



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 May 1994

Tuesday, 10 May 1994

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MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

QUESTIONS WITHOUT NOTICE

Private Hospitals - Bed Numbers

MRS CARNELL: Madam Speaker, my question without notice is directed to the Minister for Health, Mr Connolly. In November 1990, in additional comments to the Estimates Committee report, Mr Connolly criticised the Alliance Government for its plans to increase the number of private hospital beds in the ACT by up to 10 per cent. Mr Connolly said:

There was no evidence to support the assertion that the quality of services in the public sector would be unaffected by the massive swing to private hospital beds.

Since Mr Connolly took over as Health Minister, in his own words he has increased the number of private hospital beds by 20 per cent, double the increase planned back in 1990. Does the Minister concede that the Labor Government has abandoned its old health policy championed by Mr Berry, and finally realised that the Liberal Party's health policy of a balance between the private and public sectors is the only way to improve our hospital system, or has there been some other late conversion on the road to Damascus?

MR CONNOLLY: I think that back in 1990 Mrs Carnell was on the Board of Health, so she was part of the problem. Now she is Leader of the Opposition and still part of the problem. Madam Speaker, I seem to recall that in 1990 the Opposition were running the ideological line that all problems would be solved if only we had more private beds; indeed they were urging that we needed more private hospitals. I think they were quite attracted to the for-profit model of private hospitals.

One thing that I think needs to be stressed in this debate is that, of course, both Calvary Private and John James operate on a not-for-profit community based model. That is very different to some of the hospitals in New South Wales, where the doctors who drive what happens in the hospital often are the shareholders and have a profit interest in the sense that if the hospital makes a profit it is paid in a dividend to those doctors. I, as do all members of this Government, have a real problem with that model of providing medical services.

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I look at each application on its merits, as it comes before me, in order to deliver the best form of health care to the people of Canberra. That has meant that I have looked at the merits of a number of applications from those two not-for-profit community based private hospitals. I have approved additional beds. Mrs Carnell makes the point that I have approved an increase in beds of some 20 per cent. As the Liberal Party said four years ago that a 10 per cent increase would solve all our problems, it is abundantly clear that I have doubly solved all our problems. I assume that, as the Liberal Party has nothing more to say about health, they will say no more.

MRS CARNELL: I ask a supplementary question, Madam Speaker. It is just a simple question. Has there or has there not been a change in Labor Party health policy since you took over, Minister?

MR CONNOLLY: Madam Speaker, the Labor Party has always been committed to a strong public sector, as I continue to be committed to a strong public sector, with a viable private sector alongside.

ACT Health - Andersen Report

MS ELLIS: Madam Speaker, my question is directed to the Minister for Health. Having now received the Andersen report into ACT Health, can the Minister inform the Assembly what the recommendations contained in the report are? Secondly, what recommendations does the Minister plan to implement? Thirdly, how does he intend to implement them?

MR CONNOLLY: There was considerable media publicity as a result of a leaked copy of the report of Andersen Consulting, which is of course Arthur Andersen, a very well-known international firm of accountants and management consultants. In order to save the Opposition from two weeks of calling for me to table it, I am quite happy to table that document, Madam Speaker. Indeed, if members are interested in obtaining copies of this document, which is a fairly hefty tome and fairly complex reading, copies are available from my office. As was reported quite widely in the media, the principal findings were that we have a problem with financial control and have had for over a decade. Mr Humphries had no answer to that when he was Minister, and we are still moving towards an answer. There is no magic wand in this area, but a clear recommendation which I intend to follow through on is that we need to establish what they have called an interim financial board of control.

Mrs Carnell: That is like a board of health.

MR CONNOLLY: No, it is not a board of health, Mrs Carnell. This is not an exercise in playing around with terms; this is about putting a body together to focus on the finances of the agency. Last week we established a resource management committee, chaired by the general manager of Woden Valley Hospital. The appointment we made to that chair of the hospital was widely welcomed by everybody who knows something about the system, namely, the AMA, the Australian Nursing Federation - but not Mr Humphries - the director of finance at Woden, the general manager of resources and representatives from ACT Treasury.

Importantly, Andersens recommended that it would be useful for an interim period, which is why they call it an interim board - they say to the end of this year - to continue to take advantage of an outside consultant, and we have indeed negotiated with Arthur Andersen to continue to have an outside person on while this body is setting itself up. It will be set up forthwith. Other recommendations, as will be obvious to people reading the report, are subject to budget consideration by Cabinet and will be announced in due course. But in order to save you all a lot of worry and a lot of questions over the next two weeks I thought it was better to table the report today.

Assembly Members - Staff Entitlements

MR DE DOMENICO: Madam Speaker, my question without notice is directed to the Chief Minister. I refer the Chief Minister to her statement about staff entitlements on 19 April 1994 in which she said:

As far as I am aware, there is no proposal other than that Mr Berry should have the same entitlement as do other backbenchers.

I ask the Chief Minister: Does she stand by this statement, or has she misled the Assembly?

MS FOLLETT: Madam Speaker, I have certainly not misled the Assembly. I should say to members that I have been giving consideration, as I undertook to do in response to Mr Humphries, to the question of staffing entitlements. Madam Speaker, I think it is fair to say that I have discussed the matter briefly with you but not with other members who are affected by my consideration. I will be advising all members of my decisions very shortly.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Can the Chief Minister assure the Assembly that no Executive staffing resources are being or will be used in respect of Mr Berry's entitlement? In other words, can the Chief Minister assure the Assembly that she will not be preserving factional peace by giving Mr Berry more than any other backbencher is entitled to?

MS FOLLETT: Mr Berry's entitlements are a matter for the Speaker, Madam Speaker, as I am sure you are aware. It is in that regard that I have discussed the matter briefly with the Speaker. As I say, I will be advising all members in due course.

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Telecommunications Towers

MRS GRASSBY: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning, Mr Wood. Is the Minister aware of the telecommunications tower being constructed on Mount Rogers, and what is being done about it?

MR WOOD: Madam Speaker, I am aware. It is certainly the case that such towers are reasonably obtrusive although, contrary to some views put out, it is not a mini Black Mountain Tower. They rise to a height of 25 to 30 metres, and they are certainly most noticeable. I became aware of the possibility of such towers some considerable time ago when I was the chair of ANZECC, the council of Ministers for the environment and conservation around Australia. On their behalf, and as the ACT Minister, I protested most strongly to the Prime Minister of Australia on the provisions in the Telecommunications Act which allowed Optus, or indeed any telecommunications carrier, to override the provisions of any State or Territory government or of any local authority. All Ministers across Australia believed that this was highly undesirable and should not occur. We all collectively and individually protested most strongly about it, but to no avail. That Telecommunications Act is in place and - - -

Mr Humphries: I raise a point of order, Madam Speaker. I understand that the question that has been asked by Mrs Grassby is already on the notice paper. In fact, question on notice No. 1261 is in almost identical terms to the one that Mrs Grassby has asked. I understand, therefore, that it would breach standing orders to have this question answered in this way now.

MADAM SPEAKER: There is nothing to prevent anyone from asking a question that is on the notice paper. It is not business pending consideration by the house. However, there is a practice in the House of Representatives that members do not ask questions without notice if in fact the questions are on the notice paper. It really is in the hands of the Minister. I will let him proceed to answer the question, having noted that your question is on the notice paper, Mr Humphries.

MR WOOD: Thank you, Madam Speaker. I suppose it is a matter of style. Mrs Grassby is very much an activist. She is out there doing things, whereas Mr Humphries was prepared to take some time to do it. I commend Mrs Grassby for her manner of approach, one we all know well. I think the facts are now well known. We do not have the power to stop Optus or any other telecommunications carrier from doing that.

There is a further problem. They have the power to go onto people's property over extended distances and drill holes in the ground or drill long channels to lay their cables if that is the means they choose to use. The problem is not just towers; it is also access to property. It is highly undesirable. We do not like it. At this stage we have not been able to change the approach of the Commonwealth Government. If it happened here - and we probably would not agree that it should happen - we would require that there be at least a preliminary assessment, public consultation and the process that members here know quite well.

Canberra Airport

MR STEVENSON: My question of the Chief Minister concerns the Canberra Airport. I ask: What is the Government's position, firstly, on the sale of the airport and, secondly, on international carriers coming into Canberra?

MS FOLLETT: I thank Mr Stevenson for the question, Madam Speaker. I should say at the outset that the proposal in the Commonwealth's white paper for the sale of all airports is something that I think the Government and probably the Assembly as well will have to consider very carefully. It does rather change the way that we had been regarding the airport. The situation at the moment is that the Commonwealth is undertaking what they call a scoping study, which is a study aimed at working out how to sell airports and the best way of marketing them, packaging them and so forth. Madam Speaker, I expect that study to be concluded around August. When the Commonwealth has the results of that study, it may be a great deal clearer how they are going to proceed to dispose of their assets. But for the moment the Government has not considered that issue, and it will be some time before we do consider it.

On the question of international carriers at the Canberra Airport, it is, I think, no secret that the Government has been pursuing the question of Canberra Airport possibly becoming an international airport. The Assembly, of course, has a committee examining that question under Mr Westende. Madam Speaker, we have commissioned and received a report from the consultant on what it would take to turn Canberra Airport into an international airport, what the costs would be, what phasing would be required and so on. That report will form the basis of the Government's submission to the Assembly committee inquiry under Mr Westende. I think it is probably best if we await the outcome of the Assembly committee inquiry and put that information together with any further information that we obtain from the Commonwealth about the future of the Canberra Airport and consider the matter at that time.

For the moment, while the issue of the airport is under consideration in those different forums, I think it is best for the Government to take a wait and see attitude, although I have in the past expressed support for Canberra Airport becoming an international airport, and in the past we have conducted studies on the possibility of Canberra becoming an international freight airport. The matter is still under consideration. I need further information both from Mr Westende's committee and from the Commonwealth on how they wish to proceed. Of course, as a government, we will be considering all of those matters at the appropriate time.

MR STEVENSON: I ask a supplementary question, Madam Speaker. Concerning the first point, the sale of the airport, would the Chief Minister see any benefit, and would it fit within the terms of what the Federal Government is looking at, if we had a position and made that known to the Federal Government before they make a decision?

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MS FOLLETT: That is a very hypothetical question, Madam Speaker. I have rarely found it to be an advantage to look too eager if you want to buy anything. For that reason, Madam Speaker, I do not intend to rush out and make an offer for Canberra Airport. I think that we need further information. Another aspect that I should have mentioned in my first answer is the question of Badgerys Creek. You will be aware that the white paper also canvasses the possibility of the Badgerys Creek airport being proceeded with quite rapidly and also being developed to international standard. That decision, and progress on that development, could well have an impact on, say, the business viability of the Canberra Airport; I just do not know. But they are all issues that need to be considered.

