



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 November 1994

Tuesday, 29 November 1994

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

QUESTIONS WITHOUT NOTICE

Technology Park - Symonston

MRS CARNELL: Madam Speaker, my question without notice is to the Chief Minister. In March this year the Chief Minister announced that an advanced technology park would be created at Symonston, which would attract 25 manufacturers to the ACT and would generate anywhere up to 800 jobs. I presume that the Chief Minister is aware of the results of a survey, commissioned by her department and carried out by Coopers and Lybrand, which looked at the demand for advanced technology manufacturing sites in the ACT. The survey found that only one to two companies may be attracted to Canberra each year. Based on these statistics and in light of her Government's anti-investment policies, will the Chief Minister now concede that the Symonston technology park may not be viable?

MS FOLLETT: Madam Speaker, I will concede nothing of the kind. The last advice that I had on the progress with the Symonston advanced technology manufacturing park was that there was considerable interest being expressed, particularly amongst Canberra's existing advanced technology businesses. One of the major reasons for establishing this park was that, as a government, we were aware that there were a number of advanced technology manufacturers in Canberra who were unhappy with their current location and who did wish to make a move. Before we made the announcement, obviously, the whole issue was widely canvassed with those organisations. In fact, they created their own organisation to represent their interests. The organisation is known as CRATMA - the Canberra Region Advanced Technology Manufacturing Association. That organisation has been closely involved in the planning for this park.

Madam Speaker, I do not share Mrs Carnell's scepticism about it. I believe that it is a necessary move - one which will clearly establish our advanced technology manufacturers in a niche where they can continue to operate at the leading edge of advanced technology manufacturing in Australia and, indeed, in some cases, in the world. That is something that Canberra businesses ought to be very proud of. I think it is a real pity that Mrs Carnell is, yet again, trying to talk down a positive aspect of the ACT's economy.

Mrs Carnell: You said that it would attract 25 manufacturers and would create 800 jobs.

MADAM SPEAKER: Order! Mrs Carnell, you will be able to ask a supplementary question, as usual.

Mrs Carnell: I would like the Chief Minister to answer this question.

MADAM SPEAKER: Order!

MS FOLLETT: Madam Speaker, as it stands, I believe that this advanced technology park will be successful. It is the case that, at the moment, some of this work is going outside the ACT. For instance, some of the work done by Anutech is being done outside the ACT. With this kind of development, it could be done inside the ACT. I am aware that there is some opposition coming from just across the border because certain local government authorities believe that they may lose one of their advanced technology manufacturers to this park. There is always that kind of competition going on; nevertheless, it has not diminished the project, in my view, and I think that all members of this Assembly should join together in wishing it well. It is a good project; it is an advancement for an industry in which Canberra already excels; and I would call upon Mrs Carnell not to pull it apart, not to tear it down. Just on this one occasion it might be appropriate for Mrs Carnell to offer to assist. Miracles may happen. But, Madam Speaker, I can tell by the demeanour of those opposite that, obviously, there will be no miracle on this occasion.

MRS CARNELL: I have a supplementary question, Madam Speaker. The Chief Minister actually said that the Symonston technology park would attract 25 manufacturers to the ACT - not rejig the ones in the ACT - and would generate up to 800 new jobs. In fact, in a dissenting statement included in the report of the Planning, Development and Infrastructure Committee on the Symonston estate, prepared last week, Ms Szuty stated that the Coopers and Lybrand report would not be made available by the Government and was commercial-in-confidence. I ask the Chief Minister: Why would the PDI Committee not be able to make a more informed decision if they had actually had access to this information? Why did you not give it to them?

MS FOLLETT: Madam Speaker, I am not aware of the issues surrounding the PDI Committee. I can certainly make inquiries about that and inform the Assembly. But I will stick by my statement, in announcing this advanced technology park, that it does have the potential and it does have the capacity to do exactly what I said that it could do. Madam Speaker, I think it is very regrettable that the Liberals opposite continue to talk down the ACT business community. That is all they are interested in doing. They are not interested at all in this kind of development, and I think that is a great shame.

Madam Speaker, I believe that this Symonston advanced technology estate will be a good project for the Territory. It will, indeed, create additional jobs. It is a staged development, as I have made clear. It is a development which will take place over some time. Mrs Carnell wants to pull that apart and wants to criticise the Government for having a little bit of foresight, a little bit of long-term planning, instead of just planning everything off the top of the head. Mrs Carnell constantly tells us that she works off the top of her head. Let me say that we are in government for the long term.

The commitment of the Labor Party is to the long-term development of the ACT, including the long-term development of diversity in our economy. That includes a long-term commitment to the development of advanced technology manufacturing. The Labor Party will not operate off the top of the head, as Mrs Carnell has admitted over and over again that she does. Madam Speaker, I am appalled to think that this project apparently is the next in Mrs Carnell's firing line.

Budget Performance and Outcomes Committee

MRS GRASSBY: Madam Speaker, my question is to the chair of the Budget Performance and Outcomes Committee, Ms Szuty. Noting the criticism by the Leader of the Opposition of the Budget Performance and Outcomes Committee, I ask: Could the Liberals have nominated Mrs Carnell instead of Mr Kaine or Mr Stefaniak?

Mr Kaine: I take a point of order, Madam Speaker. That question merely asks for an opinion from Ms Szuty, and I doubt that it is a proper question.

MADAM SPEAKER: Ms Szuty, I will let you consider that.

MS SZUTY: Madam Speaker, I believe that all members of this Assembly are aware that it was open to any member of the Assembly to nominate for membership of the Budget Performance and Outcomes Committee - any member of the Government, any member of the Opposition and any Independent member.

MRS GRASSBY: I have a supplementary question, Madam Speaker. Was Mrs Carnell refused leave to ask questions at any time?

MS SZUTY: I believe that all members who participated in the hearings of the Budget Performance and Outcomes Committee were given leave by the members of the committee to ask questions. There was one exception to that, and that was very late on the Thursday evening. We had not completed our questioning of the Department of Health, and the remaining questions that members had were taken on notice.

Election Funding

MR DE DOMENICO: My question is to the Chief Minister. In a radio interview on 24 November 1994, Mr Jeremy Pyner of the ACT Trades and Labour Council said, when discussing election funding for the ALP:

... there's always a bit of a quid pro quo and the historical relationship between the union movement and the Labor Party has always been a strong one ...

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Madam Speaker, the dictionary defines "quid pro quo" as "one thing in return for another ... something for something". Will the Chief Minister confirm that she was told at a meeting with TLC officials last week that she and her Government were on a good behaviour bond imposed by the trade union movement until the next election? I ask: Why should the Trades and Labour Council have greater say in the direction of the ACT Government than any other organisation or, for that matter, ordinary Canberrans?

MS FOLLETT: Madam Speaker, far from confirming Mr De Domenico's statement, I will absolutely deny it. Indeed, it is foolhardy to suggest that that kind of a conversation did take place. As for the comments attributed to Mr Pyner, I have to say that I did not hear him make those comments; but, if he did, he was in error. Madam Speaker, this Government governs in the interests of all Canberrans. We do not consider ourselves to be beholden to any particular group, particularly not when it is apparently a quid pro quo arrangement, as Mr De Domenico has suggested. Madam Speaker, I reject the whole tenor of Mr De Domenico's comments.

MR DE DOMENICO: I wish to ask a supplementary question, Madam Speaker. Chief Minister, what demands have the Trades and Labour Council and the union movement made of you in return for their money for the ALP campaign? In other words, how many quids have been promised and what are the quos?

MS FOLLETT: Madam Speaker, there have been no demands made. As I said earlier, there is no quid pro quo. I would like to put the same question to the Liberals: What demands have been made of the Liberals? What about the 250 Club? What demands have been placed on you? There is a sudden silence opposite. Madam Speaker, I repeat that the Labor Party, in government, governs in the interests of all Canberrans. I only wish that one could say the same for other parties in this chamber.

Petrol Station Sites

MS SZUTY: Madam Speaker, my question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. I understand that two weeks ago expressions of interest for the operation of three independent petrol station sites in the ACT closed and that expressions of interest had been received from only one independent company - Burmah. I further understand that it was not, and is not, the Government's intention to have all three sites operated by the same tenderer. Given that further expressions of interest for the operation of the three sites will close at 2.30 pm tomorrow, can the Minister assure this Assembly that, as preferred, more than one tenderer will be successful and that the integrity of the tendering process has been, and is being, maintained?

MR WOOD: Madam Speaker, I am certainly confident that this occasion will produce the result we required. On the recent call, one expression of interest for two of the three sites was received by the advertised closing time. Two further expressions of interest were received after the closing time. They were returned to the senders. After considering all the options and all the available information, we decided that the period for expressions would be extended, as Ms Szuty said, to 30 November.

We believe that, by doing that, we will enhance the competition for the three available sites. Advertisements outlining that have been running in the newspapers. We intend to announce the successful bidders in early January. I believe that we have maintained the necessary absolute adherence to the requirements around the tendering process.

Women's Consultative Council

MR KAINE: Madam Speaker, through you, I ask a question of the Chief Minister. Chief Minister, there has been in existence since 1990 a Women's Consultative Council, which exists to advise the Chief Minister on issues concerning the status of women in the ACT. The term of the second Women's Consultative Council expired in June of this year - nearly six months ago. I ask: Why have you failed to renew or extend the term of the council and its 12 members, and does this inaction indicate the value that you place on the council's advice to you on matters concerning the status of women?

MS FOLLETT: I thank Mr Kaine for the question, Madam Speaker. It gives me an opportunity to state yet again that I regard the work of the Women's Consultative Council as very valuable indeed. In fact, when I first appointed the Women's Consultative Council, back in 1989, I did so in order to provide a forum where women in our community could bring their issues forward and could readily get them to the attention of Government. I have continued with the Women's Consultative Council throughout our period in government, as indeed did Mr Kaine when he was in government. So, it is clearly an important body. The work that they have done - including, for instance, the advice that they have given at budget time year by year and the work that they have done on women's employment, on women and poverty and on a range of other issues - has been very valuable to the Government.

Nevertheless, as Mr Kaine has mentioned, the term of office of the second Women's Consultative Council expired a couple of months ago. Madam Speaker, it is certainly my intention to reappoint a Women's Consultative Council. I am giving consideration to how we might form the third Women's Consultative Council. I again look forward to receiving its considered advice and also to having the members of that council out in the Canberra community, actively consulting with Canberra women on all of the issues that concern them.

MR KAINE: I would like to ask a supplementary question, Madam Speaker. It is clear that this body has not existed since June, and that does answer my question; but I have a supplementary question. Chief Minister, one of the terms of reference of the Women's Consultative Council was - I repeat, was - to prepare a yearly work program for the approval of the Chief Minister and to report on the implementation of that program by July of each year. Chief Minister, do you have a report for that work program as of July of this year? What is your plan in connection with affairs concerning the status of women for the year 1994-95?

MS FOLLETT: Madam Speaker, most certainly, the Women's Consultative Council did prepare a work plan, and they prepared that in consultation with me. To the best of my knowledge, they have completed all of the tasks that were involved in that work plan. I will make further inquiries and see whether they actually submitted a formal report. I do not recall that there was one; but, if there was, I will certainly share it with my colleagues.

Budget Performance and Outcomes Committee

MR BERRY: Madam Speaker, my question is in relation to Mrs Carnell's criticism of the Budget Performance and Outcomes Committee, as reported in the *Canberra Times* of Saturday, 26 November. It is directed to the chair of that committee, Ms Szuty. Did the Liberal members, Mr Kaine and Mr Stefaniak, as I believe they did, make a positive contribution to the deliberations of the committee?

Mr Kaine: I made a major contribution.

MR BERRY: I was there, and I am absolutely convinced that you did. I would just like to hear it confirmed by the chair of the committee, Mr Kaine.

MS SZUTY: Madam Speaker, I believe that both Mr Kaine and Mr Stefaniak made substantial contributions to the work of the Budget Performance and Outcomes Committee. In fact, I intend to say more about their contributions when I speak to the report, which I will table in the next hour or so.

MR BERRY: Madam Speaker, I have a supplementary question. Does the chair of the committee of inquiry believe that the committee's deliberations were a joke, as Mrs Carnell put it, or a whitewash? After all, we were ably assisted by Mr Kaine and Mr Stefaniak.

MS SZUTY: No, I certainly do not. In fact, I was surprised to see Mrs Carnell's comments, as reported in the *Canberra Times* on Saturday. As I have indicated, Madam Speaker, I will have more to say on that matter later this afternoon.

Truck Parking - Residential Areas

MR STEVENSON: Madam Speaker, my question is to Mr Bill Wood in his capacity as Minister for Planning. We all know from the local and national media that there are many people who have great concerns about trucks and other heavy commercial vehicles parking in residential areas. I know that there have been a number of questions directed to Mr Lamont; but I think that the solution may lie in the planning area. First of all, we understand that trucks can cause noise and air pollution. We understand that they require large areas in which to park and manoeuvre. We understand that they can be a safety problem. We also understand that they cause inordinate wear and tear on roads.

Whilst this may be okay in commercial areas or on the open road, it is unreasonable that these things are happening in residential areas. Is the Minister aware that people have been fighting individual issues like this in residential areas in Canberra for some years, and could the Minister indicate what he sees as a solution to this problem so that it does not go on into 1995?

MR WOOD: Madam Speaker, Mr Stevenson has passed this question to me, as Planning Minister. It is correct that Mr Lamont has answered numbers of questions on this subject before. Broadly, Mr Stevenson asked two questions. He asked: Am I aware of it? Certainly, I am. I have been involved in particular cases over a number of years. Secondly, he asked: What is the solution? That is the part where it is a bit harder to find an answer. There is no absolute restriction on the ability of people to drive trucks into neighbourhoods. There have been a number of proposals over the years, as Mr Stevenson would perhaps be aware. One, for example, was to set aside parking areas for trucks, maybe at Mitchell, behind secure fences. That has not been well supported by the people involved. It was not proceeded with, I understand, on the ground that we have no ability to require them to park in those areas, and therefore it would not have been likely to be successful.

I have certainly been involved, as the Pollution Control Authority gets complaints about noise in the suburbs; but the noise, though highly distracting and something that should be avoided, is for a short time as trucks come and go, often at early hours of the morning. That is a particular worry; but it is not a consistent noise, such as to enable inspectors to take action. I think that Mr Stevenson would know from earlier answers from Mr Lamont that we are aware of the problem. We are looking at any option that is available. If Mr Stevenson can come up with a solution, we will give his proposal the closest examination. It is a difficult problem to deal with.

MR STEVENSON: I ask a supplementary question, Madam Speaker. Has the Minister considered restricting the parking of commercial vehicles of a larger size in residential areas? Deliveries are a different matter.

MR WOOD: It is not particularly my responsibility. It is Mr Lamont's responsibility, as Minister in charge of transport. It certainly has been considered; but it has not been possible to have a practical application. Mr Stevenson is very strong in supporting individual enterprise. He must remember also the rights of small business people - owner-drivers and the like - and employees who simply drive these trucks. There is a whole range of other factors to be examined.

Assembly Building - Soundproofing of Offices

MR STEFANIAK: My question is directed to you, Madam Speaker. The windows in the office of the Chief Minister were recently soundproofed, at a not insignificant cost to the taxpayer of more than \$18,000. This was to achieve, in the Government's words, "the level of acoustic isolation required in offices on London Circuit". Madam Speaker, your office also faces London Circuit and is a bit closer to traffic than the Chief Minister's. Can you advise the Assembly whether you have requested soundproofing of your windows to acoustically isolate yourself as well? If so, what is the likely cost of that soundproofing?

MADAM SPEAKER: Thank you for the question, Mr Stefaniak. When we first put the building together, the question of soundproofing the windows for the entire building was not dealt with because it was too expensive and was thought to be unnecessary at that point. There are only two offices that actually face a major road - the Chief Minister's and mine. Since then, we have discovered that the non-treatment of windows has created problems. It rained soon after we moved into the building, and we have discovered that all the windows with the yellow sticky labels leak. So, there is a proposal to seal the windows that need treatment, which is pretty well for the entire building, and probably to proceed with the acoustic treatment for my office.

Mr Stefaniak: At what cost?

MADAM SPEAKER: I do not have the costing in front of me, but it is something that will be built into the budget process. We have the minor works and equipment budget; we have money for the actual movement into the building, which is for our own furniture and other requirements, including computer networking; and we have our own general maintenance money. Although I have not had a costing for the entire building, from memory, I believe that all of that can be contained within the budget that has been allocated to us. I do not have the costing for the entire building at my fingertips. I am happy to obtain that information and pass it on to you.

Licence Fees - Low-Alcohol Products

MR HUMPHRIES: Madam Speaker, my question without notice is to the Chief Minister. The Chief Minister recently announced that the ACT Government would move to abolish franchise fees on low-alcohol products - that is, products with an alcohol content of 3.5 per cent or less - from 1 January. She claimed that this decision would bring the ACT into line with New South Wales. I ask the Chief Minister: Is it not true that New South Wales has also moved to abolish franchise fees on reduced-alcohol wines up to and including 6.5 per cent alcohol content? Why has the Chief Minister decided not to exempt reduced-alcohol wines from the ACT liquor licence fees, thus creating a taxation regime inconsistent with that of New South Wales and, more than likely, a loss of business across the Territory as consumers of those products buy in cheaper New South Wales?

MS FOLLETT: Madam Speaker, first of all, I confirm that on 24 November I did indeed announce that from the next period, which is from 1 January 1995, the liquor licence fees for low-alcohol beverages in the ACT would be removed. Our definition of low-alcohol beverages - and it used to be the New South Wales definition as well - is liquor which contains 3.5 per cent or less ethanol by volume. That is the usual definition of a low-alcohol product. I am aware that, with effect from the next licensing period, New South Wales has changed its definition now to include wine which contains 6.5 per cent or less ethanol by volume. If that wine were a beer, it would not be a low-alcohol beer. So, there is an inconsistency in New South Wales in its treatment of different alcoholic beverages.

Madam Speaker, for my own part, I can only wonder whether they are also going to have a different definition for low-alcohol spirits and, if so, where they might set that definition. I think we have to bear in mind two things. First of all, the reason for abolishing the tax on low-alcohol products is to encourage people to drink low-alcohol products - not lower-alcohol products. If people were to drink low-alcohol wine instead of beer, they would, in fact, be consuming far more alcohol.

Mr De Domenico: If they drank it to the same extent as beer.

MADAM SPEAKER: Order! Let the Chief Minister finish, Mr De Domenico.

MS FOLLETT: In order to attract people to the low-alcohol product - not the lower-alcohol product - we have abolished the tax on low-alcohol beer. Madam Speaker, I will, of course, keep under review this further change that the New South Wales Government has made. Nevertheless, in my heart of hearts, I cannot see a scenario developing where low-alcohol wine would be widely consumed by people who drink wine. I think it is very much a minority beverage. I would expect that in a campaign encouraging people to consume less alcohol, particularly if they are driving and drinking, the lowest-alcohol products would hold sway.

Mr De Domenico: Water.

MS FOLLETT: Indeed, Mr De Domenico, water is a perfectly fine beverage. Drink plenty of it. So are tea and coffee. But, when it comes to alcohol, it is the low-alcohol product which, I believe, we should be promoting. By "low-alcohol" we mean 3.5 per cent or less ethanol by volume. New South Wales has changed its definition. I will see what happens with that low-alcohol wine. In the meantime, Madam Speaker, the steps we have taken, providing that they are passed on by the pubs and clubs, ought to have some incentive effect for people to switch from the high-alcohol beers to the low-alcohol beers, because there will be a real reduction in the price of a middy or a schooner.

MR HUMPHRIES: I ask a supplementary question. The Chief Minister implies that the decision to adjust the ACT's franchise fees on alcohol was taken before a change in the position of the New South Wales Government. Firstly, is it not true that the New South Wales Government had already announced that it was reducing franchise fees on low-alcohol wine before the ACT Government made its decision, and therefore it was

perfectly possible to harmonise our laws with those of New South Wales? Secondly, does the Chief Minister not see an advantage in encouraging people to consume wine with an alcohol content of less than 6.5 per cent, as opposed to wine with the usual content of something in the order of 12 per cent?

MS FOLLETT: Madam Speaker, it is entirely possible, as Mr Humphries suggests, that we could have harmonised with New South Wales on this issue. But I maintain that, in giving people a price incentive, the motivation was to get them to drink low-alcohol products; that is, products containing 3.5 per cent or less ethanol by volume. One that contains 6.5 per cent is not a low-alcohol product. It is lower; but it is not a low-alcohol product, and you cannot pretend that it is. If people were to drink so-called low-alcohol wine in much the same quantities as they drink low-alcohol beer, they would be very badly affected.

Madam Speaker, could I also say to Mr Humphries, in case he is not a wine drinker, that you do not actually have a standard price for wine. There is not a price per bottle, per middy or per schooner. In fact, even if you buy it by the glass, there is enormous variation in what you will pay for a glass of wine. So, it is not possible to make the same direct relationship on cost and alcohol content as it is generally with beer. It has been my experience, Madam Speaker - I have bought low-alcohol wine myself; indeed, I have bought no-alcohol wine - that it is an expensive product. The possibility of getting people - - -

Mr De Domenico: Because you have a tax on it that is higher than that of New South Wales.

MADAM SPEAKER: Order! Mr De Domenico, just let the Chief Minister finish.

MS FOLLETT: The possibility of getting people to switch to drinking it, with or without a tax break - on price grounds alone - I think, is so remote as to be not worth considering.

Dual Occupancies - Banks

MR MOORE: Madam Speaker, my question is not to do with Clayton's wines. Instead, I would like to ask a question of Mr Wood, as Minister for the Environment, Land and Planning. On what basis was the decision made to allow dual occupancies to go ahead in Banks, and is he satisfied that an appropriate process was followed leading to the appeals tribunal overturning those objections?

MR WOOD: Madam Speaker, the Planning Authority believed that any further dual occupancies in Banks would not be consistent with the maintenance of the amenity that was desirable in that area; hence it declined approval on a number of them. As Mr Moore knows, they were then appealed, with the Appeals Board upholding three of the appeals and rejecting two. I think it has one in abeyance. I said at the time that I was surprised by the decision, because I thought it was a fairly clear case. But I have established the Appeals Board, and I respect the rulings that it makes. I have not yet read its decision. I will consider further action, if any, after reading that decision.

Tuggeranong Hyperdome

MS ELLIS: Madam Speaker, my question also is directed to the Minister for the Environment, Land and Planning. Has the Minister noted the call of the Liberal Party for a stop on retail development in Tuggeranong? What is the Government's approach to applications for more retail development?

MR WOOD: Madam Speaker, the Liberal Party is adopting a fairly strange approach on this.

Mr Humphries: I raise a point of order, Madam Speaker. I believe that questions on the notice paper cannot be - - -

MADAM SPEAKER: We have had this point of order before, Mr Humphries. An MPI does not fit into that category.

MR WOOD: It has all been done before, Mr Humphries.

Mr Kaine: Can we not change the ruling, Madam Speaker?

MADAM SPEAKER: If you have the votes, Mr Kaine.

MR WOOD: I think Mr Humphries is as out of touch with what has happened here as Mrs Carnell is with what is happening in the valley. Indeed, it is very hard to find exactly what the Liberals' policy is in respect of retail development anywhere, including in the valley. I recall that, in a speech at the Press Club, Mrs Carnell said, "We want to do away with red tape. We want expeditious dealing with business. We do not want any delays, any hold-ups, any frustrations. Let us get on and do it, folks". What does Mrs Carnell want on this occasion? She comes in, without a moment's thought - which is typical of Mrs Carnell - with not a moment's consideration, and says, "Stop. Nothing else should happen in the valley. Just stop it". What she wants me to do is to get that red tape that she scorns and wrap it around the Tuggeranong Hyperdome so tightly that nothing else can happen. She wants to use the red tape that she says she does not want to use. Not only that; she changes her mind.

Mr De Domenico: This hurts, does it not?

MR WOOD: Mr De Domenico, why do you not get out there and represent your community in Tuggeranong?

Mr De Domenico: I have. Why don't you?

MADAM SPEAKER: Order! That is enough.

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MR WOOD: I wonder why an interloper from Molonglo has to come down and talk over the top of Mr De Domenico and Mr Kaine in respect of this matter. I do not know when I last heard some of these people making a definitive statement about Tuggeranong. Mrs Carnell has a big gag over your mouths. So, I think the time should come - - -

Mr De Domenico: Make a decision, Minister. Say yes or no. Go on.

MADAM SPEAKER: Order, Mr De Domenico!

Mr De Domenico: Where does Mrs Kelly live? In Wickham Crescent, Red Hill.

MADAM SPEAKER: Order! Mr De Domenico, you are yelling so loudly that you cannot hear me.

Ms Follett: Madam Speaker, on a point of order, I would like to draw members' attention to the racket they are making. It is completely impossible on this side of the chamber to hear anything because of the continued and extremely loud interjections opposite. I would urge members to just collect themselves a bit. It is not quite end-of-school break-up yet.

Mr De Domenico: Oh!

MADAM SPEAKER: Mr De Domenico, order!

MR WOOD: Madam Speaker, not only that; it is very hard to find out exactly what Mrs Carnell is saying. She got a real doing at a meeting last night - - -

Mr Kaine: I raise a point of order, Madam Speaker. If the Leader of the Opposition could not be there, why was Mr Lamont there? He knows what I mean.

MADAM SPEAKER: I will pass on that one, Mr Kaine. It is not a point of order.

MR WOOD: Mrs Carnell got a real savaging at a meeting last night, and today she seems to have changed her tack again. I understand that today she will be saying, via the MPI, that she wants a retail study. So, she is changing direction again because she gets caught out. She has not yet learnt the secret - it is not a great secret, I might say; it is pretty clear knowledge - of a calm, considered, reasoned approach to events. Mrs Carnell rushes out and gets herself into trouble.

Mr Lamont: Six-shot Kate!

MR WOOD: Six-shot Kate; well, it is usually one shot that way. We may discern some intelligence behind Mrs Carnell's jumping up and down and moving around the place if she elaborates during the MPI today. While she has been talking, while she has been unilaterally making decisions for the Liberals, while she has been jumping to conclusions, the Government has been giving calm and considered deliberation to this issue.

Mr Connolly: As always.

MR WOOD: Exactly; as always. I had earlier instructed the Planning Authority to undertake a retail study in Tuggeranong to establish the criteria by which future decisions about the expansion and location of retail space may be made. So, there is no problem with that. A principal of Ibecon has been providing advice to the authority over recent weeks, and work on aspects of this study is now under way. I might point out specifically that three local centres - Bonython, Gordon South and Banks - with something like 150 to 200 square metres of retail supermarket-type space, will not be affected by that study. They will be built. It seemed to me that Mrs Carnell was saying yesterday, "Do not give Tuggeranong residents what they want - - -"

Mr De Domenico: No; she did not say that at all.

MR WOOD: That was the way I heard it, Mr De Domenico.

Mr De Domenico: You were not there. You did not hear it at all.

MR WOOD: It is what I heard.

Mr De Domenico: She did not say that at all.

MR WOOD: Maybe you jumped in then and put her right; did you?

Mr De Domenico: Are you going to give the Hyperdome 16,000 square metres of extra space?

MADAM SPEAKER: Order!

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

Pre-Election Period Arrangements

MS FOLLETT: Madam Speaker, Mr Moore asked me a question, part of which I took on notice, concerning pre- and post-election arrangements as they relate to Government advertising and information programs. I have responded to Mr Moore, and I seek leave to have that response incorporated in *Hansard*.

Leave granted.

Answer incorporated at Appendix 1

Farm Vehicles - Registration

MS FOLLETT: Madam Speaker, Mr Stevenson asked me a question relating to the registration of farm vehicles. It is not out of time yet; but there is a chance that it will be, because it has taken some time to consult with agencies concerned with this issue. I believe that I will be in a position to answer Mr Stevenson's question fully by the end of the current sittings.

Grants or Payments to Trade Unions and Private Sector Organisations

MS FOLLETT: Mr De Domenico asked me a question relating to payments to trade union movements and the private sector. I have written to Mr De Domenico asking whether, in the interests of resources, he could redefine the question that he has asked. I have not yet heard back from Mr De Domenico.

Assembly Building - Soundproofing of Offices

MADAM SPEAKER: Members, in response to Mr Stefaniak's question, may I now give you those details. I point out that the building was very carefully designed to minimise the intrusion of noise. That is why the corridors were placed facing London Circuit. I also point out that I was certainly not considering the specific needs of either myself or the Chief Minister, but of anyone who occupies those corner offices. So, I believe that this ongoing treatment of windows is quite important. The Speaker's office will cost, at the moment, \$14,000 to have the double glazing put in, and the remainder of the building, for the sealing program both to prevent leaking and to minimise some of the noise that is intruding, is going to cost \$21,040.

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence be given to Mr Cornwell for today, 29 November 1994.

Mr Lamont: Madam Speaker, I understand that Mr Cornwell has been hospitalised over the last couple of days. I would ask that expressions of well wishes from the Government be extended to Mr Cornwell by our Opposition colleagues.

Mrs Carnell: Thank you very much.

PAPER

MADAM SPEAKER: Members, for your information, I present a report of the study trip to Darwin that I undertook from 3 to 7 October, at the same time as Mr Kaine.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS

Papers

MR BERRY (Manager of Government Business): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, a code of practice, management standards and regulations. I also present notices of commencement of the Acts listed.

The schedule read as follows:

Administrative Appeals Tribunal Act -

Administrative Appeals Tribunal Regulations (Amendment) - No. 36 of 1994 (S241, dated 7 November 1994).

Code of Practice for Notification of Reviewable Decisions and Rights of Review - Determination No. 148 of 1994 (S251, dated 11 November 1994).

Animal Welfare Act - Code of Practice for the Humane Destruction of Kangaroos in the ACT - Determination No. 149 of 1994 (S257, dated 16 November 1994).

Discrimination Act - Discrimination (Remuneration and Allowances) Regulations (Amendment) - No. 38 of 1994 (S256, dated 14 November 1994).

Electoral Act - Electoral Regulations (Amendment) - No. 39 of 1994 (S260, dated 16 November 1994).

Health Professions Boards (Procedures) Act and Dental Technicians and Dental Prosthetists Registration Act - Appointment - Determination No. 147 of 1994 (S245, dated 9 November 1994).

Motor Traffic Act - Determination of fees -

No. 150 of 1994 (S266, dated 23 November 1994).

No. 151 of 1994 (S266, dated 23 November 1994).

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Public Sector Management Act - Management Standards - Salary on reclassification - No. 5 of 1994 (S259, dated 16 November 1994).

Smoke-free Areas (Enclosed Public Places) Act - Smoke-free Areas (Enclosed Public Places) Regulations - No. 37 of 1994 (S246, dated 9 November 1994).

Substitute Parent Agreements Act - Notice of commencement (7 November 1994) of remaining provisions (S243, dated 7 November 1994).

Substitute Parent Agreements (Consequential Amendments) Act - Notice of commencement (7 November 1994) of remaining provisions (S243, dated 7 November 1994).

PAPERS

MR BERRY (Manager of Government Business): I present the Australian Capital Territory Ombudsman annual report for 1993-94, pursuant to section 21 of the Ombudsman Act 1989.

MR DE DOMENICO: Madam Speaker, under standing order 211, I table a document. It is a transcript of an interview between Ms Elizabeth Jackson and Mr Jeremy Pyner, dated 24 November 1994, that the Chief Minister was not aware of.

RETAILING REQUIREMENTS - TUGGERANONG VALLEY

Discussion of Matter of Public Importance

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

The need for a comprehensive study into future retailing requirements and trends in the Tuggeranong Valley to occur prior to the development of further major retail projects.

MRS CARNELL (Leader of the Opposition) (3.15): Madam Speaker, I am really pleased to note that people on the other side of this house finally realise that this issue of the viability of small business, not just in the Tuggeranong Valley but in Canberra as a whole, is important. When we asked questions on this during the last sitting the Minister said, "Well, I really do not know, but it is something that I suggest we put off. We do not really know what we are talking about". The fact is that, even back in the last sitting and for a long period, we on this side of the house have cared a lot about this issue. As you would know, Minister, we have convened meetings on the issue of interested small retailers out in the Tuggeranong Valley, and we have spoken individually to a very large number of them. Mr Kaine and Mr De Domenico, and some of our other candidates, have spent a lot of time gauging the opinion of people out in the valley. I think that is a very appropriate situation.

Even the Chief Minister has said that the major employment growth, assuming that we ever get any in the ACT, will come from small businesses - small, family owned businesses in Canberra and in the Tuggeranong Valley. We also know that youth unemployment is one of the major problems in this city. We also know the demographics of the Tuggeranong Valley and that youth unemployment is one of the major problems in the valley. Where do young people get jobs, Minister? The fact of the matter is that a very large percentage of those 2,000-odd Canberrans under the age of 19 who cannot get jobs in this city would normally be looking for jobs in small retail outlets in neighbourhood or group centres. You have to ask why they cannot get them. I will let the Assembly know that at the end of this MPI we will be moving a motion along the lines of seeking a moratorium, to be instituted immediately, to ensure that proposed extensions to the Hyperdome and other retail sites in the immediate area are not proceeded with until a full analysis of the social and commercial needs of the Tuggeranong Valley is completed.

I think we have to get back to the issues involved in this whole situation, and that comes back to the planning of Canberra. We are all aware that the initial plan had three sorts of retail outlets in this city. They were the town centres, the group centres and the local neighbourhood centres. Those local neighbourhood centres were not just a commercial focus for this city; they were a community focus, and they should still be a community focus. They were meeting places. They were usually adjacent to the local school, to churches, to community halls, to community houses and so on. They were areas where people could get together, could meet each other, could buy their groceries, and could buy the other things that they needed. They were areas where certain services were provided, such as a doctor's surgery, in some cases a dentist, and maybe a real estate agent.

They are small centres, but they are centres that are absolutely central to a city that was planned on the basis of the car. We all know how very difficult it is to get around Canberra if you do not have a car. Where do a large percentage of people who do not have a car, or for whatever reason do not have access to one during the day, go to shop? Where do they go to meet people? Where do they go to have a cup of coffee? The fact is that they go somewhere within walking distance, and that is the local neighbourhood centre.

Mr Berry: You contributed to the collapse of local shopping centres.

MRS CARNELL: They go to the local neighbourhood centre.

Mr De Domenico: Come on! She owns a local shop in a local centre, for heaven's sake.

Mr Berry: By ensuring that the chemists were closed down and bought out.

MRS CARNELL: That is not my idea; that is your jolly Federal Government's idea. Your Federal Government did it.

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Mr Berry: You were out campaigning against them. It was your own - - -

MRS CARNELL: It was not, you know.

Mr Berry: You squeezed the \$80,000 off them and closed down heaps of chemist shops.

MRS CARNELL: Your Federal Government closed down pharmacies in this country.

Mr Berry: At your insistence on the Federal council. Do not give me that nonsense. The buy-out was \$80,000. Do you not remember that?

MRS CARNELL: I certainly do not remember - - -

MADAM SPEAKER: Order! Mrs Carnell, do not get distracted.

MRS CARNELL: Madam Speaker, the issue before us today is what we really want for the future of our city in terms of retail business and in terms of the community focus of our suburbs. The issue is that the proposed expansion of the Hyperdome will finally kill off local centres and make some group centres non-viable. We believe that that is possibly the case. The only way we can ensure that that does not happen is to look at what the retail needs of the valley are, and also look at what the social needs of the people who live in that part of the world are, what their job needs are and what their community needs are.

