DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

30 November 1994

Wednesday, 30 November 1994

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

SUBORDINATE LAWS LEGISLATION
Statement by Member

MR MOORE: Madam Speaker, I seek leave to make a brief statement to explain why I will not be presenting the Subordinate Laws (Amendment) Bill (No. 3) 1994.

Leave granted.

MR MOORE: Madam Speaker, I drew up this piece of legislation because I intended to move some amendments to the ACT tenancy code of practice. When I began, it appeared not to be possible for me to do it because, under the subordinate laws legislation, section 6, subsection (18), of the principal Act seemed to exclude anything that was a determination - and, indeed, a code of practice is a determination. I discussed this with the Attorney-General, and he suggested to me that that was never the intention of the legislation. In fact, he felt that it was not excluded at all. He said that he was prepared to seek legal advice as to whether or not it was excluded.

About 15 minutes ago, I was given a copy of that legal advice. It indicates that I still have the prerogative to move amendments to the ACT tenancy Code of practice. I imagine that that would apply to other codes of practice as well. Madam Speaker, I may well be tempted to move the amendment anyway, because that would make it very clear to people that they have that prerogative. However, because of the short timespan, I am not aware of the other ramifications of moving that amendment. I think it is something that needs a bit more thought than we can give it in a couple of busy weeks of sitting. Therefore, Madam Speaker, I will not proceed. I seek leave to table the advice that has been provided to me.

Leave granted.

PROPORTIONAL REPRESENTATION (HARE-CLARK) ENTRENCHMENT BILL 1994

MR HUMPHRIES (10.35): Madam Speaker, I present the Proportional Representation (Hare-Clark) Entrenchment Bill 1994.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

Madam Speaker, this legislation is designed to honour the decision made by voters of the Territory at the referendum held in 1992. Unfortunately, it is clear that elements of that decision are not above the politics of this place and of our political system. That fact contributes to the great cynicism displayed by voters about politicians and about the political process. This Bill will not cure that; but it will go some way towards making it clear, I hope, that the majority of the Assembly - perhaps all of the Assembly, if a press release that I have seen is any indication - is of the view that the issue of our electoral system, which is the fundamental machinery of our democratic process, is to be put above politics and is not to be susceptible to manipulation on the basis of a perceived political interest or advantage to be gained by a particular change to that system.

The zenith of that cynicism was reached at about this time last year, when, as members will recall, an attempt was made by this Government to mutilate the Hare-Clark system. That was a deeply cynical exercise, and it outraged a great many citizens of the ACT. It was that outrage on the part of ACT citizens that gave rise to an announcement, about one week after the Bill was introduced, that the Government would back down on that legislation. "Rosemary's rotation" was the way it was referred to at the time. Yet, Madam Speaker, what was said by the Government - and particularly by Ms Follett - at that time, when announcing that the Government would not proceed with that particular above-the-line voting exercise, was very significant. What she said in her press release was this:

The Government had sought to ensure that every Canberra voter was able to cast a valid vote at the next Legislative Assembly election

... other parties in the Assembly are determined to limit that choice.

The Government has made this decision - that is, to withdraw the legislation or to amend it -

to allow negotiation to take place on the Bill with other parties in the Assembly.

There was no indication in that that the Government regretted or withdrew from its position of wanting to make those changes. Indeed, the Chief Minister reinforced that impression by comments that she made on 31 January this year, on ABC radio, when she said:

It was very clear to me that there was not support in the Assembly for that above-the-line voting system. I also considered that it was not a matter I was prepared to lose government over ...

So, Madam Speaker, I think it is true to say that the changes to the electoral system which were mooted in this place a year ago - which, I believe, would make it unacceptably different from the system that people supported at the referendum of 1992 - are still very much on the agenda of at least one party in this place. It is essential, therefore, that we look at the question of how we ensure that those sorts of changes are not possible, contrary - if that is the case - to the will of the people in the ACT.

Mr Berry put the issue slightly differently yesterday. He said, on radio, that the things that were proposed by the Government at that time were no change at all and that the measure was designed to demystify the electoral system. I think we know otherwise. We know that that was an attempt to tailor key aspects of the system to suit the Government. It is a temptation with which all governments have been confronted at various times and which is as old as the hills. Unfortunately, historically, many have succumbed to it. Queensland and Western Australian governments in recent years spring to mind.

This Bill's objective is to put key elements of the electoral system well out of the reach of majority governments. It entrenches what, I think, could be argued to be essential principles of the Hare-Clark electoral system, described in deliberately broad terms, in order to ensure that legislation which is enacted contrary to those principles cannot stand unless it also secures a majority, as required by clause 5 of this Bill. Madam Speaker, these principles are broadly stated, and they are an attempt to ensure that legislation elsewhere does not contradict it.

If, and when, this becomes law, the capacity of the Assembly to pass subsequent laws to affect those principles is limited, pursuant to section 26 of the self-government Act, by this law. It can be changed, according to clause 5 of my Bill, only by one of two things - either by a majority of electors of the ACT supporting a referendum to that effect, conducted in accordance with the Referendum (Machinery Provisions) Act, which we passed a few weeks ago, or by a two-thirds majority of members of the Legislative Assembly. The reason I have inserted that provision is that, from time to time, minor or technical amendments to other legislation might be necessary or other measures might need to be enacted in laws which could be argued to contradict some element of this essential Hare-Clark legislation. The best way of dealing with that is not to put that minor matter to a referendum but to secure bipartisan or multipartisan support on the floor of the Assembly and to pass it with that special majority.

It is obvious, therefore, under the provisions of section 26 of the self-government Act that, in order to pass this Bill in the first place, these provisions need that special majority for them to be, in a sense, entrenched in that way. Madam Speaker, obviously that depends on support from all parties in this chamber, or at least from across the chamber by my colleagues on the Labor Party benches, to ensure that that two-thirds majority is reached. In this matter the ball is entirely in the Government's court. I do not expect that two-thirds majority support, if it is obtained, to indicate that the Government would

necessarily support such a proposal at a referendum. I hope to have discussions about this matter with the Chief Minister, and I indicate that we are prepared to discuss the way in which this would happen. It is the intention that we ensure that this provision is workable. To do that, we need to have some mechanism for resolving minor and technical issues on the floor of the Assembly rather than through a referendum process.

Madam Speaker, this Bill has come late in the process because it was dependent upon the passage of the Referendum (Machinery Provisions) Bill, which occurred in the previous sitting week. It is unfortunate that we have not had more time for this to be put on the table, debated and considered by the people of Canberra; but that was unavoidable. It is also a pity that this legislation is necessary at all; but it clearly is. Clearly, it is necessary and quite essential so that we are never again faced with the position of the Government attempting to, in effect, manipulate the electoral process to suit its own ends. That is the object of this exercise. I hope that members will support that concept, even if they did not support the Hare-Clark system originally, at the referendum in 1992.

Debate (on motion by Ms Follett) adjourned.

HEALTH COMPLAINTS (AMENDMENT) BILL 1994

Debate resumed from 24 August 1994, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General and Minister for Health) (10.44): The Health Complaints Commissioner, with the legislation establishing that office, was one of Labor's election promises in the last ACT election campaign. In line with many, including a couple that we dealt with last night, it has been delivered. The Health Complaints Commissioner has been in place for some time now. The first set of figures that he released was quite encouraging, in the sense that a lot of people are becoming aware of the office; he is dealing with complaints in an expeditious manner; and it is already becoming part of the understanding of the health environment in the Territory that the commissioner is there. There have been a couple of matters of controversy, as inevitably occur in the debate about health, where either the Government or the Opposition have said, "The Health Complaints Commissioner is there and should be asked to look into a matter". Indeed, in a recent incident, separately, both the Government and the Opposition referred a matter to the Health Complaints Commissioner. So the commissioner is there. That is an accepted part of the framework of public health in the Territory, with support from all sides.

In this legislation Mr Moore proposed some amendments to the health complaints legislation, which basically required signage to be placed in any health care premises, in effect, telling people of their rights under the legislation and advising them to go to the unit. The Government has no difficulty, in principle, with those proposed amendments by Mr Moore. We have looked at the details, and we propose two changes. One is that we should refer to this as the Commissioner for Health Complaints, not the Health Complaints Unit, which was the phraseology Mr Moore was proposing.

The term "Health Complaints Unit" can suggest a part of the health bureaucracy that looks at complaints. The proper title in the legislation is "Commissioner for Health Complaints". It is not just a question of terminology. The term "Commissioner for Health Complaints" does imply, correctly, a commissioner independent of the day-to-day running of the bureaucracy, standing apart from the health infrastructure, with the ability to go in; whereas "unit" is a wrong title, but it also suggests an agency that is subordinate to and part of the health bureaucracy.

The other minor amendment that we have suggested and have circulated to members adds a paragraph to what is required in the signage, to indicate that, if a person is dissatisfied about a matter, where one could go to the commissioner, it would be appreciated if in the first instance the matter were to be discussed with the appropriate provider. One of the cornerstones of the health complaints legislation that we have developed is that we have tried to make it non-adversarial, where possible, while we have provided the commissioner with quite extraordinary powers - ombudsman-style powers - to demand papers, gather evidence and summons people to give evidence. The Health Complaints Commissioner does have very extensive powers to force a complaint to resolution and to force a provider to give information. We would prefer a model where mediation and conciliation were used first.

Under our structure, the Health Complaints Commissioner urges people in the first instance, if they are dissatisfied, to try to resolve the matter with the health provider. Hopefully, the health providers are well aware of this. We know that the various health professional organisations have advised all their membership of the vast powers that the commissioner has. The commissioner himself, since his substantive appointment, has, very properly, been making it his business to go around the Territory to meet with the peak councils of the various health professional organisations. So he is becoming known. He is encouraging them, and they are encouraging their members, to try to resolve complaints in the first instance. So, our proposed amendment to clause 4 again really locks into the signage the fact that we do have a "mediate first" approach with the Health Complaints Commissioner.

In short, Madam Speaker, the Government is not opposing Mr Moore's amendment Bill. It is a sensible suggestion. With this very important legislation, so that people are aware of their rights, we should display the signage, as Mr Moore suggested. We have made some minor suggestions - that it is better to call it the Commissioner for Health Complaints rather than the Health Complaints Unit, and that it is important to have the emphasis on mediation first. I understand from discussions with Mr Moore that he is comfortable with the Government's amendments to his amendments, and I hope that this package will go through the Assembly with very broad support.

MRS CARNELL (Leader of the Opposition) (10.49): The Opposition will be supporting this Bill and all of the amendments. I think the points that Mr Connolly made are very true. This is not an adversarial approach. It must be about mediation. It must be about making sure that the community know what their rights are but, at the same time, do not see it as an attack on any health provider whatsoever or, for that matter, as a concern for the consumer. In other words, the consumers must know that they do have a right to go either to their own health provider or, alternatively, to the Health Complaints Unit, if they have a problem. We believe that that is an appropriate

way to go. We have always believed that consumers must be aware of their rights under legislation, whatever it is. This goes a long way towards doing that. I think the Government's amendments make the Bill somewhat less adversarial. They certainly should make sure that health providers do not feel that they are in some way being attacked by this sort of legislation. I think that is important if we are to maintain the mediation approach that is so important to any sort of health complaints mechanism.

MR HUMPHRIES (10.50): I wish to speak briefly in support of the Bill and the amendments. I want to make another point about the Health Complaints Unit which, possibly, I will not have another opportunity to make. Members might recall having read in the report of the ACT Ombudsman, which was tabled yesterday, a concern about the operation of the health complaints process as one that stands aside from other mechanisms for complaint that are administered by her office and possibly other procedures which are set out in other pieces of legislation. As the Ombudsman points out, there is an ongoing problem with the multiplication of these sorts of avenues for people to make complaints. The Commissioner for the Environment is another one where there is an avenue for a person to make a complaint about such things as the conduct of parks and wildlife officers and procedures dealing with environmental matters. In all these cases, inevitably the question is asked by a person who wants to make a complaint: Which of these many avenues do I go down? In a sense, Mr Moore's legislation helps to clarify slightly the question that one must face when one has a complaint about a doctor; but there are still other broader issues that have to be addressed. I think that we need to be sure, when we do set up these mechanisms, that we do not actually make it harder to have a complaint dealt with because we have provided so many avenues that people either are confused or explore one avenue, reach a dead end, realise that they have gone down the wrong track and give up. Those, obviously, would be highly undesirable results of these measures.

MR MOORE (10.51), in reply: I would like to thank members for their support. I would particularly like to thank the Minister for Health for the amendments that he has proposed, which, I think, enhance the intention. In fact, the Bill actually came out of a discussion that I had in my office with members of the Church of Scientology, who said, "How do people know that the commissioner is available?". I replied, "How do you think they should know?". They said, "A simple way would to be to have a notice on the medical practitioner's wall". Indeed, the discussion then continued as to who should be included. Madam Speaker, I think that it was a good idea. It has proved to be a good idea by the acceptance that it has received so broadly in the Assembly. It just goes to show that sometimes ideas come from where we least expect them to come from. Madam Speaker, I am delighted with the support. I am delighted with the amendment. I think it will mean that ordinary people will understand the appropriate process to go through. Particularly with the amendments put up by the Minister for Health, they will understand that the first step is to approach the provider, and then go through another process, if that is necessary. I think experience has shown us that, where a provider is approached, often the problem is resolved then and there. Of course, that is the most effective way.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

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

Page 2, line 29, clause 4, proposed paragraph 71A(6)(c), omit "'HEALTH COMPLAINTS UNIT'", substitute "'COMMISSIONER FOR HEALTH COMPLAINTS'".

Page 2, line 30, clause 4, proposed paragraph 71A(6)(c), omit "and".

Page 2, line 32, clause 4, proposed paragraph 71A(6)(d), add "; and".

Page 2, line 33, clause 4, proposed new paragraph 71A(6)(e), add the following paragraph:

"(e) indicate that if a person is dissatisfied about any matter in respect of which a complaint could be made to the Commissioner, it would be appreciated if in the first instance the matter were to be discussed with the appropriate provider.".

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

Bill, as amended, agreed to.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1994

Debate resumed from 15 June 1994, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General and Minister for Health) (10.54): This amending package, which Mr Moore introduced some little time ago, in effect, seeks to do three things. The Government supports one of them but at this stage does not support the other two. There was also an amendment circulated yesterday. The Government understands and has sympathy for what it is trying to do, but we will not be supporting the amendment at this stage. We think we need to walk before we can run and that there is an existing way in the legislation to get to Mr Moore's public policy objective - an objective which, as I say, the Government has some understanding for.

The original series of amendments goes to a refinement, as Mr Moore would see it, of the on-the-spot fine regime that this Assembly, with some cross-party support, adopted some year or so ago. We were the second jurisdiction in Australia to adopt that on-the-spot fine approach to cannabis. It caused some controversy at the time but, I think, has fairly broad support. The philosophy behind this is not to say that we support, encourage or condone cannabis consumption; it is to accept the reality that cannabis is a drug that is widely used by young people. Every survey that is done shows that, and the survey that was released after the most recent Australian Health Ministers Council meeting showed that there continues to be very high usage of cannabis amongst Australian young people. We think those young people should not face a gaol term; they should not face a criminal conviction for simple use of cannabis.

One of the more disturbing things about that recent survey of cannabis use, which I am sure Mr Moore will refer to as he wraps up this debate, is that, while there is not a great deal of variation in usage of cannabis amongst young people - it is at pretty high levels throughout the country - there are some quite disturbing variations in imprisonment rates for simple cannabis use. In some States of Australia, and unfortunately New South Wales is one of them, quite high numbers of people are spending time in gaol for use of cannabis. That, this Assembly decided, was an undesirable mechanism.

Mr Moore's Bill, in its original amendments to section 171A, which is clause 4 of the Bill, contains five subclauses - (a) to (e). The Government will be suggesting that, when this Bill is voted on, we should vote seriatim on subclauses (a), (b), (c), (d) and (e). Certainly, the Government's intention would be to vote against some of them, but for one of them, and Opposition members may want to follow a similar course. I think that is the best way procedurally to progress.

The first thing Mr Moore seeks to do is to make it, in effect, compulsory for the police officer to serve the simple cannabis expiation notice. At the moment there is a discretion vested in police to issue the on-the-spot fine or to proceed to go through the normal court proceedings.

Mr Moore: No; they can do nothing. It is not compulsory; they can still do nothing.

MR CONNOLLY: Or they can still do nothing. That is the third option. The choice is the discretion the police have always had to caution or, if they do something, they can either issue the on-the-spot fine or take the person through court. We know that the police do sometimes exercise their power to caution. There was a letter to the editor of the *Canberra Times* some months ago, that many of us would have read and been quite impressed by, from a parent saying how pleased they were and how impressed they were by the attitude of the AFP in Canberra when their teenage daughter had been detected in the city with a very small quantity of cannabis. She was taken by police to the Civic station and given a talking to about cannabis and why it is an undesirable product. The parents were called, and they came into the station and took her home. There was a mere caution. In some States of Australia that young girl would have faced criminal proceedings and the possibility of gaol. That would have been obscene, in the view of most members here, and certainly that young girl's parents think she learnt a lesson, and she did not have, for the rest of her life, a criminal conviction.

We think it is a good thing that police have discretion and we are reluctant to remove this discretion. A good reason for that, and perhaps the clearest reason, is in the case of its application to plants. We have set the line in the sand at five plants. Five plants could be very clearly for a person's own consumption; or, with careful horticulture and the appropriate snipping of the buds and fertiliser and all the rest of it, five plants could well be - - -

Mr Moore: A hedge.

MR CONNOLLY: Not quite, but almost reaching to the roof of this chamber. So, there could well be a situation where a person who had grown their five plants was in a position to keep themselves pretty much out of it for a very long period of time; or, alternatively, engage in a fairly high level of trafficking of the substance. That is the extreme case; but there should be a discretion, we think, to allow the police to decide what they will do.

The other matter, and this certainly does occur from time to time, arises where police are investigating other crimes. This most commonly seems to occur where police are attending premises to execute warrants to search for stolen property or the like and, as they are going about those duties, cannabis is detected. Police will often then proceed down the ordinary criminal charge process, so that when the person is brought before court for the raft of criminal charges this is another criminal charge that is there. I do not think there is any evidence to suggest that police have abused the discretion. If there were evidence to suggest that police have been harsh or unreasonable in exercising their discretion to issue the on-the-spot fine or charge, the Government certainly would be happy to review Mr Moore's proposal in the future, but at the moment there is not. Indeed, there is evidence that they not only exercise the discretion properly but also exercise properly the discretion not to charge at all and simply to caution. Certainly, the Government is confident that the police are properly exercising the discretion, and we will not be supporting the amendment.

The second matter Mr Moore raises is the apparent anomaly in the legislative package, as we got it, in that the charge of self-administering cannabis is not covered by the on-the-spot fine, whereas other charges relating to possession or cultivation are. Indeed, Mr Moore is quite accurate in pointing out that that is an anomaly. I am sure that, had we thought about that carefully at the time we put through the original package, we would have picked it up; but we did not. So, the Government will certainly be supporting Mr Moore's amendment in subparagraph (d) of clause 4 of his amending Bill, to include self-administration in the definition of "simple cannabis offence". If anyone thinks about it, if we are going to go down the simple offence path we should include administration with possession.

The third measure Mr Moore proposes is to substantially reduce the penalty that is included under the on-the-spot fine provision. The penalty at the moment is $100. Mr Moore is proposing to drop that to $40. It is true that in South Australia the on-the-spot fine penalty is lower than in the ACT, but when the original package went

through the Assembly the Government took the view - and I think those Opposition members who supported the package were of this view as well, when they go back and look at the debates - that what we were doing was changing the structure to avoid the criminal conviction, but we were not tampering with the penalty.

For many years the ACT had had quite low penalties - the existing $100 penalty - for the simple possession of a small quantity offences. The Government was very conscious of the need not to send the wrong signal to the community when we put through the on-the-spot fine provisions, to say that this remains a course of conduct that we do not encourage, that is undesirable. It is not legal to smoke cannabis in the ACT, although sometimes people try to say that it is. From time to time people appearing before our magistrates courts with very large and clearly commercial quantities of cannabis get up and explain to the magistrate, "But, Magistrate, I thought it was legal to have cannabis in the ACT". It is something of a clutching at straws defence, I think. They tend not to be believed when they do that.

We need to be careful that we do not send the wrong signal, so the Government will not be supporting at this stage the provision that substantially reduces the penalty, believing that $100 for an on-the-spot fine is not an unreasonable penalty, and we would continue it there. There have been cases where people have had difficulties in immediately getting the $100, and police have, I understand, exercised discretion to allow payment over time and so forth. Again, the Government does not think there is compelling reason to tamper with the penalties. So, of the three original proposals in the Bill, the Government would oppose two but support one.

Mr Moore has then circulated a further amendment, which is to introduce a new clause into the Act that provides a very simple defence saying that it is not an offence to have small quantities of cannabis if a medical practitioner engaged in research has certified that it is being used for research. The concept of looking seriously at the potential medicinal benefit of cannabis is a very serious issue and one the Government has some sympathy for. Again, the very major study on cannabis in Australia that was recently produced through the Australian Health Ministers forum and has been published makes the point that there has been some work done over the years that suggests that cannabis could be quite useful, particularly in areas such as glaucoma, in areas of pain relief for patients who are in an advanced stage of cancer conditions and patients who are suffering from AIDS in the advanced stage. There has been a lot of anecdotal evidence from the United States suggesting that cannabis can be a useful pain reliever. There has been some scientific research, but not enough, and the report recommends that more research be done.

The Government agrees that more research should be done, but I believe that the legislation at the moment provides a mechanism to do that. Part 4 of the Drugs of Dependence Act provides a mechanism for research which can involve the use and consumption of cannabis. It is a fairly complex process. It requires very careful preparation of a research program. In effect, section 32 of the Act says that, if a person proposes to conduct a research program into medical use of cannabis, they should apply to the Minister for an authorisation. There are fairly detailed criteria in the application.

You have to specify the type and strength of the drug, maximum quantities of the drug, details of how that program is going to be conducted, the institution where the program is to be conducted, and the security arrangements to be undertaken while the program is in place, accompanied by a written description of the program, including its estimated duration, and, in the case of a program of research, a clinical trial protocol.

People who take an interest in these matters would recognise that the structure of the existing Drugs of Dependence Act for clinical trials of cannabis is a quite carefully thought out one. Clearly, to get through these hoops you need to have a pretty serious research proposal. I have indicated publicly through the media, and I do so again today, that I would look very sympathetically on a serious research proposal for the use of cannabis if there is to be research that may prove one way or the other the potential of cannabis in an area such as glaucoma. If consumption of cannabis in a controlled manner has the ability, as has been claimed, to stop and possibly reverse the deterioration in advanced cases of glaucoma, I am sure that everybody in the Assembly would say that that is a wonderful thing and it should be allowed. At the moment, we do not have sufficient evidence to form that conclusion.

I think this research would be a great thing for medical researchers in this community, particularly now, as we are embarking on the establishment of the Canberra Medical Research Centre - a collaborative venture between the University of Sydney and the two hospitals, and the John Curtin School of Medical Research, which has an international reputation for medical research. Indeed, it has an international reputation for research in glaucoma, so there would be some researchers there who, I am sure, would be well placed to do it. I would be delighted to see such a proposal. The hospital would cooperate, so we would have the possibility of a reasonable size sample for a clinical trial. If that research is to be done, it needs to be done properly. I am sure that members would agree that, if we are going to take what would be seen in some quarters as a fairly radical step, trialling the use of cannabis in a medical context, it would need to be done properly and you would want to do it under the existing provisions of the Act. You would want to have a very well thought out research program. You would want to have clinical trial protocols. You would want to have it all in a controlled manner. That is there in the Act. A simple provision that says that a medical practitioner can certify that it is being done for medical purposes, I think, at this stage is too early.

If somebody is prepared to do the research in Canberra and if serious clinical research done by reputable researchers, with all the peer review processes and with appropriate clinical trials, comes to the conclusion in a year or so that it is clearly clinically proven that the claims about the medicinal use of cannabis are valid, then I am sure that a future Assembly would support a provision like Mr Moore's proposed amendment to section 171B. But at this stage the clinical evidence to establish that is not there. I would be prepared to grant those authorisations for the very carefully controlled clinical trials. Issues such as security, which are covered in the existing provisions for clinical trial authorisations, are important. People do break into premises and commit crimes to get cannabis and, if we are to conduct clinical trials, all of that needs to be carefully worked out. We are prepared to do all that; the provisions are there in the existing legislation.

I have sympathy with Mr Moore's public policy goal, which is essentially to say that there is some evidence to suggest that cannabis may be useful in a medicinal context, that there is some evidence to suggest that it is helpful for cases of advanced glaucoma, for patients suffering pain from advanced cases of cancer, and for advanced cases of AIDS. I sympathise with the attitude that we should look very seriously at this, but we are not prepared to support the amendment at this stage. We think the serious clinical research should be done, because it has not been done to the point where there is that level of acceptance in the medical community that this is an appropriate form of treatment. The most serious recent research on the subject says that there is some evidence to suggest that this may have a valid use for medicinal purposes, but not enough research has been done.

Canberra would provide an appropriate place for the research to be done, if there are researchers keen to do the work. We have expertise in one of the principal areas - glaucoma. We also are becoming recognised as something of a centre of excellence for oncology treatment. Bone marrow treatment, the final phase of bringing oncology up to world levels here, will be on line next year. So, there is scope for research in both oncology applications and ophthalmology applications in Canberra; there is the John Curtin School with a worldwide reputation in both areas of research; there is the University of Sydney establishing its clinical presence in Canberra, with the conjoint professorial appointments coming through; and there is the establishment of the Canberra Medical Research Centre. We have the infrastructure now to do the research seriously. We have the legislative base to allow that research to be done in a proper, careful and controlled manner.

The Government's view would be: Let the clinicians and researchers do that research and come back to the community at some stage in the future and, if we have clear medical consensus that cannabis does have a role in medicinal use, an amendment such as Mr Moore's, or even one going further that would allow it not just for research purposes but for general treatment purposes, is one the Government could well be prepared to support; indeed, the Opposition could well be prepared to support it. At this stage we think we need to walk before we run. We need to do the serious clinical trials in Canberra before we have a simple process that says that a general medical practitioner can sign off a document to say that cannabis can be used. We would be prepared to do that; I would be prepared to grant those authorisations, if there are people in the research community who want to go through this, and they would have to go through their funding processes. Saying publicly in this place that we would be prepared to grant those approvals, I would be interested to hear the Opposition's view on whether they would be prepared to grant those approvals. It could be very useful for somebody seeking funding grants to have unanimity about such research being approved. Given the international importance of discovering once and for all the benefits of cannabis, I think there is a real likelihood that that research could be conducted in Canberra in the near future.

MRS CARNELL (Leader of the Opposition) (11.12): Madam Speaker, as will the Government, we will be supporting some parts of Mr Moore's amendment Bill and not others. Again, similar to the Government, we support the police retaining some discretion in the area of simple cannabis offences. At this stage we have seen no evidence to suggest that the current situation is not working fairly well. Again, if we could be provided with any evidence to suggest that the police were in some way misusing that discretion,

we would be willing to look again at the whole situation. At this stage, all the evidence we have is that the current legislation is working quite well and is ensuring that young people do not end up in gaol for simple cannabis offences. We do not believe that that is appropriate. I find it very difficult to understand any government suggesting that, for a simple offence of possession of a small amount of cannabis, it is appropriate for somebody to end up in gaol. The most recent evidence suggests that over 30 per cent of Australians have at some stage smoked cannabis and a substantially higher percentage of young people are smoking cannabis at least semi-regularly. If that is the case, we would need very big gaols if we were suggesting that that was an appropriate approach. I believe that, from all reports, including reports from the police, the current approach is working fairly efficiently.

We support the Government's approach and Mr Moore's approach on paragraph (d), which suggests that self-administration should be treated in exactly the same way as possession. Obviously, this was an oversight in the initial legislation. It is patently ridiculous to suggest that possessing should be treated somehow differently from smoking the substance. We will not be supporting the reduction in the penalty from $100 to $40. We have not had any particular evidence to suggest that $100 is inappropriate. We believe that $100 is an appropriate amount of money, and to bring it down to $40 simply would be ridiculous. If it could be shown that $100 was causing huge problems for people, I am sure that some discretion could be shown.

The interesting amendment is the final one which Mr Connolly spent a large percentage of his time speaking about. That is to allow medical practitioners engaged in medical research to certify in writing that people can possess a small amount of cannabis for that purpose. Cannabis is a plant. I do not suppose that that is a stunning revelation for anybody. Everybody would be aware that a very large percentage of life-saving drugs that currently are used regularly also come from plant sources - aspirin from willow bark, digitalis for heart purposes from foxglove, the list goes on and on. There have been, I understand, over 6,000 trials of cannabis around the world looking at its medical use, so it is not as though this is right out of the blue and a bit weird. The fact is that cannabis has been trialled on many occasions to look at how it could be used for medical purposes.

From my reading and from that of many others, there is very good evidence that its use in glaucoma is positive, taking into account that a large percentage of blindness in our community is caused by glaucoma. We have some treatments; but many are not all that effective for some people, particularly people with complicating factors such as asthma or high blood pressure, when some of the current treatments are contra-indicated. We know that cannabis has been used quite effectively in an overseas environment for terminal AIDS and cancer patients. It also seems to have a very appropriate effect in terms of nausea for people in terminal stages of AIDS and cancer. Nausea is one of the major problems for people on various drug therapies in that stage of these conditions, and many of the pain-killers we currently use make that nausea worse rather than better.

It appears from at least preliminary research that cannabis does not go down that track. It helps the nausea and helps the pain. If that is the case, it would seem totally inappropriate, just because this particular substance has been part of an abuse problem around the world, to rule it out from being used medically, for us to be somehow terribly worried about trialling what is just a plant for very important medical purposes.

I believe strongly that wherever and whenever we can find a drug or plant that may be able to be of benefit, particularly in these important medical conditions, we should be doing everything in our power to ensure that that medical research is carried out. That does not have to be the mega-research project worth millions and millions of dollars. It can also be fairly small research projects, in some cases carried out by postgraduate doctors who are looking at going down the PhD track. It can be fairly small clinical trials that do not require all the bells and whistles Mr Connolly was talking about.

I do not believe that medical practitioners will certify that cannabis is being used for medical research if it is not. If they do, the medical board, I am sure, will be fairly interested in their approach from a perspective - - -

Mr Connolly: But what does "research" mean? "It might be interesting to see whether this helps his nausea"?

MRS CARNELL: Medical research, I think, is fairly well defined. It does mean that you have to publish. It means that you have to compile your data, publish your data, all of those things. It is not good enough to give people the substance and say, "How did it affect you?". That is not research. We should not walk away from this amendment just because it could be a little controversial. We have to ask ourselves why it is controversial, and the answer is: Because the substance is cannabis - not because of the medical research factors, not because of any of the 6,000 studies that have been conducted worldwide. It is interesting that everybody who has looked at this issue says that more studies have to be done. I think that is the one issue we all agree on. We have to be very careful not to let our legislation impact on the capacity of that extra research to be done.

I will be very interested to hear Mr Moore's comments on this issue. At least at first look, the Opposition would not be negative to cannabis being used for any commercial purpose. If there is a commercial reason or a commercial benefit in any substance, then surely - - -

Mr Connolly: Did you mean to say commercial?

MRS CARNELL: Commercial, like Indian hemp. Drugs are commercial preparations.

Mr Moore: You are not talking about the world illicit drug trade.

MRS CARNELL: We are not talking about illicit drugs. We are talking about commercial purposes. Commercial purposes are things like drugs. We are talking about using a plant for maximum benefit for the community. If we can look at that from a perspective that is not tied up in a whole heap of preconceived views, I believe that we will be doing better. The Opposition, obviously, has huge problems with the abuse of cannabis. Cannabis is not a good drug to be used in the way that it often is; it has a number of side effects. What we are saying is that it may be a good drug when used for specific purposes such as glaucoma, nausea, pain relief, and so on, and we must do everything in our power to see whether that is the case.

MS SZUTY (11.22): I have pleasure in speaking to the Drugs of Dependence (Amendment) Bill 1994. I believe that it is important to remember that this Assembly endorsed the harm minimisation approach to the growing and possession of small amounts of cannabis when it passed the Drugs of Dependence (Amendment) Bill (No. 2) 1992, introduced by my colleague Mr Moore. It is important to recall that in his presentation speech of 19 August 1992, he made this point:

The war on drugs has had a great deal of attention. Any war has its winners and losers. In the war on drugs the losers are the poor, the disenfranchised, the impoverished, who are normally on the receiving end of prejudice and bigotry.

In a similar vein, I said when speaking to the same Bill on 9 September 1992:

By leaving the personal use of cannabis as a criminal offence, all we do is introduce otherwise law-abiding community members into the judicial system.

These are sentiments I supported at that time and still support today. Before I speak to the Bill we are debating today, I think it is appropriate to recall some of the comments and recommendations made by the Select Committee on HIV, Illegal Drugs and Prostitution, in its third interim report of October 1991, on marijuana and other illegal drugs. Paragraph 2.4.17 of the report stated:

In line with these arguments, ie personal use of cannabis has some degree of social acceptability and perceived health threat levels are no greater than alcohol and tobacco, it can be proposed that people should not be stigmatised by a criminal conviction nor subjected to being searched, arrested and brought before a criminal court for indulging in an acceptable and relatively harmless activity.

Paragraph 2.4.19 of the report went further in discussing detection of and prosecution for cannabis use. I quote the relevant parts of that paragraph:

Detection and prosecution practices appear to be discriminatory with a small, unrepresentative sample of cannabis users routinely prosecuted. In some jurisdictions penalties are seen as unduly punitive and harsh particularly for the young ... Offenders are often left with a criminal record which can disqualify them from a range of professions and job opportunities; this can be seen as an unduly harsh double punishment (the payment of a fine or other penalty to be followed by job discrimination), especially as it applies to the relatively small proportion of users who are caught ...

The report of the select committee went on to recommend in paragraph 2.5.10:

That the possession, cultivation and use of cannabis for personal purposes not be an offence at law.

On the issue of self-administration, the committee's report was most specific, saying at paragraph 2.5.17:

... it should no longer be an offence for a person to administer cannabis to themselves.

While the 1992 Bill introduced the concept of a simple cannabis offence for possession of not more than 25 grams of cannabis and the cultivating of not more than five cannabis plants, it did not address the issue of self-administration of cannabis. In subsection 171(2) of the Drugs of Dependence Act, the penalty for self-administration of a prohibited substance, including cannabis, is $5,000 or imprisonment for two years, or both. As my colleague Mr Moore said in presenting the Bill we are debating today:

Clearly, that is an entirely inappropriate situation.

I welcome the amendments in this Bill, which will rectify this anomaly and bring the personal use of marijuana under the same expiation notice system as possession and cultivation of it in small amounts.

This Bill also addresses two other issues, these being the issue of police discretion and the reduction of the fine for a simple cannabis offence from $100 to $40. On the issue of police discretion, the case is quite simple. Currently, the police have the discretion, in the case of a simple cannabis offence, to issue a verbal warning, effectively taking no punitive action, to issue an expiation notice, or to charge a person under subsection 171A(6) of the Drugs of Dependence Act. Clearly, the philosophy behind the harm minimisation approach, the recommendations of the select committee, and the intent of the initial amendments to the Act would dictate that, in the case of a simple cannabis offence, allowing the police to have the discretion to charge a person is inappropriate. Once again, I welcome the amendments included in this Bill, which will remove this discretion from the Act and limit police discretion in the case of a simple cannabis offence to either taking no action or issuing an expiation notice.

Finally, I would like to address the issue of the level of the fine associated with an expiation notice. The Assembly has now had time to see what has happened in the ACT since the legislation was amended in 1992. Since then, nearly one per cent of the ACT population has been issued with expiation notices. At least one-third of those served with notices have appeared in court, due to being unable to pay the $100 fine. This means that the court system is still seeing people charged with simple cannabis offences, despite the fact that one of the aims of the 1992 amendments to the Drugs of Dependence Act was to minimise the impact that such charges have on the caseload of the courts. It is certainly time to re-evaluate whether the level of the fine for expiation notices is proving to be a barrier to reducing this problem.

As I said at the beginning of my speech, the losers are the poor, the disenfranchised, the impoverished - in other words, those least able to pay what to them is a substantial fine. It seems clear to me that, if the unemployed or low income earners are being penalised for being financially disadvantaged and thus ending up in court and with criminal records, action needs to be taken to rectify the situation. It appears that the level of the fine for expiation notices may mean that the very people the initial amendments

sought to protect, including young people, Aboriginals and Torres Strait Islanders, the unemployed and others with disadvantages, may be suffering the unintended consequence of being brought before the courts, often ending up with a criminal record as a result of their inability to pay the $100 fine. I note that many people in these groups are already disproportionately represented in the legal system. On social justice grounds alone, I can take no other position than to support strongly Mr Moore's proposed amendment to the legislation to reduce the level of the fine associated with an expiation notice from $100 to $40.

To paraphrase my concluding comments in September 1992, in introducing this legislation Mr Moore is doing no more than continuing to implement a Michael Moore Independent Group policy from the last campaign. This objective is to decriminalise the possession of cannabis and cannabis products so that individuals may grow and use cannabis in small quantities. This legislation gives further effect to that policy commitment made to the people of Canberra. I believe that Mr Moore has not approached these amendments lightly. He has wanted to observe the impact of the implementation of the Bill over the last two years and has very sensibly come forward to this Assembly with a further amending Bill, which will correct the anomalies as he sees them at this time.

MR CONNOLLY (Attorney-General and Minister for Health) (11.30): Madam Speaker, as I am the Minister who has carriage of the Bill, I exercise the right to speak again in the debate. I am going to do that somewhat unusually.

Mr Moore: You do not have carriage of the Bill.

MR CONNOLLY: It is your amending Bill, but it is to the Act I administer. If I do not have that right, I seek leave to speak again, because this is a very important matter.

Mr Moore: It is my Bill, but we would be delighted to give you leave.

Leave granted.

MR CONNOLLY: Madam Speaker, I have sought leave to speak again, which is fairly unusual in debate, because I sense that there has been some political discussion between Mr Moore and the Opposition and that the Opposition is about to take a huge and courageous leap into the unknown. I would like to encourage the Opposition and other Independents to draw a little bit of breath and think about the consequences of what they are about to do. The issue of medical use of marijuana has been controversial for a long time. Mrs Carnell says that there are 6,000 studies and they all say that it is fine. No. There is a whole lot of anecdotal evidence; there is some research work; there is no unanimity on this. I have not been approached, and I question whether the Opposition have been approached, by a single doctor or specialist in Canberra who says, "I would like to use cannabis for treatment purposes". If we had ophthalmologists or other specialists saying, "We have read all the research, and we would like to do this", we might have a different view.

This is a political exercise. Mr Moore, who is very open about his agenda - and I respect him for his agenda - does believe that cannabis should be decriminalised totally. I respect Mr Moore's openness about what he believes. We know that Mr Moore has been given some international recognition, and properly so, for being a politician who is prepared to take that agenda and run with it, and congratulations, Mr Moore. Having come back from a meeting, he approached me the other day saying, "I think we should look at medical research". We had a discussion where I effectively said to him in private what I have said today in public, namely, "I understand what you are saying; but the clinical evidence is not there, in my view. There is no clinical demand in Canberra. As Health Minister, I can tell you that, because there have been no proposals for it. But we would be happy to use the very careful provisions of the existing Act to facilitate that serious research".

We then see an amendment circulated yesterday which, in terms of medical use of cannabis, is a very radical step forward. This is a very radical measure, members of the Opposition. I do not know what you were told in your party room. Basically, this says that, if any medical practitioner signs a document to say, "I am interested in the research benefit of cannabis; I am interested in cannabis treating a condition", it is lawful to use that cannabis. There is nothing about where the cannabis is to be obtained, so the doctor signs this off and says, "Yes, you have chronic pain. I have read some papers that suggest that cannabis may be useful for chronic pain. I am going to keep your case notes, as any doctor would; therefore you qualify. I will sign it off. You are free to use cannabis". Where is the person going to get the cannabis? What are the security arrangements going to be for that cannabis? Are we going to be sending people out into the illicit market to obtain cannabis?

If we get to the point where we have serious and incontrovertible medical research in Australia that says that cannabis is beneficial, we should consider it. Cannabis is a drug. Mrs Carnell says that it is a plant. Yes, it is; but it is the THC which is a drug that is useful. I could not imagine any other context in which politicians would do a political deal to say, "Let us change the law to say that a drug can be clinically trialled because we think it is an issue that we can look progressive on". This is a very serious step that we are about to take here. The Government has tried to be responsible, to be sympathetic to Mr Moore's objective, because we understand that he believes vehemently in decriminalisation. We have some sympathy with what Mr Moore says and we have gone a way down the path.

On the issue of the medical use of cannabis, we say that it is something that should be looked at. But members should look at the structure of Part 4 of the Drugs of Dependence Act. It is very carefully worded; it has provisions for the clinical protocols; it has provisions for arrangements for the security of cannabis. Is it a good thing to say to an old lady in a terminal stage of cancer, or with advanced glaucoma and approaching blindness, who is living alone, "You should have five hooch plants in your backyard."? For how long are those plants going to stay there? You are going to be setting up a super target in the suburbs. If we are to go down the path of the medicinal use of cannabis, we need to have in place provisions for the licit, lawful, safe and secure supply of the substance.

What has happened is that in a press release two days ago Mr Moore said, "I am interested in medical research of cannabis". It suddenly became an amendment to a Bill, which we saw yesterday, which was a very radical and open slather approach to cannabis use. There are existing provisions in the Act for serious research in a controlled manner into the medicinal properties of cannabis. There have been absolutely no requests from researchers or clinicians to do that research. I have said publicly, and I have said again today, that we would be happy to go down that path.

Members, Liberal Party members in particular, do think hard about this; think about what you do. Obviously, political deals are being cut here. That is the way in which the process operates. Could anyone seriously imagine that for any other drug - and the active property of cannabis is a drug - we, as a group of politicians, would pass special laws which provided that, if a doctor wanted to trial RU486, it was lawful to have it as long as a doctor had signed a document saying, "I am going to trial it."? If a doctor wanted to trial a thalidomide drug - - -

Mrs Carnell: That is exactly what happened.

MR CONNOLLY: No; it is not, Mrs Carnell. THC is a naturally occurring drug; but to trial any synthetic drug there is a massively complex process that requires that drug to go through clinical trials; it requires approval from Commonwealth authorities to get the drug into the country or to put it on sale; it requires extensive clinical protocols for the trial of the drug. Those procedures are simple, and those safeguards are in the Act. We are sympathetic to the medicinal use of cannabis. But you have to prove it; you must have that research. It is not being done in Australia.

There are various articles from the United States and from Europe, but there is no consensus in Australia that this is a valid medicinal tool. The most recent reports are saying that more research needs to be done. We say, "Yes, we are happy to have that research done; but it should be done properly". It would be inconceivable that we would pass a law saying, "Do not bother about all those Commonwealth clinical trial protocols for other synthetic drugs. This Assembly thinks that RU486 or some other new synthetic compound is going to be useful for the treatment of whatever condition, and we will pass a law that says that, if a GP wants to do research on it, that is fine". We would not do that. It would be irresponsible to do that. I say to members: Think very long and hard about what you are doing. We are not trying to be difficult here; we are not trying to embarrass Mr Moore. We are not saying that we are opposed to Mr Moore's philosophy that we should de-stigmatise cannabis or that we should draw a distinction between cannabis and heroin, cocaine, crack or the more serious drugs and amphetamines; we have shown that we are supportive of the reduction in the level of criminality of cannabis by the on-the-spot fines.

Mr Moore brought the Bill into the Assembly. The Government did a lot of work on the Bill and at national forums of Police Ministers and Health Ministers. Mr Moore is not under the hammer for that proposal; I am. I am the one who defends it; and I am happy to do so, because it was the right move. It is a move in the right direction. Members, what Mr Moore is proposing is something that he genuinely believes in.

I have no doubt about that, because he has been genuine on this. His agenda is open, and he says, "Yes, I do want full decriminalisation. I do think this drug should be available as a matter of choice". It is a very radical step. It is a step that is basically saying, "Do not worry about the very careful and controlled method of research for introducing a drug into the community, as contained in the Drugs of Dependence Act. If somebody thinks that they would like to treat a patient by using cannabis, all the doctor has to do is sign it off and they can do it. All they have to do is keep some notes about the treatment". Obviously, they would do that. That is not the clinical research - - -

Mrs Carnell: It is also not research.

MR CONNOLLY: Yes; it is, Mrs Carnell. You have no definition of research. This Act, the existing law, has a structure in it. I bet that you have never even read it, Mrs Carnell. We could do a little quiz on it, but I will not embarrass you. There is a very careful structure in the Act for the research to be approved; for clinical protocols; for security protocols for the drug - because people will commit crimes to obtain cannabis, people will mug people to get their cannabis and people will break into a house to get the cannabis that is growing there. That is a really good thing to inflict on people in the community! There are enormous safeguards.

The Liberal Opposition, in doing a political deal, is about to make Australia's most radical cannabis law, on one day's notice. We saw the Bill yesterday. People in this community who sometimes get cynical about the antics of this Assembly would have serious cause to be cynical about this process. We are being responsible. We are saying that the medicinal use of cannabis needs to be looked at. The structure is there, but this is an incredible leap in faith into the unknown.

MR STEVENSON (11.40): It is reasonable to agree that the cannabis amendment is a radical step. There is nothing wrong with radical steps; it depends whether or not they are beneficial. Mr Connolly mentions, quite rightly, that the proposal has just come to notice; we have not had time to consider it. The Chief Minister nods her head in agreement, and I can understand why. There are cases where legislation or proposed changes to legislation have been proposed to this Assembly without time for community consultation. Item 4 on the notice paper today is my matter that would require a minimum of 60 days before matters can be debated, unless they are considered to be urgent, and agreed upon as such; or unless they are considered to be a minor administrative matter, and agreed upon as such.

We hear again and again that point borne out in debates in this Assembly; and this is one. One of the most important things about this radical suggestion is that there has not been time for community consultation. There has also not been a call from the community. I take Mr Connolly's point. However, it does not mean to say that there would not be a call if the community were aware of the benefits or the problems associated with something, and this is why there should be allowed minimum times for consultation. Perhaps, from what Mr Connolly said, I could be forgiven for thinking that the Labor Party position on making sure that Canberrans have a minimum time to consider proposals may have changed from when they said that they were not going to agree with that when the debate started a few short weeks ago.

It is well known - and I have raised it again and again in this Assembly - that there are many uses for cannabis hemp. One of them - and I have mentioned it before - is the medical use. It is not a radical move that plants be used for medical purposes, as Mrs Carnell stated quite rightly; but there should be consultation. Mr Moore said that he can handle the various viewpoints, and that is one that I would ask him to comment upon.

Mr Moore: I would be only too delighted.

MR STEVENSON: He says that he is only too delighted to do so; and Mrs Carnell wants to have a chat about it. Therefore, I will leave my comments at that.

MRS CARNELL (Leader of the Opposition) (11.43), by leave: Madam Speaker, I need to clarify a couple of things that Mr Connolly said. He talked about political deals being done. There has been no political deal whatsoever done on this issue. In fact, Mr Connolly would be acutely aware that Mr Moore and I have worked in this area for a very long time. He would be aware also that, surprise, surprise, this is not a huge change of position whatsoever for me on this issue. In fact, the medical use of cannabis and the research in this area have been issues that I have been pushing, and have been very interested in, for a very long time - for a long time before I was elected to this place. It is unfortunate to trivialise an issue that is important, that is about health generally and that is about a substance that, down the track, could help people who, at this stage, are going blind. It should not be trivialised by saying that it is something to do with political deals.

The fact is that what this amendment does - and all this amendment does - is allow medical research; it is not a case of some doctor saying, "You can use it; thank you, very much; end of deal". Medical research needs to be carried out on cannabis in the ACT. The Minister says that that is fine. Then he should support the legislation. It is that simple. Medical research, if it is not done properly, is unprofessional conduct. It is that simple. It is not just one of those flitty things. If medical practitioners go down the track of shonky research, the fact is that they will be deregistered; they will be taken on by the board. That is exactly what happens; the Medical Board will take doctors on. Nobody wants shonky research carried out. We do not want medical research to be ruled out by having in place provisions that are too prohibitive, as they are in this case.

This is not a new drug; it is not something that was just invented. It is a plant that has been around probably forever; for a long time before Jesus Christ; for a very long time. It is not as if we do not know what this drug does. We do know what this drug causes and the side effects that it has; but all of a sudden it appears that, as one of its more positive side effects, it may alleviate some conditions. There have been already some 6,000 trials worldwide in this area. I believe that in the ACT, as part of this medical research bent that Mr Connolly talks about, this is something that we would totally support and that we should not be walking away from this approach. It is not about political deals; it is about making sure that we have in this Territory sensible procedures for medical research of a substance that has existed for 10,000 years.

MR MOORE (11.46), in reply: Madam Speaker, I would like to take a number of points in order. The first is the point that Mr Stevenson raised about consultation. This was an issue that was canvassed over three years ago by the Select Committee on HIV, Illegal Drugs and Prostitution when it presented its report on marijuana and other drugs. The issue was raised again very recently, when Mr Stevenson raised his matter of public importance on the issue of hemp. He spoke a little - and I spoke a great deal - about the medical uses of cannabis. By the way, this matter has been raised quite a number of times very publicly. I will soon have a copy of the briefing notes of the Australian Parliamentary Group for Drug Law Reform, which raised this issue with every member of parliament in Australia and made these public as part of a press release.

Madam Speaker, I should also point out that one of the barriers, as far as I was concerned, was that I had perceived that we could not provide cannabis to people without the Government being involved in some way; and, specifically, in providing it. In fact, it was when I was in the United States and discussing with a number of people an initiative that is going to be put under the citizens-initiated referendum system in California that somebody who was preparing an initiative there said to me, "What we are doing is simply saying that where somebody has used, or is growing, a small amount of cannabis for medical purposes" - and theirs is as broad as that - "then there will be no prosecution". It seemed to me that this was an excellent way of finally delivering what I had been trying to work out for some years. Unfortunately, what happens, of course, in such circumstances is that people tend to get a mind fix about a particular method, as indeed I had. When you hear a simple idea on how it can be achieved, then the implementation of that idea is not at all difficult. Whilst the issue has been very broadly canvassed in our community, it is this method of making it available that fits in with our expiation notice system that is important.

Madam Speaker, I would like to stay with the topic of the medical use of cannabis for a while rather than discuss any other issues which members raised. This is the one that is more controversial. Mr Connolly suggested that basically there has been no research done in this area. Mr Connolly, you are very conscious of monograph No. 25 of the national task force on cannabis which the Ministerial Council on Drug Strategy released to us just recently. I must point out to members that, in fact, Mr Connolly provided me with my copy. If you look at the references on pages 200 and 201, this is actually about the health and psychological consequences of cannabis use. There are 2½ full pages of closely typed references to clinical studies that have been conducted. I have highlighted a series of names. Rather than run through those, I simply state that there are indications of very positive effects of the use of cannabis as a medicine.

Perhaps the most important is a report in the *Journal of Clinical Oncology*, volume 9, of July 1991. It is a very well respected peer review magazine. It indicated that a survey of American oncologists - this is also reported in that monograph - showed that more than 44 per cent of respondent oncologists had recommended the illegal use of marijuana for control of nausea in at least one cancer chemotherapy patient and that almost half, 48 per cent, would prescribe marijuana to some of their patients if it were legal. It is quite clear that there is an issue in terms of its use.

There is quite a bit on glaucoma in the monograph. One of the most interesting statements, if I can quote a paragraph in the monograph, is this:

Merritt ... has made a similar point in criticising the arguments raised against the therapeutic use of marijuana to manage glaucoma: "... each drug family used in glaucoma therapy is capable of producing a lethal response, even when properly prescribed and used ... [but] these drugs are all deemed "safe" for use in glaucoma therapy ... because their adverse consequences are considered less threatening to the patient than blindness" ... Yet marijuana is excluded from therapeutic use because of a possible risk of cancer from long-term daily smoking. "I cannot see", observes Merritt, "how an alleged case of marijuana-induced lung cancer which results in death is significantly different in result from an acute adverse reaction to a myotic drug which results in respiratory failure, except, of course, that the patient with cancer is likely to outlive the patient who is unable to draw in a breath of air".

High standards are set because the drug is part of the prohibition - unacceptably high standards, of course. The same report indicates that of the 6,000 papers on cannabis there is not one that establishes a causal relationship between cannabis and death, unlike many of those other drugs that are used for treatment.

Madam Speaker, it is very important to deal with what Mr Connolly talked about in terms of clinical trials. There is a protocol set out in the legislation for clinical trials for research to be conducted; Mr Connolly is quite right there. It excludes the lower level of research, which is still an important part of research, as any student of medical research knows. The case report is a very important part of research because it establishes, in the initial instance, more than anything, questions that need to be raised; it provides the evidence which leads to the clinical trial. The protocol is set out in the legislation. Remember that, before we can run a clinical trial, a great deal of financial support is required.

After I had spoken to Mr Connolly I approached somebody who is doing a PhD in ophthalmology at the John Curtin School at the Australian National University. The immediate reaction was, "Where can I get the finance to do this kind of research?". In the meantime, there are people - and I have a specific example that was mentioned in the newspaper the other day - who are actually going blind and for whom conventional drugs are not working. How can we say to these people, "No, you cannot have access to a drug that just might work."? They have tried all the others. That is how this legislation will apply.

The medical practitioners, who are aware of their own medical ethics and of their registration, cannot proceed to use these unless, of course, they have tried all the conventional medicines. That is what we are talking about. We are talking about the people who are suffering from AIDS, who are undergoing chemotherapy associated with cancer or who are going blind from glaucoma, and for whom conventional medicine has failed. Madam Speaker, this method of possibly providing cannabis for these people is indeed new - it is only a couple of days old - but the principle has been in the community for quite some time. We are not actually launching something that is so incredibly new.

I am not so naive as not to understand that this will have broad ramifications; but it is a different approach from that which is already in the Drugs of Dependence Act, as Mr Connolly has pointed out.

Mr Connolly also raised the issue about the security that we have in the Drugs of Dependence Act. That is a very important issue. What we have in the Drugs of Dependence Act is a system of testing security. When we are talking about a trial where a researcher is providing cannabis for a number of clients or patients, then obviously security is a major issue. When we are talking about the growing and using of five plants, then we are not talking about a major security issue. In fact, we consider it a minor offence in Canberra, an offence that brings a $100 fine. Some of us would like it to be a $40 fine; nevertheless, it is a $100 fine.

Madam Speaker, it is an important issue, in that it deals with people who are suffering at the moment. That is what the urgency is. I had a woman come to me some time ago. She had tried all the drugs on glaucoma. This reflects the community debate. She said, "I have been reading about your approach to the medicinal use of cannabis. How can I get some?". How do I answer a question like that? It leaves me in a very awkward position. I replied to the woman, "At every school that I go to the kids tell me that they can get it in 20 minutes; so there must be ways that you can find to access cannabis". This is a woman who is well over 60. Unfortunately, I do not have her phone number; we are still trying to find her. She came back to me and said, "I have decided that I am not going to ask my grandchildren to get me cannabis, because that would involve them in the black market". One can understand that. But her decision meant that she would go blind. Cannabis might have helped; it might not have helped.

Mr Connolly: If her specialist is interested in going down a research path, we will facilitate it.

MR MOORE: Mr Connolly says, "We will facilitate it". That is a great outcome in that case. The position is the same in the United States. Robert Randall, the first person who was legally provided with cannabis for glaucoma, had to go through a long and tedious process. As I recall, it took something like four years in the courts, until, under the American Bill of Rights, he was able to make out a case so that the government actually provides him with cannabis. I met this man a year or so ago, and he drew my attention to just how difficult the process was. It is so difficult that, of that huge population in the United States, there are only a handful of people - I think it is currently 12 people; it might be nine - who have actually been provided with cannabis for glaucoma. It is only for those who can afford it, because they have had to go through such a long and tedious court process, and that has been a very expensive process.

Madam Speaker, there is already strong evidence of the beneficial use of cannabis as a medicine, as there is strong evidence of the beneficial use of hemp as a fibre, which Mr Stevenson has drawn our attention to very effectively. We have the opportunity to assist some people who are in the most appalling circumstances. They are dying from AIDS; they are undergoing chemotherapy for cancer; or they are going blind. It is only because this drug is prohibited that we have somehow excluded access to this medicine in that way, and we have the opportunity, in a very restricted way, to change that.

A medical practitioner has to account for his actions, and he has to be engaged in medical research. At the very minimum, when that medical practitioner agrees to provide cannabis, he has to ensure that a case report is published for that case, so that we do not lose the advantage of further research into this issue. Madam Speaker, there are four major issues in this Bill. I have addressed that one primarily, but my views on the other three are well known. Therefore, I will leave it at that.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

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

That the question be divided.

Paragraph (a) negatived.

Paragraphs (b) to (d) agreed to.

Paragraph (e) negatived.

Proposed new clause 5

MR MOORE (12.02): Madam Speaker, I move:

That the following new clause be added to the Bill:

"**Insertion**

5. After section 171A of the Principal Act the following section is inserted:

'**Cannabis: medicinal use**

"171B. Proceedings do not lie against a person in respect of the alleged commission of a simple cannabis offence as defined in subsection 171A(7) if a medical practitioner engaged in medical research has certified in writing that the use of cannabis by that person or by another person in the care or custody or under the control of that person is appropriate for the treatment of a physical or mental condition.".'.".

This is the amendment that deals with the medicinal use of cannabis. We had a quite extensive debate in the in-principle stage.

MR CONNOLLY (Attorney-General and Minister for Health) (12.03): One last thing that members should consider is this: We have no advice from the AMA or the doctors on how they feel about this open slather approach to medical research, where you can prescribe cannabis on a simple GP's signature. We have no advice on how the Federal Police feel about this measure. As I said in the in-principle debate, hold your breath, members opposite, because you are taking a huge leap into the unknown under your leader.

MR MOORE (12.03): Madam Speaker, I do need to respond to that. I have read from a series of research articles. We actually have the monograph that was prepared by the national task force on cannabis, which I have quoted from. The national task force on cannabis does say that there should be further research. Research is available in two ways: In the way that is already provided for in the Act, and in this way. To suggest that a medical practitioner can prescribe willy nilly, as Mr Connolly implies, is nonsense. We have a chance to do something that will assist people who are in dire straits.

Question put:

That the proposed new clause (**Mr Moore's**) be added to the Bill.

The Assembly voted -

AYES, 9 NOES, 8

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

Question so resolved in the affirmative.

Title agreed to.

Bill, as amended, agreed to.

LIMITATION (AMENDMENT) BILL 1994

Debate resumed from 9 November 1994, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (Attorney-General and Minister for Health) (12.07): Madam Speaker, the Government will not be opposing this amendment. The Limitation (Amendment) Bill 1993 was put through this Assembly at the time we were just getting prepared for what could be an adverse outcome in a High Court decision. Mr Humphries has said that there was not sufficient time for the legal profession to advise members of the community about how that legislation affected rights and obligations. The relevant part of it was part of a uniform move around Australia to regularise limitation proceedings to avoid forum shopping. I think everybody agrees that forum shopping is a bad and undesirable practice. When you introduce such a piece of legislation, inevitably you draw a line at which it commences, and some people fall on one side of the line and some fall on the other.

Mr Humphries and the Law Society raised the point that we perhaps drew that line too harshly and a number of people have had pre-existing rights cut out. There has been a criticism that there was not sufficient consultation. While we did move this fairly quickly, we have looked at the position in other States and Territories and I understand that there was not a great deal of consultation in other places. In South Australia, where the legislation was put through quite recently, it was proclaimed immediately, with no notice to the legal profession. So, what we have done, in fact, seems to be pretty much in line with what everybody did. Nonetheless, a relevant point raised is that some people have been adversely affected. We have spoken with the Law Society. They can assure us that it is only a handful of cases and that altering the line now will not cause any hardship. There is a countervailing argument about whether, having drawn the line one way, tampering with it again will cause a problem. The advice I have is that there is no problem there, so the Government will not be opposing this process.

MS SZUTY (12.09): I am pleased to see the Government supporting this private members Bill which was introduced by Mr Humphries quite recently. I would like to draw attention to the comment made by the Scrutiny of Bills Committee on this particular matter. It states, under the heading "Possible Prejudicial Retrospectivity":

The amendments that came into effect when the *Limitation (Amendment) Act 1993* commenced on 30 November 1993 provided that, where a cause of action arose before that date, but proceedings had not been commenced, new rules applied. The effect of this Bill is to postpone the application of those new rules until 31 May 1994 in relation to proceedings commenced during that period of 6 months, unless the proceedings were completed before the commencement of this Bill as an Act.

In effect, the Bill restores rights that were destroyed by the *Limitation (Amendment) Act 1993*. This restoration will be beneficial to those whose rights are restored by this Bill. But, on the other hand, it will be prejudicial to those against whom these rights are enforced.

It is a question, Madam Speaker, of where the line is drawn in relation to this particular matter. I regret that perhaps we dealt with the Government's Limitation (Amendment) Bill 1993 in some haste, but I believe that by supporting Mr Humphries's amendment Bill today we are certainly allowing to proceed two cases which would otherwise have been very severely affected by the application of the Limitation (Amendment) Act 1993. Madam Speaker, I am pleased to support Mr Humphries's Bill.

MR HUMPHRIES (12.11), in reply: Madam Speaker, in closing the debate, I would like to thank members for their broad support for this Bill. The Bill has been produced and brought before the Assembly and will, I trust, be passed in a very short period of time - although a substantially longer period of time than was the case with the original Bill that produced this problem. Madam Speaker, the Minister has made it clear that the package of which the Government's Bill was part was legislation that it was extremely important to pass quickly. Members will recall that on 23 November 1993 the legislation to protect Territory revenue from a possible adverse decision by the High Court was introduced. Subsequently, on 25 November, two days later, the Limitation (Amendment) Bill was passed, and that caused considerable problems of the kind that we have addressed in this particular Bill today.

It was very important, of course, that we pass that legislation through the house in two days, and the Opposition fully accepted that at the time. It said that this was an important thing to do at the time. With hindsight, what I regret is also having within that same package to deal with the other issue of changing limitation periods to prevent, as Mr Connolly has described it, forum shopping. It is still not clear to me why that was included in a package of measures essentially dealing with protection of government revenue. There is very little implication for government revenue in a Bill which prevents people from forum shopping around the country. I would say to the Government: Please, if you seek the indulgence of the Assembly in passing legislation in a very short period of time, do not throw into an urgent package things which are not urgent or critical and which can be dealt with within a longer timeframe. That would certainly make the job of members in other parts of this house much easier.

Ms Szuty has raised the Scrutiny of Bills Committee comment. I certainly accept that there is a question of retrospectivity; but to restore the rights of a person who has lost those rights by passage of legislation, particularly when the defendant in these cases is clearly an insurance company that would normally expect these sorts of claims as a matter of course and would not normally have difficulty in dealing with these sorts of claims, is an issue that we can quite properly deal with without offending the principle of adverse retrospectivity.

Madam Speaker, I am advised, in fact, that one of the two ladies affected by this legislation is present in the gallery today. It is not often that we have the opportunity of passing a piece of legislation such that the immediate benefit flows through to somebody who is present at the time. This is a piece of legislation which really affects only two people, but it affects them very deeply indeed. I think that members should be very grateful that we have had the opportunity to be able to assist this woman in this way - in this quite clear fashion - and to do so with, it appears, the unanimous support of the house. I thank members for that support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

STANDING ORDERS 171 AND 172 - PROPOSED AMENDMENTS

Debate resumed from 9 November 1994, on motion by **Mr Stevenson**.

MR CORNWELL (12.14): Madam Speaker, I ended my comments on 9 November by saying that I did not really believe that a 60-day delay, as proposed by Mr Stevenson, was necessary, because 18 of the 22 orders of the day listed on the notice paper had been on the notice paper for longer than two months. Therefore, it does not seem to me to be necessary that we should amend the standing orders to allow a 60-day period to elapse before a matter is debated. It is happening already, whether we like it or not.

The second point upon which I would urge caution in accepting these amendments is that we can already declare a Bill urgent - and I think this house has done so in the past - but why would we wish to complicate matters further by having to declare more Bills urgent? In addition, I am not at all sure what "a minor administrative matter" would be in relation to legislation. I could imagine that that in itself would involve this Assembly in long and tedious debates, probably for a duration beyond the time needed to conclude the matters that we were proposing to regard as urgent. It therefore seems to me that there is no real justification for amending standing orders in the way proposed by Mr Stevenson.

There are other means of keeping the community aware of what is going on in this house. In fact, I suggested a new initiative, which was a public interest list that could be held perhaps by the Secretariat to advise people on that list when matters of concern for them came up. I think there are other and better ways of doing this than amending standing orders in the manner suggested. The amount of time spent in debating motions resulting from these amendments would be more than the amount of time saved in considering orders of the day if these steps were taken. I think we should leave matters as they are and see whether we can improve procedures by other means.

MS SZUTY (12.17): I would like to speak briefly to this motion proposed by Mr Stevenson. In fact, I recall speaking to a very similar motion proposed by Mr Stevenson on 16 December 1992. In my remarks on that occasion I indicated that I had already spoken on the matter on several occasions in this Assembly, most particularly during a matter of public importance debate in June, when the issue was raised by Mr Stevenson, and also in the debate on a matter of public importance raised the week before, in December 1992, by Mr Humphries. I suppose that my philosophical position would be that I sympathise with Mr Stevenson to some extent. What he is trying to do is to make sure that this Assembly deals constructively with all the issues that it has before it.

What I do not necessarily agree with is Mr Stevenson's rather prescriptive approach to how this Assembly should deal with all matters which come before it. In fact, Madam Speaker, in my remarks in the debate in 1992 I commented that I thought Mr Stevenson had taken a prescriptive approach to a similar motion that he proposed in 1992. I agree with other members who have spoken in this debate to date that we really need to retain our flexibility in dealing with the pieces of legislation which come before this Assembly. There are many pieces of legislation that this Assembly deals with, and for particular reasons we need to deal with particular pieces of legislation in different ways from time to time. While I have some sympathy for Mr Stevenson's views, Madam Speaker, I will not be supporting his motion, because I believe that it is too prescriptive. I sincerely wish this Assembly to retain the flexibility that it has in dealing with pieces of legislation that come before it.

MS FOLLETT (Chief Minister and Treasurer) (12.19): I would like to speak very briefly to this motion, simply to point out that the import of the proposal that Mr Stevenson has put before us is to delay for a quite considerable period the passage of legislation through this Assembly. The proposal that he has put forward says in one part:

The question 'That this bill be agreed to in principle' shall not be determined by the Assembly within 59 days of the day of introduction ...

I would like to compare and contrast that with what has just now occurred on the previous item of private members business. We saw an amendment which was circulated yesterday voted upon today and supported by Mr Stevenson. I find it prima facie an act of the most extraordinary hypocrisy that he can sit here in this chamber barefaced and go on with this sort of motion. It is almost impossible to believe. I believe that Mr Stevenson has shown that he is prepared to go to any lengths to support the Liberals, as always. He is being totally inconsistent on this whole issue. I believe that the position that he has taken here, apart from being inconsistent and hypocritical, is really not supportable. