GORAZDE
Motion of Sympathy

MR WESTENDE (12.14): Mr Deputy Speaker, I seek leave to move a motion concerning the plight of the people of Gorazde.

Leave granted.

MR WESTENDE: I move:

That this Assembly expresses its sympathy for the people of Gorazde and all those suffering from conflict in the region, and hopes for reconciliation between all groups and individuals involved.

Having my origins in Europe, I still take a great deal of interest in that part of the world, although I consider myself to be an Australian first. While the rest of Europe is moving very rapidly and very efficiently to European union, it pains me to witness the destruction in the Balkans. Countries and people are tearing themselves apart, to the ruination of the countryside, and it is a beautiful countryside, as those of us who have been there know. But nowhere is the destruction as vivid as that we have seen of late in the area surrounding Gorazde.

The Balkans have a long history of instability. In moving this motion, I hope and pray that the people will wake up to the slaughter that is going on and that they will see for themselves the senselessness of all this destruction. The sooner the governments and the people of that area realise that no useful purpose is being served by this wholesale destruction, the better.

MR BERRY (12.16): Mr Deputy Speaker, the Government supports this motion. Labor is opposed to all wars; there are no good wars. The innocent victims - the women, the children - are the centrepiece of some of the terrible pictures we have seen of this conflict between human beings. We also see that across the world there are many people who make their fortunes from wars, and the pressure from the sellers of weapons and the machinery of war is on those areas. We see awful pictures of conflict between ordinary men and women, but usually it is the women and the children and other innocent bystanders who suffer most. There is no excuse for it, but often there is no easy solution.

I see in press reports calls for various extensions of violence as some sort of solution to wars, and I note that as part of the motion there is a call for reconciliation. It is difficult to think about those concepts together. On the one hand, people are saying that we ought to extend the violence by way of air strikes, say, and then they talk about reconciliation. It does not seem to work together. In Australia, I suppose, there is a sense of frustration about those issues because it is not something that many of us could comprehend.

It is not something that many of us could ever see happening near us. It is not something that many of us understand. It is, nevertheless, a tragedy. The Labor Party suffers internally because of it. We are people who are bound to peace and we want to make sure that whatever we do extends peace across the world. Some time ago we dealt with the issue of arms sales here in the Territory, and our motives on peace were expressed in the course of the debate over the Aidex matter. Mr Westende, we support your motion fully. I know that the community will support your motion fully. But I fear that we will be frustrated for some time yet, in the absence of an early solution. All of us will do what we can to foster some sort of solution and transmit our support for the early reconciliation you have called for.

MR MOORE (12.19): Madam Speaker, I think the importance of this motion is that it is yet another small mark that says that we must do something other than continue with war. It is another small amount of pressure to be put on the people of the region, the people who are making the decisions, rather than the people who are suffering. It seems to me that, if motions such as this from almost every other parliament in the world were brought to the attention of the people of the region, we could hope that that might bring some reasonable pressure for a solution. For that reason, along with the reasons expressed by both Mr Westende and Mr Berry, I think it is appropriate that this Assembly, hopefully unanimously, should support the motion proposed by Mr Westende.

Question resolved in the affirmative, members standing in their places.

Sitting suspended from 12.21 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Petrol Station Site

MRS CARNELL: Madam Speaker, my question without notice is addressed to the Minister for consumer affairs. I refer the Minister to the ACT Government's agreement with Burmah Fuels Australia which requires Burmah to pay rental at the highly concessional rate of 1.8c per litre after recovery of set-up costs. I ask the Minister: Is he aware that an independent valuation of the site conducted by McCann and Associates values the gross rental potential at not less than 7c per litre? We know that he is aware of that because we gave the information to him just before question time. Does he agree that on the expected throughput of 3.6 million litres per year the Government would receive \$64,800, as per the AVO advice of 29 October 1993; but that if the Government were to charge a normal market rental it would receive \$252,000? Why did the Government decide to forgo at least \$187,000 in annual rent for the site?

MR CONNOLLY: The Government did not decide to forgo \$187,000 in annual rent. I agree with the figures that you quoted on our figures, because they were the Australian Valuation Office figures and were the figures I gave you. You refer to the independent valuation which I see was sent to, and presumably paid for by, the Motor Trades Association of Australia, which of course does not like the fact that Canberra citizens are paying 7c a litre less for petrol under Labor than they would pay under the Liberals. What I am saying about this report, Madam Speaker, is that it says in the final paragraph:

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This report is for the use only of the party to whom it is addressed and for no other parties. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this report.

Here we have this report, paid for by the Motor Trades Association, expressly saying in its final paragraph:

This report is for the use only of the party to whom it is addressed and for no other parties.

Yet here we have it faxed to the Liberal Party and waved around in the ACT Assembly today. These people have no shame, Madam Speaker. I welcome your going out into the community and saying, "Vote Liberal, because we will defend the petrol cartels. Vote Liberal, because we will put petrol back to 75c a litre", which is the price that people were paying in Canberra before we intervened and is the price - - -

Mr De Domenico: Whom does your Government defend?

MR CONNOLLY: Our Government defends the consumers and the small businesses of Canberra, who are paying less for petrol. People around Australia who were paying the same price as Canberra residents for petrol - country residents of New South Wales who were paying 76c a litre, as we were when we announced the Burmah deal - are still paying 76c a litre. This Labor Government brought down petrol prices. I apologise for raising my voice, but it was necessary to be heard over the rabble emanating from the benches opposite.

Madam Speaker, I note that this report commissioned and paid for by the Motor Trades Association claims that you could have got a rental of 7c a litre. I find that extraordinary, because the Motor Trades Association of Australia, in its submission to the ACT Government Working Group on Petrol Prices - I do not have that document here, but I will get it and ensure that I table it in due course - indicated that around 2c was about the right operating margin. When we went to an independent valuer - we went to the Australian Valuation Office - and they said that 1.8c was fair, that seemed to be within the ballpark of what the Motor Trades Association had said was fair, given the peculiar nature of this site and given not only the offset of improvements but also the factor that we are not talking about any opportunity to build up goodwill in a business because it is a three- to five-year licence, not a long-term lease. We thought that 1.8c was in the ballpark of the MTAA's original statement, so we thought it was fair.

This report by McCann and Associates, paid for by the MTAA, which says 7c, indicates a rate that is over three times what the Motor Trades Association told us was the prevailing rate. Things must have dramatically altered in the market between when the Motor Trades Association told us what they thought they were paying and when it was necessary to do a job on Burmah.

Madam Speaker, the Liberals can bleat and they can wax lyrical about this as much as they like. We have acted on the basis of independent valuation advice from the Australian Valuation Office which you would say is reputable, I am sure. McCanns are reputable too, no doubt; but one would have to say that a valuation prepared for a party for the purposes of presumably running a case against Burmah was perhaps prepared for a specific purpose. We have a difference in valuers' reports. That happens all the time. It is the nature of the beast. We acted, however, on the basis of an independent valuer's report, and the bottom line is that under Labor Canberra residents are paying 7c less for petrol. If you people had been occupying these benches for the last seven months, Canberra people would still be paying 75c to 77c a litre for petrol.

MRS CARNELL: I ask a supplementary question, Madam Speaker. Minister, is it not true that it took you more than one go to get the valuation that you wanted from the AVO and, if not, will you table your request for valuation that you gave the AVO, taking into account that you have claimed that this is all hunky-dory and above board? I also seek leave to table my valuation.

Leave granted.

MR CONNOLLY: Madam Speaker, I have no knowledge of how many goes officials may have had. I did not deal with the Australian Valuation Office; officials dealt with it. I will consult the file. I really wonder why you people keep coming back for more. I will give you more. Under Labor consumers are paying 7c a litre less for petrol than they would have paid if you lot had been in office. I am proud to say that. I hope that the Motor Trades Association does not just put out newspapers, but buys radio time and television time to keep reminding Canberra consumers that it was Connolly and the Labor Party who brought petrol prices down 7c a litre. Your innuendo about getting valuation reports I will have a look at.

Mr Stevenson: I raise a point of order, Madam Speaker. I think that Mr Connolly is perhaps directing his voice to the people outside the Assembly. As that was the point he raised the other day, I thought it was relevant to mention it now.

MADAM SPEAKER: Mr Stevenson, I have noted it. I will remind you of it.

Police Records - Disclosure by Ministers

MR BERRY: I have a question for Mr Connolly, and it is another chance for him to pin the Liberals' ears back. Noting the use by the Liberals of information which was never intended for them, as was alluded to in the last answer to their question, and noting events in Victoria, where information has been dug out by the Liberals for a use for which it was never intended, could the Minister inform the Assembly under what circumstances he would release sensitive police records to members of opposition political parties in other States?

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MR CONNOLLY: My goodness! Could there be collusion between the Liberals and Mr Berry in asking questions about improper use of documents? Madam Speaker, I can shortly answer Mr Berry by saying that there are no circumstances in which as a Minister of this Labor Government I would release police files, police records or police information to anyone, let alone members who may be personal friends of mine and members of Labor front benches in other parts of Australia.

The practice relating to access to criminal records from the AFP is very clear. A document tabled during the debate last week, which I am happy to table again, makes it clear that the Australian Federal Police would provide me with such records only if it was necessary for me to know for the purposes of conducting my official capacities as Attorney-General of the Australian Capital Territory. I would expect that if I were to ring the assistant commissioner and say, "I want to know the criminal records of some people that my mates in the Labor Opposition in Victoria are pursuing", the assistant commissioner would quite rightly say, "Mr Attorney, I cannot provide you with that information". That is the way it should be.

There is a fundamental issue at stake here that has been undermined by this cavalier attitude of the Liberals opposite - although I notice that Mrs Carnell did say in the paper yesterday that it would be unacceptable to use police records for that purpose, but I understand that she is trying to back-pedal as quickly as possible from that position. *TheAge*, this morning, in its editorial, said this:

Whatever the truth -

and this is whatever the truth of whether this revealed anything sinister, and for the purposes of this point it matters not whether it did or it did not; I will accept, for the purposes of the argument, that it did -

the fact remains: Mr Reynolds' actions were a breach of convention. Police records are not, and should not, be made available to ministers on demand. Still less should they be handed to a political party.

Madam Speaker, how correct. If the records of the Australian Federal Police - which, by definition, are linked into Australian criminal records across Australia, because we are a federal system - are available for political parties to pass around willy-nilly to their mates around Australia to run political point scoring exercises, as we have seen here, to get a ministerial scalp, citizens of this country could well be expected to lose confidence in the police force. The politicisation of a police force by Ministers using access to secret police files for partisan political purposes is one - - -

Mr De Domenico: Secret police files?

MR CONNOLLY: Police files are, quite properly, secret, Madam Speaker - and so they should be. I have not heard even the most passionate proponents of open government suggesting that we should set up a little computer terminal in the police foyer so that people can come in and tap into the police criminal records database. That material is quite properly regarded as secret information, as information to be used only for official purposes. If it is used for grubby partisan political purposes - as the Victorian

Government has shown in its cavalier approach it is prepared to do and as this Opposition is prepared to connive at, although when trying to take the high moral ground in the *Canberra Times* Mrs Carnell says, "No, no; that is unacceptable" but at the same time gets involved in the process and happily makes use of such information - the citizens of Australia have a right to lose confidence in the police force.

In years to come, when VITAB and VicTAB and all the circumstances surrounding that issue are long forgotten, the issue of politicisation of a police force - the issue of political use of police files by the Victorian Liberal Government - will still be around. It is an issue that I intend to take very seriously to my colleague police Ministers at the upcoming police Ministers ministerial forum, and I would expect to get a strong reaffirmation from that forum that it is completely unacceptable for Ministers of the Crown to get access to police records and to then pass them around to their political mates in order to run a political job.

The proper course for Mr Reynolds was clear. If he felt that that information needed to be communicated, the proper course would have been to communicate it to Mr Berry as the Minister responsible at the time or to communicate it to me as chief law officer. His defence is that he was justified in getting into secret police files and passing information to the Opposition because they raised a serious - - -

Mr Westende: Not secret police files.

MR CONNOLLY: Police files are secret, and the document that I have just tabled shows the very limited circumstances in which even I, as police Minister, have access to them. Mr Reynolds acknowledges that that material was derived from police sources. He has acknowledged that in the Victorian Parliament. Read your Victorian *Hansard*, read what has happened in the Victorian Parliament, or look at what he said on the media last night. If you go into police records and you think they show something that is very significant, you have a clear duty to pass that on to the chief law enforcement officer in the jurisdiction under question.

How would you feel if, when nominations are lodged for the next election in the ACT - and we can expect a very large number of candidates - I as police Minister started delving into police files to find out anything on candidates? You properly would say, "That was an outrageous abuse of power". What you people are doing is the same. What the Victorian Government has done has seriously undermined public confidence in the police record keeping system of Australia. It is an outrageous thing to do. If it had been shown that I as a Minister had done such a thing, I would expect to be tendering my resignation to this chamber, because it is totally unacceptable conduct. Mr Berry, in summary, there are no circumstances in which I as a Minister in this Labor Government, which upholds convention and principle, would pass police information on even to my best friends on Labor front benches in other parts of Australia.

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ACTTAB - Contract with VITAB Ltd

MR DE DOMENICO: Madam Speaker, my question without notice is addressed to the Deputy Chief Minister in his capacity as Minister for sport and racing. I refer the Minister to comments made by his predecessor, Mr Berry, on the Matthew Abraham program, when he said:

They then went on to attack the principals of VITAB and, of course, they have come up clean.

Can the Minister now confirm that that statement was wrong? Can he confirm to the house that Mr Cornelius Joseph McMahan was convicted in 1988 on a charge of "suffer betting" and fined \$200 and put on a \$200 good behaviour bond? If he can confirm this, thus proving that ACTTAB has entered into a contract with a person convicted of a gaming offence, will he immediately move to cancel the contract with VITAB?

MR LAMONT: I thank the member for his question, Madam Speaker. I am rather surprised that in three questions in a row the Liberals have stuck their neck on the line. The simple fact is, Mr De Domenico, as I will indicate to you - - -

Mr Humphries: We have asked only two.

MR LAMONT: There was a supplementary question which was a paltry excuse for a second question by Mrs Carnell. The simple fact is, Mr De Domenico, that the matter about which you have asked is subject to an inquiry being conducted by Professor Pearce. It would be improper of me to go into any of those matters until such time as that inquiry has had the opportunity of running its course. It would simply be wrong to comment about whether or not a contract should be terminated. In those circumstances it would be not only improper of me to answer but, I would suggest, improper of you to ask.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Can the Minister further confirm that Mr Peter James Bartholomew was not only charged and convicted for gaming and telecommunications offences but fined \$2,500 and sentenced to a period of imprisonment? Will you now cancel the contract with VITAB?

MR LAMONT: Thank you for the supplementary question. I will again say it, Mr De Domenico. You may have information from your police Minister mate in Victoria, but I would suggest to you that the appropriate place for you to put any of that information is before the inquiry being conducted by Professor Pearce. You have been told that for the last two weeks. You are continuing to rake mud over this issue. The appropriate way for you and your ministerial colleagues in Melbourne to fix this issue, if they believe so passionately about it, is to agree to appear before the inquiry. Instead of sitting in this room raking the mud that you are, using your secret sources to try to blemish people, I suggest that you talk to your mates in Victoria and get them to appear before this inquiry. If you are trying to subvert the outcome of the inquiry, then you should, in fact, be condemned by everybody in this Assembly.

Riverina Air Freight Study

MS SZUTY: Madam Speaker, my question without notice is addressed to the Chief Minister, Ms Follett. I refer to an article entitled "Riverina's on the right track" which appeared in the *Sunday Telegraph* of 17 April 1994. I did fax a copy of this article to Ms Follett's office in fairly recent times. In the article it is stated that the Riverina Regional Development Board is looking at ways to maximise the area's export potential via a local international air freight terminal. My question of the Chief Minister is: Can she inform the Assembly how far this idea has been progressed by the Riverina Regional Development Board and what implications there may be for the airport development that is currently being considered for the ACT?