The proposal is for a Big Fresh supermarket, a Hong Kong owned conglomerate. These usually are set up on the basis of 5,000 to 8,000 square metres, which is about four times the size of the normal large supermarkets that we see in this city. For Big Fresh in the Tuggeranong Hyperdome to break even or to make a profit, they are going to have to turn over between \$1m and \$1.5m a week, Madam Speaker. That, interestingly, is half of the total food sales in the valley. Woolworths in the Hyperdome already turns over \$1m a week. Now we have somewhere between \$500,000 and \$1m a week to spread around the rest of the valley, plus the Jewel supermarket in the centre and the Coles supermarket in the centre. No matter how you look at it, the group centres at Kambah, Wanniasa, Erindale, Chisholm and Calwell will have a huge amount of trouble making ends meet. What of the small local centres? They are absolutely history under this proposal. They are gone. They are out the door. Even the group centres are going to be in huge trouble.

If we were really serious about these sorts of proposals, maybe we would have looked at trend estimates for growth. What do the figures from the Australian Bureau of Statistics show about retail growth in the ACT? They show that we have the slowest growth in Australia. It was 0.2 per cent over the previous month, in September, and 0.2 per cent in August. What about in March, April, May and June? The growth was zero, none, gone, nothing. The situation is that the ABS statistics show categorically that there is no growth in the amount of money being spent on groceries and food in the ACT. So why, in heaven's name, would anyone even consider expanding the amount of retail space available in the valley by 16,500 square metres?

On top of that, I understand that at one stage there was a proposal to auction, on 1 December, another 4,500 square metres for bulky goods adjacent to or very close to the Hyperdome. I was very pleased to read in the newspaper this morning - I am sure that the Minister will clarify this - that that sale has been withdrawn. I would hope that it continues to be withdrawn until we have had a proper look at what the needs of the valley really are. The fact is that if you drive around Canberra, and certainly if you drive around the valley, it would be hard not to come up with the conclusion that we already have too much retail space in this city. Almost every local centre, and a large percentage of the group centres, has empty space, or space that is not totally utilised. What does that tell us? That tells us that planning in this city - government policy, community policy and retail policy - is simply not working.

We have closed shops. What do closed shops mean? They mean bankrupt businesses. They mean people who have lost their houses. They mean people who have lost everything. These are not your big national chains. These are mum and dad businesses in Canberra. They are people who send their kids to school here, people who have made Canberra their home. They are not people who send their profits out of this city. They are not people who send their profits overseas. What else do those closed shops show? For every 3.9 jobs that were lost in those closed small shops around Canberra, only one job was created in the larger supermarkets or in the larger stores. So, we lose almost four jobs and we create one job. That, obviously, is really good social policy! That is a really great way to create jobs! Certainly, Mrs Kelly seems to think it is a great way to create jobs. She forgot to tell us that we are going to lose 800 jobs before we can create the 200 jobs. That is a particularly good social policy!

Again, we come back to things that really matter in this city, and that is things like 2,000 youth unemployed and an unknown number of women who would normally get jobs in their local shopping centres, who would normally be able to pick up some part-time work when the kids are at school, or when it is practical for family life, who cannot do so if these neighbourhood centres fall over. So, where will the jobs come from? Where will we be able to employ these 2,000 young people under the age of 19? Where will our students get part-time work? Just as importantly, where will women - women with children and who are often at home and who want some part-time work - get the jobs that they have traditionally got?

That is not even considering the social issues around allowing our small suburban shopping centres to go to the wall. There is the issue of Canberra's ageing. We know that in percentage terms Canberra is ageing at a faster rate than other cities. What are Canberra's ageing people going to do to get down to the Hyperdome if they do not have a local shopping centre? Are they going to get onto an ACTION bus? We know that ACTION buses are very well designed for elderly people to get onto! There are not too many low-step buses in the ACT. I suggest that there are probably none. There might be one that is being trialled. So, they cannot get onto a bus. They are going to have to get a cab. We all know that that is simply beyond the means of lots of people. Canberra's disadvantaged people do not have access to a car.

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Where are they going to shop? What about Canberra's young mums? Anyone who has tried to get onto a bus with a stroller and a baby, and then tried to get off it at the other end with the stroller, a baby and their groceries, would realise that it is physically impossible. Where are these people going to get the things that they need for just basic life? Ms Ellis is saying, "Look, it has already happened. It is history. It has gone". The fact is that it is a long way down the track, but it is not acceptable.

Mr Berry said before that somehow I was involved with the demise of pharmacies in the ACT, or, for that matter, Australia-wide.

Mr Berry: You demanded the \$80,000. You were up to your ears in it.

MRS CARNELL: Mr Berry, I would be very careful on this. As you would be aware, there was a major pharmacy dispute in 1989. The Federal Labor Government determined that it was unwilling to pay the 5,500 pharmacies that currently existed in Australia and determined that it needed to close down 700 pharmacies around Australia.

Mr Wood: You agreed with that.

MRS CARNELL: We did not agree. We had pharmacists out marching in the street on this one. Exactly what we said happened. Local suburban pharmacies closed. What is going to happen with your Government's policies on petrol stations? Petrol stations are going to close, and that will further put the stamp on the end for suburban shopping centres in this city. A motion will be moved at the end of this MPI, and I hope that this Government takes this seriously, because it matters.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (3.31): Madam Temporary Deputy Speaker, Mrs Carnell has spoken for 15 minutes and, typically and significantly, in all her dissertation about Tuggeranong and what should or should not be there, not once did she think to say, "What do the people of Tuggeranong want?".

Mrs Carnell: I did. That is what I started with.

Mr Stefaniak: She did, a couple of times.

MR WOOD: No; I listened very carefully. What do the people of Tuggeranong want? I have said before, I think in this chamber, certainly publicly, that I am neither a proponent of the development - I should not be - nor an opponent. It is my job as Minister to see that any proposal - this, as for others - gets appropriate public scrutiny, that there is proper consideration, and that the end result is one that is in the best interests of all Canberrans, not necessarily sectional interests, the interests that Mrs Carnell plays up to, although we discovered last night that that can rebound on her quite severely.

Mrs Carnell was in the media - I note that she did not do so on the MPI today - talking about a moratorium, a stoppage. The words have changed over a period of time. If Mrs Carnell moved around Tuggeranong, as I am sure that Mr De Domenico and Mr Kaine do and as Annette Ellis certainly does, because she keeps me well informed if I happen to miss anything, she would discover that the Kambah supermarket is currently

expanding by something like a quarter to a third of its capacity. Does she want that to stop? She might be aware of other claims for expansion in the valley. She is not really aware. She is again shooting from the hip, but the gun is aimed at her feet. Mrs Carnell asked a question in question time, knocking small to medium size business that wanted to move to our new technology park.

Mr Humphries: Rubbish!

MR WOOD: Where does she stand? She said that we do not need it. "Do not do it", she said. On this occasion she was supporting Queanbeyan interests over Canberra interests. I take a fairly cooperative regional view; but Mrs Carnell was saying, "Let us look after Queanbeyan". It is not the stance Mr Stefaniak took the other day in respect to the noise emanating from one of our racing tracks. The Liberals really have great difficulty in coming to any consistent sort of view of the world.

This MPI refers specifically to a retail study. I have given some indication of that in question time. We acknowledge the need to investigate the future retail requirements and trends in the valley prior to the development of major - I emphasise the word "major" - retail developments. A number of the growing areas of southern Tuggeranong are still without retail facilities. Despite Mrs Carnell's claims to the contrary, we are going to provide those retail facilities where the people want them. While some sectors of the retail industry are claiming that there is an oversupply of retail space, we note the application by the Hyperdome.

It is clear that the commercial environment in Tuggeranong, as elsewhere in Canberra, is changing. This is due in part to population expansion, but also to emerging changes and trends in the retail industry and in consumer preferences and shopping patterns. Shops are now operating for longer hours. Retail stores have enlarged their range of stock and functions. Some types of shops and services have moved to different centres. Service stations have increased their associated shopping areas. Since 1990 the population of Tuggeranong has grown from about 70,000 to an estimated 85,000 in 1993. Retail space has increased from 90,000 square metres in 1990 to 108,000 square metres in 1993. However, Tuggeranong still has the lowest provision of retail floor space per resident of any district in Canberra.

Earlier I instructed the Planning Authority to undertake a further retail study in Tuggeranong to establish the criteria by which future decisions about expansion of retail space may be made, and any decisions on location of that space. Over recent weeks a principal of Ibecon, a firm of retail consultants, has been briefed to provide advice to the ACT Planning Authority on some of these issues and has commenced work. As I indicated before, that work will not impact on our determination to provide the so-called corner stores in Tuggeranong, nor will it impact on current work in the valley. We will not take any notice of Mrs Carnell's wish to stop development. This study will recommend the size of commercially viable retail centres in South Tuggeranong in 1995 and 2001, prior to the release of land for these centres. It will also examine current proposals in Tuggeranong and their impact on existing and future shopping centres. A model will be developed which will estimate future market sizes for goods and services by area and which can evaluate the impact of changes in the retail system.

Let me list what the study will provide. It will provide catchment areas, population and spending capacity for each level of centre; forecasts of catchment population, spending and floor space; a description of centre size and expansion options; the impacts of options on total gross leaseable area, retail gross leaseable area, and sales from catchment and district; resulting market shares for selected options for catchment, fringe and region, including sales amount and percentage; turnover levels for standard retail categories and non-retail services by centre; analysis of spending trends for Canberra, Queanbeyan and region; the impact of extended trading hours from 1991 to 1994 and future impacts; the effects of worker and visitor expenditure at each level of centre; the level of escape and captured expenditure at each level of centre; the viability level for each retail category for each level of centre; an assessment of oversupply and undersupply of floor space in Canberra and Queanbeyan for each level of centre; a brief comparison of Canberra and Queanbeyan retail provision with relevant other cities; the desirability of co-locating functions in local centres compared with freestanding shops; and, finally, locational attributes for each level of centre, with current factors attracting and detracting from locations of different levels of centres. You can see that we are looking seriously at the issues, not jumping up and down, frantically changing direction, and speaking off the cuff, as Mrs Carnell is.

Before any retail expansion of the Hyperdome can occur the leaseholder will have to apply for a lease variation and design and siting approval from my department. The proponent for the expansion of the Tuggeranong Hyperdome has been asked by my department to do an impact study of its expansion plans. If Mrs Carnell knew a little bit about the Territory Plan and the requirements in the Act, she would not be saying too much about this; she would not be making an idiot of herself out there in the community. I point out that it is a requirement of the plan that any retail development over 7,000 square metres automatically requires a preliminary assessment involving public consultation. Contrast my words, my approach over a number of weeks, which expresses that view, with the one that Mrs Carnell is constantly jumping up and down about - if you can find out what the current version is. Contrast the approaches and we will see where good sense and intelligence lies.

Mr Lamont: Mrs Carnell's view will change by tomorrow.

MR WOOD: That is probably the case, Mr Lamont, although by tomorrow I think she will have pulled her head in. I think she learns that eventually.

The impact study will consist of three stages. The first is preconsultation, including a resident survey and advertising for community comment on the proposal. Remember what I have been saying in recent weeks about what the community needs to say about these things? It was not Mrs Carnell saying that; it was me. The second stage is a technical study of the impact of the proposed expansion on other retailing businesses. The third stage is the assessment of the proposal against the results of consultant and technical analysis. The study to be undertaken by consultants to my department will provide independent corroboration of this work.

My department had included in the latest land development program a release for a service trades mixed use site of up to 8,500 square metres in the town centre area. However, when the department became aware of the Leda proposal, the site was withdrawn, and it will not be offered until after the comprehensive study has been completed. These studies, these reasonable, sensible and appropriate approaches, will enable us to develop a retail sites release program for endorsement. Once adopted, the program will form the basis for the release of suitable land at the right time to meet commercial interests and the needs of residents.

I simply ask members, and anybody interested - and there is a deal of interest in that community - to contrast the two approaches. I say again: Try to find a consistent pattern from Mrs Carnell. Try to find exactly what she is saying. Get some view of how it changes from day to day. It has been reactive. She jumps up and down and says, "No. No, we cannot do this".

Mr Lamont: Change your mind tomorrow.

MR WOOD: Change it again tomorrow. Contrast that with the proper approach by the Government, which is to give the reasonable, long, consultative period to determine all the issues, to find out what all the people want - not just what sectional interests want - and to make a decision on balanced, intelligent and reasonable grounds. Mrs Carnell, I think, stands condemned for her approach in this way. It is a totally irresponsible approach, and one that I know is already getting her into trouble in the community. It is one she cannot sustain, and I think it has caused her very much damage.

MR Kaine (3.43): Mr Lamont immediately becomes concerned when I get to my feet, because he is going to hear some things that he does not want to hear. I suppose that he is the next speaker, and I am going to demolish his arguments before he even gets to his feet.

Mr Lamont: No; we would rather Mrs Carnell remain in confusion than you try to sort her out.

MR Kaine: Madam Speaker, I suggest that there is no confusion whatsoever on this side of the house about the issue that we are debating.

Mr Wood: What public statements have you made?

MR Kaine: Madam Speaker, I would remind Mr Wood that I have been in this Assembly for a long time and I have made many statements over the last 20 years, in fact, about the need to support small business in Canberra. I think that I was talking about small business being the engine of growth and employment opportunity in this city for five years before the Chief Minister started to ape what I said. She uses my very words to this day. In fact, she used them in a statement only in the last week. If you go back through the *Hansard* of previous years you will discover who it was who coined those phrases. C'est moi. I do not think that I have to apologise for standing up today and defending the position that the Liberal Party has taken for many years. When it was not popular with the Labor Party, in opposition or in government, to support small business in this town, the Liberal Party always did, because we believe in free enterprise.

Canberra is a place like no other. It is a planned city. People here have enormous expectations that government will deliver what they want. So, it is the responsibility of government to find out what it is that the people want and to make sure that they are not acting contrary to those wishes. I suppose that in many ways it is a question of planning. Canberra has grown up with the notion that the plan provides that there will be three levels of shopping centres. There will be the local shopping centres down at the corner of the street, there will be the group centres, and there will be the big town centres. Those expectations remain. In fact, much of what has been said about the deficiencies in the Territory Plan in the last few weeks, if you simmer it down, comes down to that - the amenity of the local suburb, and that includes the shopping centre. People have those expectations because it is a matter of convenience for them. They want to be able to hop down to the corner store on a Sunday afternoon and buy something if they need it quickly; but they also want to be able to drive down to the big centres where they can do other types of shopping at their leisure, when they have the time to do it. So, there is this real expectation. People want access to a wide range of shopping facilities, some nearby and some a little more remote.

Madam Speaker, I was reminded of something in the early part of the debate when the Chief Minister and others were talking about the new industrial park and the like. The minute you talk about new development, there suddenly appears a legless lizard or a wingless moth or a mouthless moth, or something. Gungahlin Town Centre was stopped because of it, and the Planning Committee was concerned about the new industrial park; but when you want one in Tuggeranong you cannot find a single one. I wonder, on some occasions, whether these are rare animals or insects, because there seem to be so many of them. On the other hand, when you really want one there is not one to be found.

The thing that disturbs me about the debate so far, Madam Speaker, is that there seems to be evolving an argument between small business and big business. I think we need to make the point that we need both. I think it needs to be said that without big business the Tuggeranong Hyperdome, for example, would not be there. It was not small business that built the Tuggeranong Hyperdome. When we get into a debate about which shopping centres should expand and which ones should not, we should not allow ourselves to be drawn into a debate about whether we need small business or big business; we obviously need both. But, of course, we have to have a balance between them, because that is what the public expects. They do not want to see the big shopping centres grow to such an extent that the small local shopping centres are forced to close down; nor do they want only small shopping centres, only to discover that when they want to go shopping on a larger scale there is no larger shopping centre there. We have to strike the balance.

How does one strike the balance? The balance can be struck only by government exercising its prerogative and its discretion about what gets done where, and I have come back to the point that this is a planned city. It is not like any other city. It is a city where government decision affects everything. This Government has no compunction whatsoever about making a major decision that is forcing petrol station owners into bankruptcy. Why do they have a problem with the notion that they should exercise their discretion and their judgment about a decision as to whether the Hyperdome should expand? It should not present any problem at all to them.

It does not matter what size business you are in, whether it is a little family size business or a large one, you expect to grow. You like your business to expand a bit. In the case of the family business there is a limit, of course, and that is the limit that the family can cope with. They can work only so many hours; they can do only so much business. In the case of the bigger businesses, potentially the expansion could be infinite. As long as they can continue to attract financial resources they could continue to grow. I do not think anybody is going to stand up and say, "We do not want business growth". We all want business to grow - including the people that are out there, the small businesses and the big ones.

In connection with the Tuggeranong situation, which is the issue today, let us examine a few of the facts. It is not so long ago that the Tuggeranong Hyperdome opened. Those of us who were around at the time remember the struggle that the small retailers had when they first moved in there. There was an argument that it had been opened too soon, that there was too much retail space elsewhere. People, we were told, were in the habit of going to Woden to do their shopping. They had not got into the habit of going to Tuggeranong to do their shopping. So, the people down there struggled. They started to get off their knees, and along came the recession that we had to have, and that knocked a lot of them for a six. Those people, after all those years, are just now getting up off their knees - for the first time in five or six years, some of them. Surely the Government has a responsibility, when a proposal is put forward that would immediately jeopardise the economic viability and security of those families that run those small businesses, to have a good look at it. That is what the Liberal Party is saying.

We are not saying that the Tuggeranong Hyperdome should not grow. It must and it will. We are not saying that suburban shopping centres should not be provided. They must be provided, and they will be provided. Nobody is arguing with Mr Wood that some sorts of shopping facilities are not already needed in Gordon, Banks and Conder. There are a lot of people down there. Dad takes the car to work, mum is home with the kids, as has been the case in new suburbs ever since Canberra began, and mum has trouble doing the shopping during the day because she has to get onto a bus and drag them all the way over to the Hyperdome. Of course they need shops. We support them; but we have to consider the overall benefit of the community, because it is no good to the community to drive small businesses into bankruptcy, to the point where their small shopping centre closes or half the shops in the Hyperdome close. We have to make some conscious decisions about what we believe is acceptable and right. The Government does not seem to want to intervene in this. I think they have to. They have proven that they can do it. They have done it before, and I think they are going to have to do it again.

Mr Wood referred to a couple of matters. He seemed to question the notion that there is an oversupply of retail space. If you go and look in any shopping centre in Canberra you will find out how much surplus space there is. There are shops empty and closed in every shopping centre in Canberra. Mr Wood said that Tuggeranong does not have as much unused space as the other shopping centres. I do not see the logic of that. If that means merely that the other major shopping centres around Canberra are worse off than the Tuggeranong Hyperdome in terms of empty space, where is the sense of it? Is that a good thing? I do not see it as being a good thing. I do not think it is good at all.

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Madam Speaker, I think we have established that there is a need for a review in Tuggeranong. I am not saying anything about the rest of Canberra. That is another issue that needs to be considered in another context. In terms of Tuggeranong, before we allow the Tuggeranong Hyperdome to go into a major expansion that puts hundreds of small businessmen at risk, the Government has an obligation, under the rules that prevail in this city, to look at whether or not it is timely for that to occur. If the Government does not do it - - -

Mr Wood: That is what I have always said, and that is what we are doing.

MR KAIN: If Mr Wood agrees with me, we have no argument. There are a lot of people out there in the community who do not know that that is what the Government intends. They are concerned about their futures and they want that assurance from the Government that this review will be done. Minister, it is your responsibility. You seem to have recognised the problem. I submit to you that you have a responsibility to act responsibly in this matter.

MS FOLLETT (Chief Minister and Treasurer) (3.54): I would like to begin by drawing attention to some of the extraordinary contradictions that Mrs Carnell is capable of. I really do find it an amazing characteristic in the Leader of the Opposition. It was not two hours ago, for instance, Madam Speaker, that Mrs Carnell, during question time, accused me of being anti-investment. Those were her very words. She stood there barefaced and accused me of being anti-investment. Now, Madam Speaker, we hear that, in fact, Mrs Carnell and the entire Opposition are unilaterally opposed to a \$40m investment in this city. They have not done the retail study. They have just decided that they are anti this particular investment. It is exactly what they have accused me of. It is an absolute nonsense. Madam Speaker, yesterday Mrs Carnell said that there would be no further retail in Tuggeranong. Again, there was a unilateral pronouncement from the Opposition.

Mrs Carnell: When?

Mr De Domenico: When did she say that?

MADAM SPEAKER: Order! Let the Chief Minister explain.

MS FOLLETT: Overnight she has had a transformation or had a hell of a fright - one or the other - and has now decided that there ought to be a study conducted. Madam Speaker, the contradictions that she is capable of are absolutely extraordinary. She made a speech not so long ago accusing the Government of imposing undue red tape on Canberra businesses; yet overnight Mrs Carnell, unilaterally, wants to cease - the ultimate red tape; just stop - further development in Tuggeranong. The contradictions are just amazing and they go on and on. The further Mrs Carnell goes, the worse those contradictions get. It is a ludicrous position for somebody who purports to be leading the alternative government. It is absolutely ludicrous.

Madam Speaker, I am sure that members would be aware that retailing is a very complex activity, and there have been a number of changes in recent years which, I believe, have changed the nature of retailing, particularly as it occurs in the ACT. For example, the demographics in the Territory have changed. We are an ageing population. It is certainly the case that there are many more cars owned in the Territory than used to be the case when other shopping centres were developed. It is quite common now for families to include two people in full-time employment and for them to have two cars. That is not uncommon in the Territory. It is also the case that there are now many more women in the paid work force than there used to be, and the participation rate of women in the paid work force in the Territory is the highest anywhere in this country, by quite a long shot. Those changes have occurred in the last 20 or 30 years.

There also have been changes to the kind of commercial parameters that have operated in our Territory. Perhaps the biggest of these has been the commercial decision taken by some of the large supermarkets - for instance, Coles and Woolworths - to operate on a 24-hour basis, and to invest in their shops, to expand, so that that 24-hour operation can be a commercially viable prospect for them. I know that there has been a great deal of loose talk about that move to 24-hour trading, and I will put it on the record again that this Government has never made a decision that that 24-hour trading ought to be permitted. It has been the case for many years that shops selling food could do that, and they have taken the commercial decision to do so. In some shopping centres there have been changes in the nature of those shopping centres over time. Other members have drawn attention to the closure of many pharmacies, in which Mrs Carnell had a hand. It is the case also that a great many post offices and banking operations have been moved out of local shopping centres, very regrettably. I regret that. That has been occurring for many years. There have been some schools closed. Of course, if the Liberals had their way, there would be some 17 more schools closed. That has an impact on the local shops. There has been a changing situation.

Madam Speaker, I want to make it very clear that Mrs Kelly does not make this Government's policy on retailing; Mr Whalan does not make this Government's policy on retailing, although he does appear to have captured the Opposition, hook, line and sinker. It is fortunate indeed, I believe, Madam Speaker, that we do have a government which is committed to establishing a level playing field for retailing, including in the Tuggeranong Valley. We do indeed, as the Minister has said, recognise the requirement for a proper study to be carried out, and we need to establish the criteria by which future decisions about the expansion and the location of retail space may be made. The Minister has already said that. He has also said that there will be some local corner stores that will continue to be developed, and they will be to serve Bonython, South Gordon and Banks. Those shops will be well and truly the corner store variety, of approximately 150 to 200 square metres in size. So, any prospect that they would be affecting larger centres is remote.

Unlike our colleagues on the opposition benches, as a government we do take very seriously our obligation to make decisions in a robust and consultative manner - unlike the way in which the Opposition, for instance, handled the schools closure debate, when again it was just a unilateral decision, "We are closing schools", like the unilateral decision, "The Hyperdome will not expand. There will be no Big Fresh. There will be no Target.

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There will be no Toys 'R' Us for the Tuggeranong people. Blow you! There will not be one". Madam Speaker, unlike that pattern, the Government will be looking at the shopping and retailing facilities for the residents of South Tuggeranong in a very thorough and very consultative manner.

Local shopping does provide one of the cornerstones of community well-being and community development in our new residential areas in particular. There are some 12,000 residents of South Tuggeranong who currently have no access to a local shop and therefore are not able to meet their daily needs in the way that the rest of us are. Many of those residents, as Mrs Carnell points out, and I agree, are women, often with young children and often without access to a car during the day. They need a readily accessible shop for emergency and everyday needs. Madam Speaker, as a government we have provided adequate community infrastructure, and we do need to augment this infrastructure, particularly with shopping facilities for those 12,000 residents.

The Minister, Mr Wood, has outlined in detail the way that the Government proposes to handle the issue of retailing in a comprehensive and thoughtful way. The Tuggeranong retail study will provide the information that is needed. Like the Minister, I think we should also be clear that the proposal by Leda, if it were to go ahead, would add significantly to retailing in Tuggeranong; but before it went ahead it would be subject to the most extensive planning and evaluation, to consultation with the community, and, of course, to environmental assessment. Of course, the Opposition skated over all of that.

The Government's view is that the most desirable approach to development proposals is one which does involve both a proactive and an interactive relationship with the community, to ensure that its needs are fully considered in the development of a specific project. The lodgment of an application or the presentation to the community of worked-up plans, with the implication that the Government has already accepted a proposal for consideration, and that therefore there has been some irrevocable step taken, is quite unacceptable. It is quite wrong and it creates significant suspicion. To promote that idea is simply to promote a lie, a falsehood. Leda would be required, if they were to proceed, to go through extensive preconsultation to allow for the early identification of issues before embarking on the more formal consultation steps, which would only follow the lodgment of an application. As I understand it, there is none.

There are a number of steps that need to be followed, Madam Speaker. There is the first round of consultation with the community on its particular aspirations. There would be a report prepared outlining all of the views. There would be a round of technical meetings, followed by a round of technical studies leading to a preliminary design proposal. Later, there would be meetings with community groups to discuss the community brief. Further on, comments from that round of consultation would be put to the ACT Planning Authority. Following that, there is the statutory assessment of the proposal, which involves leasing, design and siting, and environmental assessment. Each of those requires public notification, and each would open up third party appeal rights. Those stages, of course, can be conducted concurrently. To conclude, Madam Speaker, I am dismayed at the Opposition's approach on this matter. It is opportunism of the worst sort. An off the top stunt is what it is. It is a disgrace. I think it does very little justice to the residents and the consumers of Tuggeranong, and certainly not to Canberra's business community or future investors in the Canberra community.

MR DE DOMENICO (4.04): Madam Speaker, quite obviously, the Chief Minister, despite turning up last night to unveil the plaque at a club in Tuggeranong, does not know what the community of Tuggeranong is saying.

Mr Wood: You did not even want to ask them. You just said, "No, you cannot have it". You did not want to know what they were saying. So, do not stand up and start your speech like that.

MADAM SPEAKER: Mr Wood, you have had your turn.

MR DE DOMENICO: Thank you, Madam Speaker. It does not surprise me that Mr Wood is getting a bit perplexed because, in his usual way, he has been caught out. Who can forget the question without notice at the last time of sitting? Straight out of the blue, without Mr Wood knowing anything about it, he said, "Oh, yes, there have been discussions. I have had discussions with Mrs Kelly and I am ambivalent". He is not one way or the other. That is not surprising for someone like Mr Wood.

Mr Wood: I did not jump up and down and say no without thinking.

MR DE DOMENICO: It is not surprising for someone like Mr Wood. He was not going to go one way or the other. You never make a decision, Bill.

Mr Wood: Do it properly. That is the way to do it, Mr De Domenico.

MR DE DOMENICO: Let us have a look at what Mr Wood said. I am glad that you are going to do it properly, Mr Wood. We applaud that. Mr Wood asked a question when he stood on his feet. He said, "What do the people want?". That is a very good question that Mr Wood should have asked the people of the Tuggeranong Valley.

Mr Wood: One you have never asked.

MR DE DOMENICO: Mr Wood, I am pleased that you said that. That is not right. I will tell you in a minute whom we have asked. We will go through it. Mr Wood, we actually invited the people to come and talk to us. We invited them in. About 30 people from the Tuggeranong Valley, Mr Wood - all independent business owners in the Tuggeranong Valley - - -

Mr Wood: All have sectional interests, Mr De Domenico.

MR DE DOMENICO: We will talk about sectional interests, too, in a minute, Mr Wood. I am glad that you mentioned sectional interests. We talked to 30 local small business people employing local people in the Tuggeranong Valley. You should have talked to them as well. They would have told you exactly what they told us. They said unanimously, "We do not support an extension to the Tuggeranong Hyperdome to the stage suggested by Mrs Kelly".

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Mr Connolly: Have you talked to the people who shop in the Hyperdome?

MR DE DOMENICO: Yes, we have, Mr Connolly. Do you know where the Hyperdome is, Mr Connolly?

Mr Connolly: You bet.

MR DE DOMENICO: Do you shop there, Mr Connolly?

Mr Connolly: I do, quite often.

MR DE DOMENICO: How many petrol stations around the valley are you going to close down? Don't you get involved in this debate.

Mr Connolly: They are both owned by Shell, are they not? There is real petrol competition in the valley, is there?

MR DE DOMENICO: I would not get involved if I were you, because it is the same story, Mr Connolly, for your information, through you, Madam Speaker. Which people are we here to support more than anybody else? We are here to support the community, for a start. The community, Mr Wood, if you listen to them, will tell you that they want, and insist on having, their little neighbourhood shops and little neighbourhood shopping centres.

Mr Wood: You wanted to stop that too.

MR DE DOMENICO: Mr Wood, let us get on the record once and for all what the - - -

Mr Wood: You wanted to stop that too.

MR DE DOMENICO: I am glad that you interject, Mr Wood. I do not often say that; but I am glad that you, in particular, interject, because I would like to put you right, time and time again, and I will. Let us see what the Opposition did say publicly, Madam Speaker. I quote:

The ACT Opposition has called for a moratorium on proposed extensions to the Tuggeranong Hyperdome and the imminent sale of a large retail-designated site at Greenway.

That is what the Opposition has said publicly, Mr Wood. We have also said:

... neighbourhood shopping centres were an important component of Canberra's planning.

That is what we said. We also said - - -

Mr Berry: The Pharmacy Guild does not think so.

MR DE DOMENICO: I will talk about that in a minute and get you right as well. Mr Kaine put out a press release saying that the Opposition supported the establishment of shopping centres in Banks, Gordon, Conder and Bonython. That is what Mr Kaine said.

Mr Wood: She did not.

MR DE DOMENICO: Mrs Carnell, in fact, agreed with him. Had you been at the public meeting, Mr Wood, you would have known that that is what Mrs Carnell said.

Mr Wood: That is what she said that day.

MR DE DOMENICO: That is what she said, Mr Wood. Had you been there and had you listened to the electorate that you want to represent next time around, had you listened to the people that you want to vote for you, you would have heard them say that they agreed with what Mrs Carnell and Mr Kaine and the Opposition said.

Mr Wood also talked about a retail study. Mr Wood would be aware that he has somewhere in his department the results of a retail study. One wonders what the results of that retail study have told Mr Wood. I challenge Mr Wood to bring into this Assembly and to table in this Assembly any papers he has in his possession, or in his department's possession, that talk about retail studies. Then let us see who is talking reality and who is not, Mr Wood. Bring them in here and show us. Bring them in here and show what you have on hand at the minute. There is no commitment from Mr Wood. I am glad that he is silent. Mr Wood talked about reacting to community wishes. Ms Follett, in fact, referred to a proactive and reactive relationship with the community.

Mr Kaine: Both.

MR DE DOMENICO: Both. I wrote it down - proactive and reactive relations with the community. If you are going to be proactive and relate to the community and react as well, you would know that the community is saying, "Not on your nelly do we think we need an extra 16,500 square metres of retail space in the Tuggeranong Hyperdome".

Ms Ellis: Is this the 30?

Mr Wood: That is what 30 people told you?

MR DE DOMENICO: No; more than 30 people, Mr Wood. Mr Wood would also know that a lot of people have rung my office, Mr Kaine's office and Mrs Carnell's office, and I dare say also his office and Ms Ellis's office, who would disagree with the comments made by their colleague Mrs Kelly, who was on television a couple of weeks ago saying, "This is wonderful. This is going to create 500 jobs and everything is going to be fantastic". That is what Mrs Kelly said. She said, "These Liberals stand up and scorn the future development". Mrs Kelly is wrong. Mrs Kelly would not know what people in Tuggeranong would say. She would not give a hoot. She has her office down there.

She lives in Red Hill, sometimes, when she is not in Sydney, because that is where her kids and her husband are. What would Mrs Kelly know about or care about the people of the Tuggeranong Valley? The answer is zilch, zip. Mrs Kelly is more concerned about what she is going to do after she leaves politics. Of course, she spoke to Mr Wood, and she said, "Hey, Bill" - wink, nod, wink, nod - "what can we do for these people?". That is what Mrs Kelly is interested in.

Mr Wood: You shut up a moment ago. Who spoke to you?

MR DE DOMENICO: Mrs Kelly is interested in Mrs Kelly, and you know that as well as I do. Let us forget about Mrs Kelly. I am glad that the Chief Minister put it on the record and said to this Assembly that it will not be Mrs Kelly who makes the decision. Thank God for that. Thank God that it will not be Mrs Kelly. She probably will not even be living here. She will be in Sydney with her kids.

Mr Berry: It will be a Labor government. That is who will be making the decision.

MR DE DOMENICO: Mr Berry, I am glad that you interjected. Mr Berry, if you go ahead, if you even dare attempt to do this, I suggest that if you want an issue that will really make the community in Tuggeranong vote against Labor government this is it. If we have made you squirm like you have squirmed and have made you come out with all this rubbish today, we have done our job. If you really are concerned about all of this, you will support the motion that Mrs Carnell is to move shortly. If you do not do that, it means that you are not fair dinkum.

Mr Berry made a lot of noise about the pharmacy situation. Mr Berry, as you probably are aware, I was one of the lobbyists who were working for the Pharmacy Guild at the time. Let me tell you what the truth was, Mr Berry. Let me tell you the reality. The reality was that your Federal colleagues, with a gun to the heads of the pharmacists, said, "Unless you die alone we will shoot you". What did Mrs Carnell and the Pharmacy Guild do? They went in there to bat for their members, just like one would expect Mr Berry to go in to bat for his fireman members. What did Mrs Carnell and the Pharmacy Guild do? They negotiated an appropriate compensation package for the pharmacists.

Mr Berry: What sort of principles do you have?

MR DE DOMENICO: I invite you, Mr Berry, and your Government, to negotiate an appropriate compensation package, should any small businesses in the Tuggeranong Valley go broke because of Mr Wood's decision. I invite you to negotiate an appropriate compensation package so that every small business in Canberra will be compensated when they close down.

Mr Kaine: And the service station operators too.

MR DE DOMENICO: The committee that Mr Kaine is a member of recommended that you should have done that for those small business service stations that this Minister here in front of me, Madam Speaker, has shut down, and continues to shut down. If you are really fair dinkum about the Pharmacy Guild situation, Mr Berry, you will stand up

and say, "Should any business in the Tuggeranong Valley shut down because of our Government's policies, we will compensate them". Madam Speaker, if it is wrong to protect small local business in the Tuggeranong Valley, we are wrong. If it is red tape to protect small businesses in the Tuggeranong Valley, live on red tape. If it is anti-investment to deny the right of a Hong Kong conglomerate to put small retailers in Tuggeranong out of business, let us be anti-investment. When it comes to that, Madam Speaker, I will stand up and protect local businesses in the Tuggeranong Valley over any interstate or international giant.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.15): Madam Speaker, I regard it as the absolute height of hypocrisy that in the last 24 hours we have seen five positions adopted by the Leader of the Opposition. Mr Kaine, to his great embarrassment in the last 48 hours, had to try to stand up and to justify his leader's position at a general meeting of the Small Business Council last night.