Cabinet Secretary

MR HUMPHRIES: My question is addressed to the Chief Minister. Can the Chief Minister describe to the Assembly the tasks of the Cabinet Secretary? Do they include taking minutes at Cabinet meetings, and do they include the filing and safekeeping of Cabinet documents? If so, how has this changed the role of the Cabinet Office vis-a-vis the role of the Cabinet Secretary? What additional responsibilities does Mr Berry have as Cabinet Secretary that Mrs Grassby did not have when she was Cabinet Secretary?

MS FOLLETT: To answer the last part first, Madam Speaker, I inform the Assembly that Mr Berry has the additional responsibilities of Government Whip and Manager of Government Business, for a start.

Mr Humphries: No; as Cabinet Secretary, I said.

MS FOLLETT: The responsibilities of Cabinet Secretary - I have answered this question in full before, I might say - relate largely to the mechanics of Cabinet meetings, not to the policy or decision making of Cabinet. The role of the Cabinet Secretary is to record the decisions of Cabinet, to ensure that those decisions are accurate when they are conveyed to the rest of the Executive and so on. It is a mechanical position, as I have said. There is some ordering of the business, some attention to agenda setting and so on. But, as I have said before, it is not an Executive position; it is one involving the mechanics of Cabinet meetings. In that regard, the role that Mr Berry performs is similar to that which has been performed by other members in that role.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker, to clarify the position. The Cabinet Secretary helps to order the agenda and takes minutes of proceedings; is that correct?

MS FOLLETT: Yes, Madam Speaker, for I think the third time. That is, roughly speaking, the role of the Cabinet Secretary. I do not pretend to understand the point that Mr Humphries is getting at, but that is certainly a role which we have utilised in the past. The difference in Mr Berry fulfilling that role is, as I have said, that he has, in addition, the role of Manager of Government Business - which, again, is largely a mechanical role; it goes to the ordering of the Government's business in the Assembly, the setting of the Government's agenda in the Assembly and so on - and the role of Government Whip. I do not know how many times I can answer the question in the same way.

Trade Union Membership

MR KAINE: I put a question to Mr Lamont, the Minister for Industrial Relations. Minister, last year the Assembly amended the Discrimination Act so as to make it unlawful to discriminate on the basis of membership of any association or organisation. Is the Minister aware of any instance in the ACT where employers require prospective employees to join trade unions as a precondition for employment? Does the Minister know of any existing enterprise agreement between an employer and a trade union which requires that all employees join the trade union? Would the Minister agree that, if either of those situations occurs, then employers are committing illegal acts under the Discrimination Act?

MR LAMONT: The answers to your questions, Mr Kaine, are no, no, and I will verify the last point for you.

Mr Kaine: Would you verify the first two as well?

MR LAMONT: I thought I just did.

Canberra in the Year 2020 Study

MS SZUTY: Madam Speaker, my question without notice is addressed to the Chief Minister, Ms Follett. In asking this question I remind the Chief Minister of her enthusiastic support for the Canberra in the Year 2020 study. My question of the Chief Minister is: Can she inform the Assembly of the Government's progress in implementing the seven recommendations made by the Canberra in the Year 2020 Reference Group in its report *Vision for Prosperity* and in particular whether a Minister has been designated to be responsible for long-term strategies?

MS FOLLETT: Madam Speaker, to answer the last part first, I have not allocated myself the responsibility for the 2020 study. The majority of the recommendations fall within Mr Wood's portfolio, and he has embraced them enthusiastically. As I said when I tabled the study, the results of that 2020 study really form an agenda, a guideline, for future government action, and it is on that basis that we have embraced the report. If Ms Szuty wishes, or if any member wishes, I am happy to provide something of a progress report. Madam Speaker, Ms Szuty indicates that she would indeed like to see that. I think it best if we coordinate a cross-government survey of progress on the 2020 study recommendations. Mr Wood, I am sure, would be delighted to undertake that task and present the results to the Assembly for the information of all members.

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Soccer

MR BERRY: My question is directed to the Deputy Chief Minister in his capacity as Minister for Sport. What does today's announcement by the ACT Soccer Federation mean for ACT soccer?

MR LAMONT: I thank Mr Berry for his question, particularly understanding his abiding commitment to the progress of soccer in the ACT. Madam Speaker, I was extremely pleased to have been asked by the ACT Soccer Federation today to jointly launch the bid by the federation for entry into the Coca-Cola Super League in 1995. That bid, which was announced today, hopefully will see our inclusion as part of the national soccer competition. Such a Canberra team will fill the void that has existed in the elite competitive environment since Canberra last competed in the national league, which was in 1986, and it will also further develop the spectator base for soccer, building on the success of recent events such as the tour of professional Japanese J-League teams in the ACT, the world youth championship matches and the like. These events bring significant economic and tourism benefit to the ACT. Madam Speaker, a team will also provide another opportunity for the corporate sector to get behind and support the ACT through the profile of our elite athletes. With representation from Canberra, the national competition will become stronger and more diverse and, as I have said, a truly national soccer league.

MR BERRY: I ask a supplementary question, Madam Speaker. I wonder whether Mr Lamont would mind repeating this Government's strong commitment to sport, telling us again how we are going to assist sport and, in particular, ACT soccer at its best.

MR LAMONT: I thank Mr Berry for the depth of his supplementary question. Indeed, it is appropriate on the announcement of the bid by the ACT Soccer Federation that I draw the Assembly's attention to the commitment that this Government has to sport in the ACT and in particular to sport promotion in the ACT. The ACT Government has demonstrated an ongoing commitment to sport and a particular interest in the development of soccer. As I have already said, we were actively involved in the staging of the SBS Youth Cup, the World Youth Cup matches, the development of the Kanga Cup and recent visits by Japanese J-League teams.

Madam Speaker, the entrance of a Canberra based team into the national soccer competition has required, quite appropriately, that discussions be entered into between my department and the ACT Soccer Federation on the use of Bruce Stadium. As you are aware, Madam Speaker, Bruce Stadium is currently the home ground for the Bushrangers baseball team and the Raiders rugby league team, and I certainly hope that in 1995 we will be able to announce that it has become the home of one of the best soccer league teams in the national competition, the Canberra Cosmos soccer team.

Canberra Airport

MR WESTENDE: My question is addressed to the Chief Minister. Could the Chief Minister please advise the Assembly why it was necessary for officers of her Economic Development Division to withdraw at the last minute from appearing at the public hearing on the airport inquiry held on 27 April? My second question is: When does the Chief Minister expect the Economic Development Division's submission to be available to the tourism committee, and will the Chief Minister give an undertaking that the Economic Development Division officers' submission will be available prior to the next public hearing scheduled for 24 May 1994?

MS FOLLETT: I want to make it quite clear, Madam Speaker, that the submission that will be going to Mr Westende's committee will be a Government submission, not a submission from the Economic Development Division. Before the Government is in a position to put forward that submission, we have to consider it. I regret that our consideration has been slightly delayed, but it is only a slight delay. I expect to have that submission finalised very shortly. As I said, the submission will be informed by the study that we had done by consultants into the question of an international airport for Canberra, and I intend to put that information to my colleagues so that what we put to the Assembly's committee is a Government view.

As I said in answer to the question by Mr Stevenson, I think that recent events, most notably the Commonwealth's proposed sale of the airport, could change our consideration of the future of Canberra Airport. I expect that Mr Westende's committee will also want to take that into account. It is a not insignificant issue. Madam Speaker, I can certainly undertake to Mr Westende to move with all haste to get the submission to him and also to agree to the presence of Economic Development Division officers to brief the committee further and, of course, also to support our written submission.

MR WESTENDE: I have a supplementary question, Madam Speaker. Would it surprise the Chief Minister to hear that one of the airlines purports to know the contents of the report that was not submitted to the parliamentary inquiry?

MS FOLLETT: Madam Speaker, the question is whether I would be surprised. Madam Speaker, I am forever being told things or seeing things reported which may or may not be factual. If that view has been put to the committee by one of the airlines, there is no comment I can make on it. It may or may not be an accurate reflection of the state of their information, or it may be just an assumption on their part. It may, in fact, bear no relation whatsoever to the truth. I just cannot say.

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Canberra Airport

MR MOORE: Madam Speaker, my question is also directed to the Chief Minister and also deals with the possibility of an international air terminal in Canberra. What strategies do you propose for environmental protection and the protection of the amenity of people in the areas that are likely to be affected?

MS FOLLETT: This is a question that definitely needs to be considered, Madam Speaker, if there is a decision to go ahead with planning for an international airport. There is no doubt whatsoever in my mind that we would need to conduct full environmental and social impact studies before we could proceed along those lines. The area that I live in is under the current flight path. A large increase in the amount of traffic, particularly traffic through the night, would undoubtedly have an impact on me and my neighbours. We also have to bear in mind that Canberra Airport is one of the few airports that currently do not have a curfew, so at least in theory flights could occur 24 hours of the day, as I understand it. Obviously that has the potential to have a huge impact. They are probably some of the most important issues that would need to be considered.

Domestic Garbage Collection Tenders

MR CORNWELL: Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as either Minister for Urban Services or Minister for Industrial Relations. I suppose it is both, really. Is it true that a prospective tenderer for domestic garbage collection has been requested to provide an agreement from the Transport Workers Union before its tender is considered? Is it usual practice for this Government not to consider tenders unless sanctioned by the unions? Thirdly, is the Minister further aware that there is a potential saving of over \$2m over the period of the contract, and will he now intervene to ensure that the tendering process is not hijacked by the union movement, to the detriment of ACT ratepayers?

MR LAMONT: I thank Mr Cornwell for his well-prepared question. It is interesting to note that from this side I cannot see the letterhead that the question was written on. I certainly hope that it is not the letterhead of any of the eight companies that, I am informed, have in fact responded to - - -

Mr Cornwell: It is a question without notice.

MR LAMONT: It is good to see that your word processor takes the letterhead off your papers before you bring them down here. I am extremely concerned about what may be an attempt by Mr Cornwell, in asking his question in this way - at least this is the implication of his question - to pervert the process which is quite properly entered into by this Government for the assessment of contracts. Not only is Mr Cornwell questioning whether the process adopted by this Government - a proper process - for the assessment of tenders should be followed; he is suggesting that somehow I, as Minister, should intervene in the assessment of tenders. I reject that notion, Mr Cornwell. All Government members reject that sort of notion and will simply not be party to it.

What will happen, Mr Cornwell, you can rest assured, is that that assessment process, following a Cabinet decision last year to seek tenders for a new garbage collection and recycling system in the ACT, will be allowed to follow its course. I, as Minister, am not prepared to intervene in that process until such time as full consideration - properly given by officers of my department, without my involvement - has been given. I also suggest to you, Mr Cornwell, that before you enter this place trying to cast aspersions on the officers of my department charged with assessing these tenders you get your facts right. The innuendo contained in your question is of some concern to me, because it implies that there has been something untoward or improper on the part of officers of my department in assessing that process. Mr Cornwell, this is an opportunity for you to put up or shut up.