MS FOLLETT: Madam Speaker, I thank Ms Szuty for the question and thank her also for drawing this article to my attention. I have to admit that the *Sunday Telegraph* of 17 April 1994 is one of a vast number of newspapers that I have not read. Madam Speaker, I do understand that over the years quite a number of studies have been conducted on the feasibility of an international air freight terminal at the Narrandera-Leeton Airport. I further understand that there is now some additional work under way to assess the viability of such a proposal. Members will be aware, of course, that similar studies have been done in relation to the Canberra Airport and the possibility of it becoming an international freight terminal. Those studies, as far as I am aware, have not actually borne fruit for the ACT.

Like the ACT or the south-east region of New South Wales, the Leeton area has products which are potentially suitable for international airfreight - products such as fruit, vegetables and cut flowers. However, Madam Speaker, we would need to await the outcome of this additional study before we could assess any implications of the proposal for Canberra.

My department has commissioned a consultant's report on the potential for development of Canberra Airport for international traffic. We have been looking predominantly at passenger traffic rather than confining ourselves to the freight terminal idea - which, as I say, we have studied before but so far without it bearing fruit. The consultant's report that I refer to will be used as input to the submission which the Government will be making to the Legislative Assembly Standing Committee on Tourism and ACT Promotion. As members will be aware, that committee has an inquiry under way into the tourism benefits of an international airport, so I will be putting forward a submission to the Assembly's inquiry. But, in brief, in relation to the Riverina proposal, Madam Speaker, I think we will have to wait and see what the study comes up with and whether there is a plan to implement the results of that study, before I could say with any great certainty what might be the implications for Canberra.

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Public Surveys

MR STEVENSON: Madam Speaker, my question of the Chief Minister concerns government surveys. During the five-year term or, I could say, sentence of this Assembly, how many surveys have been conducted by the Government or government departments; and would the Chief Minister be good enough to table the questions, their answers and the exact methodology used in those surveys? With regard to the recent survey by my party on electoral matters, the Chief Minister suggested that the 507 people that we surveyed over eight suburbs were an insufficient number and said that her advice was that 2,000 was a more appropriate number. Would she please indicate whom the advice was from and whether it was verbal or in writing; and, if it was in writing, would she be good enough to table it in this Assembly?

MS FOLLETT: Madam Speaker, Mr Stevenson's question is utterly bizarre. He has asked me to stand up here and tell you about all of the surveys that have been conducted by ACT governments over five years. That is a ridiculous proposition. I quite clearly do not have that sort of information with me. Madam Speaker, I would have to take that question - I presume it to be a serious question - on notice.

Members will be aware that two householder surveys have been conducted. Of course, those surveys go to all ratepayers in the ACT. They have recently been extended to Housing Trust tenants as well. Those surveys go to however many households there are in the Territory - over 100,000, I believe. Many other surveys are conducted on different subjects across all agencies in the ACT Administration. To collate the information that Mr Stevenson's question implies would be a massive task. Madam Speaker, with respect to Mr Stevenson, I suggest that he and I might discuss narrowing down the scope of his question in some way, so that it does not impose such a massive drain on resources as it presently would.

Mr Stevenson further asked about his own electoral survey. Madam Speaker, I can say that the advice that I had on this matter was from my usual public service source. However, Madam Speaker, I do consider that - - -

Mr Stevenson: Which one was that?

MS FOLLETT: Madam Speaker, it was from my usual public service source. I do believe, however, that saying that a sample of 2,000 might have been appropriate was probably a fairly conservative view. The major problem with Mr Stevenson's survey was the lack of randomness of samples or the lack of evening out for demographic characteristics and so on that was inherent in his survey because he conducted his survey at shopping centres. Admittedly it was conducted over a number of shopping centres, but it included working days. Members would be well aware that you do not get an average sample of residents of the ACT at a shopping centre during working hours.

Mr Kaine: Sample size and randomness are two different things, Chief Minister. You were talking about sample size.

MS FOLLETT: Mr Kaine, indeed I said, when I mentioned this matter yesterday, that I was no expert on surveying; hence I do take advice on the matter. But the advice that I did take included the fact that the sample size which Mr Stevenson used was very small indeed and could not be taken as a reliable sample for the matters that he was surveying.

MR STEVENSON: May I ask a supplementary question, please, Madam Speaker? Firstly, is the Chief Minister aware - perhaps she is not - that the surveys were done not only within working hours but also outside working hours and on weekends? There was mention in the *Canberra Times* recently - - -

MADAM SPEAKER: Mr Stevenson, you are stretching the limits of a supplementary question. You asked about two things in the first place. A supplementary question must come as a consequence of those two things. Please focus your supplementary question.

MR STEVENSON: This is a direct consequence of those points and the answer that the Chief Minister gave. The *Canberra Times* mentioned something about my asking questions late at night in Belconnen. It was not so late at night. Is the Chief Minister also aware that not for this survey but for surveys in the past we have checked out our survey methodology and the results have not been significantly different?

MS FOLLETT: No, I am not.

School Curriculum Frameworks

MRS GRASSBY: My question is directed to the Minister for Education and Training. What progress is the Minister making in developing high-quality curriculum frameworks and outcomes for students in government schools?

MR WOOD: Madam Speaker, as question time in this Assembly reveals, news is made by contentious issues and political argument; yet there are a great number of other matters that are carried on within government that are not contentious but are a great deal more important than many of the issues that get expressed here, and this is one of them.

Over a long period the ACT Education Department and a great number of its teachers have been developing curriculum frameworks. They are joining the best of what we do locally with the national curriculum statements and the national curriculum profiles. This is the best work that is happening in Australia. Even the conservative States which in Perth last year faltered a little in their support of the national curriculum frameworks are now, to the best of my knowledge, mostly fully in support of them. We have picked up the national developments and we have adapted our frameworks to the nationally determined eight key learning areas, so that in the ACT we have developed curriculum frameworks across those eight major subject areas. I would expect in a month or two to be launching those in the ACT and to be advising the community, which of course is secondary to what happens within the schools. The schools will then have access to that completed material.

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I am proud of this, because the ACT is the first education system in Australia to have achieved this, to have gone so far. It is the result of a great deal of hard work by the curriculum people, by teachers. The fact that it has not had a great deal of promotion in the community should not detract from the very considerable importance of the achievements.

Petrol Station Sites

MR WESTENDE: Madam Speaker, my question is directed to the Minister for consumer affairs. Is it true that the Government or the Minister is in receipt of a letter from Burmah Fuels Australia requesting or demanding the release of other sites in the ACT to retail petrol? If so, will the Minister please table that letter in the Assembly?

MR CONNOLLY: Madam Speaker, I am certainly not aware of any such letters demanding release of sites. Burmah certainly indicated to me informally, when I met with senior Burmah officials on the day of the launch, that they would be interested in bidding, were we to release additional sites. We have, of course, indicated that the Government, in the second stage of its strategy, would look at releasing additional sites; but that will be through a restricted bid type of auction where Burmah and other independents may have the opportunity to bid. I am unaware of any letter requesting or demanding, and there is certainly no agreement that would give them any right to think that their request or demand would carry any greater weight than a request or, absurdly, a demand from any other independent retailer.

While discussing the issue of petrol, I want to make sure that I have not misled the house in relation to Mrs Carnell's earlier question. I said that the Motor Trades Association said that about 2c a litre was the appropriate cost of renting a petrol station site. In fact, I shall quote from page 9 of the November 1992 report of the ACT Government Working Group on Petrol Prices. The Motor Trades Association said that 2.4c per litre was the appropriate cost for rental, royalty, electricity, cleaning, licences, stores, et cetera. That was in November 1992.

Given the low inflation outcome of the Federal Labor Government, we have to add a little bit to that, but not very much. So we are talking about perhaps 0.4c to allow for inflation and 0.6c to cover royalty payments for the use of brand names and the like. Page 60 of this report indicates that, for the petrol station sites they looked at, the cost of electricity ranged between \$3,000 and \$30,000, so it looks to me that it costs roughly \$10,000 a year for electricity. Cleaning costs, the cost of various licences - Mr Westende, I am answering your question - and the cost of stores must be added to the cost. So they may have been generous in saying that they felt that the ballpark figure was 2c. The 1.8c from our independent valuer, when compared with the MTA's claim of 2.4c for not just rental but also royalty, electricity, cleaning, licences, stores, et cetera - I am not quite sure what "et cetera" means - indicates that we are pretty much in the ballpark, whereas McCann's specially commissioned report saying 7c is wildly irreconcilable with the Motor Trades Association's own submission to the ACT Government Working Group on Petrol Prices published in November 1992, at page 9, which is available for your perusal.

Yarralumla Montessori School

MR HUMPHRIES: My question is addressed to the Minister for Education. I refer to proposals to co-locate the Yarralumla Montessori School at the Yarralumla Primary School. The Minister will be aware that this proposal has been on foot since the time of the Alliance Government, but it has not to date received any capital works funding to ensure that it goes ahead. Is the Minister aware that the existing facilities at MacGillivray Street are inadequate and will require large expenditure to meet occupational health and safety standards? Is he also aware that space designed for the Montessori School at the Yarralumla Preschool stands vacant and has been vacant for three years? Can the Minister tell the Assembly how high this co-location is on the Government's list of priorities, and can the Minister offer the parents of the Montessori School any confidence that the Government will treat the co-location as a matter of priority and ensure that funds for the necessary work are available in the forthcoming budget?

MR WOOD: Madam Speaker, I am fairly well aware of all the matters that Mr Humphries raised. To the best of my knowledge, the Montessori School is a good site. It is an adequate site for the number of students there at the moment. I believe that they want to enlarge their enrolment; hence they want to shift. I am not aware of significant occupational health and safety problems there. To the best of my knowledge, it is a safe site for the children. Mr Humphries asks how high the priority is. It has my support; but, as Mr Humphries would know, a lot of other projects would have my support. When it comes to budget time we have to draw a line somewhere. That is what has been happening in recent years. There is no shortage of competing projects. Mr Humphries will have to wait and see the outcome of this year's budget to know whether the priority is as high as is necessary to gain the project some funds.

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

PERSONAL EXPLANATION

MRS CARNELL (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

Leave granted.

MRS CARNELL: In question time Mr Connolly indicated that I had somehow done something particularly nasty with the valuation that I was quoting from - - -

Mr Connolly: No; I just read the final paragraph.

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MRS CARNELL: Yes, thank you, Mr Connolly. I would like to quote from a document, which I will seek leave to table, from McCann and Associates. It is an authority to provide their report of 15 April 1994 to another party. It says:

Confirm our telephone discussion p.m. 15 April and our fax of that date. We consent to MTAA providing a copy of our report regarding the Kingston Burmah Oil Company site licence arrangements with the ACT Government to Mrs Kate Carnell MLA for the purpose of her tabling it in the ACT Legislative Assembly.

I seek leave to table that document.

Leave granted.

ANSWERS TO QUESTIONS ON NOTICE

MR CORNWELL: Madam Speaker, I raise a matter under standing order 118A. I have referred the Treasurer to my question on notice No. 1143, which was due to be answered on 15 January. I ask the Treasurer: Can the Minister provide an answer today or, if not, indicate to the Assembly when the answer will be provided?

MS FOLLETT: Madam Speaker, I will just have to check up on which question it was.

Mr Cornwell: It related to government credit cards.

MS FOLLETT: Madam Speaker, I inform members that I have a record of questions which I have not answered, and this one does not appear amongst them. I will seek advice on that matter, Mr Cornwell, and advise the Assembly as quickly as I can.

PAPER

MR BERRY: I seek leave to present a paper.

Mr Kaine: I raise a point of order, Madam Speaker. I draw your attention to standing order 211 and I ask you: Is Mr Berry presenting this paper as either a Minister or the Speaker? I do not think he is either.

MADAM SPEAKER: Standing order 211 refers to presenting papers without leave, Mr Kaine. With leave, he can do it. He has to ask for leave.

Mr Kaine: Madam Speaker, the standing order is quite specific. It states that papers may be presented by a Minister or the Speaker. Mr Berry is not either.

MADAM SPEAKER: No. Mr Kaine, listen to me. If I present a paper or a Minister presents a paper, we do not need to seek leave of the Assembly. If you or Mr Berry wants to present a paper, you need to seek leave of the Assembly. Mr Berry is asking for permission of the Assembly to present a paper. You are free to say no.

Leave not granted.

SPORT, RECREATION AND RACING BUREAU
Ministerial Statement

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on arrangements for sport, recreation and racing.

Leave granted.

MR LAMONT: Madam Speaker, my colleague Mr Wood and I have agreed to a number of significant and positive changes in the administration of arts and sport in this Territory, changes which will further strengthen this Government's already strong commitment to these vital portfolios. In relation to sport, recreation and racing, participation rates in the ACT are ahead of those in any other Australian State or Territory. However, it is clear that this is only a beginning and that in sport, recreation and racing there are many significant opportunities on the horizon which will have enormous benefits for our community.

What is also clear is the need for an administrative structure which can fully exploit these opportunities. It is with this objective in mind that I have established a Bureau of Sport, Recreation and Racing which will be responsible to me through the Secretary of the Department of the Environment, Land and Planning. There are a number of immediate priorities on which the bureau, together with my Sport and Recreation Council, will focus. I will outline a number of these today.

The "More than a Game" strategic plan, which provides a vision for sport and recreation in the ACT to the year 2000, will be finalised in the coming months. I have asked that the bureau identify priority initiatives in this plan which can be developed and implemented in conjunction with the ACT sporting community. An ACT 2000 Committee was established last year to identify ways in which the ACT might maximise the very considerable benefits relating to the 2000 Olympic Games in Sydney. The committee will be presenting a strategy to government for its consideration in August of this year. This will not be a plan focused on the two weeks of the Olympics, but rather a strategy for developing and enhancing our sporting, economic, tourism and cultural foundations over the next six years and beyond. We will be focusing on the further development of junior sport in the Territory whilst at the same time ensuring that we provide opportunities for all age groups in our community to participate in a wide range of sporting and recreational activities and events. The mature age group will provide a special focus in this regard.

We lead the way in the development of drug testing legislation. Within the next few weeks this Assembly will be debating the Sports (Drug Testing) Bill, and I will be putting in place an education program and appropriate administrative support for its implementation. Sportsgrounds and facilities management is another important area in which I will be looking for innovative new practices. I see opportunities for the

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development of closer partnerships with the community and, together with my colleague Mr Wood, I will be seeking to identify circumstances in which facilities might be leased to appropriate sporting organisations.

The ACT racing industry offers great potential for our community. The significant changes which are occurring in the industry nationally, including the broadcasting of Australian races to Asia and the United States, will require a decisive response from each State and Territory. It is important that we are not left behind. In addition, this year the bureau will be developing new racing legislation for the ACT, legislation which will assist the ACT Racing Club to achieve its objective of gaining principal club status. Legislation to allow on-course telephoning betting will be introduced into the Assembly within the next month, and the Government will be responding to the recommendations arising out of the recent review of the distribution of TAB funds to the three racing codes.

Madam Speaker, all of these challenges will be met by this Government, but I have a particular view that the development of the racing industry needs an immediate focus. The returns to the community are potentially very significant. It is for this reason that the Government has agreed in the first instance to a three-year appointment of Mr Mark Owens to head up the bureau as its general manager. Madam Speaker, Mr Owens is with us this afternoon in the chamber. Mr Owens is currently secretary-manager of the ACT Racing Club and has recently won the New South Wales Racing Administrator of the Year award. However, Mr Owens's experience is not confined to the racing industry. He had a 13-year career in the public service, principally in the Department of Foreign Affairs. This experience included several overseas postings. Mr Owens will come to the position with broadly based administrative skills which will enable him to fulfil not only his role in the development of the ACT racing industry but his much broader and vital role and responsibilities of furthering the interests of sport and recreation in our community.

Madam Speaker, in a departure from the prepared text that has been circulated, I indicate that it is important to note that during Mr Owens's period of tenure with the ACT Racing Club he, along with the board of that organisation, was responsible for significantly altering the face of racing in the ACT. He has demonstrated the skills required to manage an extremely large sporting facility - in fact, a multimillion-dollar sporting facility - with a multimillion-dollar budget. He has been responsible for appropriate and adequate marketing and research and has been required to interact with not only the ACT racing administration but racing administrations throughout Australia. It is within that community, Madam Speaker, and indeed within the wider community in the ACT, that Mr Owens is held in high regard. Mr Owens, as I have said, is widely respected and, I have no doubt, will work closely and effectively with the sport, recreation and racing community.