Mrs Carnell: I did too.

MR LAMONT: Yes, Mrs Carnell, you also stood up and attempted to justify your position, and, may I say, you did very poorly.

Mrs Carnell: You were not there when I spoke.

MR LAMONT: Unfortunately, I had the misfortune to enter the meeting at the time of your dissertation. Yesterday morning on the ABC it was slash and burn; nothing in Tuggeranong at all; there will be no shopping allowed in Tuggeranong; let us stop everything; let us say to the people of Tuggeranong, "You go away".

Mrs Carnell: When?

MR LAMONT: Yesterday morning, Mrs Carnell, that was your position. What happened last night? After the meeting you got the quite clear drift that that was not acceptable. So, today, lo and behold, you were converted on the road to Damascus. Mr Kaine, your report of last night's meeting must have been very good, for what has happened? Today, Mrs Carnell has been converted. She has now adopted the Government's position and has attempted to run a stunt, through this MPI and her proposed motion, and to put up her hand and say now, "Me too; me too". Once again, you are exposed for what you are, Mrs Carnell.

MADAM SPEAKER: The time for the MPI has concluded.

Motion

MRS CARNELL (Leader of the Opposition): I seek leave to move a motion concerning retailing in the Tuggeranong Valley.

Leave not granted.

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Suspension of Standing and Temporary Orders

MRS CARNELL (Leader of the Opposition) (4.16): I move:

That so much of the standing and temporary orders be suspended as would prevent the Leader of the Opposition from moving a motion without notice concerning retailing in the Tuggeranong Valley.

Madam Speaker, this motion is not from me. This motion was passed by a meeting of small business people in the Tuggeranong Valley last week, a meeting that was called by various people. I think it would be really unfortunate for this Assembly to be unwilling to allow a motion that was passed at a community meeting to be debated and - - -

Mr Berry: Were you there?

MRS CARNELL: Yes, I was there.

Mr Berry: Did you speak on it?

MRS CARNELL: Yes, I did.

Mr Berry: Did you support the motion?

MRS CARNELL: Yes, I did. There were a number of small business people at this meeting. The motion came from the floor, Madam Speaker. The motion is as I have already distributed around the Assembly. I think it would be very unfortunate for this Assembly ever to say that we will not debate a motion that was passed at a community meeting. Certainly, I can guarantee from this side of the house - - -

Mr Wood: We will not support your grandstanding. That is what it is. This is just your grandstanding.

Mr De Domenico: This is called a gag, Mr Wood.

MADAM SPEAKER: Order!

MRS CARNELL: This motion did not come from the Liberal Party. It came from the floor of a community meeting. We undertook, at the direction of that meeting, to bring this motion forward to the Assembly.

Ms Follett: Why did you not put it on notice, then? Put it on the notice paper.

MRS CARNELL: The reason we did not put it on the notice paper is that there is simply not time in this Assembly.

Ms Follett: We have all day. Put it on for tomorrow. You have two private members business items.

MRS CARNELL: As we know, private members business is already full, Chief Minister. We determined that the best time to do it was now. Really, it makes no difference. If you are willing to debate it tomorrow, surely you are willing to debate it today. This is a motion from a community meeting. If we set a precedent that we are unwilling to debate a motion that comes from the floor of a community meeting, a very well attended community meeting, it will be a really sad day for this Assembly. It is fine for those who want to vote against it, but it is not all right not to debate it.

MR BERRY (Manager of Government Business) (4.19): Madam Speaker, this is a gross stunt from a person who has been involved in businesses walking away from small shopping centres over the years. It is nothing more than a stunt. She stands exposed for what she has done in relation to that. Mr De Domenico admits that he was involved in it up to his ears as well. He was the one who made sure - - -

Mr Follett: He made a living out of it.

MR BERRY: He made a living out of providing the ways and means for pharmacists to walk away from shopping centres. That is the truth of the matter. As has been said, there is no need for this motion to go before this Assembly. It is nothing more than a stunt. There are rounds of consultation which are gone through in relation to these sorts of developments. Mr De Domenico might even get a chance to look at them on the Planning, Development and Infrastructure Committee, if he is elected next year. Everybody gets a chance, and there are public hearings.

There is a round of consultations on community aspirations, specific issues based workshops and the provision of information. A report is prepared outlining all the views and issues. There is a round of technical meetings to ascertain requirements, which is to be conducted concurrently with community discussions - discussions with the real community. The next round will involve a range of technical studies leading to a preliminary design proposal. These would include transport, design engineering, cultural development, et cetera. All of these studies are conducted in the light of findings from the first round. This would be followed by meetings with community groups to discuss the community brief and to test how preliminary proposals address the brief. Comments from this round of consultation would then be collated and submitted to the ACT Planning Authority. The next round involves a statutory assessment of the proposal. It involves leasing, design and siting and environmental assessment. Each of these will require public notification and will open up third party appeal rights. These stages will be conducted concurrently. So, there they are - the list of ordinary requirements for these sorts of developments.

This motion is silly. It means nothing. It is just a stunt and it ought not be considered by this Assembly. It is a waste of time. We have more important things to do than play games with your stunts.

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MR KAINÉ (4.22): Madam Speaker, having listened to and participated in the debate that has just been concluded, I am quite astonished that Mr Berry can get to his feet and take the position that he has taken. He has indicated in his few words that the Government intends to go through a comprehensive process, and that is all that this motion seeks; yet he will deny the people of Tuggeranong the right to have their motion debated.

Mr Berry: They are not the people of Tuggeranong. They are just a bunch of Liberals.

MR KAINÉ: Mrs Carnell already has made the point that this motion did not come from the Liberal Party; it came from a public meeting, held with a very large number of Tuggeranong residents present.

Mr Wood: I did not get an invitation. Nobody asked me.

MR KAINÉ: I am glad that Mr Wood said that about asking him. Not one of the people sitting over there was at that public meeting last night.

Mr Wood: I did not know about it. You kept it secret.

MR KAINÉ: There was no secret public meeting.

Mr Humphries: There were hundreds of people there.

Mr De Domenico: Every single shopping centre had invitations, Mr Wood. It shows that you do not know what is going on in your supposed electorate.

MADAM SPEAKER: Order! Would both sides come to order. I cannot hear Mr Kaine.

MR KAINÉ: Thank you, Madam Speaker. I would like to be heard. It was convened by the Small Business Council. They sent their brochures far and wide. That merely indicates to me that the members opposite were not interested. There was a public meeting attended by a very large number of Tuggeranong residents and they put up this motion. They sought that this motion be debated by this house. If you are not going to do it, whom are you listening to? Whose interests are you representing in this place, if not the interests of the residents of Tuggeranong? The answer seems to be pretty clear. It is the interests of somebody else. That ought to be on the record. The people in Tuggeranong need to know that the Labor members of this Assembly are not interested in even permitting debate of the motion that they asked to have put forward. I think that speaks volumes about the interest of the Labor Party in the people of the Tuggeranong Valley. I think the people of the Tuggeranong Valley will hear that message loud and clear if the Labor members decline to allow this debate to take place.

Mr Berry: I am going to move the closure, Bill.

MADAM SPEAKER: This debate lasts only until 4.31 pm anyway, Mr Berry.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (4.25): Madam Speaker, I have indicated whom I have spoken to on this issue. I wonder whether Mrs Carnell would stand up and say who has been knocking on her door, whom she has been talking to, and whom other people over there have been talking to.

Question put:

That the motion (Mrs Carnell's) be agreed to.

The Assembly voted -

AYES, 7 NOES, 9

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

Question so resolved in the negative.

BUDGET PERFORMANCE AND OUTCOMES FOR 1993-94 -

SELECT COMMITTEE Report

MS SZUTY (4.28): Madam Speaker, I ask for leave to present the report of the Select Committee on Budget Performance and Outcomes for 1993-94 and to move a motion in relation to that report.

Leave granted.

MS SZUTY: Pursuant to order, I present the report of the Select Committee on Budget Performance and Outcomes for 1993-94, together with the minutes of proceedings. This report was provided to you, Madam Speaker, for circulation on Friday, 25 November 1994, pursuant to the resolution of the Assembly of 15 September 1994. I move:

That the report be noted.

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I take pleasure in presenting the report of the Select Committee on Budget Performance and Outcomes for 1993-94. Members will remember that the select committee was established on 15 September, just over two months ago, and has reported to you, Madam Speaker, as expected, on time, on 25 November, last Friday. The committee was established in light of the recommendation of the Select Committee on Estimates for 1994-95, which recommended that a further scrutiny process occur, to take account of the earlier presentation of the Government's budget where less information about government performance and management was available at that time.

Most agency annual reports were tabled in the Legislative Assembly by 20 September. The committee held 35 hours of public hearings, from 20 October until 26 October, in which all Ministers and relevant officers were asked questions by both committee members and, by leave, other members of this Assembly. The committee was unable to hold hearings before 20 October, due to other committee commitments and Assembly sittings. The time set aside for hearings coincided with the time for hearings set aside by the Select Committee on Estimates, which held 42 hours of public hearings, also hearing from ACT Electricity and Water and ACTTAB. Almost all non-Executive members of the Assembly took the opportunity to participate in the hearings this time, the only exceptions being Ms Ellis and Mr Stevenson. I pointed out at the time of the debate on the motion to establish the Budget Performance and Outcomes Committee that this would indeed be the case; members of the Assembly who were not members of the committee would still be able to question Ministers and witnesses about the Government's performance. This did occur.

The difference between this committee and the Estimates Committee was that five members of the committee compiled a report, enabling each issue presented to be fully discussed, debated and considered before being accepted for inclusion in the report. Constructive criticism of the ACT Government's performance was sought, and in the report the committee has been critical of Government performance where it has been seen to be necessary to be so. Material provided by members which was not directly and fully sourced to the transcripts, written answers provided to questions on notice, annual reports or other relevant documentation was not included. I believe that the committee was quite ruthless as to information which we did not include in the report because it could not be fully and accurately sourced.

The committee has made nine recommendations, as opposed to the 37 recommendations made by the Select Committee on Estimates for 1994-95. I believe that there are several reasons which explain the reduction in the number of recommendations made. One reason is that the committee has had barely four weeks to complete its report, following the conclusion of the public hearings, and even less time when answers to questions on notice are taken into consideration. Also, for one of those weeks, the Assembly was sitting. Another major reason, I believe, for the difference is that almost 12 months elapsed between the reports of the Estimates Committee for 1993-94 and the Estimates Committee for 1994-95, and only three months has elapsed between the report of the Estimates Committee of this year and the report of this committee. The Estimates Committee had more recent information and material to consider than did the Budget Performance and Outcomes Committee. As well, the Estimates Committee this year fully considered the Government's capital works program for the first time and a number of the Estimates Committee's recommendations related to capital works.

The Budget Performance and Outcomes Committee was also severely constrained by the lack of financial information available on a subprogram basis, as is identified in recommendation 1. In fact, it could be argued that the committee was able to perform only half of its task, as the financial information provided was not able to be directly compared with the earlier financial information made available to the Estimates Committee.

Madam Speaker, as I have already addressed one of the recommendations of the committee, I would like to address each of the following recommendations in turn and comment briefly on a number of the 69 issues commented on in the body of the report. It would seem obvious that annual reports, when presented to the Assembly, should be correct in every detail at presentation, given the almost three-month period between the end of the financial year and the requirement to table reports. Unfortunately, this was not the case; and a number of agencies provided to committee members additional copies of annual reports with numbered pages, where the tabled reports had unnumbered pages, or with additional presentation of details. Given that agency annual reports were the committee's major source of information about agency performance, members had obviously read and annotated the annual reports tabled in the Assembly, anticipating them to be the final product. It is simply not good enough that incomplete agency annual reports are tabled in this Assembly and are considered adequate to assist committee members in their tasks.

Recommendation 3 reiterates the recommendation of the 1994-95 Estimates Committee and all estimates committees since self-government. I look forward to the day when a committee of this Assembly considers it unnecessary to comment on the adequacy of agency performance indicators. I will return to recommendation 4, as it discusses future processes to review government performance. Recommendation 5 both reiterates previous recommendations of estimates committees in relation to the 2 per cent savings and affirms a need that, where percentage savings are identified to be made by future governments, they be fully accounted for and documented. Recommendation 9 is in a similar vein. Recommendations 6, 7 and 8 address specific issues which arise in the report, calling for a review of compulsory training for justices of the peace and of diversionary conferencing and drawing attention to the very important issue of the need to prepare adequately for the introduction of the mandatory reporting of child abuse by providing the necessary staff and facilities to cope with the anticipated increase in notifications.

Madam Speaker, other issues worthy of attention by government include the need appropriately to introduce both accrual budgeting and accrual accounting at the earliest opportunity; the need to avoid the receipt of audited statements qualified by the Auditor-General; and the need to develop consistency in the presentation of budget papers and annual reports. In some instances, the committee was pleased to note progress made by agencies in response to issues raised during the Estimates Committee hearings and commented on in the Estimates Committee report. These included the development of guidelines to be made available to expanding or relocating businesses seeking government assistance, which is commented on at page 10 of the committee's report. There are other issues I could comment on, Madam Speaker.

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However, it would take considerable time to do so, and I will leave it to my fellow committee members to make such comments, should they choose to do so. At this stage I would simply like to refer the Government to the body of the report to consider fully all of the issues raised.

Before I comment on the future processes, I would like to respond to Mrs Carnell's publicly stated concerns about the quality of this report. I believe that Mr Berry quoted Mrs Carnell earlier, in question time. In Saturday's *Canberra Times*, when referring to the report, she said that it was "a joke"; that it "contained few, if any, worthwhile recommendations"; and that it was "a waste of time and public money". Madam Speaker, the committee's composition is the same as that of all other committees of this Assembly, with appropriate representation from Government, Opposition and Independent members. It would have been possible for the two Liberal members - Mr Kaine and Mr Stefaniak - and me to present a report extremely critical of the Government, full of political rhetoric and invective; no doubt, accompanied by two minority reports from the two Government members - Mr Berry and Mrs Grassby. The Government might have taken little or no notice of such a report. We have chosen not to do that but to present a report which we believe the Government will take full cognisance of. Mrs Carnell could have been a member of this committee if she had taken a keen enough interest in the committee's work and if she had wanted to contribute to the committee's report. She has chosen not to do so, relying on her two Liberal colleagues Mr Kaine and Mr Stefaniak, in whom she appears to have little or no faith at all, to do the work - and this from a Leader of the Opposition who believes in a collegiate system of government, a more town council style of government in the ACT. What hypocrisy!

Madam Speaker, I acknowledge that we have some way to go to find an appropriate process for the review of government performance and expenditure as the result of the earlier budget cycle. This is acknowledged in recommendation 4 of the committee's report. Indeed, the committee asks this Assembly to review the existing Estimates Committee and Budget Performance Committee arrangements, with a view to establishing a time- and cost-effective means of examining the annual appropriations and agency budget performance and outcomes. My own preference is as follows: The new Assembly should discuss and decide whether this process should continue to be separate from the Public Accounts Committee's activities or whether the Public Accounts Committee should take on the work of both the Estimates Committee and the Budget Performance and Outcomes Committee; the committee should be a five-member committee and, if it is a different committee from the Public Accounts Committee, the membership should be the same for both the Estimates Committee and the Budget Performance and Outcomes Committee; the remaining non-Executive members of the Assembly should be invited to question Ministers and witnesses during public hearings; at the time that the sitting patterns for the new Assembly are decided, sufficient consideration should be given to the role of the committees examining the Government's budget and performance; the 1995-96 draft capital works program should be referred to the new Assembly's Planning, Development and Infrastructure Committee, as recommended by the 1994-95 Estimates Committee; the Government and agencies should review the extent of information made available to the 1994-95 Estimates Committee and the Budget Performance and Outcomes Committee for 1993-94, with a view to improving the provision of information in the future; and the newly established committee should consider carefully the approach taken to both tasks.

Madam Speaker, I would like to conclude my remarks this afternoon by thanking most sincerely the members of the committee - Mr Kaine, the deputy chairperson; Mr Berry; Mrs Grassby; and Mr Stefaniak - for all their hard work over many hours. We spent some 10 hours altogether in compiling the report. I would also like to thank sincerely the secretary of the committee, Mr Bill Symington, and his two assistant secretaries, Mr Russell Keith and Mr Chris Papadopoulos, for their assistance with the work of the Budget Performance and Outcomes Committee for 1993-94. I reiterate that I think we have done a fair and reasonable job in the time that we had available. I very much regret Mrs Carnell's public criticisms about the committee's work.

MR Kaine (4.40): In some respects the tabling of this report today brings to a conclusion a rather strange process, and I say that for a number of reasons. For example, if you look at the cover sheet on the report, you will note that it is a report of the Select Committee on Budget Performance and Outcomes; but, if you look at the title of the report, it does not say anything about the budget. It says that it is a report on the performance and outcomes of ACT government agencies. That raises a rather interesting issue about the process that we have just completed. The other interesting thing about this report is that, if you look at the opening pages, it does not really describe what the committee was intended to do; it is very broad. I suppose that that is consistent with what actually happened.

I would like to point out that it has been noted that the report is a rather bland one; but I suggest that people need to read the words carefully, because they were not written lightly and the words mean what they say. I would like to run through three or four aspects of this report and deal with the words that appear. The first thing that was apparent to the committee was that we were not able to do a review of the budget, because the documents that were presented to us were the annual reports of agencies. They included financial reports as at the end of the year for each agency, and they were presented as aggregate reports for the total agency. There was no breakdown of information to the subprogram level, and it has always been at the subprogram level that estimates committees have done their examination, to find out what was appropriated, for what purpose, whether that money was spent and whether it was spent for the purpose for which it was appropriated and had a beneficial outcome. The committee was totally unable to do that.

In fairness, this year we were operating on the basis of a new process; but the committee could have expected that the agencies would have anticipated that the committee would want to do what it had done in previous years and that the agencies would have provided a breakdown of the financial data so that the committee could have done what it was established to do. That was not possible. In reporting on this, paragraphs 2.1 to 2.4 of the report talk about the lack of financial information. For example, paragraph 2.2 states:

... the information provided was found to be insufficient to enable the Committee to fully examine each agency's performance ...

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The committee could not be more blunt than that. If anybody has a criticism about this report, how much more specific could the committee have been? I repeat:

... the information provided was found to be insufficient to enable the Committee to fully examine each agency's performance ...

It is a pretty damning statement. Secondly, paragraph 2.4 states that in future:

... it will be essential that ... the committee have details of agency financial information on a sub-program basis.

That is a statement of a requirement for the future. Paragraph 2.6 states:

... the lack of more detailed financial data ... meant that the Committee was less successful in coming to firm conclusions about financial outcomes on a sub-program basis.

That means less successful than in previous years. After five years of building up a process by which the estimates of the Government have been thoroughly analysed, in the sixth year the committee discovered that it was unable to do that. We were pretty specific about the fact that the information was not there, and that the committee was unable to do what it was expected to do.

Given that we were unable to review the budgetary outcome, because the information was not there to allow us to do it, we have the result that the report becomes a report on the performance, not budget outcomes. We were forced, because we had little alternative, to review the operational performance rather than the budget performance. How successful were we in that? In fact, this was not facilitated either. One of the reasons that that was not facilitated was the continuing absence of quantifiable performance indicators. If you want to set out to judge an agency on how well it has done, presumably you take its own performance indicators and see how it performed against those performance indicators. In some cases, that simply was not possible, because the performance indicators themselves were not expressed in such terms that it was possible, at the end of the year, to make a judgment about it.

Let me go back to the transcript of the hearings, the minutes of which were presented with this report. I will draw on just two cases to illustrate that that was so. The first was in connection with the Director of Public Prosecutions. In the inquiry, I referred to the fact that many performance indicators were not capable of being objectively measured, and I referred in particular to one concerning the DPP. A performance criterion is:

The level of community respect for the Office of the Director of Public Prosecutions.

How on earth do you measure that? How do you measure what the level of respect is - not for what they do, even - for the Office of the Director of Public Prosecutions? The answer is: It is incapable of being measured.

The second case, without going through many - and there were many - related to community nursing. An example of a performance criterion used by the Community Nursing Service is its ability to:

operate within prescribed budget allocation while maintaining projected activity levels.

In other words, if at the end of the year you do not spend any more money than you were allocated, you have done well. That is not a measurable performance indicator in anybody's language. In fact, 20 years ago, that is what all Commonwealth agencies used to operate to. You gave them some money and they spent it; and, at the end of the year, they said, "We spent every cent; therefore, we achieved the Government's objective". Of course, it does not follow that they achieved the Government's objective. They spent the money, but what did they get for it? Here we are in 1994, and an organisation states that to be one of its performance indicators. Even Mr Connolly agreed with me that this was hardly satisfactory. I quote those as two examples only.

We were unable to do the job in terms of budgetary performance. In many cases, we were unable to do it in terms of performance indicators either. Again, we made our position quite clear. In paragraph 2.9 we noted:

The ... Estimates Committee expressed concern that in many cases agencies did not have objective measures of performance. That committee noted that the Auditor-General was to undertake a review ...

At paragraph 2.12 this committee said:

... the Committee notes that many agencies work in the context of performance indicators which are virtually incapable of measurement in any objective way, and should not be accepted as performance indicators.

How more damning could a review committee be? In other words, "Your performance indicators are not worth the paper that they are written on". Again, people who say that this is a bland report and that it does not say anything have not read the words. We were very explicit about what we meant, and we criticised the performance in the only terms that were available to us.

The next question was based on the performance indicators and other matters, including the inability of the committee to determine whether specific objectives identified at the beginning of the year had, in fact, been met. I raised a number of questions with agency heads and with Ministers, such as that in the budget papers a year ago they said, "We are going to do this. We are going to put this program into place" or "We have this specific program objective we are going to achieve". They thought that it was so important that they made specific mention of it in their budget papers. Fifteen months downstream we were reviewing their performance. The annual reports of the agencies, in many cases, made no reference at all to those matters. Even in questioning,

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in some cases, the officers of those agencies were unable to tell us whether they had achieved those programs or those specific objectives that they considered important enough to mention specifically when the budget was drawn up. Again, I do not think we pulled too many punches. Paragraphs 2.24 and 2.25 state:

The Committee considers that when the Government foreshadows action in a budget paper or annual report under a specific program, that program should also account for what action was undertaken in response to that commitment in the agency's annual report ...

The Committee noted that, in a number of programs, the annual reports made no mention of specific projects and program objectives identified in the budget papers. The Committee was left uninformed, in some instances, as to where these specific projects had been implemented or the specific program objectives met. The Committee considers this to be unsatisfactory.

What more can we say? Should we drag the officers out into the street and publicly flog them? I do not think so. We expressed our opinion strongly in the manner that was available to us. I do not accept the criticism that this is a bland document. It states what we intended to say.

On a particular objective of the budget: We had an inability to determine how or whether percentage savings, established for some agencies, had been met. At the beginning of the year, we were told in the budget papers, "We are going to make a 2 per cent saving across the board". In these hearings, we could not be informed as to whether the 2 per cent had been achievable; and, if so, how. Again, we were quite specific in our recommendations. Paragraphs 2.33 and 2.34 state:

This Committee is disappointed that, in general, annual reports ... did not specifically identify savings on a sub-program basis, in most cases providing only aggregate savings. A notable exception was the Department of the Environment, Land and Planning ... Other agencies provided this information in response to questions raised during the hearings.

While the 2 per cent efficiency dividend is expected to cease after the current financial year, the Committee considers it important that agencies indicate where the savings have been made.

Again, what more could we say? We could not satisfy ourselves, in some cases, that the saving had been made. We merely say that, in future years, the committee will want to know and the agencies had better be in a position to provide it. In connection with next year's approach to this same problem, presumably, the process will be the same. We made some comments on that in paragraphs 2.26 to 2.30. I do not think that it makes much difference whether the committee is established in the same fashion as this year's committee was, or whether it is a committee of the whole. If nothing is improved, that committee will have the same difficulties next year, in satisfying themselves as to how and where the money was spent, as we had this year.

My argument on this issue of the outcomes was that this was an appropriate task for the Public Accounts Committee, which is established specifically to review the accounts of the Government. I would have thought it would, once the Estimates Committee process no longer operated, fall to the Public Accounts Committee. This year, the Assembly chose to take another tack. Before this occurs again next year, we need to review that and decide whether this year's model was an appropriate way to go.

Mr Deputy Speaker, there is much comment that I could go on to make about the detailed agencies, along the lines of what I have made already, and that is to refute any assertion that this is a bland document that is meaningless. We looked at every issue that was brought before us, and we expressed our opinion as forcefully as we were able to do. That was what the committee was established to do. Other members are quite entitled now to raise in detail any issue on the major part of this report that relates to agency detail, and to pursue those matters further, based on what is in the report and what is in the transcript, if they choose to do so; it is open for debate. I do not share the concern that the committee report is not a good one. We did the best that we could under the circumstances. The report achieves its objective. That is not to say, Mr Deputy Speaker, that we believed - I do not think that any of the members of the committee believed - that at the end of the day the Government had been made fully accountable for the money that it spent. We were all dissatisfied with the outcome, but we did the best that we could with the information that was available to us. I do not think that any committee can be asked to do more than that.

MRS GRASSBY (4.56): Madam Speaker, I would like to thank every other member of the committee for working so hard to produce this report in time for it to be tabled today. This has been the best effort to date by an Assembly committee to bring forward a constructive report on the Government's budget performance. I congratulate all members of the committee for having such high integrity in their conduct so close to an election - especially the chairperson, Helen Szuty, who, at all times, acted impartially in the committee process.

It is disappointing that the Opposition Leader, who had at her absolute discretion whether to be on the committee, and chose not to do so, chooses to sit back and fling mud from the sidelines. Moreover, she occupied a considerable amount of the committee's time in asking questions that had no relation to the budget outcome deliberations. In particular, she asked numerous unprepared questions on health, which were either hypothetical or simply just a fishing expedition. Nevertheless, the committee's report is a better document for this. There has been considerable comment that this report was not political enough and not critical of the Government. My answer to those comments is: So what? Does a document being a critical political document make it a good one for public administration? I really do not think so.

What the Opposition Leader is really annoyed about is the fact that the Health Department has come in under its original budget estimate. This is the first time since self-government that ACT Health has spent less than what has been appropriated - a herculean performance, Mr Minister. The important news for ACT taxpayers is that the Health Department has actually spent less money. This has improved the bottom line figure for the ACT budget. This is a massive turnaround compared to the \$17m blow-out

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under Mr Humphries, which we must all remember. Despite the attacks on the former Health Minister, Wayne Berry, he was the Health Minister who turned Health around. Terry Connolly is now continuing the improvements. Every business person knows that in the end what is important is the bottom line figure; what was the total revenue and expenditure; and what was the profit. On the basis of these figures, Health has started to turn the corner, out of the red.

However, the Opposition Leader wants only bad news for ACT Health and will now switch to using the figure which includes "technical adjustments". Even if technical adjustments are included, there is only a 2 per cent variation. Most doctors would be satisfied to be working with 98 per cent confidence levels. At 100 per cent, people would be running around Canberra calling them God. We all know that Mrs Carnell takes much glee in running around Canberra promising to introduce casemix funding and cut the health budget by \$32m, but her promises will not treat one more patient. Waiting lists will probably grow, because costly medical procedures will be avoided by hospitals. If procedures cannot be done as cheaply as the schedule for items provides, then hospitals will defer costly procedures. The ACT public will be worse off under Mrs Carnell's casemix funding model.

Finally, Madam Speaker, I would like to thank the committee staff for the excellent work that they did in drawing together in a coherent report the views of the committee members. There were lots of late night sittings and lots of times when, I am sure, they wondered whether it was going to come to an end. But they sat there and listened and kept writing. They did a wonderful job, as did the members of the committee. I appreciate all that they did - Mr Berry, Mr Stefaniak, Mr Kaine and, of course, the chairperson, Ms Helen Szuty, who, as I said before, did an excellent job as chairperson.

MR STEFANIAK (5.00): Like other members, I would, firstly, like to thank the other members of the committee and especially the hardworking committee staff led by Bill Symington. They were most efficient in putting this report together. As Mr Kaine indicated, there are a number of problems which still need rectifying in terms of the basic process. Points that have been raised over the last five years still have not been taken up by agencies, and that is certainly something which should be of great concern to the Government and to this Assembly. Mr Kaine mentioned briefly that there is no breakdown to subprogram level. There are a number of instances, and one which springs to mind is some savings in the health area which were budgeted for. In saying that, I do not agree with Mrs Grassby's recent scenario that Health has turned the corner. I suggest, Ellnor, that you check your figures again, because I think you will find that there is still a blow-out there.

There was an indication of one area where some savings were attempted in Health. I think it was about \$2.3m. We asked for details of those savings to be given. Details were provided, to a limited extent only, in that there was \$900,000 saved in one area and \$600,000 in another. The officials who came to the committee were unable to say how those savings had been achieved. Surely, that would be fairly basic to advise a committee which is interested in how the budget is performing, where savings were made, and how. When they cannot provide those details, that is certainly something that the department and the Minister need to look at to ensure that it does not occur again.

We had some other hiccups there. Mr Kaine has gone through a number of them; but one that springs to mind was the problem of annual reports. Apart from the fact that in many instances there was a lack of adequate annual reports and updated annual reports, there were some further instances where the left hand did not know what the right hand was doing. One instance was where the Legal Aid Commission provided a copy of its annual report to the Attorney-General's Department and that department did not seem to know that that had occurred. Obviously, glitches do occur; but these are the things that should be ironed out. I would reiterate what Mr Kaine said and commend those additional comments to the Assembly because I certainly would be very disappointed to see that occur again, whatever process is adopted next year.

The report was presented in a fairly interesting way, in that you have very much a compromise. We could have had probably three separate reports. This is perhaps where the task of Mr Symington and his staff was particularly difficult. During the hearings, I was most impressed by his tolerance. You have a summary of recommendations in a report which is very much, I suppose, the lowest common denominator. It certainly does keep out the political rhetoric. But there was certainly a lot of that during the hearings and the deliberations. We went through many hours of deliberating on points which the Labor Party wanted to put in and points which we wanted to put in. One in particular, in relation to the Monash medical centre, took us about 90 minutes to decide and to come up with an agreed compromise position.

Madam Speaker, it may be that the format that this committee used in its budget performance review could be a lot better next time. Perhaps the most logical, preferred option would be - - -

Mr Lamont: Where is your dissenting report? You did not have one. You have been flogged by your leader.

MR STEFANIAK: This report is a compromise report, Mr Lamont. I note that we have a few of those in this Assembly; and I make no bones about that. If you want a few suggestions in terms of how to do it better next time, I will suggest two ways to you. This is, first and foremost, a logical extension of the Estimates Committee. Traditionally, all non-Executive members sit on that Estimates Committee. Perhaps the preferred option next time, which I would suggest to this Assembly as a logical extension of the Estimates Committee, would be for the Estimates Committee to look again at budget performance. That would probably be the best option available. Perhaps a secondary option is the one suggested by Mr Kaine. What this committee did came within the parameters of the Public Accounts Committee. That is certainly another option that could be looked at. I would commend those two suggestions to this Assembly.

There are a number of useful items that came out of the detailed questioning of the various agencies. It was detailed, and rightly so. Mrs Grassby complained about Mrs Carnell asking a number of questions of the Health Department and the Health Minister. I would remind Mrs Grassby that those questions were all quite proper; they were detailed. They got a number of answers; they exposed a number of instances where answers could not be provided and had to be provided later; and they were of great benefit to the committee. I would say to Mrs Grassby that I doubt very much that

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Mrs Carnell is always on a fishing expedition. She has a particular expertise in the health area, which is certainly greater than the Health Minister's. That is one area. Another important point is that the committee got some useful information about what happens with the bulbs after Floriade. My colleague Mr Moore, as chair of another committee, is going to make some suggestions in relation to what should happen in future. It is an issue which another committee of this Assembly has looked at. That was certainly useful. That was interesting information as to what was occurring this time. In our own specific areas, further useful information was ascertained from the questioning of departmental officials.

Madam Speaker, I hope - and I cannot see any reason why not, given the nature of the support for the report - that the Government will act on the recommendations. Their members agreed to it. Ms Szuty agreed to it. The committee report is a compromise. It could have been a lot more political. We could have had 20 pages of dissent. There could have been 20 pages of Labor's dissent. There was not. We have nine recommendations that have been described as being bland. If that is the case, that is all the more reason for this Government to act on them. The Government should hearken to the very technical criticisms that Mr Kaine made and look at these recommendations. There is absolutely no justification for the Government not to adopt these recommendations. I would commend to the Assembly that the next committee that engages in this activity should be the Estimates Committee or, failing that, the Public Accounts Committee.

MR BERRY (Manager of Government Business) (5.08): This committee process was one which was really under the whip. We had to move it along to get the process resolved in order that we could develop this excellent report for the Assembly's due consideration. It is a great shame that Mrs Carnell is not in the chamber now, because I would like to point out a few things to her. You do not need a lot of invective in a report to make it meaningful. You do not need sneering remarks in a report to make it meaningful. You do not need to embarrass people to make a report meaningful. All you need to put in a report is the relevant information to ensure that accountability is the focus. There is no question that accountability is the focus. Mr Kaine did this report justice when he talked about the meaning of many of the statements and recommendations which are made in the report. It seems that Mrs Carnell will never be happy and will throw a tantrum, like she did on Saturday, if she cannot have a report that is full of the personal and sneering contempt that has become so much a hallmark of the way she conducts herself in these processes. I am pleased that none of that is in there.

I would like to compare this to what happened in the Estimates Committee. This is a refreshing change. At least departmental officers will have a document that is not meant to bludgeon them into submission. We are dealing with responsible officers who want to be accountable, who want to do their job well and who recognise the importance of self-government, the politicians in this place, the decisions that we make, the laws that we make, and of course the accountability process that we go through. There was close interrogation of many of those officers by committee members.

There was some questioning from members of the Opposition which was meant to bludgeon people into submission rather than get an answer. But overall, through the combined interests of all committee members in getting together a document which meant something to the bureaucrats, to the Executive and to the community as a whole, we have come up with something which is meaningful, which says a lot and which will improve the accountability of the political process.

At the same time - and Mrs Carnell would not like this - the committee points to some of the achievements of the Government. There is nothing wrong with that. There have been a lot of achievements. As Mrs Grassby said, Health has all but turned the corner.

Mr Humphries: She said that it was in the black.

MR BERRY: Mr Humphries, look at the list of achievements contained in this report; and this is not all of them. There are lots more. This shows to the community, and should show to you, Mr Humphries, and the Liberals, that our health system is something that we need to nurture and not criticise just for the sake of it.

Mr Humphries: Like you did in opposition, Wayne.

MR BERRY: Mr Humphries, all I have to say is this: When you compare what is going on now with what was going on in your day, things are much better under Labor. There is no question about that. That is a measure of the political process. Health, highlighted as it was in your day, for those very obvious reasons, has performed increasingly better and will perform increasingly better in the future. There is no question about that, because the process has been put in place to tidy up the rough edges that you did not know about. That was your problem.

We have ended up with a report which is a credit to all members of the committee - and I take a little of the credit myself. The staff working on it - Bill Symington and all those people from the secretariat - had a job to do because of the tight deadlines. Ms Szuty had a job to do as well - to crack the whip in the process, to ensure that it all happened. Overall, I am quite satisfied with the outcome. It sends some strong messages into the system. It recognises achievements, and so it should; there is nothing wrong with that. It lacks what Mrs Carnell wanted it to have, apparently; it did not have, as I said, those sneering remarks about the Government and the way that it provided services. Look at what she said in the newspaper - that it was a joke. It is contemptible to say what she said.