MR CORNWELL: I ask a supplementary question, Madam Speaker. Mr Lamont, the Minister, seems to have missed part of the question. I ask: Has the prospective tenderer been requested to provide an agreement from the Transport Workers Union before its tender is considered? Yes or no? You seemed to be fairly good at answering yes, no and maybe earlier today. Let us hear it on this one.

MR LAMONT: I will start again. If you want another haranguing about the way in which, quite properly, we conduct our business, I will give it to you. Cabinet announced a process. That process is undertaken by officers of my department without ministerial intervention. That is a proper process. That proper process will be allowed to run its course until such time as the decision is made and the recommendation is forwarded to me. At that stage, Mr Cornwell, I will become involved in the process.

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

ANSWERS TO QUESTIONS WITHOUT NOTICE

MS FOLLETT: Madam Speaker, on 19 April Mr Stevenson asked me a question regarding policies for dealing with companies or individuals external to the Government Service; and Mr Kaine asked me a question, again on 19 April, about the provision of additional funding to the Council on the Ageing. I have provided answers to both of the members this morning, Madam Speaker. I ask for leave to present the answers and to have them incorporated in *Hansard*.

Leave granted.

Documents incorporated at Appendix 1.

PAPER

MADAM SPEAKER: For the information of members, I present a report from Mr Moore, MLA, on his study trip to Perth, which he undertook on 16 and 17 April.

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SUBORDINATE LEGISLATION

Papers

MR BERRY: I seek leave of the Assembly to present subordinate legislation.

Leave granted.

MR BERRY: Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for regulations.

The schedule read as follows:

Boxing Control Act - Boxing Control Regulations (Amendment) - No. 10 of 1994 (S66, dated 14 April 1994).

Long Service Leave (Building and Construction Industry) Act - Long Service Leave (Building and Construction Industry) Regulations (Amendment) - No. 9 of 1994 (S67, dated 15 April 1994).

Proceeds of Crime Act - Proceeds of Crime Regulations - No. 50 of 1993 (S269, dated 22 December 1993).

PAPERS

MR BERRY: I present the Department of Health's activity report for the March quarter and the Treasurer's quarterly financial statement on the Territory public account for the period 1 January to 31 March 1994.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE

Report on Draft Variation to the Territory Plan - Mulligans Flat Area

MR BERRY (3.08): I present report No. 25 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan for the Mulligans Flat area, together with a copy of the extracts from the minutes of proceedings. This report, Madam Speaker, was provided to you for circulation on Wednesday, 4 May 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

It is with some pleasure that, on behalf of the Planning, Development and Infrastructure Committee, I table the committee's report on the draft variation for the Mulligans Flat area. The draft variation proposed to substantially expand the boundary of the conservation area and classify it as public land. This will ensure that the area is well protected by detailed management plans to be prepared by the Department of the Environment, Land and Planning. Members may, of course, recall that this Government previously made a commitment to declaring the Mulligans Flat area as a nature reserve. The committee's endorsement of the proposal is an important step in securing appropriate protection for the important woodland and grassland communities in that area.

Along with securing the protection of the Mulligans Flat area, the draft variation makes consequential changes to the planning of urban areas adjacent to the nature reserve. Madam Speaker, these changes will be further refined in the outlined planning stage for the whole area and then will be put out for public comment. This will enable the community to comment on the more detailed stages of planning for the area. Madam Speaker, I commend the report to members.

MS SZUTY (3.10): Madam Speaker, I wish to speak briefly to this draft variation to the Territory Plan which establishes the boundaries for the Mulligans Flat Nature Reserve in Gungahlin. It has indeed been a pleasure, I believe, for the Planning, Development and Infrastructure Committee to consider this draft variation. The proposed extension of the Mulligans Flat reserve reduces the current planned urban area by about 300 hectares, and that is indeed a significant change. The explanatory statement to the draft variation explains well the rationale for the extension of the reserve. I quote from page 2 of the green explanatory statement:

In more recent times it has been recognised that part of the area originally proposed for urban development in the 1984 Gungahlin Policy Plan is of high ecological and cultural significance. The Mulligans Flat area is considered particularly important because of its lowland woodland and secondary native grassland communities. These communities are poorly represented in the ACT because they generally occur on land suitable for grazing or urban development. Following further studies and consultation with local environmental groups, the Government announced its intention to substantially expand the boundaries of the conservation area. This variation proposes to define the boundaries of the reserve in light of previous work.

Madam Speaker, during the public notification and consultation process, five responses to the draft variation were received by the ACT Planning Authority; and it was pleasing to see that a number of key organisations had taken the opportunity to be involved in the draft variation process. These organisations were the National Trust, the National Parks Association of the ACT, the Conservation Council of the South-East Region and Canberra, and the Canberra Ornithologists Group. In fact, the Conservation Council's submission noted that the alignment of the proposed reserve boundary closely follows the boundary agreed during a site inspection attended by government and conservation representatives in November 1992.

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Madam Speaker, in endorsing the proposed draft variation, the committee has made a recommendation that the retention of the Inglewood Homestead site be examined in future, to allow for its possible retention in an urban open space area while not in the nature reserve area itself. The committee is also conscious that it will consider the more detailed planning issues regarding surrounding suburbs adjacent to the Mulligans Flat Nature Reserve at the appropriate time in the future. In conclusion, Madam Speaker, I commend the extensive work which has been done by the ACT Government in firmly establishing appropriate boundaries for the Mulligans Flat Nature Reserve and the consultation process with which they have been involved for some time. I am delighted with the result, as I am sure many current and future residents of Gungahlin and Canberra are and will be.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**
Report on Draft Variation to the Territory Plan - Fyshwick

MR BERRY (3.13): Madam Speaker, I present report No. 26 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan for Fyshwick, section 30, block 15, known as Jim Murphy's Market Cellars, together with a copy of the extracts from the minutes of proceedings. This report was provided to you for circulation on Wednesday, 4 May 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This draft variation is relatively minor and does not need extensive comment. The draft variation proposes to change the land use policy to increase to 1,200 square metres the permissible area from which the sale of beverages, including alcohol, can take place. The draft variation will regularise the situation whereby the existing business operates from approximately 1,000 square metres yet the existing policy restricts retailing from the site to 300 square metres gross floor area. The draft variation has not been opposed by adjacent lessees. I commend the committee's report.

MS SZUTY (3.14): I wish to speak briefly to this draft variation approved by the Planning Committee in relation to Fyshwick, section 30, block 15, Jim Murphy's Market Cellars. A written note on minute paper to the Minister for the Environment, Land and Planning, Mr Wood, included in the draft variation papers as annex B, states:

I understand that Mr Lamont, Mr Kaine and Ms Szuty are happy for this to proceed to their committee as a minor variation. This is the first one to be handled in this way and will be a useful precedent.

This comment was dated 3 November 1993. I remember Mr Lamont discussing with me the likelihood of the Planning, Development and Infrastructure Committee considering this draft variation at a time in the future to be determined and that there was unlikely to be any difficulty with it. What I do not recall is being specifically asked to consider this draft variation as a minor variation, which meant that it would not go through the usual process of public notification and consultation. Nevertheless, the Minister, Mr Wood, agreed to the processes recommended by the ACT Planning Authority being followed, and his view may well have been influenced by the note on the minute paper I have described. Once I had seen this note, I spoke to Mr Kaine, who also did not have such a recollection as to what had occurred. This was a difficult situation for me, as Mr Lamont no longer chairs the Planning, Development and Infrastructure Committee and Mr Kaine is no longer a member of the Planning Committee either.

I will briefly summarise the policy variation, for the benefit of members. The existing policy restricts retailing from this site to 300 square metres gross floor area, but the existing business currently operates from approximately 1,000 square metres of gross floor area. This variation proposes to change the land use policy to increase to 1,200 square metres the permissible area from which the sale of beverages, including alcohol, can be conducted. The restriction on the retailing of other goods will remain at 300 square metres. Mr Murphy also proposes to widen the range of his business to include the sale of perfumes and arts and crafts, including jewellery. At present, 40 car parking spaces are provided, and no increase is proposed.

Instead of a public notification and consultation process being undertaken, the Planning Authority consulted with adjacent lessees, as Mr Berry has outlined, the Chamber of Commerce, the National Capital Planning Authority and the Conservator of Wildlife. As the draft variation, as approved, will enable Jim Murphy's Market Cellars to sell duty free items such as alcohol, perfumes, arts and crafts, including jewellery, provided that the gross floor area used for the display and sale of alcoholic beverages shall not exceed 1,200 square metres, it would have seemed reasonable to me had the Planning Authority consulted the other duty free retailers in the ACT to obtain their views about this draft variation. While I accept that it would not be in the interests of other duty free retailers for there to be another outlet available to potential consumers, nonetheless the ACT Planning Authority plays a considerable role in deciding on the scope and size of retailing centres in various areas of Canberra. The views of these duty free retailers, I believe, should have been sought.

I would like to contrast the statement I referred to earlier, as contained in the written note, and I remind members of what that was - "This is the first one to be handled in this way and would be a useful precedent" - with a statement made by David Wright, the director of statutory planning with the National Capital Planning Authority. I quote from his submission on the draft variation:

Provided legitimising the existing use does not establish a precedent, and in the view of the ACT Planning Authority the proposal does not threaten the established hierarchy of centres, the authority does not regard the proposal to vary the Territory Plan as inconsistent with the provisions of the National Capital Plan.

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At the end of the day, as a member of the Planning Committee I had a difficult decision to make regarding whether or not I should support the draft variation proposed. On balance, I believed that this proposal was worthy of support. However, I urge the Minister for the Environment, Land and Planning in future to err on the side of public notification and consultation in any instance of potential uncertainty. The Land (Planning and Environment) Act 1991 is clear in its intentions regarding public notification. I quote subsection 19(6) in particular:

Where, on application by the Authority, the Executive is satisfied that a draft Plan variation -

- (a) has the sole purpose of correcting a formal error in the Plan; or
- (b) would, if approved, not affect the rights of any person in a manner prejudicial to that person;

it may, by instrument, relieve the Authority of the necessity for complying with subsections (1) and (2) in relation to the draft variation.

Subsections (1) and (2) are about public consultation. Subsection 19(7) states:

Where, pursuant to an instrument under subsection (6), the Authority does not comply with subsections (1) and (2) in relation to a draft Plan variation it shall obtain such information about the public attitudes to the draft variation as is reasonable in the circumstances.

That is obviously the path the Planning Authority recommended in this instance. However, we should all be quite sure about the interpretation of these provisions of the Act to uphold the integrity of the planning processes in the ACT. It is my belief, and always has been, that we ignore public notification and consultation processes at our peril. I will be taking a closer interest in such processes in the future and, if I am in any doubt as to the wisdom of dispensing with the formal public notification and consultation processes, I will be recommending to the Planning Committee that we handle future draft variations of this type in a very different way.