Mr Wood will in due course advise the Assembly of the administrative arrangements affecting culture and heritage. Madam Speaker, I have outlined a very full and progressive agenda for the Sport, Recreation and Racing Bureau - an agenda which demonstrates that this Government is innovative, is committed and is able to deliver to the ACT community. I table a copy of the statement and move:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (3.13): Madam Speaker, I rise briefly to offer my support for the appointment of Mr Mark Owens to the position that Mr Lamont has announced today. My support for Mr Owens is based upon his expertise and commitment to the racing industry in the ACT and particularly his association with the racing club itself. For the past seven years he has been involved, firstly, in administration and, secondly, as secretary-manager of the ACT Racing Club. Mr Owens really is one of those people who, I suppose it could be said, have put Canberra racing on the map. In fact, only last month, as Mr Lamont has already said, Mark was awarded the title of New South Wales Racing Administrator of the Year by the New South Wales Racing Writers Association - something that he can very justly be proud of and something that I know that Canberra racing generally is proud of. It is quite an accolade for a man who began his career, as Mr Lamont said, as a public servant and really came to the racing industry only fairly recently.

Mr Owens has been, amongst other things, instrumental in the push for the ACT Racing Club to gain principal club status, so I am sure that in his new role he will be able to push that ahead even further. It is something that I know everybody associated with racing in the ACT believes is a must for Canberra. He has also been involved in the creation of the Black Opal racing series and lots of other major improvements in the Canberra racetrack and its facilities. Again, anybody who has been to the Canberra races recently, as I have - I go regularly - would know that the racetrack is something that we can all be proud of. We definitely have to put that down to Mark's achievements. His achievements certainly deserve recognition on both sides of the Assembly.

In conclusion, Madam Speaker, I am very pleased personally to note that the rumours that Mr Owens was leaving behind his association with the racing industry and with sport in the ACT have obviously been greatly exaggerated, if I may borrow at least half a quote from Twain. I am very pleased that Mark is staying with us, and I am sure that he will do this job as well as he has done the others.

MR DE DOMENICO (3.16): Madam Speaker, I endorse what Mrs Carnell and Mr Lamont have said. I am also delighted that Mr Owens will remain in Canberra. I do not think I am letting the cat out of the bag by revealing that people in other States were interested in Mr Owens's unquestionable talents. I congratulate the two Ministers on making sure that Mr Owens remains in Canberra for the benefit of the people of the ACT.

I also give Liberal Party support to the Minister's decision to establish a Bureau of Sport, Recreation and Racing. A lot of people do not realise the importance of the racing industry, in particular, to the economy of the ACT in terms of the number of people it employs in the ACT, a lot of whom are younger people. Let there be no doubt; the racing industry is a very important industry in this Territory. We should do whatever we can to make sure that it is enhanced and that it remains the jewel in the crown that it ought to be. Members on both sides of this house ought to make sure that this industry is strong and viable and continues to be strong and viable.

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We on this side of the house also welcome the way in which the new Minister, Mr Lamont, has consulted with the Opposition in the very limited time that he has been in this portfolio. We think that is a refreshing change as well. I also welcome the way Mr Jim Service, the chairman of the ACT 2000 Committee, has been consulting with members of both parties in this Assembly. Madam Speaker, we congratulate Mr Lamont on the Government's initiative in doing what it has done today. We look forward to seeing what the fruits of that initiative will be. Quite obviously, we will be cooperating as much as we can to make sure that it all happens for the ACT.

Question resolved in the affirmative.

PAPER

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present the Canberra Institute of Technology annual report 1993, together with the financial statement and the Auditor-General's report.

OFFICE OF CULTURE AND HERITAGE

Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the establishment of an ACT Office of Culture and Heritage.

Leave granted.

MR WOOD: Madam Speaker, I support Mr Lamont's statement relating to the need for separate administrative arrangements for sport, recreation and racing and for culture and heritage in recognition of the growing contribution they make to our community's lifestyle. The establishment of a separate Office of Culture and Heritage will ensure a dedicated focus on an agenda which, like sport, is continuing to grow. Many of the initiatives arising out of the arts, museums, galleries and heritage portfolio reflect our community's maturity and a growing sense of our own Canberra identity.

A strategic framework for the arts following the document *Sharing the Vision* is in place. This plan underpins many of the developments which will occur in the years to come and provides a basis for effective and creative relationships between the Government and the local arts community. Our emerging sense of local identity will be the focus for a newly established Office of Culture and Heritage to develop strategies to harness the community's enthusiasm and work towards a very tangible realisation of our vision for a Canberra community identity.

Already there are many examples of this Government's commitment to the development of a cultural identity. In relation to facilities, the development of the Childers Street theatre is an example of a positive contribution to fostering local performing arts. Further, this Government's plans for a cultural and heritage centre will enable us to focus on those elements and events which give us a sense of history and place. The office will be working closely with the community to give full expression to this concept.

The development of a cultural precinct in Civic is another important and tangible strategy in ensuring that our city has an identifiable focus for cultural activity. The Office of Culture and Heritage will be working closely with the ACT Planning Authority to bring this plan to fruition. It is not just Civic which will be the focus of cultural planning. Work is currently under way in Tuggeranong to ensure that strategies are put in place for the development of a strong cultural identity. Similarly, this strategic approach to cultural planning will extend to the other town centres, including Gungahlin.

As Mr Lamont has said in relation to sport, so too there are many exciting opportunities for our community in the development of our cultural identity. The 2020 vision, 2001 federation and the 2000 Olympics, for example, all offer enormous potential for our community. Similarly, the areas of cultural tourism, ACT cultural development in the context of the ACT region, strategic partnerships with national institutions, the development of a greater role in the ACT's cultural development for our Aboriginal community and our considerable multicultural population, and a more culturally focused festival and events program provide an exciting agenda which will need to be guided by the Office of Culture and Heritage.

In keeping with the development of our sense of local identity, the office will be actively progressing the identification and protection of our places and objects which have heritage significance. This will be coupled with a strengthened community education program. There is a great deal to be done. What is clear is that this Government has made considerable progress in realising its policy objectives for culture and heritage in our community. Today we have further strengthened this commitment by providing a dedicated administrative unit which will be focused on the challenges which lie ahead. I present a copy of this statement and move:

That the Assembly takes note of the paper.

MR HUMPHRIES (3.22): Madam Speaker, I rise to support the motion and to commend the Government on these developments. As my colleagues have lauded the development of some cohesion in the sport, recreation and racing portfolio, I also welcome the cohesion in the culture and heritage portfolio in the way which has been described by Mr Wood this afternoon.

There has been a problem in past administration of the ACT in establishing the appropriate niche for cultural matters. Historically, when Ms Follett was the Minister and then I was the Minister for the Arts, there was always a problem with associating that necessarily very small area of government activity - in the sense of a small number of public servants working in a particular area - with much larger portfolio responsibilities.

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The result, I suspect, on not a few occasions was that that particular issue of cultural development and the place of the arts in our society, particularly from a government point of view, was subservient or came second to other considerations that were faced by particular Ministers for the Arts.

To see culture and heritage consolidated in this way, I think, is an appropriate step. I am pleased to see that arts, museums, galleries and heritage come under the one banner, the one portfolio - - -

Mr Wood: They have been for a while, too.

MR HUMPHRIES: Yes, and that is an appropriate step. The only question I would pose is whether public libraries ought to be under the same umbrella. Public libraries in one sense play an urban services kind of role, but I suspect that they are as much cultural institutions as they are amenities like bus-stops or fire hydrants. I think they are somewhat different from those, and the Department of Urban Services may not be the appropriate place for them, but I make that comment in passing - - -

Mr Connolly: But Urban Services does a very good job.

MR HUMPHRIES: I am sure that Urban Services have done a very good job - up until now, anyway, Minister - - -

Mr Connolly: It will continue to do so.

MR HUMPHRIES: We will wait and see about that. We will make our judgment when the time comes. Childers Street is a positive development. It has our support. We are pleased that the Government has plans for a cultural and heritage centre, although I must say that I have not seen much detail about that. I look forward to a little more information about that so that we can be properly informed when we say that it is a good idea. It sounds like a good idea in principle. Madam Speaker, I commend these developments and hope that they lead to bigger and better things for our cultural scene in the ACT.

Question resolved in the affirmative.

COMMUNITY HEALTH SERVICES

Discussion of Matter of Public Importance

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

The poor and declining state of community health services in the ACT and the urgent need for the new Minister to reverse the policy and management failures of his predecessor.

MRS CARNELL (Leader of the Opposition) (3.25): Madam Speaker, public health under Labor has become an embarrassment and a disgrace. This Government has failed the people of Canberra. People are angry because the previous Minister was blatant in his attempts to score petty political points at the expense of providing quality health care. They are angry that he has put his outmoded and irrelevant ideology first and the good health of average Canberrans second, or last, as the case may be. They are angry because they see dedicated staff working remarkably hard but being blocked, undermined and intimidated by stupid political interference. They are frightened because they do not know what will happen if they happen to get sick.

The ex-Minister should have asked the people of Canberra what they thought of the mess he was making. If he had been prepared to listen, which he certainly was not, he would have heard some of the exasperated people who called our hotline a month ago. Here is a sample of one despairing caller:

I'm a Labor voter, but look at the mess Wayne Berry has left us with ... the hospice, Woden Valley Hospital ... it goes on.

Or, if he had cared about the people or if he had cared what the people thought, this caller to our hotline would have told him:

I'm a teenage girl, with private health cover. When I was extremely ill with glandular fever, I was turned away from casualty and told, "You've got private health cover, go somewhere else". My message to Wayne Berry is - Canberra is crumbling down around you - you have to go.

Mr Berry might have gone, but the mess remains. Look at the damage he has done. Look at the appalling record of incompetence. There are at least 3,688 people on our hospital waiting list, although of course we have figures only up to the end of December because the Government is becoming more tardy by the moment in releasing the quarterly reports. This waiting list has more than doubled since mid-1991, when Wayne Berry first took control - or, actually, second took control. One in three people on the waiting list has to wait for more than six months for elective surgery. To put that into perspective, the queue for elective surgery in ACT public hospitals per head of population is more than double the national average. I do not think it is fair to try to dismiss elective surgery as a matter of choice and therefore a non-issue.

Let me tell you about a man from Page who had been waiting for urgent surgery since November 1993 and had his operation delayed four times because of a shortage of beds at Woden Valley Hospital. He phoned our hotline in absolute despair. This is not just a statistic or a measure of performance to be dismissed by apologists for a decaying system. This is a real example of what is happening. It is the experience of a real person who has become one of the statistics. Listen to his plea:

It is an indictment of a continually deteriorating hospital-health system in the ACT that I have now waited 21 weeks for admission to Woden Valley Hospital for urgent surgery, when I was initially told that the waiting period would be four weeks.

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While awaiting surgery I have required emergency treatment twice, consulted my GP eight times, attended specialists four times, and spent over \$200 on drugs and medical aids.

Every time the specialist and I contact the hospital we're told that there just aren't enough beds and I'll have to wait a bit longer.

I'm on a cardio-respiratory system for 15 hours every day, I'm virtually housebound and my health is deteriorating every minute.

I rang Mr Berry's office to tell him, but his people said it was the fault of my specialist in not prioritising his case load.

Yet every time I talk to Woden Valley they tell me it's because the Minister has cut the number of beds available to such a level that there are not enough to treat even urgent cases.

That is the comment of Woden Valley Hospital themselves, not of the specialist. So there you have it. Ask the - - -

Mr Berry: And the gentleman has been told.

MRS CARNELL: Yes, he told me about his discussion with you, Mr Berry. He told me what he told you too. I think you just have to ask the people involved, the patients, what they think about the service you used to provide, Mr Berry. Listen to them for a change. There is plenty they want to talk about, and I certainly hope that Mr Connolly listens.

Another measure of the deplorable state of our health services is the number of beds for our population. In the ACT we have fewer operational beds per head of population than any other State or Territory has. The ex-Minister tried to tell us that after the Christmas slow-down 56 beds were "unavailable". The Christmas slow-down last year was longer than ever before. It was extended to six weeks from four weeks the year before. Why was it extended? It was extended because the Minister had run out of money. But at the end of the slow-down what happened? Fifty-six beds that were due to reopen became "unavailable". "Unavailable" is Berryspeak for "closed". So why do you not tell the truth? Let us hope that the fact that Mr Berry is no longer in the ministry means that we will get some real truth, some plain truth.

Mr Berry: I take a point of order, Mr Deputy Speaker. The imputation that the Minister did not tell the truth needs to be withdrawn.

MRS CARNELL: I am happy to withdraw anything that I said that is not true.

Mr Berry: It has to be an unequivocal withdrawal.

MRS CARNELL: I am happy to withdraw. The fact is that when Labor gave the reins of Health to Mr Berry in June 1991 the average number of available beds in the ACT was 891. Today, even using Health's own figures, it is only 658. That is 233 fewer beds.

It makes an absolute mockery of the Government's commitment to maintain bed numbers at the same level as when Royal Canberra Hospital was closed. It shows that the Government simply cannot be believed. Its promises obviously count for nothing, and Mr Connolly has obviously just backed that up. In fact, in late August, the then Minister, Mr Berry, said:

We're on the way to a better health system.

It is very hard to think of what I could say about that, without suggesting that it might not have been the whole truth. He must have known that the system was collapsing around him.

Mr Berry: I raise a point of order. I think that is another imputation that somebody told an untruth.

MRS CARNELL: That has been allowed before.

Mr Berry: The imputation is there. You either rule it in or rule it out.

MR DEPUTY SPEAKER: I rule that there is no point of order. Please continue, Mrs Carnell. Imputations can be interpreted in many ways. Please be careful, Mrs Carnell.

MRS CARNELL: I shall. Mr Berry must have known that the system was collapsing when he made that comment; but, as we now know from another celebrated occasion of recent days, the facts really have never interfered with a good story for Mr Berry.

When it comes to the financial management of Health, the facts again speak for themselves. The costs of ACT public health services are 30 per cent higher than the Australian average. They are not my figures, Mr Berry, as you know. They are the figures of repeated studies, and they were confirmed late last year by a Federal Health Department study.

Mr Berry: In 1988.

MRS CARNELL: In 1988; but again last year, if you remember, in the case-mix study. It is a clear demonstration of Mr Berry's incapacity to manage the system. Over the last two years recurrent expenditure has overrun by some \$17m. Already this year's budget has blown out by some \$5m. I was really interested, though, that Mr Connolly claimed that he was going to bring Health in on budget. It certainly will be interesting to see whether Mr Connolly can deliver on that one.

Mr Connolly: Not necessarily in the next six weeks.

MRS CARNELL: I assumed that you meant this year, Mr Connolly. Why not? I cannot understand why not. I say to the new Minister: Listen to the people who are trying to work in our health system, the health system that you have inherited. During our hotline one of your employees called us in frustration and said:

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The Minister doesn't allow managers to attempt to manage. Managers are spending more time answering 'ministerials' and not listening to what their staff tell them.

Another unhappy worker in the health system said:

People are always managing under crisis and retrospectively. It is crisis management on a daily basis to stop and quieten political issues - they're patching up all the time.

They are comments from staff working in the system. It is abundantly clear that the Minister, Mr Connolly, has inherited a very serious management problem - in fact, a number of management problems - and that one of his top priorities must be to totally overhaul the administration of Woden Valley Hospital and ACT Health.

Mr Connolly should also revisit the decision to site the hospice on Acton Peninsula. The siting of a hospice on Acton Peninsula is just a patently silly decision; but then we all know that, except Mr Berry. It is the wrong decision for those needing the service, the wrong financial decision and the wrong use of Acton Peninsula. Now is the time to get it right and build the hospice where it will best serve the people who want to use it and their families - that is, in the bushland setting adjacent to Calvary Hospital.