Mr Connolly: Mr Humphries seems to agree; Mr Kaine disagrees; Mr Stefaniak disagrees.

MR BERRY: I think we all disagree. She said that there were few, if any, worthwhile recommendations. Obviously, she had not read the report at that stage. She refused to read the commentary in the report. Mr Kaine and Mr Stefaniak did not dissent, because there was no purpose in dissent; the report says it all. When you see a statement like this - and it is a quote credited to Mrs Carnell - "I just think the whole thing is a whitewash; it is not even a good whitewash", that just shows how much contempt she has for this process.

Mr Connolly: And for her colleagues.

MR BERRY: And, indeed, her colleagues. That sort of comment was obviously made against the background of little or no knowledge, because, obviously, she had not taken the time to read the report. The only comment that she made about where she could see that the report might be improved was that it could be more strongly worded. That means that it should have had in it all that invective, all that sneering contempt and derision that, as I said earlier, has become so much the hallmark of the way Mrs Carnell and the Liberal Party operate with some of their schoolboy tactics. We have come a long way if we can produce a report like this which will be given due regard and will result in better processes for the future of ACT self-government.

Madam Speaker, I welcome the report. I enjoyed my involvement in the process. I am not sure that I will be sticking my hand up again next time, but I may be. If I did not do so, it would not be because of the quality of the report but because, in the circumstances, it was very hard work to get the report finished in the time provided, bearing in mind all the other committee work as well. In any event, the report is to be commended, and all of those people who have been involved in the process are to be congratulated.

MS FOLLETT (Chief Minister and Treasurer) (5.17): I would like to congratulate the Select Committee on Budget Performance and Outcomes for 1993-94 on its report, which has been tabled, and make the Government's formal response. The Assembly will know that the Government strongly supports its role in reviewing the budget. This year, this role was enhanced, not reduced, with two processes of review: Initially, the review of budget estimates, following the introduction of the early budget, and now the review of budget performance and outcomes. The processes involved will obviously need to be developed and refined as the early budget cycle becomes a more routine part of both the Government's and the Assembly's responsibilities.

I note that the committee has recommended that the Assembly review the existing Estimates Committee and Budget Performance Committee arrangements. This recommendation has been made with a view to establishing a time-effective and cost-effective means of examining annual appropriations and agency performance and outcomes. It will be important, based on the benefits of the experience of the first year of these new arrangements, that the Assembly take up this recommendation and examine ways of enhancing accountability as well as ensuring that time- and cost-effective arrangements are developed. The processes involve a very great commitment of resources by the Assembly, the Government and the bureaucracy. We should all acknowledge that it is a very resource intensive process, not just by members themselves. However, such a commitment is fundamental to the processes of accountable government, and the Government will cooperate in formulating improvements for the future.

I do not underestimate the importance of the work of the Select Committee on Budget Performance and Outcomes. The process of accountability, of review by elected representatives, has great value as an end in itself. However, the real value goes beyond the issue of process. The vast majority of recommendations arising from the Assembly's review of budget issues have been adopted. The role of the Estimates Committee, and

now the Performance and Outcomes Committee, in providing impetus for improvement in the transparency of budget processes cannot be underestimated. There were a number of aspects of this initial process which could be improved, and these have been referred to in the committee's recommendations. The provision of information on a subprogram basis is one such area and is the first recommendation. Madam Speaker, the much greater time available in the lead-up to next year's budget will enable this information to be provided, and the Government will also review guidelines for annual reports in this context.

The Government also strongly supports the need for all agencies to report in a timely manner. However, there needs to be some recognition that the reporting deadlines now required are very tight compared to other jurisdictions, including the Commonwealth. Where exceptional circumstances arise, there may be justified reasons for not meeting the target dates. However, these must clearly be exceptional, with a clear expectation that the time limits imposed will be observed. I believe that greater difficulties could be expected in the first year of the changed budget cycle than can be reasonably tolerated in future years.

The issue of performance indicators addressed in the committee's recommendations is also one which the Government believes must be seriously addressed. As I have previously indicated, the problem is not unique to the ACT, and the ACT needs to take account of Commonwealth and State initiatives on this. A great deal has been achieved for performance indicators for government business enterprises, and significant improvements have been made in the ACT in some key areas, such as the Canberra Institute of Technology. The Government will ensure that further improvement is accelerated in future years. The Government will take further steps also to improve documentation on savings measures. Improvements have been made, and this will be addressed further in future budget outcome information.

The Government will review, as recommended by the committee, the cost of providing training for justices of the peace. This will need to take account of differences in the role of JPs between the ACT and the States. Madam Speaker, I am advised that the training course was introduced at the request of the ACT Justices of the Peace Association and is provided by the Canberra Institute of Technology on a cost recovery basis. The Government will also cooperate with any future review by estimates or performance committees of reports on the effectiveness of diversionary conferencing. The Government supports the essentiality of providing adequate resources for mandatory reporting of child abuse, referred to in recommendation 8 of the committee's report. A number of new policy measures have already been taken on this, including additional funding in the 1994-95 budget to strengthen existing child protection arrangements and participation in a joint Commonwealth-Territory child abuse prevention strategy. Needs will be reviewed further in future budgets.

Madam Speaker, the committee recommended that detailed information be made available to support claimed savings in outlays in relation to the health program. As previously mentioned, in relation to the committee's more general recommendation on documentation of savings - that is, recommendation 5 - the Government supports this requirement. I note that reporting on outcomes does not entail similar constraints to those applied to estimates. Many prospective savings measures, if they are to be successful, must be subject to consultation, including with the unions. It would be

undesirable for budget documentation to pre-empt these processes, but such a qualification does not apply in relation to reporting on outcomes. The committee's report acknowledges that savings were made. It is clear that the issue of the renegotiation of VMO contracts was overtaken by the lengthy arbitration process. I would also like to note, Madam Speaker, that it is not always possible to attribute a precise dollar value to individual measures. Other specific measures interact, and some measures avoid cost increases that otherwise would have occurred. This is particularly the case in highly complex programs, such as health, which are subject to rapidly changing technology and practices. Nevertheless, the Government agrees with the spirit and the substance of the committee's recommendations.

I would now like to turn to some of the criticisms of the committee's report, particularly those made by the Leader of the Opposition. In this context, Madam Speaker, I find it absolutely remarkable that one of the senior members of the committee was the Opposition's Treasury spokesperson. The Leader of the Opposition has appeared to ignore this simple and self-evident fact, and it is an appalling slur on the members of her own party. The Leader of the Opposition seems to suggest that any report which is not divisive and negative and which does not single out individuals for criticism is not a worthwhile report. I totally reject such a view. The committee has rightly observed that the Estimates Committee had reported in considerable detail to the Assembly barely three months earlier. It appears that only the Leader of the Opposition holds the view that it would be useful to go over the same ground in equal detail again.

In responding to the earlier report, Madam Speaker, it was with some dismay that I noted the extent to which highly partisan issues had been introduced, and I spoke on that issue at the time. I am not critical of that in itself. What was difficult to come to terms with was the rather threadbare nature of those issues. To criticise this committee's report now on the grounds that it addresses issues of substance, including the need to review the existing estimates and budget committee process, but does not seek the sensational headline or the throwaway line, is a hollow criticism indeed.

The Government believes that issues must be addressed on their substance, not on how strongly or stridently - more to the point - they might be reported. Accordingly, Madam Speaker, the Government wishes to make it clear that we appreciate the time and the effort invested by members of the committee in a new and uncertain process. The task was addressed in a responsible manner. The Government's response is also made in that spirit. Madam Speaker, I would again like to congratulate members of the Select Committee on Budget Performance and Outcomes, including the chair, for having done, in my view, a good job and a very responsible job.

MR HUMPHRIES (5.26): Madam Speaker, I do not know whether it makes Ms Szuty uncomfortable that this report has received such fulsome praise from the Government. It seems to me that the reason for having an estimates-like process is to identify faults and flaws in government administration, to find things that are wrong and to identify areas where mistakes have been made. I assume that even the Chief Minister, with her so-called superb front bench, would admit that there are mistakes made by this Government, as there are by every other government. In those circumstances, one would assume that, in most circumstances, the process of analysing mistakes, identifying them, pointing to them and saying, "This should be changed" would be a relatively painful process.

I know that if I go to anyone in this place and say, "Your faults are these: One, two, three, four, five", generally, people are fairly unhappy and uncomfortable with that process; but it is part of the nature of being rigorous in identifying ways in which we can do better next time.

The fact that the Government has been effusive in its praise of this report surely tells us something about the nature of this report. It tells us that this report constitutes a let-off for the Government and an opportunity which might have been a serious threat to the credibility of the Government and which might have constituted a battering of the Government's image - whatever image it might have - for good management. Instead, the report has come as an opportunity to touch lightly on some areas of concern - and I put it no stronger than that - and leave important issues and issues of more moment to other times and other places to be dealt with.

Madam Speaker, this report is a massive and greatly regretted lost opportunity for this Assembly, and our committee process in particular, to restate the supremacy of the investigative powers we have to hold the Government accountable and to scrutinise its activities. I merely ask members to look over the summary of recommendations on pages viii and ix.

Mr Wood: Are you giving your colleagues a serve, Mr Humphries?

MR HUMPHRIES: I know that this is uncomfortable, Mr Wood, but look at the report; look at the recommendations in the report. Most of these recommendations are almost internal matters; for example:

The Committee recommends that the Government alert all agencies to the need to ensure that all annual reports presented to the Assembly are complete and accurate and that all agencies adhere to their statutory obligation to report to the Assembly within the required time for such reporting.

Where is the meat? Where is the substance in those recommendations? What is it in here that puts heat on a government? Is that not what we are supposed to be doing in this process, in a parliamentary system - holding the Government to account, putting the heat on it, making it accountable and making it answer the tough questions? There were tough questions asked during that process, Madam Speaker; but apparently the weaknesses in the Government's administrative process have not appeared in this report, and that is a matter of great regret to me.

We have cut off the essential process of scrutiny and accountability which our estimates committees were famous for, until the report that this committee has now delivered. Both sides of the chamber - including Mrs Grassby, Mr Wood and people on that side of the chamber when in opposition - have been vigorous when sitting on estimates committees and commenting critically on governments. They did not hand down reports like this when that happened. Even when they did not have the numbers on estimates committees in those days, they did not hand down reports like this, did they, Mr Wood? Did they, Mrs Grassby? They handed down reports that were tough and hard-hitting and that put the pressure on the Government. It has not happened here.

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Madam Speaker, I am intrigued by the comments that Ms Szuty made, when she introduced the report, about the reason why she put this sort of a report together. She felt that it was better to have a report which was - I forget the language that she used, but her import was mild - not barbed to the Government, in the hope that it would react to that report and deal with the report's contents, rather than a report that was tough and hard-hitting and contained the sharp edges that might make the Government recoil and not want to handle it. The interesting thing about that comment is that Ms Szuty was the chair of the estimates committees for the last three years. She presented the reports in 1992, 1993 and 1994, and, to the best of my knowledge, she was always quite happy with the reports that we came down with. I do not recall Ms Szuty ever dissenting from any aspect of the reports or ever saying, even on the floor of the committee, that she did not agree with any aspect of the reports in any of those three years. Ms Szuty and Mr Moore actually held the balance of power on this year's committee and in June had the capacity to dismiss the report or dismiss comments in the report which might be considered to be political or damaging to the Government or unlikely to get the Government's support in implementing the recommendations. There was a hard-hitting report in June this year, and Ms Szuty was part of the majority that adopted that report.

Why is it now - when we could support recommendations about the need to change the Comcare arrangements in this Territory, which are costing us an arm and a leg to this day because they are basically inadequate for our purposes; when we could support recommendations on reviewing the clear problems with the diesel fuel exemption scheme in this Territory, which cry out for some action by this Government and which has not happened; when we could support recommendations in a vigorous report this year, last year and the year before changing the operations of the motor vehicle testing stations - with a few months to go before an election, we now feel that we have to tone it down to make it acceptable to the Government? That, Madam Speaker, is a great indictment of the way in which we have handled this report. I was satisfied with the outcome of the previous processes. I was even prepared to wear the difficult recommendations that came out of the earlier Estimates Committee's report when we were in government, because I know that that is part of the process of being accountable to the Assembly. It is a pity that we have seen fit to cast aside that rigorous process in favour of something that is milder.

Thank goodness for Mrs Carnell's preparedness to say that the report was a joke, because I very much doubt that the report would have been commented on at all in our media if that comment had not been made. I wonder what the journalists would have said if they had run this report without Mrs Carnell's comments. I wonder what they would have said on these recommendations in the report:

The Committee recommends that the Government place a greater emphasis on ... performance indicators ...

The Committee recommends that ... agencies ... report ... within the required time ...

Exactly what is the substance? Let us give our media some credit. They want to follow a story; and there is not much of a story in recommendations such as:

The Committee recommends that the Attorney-General review the cost of providing ... training for Justices of the Peace ...

For goodness sake! Compare the quality of this document with that of previous years and ask yourselves: Have we really got value for money for the 10 hours, or whatever it was, that the committee spent deliberating on these matters?

Madam Speaker, let me illustrate what I am saying by quoting from pages 10 and 11 of this report. This is the language which is being used:

The Committee notes ...

The Committee noted ...

The Committee welcomed ...

The Committee also welcomed ...

The Committee recognises ...

The Committee welcomes ...

The Committee took the opportunity to question ...

The Committee recognises ...

The Committee also recognises ...

The Committee was interested in finding out how well agencies were performing ...

For goodness sake! Are you a member of the Government, Ms Szuty? Listen to this:

The Committee was interested in finding out how well agencies were performing in terms of financial management and reporting.

The situation with respect to the diesel fuel exemption scheme in this Territory, where we have had no reporting by the Government on this question, when officers would not even answer questions about that issue, is not a matter for praise. It is a matter for condemnation. It is a matter for regret. What does this report say? It says, "We welcome those sorts of things". Madam Speaker, the committee system in this Assembly has come to a very sad pass, and we have to regret the fact that we have seen this sort of report tabled in the Assembly. I do not want to see this sort of report tabled ever again in this place.

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MR MOORE (5.36): Madam Speaker, I would like to demonstrate to the Assembly that what we hear from Mrs Carnell, as reported in the paper, and what we hear from Mr Humphries now, is simply a stunt. Mr Humphries sounded quite convincing when he finished his speech by saying that he regrets it and that we do not ever want to hear that sort of thing any more. Mr Humphries, you were a member of the Estimates Committee that reported in 1993. They recommended, amongst other things:

consideration be given to the centralisation of the settlement of legal claims against the ACT Government, where an amount above a particular dollar limit is in issue ...

They also recommended:

the Social Policy Committee of the Assembly considers a reference to review the allocation and distribution of grants to community groups ...

This is exactly the same thing as you are describing now. Mr Humphries is leaving the chamber at this point, out of sheer embarrassment. He ought to be embarrassed. We all know - and he knows in his heart of hearts - how difficult it is sometimes to get a unanimous report from a committee. He knows in his heart of hearts - as Mrs Carnell also knows - that, when you get a unanimous report from a committee, it is much more likely to be effective; it is much more likely to have a major impact on change, which is what we have been trying to achieve. Another example, Madam Speaker - I have just chosen three together by opening the page - is:

the Government review its position with respect to the corporatisation of agencies as a matter of urgency in light of the recommendations of the Hilmer Report ...

It is the same language as Mr Humphries has just been quoting. And so it goes on, Madam Speaker. You have only to read through the recommendations of the previous report and you will see that they have the same tenor as the committee report that has been tabled and that is part of the discussion at this time.

Madam Speaker, what we have seen from a small number of members of the Liberal Party, who ought to be much more interested in the process, is simply an attempt at a stunt. Granted that this is the last session of the Second Assembly, one can understand their frustration; one can understand that they need to pull this sort of a stunt. The rest of us in the community ought not take it seriously. I would like to say, finally, Madam Speaker, in case you thought I was sitting down, that I believe that the committee has done an effective job, under a very difficult time constraint. All members of that committee deserve congratulations on this report.

MR DE DOMENICO (5.39): I had to get up and reply to Mr Moore's comments, because, when Mr Moore stands up in this place and condemns anybody for trying to play stunts, it gets past the farcical.

Mr Wood: Tell us about the unanimous report.

MR DE DOMENICO: Mr Wood talks about the unanimous report as if he should not be concerned about what the report said of the way that he handles his administration! If Mr Wood had read the report, he would have noted that paragraph 3.37 on page 14 said:

While noting the benefits that come from joint ventures such as these, concern was expressed at the Government's decision to provide an unconditional irrevocable undertaking for the total indebtedness (potentially up to \$25m), continued or otherwise, outstanding on or after 7 October 1998 with Cygnet Corporation ... The Committee considered that public money should not unnecessarily be put at risk.

Mr Wood, for you to say that this report is unanimous and that, therefore, you should have a big smile on your face, to me, is being a bit presumptuous; because what it said to you is that you have perhaps put at risk \$25m worth of this Territory's money.

Mr Wood: No; again, you are totally wrong.

MR DE DOMENICO: Mr Wood, if we are wrong, why will you not provide members of this Assembly with a copy of that contract with Cygnet Corporation, the one signed by your department? Mr Wood, when it was requested by the PDI Committee, the advice was that we could not have a copy of that contract. If you are prepared to provide a copy of that, we would be delighted to see it.

Mr Lamont: Read the *Canberra Times* today.

MR DE DOMENICO: I notice that Mr Lamont interjects as well. At page 15 of the report it states:

One of the matters before the Committee was the claim that the negotiation of the deal with the Vanuatu based VITAB betting agency was a 'major achievement'. The Committee notes that this agreement led to a loss of some \$3.3m of public money -

and it did -

and was the subject of an independent inquiry by Professor Pearce.

For Mr Wood to say that everything is hunky-dory because it was a unanimous decision of this committee is perhaps testing the strength of our imagination.

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Mr Lamont: Hang on! You are showing how good the report is, I suppose. Your leader just bagged it.

MR DE DOMENICO: If Mr Lamont wants to listen - - -

Mr Lamont: Your leader bagged it. You are saying that she does not know what she is talking about.

MR DE DOMENICO: The report continues:

The Minister -

Mr Lamont, who is now interjecting -

declined to provide a copy of the \$3.3m settlement between ACTTAB and VITAB. This response was consistent with earlier answers on this matter, which was essentially that no information would be made public.

This is the Government that stands up and talks about public consultation. We have Mr Wood saying, "No; you cannot have a copy of that contract, which may cost this community \$25m, because it is commercial-in-confidence"; we have Mr Lamont saying, "No; you cannot have a copy of the deal we have done where we have given them \$3.3m, because it is commercial-in-confidence"; and we are debating here how wonderful this report is!

This Government stands condemned and continues to stand condemned, notwithstanding what this report says. It has nothing to do with what members of this Opposition say or do not say to one another from time to time.

Mr Lamont: Madam Speaker, I rise on a point of order. I would draw Mr De Domenico's attention to the level of support that he has from his own benches.

MADAM SPEAKER: I do not think that qualifies as a point of order.

MR DE DOMENICO: Madam Speaker, once again, that comment by Mr Lamont shows the mockery of, and the disdain with which this community should hold, this Government opposite, because it shows how an arrogant government believes that it is born to rule in this place. But let me say to Mr Lamont that the people of the ACT will not fall for that. The people of the ACT will not read this report. If they do happen to read it, they should not come back with smiles on their faces, because this report, time and time again, says, if you read it carefully - - -

Mr Lamont: Hang on! Your leader said that it is no good. You are bagging your own leader.

MR DE DOMENICO: No, Mr Lamont; I am bagging your Government. This Government decision has cost this community \$3.3m. I am bagging the Government that will not let loose details about how we have given irrevocable \$25m guarantees that are not given to local developers. That is whom I am bagging, Mr Lamont. I am also bagging the fact that people opposite stand up and heap praise on Mr Stefaniak and Mr Kaine because it suits them to do so at the moment. If it were worth their while, I bet you that they would do the exact opposite. Let us not have any of that nonsense.

This debate is all about the fact that the people opposite us are too arrogant to realise that they should not sit back and smile amongst themselves and believe that everything is okay; because it is not okay, notwithstanding what this report says. It says very little. There is nothing in this report that tells me that Mr Wood's department wrote to members who saw fit to ask questions about the Comcare premium having doubled from one year to another. It has doubled, and that is in writing from Mr Wood's department. Do we hear Mr Wood say to the Chief Minister, "Let us get rid of Comcare."? No; of course he does not say that, because, as on other occasions, Mr Wood is quite prepared to sit there on his hands, do nothing, make no decisions and handpass the ball to somebody else, thinking that one day the problems might go away. We have seen that time and time again. This report does not go anywhere near saying what it should say. It should be saying that this is an arrogant government that will be brought to book by the people of the ACT come February.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (5.45): Madam Speaker, this has been a remarkable debate. I have been a member of this Assembly now for close to six years. I saw the Alliance Government fall apart, as internal tensions caused it to lose the support of the Assembly, and the very sensible Follett Government take over. I wonder whether we are now seeing the Liberal Party fall apart in the same way as the Alliance Government collapsed. I have seen in the last 15 minutes two speakers - that is, Mr Humphries and Mr De Domenico - stand up and bag their two colleagues Mr Kaine and Mr Stefaniak. They stood up and said, "You two are incompetent; you delivered us an appalling report". They said all sorts of things; but it is, in total, a vote of no confidence by two members of the Liberal Party in respect of two other members of the Liberal Party. It is an absolutely remarkable thing. I have not seen it in the three years of this parliament. We have to go back to the first parliament to see a comparable situation.

Mr Lamont: And then Mr De Domenico bags his own leader as well.

MR WOOD: Absolutely. Mr De Domenico is trying to retrieve some ground, and he has failed absolutely to do so.

Madam Speaker, I understood that it was intended that this debate should close, but I should make some comments on the Harcourt Hill development. I had actually marked off parts of the committee's report so that I could stand up, if we had had more time, and highlight all those areas where it acknowledges the good work of the department, of the Minister and of the Government. Mr De Domenico had something to say about decisions. Let me tell you about one of the decisions of which I am very proud. It is a very significant decision, and one which the Liberal Party would not take.

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That decision was to return land development in the ACT to the Government, to the people of Canberra. That was a significant decision, Mr De Domenico, and it was taken in the way that we carry out our actions here. It was done in a measured, steady and sensible way. If it had been a Kate Carnell type of decision, it would have been stop, start, go, disaster. But that is not the sort of decision that I take.

The Government is pleased to be involved with that Harcourt Hill project. It is already a great asset to our local economy. It will provide a top quality local facility and will enhance our standing as an international tourist destination. It will return considerable money to ACT residents. We entered into the joint venture - another of our joint ventures; not the only one, can I emphasise - after a long and exhaustive process, with full understanding of its commitments. There is no suggestion that the Government will be underwriting the losses of a private company, if any. As the development proceeds, the assets associated with the investment are offset against borrowings. In the unlikely event of any failure of the joint venture, all assets are returned to the Government.

It is important to understand the rigorous process followed by the Government since the late 1980s, when the selection of a joint venture partner for this project was initiated. During 1990 expressions of interest were sought nationwide for consortiums to be involved with government to provide an international standard tourist resort in Canberra. From this process, a practical and financially sound proposal was accepted as a basis on which to proceed to a detailed investigation stage. The successful consortium, Cygnet Corporation, was required, at their own cost, to undertake concept designs and detailed project feasibilities to demonstrate the viability of the project before the Government entered into a joint venture agreement. No government funding was provided for this work, and it is mischievous to suggest that any government funds were provided to Cygnet for the process.

Obviously, a project of this significance requires substantial investment funding. Cygnet was required to contribute non-refundable equity, and a loan facility was negotiated with the Commonwealth Bank. The undertaking provided to the bank related only to the moneys owing at the end of the fifth year of development, at which time it is expected that the loan will be extinguished. If this does not eventuate, an extension of the facility could be negotiated, given that the assets invested at that stage will make the project an attractive proposition to lenders. The Government agreed to the guarantee after rigorous scrutiny, and it is absolutely appropriate.

The Harcourt Hill development is an important project and is proceeding very well. The first stage of the project, which includes both residential land and an international standard golf course, is nearing completion. It is apparent that this development will provide a new lifestyle opportunity for the residents of Canberra, as well as being a major tourist attraction. It is a very good investment on behalf of the people of the ACT.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.51): Madam Speaker, I suppose that this debate can be summed up as somewhat of a fairytale. On the one hand, we have eeny, weeny and meany fighting Blynken and Nod about what Blynken and Nod have said. That really is what it comes down to. We have seen today an argument put forward by - - -

Mr Humphries: On a point of order, Madam Speaker: You have made rulings in the past about the way in which members should be referred to in the Assembly. I assume that Mr Lamont is referring to the Opposition. He must be asked to withdraw those expressions.

MADAM SPEAKER: It is a rather risky point of order on your part, Mr Humphries. Are you Blynken or Nod? I do not know. Mr Lamont, if you do refer to members opposite directly, please refer to them by name.

MR LAMONT: I will. Mrs Carnell, Mr De Domenico and Mr Humphries seem to be having some sort of a dispute with Mr Kaine and Mr Stefaniak. That is quite clear from the terms of all their speeches this afternoon. On the one hand, we have had Mrs Carnell say, "This is the most outrageous abrogation of the committee system, notwithstanding that 17 members of the Assembly set it up and put it into place. This report should be thrown out, and nobody should pay any regard at all to it". Her deputy then gets up and starts to quote what he perceives as the evils of the Government and Government performance. He quite clearly is saying that Mrs Carnell does not know what she is talking about. I tend to concur with him.

What did Mr Humphries say in his dissertation? The only time that an Assembly committee's report is any good is when it is a media stunt; that is basically what he said. Unless you can go out and bag the Government in the media, then these reports are no good; that is fundamentally what he said. That is absolutely outrageous. But that gives you an understanding of the level of competence of the people sitting in the first three seats opposite us. What happened with Mr Kaine and Mr Stefaniak? Mr Kaine and Mr Stefaniak, I understand, were presented with a dissenting report prepared in Mrs Carnell's office and hand delivered to one of them before the report was even considered by the committee. Before the committee had even considered its position, Mrs Carnell's office hand delivered a dissenting report. This is from the Opposition who has the audacity to stand up here and criticise the work that has been undertaken by Ms Szuty and the other four members of the committee. For you people to sit in this chamber this afternoon, and to sit there with straight faces, really shows just how bankrupt you are. When you are fighting amongst yourselves, it is obvious - - -

Mr De Domenico: It is the TAB that is bankrupt, Mr Lamont.

MR LAMONT: Here it is. I was waiting. I knew that he could not sit there for longer than 30 seconds without rabbiting on. He talks about this amount of money there and this amount of money here. Here is the man that says, "We must have investment. We must have money. Look what you have done". This is the man who stood up in the debate today and said that a \$40m investment in the ACT should not proceed. He has the audacity to sit there, along with his leader, to sit there along with Six-gun Kate, who is prepared to put a new bullet in every day, irrespective of what she said yesterday, and say that \$40m worth of investment should be thrown out automatically, with no consideration or no examination. That is the position that she adopted yesterday. However, obviously in the party room this morning, Mr Kaine clearly

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said to Mrs Carnell, "No; you have got it wrong again. What you should do is have a rethink about it". This afternoon we get an MPI and one question. Mrs Carnell, I know more about what happens in your party room than you do; but that is not surprising. The way that I hear it, you do not tell your members what you are doing. They have now adopted the same policy; they are not going to tell you any more. We will see what happens.

I suppose that I have enjoyed this afternoon the most of any afternoon since I have been a member of this Assembly. I reckon that this is the cheapest form of entertainment that I have ever become involved in. To see the five of you rip yourselves to pieces the way you have is the greatest entertainment that anybody on this side of the house could wish for.

MRS CARNELL (Leader of the Opposition) (5.56): This will be very quick, Madam Speaker. This whole process was a joke. There is no other way to look at it.

Mr Lamont: Mr Kaine, you are a joke.

MRS CARNELL: The issue is not that the report is a joke, but that the process was a joke. Mr Kaine totally agrees with this approach. Mr Kaine was one of the greatest critics - - -

Mr Lamont: Do you, Mr Kaine? That is not what he said today.

MRS CARNELL: Yes, it was. Mr Kaine was one of the greatest critics of a process that we have to go through when we are looking at budget performance and do not have any budget outcomes. We simply did not have any actuals for the end of the year. Mr Kaine was the greatest critic of that approach. As we know, we have here a process that we were going through to look at how this Government had actually - - -

Members interjected.

MRS CARNELL: I can yell for as long as I need to.

Members interjected.

MADAM SPEAKER: Order! Mrs Carnell has the floor.

MRS CARNELL: The process was a joke. To go down the track of trying to assess how this Government had performed, without any end of year actuals but with performance indicators, was a joke. As the committee said, that could not be measured. What do you measure? Then, to add insult to injury, we were ruled constantly to be asking hypothetical questions when we asked them about the budget figures, because we did not have the budget figures. No other parliament in this country - - -

Mr Lamont: No; that is not true.

Ms Follett: That is completely untrue.

MADAM SPEAKER: Order!

MRS CARNELL: The budget actuals for the end of the year; I am sorry. I will be specific. We had no actuals for the end of the year. No estimates process, no committee in this country, would have allowed that process to go ahead. Ms Szuty knows perfectly well that that is what I - - -

Mr Lamont: You had two members on it.

MRS CARNELL: They did not have the numbers. Ms Szuty was told and told again that the process should not have gone ahead.

Mr Connolly: Because she did not do what she was told, it is a joke; is that right?

Ms Szuty: Yes, exactly.

Mr Connolly: You do what you are told by Mrs Carnell.

Mr Lamont: Or you are a joke.

MRS CARNELL: The process was a joke, and would have been seen to be so in any other parliament in this country.

Question resolved in the affirmative.

Sitting suspended from 6.00 to 8.00 pm

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE
Discussion Paper on Container Deposits**

MR MOORE (8.00): I ask for leave of the Assembly to present a discussion paper on container deposits, entitled *Many Happy Returns*, and to move a motion in relation to that paper.

Leave granted.

MR MOORE: I present a discussion paper of the Standing Committee on Conservation, Heritage and Environment, entitled *Many Happy Returns: A Discussion Paper on Container Deposits*, and I move:

That the Assembly takes note of the paper.

The Standing Committee on Conservation, Heritage and Environment has considered the matter of container deposits and container deposit legislation and, in the process, as on a number of previous occasions, the committee has determined that it is most appropriate to present a discussion paper. Indeed, it was at a similar stage in the life of the First Assembly that the Conservation, Heritage and Environment Committee presented a discussion paper on cogeneration of electricity, a discussion paper on energy. That was then taken up in this Assembly by the committee, and I and the other members of the committee hope that that process will again be followed in the next Assembly by the Standing Committee on Conservation, Heritage and Environment.

I would like to begin the discussion this evening by thanking the other members of the committee for their cooperation and their willingness to work on this issue. When we began this inquiry Mr Westende was part of the committee. He was replaced by Mr Stefaniak, who made it his business to learn and understand very rapidly what the issues were and to make himself familiar with the material. Ms Ellis, as always, was very careful in ensuring that she understood the issues at hand and participated most closely in the debate. I also take this opportunity to make particular mention of Ms Judy Starceвич, the secretary of this committee, and the excellent work she did in assisting us to prepare this discussion paper, as well as keeping the committee organised on a number of its visits and discussions with other people.

There are differences of opinion identified in this discussion paper, but it gives the general direction of the committee's thinking. That general direction covers a couple of major issues that I would like to raise tonight. The first is that the litter issue is part of the discussion, and recycling is part of the discussion, but it is important that we deal with recycling in terms of the kerbside recycling systems that are due to start any minute in the ACT. In fact, I believe that just before lunchtime tomorrow Mr Lamont has trucks coming here, outside the Assembly.

The issue of litter was of great interest to us when we talked to people in South Australia, because there were weaknesses in their legislation whereby certain pieces of drink containers in particular were not part of the container deposit scheme. In our own observations, driving around the city and out into the rural areas, towards Salisbury, we saw around us a particular item that is very popular in South Australia, coffee-flavoured milk, on which no deposit applies and which was clearly the single most significant item of litter.

Mr Berry: They do not have smoothberry Moove over there?

MR MOORE: I hear an interjection from Mr Berry. I did not hear exactly what it was; but, if he was thinking about Raiders Milk, no, they do not have Raiders Milk in South Australia just yet. It will not be too long before they do, I imagine.

The interesting thing about South Australia is that a recent survey showed that around 90 per cent of South Australians believe that their container deposit system should continue, even with the weaknesses in the system that the committee recognised and which the department, whom the appropriate Minister made available to talk to us, also recognised. There is no doubt that one of those weaknesses is that the 5c deposit is clearly much too low. There are some other issues that I think are very important and that I would like to touch on. The notion that we should be an island in New South Wales was always of concern to members of this committee. We had discussions in New South Wales with a range of people of varying opinions, and those are included in the report.

One of the things that came out of our discussion and was pushed again and again, particularly by the Litter and Recycling Research Association, which represents the industry in this area, particularly soft drink manufacturers and so forth, was the targets that ANZECC has set. The committee felt that, particularly for the ACT, these targets are very low. Such targets could very easily be met, and are already being met, by the ACT even before we start our recycling campaigns. So, when people say, "Yes, but we are meeting ANZECC targets", the committee felt that that simply was not adequate. The ANZECC figures can be easily exceeded. Information was provided to committee members that would indicate that a recycling rate of some 80 per cent is expected from our kerbside recycling. It will be interesting to see whether that can be attained. It was plain from South Australia, where container deposit legislation applies and works at a reasonable figure, that one could expect a 90 to 95 per cent recycling rate.

Another interesting thing is the way different people use statistics. They talk about a percentage of land fill, saying that we would need to reach 30 per ; but the committee would then have to work out whether they were talking about by weight or by volume. If that is not set out clearly, you get a very different picture. If you are talking about the PET plastic bottles of Coke or some other soft drink that we commonly pick up from the supermarket, the weight is very small but they may take up a vast amount of room in a land fill site.

Those are some of the issues that are dealt with in the discussion paper. By and large, the committee felt that it was very important that the responsibility for recycling, for litter, be shared amongst the manufacturers and the consumers as well as the retailers, but that it ought not to be loaded entirely onto one group or the other. Seeking that balance is part of the challenge we have in front of us. In no way was the committee inclined to undermine the kerbside recycling system that has been started in the ACT; rather, we want to see whether we can find ways to supplement it and to improve it.

On a small note, the committee wrote to the surrounding local government authorities. Amongst our replies was one from Gunning Shire Council, which was concerned about tyres being dumped in their shire, particularly tyres from Canberra. One of the issues we have raised in this discussion paper is whether or not it is appropriate to put a deposit on such things as tyres, car batteries and other batteries, which are not likely to be caught up in our normal recycling process but are clearly a major concern for our community. The discussion paper in many ways asks more questions than it answers; but it does set a direction, and we look forward to revisiting this issue should any of us be back in the Assembly.