MR DE DOMENICO (3.21): I have to concur with Ms Szuty. We hope that the Government and this Assembly always uphold the integrity of the planning process. In this instance, as in other instances, we have upheld the integrity of the planning process. Like Ms Szuty, I would like Mr Wood to err, but I would like him to err on the side of commonsense, and I think this committee once again has adopted the notion of commonsense way above any other notion.

Mr Berry quite adequately described the fact that adjacent lessees were consulted, the Canberra Chamber of Commerce and Industry was consulted, the Conservator of Wildlife was consulted, and the National Capital Planning Authority was consulted. We did not consult any of the residents because there ain't none at Fyshwick. There are not too many residents around the place. Ms Szuty also asked why we did not consult the other duty free shops. I can tell Ms Szuty what the answer would be, if you were to ask them, "Do you want another competitor?". They would say no.

It is all well and good to say that we need public consultation every time. That is true. But we have to adopt a commonsense attitude. I am not privy to the discussions the former chairman, Mr Lamont, had with Ms Szuty or Mr Kaine or anybody else; but, as a member of the committee, I in no way, shape or form believe that in this case the integrity of the planning process was anything but upheld. Of course it was upheld. It always is upheld, and it is up to members, if they believe that it was not upheld, either to put in a dissenting report or to explain very loudly where they believe that it was not upheld. I am quite happy to join with Mr Berry and Ms Szuty to support the proposal before us.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Guidelines for Residential Development**

MR BERRY (3.23): I present report No. 27 of the Standing Committee on Planning, Development and Infrastructure on guidelines for residential development in the Forrest, Red Hill, Deakin and Griffith historic areas, together with a copy of the extracts from the minutes of proceedings. The report was provided to the Speaker for circulation on Friday, 6 May 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This report of the Planning, Development and Infrastructure Committee is tabled for members' information only, it being directed in the first instance to the Minister for the Environment, Land and Planning. This reflects the fact that the Minister and the Planning Authority agreed to refer the draft guidelines prepared by the authority to the Planning, Development and Infrastructure Committee for investigation and comment. The committee thanks the Minister for this action. Members will recall that the committee has already reported on two of the residential guidelines - those for area B1, North Canberra, and area B2, Kingston-Griffith. This report completes the process, but there is a further report to come.

In reviewing the proposed guidelines for the historic areas, the committee was made aware of special claims being made for the Old Red Hill area, and we were advised that a final heritage assessment by the Heritage Council would be forthcoming at the end of July this year. We therefore decided to excise the Old Red Hill area from this report and revisit it once that heritage study is available to us. For the balance of the area, however, the committee has endorsed the proposed guidelines, though we urge one strengthening, namely, that what is described as mature landscaping be required where trees have been removed or damaged during construction work - that is to say, that well-developed trees are planted in the course of that landscaping.

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The whole point of the proposed guidelines is to protect and preserve the existing special features of the historic areas, especially their treescape. To this end, detailed landscaping surveys and plans will be required for redevelopment proposals, which will be required to be designed to minimise the visual impact as seen from the street. The committee has been urging the Planning Authority for some time to toughen up on measures to preserve the natural environment. Members of the committee are delighted that the authority has prepared a practice note for any work in verges that affects street trees. This will require proponents of the new development to conform to the requirements of the City Parks section to ensure that verge works have minimal impact on street trees. This requirement will apply to ACT Government authorities as much as to private developers. I acknowledge that we may still have a problem with those public authorities outside the ACT's direct control, such as the gas company and Telecom, but I hope that these bodies too will finally get the message that the people of the ACT want to preserve their existing landscape and that careless digging activity will not do.

By way of information, I learnt what can happen to a tree if a basement is dug nearby and there is a little pump working in the basement making sure that no water gets in, pumping it out into the stormwater system or wherever it goes. What happens is that the water table lowers and, if this happens simultaneously with, say, an increase in temperature outside, then the tree can go into shock and subsequently die. There is no point in a range of authorities doing a lot of work on a site to preserve a particular tree and then another authority who does not care much about the tree coming along and boring a great hole in it or something like that. The issue of looking after these trees is something that we have to deal with fairly carefully because they are a very important part of our natural heritage.

One of the principal means of preserving the integrity of the historic areas is the plot ratio performance measure of 35 per cent maximum. The committee endorses this requirement because it should facilitate the objective of ensuring that the built form does not dominate the landscape of the area. I commend the report to members.

MS SZUTY (3.28): Madam Temporary Deputy Speaker, as Mr Berry has outlined, the Planning, Development and Infrastructure Committee has already presented two reports to the Minister for the Environment, Land and Planning, Mr Wood, regarding guidelines - the first report with reference to the B1 area along Northbourne Avenue, and the second report with reference to the B2 area of Kingston. This report has been finalised with reference to the guidelines as they would apply to the historic areas of Forrest, Red Hill, Deakin and Griffith, excluding the area known as Old Red Hill. The committee believes that we need additional time to examine the particular features of the Old Red Hill area, with specific reference to Professor Ken Taylor's study and a forthcoming report from the Heritage Council, which we expect to have by the end of July this year. In the meantime, the committee felt that we could proceed with finalising guidelines for the remaining areas and preparing a report for the Minister.

However, I must own up to feeling not quite satisfied with the guidelines as they have been presented to the Assembly. Although the committee endorsed the proposed guidelines at our meeting a couple of weeks ago, I had intended to suggest additions to them in the light of the extensive amendments the committee recommended in relation to the B1 and B2 areas. I would have preferred to see some commentary in the guidelines, including similar comments to those included in the committee's earlier reports.

Appropriate comments about protecting verges and street trees during servicing work, which Mr Berry has mentioned, the significance of street frontages, the importance of maintaining high standards of building design, and the appropriateness of building development harmonising with the existing environment could all have been included in the guidelines.

Specifically in relation to the objective "to retain the design character and quality of existing streets and to secure the conservation of heritage values for listed areas", one of the performance measures relates to front setbacks, and I quote the particular part:

In parts of the Red Hill area where established building lines are up to 30m from the front property boundaries a set back of 20m or an average of 20m will be sought.

It would also be appropriate to include that in some circumstances setbacks of 30 metres may be sought. Such a requirement would indicate that the Planning Authority has the flexibility to impose such requirements where they are deemed to be appropriate. Additional comments about the need for proposed development to be predominantly built of brick and masonry materials of an appropriate colour palette also seem applicable to the area. Further comments about the appropriate protection of adequate sunlight, open space and environmental amenity of new and existing residents, energy efficiency requirements for new buildings, scope for vehicle parking and access to service areas may also have been appropriate for inclusion in the final guidelines.

Finally, Madam Temporary Deputy Speaker, in relation to the listed submission requirements, the committee should also have included the statement made in the other finalised guidelines, namely, "The assessments should cover both short and long term impacts". Madam Temporary Deputy Speaker, I should apologise to the Assembly for these sections and comments not appearing in the guidelines. Certain matters have been taken up in the Planning Committee's report. However, I fear that these will not be sufficient to ensure the protection of residential amenity of new and existing residents to the standard that perhaps others living in the B1 and B2 areas will experience. Perhaps the Minister for the Environment, Land and Planning may wish to consider the issues I have raised in greater detail. I would certainly be happy to discuss them with him at an appropriate opportunity. In future where I have reservations as to the completeness of the committee's work in considering issues, I will endeavour to ensure that sufficient time is taken to deal adequately with them.

MR CORNWELL (3.33): The Opposition certainly supports this report No. 27 of the Planning, Development and Infrastructure Committee. We believe that the decision to proceed with the guidelines for the Forrest, Red Hill, Deakin, Griffith historic areas is sensible. However, we also strongly support the decision that the area known as Old Red Hill should await a report of the Heritage Council. I do not think anybody would oppose such a sensible decision, given that this report is coming down in the near future. In fact, we have asked that it be sent to the committee by the end of July so that a decision can be taken on the Old Red Hill area.

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I would like to comment a little further and to refer specifically to a media release put out on 21 April by the Minister. It was headed "New Guidelines for Residential Redevelopment". I found it very interesting. It is true that the committee of this Assembly has looked at B1, B2 and now this particular report. However, the rest of Canberra and guidelines for the rest of Canberra have, I believe, not been adequately addressed. Therefore, I certainly welcome the Minister's announcement that these new guidelines will be coming down.

I have some doubts about some of the comments that the Minister is quoted in the *Canberra Weekly* of 28 April as making. He made great play of the Territory Plan coming into operation in October last year following a very extensive public consultation program. Regrettably, Minister, although there may have been an extensive public consultation program, I do not believe that most residents of the ACT realised the effect that the Territory Plan would have upon their lifestyle. Therefore, I welcome this revisiting of new guidelines for residential redevelopment. I think it will give people the opportunity to come back and tell the committee what they think about aspects of the Territory Plan. The Minister went on in the *Canberra Weekly* article to say:

... the privacy and amenity of established areas will be protected, so there are controls to ensure that any increased densities do not unacceptably affect the existing residents. These controls cover such matters as setback, maximum height, open space requirements, controls on external appearance and traffic and parking arrangements. They are complemented by provisions for comment by neighbours on proposals and a right of appeal against decisions of the approving authorities. Sites and buildings having heritage values protected by specific legislation and the views of the ACT Heritage Council must be considered.

These are fine words, Madam Speaker; but the reality for many residents in the ACT is far from those words. Mr Kaine earlier made comments in relation to Yarralumla. I have had complaints from residents all over the ACT as well as residents from Yarralumla, and it appears to me that this question of the guidelines needs to be revisited. I therefore welcome the Minister's 21 April announcement. I look forward to the Planning Authority drawing up these new guidelines and bringing them to the Planning, Development and Infrastructure Committee as soon as possible.

I also note that the Minister's statement quite specifically said that the new guidelines will supplement those already prepared for redevelopment in the central spine in North Canberra, Kingston and Griffith and in the Forrest, Red Hill, Deakin, Griffith historic areas. I can assure you that, from the Opposition's point of view, we will take the word "supplement" literally.

MR BERRY (3.37), in reply: I want to respond to some of the comments that were made by Ms Szuty. There is a suggestion in the comments that Ms Szuty made that there is an inadequacy in the approach that has been taken by the committee in relation to this matter because of the extra suggestions that she made in relation to the guidelines. I do not recall those matters being tested. Had they been tested, I do not know whether they would have been agreed to or not agreed to; but on the face of them they did not seem too difficult to address, from my point of view.

I understand that members' time is valuable and that members often need to put a lot of time into these committees. We all recognise that. But I would not like it to be understood by anybody that there was some inadequacy in the approach that has been taken by the committee in relation to those particular guidelines. The absence of opportunity for Ms Szuty to canvass the issues that she raised is not something that is the fault of the committee. I can assure her and other committee members that where a decision is made by the committee to revisit certain matters they will be revisited, and nobody will be denied an opportunity to propose that something be revisited. Whether or not it is agreed to by the committee is another matter.