Palliative care is also deteriorating under this Government. Really interesting to me was the number of calls we got from staff working in palliative care, a service that we all know is absolutely essential to the community; yet the calls from the staff are the ones that I think any government should be really concerned about. They show absolutely categorically that they believe that there is no support for their service - a service that they believe is under huge pressure and has already been cut back.

Mr Connolly, you will have to get out there and see the effect of your Government's policies and management failures to be able to even look like addressing the problems. Listen to the health workers, who are sick and tired of making do with less and less and struggling to help their patients while being ignored or criticised for speaking out. Listen to the people who use the deteriorating services and understand why patients are really worried. The Government stands condemned for failing these people.

The poisoned chalice of neglect and mismanagement has now been handed to the new Minister, Mr Connolly. He has certainly inherited a health system in chaos. I doubt whether anyone would argue with that. What can he do, though, to recover the Government's lost credibility in community health services? I have a few tests for the new Minister, and it will be interesting to revisit these in a few months' time. It will be interesting to see whether the new Minister can rein in the health budget, which has blown out, as I have already said, by \$5m so far this year. Will it hit \$7m, \$8m or \$9m, as it has always done under Mr Berry, or will this new Minister be able to make a difference? Will he reduce the unconscionably long hospital waiting list? Will we see a reversal of the doubling we have seen under Mr Berry's regime? Will Mr Connolly be able to reopen idle hospital wards? Will he be able to get more beds back into the system? Will there be more money to actually provide services?

Will he be able to actually introduce the long awaited case-mix funding initiatives which have been promised and promised again but still have not been implemented? In Victoria they were implemented within 12 months of the Kennett Government coming to power. Look at what that has achieved. Over Christmas in Victoria there were no shut-downs of the hospitals. And why? The hospitals are rewarded directly for the patients that they see. Therefore, they actually get more money for efficiency and throughput, unlike in our hospital system.

Will the Minister restore the morale amongst the front-line health workers who are trying so hard to cope under such difficult circumstances but have just been ignored in the past? Will he fully utilise the health care capacity of the private sector and voluntary organisations in the ACT - organisations and private sector operations that feel totally ignored, that believe that they are not part of the whole health system? I know that the new Minister understands that any good health system is a balance of private and public. Will he allow a new private hospital to open and to function in the ACT?

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

MR CONNOLLY (Attorney-General and Minister for Health) (3.41): Mr Deputy Speaker, I sat comparatively silently during Mrs Carnell's MPI speech on an area of my ministerial responsibility. I restrained my urge to interject because I was - - -

MR DEPUTY SPEAKER: And it will continue, Mr Minister.

MR CONNOLLY: Unlike perhaps members opposite, I restrained the interjections because I was interested to see whether Mrs Carnell had anything to suggest that we could actually do about health. I wondered whether she indeed had the magic wand that I clearly do not have, that Mr Berry did not have and that nobody has to magically solve the ever increasing demand on our health system within the resource constraints that face this Government, that face all governments in the ACT and that face all governments in Australia. Sadly, all we had served up today was the same old worn out rhetoric attacking Mr Berry. Mrs Carnell still seems to want to attack Mr Berry, even though I am the Minister, which when you analyse it - - -

Mr Berry: I would not worry about that too much if I were you.

MR CONNOLLY: I am sure that my turn will come, Mr Berry. When you analyse Mrs Carnell's argument, it boils down to two propositions: The Government must spend more, and the Government must spend less, but at the same time, presumably. There was a litany of complaints which all basically boil down to the proposition that we need more resources; that we need to spend more here, spend more there, spend more everywhere. There was not one suggestion for cutting back on recurrent costs, although there is the argument that the Liberals keep bowling up in this place that the hospice should not be on Acton Peninsula but should be at Calvary, which they claim may save on the capital cost of building and produce some marginal recurrent cost saving, but it is a drop in the ocean compared to the overall issue of savings in a \$270m health budget.

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There is a very strong community argument which, while I see both sides of the argument, I support. I have always supported the argument that Acton Peninsula is one of the most beautiful sites in Canberra, one of the greatest assets this community has. For people who require hospice treatment, there could be no more beautiful and peaceful setting for those last weeks of life than that beautiful peninsula. There is an argument - which seems to me, from the advice I have, to have some adherents on either side among health professionals - as to whether you should have a hospice adjacent to or not adjacent to an intensive care hospital. Mrs Carnell favours one side of that argument and the Government favours the other. I have always favoured what Mr Berry did on that. I have always favoured that position. I have always supported that position.

We had some frustrations from the planning authorities. I hope that we have got those over and done with. I am sure that in years to come that hospice on Acton Peninsula will be seen as a very visionary move. The rhetoric here was that nobody supports the Government. That is nonsense. There is very strong support for that. There is a divide. The matter has been debated here on many occasions. My recollection - and I have discussed it briefly with Mr Berry - is that this Assembly seems to support putting the hospice on the Acton Peninsula. The views of Independent members are that it is an appropriate use of the site. Sure, Mrs Carnell takes a different view. There are some supporters of her view.

Calvary Hospital would no doubt do a very good job if they had the hospice, but so will the palliative care service or a community based group who may run the service on the Acton Peninsula. The physical beauty of the Acton Peninsula site is something that nobody can contradict. That was the only concrete issue that the Liberals could come up with on where you could save a bit of money, and it is an issue where there is a very strong argument on either side. At the end of the day the amounts of money they are talking about are fairly marginal.

The Liberals said - shock, horror! - that we are consistently expending above the Australian average expenditure on health. Indeed, we are, and that is a challenge that this Government will have to face. The levels of overexpenditure in terms of Grants Commission ratings of overexpenditure over the past few years have shown consistent moves in the right direction. Certainly, our budget is still over the national average, which is a matter of some concern, although in some areas it is appropriately over the national average. It is a bit like the policing argument. We are still overexpending, in terms of the national average, on policing expenditure. There is no great problem with that. We get a better service. The ACT community probably would take the view, quite properly, that it wants a better service and the level of overexpenditure. We are getting the overexpenditure down.

"Shock, horror!", said Mrs Carnell, "You have had blow-outs of \$5m, \$9m, \$10m over recent years". It is certainly my goal to get a budget that we can hold to, but I do not expect that in the six weeks to the end of the budget process - I think the \$5m is the published figure to the end of the December quarter - one can wave the magic wand and turn that around. Even so, our performance compares quite favourably with overexpenditures while the Liberals were in office, and at least we are able to say to this Assembly on a quarterly basis, "This is our level of overexpenditure".

When Mr Humphries had the difficult portfolio - and it is a difficult portfolio for whoever holds it - we had a situation where we overexpended very considerably, and Mr Humphries as Minister did not even have the levers in front of him to know what was happening.

The system of financial control in ACT Health has gone from a situation where it was part of a vast Commonwealth bureaucracy in which levels of financial accountability for local operations left something to be desired to a situation now where we at least know where the problem is. At least we know that there is a problem and we know the amount of problem. Some additional work needs to be done and is being done - and the Government will report in the budget context - to refine that for the next level, where we know precisely where in the system but, most importantly, why in the system we have these levels of overexpenditure.

One area that clearly is an area of overexpenditure is, of course, visiting medical officer salaries. That is an area which the Government was dealing with last year. One would have to say that we did not have the fulsome and enthusiastic support of the Opposition in grappling with that area of overexpenditure. It is very easy to get up in this chamber and attack the Government for not spending enough, attack the Government for spending too much and not be terribly helpful in showing where we can reduce expenditure. We are addressing those areas of overexpenditure.

The rest of Mrs Carnell's speech, by and large, was a diatribe of complaints, and no doubt legitimate complaints, from the public on the so-called health hotline which operated over some 16 days and received some 110 calls, which works out at a bit under seven calls per day. One would have to say that the hotline was not exactly melting down. It was a distinctly cool line. One would have to say that seven calls a day - which works out to be rather less than one call an hour for the so-called hotline - when there are around 50,000 occasions of treatment in the ACT hospital system over a 12-month period and there is a population of some 300,000, is not an overwhelming community ground swell of complaints. Some of the callers said that they think the hospital system is pretty good.

What sort of impression would anyone listening to Mrs Carnell's speeches and the sorts of speeches that the Liberals have been making for the last year or so get if they had not had exposure to the hospital system for a while? Let us face it, most people would prefer not to have much exposure to the hospital system. You go there either when something has gone wrong or when you are visiting a friend or a relative when something has gone wrong. In an ideal world hospitals are places we would all like to stay away from. For most people it is probably a few years since they have had occasion to be at a hospital. They would have the impression of shambles, chaos, everything collapsing around you. It is all good political rhetoric which oppositions around Australia, of whatever political colour, tend to use against governments around Australia, of whatever political colour, on the issue of health.

Of course, the Liberals have had a bit of a free kick for the last two or three years because Woden Valley Hospital has been undergoing a vast redevelopment. The \$170m redevelopment project is now well over the major halfway point. It is one of the largest hospital redevelopment projects in Australia. The creation of the new

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diagnostic and treatment block and the creation of the new main hospital administration entry foyer block involved, one would have to agree, a period of total chaos. That was inevitable when you spend that sort of money for that sort of building project on a working hospital.

I certainly take my hat off to all the staff at Woden Valley Hospital - the medical staff, the nursing staff and the support staff - who laboured on during such a difficult time physically. We did have occasion to be out at the hospital in the last couple of years, and I noticed how difficult it was. It was a construction site. There is no other way of putting it. They were very difficult times. Now that the D and T block is opened, now that the main foyer is opened, anyone who visits that hospital would be staggered at the quality of public health infrastructure that we have in this Territory. That hospital would stand very favourably in comparison with any other public health facility in Australia.

The Liberals may get lots of grizzles about people waiting in casualty. That is always a good area to get complaints about. I went out there last Saturday night. I notice that somebody is saying that at present you can get CAT scans only with anaesthetists and that anaesthetists will not be here anymore; that the only children who can have CAT scans done in Canberra are road accident and trauma cases and that everybody else will have to go interstate.

I saw a young kid who had tripped and fallen and hit his head on a concrete fence come into casualty. They thought the behaviour was a bit inappropriate. At 11 o'clock or half past 11 on Saturday night, a radiologist came in and a CAT scan was done. I do not know how much that cost. It would, no doubt, have been a quite expensive procedure. But in this case a family came into casualty, doctors took the view that it was necessary to perform a CAT scan as a precaution, and it was done. Contrary to the scare campaign that your kids might have to go interstate, I saw a CAT scan being done at 11.30 on a Saturday night as a matter of urgency.

Mr De Domenico: By a VMO?

MR CONNOLLY: I am not sure who the professional was who did it, but whoever it was did a good and professional job, as they all do, whether they be VMOs or salaried staff.

Of course, yesterday I announced formally in this place what is happening with the clinical school. That will clearly lead to a dramatic increase in the quality of public health care in the ACT. We are moving now to bring Woden Valley up that extra notch to a full-scale teaching hospital linked - and I am very pleased that we have the link - with the University of Sydney, properly regarded as one of Australia's best medical schools. The ability to attract senior salaried staff to the Woden Valley Hospital, to work with their colleagues in the private sector, will be immeasurably aided by the fact that those senior practitioners will come in with the style and title of professor of medicine in the University of Sydney. They will add enormously to the ability of our public health system to provide good service.

In terms of improvements, this morning I announced that we have approved some private obstetrics beds, which mean net additional beds. Both John James and Calvary have given the Government agreements that they will work in with the public hospital system, and with the professor of obstetrics, soon to be appointed. In terms of obstetrics facilities in Canberra, the maternity wing at Woden Valley Hospital - with its birthing centre, its physical infrastructure and staff, including midwives - would bear comparison with any facility anywhere in Australia.

Woden Valley is the primary emergency centre for existing health centres in the region. When John James sets up its private facilities, it will clearly work in. When matters get too complex and too difficult at John James, patients will go to Woden, because it will be the regional centre of excellence. The professor of obstetrics there, whose presence will raise the public care levels there a significant notch, will work in with his or her professional colleagues at the other centres, both Calvary and John James, whether they be salaried medical officers or VMOs. Again, we see a public system working with the private system and elevating standards of care.

The rhetoric of litanies of complaints is easy. The fact that you had only 100-odd calls over 16 days, despite all the free kicks you have been getting in the media and all the attention that has been focusing on this, would have to indicate that there is generally a pretty good level of satisfaction with what is a very good service in the ACT. When Professor Gatenby was interviewed on being introduced to Canberra, he was asked about casualty waiting times. He made some comments to the effect that if you were at his former hospital, one of the great hospitals in Australia, you could wait for days in casualty. The waiting times here in casualty would - - -

Mrs Carnell: That does not make it all right.

MR CONNOLLY: No, it does not; but it does indicate that politicians who seek to make these sorts of debating points should look at the system in other parts of Australia. Historically, we have been very well served in the ACT by a very fine public health system, and we continue to be so served. Sure, there are some complaints about community health services, which I thought was what we were talking about rather than hospitals, but Mrs Carnell's remarks were mostly directed to the hospital system. There has been a complaint about podiatrists and the lack of a podiatrist. This was from your public health hotline. The papers were signed off a few weeks ago, and a podiatrist has been appointed. We were told that - shock, horror! - Mr Berry must appoint a podiatrist. Mr Berry appointed a podiatrist.

Mrs Carnell: Not one.

MR CONNOLLY: Appoint more, spend more, spend less. Mrs Carnell, if you are to be credible in this area, you are going to have to give an explanation as to where we actually get this additional money that you want us to spend while at the same time reining in expenditure so as to get Health - this is presumably your goal, because you criticise us for failing to achieve it, even though we are moving in the right direction and have made considerably greater progress than you made in the period when you were in office - to standardised levels of expenditure.

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Case-mix funding clearly is a very interesting development. I am interested in Health's briefing on it. I have just read some reports that appeared in some professional journals on how it appears to be working in Victoria. It appears to be working quite well. There are some concerns from some areas of the health profession.

MADAM SPEAKER: Minister, your time has expired.

MR HUMPHRIES (3.57): Madam Speaker, although Mr Connolly was doing his duty and getting stuck into the Opposition, I must say that I found some of the things that he said quite comforting, even reassuring. I think that Mr Connolly represents a breath of fresh air, and there are a couple of points I will make to illustrate that comment. I heard Mr Connolly - perhaps he did not say it quite so explicitly as he might have said it - allude to the fact that the hospice on Acton Peninsula will cost the Government more than the hospice on the Calvary site would cost. That is a fairly significant point that we on this side of the chamber have made since the beginning of the debate about the hospice, and Mr Connolly made a remark that confirmed that view.

I do not think that Mr Berry ever made that point in the course of the debate on the hospice. Although the figures were presented to him on a platter time and time again in this place and he was asked to confirm the simple and obvious fact that this was so, he was unable to do so on those occasions. I think it is healthier all round that we now have a concession that that is the case. I do not hold that against Mr Connolly. It is gratifying to know that those basic facts of life are going to be acknowledged and presumably taken account of when decisions are made, rather than other factors which I suspect in the past have been more important than the facts.

The other reassuring thing, of course, has been the decision Mr Connolly has made in the last few days to expand the number of obstetric beds in the ACT, and to expand them not in the government sector but in the private sector, where of course they should be. Obviously not all obstetric beds should be in the private sector; but certainly there is great room for expansion in the private sector in the ACT, where at the moment there is not a single private obstetric bed. We are the only community of any significance in this country where you cannot go to a private hospital to have a baby. We do not all necessarily want to do that, but some do, and they ought to have that choice. I note that on 23 February of this year Mr Berry said:

We have a new obstetrics block which is designed to accommodate the needs of Canberra up to the year 2000, and that does not take into account the provision of private hospital services either.

Yet we have had the announcement this morning that the number of obstetric beds in the ACT will be increased by a third, from 95 to 131.

Mrs Carnell: Who is wrong - Mr Berry or Mr Connolly?

MR HUMPHRIES: Obviously either Mr Berry was wrong or Mr Connolly is wrong now. I have no doubt, Madam Speaker, that Mr Connolly is absolutely right to permit that expansion. I will come back to say something about the consequences of that kind of expansion for ACT Health and, in particular, for women who are having babies in this Territory.