MS ELLIS (8.11): There are a couple of points I would like to make in relation to this discussion paper. The container deposit legislation regime in South Australia was introduced just on 20 years ago. Since that time it has developed into an incredibly popular system in South Australia, but I think it is fair to observe that much has changed in our environment since then. At that time, recycling either had never been heard of or had barely been heard of. Mr Moore is right when he says that the surveys that are carried out today in South Australia that look at the community's ongoing support for the CDL regime in South Australia are incredibly strong. I think it is correct and fair to analyse why that might be the case when we base opinion on that outcome. In some cases it could be almost a sentimental affection for a regime that they are used to, that works well for them, and that does not tend to interrupt anything else that comes along and is introduced alongside it. The committee was fairly open-minded on this aspect, and the testimony to that is the fact that we came down very strongly with the view that the current regime that is about to be introduced into the ACT - we are embarking on a very new recycling and waste collection system - is worthy of implementation. We need to see the results from that before we propose to interrupt that collection system.

As to my criticisms of the CDL regime per se, I have a fairly strong view on whether or not we as a community should put a money value on our rubbish when we are looking at a deterrent for littering. It worries me a little that we cannot in some way educate our community to keep their nests clean for reasons other than there being a dollar value on a piece of paper or a can or a bottle. That may be a little idealistic, but we have to be responsible and think carefully about what sort of attitude we may be promoting. When we consider the control of littering and the possibility of container deposit legislation to stop it, I point out that some of the most common litter that blows into my corner garden is the sort of litter that probably would not attract a container deposit, such as potato chip packets and Kit Kat wrappers. We need to ask: How far do we go and to what degree do we enforce this? To what degree do we influence the dollar being spent on educating our young people and educating our community to keep their areas clean for reasons other than being able to pick up a few dollars by wandering around the streets and collecting items of rubbish?

The issues I am raising through this process of our committee inquiry have become questions rather than criticisms, and I think that is very fair and proper comment when we come up with a discussion paper. These are the sorts of views we uncovered. These are the sorts of questions to which we have not formulated answers, but they are deserving of further examination in the new Assembly. I share Mr Moore's hope that, during the life of the new Assembly, the Conservation, Heritage and Environment Committee or its nearest parallel will do as this committee did with a couple of discussion papers left from the last Assembly. I think the discussion paper approach is a very positive way of working through issues of concern to our community when they are not black and white or when we are in transition, as I believe we are here with this new recycling and waste collection process. That is exciting in terms of the potential we have for setting up a good regime and, from what I saw during our visits to other States during this inquiry, I think the regime we are embarking upon here will be envied in many other parts of the country. The recycling systems I saw in Sydney and Adelaide do not in any sense resemble what it appears will happen here. I think we have a great opportunity for maximising both our waste collection and our recycling collection.

I would like to comment on the production, in the first place, of the packaging that becomes the waste we are now seeking ways to address. I feel very strongly that we need a national approach to minimising the production of unnecessary packaging through the national packaging industry. My committee colleagues will be bored when I say this, I am sure, because I have said it every time we have had meetings on this issue; but the typical example is the choice of buying toothpaste in a tube or toothpaste in a tube within a box. Another example is buying a cake of soap, or a cake of soap wrapped one, two, three or four times when you purchase it. Those are just two very small examples of what I consider to be totally unnecessary packaging. Consideration must be given to the environmental and resource costs that go into not only producing them but also carting them, depositing them in stores, getting them home, and then disposing of them.

I think the whole of the packaging industry needs to have a look at itself. I know that that is very difficult in the commercial world in which we live, when the emphasis is far more on the importance of making something look attractive to the consumer; but I recall within the last three or four years the very favourable increase in consumer opinion about the production of more green cleaning materials and green soap powders and their availability in our supermarkets. The community started to go out and look for these products and, as a result, industry responded. I am of the view that, if the community had a similar approach to unnecessary packaging and waste and the minimisation we could achieve, the industry would be forced, through the consumer's voice, to respond accordingly. I would like to see a promotion of that sort of attitude and of the littering limits or expectations ANZECC has set. I suggest to our Executive and our ministry that the message about unnecessary packaging should be taken to the ANZECC forum, if it has not already been, and talked about very seriously.

Some people believe in the polluter pays system. I have a problem with that to some degree. I would hate to think that if you are a rich enough industry you can pay anything and pollute as you wish. By the same token, we all have a certain level of responsibility, whether we produce it, buy it, throw it away, store it, recycle it, reuse it or refill it. We have a responsibility within our general environmental areas of concern to take that issue seriously. I encourage any forum where it is possible to raise at the grassroots the issue of the production of the stuff in the first place.

I support Mr Moore's comments regarding the conduct of this inquiry. I must confess that at the beginning I did not know to what degree it would become interesting, but it certainly did. It opened my eyes to the potential we have in relation to waste minimisation, the environment, production costs, and so on. I would encourage all members to read this paper carefully. Those of us who are lucky enough to return next time and those who enter for the first time after the election I encourage to pick up this discussion paper and go with it and to look at the whole question further. Whether it eventually leads this place into recommending CDL or recommend something else is up to them, but I believe that it is worthy of further examination. I express my thanks to the secretariat and to the chair for a very interesting inquiry.

MR STEFANIAK (8.20): I agree with the comments made by my fellow committee persons. The chairman, Mr Michael Moore, gave a very fair overview of what occurred. I listened with interest to what Annette Ellis said, which I think was also very fair comment. She made a very valid point in relation to packaging. I do not think she can use too many times the example of the toothpaste tube and the two, three or four layers of inner packaging; that is a very valid point and is worth repeating again and again.

It was a delight to be on this committee and I was very happy to be a member of it. We looked at a large range of areas, and I think the production of a discussion paper is most appropriate. Another committee next year can take up the issue and decide whether to go down the path of CDL or not. There were a number of peripheral issues we looked at in the compass of this inquiry; what the committee did goes a long way beyond the issue of container deposit legislation. A lot of the points we looked at go towards a number of environmental issues that are of great importance to the Territory. Container deposit legislation, in a way, is nothing new. South Australia has had it since 1977 and the ACT has had it. I can remember as a kid taking bottles down to the shops and getting back threepence or sixpence, or possibly 5c when we went to decimal currency. Times changed, and deposits on bottles in the ACT went out 25 or more years ago. The ever reliable milk bottle still exists and is still recycled. You can use those bottles something like 27 to 29 or 30 times; the recycling rate is about 99 per cent. The one per cent largely covers breakages and so on. There is, of course, no deposit on that bottle.

As the other committee members have said, especially the chairman, the committee did not want to compromise the very comprehensive kerbside recycling program that has been undertaken by the Department of Urban Services. Studies from the sample suburbs where it has been trialled indicate that it has a 90 per cent participation rate, and it is the hope of that department, and indeed of all of us, that that will be matched by recyclable goods being placed in the 240-litre bins and recycled rather than dumped. If we can achieve 90 per cent we will be doing exceptionally well. Even if we can achieve 80 per cent, we will be doing well. That, in itself, probably would negate the need for container deposit legislation. It would certainly negate it as a recycling tool. The committee felt that we need to see how that goes before any further decision is taken. I believe that kerbside recycling has the potential to go very well, and there may well be no need to bring in CDL, in relation to those types of goods to which it applies in South Australia, once a further study of recycling has been done 12 months down the track, when all of Canberra has it.

Another major constraint, which I think all members of the committee were aware of, is the fact that if New South Wales does not go down the track of container deposit legislation we would be crazy if we did. There would be huge problems if they did not do that. If New South Wales does go down the track of container deposit legislation, there would be a lot of very strong arguments for the ACT to follow suit. I still think it would need to be looked at again; but I appreciate that, if that were the case, the ACT being a small island of 300,000 people totally surrounded by New South Wales, the argument may become very persuasive. At this stage it is up in the air as to whether

New South Wales does that or not. It would seem, on balance, that they probably will not, given that the Carr Labor Party has indicated that they do not intend to and the Fahey Government has indicated that it does not. It would seem that any likelihood of New South Wales going down that track is remote.

The report indicated that the ACT, with a population of 300,000, simply does not provide a large enough market for separate recycling and manufacturing systems to be set up by the large manufacturers to support an isolated system, which ours would be if New South Wales did not go down the track. It was also contended that the opportunity for abusing a deposit scheme is high where the transfer of containers across State and Territory boundaries is easily conducted. Queanbeyan being slap bang next to the ACT would make such abuse particularly likely. That places us in a somewhat different situation from South Australia, not only in terms of the isolation of South Australia and its borders with other States but also because their population is significantly larger than that of the ACT, and that is a factor.

The cost is something we cannot discount. Coles, who gave evidence before our committee, indicated that the cost of bottle returns to their operations in Adelaide ranged from 16c to 22c per bottle. Those were costs they bore in terms of recycling. There are additional costs if we go down the path of specific labels for soft drink bottles. Estimates were given to the committee that the cost of changing soft drink bottles in the ACT would be well over \$900,000. The estimated cost to a small bottler to alter just three labels would be \$8,000 to \$10,000. Manufacturers and retailers, operating on the margins they do, especially in the ACT, where the margins are very small, would have to pass on any cost to the consumer. That is another limiting factor.

Apart from the issue of CDL, a number of other factors were looked at. The committee made certain comments, not so much by way of recommendations but, as the chairman has said, to indicate the way the committee is going. We were certainly not in agreement on everything, and that is indicated in the report, where phrases such as "part of the committee held the view that" are used. There were a number of areas where I certainly did not agree with the rest of the committee. One such area is paragraph 6.20, where this comment is made:

If the recycling rate is satisfactory the Committee also considers that it would then be appropriate for the community to explore ways of instigating the polluter pays principle through the taxation system where manufacturers would bear the costs of recycling programs as well as litter prevention campaigns.

I think that is unfair to business and unfair to the manufacturer; hence the comment:

However, an opinion was held within the Committee that manufacturers ought not to be singled out because manufacturers, industry and consumers all pollute and should be treated equally.

That was my comment, because I think everyone should be treated equally here. You cannot excuse the slack consumer who throws out beer cans and pollutes with rubbish, and single out the manufacturer to pay for the negligence and bad behaviour of someone at the end of the line. Similarly, if a manufacturer does the wrong thing and pollutes, if industry pollutes, they should be penalised as well.

I come now to the question of littering. Container deposit legislation in South Australia was not aimed only at recycling. It was initially brought in predominantly as a litter reduction measure. There are a number of items in the litter stream that are not covered in South Australia by CDL. The items Ms Ellis mentioned, such as paper wrappings and so on, are not covered by CDL. I suppose that the argument there would be that you could put CDL on such products, but probably that is impractical. Action could be taken to enforce the provisions in the Litter Act and give it more teeth. At present in the ACT litter infringement notices, which are hardly ever given, carry a penalty of \$200 and they have to be issued by an authorised inspector, of whom there are two in the Department of Urban Services. Those inspectors have other duties besides litter control. Private citizens can also report individuals they have observed littering, but they are pretty loath to do so because they have to provide a statutory declaration and be prepared to appear in court to substantiate their claims. Police also can issue litter infringement notices. Consequently, very little is done there. Perhaps more attention needs to be given to that. Perhaps more departmental officers need to be given power to enforce those provisions. I would also suggest breaking up the infringement notices. I think the penalty of \$200 should remain for people who throw paper out and are careless with products that are not as harmful as some others; but I suggest a \$500 infringement notice for such things as beer bottles, which are far more dangerous. Certainly, if you go around our cycle paths you see a lot of broken beer bottles, which people regularly complain about.

One further thing that I was keen to see included in the paper is items that up until this time no-one has thought of putting a deposit on but which take up a fair amount of tip space: Car bodies; tyres, which are an increasing problem because of the millions that are dumped around Australia every year; oil products; batteries, which leak and cause problems in their own right; and whitegoods, which take up a lot of space at our tips. (*Extension of time granted*) In some countries a deposit is placed on those goods and they are returned and get out of the litter stream in that way. I note that this question has been looked at in other States. I think the Tasmanian committee, whilst not recommending CDL on a lot of products, indicated that strong evidence before it suggested that CDL, or some sort of deposit legislation, could be placed on these large items such as car bodies, tyres and whitegoods. I think that has merit.

In summary, Madam Speaker, this is a challenging report for a future Assembly. It raises a lot of issues, not only in relation to the compass of container deposit legislation but also in relation to packaging, recycling and litter generally. I hope that the future Assembly committee will take it up and will come down with some positive recommendations. I do, however, indicate that I am sceptical about container deposit legislation as it applies in South Australia being applied to the ACT. Perhaps we are in a different situation and do not necessarily need it. However, this is a good report, worthy of consideration by a future Assembly.

Question resolved in the affirmative.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MRS GRASSBY: Madam Speaker, I present report No. 17 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement.

Leave granted.

MRS GRASSBY: Report No. 17 of 1994, which I have just presented, was circulated when the Assembly was not sitting, on 17 November 1994, pursuant to the resolution of appointment of 27 March 1992. I commend the report to the Assembly.

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

MR BERRY (Manager of Government Business) (8.33): Madam Speaker, I present report No. 31 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan in relation to the Gungahlin Town Centre, together with a copy of extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Thursday, 24 November 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This draft variation to the Territory Plan is in relation to the Gungahlin Town Centre. This was an important matter for the committee's consideration because of its impact on the people in Gungahlin and their enthusiasm about getting development on their town centre under way. The committee heard a wide range of evidence and visited the site.

One of the issues that became apparent throughout our consideration of the matter was the protection of the striped legless lizard, *Delmar impar*, which is threatened with extinction nationally. The committee was advised that in June 1994 the Minister for the Environment, Land and Planning had directed that the ACT Parks and Conservation Service prepare a conservation strategy for the striped legless lizard. A working party was established comprising various scientific, community and government organisations. I would like to refer to a report from that working party, which was completed in October 1994. Paragraph 10 of the committee's report quotes from that report by the working party, as follows:

... the objective for a conservation strategy for a threatened species such as *Delmar impar* is to maintain in the long term, viable, wild populations of *D. impar* as a component of the indigenous biological resources of the ACT and as a contribution to regional and national conservation of the species. The species has been found in three areas

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in the ACT, namely, Gungahlin, the lower Majura Valley and adjacent to Lake Burley Griffin ... It is the considered opinion of the working party that, based on current knowledge of the distribution of *D. impar*, its rarity and the serious decline in its habitat, the *D. impar* population in the Gungahlin area is amongst the most significant in Australia and its conservation is essential to continuing survival of the species in the ACT and region ...

Sites within the Gungahlin Town Centre and precinct contain the most significant populations of *D. impar* in the ACT ... Until and unless further sites of comparable significance and viability are discovered and conservation assessments reviewed, their protection and appropriate management is vital to the continuing survival of the Gungahlin population as a whole.

This is truly a significant population of these creatures. To continue:

... interim protection of Town Centre sites pending further survey work in the Gungahlin area is required ...

Potential habitat linkages between populations in the Gungahlin Town Centre should be protected and rehabilitated until the relative significance of individual populations in terms of long-term viability can be assessed ...

A best-practice strategy for the ACT to achieve conservation objectives for *D. impar* ... [includes] sites containing *D. impar* [should be] quarantined from development or detrimental management changes pending further survey ...

The committee was left, on the basis of the evidence before it, with the future of the striped legless lizard in its hands. We would be regarded as environmental vandals if we were to abandon our responsibilities in relation to this endangered species and allow the bulldozers to go in. It was a matter of some concern that our delay in consideration of this matter might impact on the people of Gungahlin, but I know that the people of Gungahlin would be sympathetic towards the future of this species.

One of our concerns was that these variations came before the committee without having the issue of the survival of the species resolved beforehand. We understood that there were some timeframe problems. The discovery of much of the material in relation to *Delmar impar* arose out of the working party report, which was completed in October 1994. We strongly urge the Government to ensure that all environmental issues are resolved by the Planning Authority before variations are brought to the committee; otherwise they will be held up again. It is inappropriate, in our view, for this to occur. The committee supported the principles and policies, and I refer members to the following recommendation:

The Committee supports the principles and policies contained in the draft Variation but the Committee considers insufficient knowledge exists about the effect of the draft Variation on the nationally endangered legless lizard (*Delmar impar*) and hence the Committee is unable to further its consideration of the draft Variation until a definitive report on this matter becomes available (expected in March 1995).

Further, the Committee advises the Government and planning officials that in future it will not consider a draft Variation unless and until all significant environmental aspects have been addressed in the process of preparing that draft Variation.

I think we have sounded a warning in relation to environmental matters. At the same time, I am sure that committee members recognise that discovery of some of the issues surrounding the survival of *Delmar impar* occurred quite late in the piece anyway. I recommend adoption by the Government of the committee's recommendations. I do not see that there is any other way forward. We are obliged to protect this very important species. Before I close, I would like to thank all the other members of the committee - Ms Szuty, Ms Ellis, Mr Cornwell and Mr De Domenico - for their assistance in ensuring that we got through all the work that was required to be done to get this report to the tabling stage. I also pass on my special thanks to the secretary, Mr Rod Power, and all the secretariat staff, who, as always, are willing horses and do their job well.

MR DE DOMENICO (8.41): Let me first reiterate Mr Berry's comments about the hard work done by other members of the committee, and especially Mr Power. I am going to be a bit stronger than Mr Berry on one aspect. The working party that was convened to look into the Gungahlin Town Centre and the legless lizard was established in June this year and they knew from June this year that the Gungahlin Town Centre site was potentially important to the habitat of an endangered species, namely, the legless lizard. However, the authority continued to prepare the formal papers associated with the draft variation and submitted them to the Minister. It seems that the real significance of the draft variation in relation to the lizard was realised only during the time it was before this committee. I think all members of the committee were very dissatisfied that the matter should have been left to that stage.

Although I note that there is no dissenting report - like other members of this chamber, I can count - I found it very difficult to be in a situation - - -

Mr Moore: That is the weakest excuse. If you disagree with something, you write a dissenting report.

MR DE DOMENICO: I find it very interesting that Mr Moore, who is not even a member of the committee, thinks he knows all about this issue. I suggest that Mr Moore does not know all about this issue. In any planning situation I am involved with in the future, unless I am presented with all the information in regard to environmental impact and anything else to do with legless lizards, wingless moths or earless dragons - - -

Mr Berry: What about Yowani? You want to go ahead with that.

MR DE DOMENICO: I will talk about Yowani in a minute, Mr Berry, when you present that report. We will see how hypocritical that situation is as well. On any committee I am involved with in the future, unless bureaucrats, planning authorities and the like think it is so important an environmental situation that they finish all the reports, I will, first of all, refuse to accept anything that is said. Secondly, if I have to err on anyone's side in the future, unless I have all the information before me from the so-called experts I will always err on the side of human beings over anything else. I make that quite clear.

Once again, I, as others, did not want to be accused of being an environmental vandal. But I put the Planning Authority on notice, and this side of the house puts the Planning Authority on notice, that we need to have all the information in front of us before we are asked to make intelligent decisions, especially in those areas where we have no expertise. That is what we rely on those people for. I concur with the comments made by the committee. I was not 100 per cent satisfied that what was put before me was all I should know before I made that decision.

Mr Berry: But you would have to accept that there were timing difficulties.

MR DE DOMENICO: There are always timing difficulties, and if there are timing difficulties there is nothing to stop the Minister from retrieving the draft variation from the committee until such time as the Minister is satisfied that he is getting the right information. That is the way I see it, Mr Berry. I will no longer be accepting hand passes from everybody around the place. It is time that those people who have expertise in particular areas or responsibilities in particular areas satisfied themselves that the information they give to elected members of this chamber is right before we have to start reading things. I endorse the recommendation made by the committee. It is a unanimous recommendation. I am just putting on notice all those people concerned: From now on they should make sure that they get it all right before they come before an Assembly committee and present information.

MS SZUTY (8.45): I will speak briefly to the draft variation before the Assembly. I would like to outline the work the committee did before we made the decision that we could not go any further with the variation. The points are outlined extensively in our report to the Assembly on this draft variation, but it is worth noting that we were originally briefed about the draft variation by the Chief Planner and other officers of the Planning Authority on Friday, 16 September 1994 - about two months ago. The committee requested that the authority provide it with a copy of all submissions it had received in relation to the draft variation. We also resolved to call for public comment on the Gungahlin Town Centre draft variation, with a closing date for submissions of Friday, 7 October 1994.

On 23 September, members of the committee inspected quite extensively the site of the Gungahlin Town Centre. We walked around the edges of the proposed town centre and over some of the ground, to get a feel for the lie of the land and the varying conditions that prevailed in particular areas. We thereafter received further briefings on the site, and at this meeting the committee requested additional information on the social infrastructure planning of the proposed town centre and the nature of the endangered species affected by the draft variation. It was probably at that point that we first started to raise questions about the impact of the development of the town centre on the striped legless lizard.

When we held our public hearing we heard from a number of witnesses who appeared before us - Mr Connor, a private citizen; Mr Darlington, the director of the Conservation Council of the South-East Region and Canberra; and Mr Warren, Mr Rosenstrauss and Ms Hoskings of the Gungahlin Community Council - and we also heard, on the public record, from the Chief Planner and other planning officials. We further requested officials to brief us about the draft variation and to respond specifically to matters raised during the public hearings, including the information contained in two recent environmental reports, which Mr Berry referred to earlier. We also asked questions to do with the proposed shopping centre in the town centre and we raised issues to do with the traffic calming and design measures proposed in the town centre. On 4 November we heard a further witness in relation to the draft variation for the town centre, Mr Horscroft. We also received a further briefing by planning officials and by an official from the wildlife unit of the ACT Parks and Conservation Service. We further considered the draft variation at our meeting on Friday, 18 November 1994.

It is disappointing to me, as a member of the Planning Committee, that we spent some two months considering this draft variation, only to decide at the end of the day that we really could not proceed with it any further. As Mr Berry has said, it became apparent that no final decision could be made on the town centre because of the survey work in relation to the striped legless lizard that still needs to be undertaken. In fact, that survey work is happening now because the creatures cannot be trapped for survey purposes before November - the appropriate time for that to occur.

The implications of the surveys for the town centre's development are quite profound. Depending on the outcome, the extent of development on the site will be affected. The question of the need to retain a wildlife corridor to link populations of striped legless lizards may need to be considered in the future. In addition, the outcome of the surveys may affect major road alignments in the area. The committee in its report deferred further comment on the draft variation for the town centre until the outcome of the surveys is known. We also deferred comment on other issues in relation to the town centre, including the proposed employment base for the town centre, the provision of community infrastructure roadworks, and traffic calming measures. I reiterate that it is a disappointment to me that the Planning Committee needs to come before this Assembly to present a report of this nature, recommending that the draft variation not be considered; but I agree with other committee members that we had no other choice.

Question resolved in the affirmative.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**

Report on Draft Variation to the Territory Plan - Lyneham

MR BERRY (Manager of Government Business) (8.50): Mr Temporary Deputy Speaker, I present report No. 32 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan relating to Lyneham, section 67, block 1 - Yowani Golf Club - together with a copy of the relevant extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 28 November 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This report is a unanimous report. Remember those words. I refer members to the extracts from the minutes, which make it very clear that it is a unanimous report. Mr De Domenico, I hope that the word "unanimous" rings in your ears all night, especially when you get up to move your amendment, which I see you have circulated. To save the time of the Assembly, I will speak against the amendment as I speak in support of the committee's unanimous decision. I think it demonstrates that Mr De Domenico, although not disagreeing with the words of the committee in relation to our deliberations on this matter, got cold feet. Somebody may have leant on him. Who was it? Was it his developer mates?

Mr De Domenico: It is called commonsense.

MR BERRY: Oh! We do not have commonsense when we are in committee meetings; we have to discuss issues. You wait until you get outside and somebody gives you a ring and says, "Hey, matey; you are supposed to be supporting the developers, not looking after the people or the little creatures - no way". All of a sudden, Mr De Domenico gets a rush of blood to the head, and out come these sorts of outrageous moves to amend the committee's report. I do not mind if people are up front about it, if we have the debate within the committee and then we move on to other things. But I was surprised to get a call from Mr De Domenico today, asking me to reconvene the committee so that we could change the recommendation. I do not think that he would have been surprised when I said no. I am certain that none of the other members of the committee would have been interested in reconvening the committee to look at it with that in mind.

Mr Wood: Was he at the meetings when all of this was discussed?

MR BERRY: Yes, he was there.

Mr Connolly: And he supported it.

MR BERRY: Yes, and heard all the evidence. It became apparent to us throughout our examination of the Yowani Golf Club proposal that there had been incomplete consideration of traffic management matters in the area. Of course, Mr De Domenico does not care about that. He does not care about Mouat Street being clogged up, he does

not care about the inconvenience to nearby residents of the ACT, he does not care about the residents of Belconnen or other places who have to drive through there - because he lives on the south side. Our job is to examine all those issues and to make suitable recommendations in relation to them. That is the job of the committee, Mr De Domenico. That is what you are there for - to make recommendations. The committee was not satisfied that sufficient work had been done in that regard. On that basis, principally, the committee was not prepared to proceed.

But, as well, the proponent had informed us in writing that a survey of the nationally vulnerable striped legless lizard, *Delmar impar*, was under way again and that we really would be environmental vandals if we were to support a development in principle at this stage without going through the process. What Mr De Domenico wants us to do is to agree to it, because at the end of the day - - -

Mr De Domenico: No. Read it carefully, Mr Berry.

MR BERRY: I do not have to be careful, matey. I know what you are up to. It is development at any cost. I heard you say a little while ago that all you care about is the people. That suggests that you would not be worried about our endangered species.

Mr Wood: Except in Tuggeranong.

MR BERRY: Yes, that is right. What he wants to do is get us to agree to this in principle, without having sorted out those important issues such as the traffic - - -

Mr De Domenico: No; you are wrong again, Mr Berry. If you read the thing carefully, you will realise what was being said.

MR BERRY: You got cold feet because you were leant on. It is disappointing that it was not raised in the committee. I know that members will not support the proposal that you put forward. I think you are being a little bit like Mrs Carnell again - trying to be everything to everybody, making sure that you are friends to everybody. But let us be friendly to the people out there who are going to have to use that street and who expect that it will be properly managed and that all the necessary consideration will be given to the management of traffic arrangements in Mouat Street and other nearby streets and thoroughfares. As well, let us have a bit of regard for the survey which is being undertaken at the moment in relation to that nationally endangered legless lizard.

I turn to the recommendation. It states:

The Committee advises the Legislative Assembly that it is unable to proceed with the draft Variation before the statutory disallowance period expires (in relation to the current Legislative Assembly), due to uncertainty about the significance of the site for the nationally vulnerable striped legless lizard (*Delmar impar*) and to uncertainty about the full impact of the proposal on traffic management issues in the area (which would require the Committee to consult directly with local communities).

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The important thing about this is that there has to be consultation on these issues. It would be quite inappropriate for the committee to endorse the development in principle without having gone through that process; otherwise anybody who was consulted could rightly say, "What is the point of the consultation? You have already agreed to it in principle". That is what Mr De Domenico wants to do. He wants to prove to his mates that he is able to lock us in. It is a nonsense proposal. I think you are going to look like a loser after this one. It makes you look like an opportunist. But I have to say that, looking like an opportunist, you would be a great twin for your leader.

MS SZUTY (8.58): Madam Speaker, I support the committee's view that we are unable to proceed with the draft variation at this time. I note that the draft variation was actually referred to our committee by the Minister for the Environment, Land and Planning earlier this month - only a few weeks ago. Given the committee's workload, it simply was not possible to fully investigate the proposal in the time that we had available. As Mr Berry indicated, the committee is conscious of a survey which is to be undertaken to assess the habitat of the striped legless lizard. It has had no opportunity to study more detailed aspects of the proposal with the proponents, with the objectors to the draft variation or with local residents and community groups.

I would also like to consider the development of residences on yet another golf course in the ACT. I think it is actually time for the Planning Committee to have a good look at some of the developments which we have given the go-ahead in the past and to have a serious think about yet another proposal for a golf course in the ACT. The developments which we have approved during the life of this Assembly include the redevelopment at the Belconnen golf course, the redevelopment of the Capital golf course in Narrabundah and also the Harcourt Hill golf course development. I think it is time to attempt to assess the viability of the proposed Yowani golf course development.

Madam Speaker, I consider the deferral of consideration of the draft variation in respect of the Yowani Golf Club to be appropriate. I think that the Planning, Development and Infrastructure Committee in the new Assembly should be given the opportunity to consider the draft variation proposal fully and properly, taking into consideration those wider issues which I have identified in my remarks.

MR DE DOMENICO (9.00): Madam Speaker, I will comment on my amendment, which has been circulated.

Mr Wood: Only comment? Are you going to move it?

MR DE DOMENICO: I will move it, too, Mr Wood, after I make some comments.

Mr Berry: I would have thought that somebody like you, who travels so close to the ground, would have more sympathy for the legless lizard.

MR DE DOMENICO: Mr Berry, thank you for making that personal remark - that someone who travels so close to the ground should have more sympathy for legless lizards. I will make sure that I get personal with you one day as well. Notwithstanding that remark, I move:

That all words after "That" be omitted and the following words be substituted: "the Assembly notes the report of the Standing Committee on Planning, Development and Infrastructure and requests the Government to approve that part of the draft Variation to the Territory Plan for Lyneham, section 67, block 1, part (Yowani Golf Club) applying to the golf driving range area thus varying the existing Land Use Policy for this part of Yowani Golf Club from 'Restricted Access Recreation' to 'Residential'".

My amendment is all about commonsense. Mr Berry, if you read my amendment carefully and if you knew the facts of the matter, you would realise that the amendment stipulates that it is an area which has no impact whatsoever on the striped legless lizard. That is according to the Planning Authority. If we are going to be consistent and allow part-development - as we will perhaps be doing later tonight in respect of Symonston, where we have allowed development of one-third of the area, which is not affected by, in that case, the earless dragon - we have the opportunity to say, "If it is good enough to allow Symonston to go ahead, because it is a development that the Government desperately wants and needs, why is it not good enough also to allow part-development on the Yowani Golf Club?"

If I erred, Mr Berry, in not insisting on full development of Yowani last Friday, then I was wrong. I do not want to divulge too much of what is discussed at committees; but even Mr Berry, as chairman of that committee, would perhaps concur that, on the Friday before that, every member of that committee except one person was prepared to debate the Yowani issue. The compromise position was that we would give that person an extra week to get themselves up to scratch with the issue and then we would finalise it last Friday. Since then, apparently, there has been a change of mind.

Mr Berry: But you agreed with us.

MR DE DOMENICO: There was a change of mind. Strictly speaking, it was a unanimous report. Therefore, let it be said by Mr Berry that everybody agreed with every single word of that report. I am now saying, "Here is a compromise position that people have thought of since that decision was made on Friday". I ask whether this Assembly is flexible enough, when it sees a compromise position which makes a lot of commonsense, to say, "Hey! We were wrong. We will change our minds". It makes us human, for heaven's sake. Are we flexible enough for that? I believe that we ought to be flexible enough to do that.

If members look very closely at my amendment they will see that it says that we are allowing development on that area of the Yowani Golf Club estate which, according to the experts in the field - whom we believed in the case of Gungahlin and in the case of Symonston - is not affected at all by the legless lizard problem. So, Mr Berry, your smart comments about people being close to the ground and respecting legless lizards was uncalled for.

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Mr Berry: I will apologise for that, Tony. I was talking about your gutter politics.

MR DE DOMENICO: But it was to be expected, because you have no logic to argue with.

So, this amendment is all about making commonsense and allowing a sensible, good development. It is about showing the community that there are good developments to be had in the ACT after all the controversy of recent times and also that Assembly members are flexible enough to recognise a good compromise and a commonsense proposal and to change their minds if they have to. That is why I am pleased to move my amendment. I am pleased to say that I have had a change of mind since Friday - if that is the way you want to put it - because it makes good sense. It is a good development. I urge members to think carefully and put their money where their mouth is. If we are concerned about future job prospects in the ACT, if we are concerned about making sure that good developments are allowed to continue, let us now change our minds and support the amendment.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (9.05): Madam Speaker, I find it amazing that twice in one day the Deputy Leader of the Opposition has had the audacity to stand up and say to this Assembly and its committees that he has no faith in what they do. Before dinner we heard Mr De Domenico deriding - in fact, casting aspersions upon - members of this Assembly and the processes adopted by this Assembly as far as the committee chaired by Ms Szuty is concerned. Since we returned from dinner, and particularly on this matter, Mr De Domenico has once again said, basically, that the committees of this Assembly are unable appropriately to assess the issues placed before them. That may be a valid assessment at some stage, as far as he is concerned; but I find it somewhat surprising that Mr De Domenico would stand here this evening and propose amendments to the report on a matter that he was involved in. He was involved in that process. When I read the report I find - lo and behold! - that there was no dissent.

So, what has happened since last Friday, when the PDI Committee reported, having sat, discussed this issue and determined its position? Mr De Domenico has changed his mind. Why? Has Mr De Domenico had some sudden revelation which has escaped the other members of the committee? Have the heavens opened and has a light appeared? Has Mr De Domenico been pontificating, "O Lord, I have a new vision, and the new vision is different from that which we received last Friday."? Is there, in fact, some greater knowledge now provided to Mr De Domenico? Madam Speaker, it is all political opportunism.

Mr De Domenico: Did you not promise, with a wink, to fix this, Mr Lamont?

MR LAMONT: No, Mr De Domenico. What we said quite clearly was that issues needed to be addressed. This Assembly determines the process by which they are addressed, and it determines that each of the tests that need to be met is met. What we have is the sudden conversion of Mr De Domenico. This afternoon Mr De Domenico was saying, "No, we cannot have \$40m worth of investment in Tuggeranong"; but - lo and behold, Lord! - tonight we can have \$5m worth of investment

at Yowani. That is basically what Mr De Domenico is saying, irrespective of the fact that an Assembly committee has adjudicated on the relative merits and has proposed to this Assembly that there are issues about this development that need to be considered.

The sheer hypocrisy of this man needs to be exposed. That is the game that this man is playing. It would be unparliamentary for me to say that he lies for convenience; so I would not say that. But I would suggest, Madam Speaker, that what he does do is sail very close to the wind. This evening, at an appropriate location, the Master Builders Association held pre-Christmas drinks. At that gathering, I understand that Mr De Domenico said words that imported, "I did not accept this on Friday. I do not accept it now".

Mr De Domenico: I did not say that all, Mr Lamont.

MR LAMONT: I am saying that you imported that.

Mr De Domenico: Did you hear me?

MR LAMONT: Mr De Domenico, I have never stooped that low - - -

Mr Berry: Careful!

MR LAMONT: To eavesdrop on a conversation such as that.

Mr De Domenico: Did you wink or nod at anyone, Mr Lamont? Last night, did your office promise to get this through?

MR LAMONT: Mr De Domenico, do you want to stand up and say it again?

Mr De Domenico: Are you going to answer the question?

MR LAMONT: Mr De Domenico, I am not quite sure - - -

Mr De Domenico: Did anybody in your office say last night, "We will get this through; we will fix it", with a wink and a nod? Come on; answer the question.

MR LAMONT: I am not quite sure how you believe the business of government should be conducted.

Mr De Domenico: You tell me, Mr Lamont, whether your office did or not.

MR LAMONT: I will, if you would do this for 30 seconds. Just go like this. You have been caught out; you have been done; you have been had. Your mates are walking away from you, and you do not like it.

Mr De Domenico: For once in your life, come clean. Mr Fix-it bites the dust. No more drinkies at the Kingo.

MADAM SPEAKER: Order!

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Mr Humphries: I take a point of order, Madam Speaker. I think Mr Lamont is straying very far from the subject at hand, and I would ask him to return to the issue that is being debated.

MADAM SPEAKER: I think that is probably right, Mr Humphries; but there is a rather high level of interjection going on as well. So, quid pro quo; let us carry on and focus on the correct point, with a bit of quiet on my left.

MR LAMONT: Madam Speaker, I am glad that you did not say that there was intelligent interjection from the other side.