I make those comments as a relative newcomer to the process and as the chair of the committee with a willingness to see that matters are considered. I know that at the conclusion of the committee procedures the other day Ms Szuty mentioned that she would have liked to say other things. But, if we are to do it that way, we really have to ensure that matters are put before the committee formally in order that all members can make some sort of an assessment of that which is proposed by members from time to time.

I raise those matters, not as a criticism of Ms Szuty, but rather out of concern that some members of the community might think that the committee is opposed in some way to that which she has suggested. I am not in a position to commit other committee members to that which she has proposed either. I know that the Minister will take into account the views that she has raised, but I think committee members would prefer to do it in the first place.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Griffith**

MR BERRY (3.40): Madam Speaker, I present report No. 28 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan for Griffith, section 18, block 4 - known as Eastern Suburbs Rugby Union Club - together with a copy of the extracts from the minutes of proceedings. This report was provided to you, Madam Speaker, for circulation on Friday, 6 May 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

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Madam Speaker, again I speak with pleasure to this report of the Planning, Development and Infrastructure Committee on Easts Rugby Union Club. The committee's report endorses the draft variation, which will facilitate activity leading to the development of two office buildings, a restaurant, a car parking structure and a community facility, all while retaining the existing Easts Rugby Union Club. Members will appreciate that the existing site is relatively underutilised, given its prominent location on Canberra Avenue and proximity to Manuka and Kingston shopping areas.

The development proposal is a shot in the arm for activity in the area and has been supported by most persons who commented on the proposal. The committee heard from a representative of the apartments located opposite the driveway of the proposed restaurant, who expressed concern about traffic problems that may arise in the street. The committee's report urges the Department of Urban Services to review the traffic and parking arrangements once the project is completed. If there are problems, the committee considers that "no parking" signs adjacent to the restaurant driveway may alleviate them, but the committee agrees that the matter should be closely monitored.

The committee also heard from a representative of the National Trust who, while not objecting to more intensive use of the site, expressed concern about whether the proposal fitted into a district plan for the area and whether it would detract from the heritage features of St Paul's opposite and the Manuka oval and swimming pool. The committee does not consider that the proposal threatens these heritage features. The committee has called for site landscaping to be with mature trees and shrubs rather than just any sort of landscaping. This reflects the committee's view over recent months that some Canberra streetscapes and development sites have suffered from planting immature specimens that are not able to thrive, thus in effect negating the purpose of their planting. Madam Speaker, I commend the report to members.

MR DE DOMENICO (3.43): Madam Speaker, every now and then you get a proposal for a redevelopment about which one can really stand up and say, "This comes close to being perhaps the perfect way of doing things". I think this is one. One of the proponents is, in fact, a member of the rugby union club, a coach of young people who play rugby union for the club, a member of the hierarchy of St Paul's church across the road and a developer as well. It was said that the developer could have developed more of the site but decided not to because he believed that doing it would not do anything to make the site any better. It is a site that we are told will eventually attract approximately half a million dollars worth of betterment tax. The traffic situation will be looked at once the development is up and running. It is a development that will provide a community facility. It is a development that will create jobs because of the creation of a new McDonald's outlet - and there was a lot of discussion about that.

Ultimately, this proposal was one that the committee found it very difficult not to agree with. I think we ought to pay tribute to the developers, the members of the club, the community around that area and also, I dare say, the objectors. One of the objectors spoke in high praise of the development but was concerned about whether a decision to buy a unit over the road would be adversely affected by the presence of a McDonald's outlet. When the developer showed the proposed McDonald's outlet, I think it alleviated most of the concerns of the people who objected.

The other objector was a representative from the National Trust. That person had a personal objection to the way the proposal looked. After consultation, the developer massaged the initial proposal to take into account the concerns of the National Trust. The developer, the Planning Authority, the other proponents, the club involved and the objectors got together in harmony and in a consultative mode, and we have come out with what I believe will be a very exciting development for that site and also a development that is likely to create more jobs, especially for young people in this Territory. Therefore, the Liberal Party has no hesitation in recommending that the recommendation of the committee be accepted.

MS SZUTY (3.46): This draft variation is expected to be the last of its kind, I believe, to come before the Planning, Development and Infrastructure Committee. By "the last of its kind" I mean that this will be the final occasion on which a club experiencing financial difficulties will be able to negotiate directly itself with developers wishing to redevelop a site. Committee members have previously commented in this Assembly about two other similar draft variations - the proposal to redevelop Curtin, section 63, blocks 5 and 6, and the proposal to redevelop the bocce club site in Kaleen. The likely payment of betterment by the developers for this site will, I believe, be in the order of \$500,000. Of course, the Australian Valuation Office will confirm the amount of money to be paid. As part of the deliberations on this draft variation, committee members heard from the proponents, a representative of the National Trust and a representative of the objectors - primarily owners and residents of Manuka Park apartments in Oxley Street directly opposite the proposed development. Mr De Domenico outlined very well the process of consideration that the committee took part in with respect to this draft variation.

The main reason for concern expressed in relation to the development related to the proposed inclusion of a McDonald's restaurant and drive-through and anticipated noise problems and traffic difficulties which might arise. Indeed, Mr Berry has informed the Assembly today that the committee recommends that the Department of Urban Services review the traffic and parking arrangements once the project is completed and consider, if necessary, the placement of "no parking" signs on the southern side of Oxley Street adjacent to the entrance to the McDonald's restaurant.

Certainly the committee took some time in seeking responses from the proponents about the size of the McDonald's development and its location on the site. If I might speak from personal experience, Madam Speaker, as a mother of a teenage son I frequent McDonald's establishments from time to time and also find myself in the queue of the drive-through for McDonald's restaurants from time to time at various locations throughout Canberra. I believe that the size of the drive-through queue and the associated noise problems and traffic difficulties might be more than various people are anticipating at the present time. Therefore, I think a review once the project is completed would be a very useful thing to do.

In addition, Madam Speaker, the committee has recommended mature landscaping which will appropriately complement the scale of the proposed development and reflect the quality of the existing mature streetscape of the area. This is an issue which the Planning, Development and Infrastructure Committee has spoken of at length in this Assembly, and I am very pleased that the committee, in considering this draft variation, has taken the issue up again in the way that it has.

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MS ELLIS (3.49): Unfortunately, due to another committee commitment, I was unable to be at the Planning Committee meeting last week when this particular issue was discussed, but I want to take the opportunity of putting on public record my total and absolute endorsement of this variation. I agree with the words of Mr De Domenico. It is a great opportunity for a good development to go ahead.

Before leaving Canberra last week on that other committee work, I made a point of availing myself of all the available information relating to this variation, and on the basis of that information I passed on to the chair of the committee my endorsement of the variation should the committee decide to go down that track. I am particularly pleased to see that the committee's decision has gone the way it has. I congratulate the developer concerned in this particular instance. I think that they have a good development in front of them. I can see that it is going to be an enhancement of the suburban area in which it is located. The comments about possible future employment, particularly among our youth, but in general terms as well, have to be applauded. I am very happy to have my name against this variation as approved by the PDI Committee.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY PLAN

Papers and Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.50): Madam Speaker, pursuant to section 29 of the Land (Planning and Environment) Act, I present the following approvals of variations to the Territory Plan:

No. 9 for Fyshwick, section 30, block 15 (formerly block 4 and part block 7);

No. 15 for Mulligans Flat (Nature Park) and surrounding land in the district of Gungahlin;

No. 16 for Griffith, section 18, block 4.

In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I seek leave to make a statement.

Leave granted.

MR WOOD: Variation No. 9 was referred to the Standing Committee on Planning, Development and Infrastructure, as you have heard. The purpose of the variation is to increase to 1,200 square metres the area from which sales at Market Cellars can be conducted. The committee's report endorsing the variation has been tabled. There are no costs to the ACT Government arising from this variation.

Variation No. 15 concerns the extension of the Mulligans Flat Nature Reserve. This is a most significant step. It is one that began quite some time ago and clearly demonstrates the commitment of the ACT Government to the environment. The committee has endorsed the variation and also recommended that the Government take steps to ensure that the old Inglewood Homestead site is reserved and linked by an open space route to the Mulligans Flat area. Such action has been taken after appropriate consultation with bodies such as the National Trust.

Inglewood Homestead was built by Joseph Winter in about 1893, but all that remains of the house is the south-eastern corner of a double-stone wall. Fallen stones and bricks are scattered near the wall and a few pieces of rusted metal sheeting lie nearby. The Gungahlin environmental impact statement back in 1989 gave the site a low significance rating, and the fieldwork report on sites at Mulligans Flat prepared by the Canberra Archaeological Society in February 1992 recommended that the Inglewood site should be retained only if the Valley, a more substantial and significant early Gungahlin home which is currently on the interim heritage places register, was not conserved.

The Inglewood Homestead site is not within the area covered by this variation, and it is not considered appropriate to expand the nature reserve even further. However, if the decision is made to retain the Inglewood site, it can be included in the urban open space land use policy for future residential areas, with an open space link to the Mulligans Flat nature park. This issue will be studied in more detail and will have to be submitted to the PDI Committee before any residential development is undertaken in the vicinity of the homestead.

The proposed extension of the nature reserve area reduces the current planned urban area by about 300 hectares, or approximately 4,000 building sites. However, this loss of housing blocks needs to be considered against the benefits to the community of a valuable ecological, cultural, recreational and educational resource. The Government, including the committee, has decided that this is the appropriate path to take.

Madam Speaker, this variation is an extremely good example of how the Government's consultation process can work to achieve an acceptable outcome for all concerned. The extended boundaries of the proposed nature reserve have been determined in close consultation with the Conservation Council of the South-East Region and Canberra, the Society for Growing Australian Plants, the Field Naturalists Association of Canberra, the Canberra Ornithologists Group, the ACT Herpetological Association, the National Parks Association of the ACT and the Canberra Archaeological Society. I commend those organisations for their enthusiasm and cooperation with the Planning Authority and the Parks and Conservation Branch.

Variation No. 16 concerns a proposal to remove the restaurant restriction from the block of land currently occupied by the Eastern Suburbs Rugby Union Club. The variation was referred to the committee in May, and the committee has endorsed that proposal. I have heard the comments made by members. I can advise that the traffic and parking review will be undertaken by the Department of Urban Services at the completion of the project and that the mature landscaping requirement has been included in the implementation guidelines applicable to any redevelopment of the site.

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Madam Speaker, the Executive has formally approved these variations under the provisions of the land Act, having considered the committee's endorsement of them; and it is for that reason, and with pleasure, that I table the variations.