Madam Speaker, it is all about the approach that is taken here and the willingness to acknowledge the nature of problems and to do something about them based on a frankness and an openness of mind. Mr Connolly might not be too happy about our damning him with this sort of praise. He may well feel that the kiss of death is being bestowed with these kinds of comments. But I have to say that these comments are more important or that this debate is more important than merely the position of Minister A versus Minister B. It is a question about how we provide a way out of the really serious mess that our health system is in.

I concede a point that Mr Connolly also made. The problems in Health are not just about actions of particular governments. They are institutional problems; they are problems that are inherent in the very nature of health care in Australia in the 1990s. But I feel some confidence that some of the things the Minister has said and some of the approaches he has taken will lead to solutions - at least partial solutions - based on commonsense.

Mr Connolly made the important point, which has often been made, not just by him, that there are not enough dollars in the system; that we do not have the resources to do everything we want to do in health. Indeed, we do not. He posed the question, "What is the Liberals' solution?". Madam Speaker, let me put it on the record once again - as if it had not been put often enough by Mrs Carnell. One of the most important solutions that this Government can pursue is to properly utilise the possibilities of private medicine and private hospital care in this Territory. Those options have been systematically limited, and even excluded, by this Government until last week. They simply eschewed an important area of possible resourcing for health care in this Territory.

There are many people in this Territory - in this place, outside this place and all over the Territory - who have high levels of private health insurance but who cannot use those high levels of private health insurance because there are not the facilities for them to use. Any decision which is made to exploit the capacity to let people who can afford it bear a larger burden of their own health costs is obviously a way of taking pressure off our public hospital system and is a very important measure.

Another important way in which money can be saved is by making sure that the Government does not get involved any more than it has to in the provision of services. There are some areas in which, quite frankly, others can do things better than can the Government. I will not make any contrast between the running of Calvary Hospital and the running of Woden Valley Hospital, but I will draw attention to another small but important facility funded by the public but run by a non-government organisation. I am referring here to the QEII Hospital for mothers and babies. There were a number of callers to our health hotline who were distressed at the prospect that the QEII Hospital was under threat either of closure or of being subsumed under the banner of ACT Health and losing the independence which it has under the Mothercraft Society.

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The Government has, of course, confirmed publicly that it intends to relocate the hospital to Acton Peninsula by 1996, a move which I do not think is a very sensible one. Nonetheless, the long-term management future of the hospital has not been spelt out, and I hope that we will soon see some decisions made by this Government to clear that matter up, if only for the sake of giving those people involved in the hospital and concerned about its future some peace of mind. A nurse, for example, rang our hotline to say:

Any possibility that QEII is closing would be a retrograde step for Canberra.

Another person rang and said:

Our hospitals are already overcrowded and this is the only facility available for proper care after childbirth. After spending a week there in March (1993), I have nothing but total praise for the Centre.

There were other laudatory comments about that facility. We have a great service at our disposal when an organisation like the Mothercraft Society is prepared to run that facility for us. I am sure that Ministers would concede that it is a cheaper option than having Health bureaucrats running that service. That is a way in which the Government can ensure that costs are kept down. Keep that service provided in that fashion by that particular organisation. Let the talents, the resources and the energy of volunteers and others involved in the Mothercraft Society help to keep that service a very valuable service to new mothers and babies.

Madam Speaker, there are not nearly enough dollars in health, but we can make the dollars we have and dollars outside the present net come to the service of our embattled system. I hope that the Government considers the possibilities for reconsidering the decision on Acton. There has not been much indication in Mr Connolly's remarks today, but I hope that he will consider very carefully the arguments that have been put forward. Of course, he will be aware that there are effectively no advocates in the community for Acton to be the site for the hospice, except of course certain members of the Government, and I hope that that gives the Minister some clues about what is going on.

There are a few tests for the new Minister. Will he be able to rein in the health budget, which has blown out by some \$5m so far this year and looks like hitting \$7m? Will he reduce the unconscionably long hospital waiting lists? Will he reopen idle hospital wards? Will he reintroduce case-mix funding initiatives which promote effectiveness? Will he restore morale among the front-line health workers who are trying so hard in such difficult circumstances but are just being ignored?

Ms Follett: You have taken Mrs Carnell's speech. We have heard all of this.

MR HUMPHRIES: Will he fully utilise the health care capacity of the private sector and voluntary organisations? There is a problem with morale, Chief Minister - a very serious problem. Nobody is attacking those workers. What we are attacking is a system which lets those workers down. That is what we are talking about. You only have to have a cursory look through this hotline report to realise that there are many workers who are bitterly unhappy and who feel desperately in need of some support.

Let me conclude by saying that, the Liberals, despite Mr Connolly's suggestions, are not intent on taking points. We are prepared to support positive changes in the health system. If those changes are made we will, as Mrs Carnell did this morning, support them fully and properly because we have an overriding concern, and that is to make Canberra's health system work better.

MR STEVENSON (4.07): I wish to briefly raise what I consider to be a most important point. As we know, the overwhelming majority of people in the ACT were against the closure of the Royal Canberra Hospital. Notwithstanding that, it was closed, and when the Labor Party had the power to reopen it they failed to do so. Since that time the situation has become worse for health in the ACT. We have over 3,500 people waiting for a bed. We have a closed Royal Canberra Hospital. We have an increasing population, and the time will soon come when we will need another hospital.

Canberra's hospital should never have been closed. It is one of the most ideal sites in the world for a hospital. One of the big things about getting well is an environment that is conducive to that, and Royal Canberra Hospital had that. I remember going there many years ago to pull out someone who needed care. I looked at the view and thought, "At least they have a restful view". That would do a great deal to help someone get well. It is a very important factor of health. The Royal Canberra Hospital had it. It did not have traffic going past all the time, as other hospitals do. It is unfortunate that we ever allowed it to be closed. I, for one, would reopen it.

MR BERRY (4.09): I am not going to speak for too long, because everything has been said before and I would only be repeating much of what I have said before. Whilst I would have been happy to be the person in this place to withstand the constant whining and whingeing of the Liberal Party - the same old cracked record - unfortunately I am not. Again unfortunately, my ministerial colleague Mr Connolly is now going to be apparently subjected to the same old cracked record. I think that is a shame, because much of that which the Liberals bleat about is being withstood by their Liberal colleagues in other States. I have heard the Minister in New South Wales say, "We do not treat beds here". I just hope that Mr Connolly, with his magic wand, is going to be able to find the right injection to make beds better, because Mrs Carnell has this infatuation with treating beds and having lots of beds. As Mr Connolly will say over and over again, I am sure, the health system treats people, and it treats lots more of them these days than it did in the past, and with less resources. That is because it is becoming more efficient.

Politicians will continue to weep about the health system because that is all they can find to do. They cannot come up with facts. Mrs Carnell has never come up with anything particularly relevant in the debate. She just weeps and whines about matters which have not, for any practical purposes, offered anything useful for the Government.

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She has never, for example, said too much about what her policies would be, where she would get the money from and so on. Of course, that will be the big test for Mrs Carnell. With all of her complaints, let her put numbers alongside what she wants and what she is going to pay for them with. When it comes to the big assessment, the money tree down the backyard just does not count.

The ACT Liberal Party health hotline report was a real stunt. It talks about 110 calls. I had a quick skim through it and I added up 50 or so calls that were reported. I heard somewhere along the way that 40 or 40 per cent of the callers were employees. I see that only one is reported. The section on ACT Health management states:

Comments were received from a cross-section of ACT Health employees and the majority were unfavourable. Most callers referred to problems at Woden Valley Hospital ...

We did not hear of all the ones that said good things about the hospital system, because that would have really exposed what this report was all about. It is just a stunt. I heard Mrs Carnell also refer to a particular person who had waited for a particular form of care. But, of course, that person, as he was informed, ended up in that situation because his specialist changed his category without telling him. The Government cannot take responsibility for those sorts of things. Those are matters which are outside the control of the Government and will be dealt with when the Health Complaints Unit is formed and the person takes up duties in that area soon.

Despite all the pluses, Mrs Carnell still seems to find negatives but cannot quantify them and cannot provide the dollars to fix them. This is the cheapest campaign that has been run against any health system in Australia. It has been run by the cheapest political group that I have ever come in contact with. I think you only have to witness the collaboration between these people opposite and their Liberal counterparts in Victoria in relation to access to police files to demonstrate where they are really coming from. I am out of it, and I will not have to withstand the constant whining. I know that Mr Connolly will withstand it well, but it seems that it is going to continue. I know that the community are just about sick of it.

People in the community who need services urgently get them, and they get quality services. Like every other community throughout the country, when it comes to elective surgery, the ACT has waiting lists. Whether we like it or not, waiting lists are used as an efficient measure for running a hospital system. Doctors require waiting lists so that they can plan their yearly activities. Hospitals require waiting lists so that they can plan their yearly activities. So waiting lists will always be there. That is the way that hospital systems work throughout the world.

Madam Speaker, I merely call on the community - calling on the Liberals would be a waste of time - to keep their eyes open and to take no notice of what the Liberals are saying. What they are about is attacking the public system and any Labor politician associated with it. They are not concerned about the level of care; they never have been.

It has always been a political issue. They have an infatuation with the private sector, as if it were the answer to all the difficulties within the health field. Of course, it is not, never has been and never will be. It forms an important part of the delivery of health services in the community, but the core services will always be provided by the public sector, at least in our lifetime.

I know that the Labor Party, in all of its forums, is committed to a strong public hospital system and the provision of core services in accordance with the Medicare principles. Medicare is a Labor initiative, and part of that initiative, of course, is a strong public hospital system. I am confident that, whatever the Liberals opposite do, however they bleat, however they complain, however they mislead, however they use people with illnesses and complaints to argue their case, the public hospital system and all of those people who work so hard will continue to work hard to manage and to provide medical and nursing services and other associated services throughout the system. I know that they will work hard to make sure that the public hospital system works well, despite the Liberals. I know that they will succeed, because little by little the credibility of the Liberals is falling by the wayside. I hope that they keep it up for just a bit longer, because soon all your credibility will be gone.

MR DE DOMENICO (4.18): It is always very easy to follow Mr Berry, especially when he stands up and waxes lyrical about how political the Liberal Party is. If one listened carefully to Mr Berry, there was not one fact in what he said. It was a personal attack on Mrs Carnell, a personal attack on the Liberal Party, once again a personal attack on the private sector and an attack on anybody or anything that does not agree ideologically with Mr Berry. Mr Berry has every right to stand up here and give his opinion; but, when he starts to say of the Liberal Party "however they mislead", he should remember that, as far as I am aware, the only member of this Assembly who has ever been accused by this Assembly of misleading is in fact Mr Berry. Hard as it might seem for Mr Berry to take that, he has to accept it. I thought he was going to accept it better than he did, but to him it is a personal thing.

There is no doubt, Madam Speaker, that the morale of people in the health system over the past two or three weeks has gone up incredibly. However much Mr Berry might not believe it or accept it, it is true. Mr Connolly, in the very short time that he has been the Minister for Health, has begun to establish a trusting and professional relationship with the doctors who provide the skilled services to our hospitals. Mr Connolly said that he has had personal experience with our hospitals. He was at the Woden Valley Hospital on Saturday night. He does not know whether the procedure he referred to was performed by a VMO or a salaried medical officer, but he could physically see what was being done in Canberra's public hospital system. That is fantastic.

We also concede to Mr Connolly, in a very commonsense sort of way, that it is not only the ACT but all jurisdictions all over the country that have problems in keeping hospital beds open and in keeping to health budgets. There is no denying that, and the Liberal Party has never denied that. But, Madam Speaker, Mr Connolly will be haunted time and time again by the words of Mr Berry, who stands up and professes to be

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a virtuous person in suggesting that the Liberal Party plays politics. Mr Connolly, as Minister, and this Government will be haunted day after day by the words of Mr Berry. Whatever the Liberal Party has said over the past two weeks, we have quoted time and time again the words that Mr Berry has used.

Mr Berry has called the visiting medical officers "greedy", "parasitic", "dishonourable", "unprofessional", "arrogant", "a different breed of people", "belligerent", "privileged", "disgraceful" and "only interested in lining their pockets". He has accused them of "using patients", "holding a gun at the Government's head", "holding the sick and injured to ransom", and "boring it into the sick and injured", and used a host of other insults. This is from a person who stood up here three minutes ago and accused the Liberal Party of playing politics and not being realistic. Shame on you, Mr Berry! This is the man who accused the Liberal Party of misleading. Shame on you, Mr Berry!

Mr Connolly has done a little bit more. In about two weeks Mr Connolly has personally changed the whole health scenario and the way things are handled. It is not only money that is needed; it is also someone to instil better morale within the system, because, if staff perform better, then perhaps we will start seeing some of those cost savings that everybody keeps talking about. Madam Speaker, as I said, Mr Berry's two-and-a-half years' experience as Health Minister was hardly an experience that engendered trust and cooperation within anybody, whether it be doctors, nurses or anybody else.

Madam Speaker, there are some early signs, as I said before, that the new Minister is making a reasonable start. There is no denying that. Mrs Carnell quite rightly rang in this morning, when she heard Mr Connolly say what he said, and congratulated him. Whether the Government likes it or not, Madam Speaker, the situation is that the Liberal Party people on this side of the house are people who are standing on ground where sensible people meet. There is no doubt about that. This is where sensible people meet - on this side of the house.

Madam Speaker, there is no denying that over the past two-and-a-half years the health system in the ACT has been run on political ideology and nothing else. Perhaps the greatest example of that is Mr Berry's continuing suggestion that the hospice should be put on the Acton Peninsula. There is no doubt that that decision is not what is best for the people of the ACT, but directly it is what is best for the left wing of the Labor Party. That is the way health has been run in this Territory for the past two-and-a-half years. Luckily, and thank God, it is not going to be run like that with Mr Connolly in charge. Mr Connolly is at least talking to the doctors, as I mentioned before. He is allowing the private sector to provide much needed maternity facilities. Once again today we heard Mr Berry continually bag the private sector. Yet Mr Connolly has a different approach. Good on you, Mr Connolly.

But we remind Mr Connolly that he is on trial. The targets that the Liberal Party have outlined are achievable if Mr Connolly has the political will. They are targets which will clearly bring benefits to everyone who uses health services in Canberra. If Mr Connolly is genuine in aiming for these targets, he can count on our support. I will say it again. If Mr Connolly is really genuine in meeting these targets, he can count on our support.

We will repeat ourselves time and time again between now and the election. The Liberal Party stands where sensible people meet, where commonsense prevails, not political ideology. Mr Connolly can expect our support; but if he tries to play politics with public health, as Mr Berry did, he will not have our support and he will be deservedly judged by the public accordingly.

Let us make no bones about it now, Madam Speaker. There are problems in our health system; there are problems in every health system in every State and Territory. Mr Connolly - even with his sensible approach to health, in comparison with that of his predecessor - is on trial. He must demonstrate the political will and the know-how to make sure that the health system is run for the benefit of the people of the ACT and not for the ideological benefit of a few members of the Labor Party.

MADAM SPEAKER: The discussion has concluded.

COUNCIL FOR ABORIGINAL RECONCILIATION

MS FOLLETT (Chief Minister and Treasurer) (4.25): Madam Speaker, I draw to members' attention the presence in the gallery of members of the Aboriginal and Torres Strait Islander Advisory Council, and I welcome them to the Assembly. Madam Speaker, I move:

That this Assembly:

- (1) notes that in 1991 the Parliament of the Commonwealth of Australia unanimously enacted the Council for Aboriginal Reconciliation Act 1991 (Commonwealth) to promote a process of reconciliation between indigenous and wider Australian communities;
- (2) supports the concept of constructive reconciliation between the indigenous and wider Australian communities; and
- (3) acknowledges this support, and adopts the Vision of the Council for Aboriginal Reconciliation, namely:

"A united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all",

as a vision shared by this Assembly.