The simple fact is this, Mr De Domenico: On Friday, you put your hand up. On Saturday or Sunday, you were tapped on the shoulder, and you thought, "Hello! I think I have done the wrong thing". It is a bit too late to walk in here, like Pontius Pilate, point the finger and say, "Lord, it is him". You have had your opportunity. You have done it.

Mr Moore: I think you have mixed your metaphors a little.

MR LAMONT: You do not mind that, do you?

Mr Moore: He was the one who washed his hands.

MR LAMONT: But Pontius Pilate washed his hands in clean water. For Mr De Domenico, in his party room, it would be very difficult to find some clean water.

MADAM SPEAKER: Order! Mr Lamont, please do not be distracted by all these biblical allusions.

MR LAMONT: The real issue is that, unlike illusions, the apparitions that come from the other side of the chamber need to be exposed. Madam Speaker, what this is all about is that the PDI Committee, a committee of this Assembly, has assessed the merits of the issues presented to it. It has determined that a particular course of action should be followed. Unlike the proposal by the current Leader of the Opposition, Mrs Carnell, about the Tuggeranong Hyperdome, the PDI Committee has said that the issues need to be addressed before any decision is made. That is the reality of what the PDI Committee's report says. That is a position supported by the Government - that you need a process; that, as a community, you need to be able to be assured that, when you put forward a proposition, the criteria against which that proposition will be assessed are consistent, development by development.

This afternoon, we heard Mr De Domenico and Mr Humphries support the current Leader of the Opposition's view that we should not go through that process; that we should unilaterally change the ground rules; that we should unilaterally say no to a particular development. That is not the view of the PDI Committee, as enunciated in this report. This report quite clearly says, "There is a process. Let us follow the process."

That process protects the community's interest". That is the issue. Because, in the last 72 hours, Mr De Domenico has been prevailed upon to take a different course of action from that which he took on Friday, it should not be a proposition that affects the deliberations of this Assembly. Mr De Domenico has been renowned for taking a short-term, narrow, low view on what should happen. This Assembly should pay no credence to it. It should say tonight, once again - for the second time this day - that you, Mr De Domenico, have got it wrong again.

MS ELLIS (9.15): I want to make a couple of very quick comments, as a member of this committee. To have this amendment circulated today, after the due deliberation that the committee has gone through on this issue, I find more than difficult to deal with. We do not really know what are the implications of the amendment that Mr De Domenico is putting up. What proportion of the original development does this involve? I do not have that information available to me to make a quick assessment. It is a total change in direction from the outcome of our deliberations and the report. Does that change still make the proposition viable?

Mr De Domenico: Yes.

MS ELLIS: I have not had the opportunity, Mr De Domenico, to ask anybody that. The Symonston issue that we went through - where we did, in fact, approve a partial variation - was after long and strong questioning of the people involved. We consider very carefully all of the information put before our committee. I am afraid that I cannot consider such an amendment here without having that information in front of me; but I am then accused of being inflexible. I think that, when talking about being inflexible, the boot may be on the other foot.

The other thing that has been ignored by this amendment is the comments in our report relating to the traffic implications and the further work needed to be done by the committee to satisfy itself on that issue. Mr De Domenico, I do not know what are the implications of this amendment in terms of the traffic. You have not addressed it at all in your amendment. I take it, therefore, that you are assuming that partial development means absolutely no alteration to traffic arrangements. I am afraid that I cannot take that at face value. If I am a responsible member of this committee, having gone through the process that I have gone through, I cannot very well be put in the position of changing my mind on such scant evidence.

MR BERRY (Manager of Government Business) (9.17): First of all, I would just like to say, Mr De Domenico, in relation to my earlier words which offended you so much, that that was clumsy language on my part, I agree; but you do practise very low politics. You are a bit snaky sometimes. I think this effort has been a bit over the top. If you are being leant on by somebody and they have said, "Tony, you have made a big mistake", you could stand up here and say, "Well, I forgot what I was supposed to say. Whoever it was took their hand away from up my jumper, like a little glove puppet. I will do as I am told in future", and that will be fine. But the issue is that the committee has made a decision about the matter, having carefully considered it.

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This amendment has come like a bolt out of the blue. It was very clear when we left the committee meeting last Friday that everybody was in agreement - everybody, including you. So, the Government will oppose the amendment. It will not save you, because even your mates will be a wake-up to you. In relation to the report, I recommend its adoption by the Government.

Mr De Domenico: Madam Speaker, I seek leave to speak a second time.

Leave not granted.

Question put:

That the amendment (Mr De Domenico's) be agreed to.

The Assembly voted -

AYES, 6 NOES, 10

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

Question so resolved in the negative.

Original question resolved in the affirmative.

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

MR BERRY (Manager of Government Business) (9.22): I present report No. 33 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan relating to Symonston, section 1, block 4, including a dissenting report, together with a copy of the extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 28 November 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

The difference between this report and the previous report is in the way it was done. Ms Szuty made it clear to the committee in its final deliberative session that there was going to be a dissenting report. We knew that it was going to happen. I think there might be a lesson in that for you, Mr De Domenico.

The Symonston variation was heard by the Planning, Development and Infrastructure Committee. There was some debate in the chamber earlier about a survey conducted by consultants in relation to the matter, which has been regarded as commercial-in-confidence. We asked a question about that survey and we were given that advice. The committee also questioned officials, who made it very clear that, in their view, stage 1 of the development could go ahead and would stand on its own merits. It would be viable on its own. That was a pretty important piece of evidence that came before the committee.

We also had to consider other environmental issues such as stormwater run-off and the effect on Jerrabomberra Creek. We had to consider how we would proceed in relation to design and development within areas of native grasses. We know that the eastern lined earless dragon is a resident of those native grass areas and, for the same reasons as before, the *Tympanocryptis lineata pinguicolla* is a species we ought to know more about before we approve development on their little homes.

Mrs Carnell: It sounds ridiculous when you say that stuff - little homes!

Mrs Grassby: Do they have checked lace curtains on the windows?

MR BERRY: That is the problem with the Liberals. They do not take these issues seriously. This species has to be properly assessed, and we are in the same position with this as we are with the legless lizard. Now is the best time to conduct a survey, count them and assess how many there are. It is pointless making a decision about stages 2 and 3 of this development, as was proposed, until we have all that information in front us for consideration. The first and most important issue in this report by the committee is that it is about fostering development which, on the evidence provided to the committee, will not affect that particular species, certainly in stage 1, and there ought to be a survey in relation to stages 2 and 3 before we proceed down that path. Queanbeyan City Council provided a submission to the committee in which it suggested that, if the committee decided to give the go-ahead, it should do so only in relation to stage 1. The committee adopted that view in due course.

I turn to the recommendation of the committee, which states:

That the committee (a) endorse the Variation for Symonston Section 1 Block 4 and (b) that in view of the potential significance of parts of the site for the conservation of the rare earless dragon -

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it is much easier to say "earless dragon" than it is to say "Tympanocryptis lineata pinguicolla"; I had to practise that because somebody has taken a lot of trouble to give it a biological name that takes a little while to get your tongue around -

the committee requests the Minister for the Environment, Land and Planning not to proceed to develop Stages 2 and 3 until this committee has been provided with a report on the results of the December-January 1994-95 environmental survey.

That is a very important outcome because, again, the committee has to make sure that the environment that protects this species is not upset, certainly if it is going to threaten the future existence of the species. We have to ensure that the environment will not be disturbed, in order that we can properly assess how many there are. We also have to ensure that we are provided with evidence on what we might be able to do to ensure that the impact on these species, not only in the ACT but nationally, is not so high as to affect their continuing existence.

A lot of people did not think too much about other threatened species that have disappeared off the earth. In terms of the public relations exercise, there is some humour in the name of these creatures, but they are nonetheless significant. Like the legless lizard, the earless dragon is very significant, and I am sure that no member of this Assembly would want to be remembered for their demise. I certainly do not want to be, even though I detect from Mr De Domenico's most recent attempt to amend one of the recommendations to the Government that the Liberals might not have the same level of sympathy. Certainly, it is not the sort of sympathy the community has for these sorts of things.

Debate interrupted.

ADJOURNMENT

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I request that the question be put forthwith without debate.

Question resolved in the negative.

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

Debate resumed.

MS SZUTY (9.31): I am not sure whether Mr Berry mentioned it, but I did provide a dissenting report in relation to this draft variation. It is probably worth drawing to Mr De Domenico's attention that, when you disagree with a decision of a committee, the idea is that you present a dissenting report. That is what I am doing in relation to this draft variation. I would like Assembly members to consider carefully the arguments I have raised in my dissenting report in relation to this draft variation. It was interesting to me that during question time this afternoon the Leader of the Opposition also raised the issue of the viability of the technology park.

I want to make it clear that I dissent from part (a) of the recommendation of the Standing Committee on Planning, Development and Infrastructure in relation to this draft variation, that is, the part that endorses it. I support part (b), which states:

... in view of the potential significance of parts of the site for the conservation of the rare earless dragon, the committee requests the Minister for the Environment, Land and Planning not to proceed to develop Stages 2 and 3 until this committee has been provided with a report on the results of the December-January 1994-95 environmental survey.

In relation to this draft variation, the papers released for public comment in 1994 state:

Variation to the Plan would permit development of a substantial portion of the site for an advanced technology manufacturing estate having approximately 25 sites ranging from 3000 square metres to 8000 square metres. The ultimate number of sites will be dependent on the outcome of the environmental survey to be undertaken during December-January 1994-95. It is anticipated that a minimum of nine sites are capable of being developed as they are outside the areas identified for further survey.

One of the major objections I have to the variation proceeding at this time is that we have no idea whether nine of the potential 25 sites are going to be viable in their own right in terms of the establishment of an advanced technology manufacturing estate. The thrust of my comments is that the committee reached a decision on this draft variation at too early a stage for all of the parameters relating to the draft variation to be taken into full and effective consideration.

I will make a number of other points in relation to the draft variation. We know that the ACT Government has committed \$3m to the development of infrastructure for the site. The perceived demand has been identified by the Canberra Region Advanced Technology Manufacturing Association, and this was supported by a consultant's report.

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That consultant's report was not made available to members of the Planning, Development and Infrastructure Committee; we were informed that it was regarded as commercial-in-confidence. It was therefore difficult, I believe, for members of the committee to understand exactly what the demand for the area would be and the overall timeframe.

We also received a submission and representations from the Queanbeyan City Council, which indicated that an equivalent-zoned area in Queanbeyan of approximately six hectares has generated no interest in its use for advanced technology manufacturing since 1988. In fact, the Queanbeyan City Council formally objected to this draft variation on the ground that the economic impact on Queanbeyan had not been assessed. The council has offered to participate in such an assessment, should the ACT Government agree that it should be carried out. It certainly can be argued that the economic implications of decisions such as for the establishment of an advanced technology manufacturing estate have not been assessed in the past. I think that is fair comment.

It was stated that the ACT was not consulted when the Queanbeyan City Council made a decision on the site of their advanced technology park in Queanbeyan. I believe that we have been doing a bit better in terms of our planning since 1988, and I do not think there is any reason for ignoring the Queanbeyan City Council's request to look at the economic impact such a development would have on Queanbeyan in particular. The Queanbeyan City Council identifies statements in the Territory Plan which talk about planning in the subregional planning context. They quote a section from the Territory Plan, as follows:

However, there are very strong physical, social and economic linkages between the ACT and the nearby areas of NSW, particularly with the City of Queanbeyan, which is an integral part of the Canberra metropolitan area.

Further, the National Capital Planning Authority has indicated that the appropriate upgrading of road infrastructure is heavily dependent on whether a decision is made to proceed with stages 2 and 3 of the site. Current thinking indicates that the development of two intersections will be needed opposite stages 2 and 3 and that, should only stage 1 proceed and only one intersection be developed, public safety concerns will need to be addressed. The National Capital Planning Authority sets out in its letter to the Territory Chief Planner dated 22 September their concerns over that issue.

Although it is usual in the preparation of draft variations to the Territory Plan, an implementation plan specifying requirements for the development of a site was not provided to the Planning, Development and Infrastructure Committee for examination and scrutiny at the time we considered this draft variation. It was stated at the time we had our discussions that there were too many parameters to be taken into consideration for an implementation plan to be developed at this stage. The National Capital Planning Authority have indicated that the implementation plan is intended to form the basis of a development control plan and will need to be agreed to by the National Capital Planning Authority before the development of the estate may proceed.

Another concern I have is that, although the director of the neighbouring Canberra South Motor Park was consulted about this proposed draft variation to the Territory Plan, long-term residents of the motor park have not been consulted. I think it might be news to some of the residents who live at the Canberra South Motor Park that they could have a technology park established near to them in the very near future. I also want to pick up the comments made by the Royal Australian Planning Institute concerning the strategic context and suitability of section 4, Symonston, for an advanced technology manufacturing estate. They raised questions about the possibility of more appropriate locations than the site that has been selected by the ACT Planning Authority.

For the reasons stated above, I am unable to support the proposed draft variation at this time. I believe that a better informed decision about the future of the site could be made in 1995, when an effective assessment of all the abovementioned parameters and variables has been undertaken. I understand that the Minister is intending to proceed with the tabling of the draft variation this evening. I therefore believe that he has rejected my comments in relation to this draft variation. However, I will propose a motion of disallowance during these Assembly sittings, which will enable members of the Assembly to fully consider and debate the issues.

MS FOLLETT (Chief Minister and Treasurer) (9.39): I want to make a very brief comment in relation to the feasibility of the advanced technology manufacturing park, as there was some comment about this in the course of question time today, particularly about the Coopers and Lybrand survey and report on the potential for the park to attract businesses from other than the ACT. I have reviewed this report and I should say, in the first instance, that I do not regard the entire report as being commercial-in-confidence. I am willing to make it available to people who want a copy, with one small proviso: There is a little information in it that is commercial in its nature. That relates to the expansion plans of particular businesses and their plans to relocate, and I do not believe that it is appropriate that that kind of confidential information be in the public domain. However, that is only a small portion of the report.

The report does show that interstate companies have expressed a quite strong interest in relocating and establishing in such a park. In the commencement of the summary of findings, the report says:

Our best estimate of the number of advanced technology organisations (and their key suppliers) in Australia that may be targets for relocation to Canberra is 500, presently located principally in Sydney and Melbourne.

Approximately half of these companies would have no interest at all in relocating to Canberra. About 10 per cent would have a genuine interest. This is an interesting observation given that Canberra does not represent 10 per cent of the manufacturing strength of Australia. Those with the most interest are companies for which Canberra represents a significant market ie some information technology and defence oriented businesses.

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The report goes on to make more detailed comment about the factors that might lead a company to relocate. It says, interestingly:

Incentives are of low importance in the decision making process.

It goes through what is of importance and the likely success of this park. The report is a pretty realistic look at the kind of success we might anticipate; but there are other aspects that ought to be considered, and in question time today the full picture was certainly not presented by the Opposition.

The Coopers and Lybrand survey did not take into account demand from inside the ACT, and this is very important. As I mentioned at question time, there are a number of existing technology manufacturing companies who wish to relocate to a better area for their industry. We anticipate that some 14 relocations from amongst members of the Canberra Region Advanced Technology Manufacturing Association will take place over a period of some years, probably about five years. In addition, there will be some companies starting up, estimated as being two to three sites a year, and that is dealt with in the Coopers and Lybrand report.

Based on all of that information, I believe that the Government's plans for this advanced technology manufacturing park are realistic and are going to be of great value to this segment of the advanced technology industry. As I said in question time, we would not have embarked on this plan if it had not been for the concerted efforts of CRATMA and their overt and well-stated interest in the development of such a specialised manufacturing estate. As I said, this is a staged development. There will be some companies who will relocate from within Canberra; there will be a smaller number of companies who will start up new businesses; and there will be probably a smaller number again who will relocate to Symonston from interstate. I think the information we have gives us the basis for a very successful estate.

MR HUMPHRIES (9.44): I would like to make some comments on what the Chief Minister has said about the Symonston development. It was very clear that the import of what the Chief Minister had said about the potential of this place was that it would have the capacity to attract new players to the ACT. Whether that is what she said in as many words or is the import of what was being said is a matter I cannot comment on. I can say that I think the expectation had been created that the name of the game - attracting people from interstate or even overseas - is a critically important part of any estate development like this, to some extent at least, and it was important to make sure that that was part of the development of this particular site.

The Chief Minister now says, "I was really talking about relocating some businesses within the ACT".

Ms Follett: No, it is not.

MR HUMPHRIES: All right, mostly about relocating some businesses in the ACT and only marginally about bringing people from outside the ACT. I think it is worth while that there be such developments, but the economic advantage to the ACT is much less from a relocation of a business from one site to another than it is from - - -

Mr Lamont: That is not correct. You are a bad spin-doctor.

MR HUMPHRIES: The Chief Minister said that she felt that people would want to relocate for the purposes of having a better location in which to conduct their business. That is very close to the words she used. As I have said before, the point Mrs Carnell was making in her question - and it was a question, by the way, rather than an assertion - was that there needs to be an honouring of this vision about getting the thing to operate as a magnet for businesses outside the ACT. It is all very well to have businesses moving from one site to another in the ACT, but I wonder whether those sorts of developments are achieving anything in the long term for the ACT.

I understand, for example, that the Fern Hill development in Belconnen is still substantially underutilised and that there are plenty of capacities - - -

Mr Lamont: And it is not a manufacturing facility, you silly person.

MR HUMPHRIES: I realise that it is not the same thing. I realise that it is not the same sort of development. I am saying that there is still a question of how much extra capacity we need to be creating in this town in any of these areas. Whether it is a hi-tech industry, manufacturing, retail space, extensions to the Hyperdome, any of those things, we need to be asking ourselves whether there is an objective to be met here rather than simply activity for the sake of activity. That is the point I make. I think the Government is shuffling the cards to some extent, rather than dealing new ones, and that is a matter of concern to this Opposition.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (9.47): I appreciate the simple fact that Mr Humphries has chosen to speak on this, mainly because it once again demonstrates the ignorance of those opposite when it comes to matters of developing business in the ACT, and particularly business confidence. The Canberra Region Advanced Technology Manufacturing Association, CRATMA, was established during the last 18 months to do a number of things. First of all, it was designed to put forward a consistent industry view to Government, Opposition, the community, nationally and internationally, about the opportunities that exist in the ACT for advanced technology manufacturing. Advanced technology manufacturing, as one of its fundamental positions, builds on and lives on software development. It builds on the intellectual property of organisations such as Anutech, the CSIRO, the Australian National University, the University of Canberra, those very disparate private sector organisations that make up CRATMA, and those organisations that do the same job but are not necessarily members of that organisation.

CRATMA quite clearly have indicated a number of points. First of all, there is a concept of critical mass in business, particularly in the business they pursue. They need to be able to provide a location, an amenity, a facility, that generates within itself the development and manufacturing of technological outputs. In the ACT, Anutech spends \$90m a year in developing the commercial concepts arising out of the ANU, derived from disparate organisations within the ANU. It is the commercial marketing arm. And what happens?

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Mrs Carnell: But it is the same \$90m.

MR LAMONT: What happens, you silly thing? That current \$90m in terms of manufacturing goes to Sydney or Brisbane or Melbourne or Taiwan or Hong Kong or Japan. What is being proposed by John Morphett, the chief executive of Anutech, is that that work should be done here in the ACT; but they do not have the opportunity to do so. Why? Because existing companies with which they may be able to joint venture do not have either the capacity in their existing establishments or the lateral integration between them and other organisations to provide that opportunity. What did Anutech say, as a member of CRATMA? It said quite clearly, "Government, we need a facility to allow it to develop".

Mrs Carnell: Why did we have to put residential development on Fern Hill?

MR LAMONT: This shows not only your stupidity, Mrs Carnell, but also your ignorance. You do not listen to your colleagues on your side of the Assembly. You also do not take account of debate.

Mr Humphries: I raise a point of order, Madam Speaker. Members of the Government have all day today been hurling abusive comments towards Mrs Carnell - "stupid", "silly woman", "ignorant", "eeny, meany, miney, mo", and things of that kind. I think there is a point where the tenor of this place is lowered by that kind of personal abuse. I am quite prepared to accept that Mrs Carnell should face criticism. It should not be personal criticism, and I would ask you to draw the Minister into line on the tone he adopts in his remarks.

MADAM SPEAKER: Perhaps you could take that into account, Mr Lamont.

MR LAMONT: Thank you, Madam Speaker. I become somewhat frustrated. One would normally expect the Leader of the Opposition, even after an obviously enjoyable dinner break, to understand business and industry, particularly the one we are talking about in the ACT. It is obvious from her comments, Mr Humphries, that, like you, she does not. Simply, the position being put is that organisations such as Anutech, CEA Technologies and Auspace all believe that what you require in the ACT is the integrated fertilisation of industry in this sector, and that to do it in the disparate locations currently provided is not the way to encourage industry to develop in the ACT. It was the suggestion of business in the ACT that this park be established. They said two things. First of all - - -

Mrs Carnell: They also wanted Yowani to go ahead.

MR LAMONT: If you do not want abuse, do not interject. The simple fact is that business in the ACT has clearly said that the Canberra region needs an advanced technology manufacturing facility where the cross-fertilisation of business will not only lead to a greater retention of our intellectual property in the ACT but also encourage business to establish here. To do that, we need as a community, as a government, as an industry, to establish the CRATMA, or Symonston, facility. That is what this Government has given - - -

Mrs Carnell: And nobody is opposing it, except Helen.

MR LAMONT: The media, the community and this Assembly would be forgiven for understanding, Mrs Carnell, that that is exactly what you are doing, that what you are saying is that you do not establish a base, that you do not establish the catalyst, that you do not put in the infrastructure to secure the businesses the Chief Minister has talked about. I happen to believe that it has been a very conservative estimate as to the attractiveness of the ACT, and in particular this area, for businesses outside the ACT to establish their business operations here. As an example, we are often implored by the Opposition to provide incentive to business. We are often implored by the Opposition to provide the catalyst, the genesis, to get people into the ACT. Do I hear a yes?

Mrs Carnell: Yes.

MR LAMONT: Yes. So far, the two fundamentals of this location have been endorsed by the Opposition, but they have bitched all afternoon about the Government providing that opportunity. Yes, there will be relocation of existing businesses inside the ACT into this area. It is absolutely essential. I hope that the Chamber of Manufactures move from their current location in the MMI building to this site. I believe that that will provide assistance to other businesses and encouragement to MMI members around New South Wales to locate here. I believe that it is appropriate for Anutech to establish a facility here. That is an internal relocation. And why? Because it will encourage business to relocate here.

If you are silly, naive and blinkered enough to believe in the first instance that you do not do that, I can now understand why Mrs Carnell spent two years of her life, prior to entering the Assembly, in convincing the Commonwealth Government to close chemist shops and to close local businesses. That is what she did. As the head of an organisation, she convinced the Commonwealth Government to pursue a line that closed businesses and closed local shopping centres. That is about the attitude that you would expect from her. She does not understand the fundamentals of creating an environment that will attract business to the ACT. On the one hand, she bags and carps about what the Government is trying to do. On the other hand, she turns around and bags us when we do what she suggests we should do. This is the naivety and the stupidity of the views of the Opposition, and it is time they were exposed, not only in this Assembly but also amongst those organisations that the Opposition believes are their natural constituency.

What have we had? Mr De Domenico in the last week has gone off to the Chamber of Manufactures annual general meeting and said, "Well, fine. That is great. What you are proposing looks good. The Chamber of Manufactures supports it". He stands up here and tries to deny that it is in the interests of business to establish this park.

Mr De Domenico: We are supporting it.

MR LAMONT: No, you are not.

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MRS CARNELL (Leader of the Opposition) (9.59): I think it is important to say, surprisingly, that we are supporting the Symonston development. What I think needs to be questioned is the statement by the Chief Minister, in an attempt to sell the proposal in March, when she launched it -
- -

Mr Lamont: That at least 25 businesses will be attracted to the ACT - a conservative estimate.

MRS CARNELL: That 25 manufacturers will be attracted to the ACT.

Mr Berry: I raise a point of order, Madam Speaker. The motion before the chamber is: That the report be noted. There are lots of little paragraphs in the report that you might refer to and argue against or support, if that is what you want to do; but in terms of having the motion passed which notes the paper it would be a far more economic use of our time if members stuck to the report before the Assembly.

MADAM SPEAKER: Mrs Carnell, I am sure that you will note that.

MRS CARNELL: I certainly will. Again, I say that we support the process totally. What we do not support is incorrect information being given. We know that the Chief Minister said that it would attract 25 manufacturers to the ACT and generate up to 500 jobs among the manufacturers and up to 300 more in service industries. We heard the Chief Minister say in this debate - so I am referring to this debate - that in reality what she is talking about is one to two manufacturers who may be attracted to the ACT each year. I do not think it is all right, I do not think it is okay, to tell people things that are not the total truth. What we are talking about is one to two. Maybe the Chief Minister neglected to tell the press conference that it was going to take 25 years to attract the 25 manufacturers. The exercise is a good idea; but it is not all right to give the wrong information, or information that is not the total truth, just as it is not all right for those on the opposite side of the house to continue to misrepresent the pharmacy dispute of 1989.

Mr Berry: On a point of order, Madam Speaker: I know that Mrs Carnell knows everything about these matters, but relevance would help.

MRS CARNELL: I am just as relevant on this as Mr Lamont and Ms Follett were.

MADAM SPEAKER: Mrs Carnell, the motion before us is: That the report be noted. Would you proceed, please.

MRS CARNELL: Thank you very much. It is not all right to make comments in this house that are not the total truth.

Mr Berry: She is taking no notice of you, Madam Speaker.

MRS CARNELL: It is about this motion. It is what he said about this motion. Are you saying that he was not - - -

Mr Lamont: That is all you have done for the last five hours - little relevance and little truth.

MADAM SPEAKER: Order! Mrs Carnell has the floor.

MRS CARNELL: Again, Madam Speaker, we totally support this motion. We believe that these sorts of developments are a good thing for the ACT; but it is absolutely essential for any government to ensure that the money they are putting into these programs is well spent and is spent in an appropriate fashion and that we as taxpayers get a return for our dollar.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**

Report on Draft Variation to the Territory Plan - Urambi Hills Nature Park

MR BERRY (Manager of Government Business) (10.02): I present report No. 34 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan relating to the Urambi Hills Nature Park, part block 1466, in the district of Tuggeranong, together with a copy of the extracts from the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 28 November 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This is not a controversial report. Then again, I did not think the last one was either. Ms Szuty got off scot-free, which was a fancy bit of footwork.

Mr De Domenico: We supported it and got abused. She did not and got the lolly. Wonderful!

MR BERRY: We all supported it. You look as though you are going to be on your lonesome there.

This report goes to the issue of the provision of further public nature reserve. On 17 November the Minister referred the draft variation and background papers relating to the Urambi Hills Nature Park, block 1466 in the district of Tuggeranong, to the committee. The purpose of the variation is to retain the current land use policy - which is hills, ridges and buffer areas - but to change the overlay from a subject to review overlay to a public land nature reserve overlay. This will entail the preparation of a management plan for the area by the Conservation and Wildlife Section of the Environment and Conservation Division. This plan will become a statutory document when concluded.

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A couple of issues of concern were raised before the committee. The ACT Rural Lessees Association raised concerns about the future management of the area in relation to phalaris and the possible fire risk associated with tall pasture grasses. The local Park Care group, Friends of Urambi Hills, also supported the draft variation but, again, they supported the need to control phalaris to provide appropriate fire prevention and control measures. This all led to the following recommendation:

That the Committee endorse the draft Variation for the Urambi Hills Nature Park (Part Block 1466 in the District of Tuggeranong). Further, the Committee recommends that immediate steps be taken to prepare the Management Plan for the area, which should deal with the management issue of fire prevention and control - as called for by the ACT Rural Lessees Association and the Friends of Urambi Hills ...

I commend the motion and the recommendations.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT Variations Nos 27 and 28 to the Territory Plan

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning): Madam Speaker, in our usual quick and efficient manner of responding to committee reports, which we have just been debating for three hours or so, for the information of members I present, pursuant to section 29 of the Land (Planning and Environment) Act 1991, approvals for variations Nos 27 and 28 of 1994 to the Territory Plan relating to Symonston, section 1, block 4, and the Urambi Hills Nature Park, part block 1466 in the district of Tuggeranong, respectively. 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 ask for leave to make a short statement.

Leave granted.

MR WOOD: Earlier in the night, when we were discussing the Yowani proposal, there was some comment reflecting the statement in the report that perhaps the issue should have been dealt with by the Planning Authority at an earlier stage. I want to respond to that. At the time of preliminary design and planning work on the Gungahlin Town Centre, it was known that the site had small areas of remnant native grassland and therefore could be a possible Delmar impar habitat. Members should note that the parts of the site where they occur were excluded from possible development pending further study and investigation. These investigation areas were identified in the draft variation to the Territory Plan as deferred areas. The possibility of the town centre site containing Delmar impar habitats is reflected in the draft variation to the plan, which provides for parts of the site to be left free of development.

At the time at which the draft variation was put out for community comment, on 20 June of this year, the Planning Authority had been advised by the Conservator of Wildlife of known Delmar impar habitats in the town centre site. However, the conservator supported the draft variation on the basis that these areas be excluded from the draft variation. I established a working party to prepare a strategy for the conservation of Delmar impar in the ACT and the working party presented its report to me in October of this year. The draft variation for Gungahlin Town Centre had already been submitted to the Executive and to me prior to receipt of the report. There was no knowledge of the request for the creation of a corridor to connect the two known habitat areas until the report was received, and that corridor makes a very significant impact on the site. The investigation work which is now proceeding would have occurred earlier had the Planning Authority been aware of the extent of Delmar impar occurrence. The earlier view that the town centre was not a site of significance was borne out by the fact that the wildlife research unit requested funding in October 1991 for investigating Delmar impar sites which did not include the town centre. I think the Planning Authority has acted appropriately on that issue.

In respect to the other variations I have tabled tonight, variation 27 proposes that the Territory Plan be expanded to include a new category, technology, which will permit a range of land uses that are essential to the successful establishment of that technology estate. As the Canberra Region Advanced Technology Manufacturing Association has pointed out, by establishing an estate and encouraging advanced technology manufacturers to cluster in such an estate, the ACT Government will foster growth in this important industry area and assist in the future wealth and employment opportunities for the region. The PDI Committee has recommended that the variation be endorsed, and we agree with that. The committee also requested that stages 2 and 3 not proceed at this time. The advanced technology manufacturing estate will have approximately 25 sites ranging from 3,000 square metres to 8,000 square metres. It is anticipated that a minimum of nine sites could be developed, as they are outside the areas identified for further study.

The committee received advice from the Economic Development Division that the first stage of the development was viable, even if the later stages did not proceed. An advanced technology manufacturing estate requires specific locational criteria, and the proposed Symonston location adjacent to Fyshwick provides the estate with an access to the largest industrial area of the ACT and an address to Canberra Avenue, a major approach route to Canberra. I am pleased that the Government is enabling the proposal for a technology park to proceed and I look forward to working with the manufacturers to enable the provision of quality technological services in the ACT.

The other variation the Government is agreeing to is for Urambi Hills Nature Park. It has been prepared because the area currently links significant remnant woodland along the Murrumbidgee River corridor with the more modified woodland and grassland within the Urambi Hills management unit of Canberra Nature Park. The nature reserve, with an area of approximately 85 hectares, is bounded on the north by the Urambi Hills and on the south and west by the Murrumbidgee corridor. It is currently mixed grassland with stands of remnant woodland and provides valuable habitat for a range of animals and birds and maybe some endangered species. It has been grazing land since last century and contains a small creek and several dams. In this case, an additional area of nature reserve is being

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created to complement the high-level conservation values in the adjacent nature reserves in the Murrumbidgee River corridor and the Urambi Hills. The PDI Committee supports the proposal and recommends that immediate steps be taken to prepare the management plan for the area, which should deal with the management issues of fire prevention and control. I am pleased to add this significant area to Canberra's already generous provision of nature reserves and to cooperate with interested parties in the preparation of an appropriate management plan.

These two variations show the Government's commitment to the too often conflicting objectives of enhancing the environment on the one hand and building our economy and creating employment for the community on the other hand. This has been tackled in a dedicated and creative manner. In accordance with the provisions of the Act, I table those variations.

SMOKE-FREE AREAS (ENCLOSED PUBLIC PLACES) (AMENDMENT) BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (10.13), by leave: Madam Speaker, I present the Smoke-free Areas (Enclosed Public Places) (Amendment) Bill 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

These amendments to the Smoke-free Areas (Enclosed Public Places) Act 1994 are essential, as they correct anomalies in the current legislation. The amending legislation proposes four major areas of change. First, the use of the word "enclosed" in the definition of restaurant is causing confusion as to the status of restaurants which are not separately enclosed but which are located within other enclosed premises; for example, malls, clubs or hotels. To help clarify this, the amendment defines two classes of restaurant: In enclosed licensed premises, any dining area or area for consumption of non-alcoholic drinks, irrespective of whether the area is separately enclosed or not; and, in any other place, separately enclosed restaurants. The amendment also reflects the policy intent that coffee shops and similar premises are included under the definition of restaurant. It provides a basis for more efficient administration of the exemption system by requiring businesses to keep records of air-conditioning operation. These records could then be submitted as evidence that businesses are likely to be meeting the air-conditioning standard.

The legislation also provides for a three-year period for an exemption and makes provision for an annual fee to be levied to fund a cost recovery of the exemption system. Under the provisions of the amendment, occupiers will be required to take all reasonable steps to prevent smoke from smoking areas within their premises from entering their smoking prohibited areas and from entering other occupiers' smoking prohibited areas.

As well as addressing the above issues, the amendment also removes the requirement for licensed premises to prohibit smoking in at least 50 per cent of their public floor space from 6 December 1994. Consistent with the intent of the Assembly, it also allows for the deferment of the implementation of this requirement for two years and six months after the enactment of the Bill.

A number of bodies have been consulted on these issues, including the Tourism Industry Association, the AHA, the ACT Restaurant and Catering Association, the Licensed Clubs Association, the Canberra Business Council, the Confederation of ACT Industry, the ACT Chamber of Commerce, the Cancer Society and the National Heart Foundation. With the exception of the issue of a fee, there was unanimous agreement with the proposed changes. The AHA and RCA wanted a single initial fee as low as possible. All business groups requested consultation on the size and nature of fees, and this consultation will be conducted early next year in the course of setting up the exemption scheme for restaurants. The majority of the provisions of the Smoke-free Areas (Enclosed Public Places) Act 1994 commenced on 5 October, and the prohibition on smoking in enclosed public places commences on 6 December 1994.

Madam Speaker, these amendments are essential to the appropriate and efficient administration of the legislation. Some of them come out of the process of a Bill that was substantially altered from the Government's original intent. It was clear that the will of the Assembly would not have been properly reflected, due to some technical anomalies, and the Government has sought to correct this. I have consulted with the Opposition and Independents. I present the explanatory memorandum.

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

DISCHARGE OF ORDER OF THE DAY

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (10.17): Madam Speaker, in accordance with standing order 152, I move:

That order of the day No. 1, Executive business, relating to the Sports (Drug Testing) Bill 1993, be discharged from the notice paper.

The Sports (Drug Testing) Bill provides for the Australian Sports Drug Agency, ASDA, to carry out its sampling and drug testing functions on designated ACT athletes. The Government introduced the Bill last year in response to an agreement reached by the Sport and Recreation Ministers Council, the SRMC, for States and Territories to introduce complementary legislation to the Commonwealth legislation, to enable ASDA to expand its coverage to relevant athletes competing at events at the State or Territory level. Under Assembly standing order 152, I have moved that the Bill be withdrawn, for the reasons that I will now outline.