There was a deal of comment made during the debate on the four variations - one of which I have not brought back at this stage - brought to the Assembly on the committee's behalf by Mr Berry. There was some comment about the Territory Plan. That was prompted by the fourth of Mr Berry's proposals here - the guidelines for Red Hill. Mr Cornwell made the point that he did not think that Canberra residents fully realised the impact of the Territory Plan. I believe that they did. The statements made by the Government never ceased to place at the front of the debate the fact that we were seeking different densities; that we were, in particular, seeking more variety of housing choice. We never stopped saying that.

One radio commentator in the debate at the time dragged something of a pink herring across the trail by focusing on the so-called pink bits. The pink bits, as I said repeatedly at the time, were a really unimportant part of the Territory Plan. They were an important part of this Government's consultative process, because they gave notice to the community about a large number of sites about which there was no clear definition and which had to be dealt with in the future. When those emerged, they had to be dealt with in the way that we all know. That may have taken some of the focus off one of the real impacts of the Territory Plan, and that is the matter of density and the matter of greater variation of housing in the ACT. If anybody did not know that, they were not listening. I get a bit angry at various times about so-called experts and commentators in this Territory who think these matters were not raised sufficiently. A lot of people who claim to be experts on the Territory Plan in fact know very little about it. That does not stop them from making comments about it.

Mr Cornwell, I am sure, will come to realise just how much the Government put up front the proposals we make. Naturally, people in the community will be interested in, and often concerned about, what is going to happen to them next. Naturally, they will have something to say. As we all know, there is no trouble in getting the ear of the media on such things. That is fine. I welcome that. That same ear of the media was attending to the debate on the Territory Plan. The Territory Plan was absolutely clear as to what would happen.

Mr Cornwell also mentioned the guidelines. I put out a statement indicating that we will develop more refinement of our guidelines across all of Canberra. Let us be clear. In fact, the guidelines are already in the Territory Plan. They are operative, and they are of a high standard. They require a high quality of building. For certain specific areas considered of particular importance - Red Hill, and B1 and B2 because of their densities - we set out to prepare specific additional guidelines to ensure that what happened in those areas was entirely appropriate and entirely in keeping with what we wanted. As a result of that process, and as a result of some difficulty in my three years as Minister in convincing builders and developers to get the highest quality of design into what they do, I decided that we would further refine the guidelines, additional to what is already in the Territory Plan, across all of Canberra. That is the process that Mr Cornwell mentioned.

As well as that, in order to ensure that development in the ACT is absolutely the best in Australia, and to reinforce the development of those guidelines, I have established the Urban Design Advisory Committee, which will advise me and the Territory Planning Authority on best design. The matter that I have been focusing on now for three years is design. A large number of Canberra citizens want medium density living. We have to see that the design of medium density development is absolutely the best that is possible. It is also the case that the interests of the Canberra community are well served by greater densities. We cannot continue to face endlessly the invasion of open space that greenfields development brings us.

So, for a whole range of reasons, higher densities are important for Canberra. That being the case, we must ensure - and it has been my aim for three years - that the quality of design is the best possible. That is what is happening. Mr Cornwell, I am sure, will be pleased about that. He obviously knows what is happening, and we will see continuing improvement in design. For example, the step that the committee and the Government took towards a greater quality of solar design when he was not on the PDI Committee is a very important step. I am very proud of what has happened there, but it is only one measure of design.

FINANCIAL AGREEMENT BILL 1994

Debate resumed from 21 April 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MR KAINE (4.03): Madam Speaker, the Opposition supports this Bill; but, in saying that, I would ask the Chief Minister whether she could clarify some aspects of it. It is a rather curious Bill in many respects, in that the Bill itself has only four clauses which are quite irrelevant. They are simply enabling clauses, but the financial agreement attached has 16 clauses and only one of those, in fact, is relevant to the ACT. That one is the one which, in effect, reconstitutes the Loan Council in a different form, and part of that reconstitution is to include the ACT and the Northern Territory as full members of it, which we were not previously.

The second thing that it does is to define the powers of this reconstituted Loan Council. Those powers are defined in clause 4 subclause (9). In summary, it provides the Loan Council with powers to make resolutions in relation to borrowings, raisings and other financial arrangements of public sector entities. In fact, that is what the accompanying explanatory memorandum says. The Chief Minister herself made no reference at all to these powers in her tabling speech. When you go to clause 4 subclause (9) of the Schedule, the statement is a rather curious one that I suggest needs some explanation. I read it:

The Loan Council may make resolutions ...

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That is fairly straightforward, but then it says:

which are not to operate as they would have operated had clause 3(15) of the original Agreement not been rescinded ...

I do not know what that means, and the Chief Minister did not explain it. Then it goes on:

in relation to -

- (a) borrowings;
- (b) raisings; and
- (c) other financial arrangements

by the Commonwealth, a State, a local governing body or any entity owned or controlled wholly or as to a major part by any of them -

then there is this other qualification -

save for any of the foregoing exempted from time to time by the Loan Council.

When you read that, you have to ask the question - and I would have thought the Chief Minister, in tabling the Bill, would have amplified it: What does it mean? What, in fact, are the powers of this reconstituted Loan Council, except to make resolutions with certain qualifications in certain fields? What the Bill does not explain is the force of these resolutions. In what way, if at all, are they binding, for example, on the Australian Capital Territory if the Loan Council choose to make a resolution, say, about our borrowing, which according to this they can do? Will they continue, for example, to make resolutions about global borrowing limits that confine and constrain the ACT in what it can borrow? Is that the intention? If not, in what way has it changed?

The Opposition agrees with the continuation of the Loan Council. We believe that it has a legitimate role to play. Indeed, it is established under the Constitution anyway, so presumably you would have to change the Constitution to abolish it. We certainly agree with the notion that, if the Loan Council is to be a functioning body, the ACT ought properly to be a member of it, as ought the Northern Territory. But I would ask the Chief Minister whether in her concluding remarks she could explain exactly what the role and functions of the Loan Council now are and - the second part of the question - in what way they are binding or not binding on the Australian Capital Territory as one of its constituent members.

MR STEVENSON (4.07): I was most interested to hear Mr Kaine's remarks and would like to hear the Chief Minister's reply to them. I noted that in the Chief Minister's speech she stated:

The new agreement also abolishes the past restrictions on States and the Northern Territory borrowing in their own name ...

Later on she stated:

The Australian Capital Territory undertakes borrowings on its own behalf ...

It did seem to be a little contradictory. She also said:

This is a further milestone in achieving an equal footing with the States ...

I think many people might think it is a millstone in becoming a State.

MS FOLLETT (Chief Minister and Treasurer) (4.08), in reply: I have to admit that the subclause which Mr Kaine has raised, subclause 4(9), contains a double negative. I am anxious to get a proper explanation of that as well. It does seem to me to be somewhat obscure in its drafting, although I note that it has passed the Scrutiny of Bills Committee. However, Madam Speaker, I think that in order to get a clear statement - the only two speakers have both raised pretty much the same issue - it possibly would be best if I adjourned the matter for a short time, if I am allowed to do that. I seek leave to adjourn the debate.

Leave granted.

MS FOLLETT: I move:

That the debate be adjourned.

Question resolved in the affirmative.

PAYROLL TAX (AMENDMENT) BILL 1994

Debate resumed from 21 April 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MR KAINE (4.09): The Opposition supports the Government on this Bill. In fact, it is one of those things that the Government does from time to time that are quite sensible and that we support. The necessity for the Bill flows from an amendment to the Commonwealth Fringe Benefits Tax Assessment Act which changed the method of calculating an employer's liability for fringe benefit tax as from 1 April.

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Had the Government not moved to amend the Payroll Tax Act, it would have imposed an increased burden on ACT payroll tax payers as a result of that change in definition. This maintains the payroll tax liability at its current level. Payroll tax being a fairly regressive tax, we support that.

As I mentioned, the effective date of this measure is 1 April 1994, so there is an element of retrospectivity contained in this Bill. Normally the Opposition would have difficulty with retrospective provisions in legislation, as we have had occasion to point out before. In this case, however, since the Commonwealth's redefinition of fringe benefits tax applies from 1 April, we are obliged, in the interests of our companies that have a payroll tax liability, to make this definition effective from that same day. For that reason, we have no objection to the retrospectivity in this case.

MR STEVENSON (4.11): Firstly, regarding the retrospective nature of the Bill, one would ask why the Federal Government does not give people in the States and in this Territory an opportunity to pass legislation in due time without requiring retrospective legislation. One would think that there is an obligation on the Commonwealth Government to do just that. I ask the Chief Minister to look toward that for the future, to see whether the Federal Government would be prepared to give us notice to prevent us from being in a hole and having to pass urgent legislation or legislation that we need to make retrospective.

I can understand why the legislation was introduced. However, on the general principle of payroll tax, it is amazing that with so many people not working in Australia we have a tax on employment. Mr Kaine mentioned something about it being to some degree repulsive. I think it is to a great degree. To say to businesses that if they employ a larger number of people you will tax them on the amount of their payroll is obviously to discourage employment.

Mr Berry: Go for a death duty, Dennis.

MR STEVENSON: Mr Berry says, "Go for a death duty". Why on earth would one do that?

Mr Berry: A wealth tax.

MR STEVENSON: Mr Berry suggests that we should have a wealth tax. Are there many people who have any wealth left, with the amount of plunder governments get up to?. It is getting to be a smaller and smaller number of a particular political party's mates these days, is it not? It is a sad thing that we tax people because they are successful in employment. Rather than changing around the payroll tax, it would be better to abolish it altogether.

MS FOLLETT (Chief Minister and Treasurer) (4.13), in reply: I thank members for their support of the Bill, Madam Speaker. The intention of it is quite clear, and that is to prevent the situation occurring where payroll tax payers in the ACT would become liable for increases in their payroll tax - not because of any action taken by this Government, which has control of their payroll tax, but because of action taken by the Federal Government in relation to fringe benefits tax.

I would like to make two quick comments in answer to members' comments. First of all, on the general question of payroll tax itself, there would not be a member in this Assembly who would not want to see it abolished if that were possible. However, the payroll tax, worth about \$90m a year to the Canberra community, is one of our major revenue sources. It is also a tax that is imposed by every State in Australia, with the exception of Queensland. I think that for us to unilaterally remove it without any indication of what other revenue source might take its place would be just plain irresponsible.

I also say to members that Queensland, whilst not imposing a payroll tax, does not have the kind of record in jobs growth or in reduced unemployment that the argument that Mr Stevenson was putting forward seems to imply. In other words, as far as I am aware, the evidence is simply not there that unemployment in Queensland is lower because they do not have a payroll tax. In fact, the unemployment rate in Queensland is amongst the higher rates in the country. There is, as far as I am aware, no evidence either that businesses and companies have been flocking to Queensland in order to avoid payroll tax. They simply have not. It is but one of many costs of doing business that have to be taken into account when businesses take the decision as to where to establish.

Mr Westende: Hear, hear!