Madam Speaker, 1993, which was the International Year of the World's Indigenous Peoples, highlighted the fact that Aboriginal peoples and Torres Strait Islanders do have a special place in our community. That year also highlighted yet again the fact that Aboriginal and Torres Strait Islander peoples in our community have some very special needs. One of those needs, Madam Speaker, which has been pointed to over and over

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again - it was included, of course, in the report of the Royal Commission into Aboriginal Deaths in Custody - is for empowerment of the Aboriginal and Torres Strait Islander peoples themselves. Hence, I am very pleased indeed to see that the Aboriginal and Torres Strait Islander Advisory Council in this Territory is working extremely well. It is tackling the difficult issues which are present in our community, and is providing a voice for the Aboriginal and Torres Strait Islander peoples within our Territory in order to have their concerns and their issues addressed.

Since 1991 the Council for Aboriginal Reconciliation has been working towards bridging the gaps between Aboriginal and non-Aboriginal Australia. In bridging those gaps they have worked to break down stereotypes, to change attitudes, so that the key issues, the very serious issues concerning both Aboriginal and non-Aboriginal peoples, can be addressed, and addressed from a position of greater knowledge and greater understanding on both sides, and in a spirit of cooperation.

Madam Speaker, the Council for Aboriginal Reconciliation was established with bipartisan support through an Act of Federal Parliament in December 1991. Members might be interested to know that in the House of Representatives the support for this Bill was unanimous. The bipartisan nature of that support was reflected at the end of the debate on the Bill on the floor of the House of Representatives when Mr Tickner and Dr Wooldridge met on the floor and shook hands on the passage of that Bill. The support for the Bill in the Senate was as bipartisan and equally strong.

The council's primary function is to educate and to bring people together, to heal the rift between Aboriginal and non-Aboriginal Australians. The members of the Council for Aboriginal Reconciliation are predominantly Aboriginal and they represent a variety of regions throughout Australia. Earlier this year I met with the chair of the council, Mr Pat Dodson, to discuss the work of the council and how the process of reconciliation can be advanced in the ACT. Madam Speaker, I would like to quote briefly from some words of Mr Dodson's in the publication *Walking Together*, where he says:

The challenge facing the Council in 1994 is to continue to involve all sectors of society in the reconciliation process and to show that we are capable of resolving the causes of disharmony and injustice that have so often marked the relationship between the nation's indigenous peoples and the wider community, and to work towards a future based on justice and equity.

They are Mr Dodson's words, and I am sure that all of us in this chamber would share that hope. Mr Dodson identified a number of ways in which we can all contribute to the reconciliation process.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Follett: I require the question to be put forthwith without debate.

Question resolved in the negative.

COUNCIL FOR ABORIGINAL RECONCILIATION

Debate resumed.

MS FOLLETT: Madam Speaker, they included a number of initiatives that have already been set in train, such as the establishment of a cross-party parliamentary study group, which we have called the Parliamentary Awareness Group, and the passing of resolutions by State and Territory parliaments endorsing the vision of the Council for Aboriginal Reconciliation.

During our discussions Mr Dodson proposed that the ACT Government may wish to endorse the council's vision statement. This vision statement was discussed by the Parliamentary Awareness Group during one of our meetings. As a result of that discussion we considered it appropriate to introduce into the Legislative Assembly a motion in support of the vision. I read previously from that vision statement, Madam Speaker. It is summed up as a united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage, and provides justice and equity for all.

I would ask all members to consider this and to endorse the statement of the council's vision. I believe that everybody in this chamber would agree that it does indicate a path along which we would like not just our Territory, but our nation as well, to develop. I understand that a motion in these terms was passed unanimously in the Senate on 16 March 1994. Madam Speaker, I believe that the ACT Assembly now has the opportunity to be the first State or Territory legislature to support such a motion. I believe that its unanimous passage would be a positive symbol for reconciliation within the ACT community and an important act of leadership for our Assembly. I commend the motion to members.

MR KAINE (4.32): My comments will be quite brief. I believe that the sentiments expressed in this motion are so fundamental as to require little justification. The motion expresses a sentiment that no true Australian, no-one who is committed to the idea of a fair go and respect for your fellow man, could reject.

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Australian citizens of this last decade of the twentieth century have their origins in many cultures. They come from Europe, Asia, Africa, North and South America, the Pacific Islands - everywhere around the world. There is scarcely a country in the world, I submit, which is not represented amongst us today, and we welcome and value their contributions to our uniquely Australian culture and lifestyle. Our multicultural heritage makes us rich in diversity beyond measure. This applies equally to our original Australians. We value their special culture and their heritage, and the particular qualities that they add to our society, in a measure no less than that placed on those citizens whose origins lie beyond Australia.

We, as Australians, believe in justice and equity for all Australians, and that includes, or should include, without qualification, our citizens whose culture predates the arrival of Europeans and other migrants to this country. To the extent that Aboriginals and Torres Strait Islanders have suffered because of the actions of later arrivals, or because of failure on their part to act in justice, then we should participate in a process of reconciliation. This can only benefit us all. These Australians have an unqualified right to justice and equity, as the motion asserts. We should all freely and unreservedly adopt the ideas inherent in this motion and commit ourselves to achieving the objectives which it asserts. The Liberal Party, in opposition, supports this motion without qualification.

MS SZUTY (4.34): In speaking on this important motion I would like to remind the Assembly of my closing remarks when speaking on 1 March about the International Year of the World's Indigenous Peoples, which was 1993. I said:

I believe that it is important for our future well-being that our ever-growing ACT community effectively comes to terms with the issues of reconciliation in relation to our own indigenous peoples, for our mutual and advantageous benefit for many years to come.

The Commonwealth's Council for Aboriginal Reconciliation Act 1991 is about doing just that. The preamble to the Act sets the scene for the council, saying that Australia was occupied by Aborigines and Torres Strait Islanders for thousands of years before British settlement in 1788; that many Aborigines and Torres Strait Islanders suffered dispossession and dispersal from their traditional lands; that there has been no formal reconciliation between Aborigines and Torres Strait Islanders and other Australians; that by the year 2001, the centenary of Federation, it is most desirable that there be such a reconciliation, and that the Commonwealth will seek ongoing national commitment from governments at all levels to address progressively Aboriginal disadvantage and aspirations.

The Act provides a guide to the role of the council in its definition of the object, functions and powers of the council. The object is essentially to promote reconciliation, including the fostering of a continuing national contribution from government at all levels to redress Aboriginal and Torres Strait Islander disadvantage. The functions, which include advising the Minister, may be summarised as follows: To undertake initiatives for promoting reconciliation, particularly at the community level; to promote understanding of the history, cultures, past dispossession and continuing disadvantage of Aborigines and Torres Strait Islanders, and of the need to redress disadvantage; to foster an ongoing national commitment to cooperate to redress disadvantage; to provide a forum for

discussion of the policies and issues relating to reconciliation; to consult on whether reconciliation would be advantaged by a formal document or documents; to report on progress towards reconciliation; and to develop strategic plans, including goals and objectives of reconciliation, and indicators and targets for measuring the council's performance in relation to the goals. I believe that this Act provides the appropriate framework for the promotion of reconciliation between the indigenous and wider Australian communities, and that the Assembly's support for the first part of this motion will be a positive symbol for reconciliation within the ACT community.

Madam Speaker, the second part of this motion calls on the Assembly to support the concept of constructive reconciliation between indigenous and wider Australian communities. This is the concept behind the Act. Australia's Aboriginal and Torres Strait Islander population have been treated as second-class citizens or worse for most of the last 200 years. At best, well-meaning administrators approached Aboriginal and Torres Strait Islander issues in a patronising and paternalistic manner. A good example of this is the May 1957 declaration by the Northern Territory Administrator naming over 15,000 Aborigines as wards of the Government. In June 1960, Phillip Roberts, or Waipuldanya, and his family were, by a further declaration, explicitly removed from this list. When speaking to Douglas Lockwood for the book *I, the Aboriginal*, Phillip said of becoming a citizen:

What difference has citizenship made to my life? I am entitled to enter hotels and ask for a drink of beer without danger of being arrested ... a privilege which does not mean much to a teetotaler.

He went on to say:

My name and Hannah's name are on the Electoral Roll. We can be fined if we do not vote at Federal elections. That is something new. Otherwise, little has changed.

This attitude undoubtedly mirrors that of the Aboriginal and Torres Strait Islander community after the euphoria following the 1967 referendum - at which 92 per cent of Australian voters supported full citizenship rights for Aborigines - had died down. The fundamental issue of racism was still the key. As "Nugget" Coombs said in an article in the *Australian Journal of Education* in 1971:

After 170-odd years of decline the Aboriginal population is now rising rapidly and a failure to solve the educational and other problems of their place in our society could mean that the fond illusion many of us hold of Australia as homogeneous and free of "race" problems could be dissipated in violence and hatred.

To quote Kaye Bellar, who did much to turn the Redfern community housing project into reality:

I feel that things like massive medical aid, educational aid, legal aid and so on are only a bandage on the real problem facing this country - racism. I can't see the real problem as being anything else.

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Kevin Gilbert, in his book *Because a White Man'll Never Do It*, noted:

Very few whites, even at university level, know very much about the black experience in this country. They don't realise that racism is a daily experience for most blacks, in shops, in jobs, in the street.

While there has been some progress, most notably the High Court's 1992 decision in the Mabo case in which the court rejected the traditional doctrine that Australia was terra nullius at the time of European settlement, there is still much to do. Advances have been made since the 1970s; yet a point made by the then Minister for Aboriginal Affairs, Gordon Bryant, in a speech in March 1973 is unfortunately in some respects as valid today as it was then. He said:

The situation of the Aboriginal people of Australia is a national disgrace. There is no other way to describe it.

The Royal Commission into Aboriginal Deaths in Custody said that the most important contributing factors in the overrepresentation of Aboriginal and Torres Strait Islander people in custody is their unequal position in our society - socially, economically and culturally. The royal commission also expressed concerns relating to racism and prejudice in the Australian community as further factors inhibiting the progress of indigenous peoples.

Madam Speaker, the challenge facing the Council for Aboriginal Reconciliation is one of changing ingrained community attitudes - on the one hand racism, and on the other alienation. As the council says in the March edition of its publication *Walking Together*:

The Council for Aboriginal Reconciliation was set up to bring about a change in attitudes among many Australians in the wider community and to bring all Australians, regardless of the colour of their skin, together. It is a long-term project which has not been helped by recent community division generated by the Mabo debate.

Nevertheless it is important that all Australians of good faith continue to seek solutions to these often apparently intractable problems in spite of any setbacks. Not to do so will be to fail not only our generation but also our grandchildren and great grandchildren.

The need for constructive reconciliation is clear, and I certainly support the concept.

The third part of the motion calls on the Assembly to adopt, as a vision shared by the Assembly, the vision of the Council for Aboriginal Reconciliation, which is:

A united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all.

This is a well-crafted vision, Madam Speaker - one which has already allowed the council to make major progress towards its goals. This vision has provided the framework for the council's four major programs, which are: Firstly, a communication program to raise awareness of issues and to promote discussion about reconciliation through the media and other information activities; secondly, a consultation program to seek and record the views of Aboriginal and Torres Strait Islander communities and the wider community; thirdly, a cooperation program to bring together people to work on issues of common concern; and, finally, a community action program to support positive change in local communities and community organisations. The key words and phrases in this vision statement are "united Australia", "land", "Aboriginal and Torres Strait Islander heritage" and "social justice and equity for all".

I have already spoken about the need for unity and alluded to the need for justice and equity for Aboriginal and Torres Strait Islander Australians. The importance of the land to our Aboriginal population is unquestioned. As the introduction to the explanatory memorandum to the Commonwealth's Native Title Bill 1993 says:

For Aboriginal people, dispossession of their land has been identified by both themselves and a number of authoritative government reports as central to the social, economic and physical problems experienced by them since colonisation.

In the words of the 1978 Australian of the Year, Galarrwuy Yunupingu, AM, a member of the council:

The land is my backbone ... I only stand straight, happy, proud and not ashamed about my colour because I still have land. I can paint, dance, create and sing as my ancestors did before me ... My land is my foundation.

Aboriginal and Torres Strait Islander heritage is also crucial to the process of constructive reconciliation. In "Recognition: the Way Forward", published by the Australian Catholic Social Justice Council, chairperson of our Aboriginal and Torres Strait Islander Advisory Council, Kaye Mundine, is quoted as saying this:

Someone spoke about the past. You need to know where you are coming from. If you don't, you are going to run off doing things which is not going to resolve these problems. The other aspect is that Aboriginal historical experiences are a part of peoples' lives and you must listen to their pain which is a result of their past experience. You talk about reconciliation, but you also have to understand that the Aboriginal people have to work through their pain with you. You have to understand how the past is linked to the present. You also have to know what has to be forgiven, if you talk about asking for forgiveness. If you don't know what you are asking forgiveness for, what are you asking for?

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History and heritage are vital concerns in the process of constructive reconciliation being undertaken by the Council for Aboriginal Reconciliation. (*Extension of time granted*) History will judge how effective the process has been. In the interim the council has the challenge of building a more mature relationship between Aborigines and Torres Strait Islanders and other Australians. The fact that the Act ceases on 1 January 2001, the centenary of Federation, gives a symbolic focus to this challenge. We all hope, I am sure, that Australia enters the twenty-first century demonstrating the tangible results of a decade of action to address Aboriginal disadvantage and to achieve a lasting reconciliation. I, too, Madam Speaker, support this motion, and I urge all members of the Assembly to do the same.

MR STEVENSON (4.46): A united Australia, where justice and equity are provided for all, must surely be the goal of most people in Australia. There are, however, some concerns I have, and which many other people have, because many of the actions taken by governments in this area of the Aboriginal question, and also some Aboriginal groups, not necessarily controlled by Aborigines, are not improving cooperation but are causing division. Some viewpoints are very readily disseminated in the public media and in parliament, while others are not. I think the views of Cedric Jacobs, an Aboriginal in Western Australia, would be an example. He wrote a book called *Healing a Divided Nation*, and in a chapter titled "Constructive Forms of Aboriginal Assistance" he said:

There are many existing programmes designed specifically to assist Aboriginal Australians simply because they are Aborigines. While I believe there is a great deal of sympathy among Australians for the disadvantaged state of any of their Aboriginal neighbours, there is little sympathy among either Aborigines or whites for the enormous waste of money and resources resulting from the bureaucratic attempts to redress these disadvantages.

For example, the Aboriginal Development Commission, which receives \$66m a year from the Federal Government, has failed what could be described as a Parliamentary audit.

He went on to talk about the ADC. He said:

The ADC has assisted many Aborigines to set up their businesses, own their own homes, and reduce dependence upon welfare handouts. But a large proportion of the funds made available are clearly being skimmed off by career "administrators" and "advisers". The same holds true for other organisations upon which much public money is lavished, such as the Department of Aboriginal Affairs.

He continued:

My view is that the Department of Aboriginal Affairs should be completely dismantled, and the annual budget allocated to the States to supervise the allocation of finance by Shire and Town Councils.

As we know, the Department of Aboriginal Affairs has been disbanded, but the other suggestion has not been taken up. He quoted Wilson Tuckey as saying that the best form of government is that which is closest to the people it must govern. He continued:

Local councils have personal knowledge of their Aboriginal communities, and also know to whom those communities look for leadership. Councils also have personal knowledge of special problems confronting their Aboriginal people, and resources available to address such problems as housing, education, health and employment.

Cedric Jacobs is the chairman of the One Australia movement. He continued:

Such a proposal would obviate the need for dozens of officials from the DAA to drive expensive four-wheel-drive vehicles all over the nation, while Aborigines camped by the roadside wonder how they could benefit from such wasteful endeavours.

He said that he has seen this himself. He went on to say:

The waste is deplorable, and Australians are simply not getting value for their hard-earned tax dollars.

He also quoted some of the ideas presented by the Goldfields and Western Desert Christian Aboriginal Movement in 1985 in Western Australia. He said that they had published an open letter which has gone largely unnoticed to date. I have seen this happen again and again. That open letter said:

We are writing to you now before policies are made, because we are very concerned about the future of our people if these policies become law. We believe that the present policies are a recipe for disaster.