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Since the introduction of the Bill, the Government has carried out extensive public consultation on issues related to the implementation of drug testing under the proposed legislation in the ACT. An advisory committee established under the Sport and Recreation Council provided a comprehensive report on matters, such as limitations on testing, to be included in the operational agreement with ASDA. The committee also raised concerns relating to the confidentiality provisions and notification procedures. Proposed amendments have been considered to address these concerns, and necessary technical amendments concerning the Administrative Appeals Tribunal appeal provisions have been prepared.

After further discussion with the Sport and Recreation Council on broader issues, such as the definition of the roles and responsibilities of both national and State or Territory sporting organisations and ASDA, and State or Territory governments in the delivery of a consistent and effective program approach across Australia, I proposed to the SRMC that they consider a coordinated national approach to the use of drugs in sport. I wished to avoid the situation of having nine sets of laws that would be allegedly complementary but to differing extents, but none of which exactly mirrored the Commonwealth legislation. While my proposal to the SRMC to use the existing or amended Commonwealth legislation to provide for the testing of athletes competing at the State level was not supported, the SRMC agreed to the establishment of a working party to develop a national response to the issue of drugs in sport. This national protocol will address educational and policy issues as well as consistent State and Territory legislation and the implementation of strategies to allow for the sampling and testing of State level athletes.

The States and the Northern Territory have been progressing their own proposals, with New South Wales and Victoria having prepared draft legislation. A study of the various proposals has clearly indicated that there is a significant lack of consistency, and there is serious doubt that all athletes would be treated equally under differing approaches. Of most concern are provisions relating to the definition of "competitor", which reflects the intention of the testing, the minimum age of athletes to be tested and the need for parental consent of athletes under 18 years of age. I have also recently been advised that the Commonwealth intends to amend its Australian Sports Drug Agency Act 1990 in relation to the sampling and testing procedures to be used by ASDA. Given that work is progressing on the national protocol, that we do not know the substance of proposed Commonwealth amendments and that we will need to amend our Bill to reflect changes that occur, I consider that it is consistent with our position to withdraw the Bill.

Madam Speaker, I believe that the ACT, in putting forward the propositions to the SRMC, was showing national leadership. I also believe that, by not proceeding at this stage, given the comments of the Commonwealth and the discussions that are occurring between the States, we are also showing leadership when we are fully aware that progress is being made on the establishment of a nationally consistent approach. This has been discussed in general terms with ACTSport, the peak body for sport in the ACT, which strongly favours the reintroduction of a new Bill following the finalisation of a national approach. The withdrawal of the Bill will give time for the finalisation of a national approach to the use of drugs in sport and a review of the legislation to provide for consistency of provisions and definitions. I am confident that a new Bill will be prepared and presented in the next Assembly.

Madam Speaker, there has been bipartisan support for the prevention of, the reduction in, and the testing of athletes for, the use of performance enhancing drugs in sport. This Government has said, quite clearly, that we need a nationally consistent approach; that we need consistency between the State level organisations and State governments in accepting that a test conducted in the State of New South Wales should be consistent with tests undertaken on athletes competing in similar circumstances in Queensland, the ACT or any other State or Territory. The views that this Government has put to the SRMC have been the catalyst by which I am confident that such a nationally consistent approach will occur. I am also aware that the position that has been put by the ACT has led the Commonwealth to review the procedures for the Australian Sports Drug Agency and how its authority could or should be extended to the testing of State based athletes. I am concerned that the extension of such powers is consistent with the interests of sport, the eradication of sport - of performance enhancing drugs in sport, I am sorry - - -

Mr Humphries: The eradication of sport? That was a Freudian slip.

MR LAMONT: Continue to wipe your nose, I would suggest. That is probably the most beneficial contribution that you can make to this debate. I am confident that the position that we have adopted will achieve bipartisan support and will also demonstrate again that the ACT and all of its constituent parts - both within the Assembly and within the sports community - are committed to achieving a nationally consistent approach to the eradication of drugs in sport.

MR DE DOMENICO (10.24) Madam Speaker, the Opposition will be supporting the Government's motion. We agree with Mr Lamont that it is essential that there be a national consistency in the way in which sports drug testing is conducted in Australia. We also applaud the Minister, because it is true that one of the first duties of Mr Lamont, when he became the Minister for Sport, was to alert the Opposition to the fact that he intended, at some stage, to talk about mutual recognition legislation in terms of drugs in sport. It makes a lot of sense; it makes good sense. For that reason, the Opposition is delighted to support the motion.

Question resolved in the affirmative.

VICTIMS OF CRIME BILL 1994

[COGNATE BILL:]

ACTS REVISION (VICTIMS OF CRIME) BILL 1994]

Debate resumed from 10 November 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 Acts Revision (Victims of Crime) Bill 1994? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR HUMPHRIES (10.25): Madam Speaker, I will do that, in fact; I will make comments on both of these Bills tonight. The legislation before us is a significant package of legislation. It has certainly been a long time coming, and it is a little bit of a pity that it has to be dealt with in a relatively short space of time. I have the view that very often exposure drafts of legislation and even reports of committees such as the Community Law Reform Committee, where they are put forward in draft form for public debate, are important; but it is very often the case that those who are interested in the outcome do not actually contribute to the process of developing it but prefer to see what the end of this debate process is and then form a view. In my view, it is unfortunate that we should face a period of only two weeks or so between the introduction of this Bill and its passage; but I accept that it is important legislation. For that reason, it will be supported tonight by the Opposition without amendment.

I confess that some elements of the legislation cause me a little concern. I know that some elements cause concern as well to other people, because I have had discussions with members of the Law Society of the ACT. There is a variety of views within the Law Society, which is not surprising, given that lawyers make up the Law Society. That body has not tabulated its views in the time available. As a result, I have only their general comments to rely upon. I realise that the issues are complex; but they have been on the table for some time, given that this was a report of the Community Law Reform Committee tabled back in August 1993. My copy of this report does not include the draft legislation, even though the body of the report says that the legislation was an appendix - Appendix F, I think - to the report. I am not sure whether that is just my copy or whether everybody else is in the same boat, but I assume that this legislation in draft form has been available for some time. I seem to recall seeing it, but I am not sure whether it came to me on some other basis.

Madam Speaker, victims unquestionably deserve a bigger role in the pursuit of justice through our criminal justice system. To a large extent, victims have been viewed in the past, and are viewed even today, in a sense, as adjuncts to the process of resolving a criminal trial. They are a bit like exhibits or even tipstiffs; they are components of the process, but not the central object of the process. It is clear to me that victims deserve to be more than just that; they deserve to be one of the objects of the process of criminal justice. Their needs are one of the issues to be resolved by the criminal justice system. The focus needs to shift away from the exclusive focus of the past on the ascertainment of the guilt or innocence of an accused - that is, a focus on the accused person - to the additional, but not alternative, focus on the restoration of a victim's physical and emotional position in the community. It is hard for those of us who have not been in that position to know quite how they feel; but there is no doubt that that sense of alienation, of hurt and of frustration can be extremely profound. It is important that we do not exacerbate that sense of frustration and hurt by the way in which our criminal justice system deals with certain issues.

I have spoken in the last few days to one woman who would be described in the legislation as a secondary victim. She rang me to comment on some remarks made by a member of the bench in a matter that touched on the original crime which touched her life, and she was extremely angry and extremely upset by the comments that had been made by the bench. I can understand her position; I can understand how she would feel.

Although much of what is contained in this legislation is not going to change the sense of hurt that one feels in those circumstances, it goes some way towards giving people in that position a slightly greater proprietary interest in the criminal justice system and the capacity to feel that their interests are important to that system. This view is not a traditional view of our courts, and it is not to say that we should derogate in any way from the central question to be resolved in our criminal justice system, which is: Is a particular person charged with a crime guilty or innocent of that crime? I do not suggest for one minute that we should detract from the paramount importance of principles such as the presumption of innocence of a person and the right of a person to various protections, under our common law and statute law, in the course of their trial; but other aims are compatible with that basic goal.

Madam Speaker, the Victims of Crime Bill does two most important things. It establishes a set of principles to be applied by those who are functionaries in the court system and in the justice system when dealing with victims of crime and provides for the appointment of a victims of crime coordinator who will carry out a number of tasks dealing directly with victims and with the process of building on a system which is fair and just towards victims. Madam Speaker, in some respects this legislation does not go far enough. Clause 4 deals with the principles and sets out the principles which are, in turn, based on the United Nations Declaration of the Rights of the Victim. They are little changed from that declaration. The preamble to those principles says:

In the administration of justice, the following principles shall, as far as practicable and appropriate, govern the treatment of victims:

... ..

Clause 5 says:

A person who performs a function in the administration of justice shall, in addition to any other matter that is relevant, have regard to the governing principles referred to in section 4.

Those principles are set out in clause 4. I have a concern, and it is illustrated by paragraph (a), which states, as the first principle:

a victim should be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to his or her personal situation, rights and dignity;

When I read that, it occurred to me that, although that is a very important principle, I had very often seen the violation of that principle in the way in which defence counsel particularly - and sometimes even members of the bench - might deal with particular victims who appear as witnesses in court proceedings and where there is an argument about the veracity of what that particular victim--witness is saying. We all know, from watching television and other exposure to the court system, that defence counsel will make it his or her job to attack the credibility of a witness and often to treat that witness in a very aggressive fashion in order to achieve that goal. To describe that treatment as "sympathetic, constructive and reassuring" would be an exaggeration.

Clause 4 has the preamble that I have mentioned. It says that these principles are to be followed as far as practicable and appropriate. I am not quite sure what the test of appropriateness is, but one could say that it is inappropriate for defence counsel to go soft on a victim-witness merely because that person happens to be a victim as well as a witness. Madam Speaker, the essential answer to this problem is that these principles are, in effect, nothing more than guidelines for the use of those involved in our court system; they are not bases of decisions, in the sense that they can be challenged if those bases are not employed; they are not rules which give rise to an action to have a decision set aside because they have not been observed. At least as far as I can tell, that is the case.

It might be possible for a case to be made out under the AD(JR) Act if it could be proved that a person had failed to take into account one of these principles; but I suspect that the worst consequence of an adverse finding in that forum would be that the decision would simply have to be remade, taking into account the principles. I am not sure whether an action for unprofessional conduct or unethical conduct on the part of a lawyer might lie from the breach of one of these principles. That is not clear, but I suspect that the answer is no. That fact constitutes a serious weakness in the legislation, because, to a large extent, there are no consequences that flow from the non-observance of these principles. I certainly get a good feeling when I look at the legislation and see those principles set out in black and white, but I doubt that the warm inner glow which I enjoy from seeing that is likely to be shared by a victim. Such a person reading that document would be unlikely to overcome the sense of resentment at having been violated, and the anger, grief and frustration which a victim in that position would feel.

The question needs to be asked: Could it be otherwise? I think that the answer is yes; in some key respects, it could be otherwise. Look, for example, at principle (i), which states:

a victim's residential address should be withheld unless the court directs otherwise;

Why is it not possible for that to be not just a principle which tends to guide the court's conduct, but a requirement of the law which it is not possible for a person to breach without breaching the law? Principle (j) says:

a victim should be relieved from appearing at preliminary hearings or committal proceedings unless the court directs otherwise;

Is it not possible to incorporate that into the mandatory law of the Territory rather than simply, in a sense, the advisory position which is inherent in this? Principle (k) says:

a victim should be given an explanation of the outcome of criminal proceedings and of any sentence and its implications;

Again, this is similar to provisions in legislation which say that a person is entitled to receive reasons for decisions - not that they should; not that they should receive advice; not that they must receive advice; not that they shall receive advice; but that they shall receive reasons. Again, it would not be hard to couch that in simple language. This is an issue that we must return to at some point in the future.

I have a few other concerns about the Bill. I am concerned about the width of the definition of "victim". In clause 3 "victim" is defined, in terms of a secondary victim, as:

any person who was financially or psychologically dependent on the primary victim immediately before his or her death;

Those people are, of course, very much secondary victims; but it seems to me that it is possible to be very close to a person and to be deeply hurt and grieved by a person's death but not necessarily to be psychologically dependent on that person. One's child might be killed by a criminal act. It might be hard to describe yourself as being psychologically dependent on your child, but you are still very much a victim of that criminal act. Perhaps we need to look at that question again.

Madam Speaker, I have a concern about subclause 9(2) of the Bill, which requires people who perform a function in the administration of justice - that would clearly include lawyers, I think, who are officers of the court - to assist the victims of crime coordinator as far as practicable, in relation to the giving of information requested by the coordinator for the purposes of an investigation. It occurred to me that this might entail some power to override legal professional privilege, and I trust that the Attorney-General will have something to say about that interpretation. Those are my concerns. They are not serious enough to move amendments, but they are certainly matters which need to be returned to at some point.

Let me comment briefly on the Acts Revision (Victims of Crime) Bill. Its purpose is, in the case of the Bail Act and in the case of the Parole Act, to give victims an opportunity to know in advance what decision has been made by, in the case of the Bail Act, the court in granting bail to an accused; and, in the case of the Parole Act, the Parole Board in deciding to grant parole to a particular inmate. There is also provision for victim impact statements to be used in courts where the offence charged is one that carries a maximum of five years' imprisonment or more. Those are good provisions. I support them. I had a concern about those provisions whereby victims are to be advised about the outcome of those decisions. I also had a concern about the process whereby the victims' interests were to be conveyed to those bodies and, in turn, the bodies were to convey their decision to the victims. I know that it is not usual for courts to communicate directly with witnesses. Certainly, if witnesses are represented, that is the role of legal counsel. It is unusual to have officers of the court getting in touch directly with witnesses. It might occasionally give rise to problems. I wonder what consequence the victim impact statements will have on the resourcing of the courts. I wonder who will actually take on the task of ensuring that those statements are prepared and available to the people who want to make a statement. They are often in a distressed state. How will those people have both the advice and the physical means to make that kind of statement?

In conclusion, however, Madam Speaker, I say that the Liberal Opposition strongly supports these Bills. I detect, particularly in the Victims of Crime Bill, a certain tone of tokenism in some respects; nonetheless, it is an advance of sorts which deserves to be supported. But it is important for us to acknowledge that we have by no means sorted out the problems with these measures and that we have every right to return to this question. Certainly, my party would wish to do so in the next Assembly.

MR CONNOLLY (Attorney-General and Minister for Health) (10.41), in reply: I thank the Opposition for their support. I think at the end of the day it was support. This legislation is in fact a very significant landmark in the reform of the criminal law in the ACT and reflects very much this Government's overall philosophy of eschewing the rhetoric of conservatives around the country of "Let us get tough with crime; let us get tougher with crime; let us fall over each other to see who can be the toughest". This Labor Government takes the approach of getting smart with crime and civil disturbance, taking an enlightened and progressive approach to law reform and policing. We have seen diversionary conferences working remarkably well. We have police forces from the United States and from Britain coming to see what we are doing here in Canberra. The country town policing concept being trialled in two Canberra suburbs is attracting great interest from police forces around the country.

Central to a lot of this philosophy is returning the focus of the criminal justice system to the rights of victims, the idea that the criminal justice system really lost sight of victims midway through this century and needs to be redirected and refocused. This package of reforms, which puts us in the most advanced situation in Australia, was based very much on the work that John Kelly, a former judge of the ACT Supreme Court, did as chair of the Community Law Reform Committee. He not only chaired the committee for this major reference but also personally wrote the report. Although he would, of course, give appropriate credit - probably more than appropriate credit - to the people who assisted in the writing, the reality is that the judge basically wrote the report and it very much bears his personal stamp. It gives us the opportunity to come up with a package of law reforms that really are modelled on, and draw from experience in, other parts of Australia, but to improve upon them.

I would expect that at some time in the life of the next Assembly this issue will be revisited and we will need to look at how this package is working. It is landmark material in a lot of ways, despite all the rhetoric in other parts of Australia. The States do not have packages that are as substantial as this. They have not been prepared, in many cases, to make a statement about victims' rights. While Mr Humphries says, "Well, perhaps it is only tokenism", the reality is that proposed section 9 provides that the coordinator can investigate conduct about proposed section 4; so he can investigate if there have been problems with the charter, the governing principles. That is designed to grant systemic change. It is designed to change attitudes within the court administration and within policing.

It is not designed to prevent counsel from cross-examining. It is not designed to bring an action against a lawyer for asking tough questions, although over time we may well continue to change the extent of what is regarded as acceptable conduct in a defence case. For many years it was regarded as acceptable conduct in the defence of a sexual assault case to put the complainant in the box, pillory her about her sexual history and try to

create the "loose woman" defence. Parliaments have now said that that is unacceptable, and defence lawyers are severely constrained in the way they can go after the complainant in sexual assault cases, and very properly so. Members will be aware that the Community Law Reform Committee has before it at the moment another reference dealing with the whole question of procedure in sexual assault matters, and there may well be further reforms that alter the extent to which complainants in sexual assault cases have in the past been regarded as fair game for clever defence lawyers.

The provision in proposed section 9 that Mr Humphries referred to - that a person performing functions in the administration of justice is required to assist the coordinator as far as practicable - is certainly not designed to overturn legal professional privilege, in the sense that any privileged information that a lawyer obtains from a client need not be passed over. The advice I have received, which I am certain is correct, is that for a statute to override a common law principle as important as legal professional privilege it would need to do so expressly, and this certainly does not do so expressly. In fact, it has a savings provision in it.

Madam Speaker, this Bill is a significant piece of law reform. It has certainly been widely welcomed in the community. It has taken rather longer than I would have liked to get from the report to the legislative package, but it has required extensive consultation. The Victims of Crime Assistance League principally has been very much involved in this, and I was really delighted to be able to announce, when the Bill was introduced, that VOCAL will be providing the victims of crime coordination service. With their vast experience, they will be locked into this process in providing a community based service working with the Federal Police within this jurisdiction. I thank members for their support for a landmark in criminal law reform in this jurisdiction.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ACTS REVISION (VICTIMS OF CRIME) BILL 1994

Debate resumed from 10 November 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.

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BETTING (TOTALIZATOR ADMINISTRATION) (AMENDMENT) BILL 1994

Debate resumed from 10 November 1994, on motion by **Mr Lamont**:

That this Bill be agreed to in principle.

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

SUSPENSION OF STANDING ORDER - NEW BUSINESS

MR CONNOLLY (Attorney-General and Minister for Health) (10.49): Madam Speaker, I move:

That standing order 76 be suspended for the remainder of this sitting.

This motion will allow us to bring new business on after 11 o'clock. Standing order 76 otherwise prevents new items on the notice paper from being called on after 11.00 pm.

Question resolved in the affirmative, with the concurrence of an absolute majority.

SKIN PENETRATION PROCEDURES BILL 1994

Debate resumed from 10 November 1994, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (10.50): Madam Speaker, the Skin Penetration Procedures Bill 1994 is a Bill which aims to ensure that professionals such as acupuncturists, tattooists, hairdressers and beauty therapists who carry out skin penetration procedures are subject to certain standards. These procedures must be carried out in a way in which clients and patients are protected from the possibility of contamination from the operator, equipment or other clients.

This Bill will improve the system as it currently exists. It will make it more difficult for those people who are not suitably qualified to perform skin penetration procedures. The proposed licensing system will enforce some minimum standards by which those who are licensed to perform skin penetration procedures will have to abide. Consumers can visit the practitioner of their choice with the full knowledge that the possession of a licence indicates a certain level of proficiency and safety and, of course, protection. If the operator does not possess a licence, the consumer may be better served by using another operator completely. Madam Speaker, the Opposition sees a need to ensure the protection of these people who seek to undergo skin penetration procedures.

While we do not propose to prevent the passage of this Bill, there are several concerns which we believe must be addressed before we can agree with it. The Bill states that the code of practice will be published in the *Gazette* and in a local daily newspaper. The Opposition believes that it should be a requirement to inform all licensees directly of such codes by posting a copy of the code to them. If the Government is going to introduce this legislation, they must make sure that the licensee knows the rules by which they perform these procedures.

The Bill also provides powers to enable the entry of officers to licensed premises, either by consent or where reasonable grounds of seriousness and urgency require entry to the premises. The Opposition does not believe that an authorised officer should be able to enter premises when consent has not been obtained. There should be a requirement that an order to enter premises must be accompanied by a notice signed by the Minister. The inspector must have this signed notice if he or she wants to enter the premises without consent. If the situation is urgent enough, obviously getting such ministerial consent will not be difficult. In addition, the occupant should also be made aware that, once consent to entry has been granted, the inspector has a wide range of powers to seize and inspect goods. If this is to occur, prior to consent the occupant must be provided with a statement which informs him or her of exactly what the inspector has the power to do. Those powers are outlined in clause 35.

Still in relation to this matter, clause 38 requires the authorised officer to give a notice in writing as soon as practicable of all items seized. But how long is "as soon as practicable"? There must be a requirement that such notice which informs the occupant of what has been seized be provided within 48 hours. Seizure of goods is not proof of any offence, and innocent licensees could be adversely affected if their goods are seized. Licensees should have a right to know quickly exactly which ones of their possessions have been taken. Clause 41 requires goods seized to be returned within six months should no proceedings be commenced. The Opposition believes that this could drive an innocent operator out of business within that period. Six months does seem too long, Madam Speaker, and an amendment is required to reduce this. We are suggesting two months. Why should a business suffer if the authorised officer was wrong in his or her suspicions?

While we have other concerns, the final matter with which we are mainly concerned is the power vested in the Minister to determine fees. The clause in question authorises the Minister to determine fees for the purposes of the Act and the regulations. This grants the Executive the type of authority which should be vested in the Assembly. Accordingly, an amendment is required that fees be set by regulation and be subject to disallowance by this Assembly. Madam Speaker, this is an important Bill, and the Opposition objects to it being rammed through - and I make that comment advisedly - with little analysis of the effects of such legislation. Remember that this legislation was tabled only at the last sitting, and on the final day of the last sitting.

Finally, I would like to comment on the workings of the working party which apparently was set up to look at the code of conduct for this Bill. The member of the working party to whom I spoke seemed to have very little knowledge of the Bill and was not even aware that the Bill was scheduled for debate in this Assembly tonight. He said that he had

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several concerns about the implications of the code of practice and how that would affect the Bill. But, as the last meeting of this working party is supposedly tomorrow, how could these concerns ever be accommodated by the Government or, for that matter, this Assembly? Or was it the intention of the Government just to ignore altogether the working party and the recommendations of that working party? Certainly, this Assembly has not seen any of those recommendations.

Madam Speaker, the Opposition will not prevent this Bill from being passed, but we believe that it should be deferred until proper analysis has occurred and the concerns of the working party have been examined. I also hope that the Government will give serious consideration to the amendments that we are proposing. These amendments attempt to preserve the rights of skin penetration businesses and their operators, while at the same time continuing to protect consumers from operators with questionable procedures. As I said, Madam Speaker, we have no problems at all with this legislation in principle, but we would like to know what the final meeting of the working party tomorrow comes forward with. Again, if the working party is quite happy with this Bill, if the people whom it actually affects are quite happy, then the Opposition will be more than happy to pass the legislation.

MR CONNOLLY (Attorney-General and Minister for Health) (10.57), in reply: I thank Mrs Carnell for her general support in principle in her *ex tempore* comments at the end of the speech; but I do not know who writes the stuff that Mrs Carnell comes in here with sometimes, because it is really bitter and partisan. There were comments about ramming things through. It is unfortunate that this carping, bitter tone ran through a lot of her speech.

The legislation is important in principle because it applies to a whole range of businesses that you would not really call health professional businesses. You would probably call acupuncturists health professionals, but there are other businesses that involve procedures that can involve skin penetration. With highly infectious conditions such as hepatitis C and HIV, it is important that we develop public health controls in areas that perhaps, in the era before HIV and hepatitis C were known to be so infectious through blood contact, public authorities would not have taken any particular interest in. That is what this legislation is about.

Mrs Carnell has a range of difficulties with the various provisions in the Bill which she says really go too far in giving excessive powers to bureaucrats and will make it difficult for people to conduct their businesses. We will have a close look at all her detailed suggestions. We have not actually seen the amendments yet; but she has provided me with a note setting out what her concerns are, which is helpful. The preliminary advice is that many points about which she has concerns mirror provisions that exist in the Food Act. The Food Act is a good analogy, because that is where we have given to officials - after quite heated debate in some cases - certain powers that you would not normally give to a bureaucrat to deal with a business. But we give those powers to officials because public health is an important area. We as a parliament are prepared to

give more powers to a public health officer to go into a restaurant and check whether the ravioli is off than we would be prepared to give, say, to a tax inspector to check the books or to someone else. So, there is a level of consistency here, we would say, in what the Government is doing. But, again, we will respond to all of Mrs Carnell's detailed questions.

My office has spoken to some members of the acupuncturist profession who were a bit concerned that this could be a backdoor method of putting the profession out of business; that we might develop a code that was unworkable; that the Government or the Minister may be the mouthpiece of the AMA, which has some animosity towards the alternative health professions. While the working party is meeting tomorrow, that in no way is the final meeting of the working party. Indeed, that working party will probably be in place for many months to come, as codes of practice are developed and a lot of detailed implementation work is done. Nevertheless, the concerns of some members of the profession are important and, in discussion with Mrs Carnell earlier, I suggested that perhaps the best course was to debate the Bill in principle this evening and adjourn the detail stage. Now that Mrs Carnell has given an indication that she is minded to move some quite specific amendments, I think that is an even more desirable course of action.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

INTOXICATED PERSONS (CARE AND PROTECTION) BILL 1994

[COGNATE BILL:

INTOXICATED PERSONS (CONSEQUENTIAL AMENDMENTS) BILL 1994]

Debate resumed from 10 November 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 Intoxicated Persons (Consequential Amendments) Bill 1994? There being no objection, that course will be followed. I remind members that in debating order of the day No. 6 they may also address their remarks to order of the day No. 7.

MRS CARNELL (Leader of the Opposition) (11.02): Madam Speaker, the Opposition, with pleasure, will support the Intoxicated Persons (Care and Protection) Bill 1994, which will provide for the care and protection of intoxicated persons, the licensing of carers, and the regulation of licensed places where intoxicated persons can be taken. The importance of this Bill is that it recognises that alcoholism in Australia is a problem and one that must be addressed. It also recognises that those people who consume alcohol beyond their capacity to do so safely should not be treated like criminals, but, indeed, need our help. The Bill will allow intoxicated people to be given into the care of a licensed carer - not taken into police custody, which was previously the case.

Unfortunately, Madam Speaker, excessive drinking continues to be a problem. In fact, in 1977 alcohol related problems were considered even then to have reached epidemic proportions. What is even more frightening, Madam Speaker, is that consumption, particularly amongst women, has continued to increase. In 1992 Australians were the highest consumers of alcohol per person of any English-speaking population in the world, ranking us fifteenth in the world in terms of per capita consumption. Excessive alcohol consumption can be blamed for many of the deaths of our young people on the roads today. Unfortunately, the statistics are true. Approximately 37 per cent of male and 16 per cent of female road traffic accidents are alcohol related. Given the level of the problem, we must remember that the emphasis must be on rectifying the cause of excessive alcohol consumption rather than trying to solve it once the problem has begun.

While this Bill does not seek to get to the root cause of drinking, it recognises that proper care must be given to those who drink to excess despite, as the Minister said, our best efforts to discourage them from doing so. It means that police will now have the power to take into custody those people who, because of drink, are behaving in a disorderly fashion, could cause injury to themselves or to another person, or are incapable of protecting themselves from someone else. The police will be able to detain the person for not more than 12 hours, or they may give the person into the care of a licensed carer, from where the person may leave at their own will. While the police have the power to search a person who is taken into custody and may take possession of any personal belongings, the person is entitled to the return of his or her possessions once he or she ceases to be detained.

While in the care of the carer, the person will have access to facilities and adequate opportunity to contact a responsible person, and may be transferred to the emergency department of a hospital if the carer is of the belief that the person is in need of medical treatment. The Bill provides for a carer to perform such caring duties if they have a licence to do so. The licence will be subject to conditions and the Minister will be able to amend, cancel or suspend the licence on certain grounds. The Minister will also be able to have licensed premises of carers inspected, as the Bill provides for inspectors. The inspectors will be from within the Government Service and will be permitted to inspect the licensed place and equipment used in connection with the care of intoxicated persons, inspect documents and records in the possession of the licensee relating to the conduct of the licensed place, and require the licensee to furnish information, books, documents and other records that are in their possession.

As well as this Bill, the Opposition will not be opposing the Intoxicated Persons (Consequential Amendments) Bill 1994. We believe, Madam Speaker, that this Bill is a very appropriate way to go, although I cannot stress enough that we cannot let ourselves be distracted from the main issue, which is to teach our young people that drinking to excess is dangerous and can do irreparable damage to a person's health. I refer the Assembly to one of the reports of the Drugs Committee which spoke at length about a number of issues that could have been addressed, many of which have not been addressed by this Assembly. I request the next Assembly - hopefully, we will have some sort of say in that - to take on board a number of the education issues that that committee report put forward, issues that have not necessarily been taken up by this Government. I hope that the Government does not forget its obligation, and that is to educate the people of the Territory, but also to protect them. This Bill goes a long way to providing that protection.

MR MOORE (11.08): Madam Speaker, I rise to congratulate the Government on bringing this Bill forward.

Mr Berry: Mr Moore is consistent. On 1 May you voted the same way.

MADAM SPEAKER: Mr Berry!

MR MOORE: There was an interjection, Madam Speaker, from Mr Berry - - -

Mr Stevenson: From the right, over here.

MR MOORE: From the right. Mr Berry indicates that I am consistent. I cannot see why that would be a surprise at all, Madam Speaker. I remain consistent on almost all issues in this Assembly. I say "almost all", Madam Speaker, because there are times when it is appropriate and intelligent to change one's mind when new evidence is presented. Perhaps Mr Berry has learnt that.

Madam Speaker, the Bill we have before us, dealing with the care and protection of intoxicated persons, is, indeed, long overdue. I say that without attributing any blame, Madam Speaker, because I think any one of us was in a position to be able to prepare a Bill like this. We are in a position now to look much more at those key words, "the care and protection of intoxicated persons". We are part and parcel, ironically enough, of a drinking society which still looks down on people who are intoxicated. Mrs Carnell raised the issue of the select committee's report on youth and alcohol in which we raised a series of issues, and this was one of them.

Madam Speaker, it is appropriate that the clauses of the Bill which deal with the care of people and the power of carers are monitored carefully, because quite extensive power and protection is given to carers. I refer to clause 13 in particular, which says:

No action, suit or proceeding lies against a person who is or has been a licensee or carer in relation to any act done or omitted to be done by that person ...

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It goes on to say "in good faith", and I think that is a critical factor for the performance of these duties. Nevertheless, an extensive power is provided in this Bill. I think it is an appropriate power and an appropriate protection for those people who will be dealing with some of the most difficult situations. Nevertheless, I think it does require monitoring, and I would hope that that process is followed. In summary, Madam Speaker, rather than repeating the issues raised by Mrs Carnell, I think it is an appropriate time to say "well done" to the Minister on this piece of legislation and to wholeheartedly offer my support.

MR CONNOLLY (Attorney-General and Minister for Health) (11.11), in reply: I thank members for their support for the Bill. This Bill has been a lot more difficult to produce than was thought originally when it was promised by Labor in the last election campaign. I know that Mr Berry put a lot of effort into getting this Bill up to the starting line. Essentially, we had to develop a model that was non-custodial. In many States these types of Bills really give almost custodial powers to the people who are looking after people, and we wanted to avoid that model; so it has taken some time. The Bill is significant, and it is pleasing to see that on a major piece of legislation like this we do have support from all sections of the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

INTOXICATED PERSONS (CONSEQUENTIAL AMENDMENTS) BILL 1994

Debate resumed from 10 November 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.

PSYCHOLOGISTS BILL 1994

[COGNATE BILL:

HEALTH LEGISLATION (CONSEQUENTIAL AMENDMENTS) BILL 1994]

Debate resumed from 10 November 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 Health Legislation (Consequential Amendments) Bill 1994? There being no objection, that course will be followed. I remind members that in debating order of the day No. 8 they may also address their remarks to order of the day No. 9.

MRS CARNELL (Leader of the Opposition) (11.13): Madam Speaker, the Opposition is delighted, finally, to be able to speak on the Psychologists Bill 1994, which, as the Minister stated in his tabling speech only two short weeks ago, "fulfils, in part, the Territory's commitment to introduce a uniform approach to the regulation of health occupations across all States and Territories in the interests of public health and safety". It is true that we are fulfilling our commitment. What I object to is the length of time that it has taken to do so. As Wayne Berry reminded us on radio - - -

Mr Berry: Too fast, too slow; too high, too low.

MRS CARNELL: You would have to admit that this has taken lots longer than you would have liked. Mr Berry said that this was an election promise. It was also an election promise for the First Assembly. We are the last State or Territory to go down this track. It is a pity that it always has to be done when an election is just around the corner.

Madam Speaker, the Psychologists Bill will provide for the registration of psychologists and will control the practice of psychologists in the ACT. The Bill will ensure that a patient receiving a psychological service is receiving it from a properly qualified and trained psychologist. However, despite my delight with the introduction of this Bill, there are several concerns which the Opposition has and we will be seeking to amend it. They are, though, very much secondary to the basis of this piece of legislation.

Mr Berry: Why do you not give us notice of these things, Kate? You have to be consulted on everything, but you will not tell us what you are up to.

MADAM SPEAKER: Order!

MRS CARNELL: These concerns have been raised with us by a number of members of the profession of psychology, which, Madam Speaker, is the reason why we bring them forward tonight, even though Mr Berry does not feel that that is appropriate. Obviously, he does not think that community consultation is a good way to go.

Mr Berry: No; you should consult with us about your amendments. It would help.

MRS CARNELL: They have been tabled all day.

Mr Berry: All day?

MRS CARNELL: Yes. The first is in regard to paragraph 45(1)(b), which states that fees for services cannot be recovered unless "a period of 6 months has elapsed since that service of the account and the account is unpaid at the end of that period". Such a provision is an unnecessary restriction on the day-to-day operations of a business. Apart from this, I can see no reason for legislating for such interference in any business, Madam Speaker. Why should a business owner, or in this case a psychologist, be prevented from following up his or her unpaid accounts whenever she wants to or he wants to? Why should the owner have to wait six months? There is no point in this restriction, and the Opposition will not support it.

The second area of concern is clause 46. This clause empowers the board to review the fee which an individual practising psychologist charges if the board is approached by the person to whom the service was delivered. While I believe that the public should be made aware of practitioners who are overcharging on their fees, the responsibility for this should not be vested in the registration board. Such an issue is a matter for the psychologist, the professional body representing psychologists and a third party, such as the patient or, for that matter, the insurance company. In many cases health insurance companies are involved in these sorts of transactions. The purpose of the board is to register fully qualified psychologists in the ACT, subject to conditions, and to ensure that the registered psychologist abides by the conditions of his or her registration. It is not the purpose of the board to review the prices which are charged by individual psychologists. There are numerous other bodies which are set up specifically to watch over business practices. This activity is outside the scope, or normally is outside the scope, of a board and should not be provided for in this Bill. As such, the Opposition will not be supporting clause 46 in its entirety.

The final concern which we have with this Bill is one which could be applied to most Government Bills which are introduced into the Assembly. It relates to the amount of detail which the members of this Assembly are given with regard to the financial implications of the Bill. The Government once again has told us that this information is quite irrelevant. The explanatory memorandum states that the costs of administering the Psychologists Bill will be met from within existing resources. This provides no indication whatsoever of the financial implications of the Bill, and we believe that this practice should be stopped. It certainly would not be allowed or would not be the practice in other parliaments. If there are no financial implications, a statement to that effect can be made. If the costs of administering the legislation are to be met from within existing resources, the least the Government should do is tell us exactly how much money will come from within the department and how much money will come from the profession. Are we talking about user pays or are we not? What actually are the resource implications of this Bill, and, for that matter, most other Bills that we see in this Assembly?

As I said, the Opposition will be supporting this legislation with a number of amendments. It is good legislation. I believe that it is very important that legislation of this nature is passed through this Assembly in this sitting. I think many of us would have had some complaints over a period about people practising in this area - people who may not have the required qualifications, people who, for whatever reason, may not be practising in the public interest. Obviously, the vast percentage of people who are practising as psychologists in the ACT are practising very properly; but I know that they too are concerned that, in their profession, there is no way to ensure that people who are not practising quite the same way are being weeded out.

Again, Madam Speaker, I think it is important to restate the position about fees. Professional boards are set up to protect the community. That is what they are there for. They are there to protect the community in a professional manner. We do have a Health Complaints Unit that can look at prices charged. It is certainly not normally the duty of a health registration board. I would be disappointed if this were to become a normal requirement of this Government for registration boards.

MS SZUTY (11.20): Madam Speaker, legislation to provide for the registration of psychologists and to control the practice of psychology has been talked about by government for some time. In fact, I recall seeing psychologists legislation on the Government's autumn legislation program in 1993. I note that this is another of the mutual recognition Bills which, as Mrs Carnell says, fulfils in part the ACT's commitment to introduce a uniform approach to the regulation of health occupations in all States and Territories. I understand that during the consultation process members of the Australian Psychological Society, members of the Australian College of Clinical Psychologists, and school counsellors in the ACT were consulted about the form of the legislation.

The processes for full unconditional registration, or registration with conditions, are interesting to note. For unconditional registration as a psychologist, a person must be a graduate of a course of education and training in psychology - a four-year course - from an Australian institution which is accredited by the board or approved by a registration authority of a State or another Territory and have had two years of supervised experience in an area of psychology to the satisfaction of the board. "Supervised experience" means academic assessment in these circumstances. Further criteria for the granting of unconditional registration as a psychologist are outlined in the Minister's presentation speech, as follows: A person who is a graduate of a course of education or training in psychology in a place outside Australia which is substantially equivalent to an Australian course. This is assessed both by the national office of overseas skills assessment, which is part of the Federal Department of Employment, Education and Training, and by the Australian Psychological Society.

Registration with conditions may be granted at the discretion of the board in certain circumstances. The transitional provisions of the Bill will enable people who hold qualifications in psychology which do not entitle them to registration under this Bill, but which would have entitled them to practise as psychologists at the time qualifications were gained to gain registration, provided that they have practised psychology for

four years out of 10 in the years preceding the passage of this Bill. However, applications to the board need to be lodged within six months of the commencement of this Act. The passage of this Bill will necessitate an education and awareness campaign, I believe, to draw to the attention of interested persons the need to apply for registration to practise as a psychologist within the next six months, assuming that the Act is gazetted promptly.

Madam Speaker, as I stated initially, this Bill is about the provision of registration for psychologists and the control of the practice of psychology to better inform the community as to who is entitled to be referred to as a psychologist in the field and who is not. There are many professionals and non-professionals who provide psychological and counselling services in the community, some as their primary occupation and others as an adjunct to their main profession - for example, a medical practitioner or a teacher - who also consider that they are qualified and trained to provide counselling services. The difference, Madam Speaker, is that only people who register with the board and are accepted can practise and advertise and promote themselves as psychologists. It remains to be seen whether people who provide counselling services promote themselves as psychologists without being registered by the board.

The provisions of the Bill currently prohibit a person who is not a registered psychologist from providing a psychology service for fee or reward, but obviously they would not be able to prohibit a person who is not a registered psychologist from providing a psychology service without fee or reward. Such people, if identified by members of the community, will obviously need to seek redress elsewhere. Similarly, although the provisions of the Bill prohibit a person from using a title or a name which implies that the person is qualified to practise psychology, or holding himself or herself out in any manner to be qualified or authorised to practise psychology, careful scrutiny will be required to detect people who do, the object being to protect the community from unscrupulous behaviour.

In summary, Madam Speaker, I am happy to support the passage of this Bill at this time. However, I have some reservations about how the provisions will work in practice, both for people seeking registration as psychologists and for members of the community seeking certainty about the qualifications of people providing psychological services. I certainly recommend, Madam Speaker, that the operation of the Bill be reviewed in six to 12 months' time, to assess whether any difficulties have arisen with the Bill's operation.

MR MOORE (11.25): Madam Speaker, this Bill has been a long time coming and it is very welcome. Mrs Carnell touched very lightly on the need for this Bill, and in particular touched on the issue of malpractice of psychologists. I have been approached by a number of people over a specific psychologist who is practising in Canberra. That is one of the reasons why I have been awaiting this Bill, and looking forward to this Bill, so that there is an appropriate body to which complaints of malpractice can be taken and be dealt with in an appropriate manner, and so that the psychologist can be held accountable to his peers, or her peers, for such conduct. I think this Bill provides for that opportunity.

Madam Speaker, there are a number of amendments prepared for this Bill. The first one is to be moved by the Minister for Health and is to omit the definition of "medical practitioner". I am curious to know why that definition was originally put in there and is now going to be removed. I am sure that the Minister would be happy to provide us with that information. The amendments to be moved by Mrs Carnell deal with the finances and financial practices of psychologists. They appear to me to be rather unusual things to have in a professional registration Bill. At this stage, having heard Mrs Carnell speak to them, although not having heard the Government response, I am inclined to support those amendments. A very strong Government response, if there is something I do not understand about them, would be enough to change my mind. The issue of recovery of fees and review of accounts is appropriate to be part of the professional organisation but not part of the registration board and the responsibilities of the registration board. That is something that does need to be accounted for. We also have in place a Health Complaints Unit which will be able to deal with this sort of issue in an effective way. I look forward to some answers and to debating the issues further in the detail stage.

MR CONNOLLY (Attorney-General and Minister for Health) (11.28), in reply: I thank members for their general support for this legislation. As a number of people have said, this has been an area of professional practice where there has been some scope for sharks and operators who are not properly qualified to get out there and to prey on people who can be particularly vulnerable. For many in the community the distinction between a psychiatrist and a psychologist may not be well understood. People may well believe that in dealing with a person who is or claims to be a psychologist they are in fact dealing with a specialist medical practitioner, whereas in fact they may not even be dealing with a person who is properly qualified as a psychologist. For that reason, control has been needed for some time.

It is partly for that reason and the particular scope in this area for undesirable practices that we have taken what may seem to be the somewhat unusual step of having some provisions relating to fees in a professional regulation Bill, although it is not totally unprecedented. A Bill we put through only the other day made some amendments in another area entirely, namely, the Legal Practitioners Act. For years there has been a provision in the Legal Practitioners Act that gives you a right to get an account of fees and, if you object, to take that up the line to the Law Society. What we have here is not random thoughts; it is a thought out package. You may disagree with the package, but it is well thought out. The objection that Mrs Carnell has relates to the six months' delay in clause 45. The psychologist cannot sue for fees until there has been a six months' delay. That is because in clause 46 there is a six months' period after you have the bill where you have - - -

Mrs Carnell: That is why I got rid of that, too.

MR CONNOLLY: Yes, indeed; but I am saying that it does make sense. You may disagree with the concept. You may say that you prefer a laissez faire approach here, or use of the Trade Practices Commission for fee setting or the Health Complaints Unit for professional misconduct. The logic of the structure is essentially to say that there is that period of six months in which you can go to the board and get it to look at whether that fee structure is fair.

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We do not do that in all areas, and we will not be doing that in all areas of professional regulation. In most areas there are fairly well established fee structures. People understand what they are getting into. This is an area where there is no standard fee concept. In the past there have been some operators who leave quite a bit to be desired. People can be conned into thinking they are dealing with specialist medical practitioners; whereas in fact they are dealing with somebody with, in some cases, perhaps no qualifications at all. So, we have developed a structure which, basically, says that you do have a period in which you can seek an accounting of the fee.

You could maybe argue whether six months is too long. Again, we would say that you may often be dealing with people who are quite vulnerable. They have been in a situation where they have been dealing with a psychologist. They have felt, obviously, that they are in a particular state of need; so we have given a longish period for people, having received the bill, to seek an accounting of the bill, if they object to it, and they cannot be sued for that unpaid bill within that six months period. In most cases the bill is going to be paid voluntarily within time. If you resort to litigation to get your bill paid, it is unlikely that it is going to be sorted out within six months anyway, because of the process of court delays; so I would reject any view that this is onerous or harsh.

You may, in principle, say that we should never have fee issues dealt with in professional registration or control legislation, but we have done that in some areas of the legal profession for many years. We would say, because of the generally acknowledged particular danger of psychologists - it is an area where there have been people with no qualifications at all practising, and the public perhaps is not as aware as they should be about whom they are dealing with and what a psychologist is as opposed to what a specialist psychiatrist is - there should be particular care taken, and our structure there is, basically, to say, "You have a period in which you can seek an accounting of the bill, and that will be reviewed by the board".

The Government has also circulated a minor amendment to pick up an error that Ms Szuty pointed out. There is a definition of medical practitioner in clause 3 but no reference to medical practitioner. Mr Moore, this is not some dark or sinister plot to abolish the profession of medical practitioner. It is just that when you put Bills like this together you tend to pick up the standard form definition clause that is used in other Bills, and in other Bills medical practitioners are defined and do come into the structure. They did not here. We picked up the standard form clause, and that is why it is there. There is no sinister plot there; it was merely a clerical oversight. I thank members for their general support for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CONNOLLY (Attorney-General and Minister for Health) (11.33): I move:

Page 2, lines 12 to 16, clause 3, subclause (1), omit the definition of "medical practitioner".

I present a very short supplementary explanatory memorandum.

Amendment agreed to.

MRS CARNELL (Leader of the Opposition) (11.34), by leave: I move:

Page 18, lines 13 and 14, clause 45, paragraph (1)(b), omit the paragraph.

Page 18, lines 18 and 19, clause 45, subsection (2), omit "or, if such an account has been so served, before the elapsing of the period of 6 months since the service of the account,".

Page 18, line 24 to page 19, line 17, clause 46, omit the clause.

Page 20, lines 27 and 28, clause 48, paragraph (s), omit the paragraph.

Page 21, lines 25 and 26, clause 49, paragraph (k), omit the paragraph.

Madam Speaker, the issues that Mr Connolly raised with regard to price are interesting. I would accept his point of view if we were not going down the track of registering a profession - psychology. Remember that everyone who supposedly will be registered now will have appropriate qualifications and will be operating normally within the law and within professional conduct areas. We do have a Health Complaints Unit which is set up, specifically, to handle issues like problems with fees and so on. Interestingly, psychology is now a schedule benefit for a number of the private health funds. I understand that under certain circumstances it is a schedule benefit generally. It is going to be very interesting, Mr Connolly, if the health professional board, the Psychologists Board, gets into the business of fee setting when we already have a number of other fee setting mechanisms, from health funds through to the Government and, potentially, the Health Complaints Unit as well.

The Bill indicates that a period of six months must have elapsed since the service before any action can be taken by somebody or by a business on an unpaid account. That is an enormously long time. Any business - a psychology practice is like any other business - would have a very large amount of trouble in waiting for six months before they could take any legal action whatsoever. Mr Connolly makes the comment that the people that

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psychologists deal with regularly will be vulnerable. That is generally the case in the health areas. Unfortunately, as we have debated many times in this place, the relationship between health professionals and patients often is not an equal one. It is part of the process and is the reason why we have registration boards. It is the reason why we have a Health Complaints Unit. It is not a good reason for legislation that attempts to set fees.

I do not believe that psychologists boards - peer groups - should be in the business of setting fees for other peer groups. They certainly should be in the business of setting professional standards and determining what conduct is all right within their profession, but should we be looking at peer group price setting? Mr Connolly, and certainly Mr Berry, I suggest, would not share that view with regard to some other health professionals.

Mr Berry: Name them.

MRS CARNELL: Doctors. I would be quite willing to say that. I do not believe that peer groups are the right bodies to attempt to set prices.

Mr Berry: Poke out your tongue. What about the pharmacists?

MRS CARNELL: In the Pharmacy Act there is no provision for price setting; nor is there in the medical Act, the nurses Act, the dental Act, or any of those other Acts, mainly because it is simply inappropriate. Madam Speaker, I do not believe that we could rely on this to give any equity at all to the patient. Remember that these Bills are about protecting the consumer, not about protecting the profession. It is a really important issue. It seems that those on the opposite side do not realise this. If we were looking at protecting the profession, certainly, let the profession set its own fees; but, if it is the consumer we are after, it has to be market forces with the backup of proper complaints processes. It is the only sensible approach.

MS SZUTY (11.39): I do not have strong views on this subject either way. I note Mrs Carnell's point that these provisions are somewhat unusual, certainly in mutual recognition legislation that this Assembly has considered up to date. I note that Mrs Carnell proposes to delete only part of the clauses to do with recovery of fees. She is proposing to delete paragraph 45(1)(b), which says "a period of six months has elapsed since that service of the account and the account is unpaid at the end of that period", and then part of subclause 45(2). Obviously, consequential amendments relate to the review of the accounts for fees for psychology service and the review and appeal procedures that come up further on in the legislation. Madam Speaker, I will not support the amendments at this time. I have indicated to the Minister that I would like to see the Bill reviewed after a period of six to 12 months, and I think it would be appropriate to pay particular attention to a review of the provisions that Mrs Carnell has identified.

MRS CARNELL (Leader of the Opposition) (11.40): Madam Speaker, the reason I have approached this Bill in this fashion is to get rid of the areas in the Bill that set fees, and also the six months issue. It seemed to me to be chronically unfair to make anybody wait six months before they could take action to get back money that was owed to them. The other two paragraphs involved are the ones that talk about the board having a capacity to set fees. Again, if it were up to me, if it were my Bill, I would not have the fee bit in it. Those are the issues involved in my amendments Nos 3 and 4.

MR CONNOLLY (Attorney-General and Minister for Health) (11.41): Madam Speaker, the Bill is not about setting fees. It is not about establishing a fee setting structure, a common fee structure, a cartel-like structure where you will have uniform fees across the Territory. Indeed, if it proved to be being used in such an anti-competitive way, it may well be something that we ourselves would look at knocking off as part of reviewing the Act in 12 months' time. On the contrary, rather than being a fee setting structure, it is really about giving the person who has been a consumer of the service the ability to get an accounting of what the fees are based on and then to have that reviewed. I think Mrs Carnell is looking at it from the opposite direction. I note Ms Szuty's cautious approach to this. It is the sort of legislation that we probably will have to have a look at in the life of the next Assembly. Certainly, if it were being abused, we would be as concerned as Mrs Carnell would be about cartel-like behaviour. We see it not as a cartel fee setting provision but as a provision to allow the consumer to have the fees reviewed.

MRS CARNELL (Leader of the Opposition) (11.42), by leave: Madam Speaker, it is for that very reason that I have concern about the issues involved, such as the potential for a board to determine that setting fees in a manner that they perceive to be inappropriate would be unprofessional conduct. Remember that all boards can do is determine that a particular action by a professional is unprofessional conduct. They do not have a huge amount of other power. I suppose that they have certain fines and other things at their disposal, but primarily it is unprofessional conduct. If these areas are left in the Bill, potentially they could be used to determine that a particular professional, who was not acting in the same way as all the other professionals - professionals have a very good way of doing this sort of thing, as lawyers have been known to do so well, Mr Connolly - was acting in an unprofessional way. I do not think that is appropriate. I do not think anyone in this house would see that as appropriate. Why should we leave in there areas that could be abused in such a way?

Amendments negatived.

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

Bill, as amended, agreed to.

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HEALTH LEGISLATION (CONSEQUENTIAL AMENDMENTS) BILL 1994

Debate resumed]from 10 November 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.

ADJOURNMENT

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

That the Assembly do now adjourn.

Victims of Crime

MR STEFANIAK (11.45): Perhaps I could have done this during the debate on the Victims of Crime Bill, but I seek to do it now. The Attorney said that that is landmark legislation. It certainly is. It was something I was very keen to see in the First Assembly and I am delighted to be part of the Second Assembly that finally has brought that legislation in and passed it. It is something that a number of people in Canberra have been very keen to see since 1987. The Victims of Crime Assistance League was formed by Rita Cameron and a number of other victims who had suffered dreadfully. Rita's young son, Grant, had been kicked to death at a school fete in Duffy in 1987. She and some like-minded souls formed the Victims of Crime Assistance League to assist fellow victims who were traumatised by the court system. The current president, Brian Slarke, also lost a loved one as a result of a criminal act. He lost his daughter. There are many victims in Canberra and many have been helped greatly by the Victims of Crime Assistance League. Rita and Brian, and the rest of the people in the league, will be very happy today that their efforts have been acknowledged by this Assembly.

Madam Speaker, I am proud to have conducted the first victim impact statement case in 1987 before Judge Kelly. Judge Kelly was appointed by, I think, the then Alliance Government to a criminal review committee. One of his main aims there was to get through victim impact statements, victim impact rights, and I think he would be very happy to see the fruition of his work today. The victim impact statement is terribly important. As a former prosecutor and, from the other side, as a former defence counsel, it is very important that all the facts are put before a court, certainly from a prosecution point of view, and the prosecutor is the one who puts the victim in the box and

asks questions. All too often a lot of evidence is put before the court by way of mitigation, after a plea of guilty has been taken or a verdict of guilty found, in relation to why the defendant did it, and very little, if anything, is said as to the effect of the crime on the victim. Naturally, this does not give a presiding judge or magistrate sufficient information to come up with what perhaps is a proper, appropriate and adequate penalty. Victim impact statements let the victim have their say as to what effect the crime has had on them and their family, how it has affected them and what effect it is likely to have in the future.

The case I did in 1987 was a particularly sad one. It involved a very nasty series of incidents of incest on a young girl, then aged 15, who had been molested badly by her father from age 12 to age 14. It was a sensitive case and in those days the defence had to agree; you had to go through the statement before it was tendered. It was the first victim impact statement of its kind. The case was heard in front of Judge Kelly and he handled it most sensitively. It was handled with great sensitivity by the defence counsel at the time as well. The judge had all the relevant information before him and he gave a very learned and appropriate dissertation in passing sentence. That convinced me, back in 1987, of the great benefit of victim impact statements. The victims certainly felt that they had been made part of the system, and justice truly had been done.

I look forward to seeing the implementation of this very important legislation. It is a real advance for the criminal law. Tonight in Canberra there will be some very happy people in the Victims of Crime Assistance League. They can say now that their work over the last seven years is starting to come to fruition. I congratulate all members associated with this legislation on getting it through. I know that the Attorney, since the time he entered the Assembly, has been as keen a supporter of the rights of victims as I and other colleagues on this side of the house have been. I think this is an excellent piece of legislation.

Question resolved in the affirmative.

Assembly adjourned at 11.49 pm

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ANSWERS TO QUESTIONS

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1424

Housing Trust - Staff and Consultants

MR CORNWELL - Asked the Minister for Housing and Community Services In relation to the ACT Housing Trust:

- (1) At 20 September 1994, how many people are employed by the Trust, broken down into full-time and part-time, and listed by designated officer level.
- (2) How many consultants are being paid by the Trust at 20 September 1994.
- (3) What is the salary budget of the Trust for the 1994-95 year.
- (4) In 1994, to 20 September 1994, how many Trust staff/consultants have taken leave due to stress and how many days does this represent.

MR LAMONT - The answer to the Members question is as follows -

- (1) Total number of staff employed by the Housing Trust as at 30 September 1994 (pay 7) is as follows:

Full time - 236

Part time -13

These are made up of

Position Full Time Part Time

Table included.

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- (2) The number of consultants being paid for by the Housing Trust is 6. The Trust also employs 3 contractors.
- (3) The salary budget for the Housing Trust for the 1994-95 financial year is \$10.082m comprising salaries, senior officer allowances, payroll tax and superannuation.
- (4) Staff are not required to designate the reasons for recreation leave, nor to designate a specific illness for sick leave therefore the records maintained by the Trust do not show when staff have taken leave due to stress. For the period 1 January 1994 to 20 September 1994, Comcare have received one claim for stress-related illness totalling 4 days.

4300

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1437

**Assembly Building - Soundproofing of Offices
and Window Rectifications**

Mr Humphries - asked the Minister for Urban Services:

- (1) Is the Minister aware of a notice circulated to MLAs on 23 September 1994 from the Clerk of the Assembly advising the future rectifications to some windows in the Assembly Building as a result of "water, wind and noise intrusion". _
- (2) If yes, did the Minister note a comment in this memorandum which said: "This [work] will be carried out as circumstances and funding permit."
- (3) Are staff from the Ministers Department responsible for this work.
- (4) If so, when is work scheduled to commence.
- (5) Is it a fact that work has already been undertaken on the Chief Ministers office to provide sound-proofing or some similar noise reduction. If so;
 - (a) When was this work done.
 - (b) Why was it necessary to sound-proof the Chief Ministers office.
 - (c) Why was this task accorded such a high priority.
 - (d) What was the total cost of the work undertaken on the Chief Ministers Office.
 - (e) What is the estimated cost of other works associated with this project.
 - (f) Have any other Ministers or Members offices been sound-proofed.
 - (g) Was the Chief Ministers office the first office to have these rectifications undertaken.

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Mr Lamont - the answer to the Members question is as follows:

(1) Yes.

(2) Yes.

(3) Yes.

(4) Future work will be undertaken as requested by the ACT Legislative Assembly Secretariat.

(5) Yes.

(a) Between 24 and 29 September 1994.

(b) During the refurbishment works specialist technical advice was given that replacement of the original glass in the windows with glass of a greater thickness would achieve the level of acoustic isolation required in the offices on London Circuit. Following completion of the work it was found that the offices on London Circuit suffered from unacceptable noise levels.

(c) Following discussion between the Chief Ministers office, my Department and the ACT Legislative Assembly Secretariat, it was decided that the work would be carried out at the above dates so as to take advantage of the Chief Ministers absence at that time.

(d) \$18,296.

(e) Estimates totalling some \$35,000 have been prepared for the outstanding work. The final figure will depend on the result of calling quotations.

(f) No.

(g) Yes.

4302

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1440

Dual Occupancies - Banks

Mr Moore - Asked the Minister for the Environment, Land and Planning -

(1) Would the Minister state specifically on what "qualitative" grounds the six out of seven dual occupancies in Banks were rejected.

Mr Wood - the answer to the Members question is as follows:

(1) The applications failed to comply with the Territory Plan Part B1 Residential Land Use Policies Objectives which are to "ensure that the scale and character of the development is compatible with the surrounding areas and does not unacceptably affect the amenity of nearby residents"; and that the cumulative effect of these proposals, together with the other dual occupancies already in the vicinity, would be unacceptable.

There were also technical departures from the Residential Design and Siting Code for Multi-Dwelling Developments including:

e privacy and amenity issues related to lack of effective screening, placement of private open space and placement of driveways;
poor design for solar access and energy efficiency;
parking facilities and driveway detracting from streetscape amenity;
massing dwelling group not providing visual variety and interest;
lack of externally accessible storage and screened clothes drying areas;
poor landscaping design.

4303

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1447
Schools - Community and Cultural Use

MR CORNWELL - asked the Minister for Education and Training on notice on 13 October 1994:

(1) What steps have been taken to implement each of the 15 Recommendations of the Standing Committee on Social Policy Report No 4 regarding the Community and Cultural use of Schools.

MR WOOD - the answer to Mr Cornwells question is:

You will recall that the Government failed its response to the committees report in the Assembly on 21 April 1994.

While the Government agreed to a number of the recommendations made by the committee, there are a number of key recommendations to which it agreed in principle only, pending further work and consultation. A steering committee has been established by the department to address each recommendation.

Representation on the committee includes education, community, sporting and cultural interests in the after hours use of school facilities. The committee is to report back to me by the end of 1994.

Decisions on the use of the casino premium for regional arts facilities have taken note of the Social Policy Committee report.

Expenditure at the Southside campus of CIT and Hawker College is designed to make better use of schools and other institutions.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1449**

HIV/AIDS Prevention Programs

Mrs Carnell - asked the Minister for Health:

- (1) Can the Minister confirm that, as some figures show, the Australian Capital Territory has one of the highest per capita HIV infection rates of any State or Territory in the country.
- (2) Will the Minister detail the programs which the AIDS Action Council of the ACT currently has in place to educate the people of the ACT of the dangers of HIV/AIDS and how they can prevent themselves from acquiring it.
- (3) Can the Minister explain how these programs are assessed and how successful have the various HIV/AIDS awareness programs been.
- (4) Will the Minister confirm whether the ACT has the highest infection rate, of any State or Territory in Australia for males over the age of 25 years.
- (5) Are there any AIDS prevention programs in the ACT which target males over the age of 25 years.
- (6) If there is a lack of educative programs for adults over the age of 25 years, does research show that it is only people under this age who are susceptible to acquiring AIDS.

Mr Connolly - the answer to the Members question is:

(1) The ACT has the third highest per capita rate of HIV infection with 50.1 cases per 100,000 population. NSW has the highest rate of infection (197.3 per 100,000), followed by Victoria (71.9 per 100,000). Rates of HIV infection in the other States and the Northern Territory are as follows: Queensland 45.4 per 100,000, NT 44.1, WA 41.7, SABA 37.0 and Tasmania 15.0.

(2) The AIDS Action Council provides a series of services including:

Gay Contact a telephone counselling, referral and information service;
Youth Project which includes workshops for young gay and bisexual men and supports the gay youth group;
Beats Project undertaking outreach education and support projects with men at beats;

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Signet a support and information project for married gay and bisexual men;

Magnet the Mature Age Gay and Bisexual Network operates as a drop in evening for gay and bisexual men over the age of 35-40;

PST the Positive Support Network provides _ support, information and social opportunities for people with HIV;

Positive Workshops a continuing series of workshops for people with HIV;

Women Partners this project targeting improved recognition of, and services for, women partners of bisexual men;

Volunteer Support Teams provide practical and emotional support to people with HIV/AIDS and their carers, families and friends. The Council recruits, trains, supervises and supports these teams in their work; and

Positive Womens Network a support network for women with HIV/AIDS using both regular meetings and telephone contact.

In addition to this the Council undertakes a range of education services to the wider community, including telephone information and counselling, public awareness campaigns, public lectures, training programs, pamphlet and poster distribution, school education and community information stalls.

The Council is also responsible for the administration of the Trevor Daley Fund which provides financial assistance to people with HIV/AIDS who are in financial hardship, although this falls outside of their funding contract with the Department of Health.

Through all of these programs the Council undertakes community education specifically designed to assist people to understand the epidemic and how to avoid acquiring HIV/AIDS.

(3) The AIDS Action Council undertakes extensive internal evaluation of its programs. This includes ensuring that all programs are developed and managed with the assistance of reference groups from the target populations involved. These reference groups provide peer input to the design and modification of programs. Each workshop, lecture and education session includes a participant evaluation and posters, pamphlets and publicity campaigns are evaluated through questionnaires and feedback from the target populations.

The AIDS Action Council is funded under the joint Commonwealth/State AIDS Matched Funding Program to provide services to gay men and other men who have sex Nvith men. The Department of I health requires that all programs funded under the AIDS Matched Funding Program report quarterly against the performance indicators outlined in their funding agreements

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The AIDS Action Council provides detailed reports which include:
statistics on the numbers of people reached with information and/or support;
numbers of training programs run and/or attended;
number of care teams in operation and the number of hours of care they provide;
numbers of meetings for each of the projects listed above; and -
feedback received from participants in all programs.

Feedback on the AIDS Action Councils programs to date has been predominantly positive.

In addition, each year each funded organisation is required to provide a completed Project Summary Report to the Commonwealth Government which outlines the distribution of funds from that organisation to target population- groups.

This information is collated within the Department. Unsatisfactory reports result in contact from Departmental officers to identify and address any difficulties the organisation is having. If the organisations activity levels continue to be unsatisfactory the breach procedures outlined in the funding agreement are implemented.

There are many national and program-specific research reports which indicate the success of the kinds of programs provided by AIDS Councils around Australia. Our nation is widely regarded as a world leader in the response to the HIV/AIDS epidemic and the services of AIDS Councils are central to that response. The success of our approach is also demonstrated by the drop in infection rates.

Finally, the Department is in the process of establishing an independent evaluation of the implementation of the AIDS Matched Funding Program in the ACT, which will also provide information on funded agencies in relation to the National Strategy on HIV/AIDS.

(4) Specific data on rates of HIV infection for males over the age of 25 years in each State and Territory are not readily available.

(5) Yes. In addition to the AIDS Action Council programs which are specifically targeted to men over 25 (that is, MAGNET and the Happy, Healthy and Gay workshops) their SIGNET program tends to attract only men over 25 years of age.

It is important to note that the vast majority of programs provided by the AIDS Action Council and the other organisations funded under the AIDS Matched Funding Program are not age-specific and are therefore accessible to everyone regardless of age and gender.

(6) There is no evidence to suggest that there is a lack of educative programs for adults over 25. The ACT can be proud of its achievements in responding to the HIV/AIDS epidemic. Through the AIDS Matched Funding Program and other organisations contributions we have been able to ensure that services are available which target men and women, gay lesbian and bisexual people, intravenous and other

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drug users, young people, married and single people, students at all levels (including a Campus AIDS Worker on the tertiary campuses in the ACT), Aboriginal peoples and Torres Strait Islanders, workers in sex employment, people living with HIV/AIDS, health workers, people from non-English speaking backgrounds and other members of the general community.

4308

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1456

"Murryong" Property

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to "Murryong" (District of Kowen, Block 29, Kings Highway)

- (1) What is the current status of this property (sold, part sold, withdrawn from sale etc.)
- (2) Has subdivision been approved, if so, why.

Mr Wood - the answer to the Members question is as follows:

- (1) The "Murryong" property (now known as Blocks 87 and 88 District of Kowen) has been sold, as a whole, by Lyndsay Robert Neilson and Barbara Jean Norman to John Robert Fishwick and Sonja Fishwick as tenants in common in equal shares. The transfer was registered on 29 March 1994.
- (2) The subdivision was approved on 28 July 1993 and the new leases registered on 15 March 1994. The approval was subject to a number of conditions imposed by relevant Government agencies. These were satisfied and the new leases were issued. A number of the conditions related to land use in accordance with property management principles. Other conditions imposed were a restriction on the number of residences permitted on the Blocks and that no further subdivision be allowed.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1458

Abattoir Holding Paddocks

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

In relation to your responses to questions on notice Nos 1070 and 1296 regarding the abattoir paddocks near Oaks Estate -

- (1) Has the comprehensive survey and other matters to determine the unimproved value for rates setting etc been carried out.
- (2) If so, (a) what value has been placed on the area; (b) what lease conditions have been prepared and (c) what rates and land tax will be charged.
- (3) If not, (a) why not and (b) when will the survey be completed.
- (4) When-is it now anticipated that the land will be publicly advertised and auctioned.

Mr Wood - the answer to the Members question is as follows:

- (1) and (3) No. The survey is comprehensive and extensive. It has taken considerable time to complete the requirements for the survey. These requirements are about to be completed and survey commence.
- (2) Not Applicable.
- (4) It is the Departments intention to complete all the requirements for the inclusion of the sale in the first auction to be scheduled for 1995.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE 1461**

Government Schools - Flying of Flags

MR CORNWELL: asked the Minister for Education and Training on notice on 8 November 1994:

- (1) What are the rules governing the flying of flags at Government schools.
- (2) Is the flying of a flag compulsory and if not, why not.
- (3) What flag can be flown or is there a choice; if there is a choice, who decides.

MR WOOD: the answer to Mr Cornwells question is:

- (1) Guidelines for flying flags at ACT government buildings, including schools, are determined by the Chief Ministers Department.
- (2) Flying a flag at a government school is not compulsory. The decision as to whether the flag is flown is made by the principal or the school board.
- (3) When displaying a flag outside an ACT government building with only one flagpole, the ACT flag should be flown.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1464

Land Adjacent to Canberra Airport

Mr Cornwell - asked the Minister for the Environment, Land and Planning -
in relation to the area of land adjacent to the airport which was newly fenced off in early October -

- (1) What is the area and carrying capacity of this portion of land and how will water be provided to stock.
- (2) Who will use this land and what process was followed to determine who has access to this land.
- (3) On what basis will it be used (grazing rights, permissive occupancy etc.) and what charges and/or restrictions will apply.
- (4) Who has paid for the fencing and at what cost.
- (5) Why was this area not fenced off before so that it could be used for grazing.
- (6) Is this land under ACT or Commonwealth control.

Mr Wood - the answer to the Members question is as follows:

- (1) The land in question is National Land and managed by the Commonwealth. Carrying capacity and water supply are matters for the Commonwealth.
- (2) I have been advised that a Mr R Taylor will have the use of this land. I have been advised that the Civil Aviation Authority made all arrangements with Mr Taylor for access to the land.
- (3) The basis for the use of the land and any charges/restrictions are matters for the Commonwealth.
- (4) I have been advised that Mr Taylor paid for the fencing at a cost of \$3000.00.
- (5) This is a matter for the Commonwealth who have responsibility for the land.
- (6) This land is National Land managed by the Commonwealth.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1466

Unleased Land - Majura

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to your answer to Question on Notice No. 954 which provided a list of "all current agistment licences and registered and unregistered leases", this list does not include details of Block 556 Majura (referred to in your response to question on Notice 1316)

- (1) Why is Block 556 Majura not listed in your response to Question on Notice No. 954; what is (a) the area and (b) the name of the lessee etc. as -per the details as provided in that answer.
- (2) Are there any other blocks also omitted from the response to Question on Notice No. 954 which should be included in a list of "all current agistment licences and registered and unregistered leases"; if so, (a) why were they not originally included and (b) what are those details.

Mr Wood - the answer to the Members question is as follows:

- (1) At the time the answer to Question on Notice 954 was prepared, Block 556 Majura was not under a "current agistment license or registered or unregistered lease" and was therefore not included in the list provided in the response to that Question.

The status of Block 556 Majura has not changed. The area of Block 556 is 11.322 hectares, it is unleased Territory Land with the house on that block owned by the ACT Housing Trust. The tenant has the use of Block 556.

- (2) My Department is not aware of any omissions from the list provided in Question on Notice No. 954.

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QUESTION ON NOTICE

Woden Valley Hospital - Helicopter Flights

MR CORNWELL - asked the Minister for Health

(1) Did a helicopter privately chartered from Linton Aviation fly low over the suburb of Garran at approximately 12.50 on Wednesday, 9 November, in contravention of agreed flight paths to and from Woden

Valley Hospital helipad confirmed in your reply to question on notice No. 1429.

(2) What action (a) is being taken against the pilot concerned and (b) will be taken to prevent a repetition of the incident.

(3) What steps will be taken to ensure that the helipad is used by medical emergency helicopters only.

MR CONNOLLY - The answer to the Members question is as follows -

As Minister for Health I am responsible for many things. Included among these is the provision of the helipad as a facility to assist with transporting patients -usually emergency patients in critical conditions - by helicopter to and from Woden Valley Hospital.

As Minister for Health I am not responsible for many things. Included among these is control of air space over Canberra. I suggest questions about air space, helicopter flights and flight paths be directed to the appropriate Commonwealth authority.

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