MS FOLLETT: I am sure that Mr Westende would agree with that. I think the argument that, if you abolish payroll tax, jobs will grow and businesses will flourish, whilst being superficially attractive, is not borne out on the evidence we have.

I would also like to remind members that payroll tax is a tax which applies to the larger employers in our community. There is a threshold on it. I think there must be 15 to 20 employees before a business is liable for payroll tax.

Mr Westende: It depends on what you pay them.

MS FOLLETT: It does depend on what you pay them, as Mr Westende says; but I think on average about 15 employees would qualify you. A large number of Canberra businesses, of course, are quite small. Small business makes up the greater sector of our private businesses. This tax is applied to the large retailers, the large banks and other bigger companies, many of which are national. I am sure that we would all like to abolish payroll tax. I would like to abolish a whole range of taxes. But the Government has to protect its revenue base in order to deliver services to the people of the Territory, and this is a very important part of that revenue base.

Madam Speaker, with regard to the retrospectivity and the question of the Commonwealth consulting us before it introduces legislation such as the changed fringe benefits arrangements that we are dealing with here, I suspect that the Commonwealth, like most governments and like my own, does not normally consult widely on revenue measures, for the simple reason that if you are forewarned of a proposed revenue measure there can be a great deal of activity designed to avoid that revenue measure, so you defeat your purpose.

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I agree that a little bit of consultation, perhaps in confidence, especially where other governments will have to amend legislation, could be in order; and I will see what I can do about that. I do not expect that I will be heard with a great deal of sympathy, for the reason that I have given. It is a fair point that Mr Stevenson makes. I regret having to make legislation that has a retrospective effect, but in this case I think it is the only fair thing to do for our Canberra businesses. The payroll tax which this Government administers was not meant to operate in the way that the Federal Government's changes now imply. I thank members for accepting the point that in order to be fair to our Canberra businesses we need to take this legislative action.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CHILDREN'S SERVICES (AMENDMENT) BILL 1994

[COGNATE BILL:

COMMUNITY ADVOCATE (AMENDMENT) BILL 1994]

Debate resumed from 14 April 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Community Advocate (Amendment) Bill 1994? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to order of the day No. 4.

MR HUMPHRIES (4.20): Madam Speaker, I am pleased to rise and indicate the Opposition's support for both of these Bills. It appears that there have been some problems with the management of child protection services in the Territory arising from the fact that there are two areas of authority in respect of those matters, namely, the Community Advocate and the Director of Family Services. I am sure that all members in the chamber would be quick to agree that in this area, above most others, it is essential that we have efficiently operating Territory services in order to prevent abuses of children or matters affecting their welfare from going unattended to within a proper period of time.

These Bills are about ensuring that a clear line of authority or responsibility exists for managing child protection services in the Territory. It is very important that we support legislation designed to do that. The advice I have received from organisations in the Territory responsible on a day-to-day basis for these matters is that these initiatives will achieve that objective. I cannot comment on the nature of the friction that must have occurred between the Director of Family Services and the Community Advocate.

I assume that it has been cooperatively resolved by virtue of the introduction of this legislation. The Bills, as the Minister points out in his presentation speech, clearly establish the Director of Family Services as the statutory officer responsible for all aspects of child protection service delivery, but they also give the Community Advocate some ongoing role in overseeing the functioning of child protection services in the Territory.

I note that the legislation makes a number of changes to the composition of the standing committee which oversees these matters, the Children's Services Council. Despite the fact that substantial responsibility for the day-to-day conduct of particularly prosecutions in this area is transferred to the Director of Family Services, there is still an ongoing role for the Community Advocate, particularly in respect of initiating reviews of court orders, an annual process of working out what has happened in the Territory in this regard and monitoring child protection services generally - a sort of oversighting role - and advocating for the rights of children. I am not entirely clear as to how advocating for the rights of children operates in the light of the responsibility of the director to actually advocate in court. I assume that the advocacy referred to there is advocacy at the community level or perhaps into the ear of government. Whatever it is, the Minister might be able to clear that up when he speaks in concluding this debate.

I have consulted with agencies operating in this sector, and they appear to believe that this is a vital solution to the problems they have encountered. They have mentioned another problem which I thought I might raise. We have plenty of time in which I could do so, so I thought I might.

Mr Lamont: You have no MPI today, so take as much time as you need.

MR HUMPHRIES: There is no MPI. We let you off today. We thought we would give you a holiday for the first day. There is the ongoing problem of the annual reviews by a court of orders of care that are made in respect of children. If a child has been placed under foster parents, that is a permanent order of the court, as it were; but there is a provision that requires that to be reviewed annually. I am advised that that annual review has caused a number of cases to be reopened and caused some hardship and heartache in the case of many children who are actually under those orders. Because there is a requirement for an annual review, there is almost an expectation that, for example, a parent who has been deprived of custody will come forward to the court and try again to argue a case on the matter.

I accept that there should always be a right to challenge an order on the basis of some good ground; but it is arguable that an annual review might actually cause an issue to arise which is not actually there, which has been generated merely by virtue of the 12 months having elapsed since the last time the matter was in court. I make the point in passing that I would hope that the Government could give that matter some consideration and, by discussion with the various agencies and others working in this field, might assess whether such provisions should be modified to perhaps require some positive action on the part of a party to initiate this annual review rather than to have it happen automatically. However, that is beside the point. The Bills before the Assembly today serve a useful purpose, and I hope that that will be a process whereby we can ensure that child protection services in this Territory operate as efficiently as we can possibly make them.

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MR STEVENSON (4.25): It seems that the services that will be provided will be an improvement on what may have been a contradiction in some areas. There are, however, two areas that I wish to comment on. The first is - I quote from the introductory speech - "the importance the Government places on child protection measures in the ACT". We could do a lot in the area of pornography. It is not particularly X-rated videos that I mention, but the fact that children can go into family retail stores in the ACT and be assaulted visually by pornography. Secondly, as we know, some people are encouraged by pornography to commit certain acts. There is no doubt that the very least that we could do is to work towards pornography not being available in family stores such as newsagencies or in service stations and so on, where children also go. That would be one beneficial thing we could do towards protecting our children.

Also in the introductory speech mention was made of bringing the child protection system in the ACT into line with the United Nations Convention on the Rights of the Child. As members will recall, I have brought up the matter of the UN Convention on the Rights of the Child previously.

Mr Berry: You opposed some of those elements.

MR STEVENSON: Mr Berry said that I opposed certain things. The answer to that is, of course, a clear yes. Whenever government tells someone that they should have rights, one should also keep in mind responsibilities and obligations. The major responsibility and obligation in the area of children is with their parents, not with the state. The taking away of parental responsibilities by the state is not the way we should go. Mr Lamont shakes his head, and I would agree that it is not the way we want to go - although that may not be what he meant.

Mr Lamont: Dennis, I just wish that you would get a new speech.

MR STEVENSON: Mr Lamont mentions that he wishes that I would get a new speech. Why? The role that the Labor governments in particular in Australia are playing is moving us towards ever-increasing centralised power.

Mr Lamont: Have you done a poll on this? What are the results, Dennis?

MR STEVENSON: I did one that you might find interesting.

Mr Lamont: Madam Speaker, I withdraw the interjection.

MADAM SPEAKER: Just as well. Thank you, Mr Lamont.

MR STEVENSON: I agree that it is just as well. He should be concerned about what he says before he puts his mouth into gear.

It is important that this Assembly and the Commonwealth Parliament be prepared to look at any suggestion from anywhere regarding welfare in Australia, economics or any other matter, including the welfare of our children and the welfare of families.

However, rather than agreeing with United Nations conventions - I do not think the system was ever set up to use the external affairs power in Australia for such things - we should be prepared to listen and then, without any suggestion of control from overseas, make our own decision and never tie this country and its people to laws that are made outside Australia.

MS ELLIS (4.29): Madam Speaker, I wish to offer comments in support of the passage of the Children's Services (Amendment) Bill 1994 and the Community Advocate (Amendment) Bill 1994 through this Assembly. The intent of these Bills is to strengthen the Government and community response to child abuse. The dramatic rise in the number of abused children reported to welfare authorities over the past few years has heightened public concern about the problem of child abuse within the Australian community.

The ACT has also experienced this dramatic rise in reported child abuse. In the year 1992-93 the Family Services Branch received 1,781 notifications of child abuse. This was a 28 per cent increase over the 1991-92 figure, which in turn represented a 10 per cent increase over the number of notifications in 1990-91. The Government responded to these increases by adding to the Family Services Branch budget in 1993-94 to provide a number of new child protection workers. Future changes in demand will also be closely monitored to ensure that ACT services can respond quickly to make children safe. The services required are not just in the investigation and assessment of abuse notifications; they also involve intensive family support and residential and foster care services for children who must live away from home.

These increases in the reporting of child abuse are very disturbing, but I suggest that they may also be evidence of increased community confidence that, by reporting suspected abuse, members of the community can directly contribute to the protection of children. Governments would not be responsive if they just stood by and watched these figures rise. Something must be done to prevent child abuse, and the case for prevention is strong. Obviously, children are important members of our community and have the right to be cared for and kept safe from abuse. Preventing abuse spares children from harmful and sometimes life-threatening experiences. Children are the parents of the future, and their capacity to parent is influenced by the parenting they receive. Research indicates a strong link between child abuse and later social problems. A community which ignores its obligations to children invites costly social consequences. Unless services for children who have been abused are supplemented by preventative measures, children will continue to be abused and the demand for post-abuse services will continue to outstrip supply.

The ACT will take up the challenge of child abuse prevention this year by joining with the Commonwealth, the States and the Northern Territory in the national child abuse prevention strategy. This is the first time such a national approach has been taken to child abuse, and the ACT will devise local approaches to reflect the national strategy.

Madam Speaker, these Bills ensure that the services we have on the ground now work most efficiently and effectively together. Child abuse demands a multidisciplinary approach across government departments and community agencies. In such an important area of human concern, we cannot afford a lack of clarity in roles and responsibilities. We must also have services which are open to scrutiny and which are accountable to the ACT community. These Bills are supported by all agencies involved in child protection.

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These agencies are committed to the implementation of these new arrangements. Madam Speaker, any proposal that improves the efficiency, effectiveness and accountability of services providing this protection deserves the full support of all Assembly members. The amendments proposed in these related Bills reflect such improvements, and I ask that members ensure their successful passage through this Assembly.

MS SZUTY (4.33): Madam Speaker, the changed arrangements in the roles of the Director of Family Services and the Community Advocate have been anticipated by this Assembly for some time. In fact, I remember the then Minister for Housing and Community Services, Mr Connolly, talking about the review of functions of these two areas during the estimates process last year.

As the Minister stated in his presentation speech, these Bills clarify the roles and responsibilities of both the Director of Family Services and the Community Advocate in matters affecting services for the protection of children, and that is all to the good. Other agencies and members of the community will better understand the processes of child protection notification and the roles of both offices more clearly, leading to a better understanding of what both offices do.

The changes proposed are not without resource implications, notwithstanding that both explanatory memorandums to the Bills state that there are no revenue implications to be especially taken note of. I understand that moneys allocated to the Community Advocate's Office are proposed to be maintained as the Community Advocate has acquired two additional functions. These functions are, firstly, to monitor the provision of services for the protection of children and, secondly, to act as advocate for the rights of children. Money allocated to the Family Services Branch of the ACT Housing and Community Services Bureau are anticipated to increase in line with the increased responsibilities of this area, which include, significantly, the Director of Family Services becoming the statutory officer responsible for taking action for child protection matters.

To summarise, Madam Speaker, the Director of Family Services will become the statutory officer responsible for all aspects of child protection service delivery, and the Community Advocate will be the independent monitoring authority which ensures that these services are accountable to the community and will be the authority to advocate for the rights of children. Madam Speaker, these changes to ACT legislation are in line with changes which have occurred in other jurisdictions in Australia and are also in line with international practice.

I am grateful to the Director of Family Services, Chris Healy, and the Community Advocate, Heather McGregor, for spending time with me yesterday to take me through the changes which will be occurring and to outline to me in some detail the practical application of the changed arrangements. I understand that both women are keen to see a more complete review of the Children's Services Act in future, and I welcome that review.

Madam Speaker, the Minister's presentation speech makes mention that with the passage of these Bills "we are building a robust child protection system in advance of mandatory reporting". I note that we have yet to debate the Community Law Reform Committee's report No. 7 on the mandatory reporting of child abuse. However, I am aware that it is the Government's intention to introduce mandatory reporting at some point in the future, with appropriate resourcing. I, too, would support that move and would welcome the announcement of a commencement date, which would act as a target date towards which the community could work.

In the meantime, these amendments to the Children's Services Act and the Community Advocate Act, I believe, are welcome. The changes are extensive and will require a substantial period of transition before they come into being. While the commencements of the amended Acts have been dovetailed to occur at the same time, it would be worth the Government taking some time to carefully consider an appropriate commencement timeframe which will meet the needs of both offices. Should these Bills pass today, commencement would fall due in mid-November - unfortunately, a traditionally busy time regarding matters of child protection. I believe that it is an issue, Madam Speaker, that perhaps the Government could give further consideration to once the legislation is passed and once the changed arrangements are brought into being.

MR CONNOLLY (Attorney-General and Minister for Health) (4.37), in reply: Madam Speaker, I rise to close this debate. Since the Bill was introduced there has been a change in ministerial arrangements, but I will sum up for the Government on both Bills, with the support of my colleague Mr Lamont. I thank members for their support for the legislation. This legislation came about principally because in 1991 we were prepared to take the fairly bold step of creating a statutory office of Community Advocate as an independent monitoring authority for a whole range of community service activities. That office has evolved in the time since it was created and since Heather McGregor was appointed to the position, and it was appropriate that the Director of Children's Services and the Community Advocate sit down and work out what their respective roles were, so as to more smoothly deliver services in this area.

With an independent monitoring agency with the power the Community Advocate has, there was potential for bureaucratic tension between the monitoring agency and the service delivery agency. A lot of effort and energy could easily have been dissipated in those sorts of feuds. It is to the credit of both senior officers and their staff that, instead of going down that path, the department and the independent statutory authority sat down and worked out their respective roles and responsibilities and recommended to government a series of changes to legislation to ensure that those respective roles and responsibilities would be clear and that there would be no duplication.

Mr Humphries raised some issues about the annual review and whether we should continue to do that. This is one of the most difficult areas of public policy. The decision of the state to intervene to remove a child from its parents is a very difficult one.

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Mr Stevenson said robustly that it should never happen. In an ideal world, Mr Stevenson, perhaps it should never happen, because in an ideal world all parents would care for their children and no parent would abuse their children; but, unfortunately, we do not live in an ideal world, and there are circumstances where children are being harmed and being physically and sexually assaulted and it is necessary for the state to intervene.

Mr Stevenson: I agree.

MR CONNOLLY: I am pleased that you agree. I think we would all agree that it is undesirable, but we would all agree that it has to occur. Those persons whose job it is to be on the sharp end and to actually make these decisions have a very difficult job. It is almost impossible to please everybody in those circumstances. I have great admiration for those officers who work in children's services - who, for nearly the last three years, have been under my ministerial responsibility. I thank them for their efforts in the period that I was Minister, and I am sure that Mr Lamont will express similar concerns as he gets to know and appreciate the dedicated effort that those persons make.

Equally, the task of the Community Advocate and her staff is not an easy one, because it involves reviewing many of those difficult decisions. The decision of the Government to create a Community Advocate was, to some extent, a bold one because the Community Advocate has extensive powers to go into the social welfare bureaucracy to hunt out the cases that fall between the stools and to bring to the attention of the authorities - and that often means public attention - cases where the system does not go right. That can be embarrassing for governments, but so it should be. We should have a powerful authority to bring those cases to our attention, to ensure that we redouble our efforts to provide appropriate services.

I thank Assembly members for their support for the legislation. I am sure that all Assembly members would join me in thanking the officers whose job it is, day in and day out, to work at the coalface of this most difficult area of public policy where the state has to intervene to take a child away from the family setting because that family setting is not functioning as we would all want it to do and a child, rather than enjoying the protection of the family that every child should have the right to expect, is in fact suffering at the hands of that family. Those officers do a very good job. They serve the community extraordinarily well, and I am sure that we all thank them.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

COMMUNITY ADVOCATE (AMENDMENT) BILL 1994

Debate resumed from 14 April 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATION

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek leave to make a statement under standing order 46.

MADAM SPEAKER: Proceed, Chief Minister.

MS FOLLETT: In the course of the debate on the Payroll Tax (Amendment) Bill I made a statement which was not correct, and that is that Queensland does not have payroll tax. They do. The tax that they do not have, of course, is business franchise tax. This was my error. However, I think the arguments still hold.

EVIDENCE (CLOSED-CIRCUIT TELEVISION) (AMENDMENT) BILL 1994

Debate resumed from 21 April 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

Debate (on motion by Ms Szuty) adjourned.

ADJOURNMENT

Motion (by Ms Follett) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 4.43 pm

10 May 1994

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

Question No. 1235

Youth Alcohol Action Plan

MR WESTENDE - Asked the Chief Minister upon notice on 12 April 1994:

In relation to your ministerial statement on the International Year of the Family 1994, delivered to the Assembly on Wednesday, 23 February 1994:

In view of the current crack down in the ACT on under-age drinkers and the funding cuts to the Australian Federal Police, is it possible for the Government to promote the International Year of the Family by actively targeting clubs and bars to close their doors at a more reasonable hour of the morning, say, 2.00 am, rather than allowing them to trade 24 hours a day; if not, why not.

MS FOLLETT - The answer to the member's question is as follows:

The Government views the issue of under-age drinking very seriously and believes that a range of strategies are needed to encourage young people to act responsibly in relation to the use of alcohol.

Included in the strategies recently implemented by the Government are the *Youth Alcohol Action Plan*, which was launched in November 1993, and the announcement in April 1994 of the introduction of a Proof of Age Card.

The *Youth Alcohol Action Plan* is to be implemented over a two year period and will include the production by young people of information resources about alcohol; training courses outlining appropriate interventions for those working with young people; promotion of responsible serving of alcohol; and the provision of accessible and appropriate alcohol and drug counselling services for young people and their families.

The Proof of Age Card will be available at low cost through the Motor Vehicle Registry to persons between 18 and 25 years who do not possess a driver's licence. The card will be voluntary and will be used by young people over the age of 18 who wish to purchase alcohol or enter licensed premises.

In regard to the Member's suggestion to reduce the trading hours of clubs and bars, the Government established the ACT Community Safety Committee in November 1993 to examine issues of public safety with specific reference to the problems concerning the community and alcohol-related crime and anti-social

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behaviour in the Civic area. I understand that the Committee has examined the issue of trading hours for licensed premises and is exploring the issue further.

My colleague the Attorney General is considering a package of amendments to the Liquor Act dealing with issues raised by the Committee and has foreshadowed the restriction of the hours during which liquor is sold for consumption away from licensed premises to before midnight. This is in response to the problem of people purchasing liquor from off-licensees in Civic in the early hours of the morning and consuming it either in breach of the "dry" area legislation or in the surrounding streets, car parks and parks.

Other measures being contemplated include the development of a code of practice for club/on-licensees and off-licensees to place a duty of care on licensees to implement responsible management practices; an extension of the power to seize liquor; tightening the definition of "responsible adult"; and community awareness measures to inform the public that most of Civic is a "dry" area.

Another initiative taken by the Government that is relevant to the Member's question is the reference given to the Community Law Reform Committee to examine the adequacy and appropriateness of laws dealing with street offences such as street fighting, urinating in public and offensive behaviour and language.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1242

Non-Government Schools Funding

MR CORNWELL - asked the Minister for Education and Training on notice on 12 April 1994:

In relation to non-government school funding

- (1) Will the 1995 base level general recurrent funding per student be related to the 1993 funding.
- (2) Will this amount then be adjusted to reflect changes in a selection of government school costs.
- (3) If there is to be an adjustment, what specific factors will be taken into account to reach the final adjusted amount per student.
- (4) If there is not to be an adjustment, how will the 1995 base level general recurrent funding per student be set.

MR WOOD - the answer to Mr Cornwell's question is:

- (1) The 1995 general recurrent per capita funding will be determined by Cabinet during its deliberations for the 1994-95 Budget.
- (2) The funding will be based on the 1994 rates but details of the composition of such rates must remain confidential until the Budget is announced on the 14 June 1994.
- (3) Work on a new funding arrangement has been underway this year and it will be based on a link with comparable government school costs.
- (4) Until the new arrangement is finalised 1994 funding is being maintained at the 1993 levels including supplementation for increases in average costs (but minus 1\$ savings as a Budget measure).

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1246

Yarralumla Montessori School

MR CORNWELL -asked the Minister for Education and Training on notice on 12 April 1994:

- (1) What has been the cost of maintenance to the Government of the MacGillivray Street Montessori pre-school in (a) 1991-92; (b) 1992-93 and (c) 1993 to date.
- (2) Does the pre-school meet occupational health and safety standards; if not, what is the cost of meeting those standards.
- (3) What is the estimated cost of relocating the pre-school to Yarralumla Primary, including refurbishing Yarralumla Primary.

MR WOOD - the answer to Mr Cornwell's question is:

- (1) Maintenance at Yarralumla Montessori School over the past three years has cost:

1991/92	\$2,200
1992/93	\$7,600
1993 to 31/3/94	\$9,600
- (2) Facilities at the school are of a similar standard to that for many other schools, and are considered to meet safety requirements.
- (3) The estimated cost of refurbishing part of Yarralumla Primary School for the collocation is \$340,000.