Land rights being given only to groups means that there is a long-term acceptance that Aborigines as individuals or as families will own very little freehold land ...

A major problem is that there is nothing in [present] policies to motivate Aborigines except a return to old traditions on community land. There is no policy to encourage pride of race in a modern world: we believe present policies will make Aborigines more dependent. We do not believe in Land Rights! We believe in land ownership for Aborigines ...

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Cedric Jacobs continued:

This group, consisting in part of desert Aborigines, suggests that Aborigines should be eligible for some form of encouragement to own their own family homes on freehold title, at least until the proportion of Aborigines who own their own homes approximates the proportion of other Australians who own their own homes. The demand is not for endless hand-outs, but a proposal to assist Aborigines to reach the existing Australian standards, and then scale down or phase out such assistance except as such assistance is available for all Australians aspiring to their own homes.

Graeme Campbell has spoken strongly on various matters to do with Aborigines. Graeme is the Federal member of parliament for Kalgoorlie, the largest electorate in the world. It is one of the most, if not the most, heavily populated Aboriginal electorates in Australia. The Northern Territory comes into that category as well. Mr Campbell has said that in the last 20 years \$25 billion of taxpayers' money has been given out as assistance to Aboriginal groups and trusts. That would equate, he says, to about \$2 billion a year. If you look at the number of Aborigines counted in the 1961 census, there were 84,470. By 1981 the number had increased to 159,897. Now it is claimed that there are about a quarter of a million. For a family of five, that would equate to \$37,500 each year.

The problem here is that it is fairly obvious that Aborigines are not getting that money. A lot of it is being wasted with pet projects and schemes that do not get to Aborigines, that do not help their health, do not help the employment situation, do not help the housing situation or the education of Aborigines. This is a concern that I have. As I said, various aspects of the motion could be agreed with. I make no claim whatsoever to having an understanding of the group mentioned in the motion. I am concerned about some groups and what is being done in this area, for I think that in many cases, or most cases, it is not being done to benefit Aborigines. I think it is being done to centralise power.

The Labor Party model for Aboriginal land in Australia is 50 per cent of the continent. So far, 15 per cent of Australia is controlled by Aboriginal groups and trusts. That is an enormous percentage. One particular tract of land is larger than Portugal, and another is larger than Austria; but I do not see the benefits going to the average Aboriginal. Why is this? As I said, I think the motivations might be different. I think there may be some people who are more interested in gaining more collective power. I think the Mabo decision is one which will encourage collectivism in Aboriginal people. Individual home ownership, not group ownership, would be a far better situation.

The historian Geoffrey Blainey, in writing on the Mabo High Court decision, said:

The High Court itself, the Mabo Bill, and most press articles and media commentaries in the past three weeks assume that at least 98.5 per cent of Australia's population might have to lose rights for the sake of an important but tiny minority. But this is one nation, and all Australians should be equal in the eyes of the law.

Aborigines have their own vital needs. They have much to be proud of; they deserve respect and recognition for their long role in Australian history; they are entitled to hold their heads high. But it is their ill-health, lack of education, poor housing and unemployment that should have the nation's and their own highest priority. There is no evidence that the granting of land in the Northern Territory has greatly improved the infant mortality rate or the health, housing and education of adult Aborigines. What it has done is weaken the Northern Territory's economy, and thereby cut job opportunities in the only region where the proportion of Aborigines is high.

He went on to say:

The Aborigines deserve justice. So do the 17 million other Australians.

I would agree that there is a better way to go about these things. On this particular motion, without reading the Act that is quoted, and without understanding more about the group, I will abstain from the vote. I am concerned that support by members of Australian parliaments in motions and such things is then used - - -

MADAM SPEAKER: Order! Your time has expired, Mr Stevenson.

MR STEVENSON: I require a brief extension. I am finishing. (*Extension of time not granted*)

Question resolved in the affirmative.

ANSWERS TO QUESTIONS ON NOTICE

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave to make a very brief statement with regard to a question on notice asked by Mr Cornwell.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, following question time today, Mr Cornwell asked me about an outstanding question on notice concerning credit cards. I have since pursued the matter. I found that I wrote to Mr Cornwell on 21 February with a partial response to his question. My letter provided the detailed information required by three of the four parts of Mr Cornwell's question. In relation to one part of the question, my letter indicated that the information Mr Cornwell had requested would need to be collected from all ACT agencies and that there would be some considerable delay in preparation of the final answer. I have been advised that the process is nearing completion, and I expect to be in a position to provide a reply to the member shortly.

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ELECTORAL (AMENDMENT) BILL 1993
Detail Stage

Clause 22, as amended

Debate resumed from 19 April 1994.

MS FOLLETT (Chief Minister and Treasurer) (4.58), by leave: Madam Speaker, I move together the Government amendments Nos 34 and 35, which read as follows:

34. Page 49, lines 24 to 29, proposed new subsection 128(1), omit the subsection, substitute the following subsection:

"(1) An elector shall record his or her vote on a ballot paper by marking the ballot paper in accordance with subsection (2)."

35. Page 49, line 30, proposed new subsection 128(2), omit "Where paragraph (1)(b) applies, the", substitute "The".

These amendments arise as a consequence of the removal of the party ticket voting scheme.

MR HUMPHRIES (4.59): Madam Speaker, I have no objection to the removal of those provisions dealing with the party ticket voting scheme, of course; but there are some aspects of proposed new section 128 which I think deserve to be commented upon. This proposed new section, as amended, indicates that there is, by law, a certain method which voters need to employ in casting a vote. It says:

An elector shall -

it is mandatory -

record his or her vote on a ballot paper ... by marking the ballot paper in accordance with subsection (2).

Subsection (2) says:

... the elector -

(a) shall place consecutive whole numbers starting at "1" in the number of candidate squares equal to the number of candidates to be elected so as to indicate preferences ...

It is to be provided for later in the Bill, through an amendment which will be supported by, I assume, all in the chamber, or at least both sides of the chamber, that there should be the capacity to cast a formal vote even when these provisions have not been complied with. So if a person writes the numbers 1, 2, 3, 4, 5, 5, 7, that person's vote will count, to the point, at least, of their fourth preference. That, in a sense, puts the practice in complete contrast to the formal position of what a voter should do when he or she goes to the ballot-box.

My party has wrestled with the problem of this. We do not propose an amendment at this stage, but we make the point to the Government that we need to consider the efficacy of a law which is effectively unenforceable. What is the point in saying to a person, "You must do this to cast a formal vote, and, in a sense, it is illegal for you to do otherwise" - we are saying here that an elector shall record his or her vote in this way - "but if you do not it does not matter."?

Mr Moore: It is not a piece of legislation. It is only a drafter's term, a legal term, to ordinary people.

MR HUMPHRIES: I think, with respect, it is. I realise that there is no penalty provision here. A person could not be charged with the offence of breaching section 128; nonetheless, it is an act which is unlawful - at least, I think it is. It is unlawful to cast your vote other than as indicated in those provisions. To support my contention, I refer members to proposed new section 291, which says:

A person shall not disseminate, or authorise to be disseminated, electoral matter including a representation of a ballot paper ... likely to induce an elector to mark his or her vote otherwise than in accordance with the directions on the ballot paper.

That means that, if I put out a how-to-vote card saying, "There are really only three people in this election campaign worth voting for. Vote 1, 2, 3 for those people, and then vote for two other candidates; or do not vote any further than that.", I have committed an offence under section 291, which, in turn, harks back to section 128. It is illegal under section 291 only because of section 128. So, section 128 does have some effect on the conduct of a campaign.

I am not sure, Madam Speaker, whether, at the end of the day, it is desirable to advise people to deliberately exhaust their votes. It is obviously better to be able to have people exercise as many of their votes as possible. I am quite happy to have a recommendation that people number every square because it gives them the chance to exercise a maximum possible vote and to make sure that their influence continues throughout the course of the campaign; but there will be some who, on a matter of principle, will not wish to have a vote beyond, say, three squares. They might decide that only one candidate is worth voting for. Given the formality rules we are now going to provide for, perhaps that person ought to have the capacity to exercise that capacity within the law, not outside the law.

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I do not propose an amendment at this stage. I merely note that there is some potential inconsistency in our position here, and we need to consider, at the end of the day, whether the law is better reflecting the reality rather than creating some kind of legal fiction which is impossible to fully and properly enforce.

Amendments agreed to.

MR STEVENSON (5.04), by leave: Madam Speaker, I move together amendments Nos 2, 3 and 4 circulated in my name, which read as follows:

2. Page 50, line 6, proposed new subsection 129(1), after "polling day" insert ", produces evidence of his or her identity and address".
3. Page 50, line 28, proposed new subsection 131(1), after "polling day" insert ", produces evidence of his or her identification and address".
4. Page 52, line 1, proposed new subsection 132(2), after "eligible elector" insert "and on production of evidence of his or her identity and address".

These amendments are the result of one of our survey questions. The question was:

Should voters be required to show proof of identification and address (e.g. driver's licence, phone or electricity account etc) at the polling booth?

The result, from 507 people over eight suburbs, was that 66 per cent said "Yes", 32 per cent said "No", one per cent were not concerned about the issue, and one per cent said that there was not enough information. Actually, that result of 2 per cent for "Not concerned" or "Not enough information" was the lowest for any of the questions. As a general rule, that is a very low result. In other words, people have an opinion. In fact, 98 per cent of people had an opinion one way or the other. As always, I cannot say why they had that opinion. I can only say that they had that opinion. However, I can certainly say what some of their concerns may be. One of them, as I mentioned yesterday, is that anyone can go into a polling booth and say that they are someone else. It would be a little bit hard if you are of the opposite sex; but, leaving that aside, there is no real restriction on who can claim a vote.

Most people agree that a useful safeguard would be the requirement to produce identification. When I mentioned this point in the Assembly yesterday, Mr Wood said, "It is Australia Card stuff". I am a lot more concerned about the Australia Card and what it would have done in Australia if used as an identification card than Mr Wood ever has been or ever will be. It is not Australia Card stuff at all. What do you say when people make claims like that which have no logic? Why are they made? Is there a reason?

One would assume that there was. The requirement that someone produce identification does not mean that they have to carry identification with them all their lives. It does not mean that they have to register their identification. This is simply a requirement that on that one day, every three years or so, they prove who they are, so that their valuable right to vote is not diminished. Every fraudulent vote diminishes every other valid vote.

Members may suggest that there are problems with this, but I suggest that if there are any particular details that need to be handled they can be handled by regulations. Naturally enough, the public would need to be made aware that on polling day they have to produce identification. The polls clearly show that most people would not disagree with that. I think others would readily accept that, if it is a majority view. As I have always said, other members in this Assembly, or other parties or other groups, for that matter, can do their own polling and - more importantly perhaps - release the results. Then we would know what they are polling and what they are not polling, rather than just using them to rephrase their Rinso ads to align with what the majority want and not to serve the majority will.

As for what identification is produced, the example I gave in the polling question was the driver's licence. It would do admirably. A telephone or electricity account would go a long way towards showing identification. Naturally enough, there is practically no form of identification that someone carries that cannot be forged. However, anyone making any statement talking about the potential for forgery would have to acknowledge, first of all, that there is no requirement whatsoever, at the moment, to forge anything because you simply do not need to prove your identity in any way, shape or form. While documents can be forged, I suggest that that is not a valid argument. If someone wants to open a bank account in Canberra they must produce identification. The requirements for that are very strong. The Chief Minister mentioned recently, when talking about electoral matters, that the test we require of Canberrans before they vote is very small, or words to that effect. Boy, is it small! It is a test that anyone would pass, whether or not they wrote the exam paper.

The potential for vote fraud is important. The proof of vote fraud is not necessarily required. We should not allow a system as important as voting for members of this Assembly to be open to fraud. We have a situation where anyone can say that they are someone else, even before the person goes along to that same polling booth. You can go along there and find that you have been marked off already. You say, "I did not vote". They say, "Sorry; you are already down. The vote has gone in. Tough luck". Regardless of the fact that this may not be the practice around Australia, I suggest that the practice around Australia is also in need of review and change.

There are many methods that could be used for tightening the potential for vote fraud. One that has been suggested to the Federal inquiry on electoral matters is a voter card that would be mailed to people at their homes. They would bring it along on the day and present it. It would be taken off them at that time so that it could not be used by anybody else. This would be very costly and also would be open to fraud. Unless you made the electoral card secure it could very easily be copied. If you do make it secure you have the problem of cost. In England they have used a similar system for many years. It appears to work quite well over there, but I do not think it is the one for Australia.

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The cost of electoral office staff administering the process, of checking someone's ID before they vote, would not be considerable; it would be minimal. However, making sure that people do not vote illegally would be of far greater benefit to Canberrans. What do we need to have happen before we plug the potential? Do we have to have widespread vote fraud proven? I wonder how much of it goes on. Certainly some of it goes on. How much is found out? There are concerns in this area, and I urge all members to vote for the amendments.

MS FOLLETT (Chief Minister and Treasurer) (5.14): Madam Speaker, the Government will be opposing Mr Stevenson's three amendments. The intention of all three amendments is to require voters to produce identification before they are issued with a vote. If these amendments were passed, I consider that they would involve enormous difficulties, not just for the voters but also for electoral officials. I believe that Mr Stevenson has dealt with those issues fairly lightly. The amendments, for instance, do not specify what level of identification is required. I heard Mr Stevenson refer to a driver's licence, an electricity bill, and so on; but this is legislation, and I think that we need to be a lot more specific than that. The amendments do not give the electoral officials any discretion to question the validity of identification documents. I would suggest that if you are getting down to the level of electricity bills it is all too easy. You do not even have to forge them; you just have to swap them, and it is a very easy thing to do.

Madam Speaker, there is no provision in Mr Stevenson's amendments for voters who do not have any form of identification to vote. I can see an enormous inconsistency looming here. The Assembly voted earlier in this debate to allow a vote to itinerant people who do not have an address in the ACT. There is a great inconsistency, I believe, in allowing people who do not have an address to have a vote and then demanding that those people produce identification. I think we are in danger of looking pretty silly in that regard.

The amendments moved by Mr Stevenson also would have the potential to create a great deal of confusion on polling day. We would see many voters turned away from polling places for having no identification, and voting would take a great deal longer because of the extra time that would be needed to check identification and to explain to those voters without any that they cannot vote. Voting would become a very inconvenient process, and I think we would see voter turnout reduced. Administration of the scheme would be very difficult. I know that Mr Stevenson asserts that it would not, but I believe that it would. At a minimum, you would need guidelines on vetting identification documents, and also guidelines on how to deal with disputes in polling places, and disputes would inevitably occur.

I take Mr Stevenson's point that his amendments are aimed at reducing the opportunity for fraudulent voting; but all of the types of identification documents mentioned by him are easily obtained or forged, and the mere possession of such a document in no way, in my mind, rules out a vote being fraudulent. I believe that people could easily produce those documents. If they were of a mind to vote fraudulently they would make a point of producing probably even better identification than the rest of us who were not bent on fraudulent voting. I believe that the amendments would be more likely to hinder the innocent than to prevent the guilty from operating, and that is a real problem.

I would like to add, Madam Speaker, that there is no real evidence that fraudulent voting occurs on a significant scale. For the sake of attempting to fix what is a non-evident problem, I believe that we would be causing a great deal of confusion and inconvenience if we were to adopt Mr Stevenson's amendments.

MR HUMPHRIES (5.18): Madam Speaker, I also indicate that I have to decline support for Mr Stevenson's amendment in this area.

Mr Moore: You mean that you are going to oppose that?

MR HUMPHRIES: Even that, yes. I will even do that. Fundamentally, he needs to do some more work on how this would operate. I think the Chief Minister is right to suggest that there is ambiguity here about what level of ID is required, and also to point out that if someone is prepared to go to the extent of wanting to vote multiple times in ACT elections they are quite happy also, presumably, to forge some documents to do so.

Ms Follett: Photocopy the electricity bill.

MR HUMPHRIES: Indeed. I looked through my wallet when I saw Mr Stevenson's proposals and I have my driver's licence, which has my name and address on it.

Mr Berry: I thought you were too young for a driver's licence.

MR HUMPHRIES: I know that I look that young, Mr Berry, but I am not. I have nothing else in my wallet, apart from an organ donor card, which I might not have, that contains my address.

Mr Berry: I hope that you never have to use it, Gary.

MR HUMPHRIES: I hope not either. If I was not a driver it would be very difficult for me to produce evidence of my address. As you say, perhaps my latest electricity bill would do, but it is very easily forged or copied. It contains no valuable information at all. There is a great danger, as the Chief Minister has indicated, that this would cause immense irritation and immense difficulty for many quite innocent and ordinary voters whose position in no way is likely to threaten the validity of the voting system but who would find it difficult to comply with these requirements, particularly if they had not done so for the last umpteen number of years and had to do so, perhaps unexpectedly.

I might say, however, that I find it slightly rich that criticism of the idea of carrying some form of ID should come from a party which was the proponent of the notorious Australia Card. Had we had our Australia Card it would have been quite easy for people to produce their ID and to flash it about. I am glad that we do not have the Australia Card, and I hope that these provisions will not be adopted either. I think that they are unnecessary and, as the Chief Minister indicated, they do not deal with a problem which exists.

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MS SZUTY (5.21): It is my understanding that no jurisdiction in Australia currently requires electors to produce identification or proof of address when they turn up at a polling booth. Now is not the appropriate time for this Assembly to be considering such amendments, even if we did consider that this was an appropriate step to take. As the Chief Minister has outlined in this Assembly today, the amendments would need to be much more extensive to take on board all the provisions that Mr Stevenson is thinking of. The Chief Minister also indicated that the extent of fraud is fairly minimal. I believe that we had the debate on the extent of fraud at elections last night, so I do not intend to travel over that ground again. I will be opposing Mr Stevenson's amendments.

MR STEVENSON (5.22): I covered the arguments that were raised, but as they were raised after I covered them I will bring them up again. First of all, the Chief Minister suggested that there would be enormous difficulties. We know what "enormous" means; it means bigger than huge. I suggest that there would not be enormous difficulties. There would be some inconvenience for people; there is no doubt about that. But a majority of people favour the proposal. They have a right to decide what sort of voting system they have.

As for not specifying the means of identification, I covered that. That could be covered by the regulations. I can go into fine detail on this point and, in the future, I will do so; make no mistake. But that was not a requirement. I allowed for a method of operation to cover what the electoral office considered relevant. The Chief Minister asked about voters who do not have any form of identification. You can bet your sweet life that they will not have a bank account if they did not have one prior to the regulations being brought in requiring 100 points to open an account.

The Chief Minister says that voting would become a very inconvenient process. I think voting would become a far more secure process. The Chief Minister also said that she does not believe that there is voter fraud on a significant scale. What scale is significant? Mr Moore, and subsequently Ms Szuty, were elected on the basis of one vote per polling booth, to get just inside the margin. It would not have taken much to not elect them. At the first election someone just missed out by 100 votes, as I recall. It would not have taken much to get them elected. Of course, once you have someone elected, sometimes, as in the case of Mr Moore and Ms Szuty, the preferences can pull someone else in. That is what would have happened with the Fair Elections Coalition in the election for the First Assembly.

As for forging documents, I made the point that anybody claiming that documents can be forged must acknowledge the fact that there is no requirement whatsoever at the moment. You do not have to forge a thing. That was not acknowledged by anybody else. We have a situation where a majority of people favour voting at their local polling booth and providing proof of identification. Governments in Australia have never been against putting people to enormous problems. That is when you should use the word "enormous". Businesses are being strangled by red tape all over the place, the ACT included. It is not that the Government, when it suits its purpose, is against requirements that place onerous obligations on members of the public. If it does not, it is perfectly prepared to say, "This will inconvenience people, and that is why we should not do it".

Amendments negatived.

MS FOLLETT (Chief Minister and Treasurer) (5.26): I move Government amendment No. 36, Madam Speaker, which is as follows:

36. Page 50, line 18, proposed new section 130, omit "170", substitute "129".

This is a technical matter that was picked up by the Standing Committee on Scrutiny of Bills and Subordinate Legislation. The amendment is to correct an incorrect cross-reference.

MR HUMPHRIES (5.27): Madam Speaker, I am glad that we are correcting this. My reading of the unamended section would be that the only place where one would be able to cast a secret ballot would be Antarctica.

Amendment agreed to.

MR HUMPHRIES (5.27), by leave: Madam Speaker, I move together my amendments m. and n., which read as follows:

m. Page 57, line 14, proposed new paragraph 147(1)(a), add "and".

n. Page 57, lines 15 and 16, proposed new paragraph 147(1)(b), omit the paragraph.

Madam Speaker, we come here to a critical issue in the Electoral (Amendment) Bill, and that is the question of how-to-vote cards. I do not propose to argue this point at great length at this juncture because I believe that the point where it is most pertinent is when we consider my amendment to proposed new section 296, the prohibition of canvassing near polling places. That is the point where the issue will be resolved one way or the other. However, my amendments m. and n. are consequential on that. I will, however, argue that it is appropriate for even the people who are proponents of how-to-vote cards to consider whether these amendments should not be allowed to succeed. At the moment polling within certain institutions, hospitals and aged persons homes, and so on, is not allowed. What proposed new section 147 does is allow the polling officer who visits such places to take to that place all the voting paraphernalia - the voting box, ballot-papers and so on, including how-to-vote cards made available by candidates for the purposes of an election.

Madam Speaker, the contention of my party is that how-to-vote cards will be bad for a number of reasons, but particularly because they will be extremely confusing. Ordinary voters going in to cast a vote will find great difficulty in working out what difference there is between the how-to-vote card and the ballot-paper, and why there is a difference. This problem will be particularly acute, particularly severe, in aged persons homes, where many people have had generations of voting in a particular way and will have some difficulty in adjusting to this new system. Secondly, they are in an environment where there are no party workers to assist them to understand what is involved in casting a vote in this fashion.

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I ask us all to put ourselves in the shoes of a person who might have used how-to-vote cards throughout their life and is now in a retired persons home. They receive what they think is their Labor how-to-vote card, they walk into the polling booth, and they are confused and dismayed by the inconsistency between the how-to-vote card and the ballot-paper. They are confused, and they do not know what to do. This will lead, undoubtedly, Madam Speaker, to a high informal vote in those institutions. It seems to me that that follows as surely as night follows day.

These people will find it particularly difficult to work out what is going on. This is in an environment where we do not allow canvassing anyway. People are not allowed to go in, for the very reason that party workers have been considered an intrusion in the past. Their presence has led perhaps to some sense of confusion or duress, or the perception of those things, on the part of old people in these places. It is particularly unfortunate that, instead of party workers, we provide some piece of paper which will cause enormous confusion. I am not suggesting that people who are in retirement homes have lost their marbles and are not able to make basic decisions about these things. Unfortunately, however, many of these people will not be in a position, because of their age, to decipher what this new system means and, in particular, to reconcile it with these confusing how-to-vote cards.

I appeal particularly to Mr Stevenson to consider whether it would not be appropriate, even if he is prepared to vote against my amendments to proposed new section 296, nonetheless to support the amendment here and to make these special polling stations - mobile polling stations, as it were - in a sense an environment where there will not be any kind of material or people who will confuse the process and make it difficult for those people to cast formal votes.

MS FOLLETT (Chief Minister and Treasurer) (5.32): Madam Speaker, I will be opposing these amendments moved by Mr Humphries. We are now at the beginning of the debate on how-to-vote cards. We will have an extensive debate a little bit further on. At this early stage it is worth noting that these provisions of the Bill allow for the visiting officer to provide how-to-vote cards to voters in aged persons homes, remand centres and so on. The Bill does not require that those people, those voters, have to accept such information. It merely allows the officer in charge of a polling place to take that stuff with him or her, should it be made available. It does not require anybody to accept it. It has been my experience, Madam Speaker, over many, many elections of all descriptions, that the people who run these institutions are often looking for information to assist their residents on polling day. I believe that, if we were, at this point in the Bill, to oppose the capacity to hand out how-to-vote cards, we would be very much disadvantaging a particular group of voters when, in fact, it may not be the will of the Assembly to disadvantage all voters in that way. I will be opposing these amendments proposed by Mr Humphries, and I urge other members to do the same.

MR MOORE (5.34): Madam Speaker, I think that the only people likely to be disadvantaged by this move are some factional groups within any given party. Under Robson rotation the vote of a person who wishes to vote for the party of their choice will be evenly distributed if they simply write 1, 2, 3, 4, 5, 6, 7, as the case may be, down the ballot-paper. The visiting officer appointed under the previous section would be aware of that and could explain that very simply. One of the most attractive things about Robson rotation is that it is so simple if you wish to vote for a party. That vote would be evenly distributed amongst all members on the ticket. Any other electoral matter along the lines of how-to-vote cards is only likely to cause confusion, as Mr Humphries has pointed out. Mr Humphries draws attention to aged persons homes. There could well be even further difficulties for some of those residents. The minds of some of the residents are probably substantially sharper than those of many of the people in here; but there will be some residents, as we are aware, who have reached a stage of just wanting to keep it simple, and there is a simple solution under those circumstances.

There will be a substantive debate about how-to-vote cards later on. In this particular case it seems to me that there is a much stronger case. We ought not allow that electoral matter to be taken there without the benefit of having somebody from the particular group to clear up the confusion, to explain the difference and to point out why that particular party has chosen to put out a how-to-vote card that, for example, differs substantially from the ballot-paper that is in front of them. I too urge members to support the amendments put up by Mr Humphries. They are very sensible amendments, no matter what your general view on how-to-vote cards is.

MS SZUTY (5.36): I too support Mr Humphries's amendments in this instance, and I note that the debate on how-to-vote cards is, most appropriately, to be had further down the track. It is important that Mr Humphries has raised these very significant issues around how-to-vote cards at this time. I think he outlined very well the various scenarios of people in hospitals and nursing homes, and the remand centre. I think, as Mr Moore does, that the how-to-vote cards are likely to be confusing to people in those environments. They are certainly not going to be relevant, as Mr Moore has also indicated, as in most instances the ballot-paper will be substantially different from the how-to-vote cards that people are given.

MR STEVENSON (5.37): A question we asked during our survey concerned how-to-vote cards being handed out to people as they approach polling booths on election day. We asked whether this should be allowed or banned. The result was that 62 per cent said that it should be allowed, 25 per cent said that it should be banned, 10 per cent were not concerned about the issue, and 3 per cent said that there was not enough information. That covers the question of whether or not how-to-vote cards should be available at polling booths.

Mr Humphries: These are special polling booths, though.

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MR STEVENSON: I understand the point. Nevertheless, the closest indication I can get from people is that they approve of that happening. The other question we asked was this:

If banned, should one card from each party/independent/group be displayed inside each polling booth showing their recommendation of how electors should vote and direct their preferences?

The result for that was even higher, with 73 per cent saying yes, 18 per cent saying no; 7 per cent saying that they were not concerned, and 3 per cent saying that there was not enough information. Either way you look at those results on those two questions, they show that most people are in favour of how-to-vote cards being available. There was no distinction made in those specific areas.

Mr Humphries: You did not ask for a distinction.

MR STEVENSON: I grant you that; but they are mobile polling booths, so it obviously relates.

MR HUMPHRIES (5.39): Madam Speaker, I regret that Mr Stevenson has not picked up the difference in this particular situation. This is not an ordinary polling booth.

Ms Follett: You have not made a case for a difference.

MR HUMPHRIES: There is a very significant difference. The difference will be revealed not through anything that I have had to say, but through the informal votes which will be recorded, particularly by those who might be attempting to vote Labor at those booths, because it is Labor that will be putting out the most confusing how-to-vote card under this arrangement. There will be considerable confusion amongst those people. I predict - I hope that Mr Stevenson will come back and read what I have said and see whether it comes true - that there will be a particularly high informal vote in those mobile polling booths. I do not wish to be responsible for that, because informal votes represent wasted votes. People's democratic right to engage in the process is reduced or denied. That seems to me to be the opposite of what Mr Stevenson has talked about in this place before.

I do not want to get into the debate about how-to-vote cards now; but I might indicate that, in my view, the question, "Are you in favour of how-to-vote cards?" is extremely difficult to answer properly if you do not know about the implications of Robson rotation. If you do not know about Robson rotation, or have not been told about it, if you have not had explained to you that there is a huge difference between ordinary elections and an election where the ballot-paper is going to look quite different from any how-to-vote card, the complexion of that argument is changed. But that is a debate to be held later on in these proceedings. I hope that Mr Stevenson watches carefully what happens in those aged persons units. I would have thought he would have had a constituency there that might have been interested in the outcome here. He would realise that there will be a serious consequence of the failure of these amendments. That will be measured in the lack of say that elderly people get in the outcome of the next ACT election.

MR MOORE (5.41): There is a difficulty in interpreting a question of the nature that Mr Stevenson asked. His question was, "Do you approve of how-to-vote cards outside polling booths?". There is no "outside polling booths" as far as this particular situation goes. I would argue that his question simply does not apply because in this case there is no polling booth.

I think the other difficulty that is much more important in this case is that the visiting officer, or the electoral officer, is effectively made an agent of the parties or groups. There is another important question, a valid question, and that is whether or not we should be asking an electoral officer to fulfil this role. My own position on that is that we ought not be asking them to fulfil this role. Should these amendments fail, material taken by a visiting officer is something for us to think about at another time. Would it not be far better to have another representative go with them? I understand the difficulty of that; you cannot have 15 people accompanying a visiting officer going around a ward or a nursing home. There are difficulties. I understand that this is the way it will come out. The way to resolve those difficulties is not to ask the visiting officer to become an agent for political parties and Independents, but rather to support these amendments.

MR STEVENSON (5.43): I would be more than happy, as I previously mentioned, to support an independent government survey unit that looked at various questions in detail and actually got involved in real consultation with the people of Canberra. I would certainly support an independent survey team. I agree with Mr Humphries that people can have difficulty in answering various questions when they do not understand them. This is true of any single question we could ask. It is true of the large majority of questions that have ever been asked, from a political point of view, or that ever will be asked. If you cast a vote for the Liberal Party, or the Labor Party, or any other party, do they understand what they are voting for? Do they understand the complexities of that? One could always argue that they do not. However, people have a right to make a decision. When you ask them about something it should not be a biased question. You should not ask people, "Do you agree with fluoride?", and then say that it is going to save money and protect children's teeth. That is a biased question. Equally, it is biased to indicate that the World Health Organisation lists it as a rat poison. They are both biased.

You cannot educate either way when you are doing a survey. Everybody has a right at any time to educate people, or to make people aware. One could debate whether that is education, but it is a right to make people aware of what they feel is important on many issues. It is our responsibility and our obligation in this Assembly to make people aware of all important aspects of major issues. I suggest that we do not often do that. We pick one particular point of view that agrees with what we think, push that like mad, and do not tell people about the other side. That is not the correct role of a parliament, but that is what happens.

Mr Moore suggested that the question was about the area outside polling booths. It actually does not say that. Let me read it again. I quote:

This first question concerns how-to-vote cards being handed out to people as they approach polling booths on election day.

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It is an interesting point; it does say "election day", but for these people I think it could be held that their election day is when they vote. The questionnaire goes on to say:

If the handing out of how-to-vote cards is banned, should one card from each party, independent, or group be displayed inside each polling booth showing their recommendation of how electors should vote and direct their preferences?

To that question 73 per cent said yes. I think it is obvious that people in Canberra approve of how-to-vote cards. We could debate whether that is a good thing or a bad thing. We could debate why they have that view. I think it is clear that they have that view and, because of that, I will support the amendment favoured by the Government.

Mr Humphries: Thank you. They do not have one.

MR STEVENSON: They do not have one? Okay.

Question put:

That the amendments (Mr Humphries's) be agreed to.

The Assembly voted -

AYES, 8 NOES, 9

Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Moore	Mr Lamont
Ms Szuty	Ms McRae
Mr Westende	Mr Stevenson
	Mr Wood

Question so resolved in the negative.

Debate (on motion by Ms Follett) adjourned.

ADJOURNMENT

Motion (by Ms Follett) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 5.51 pm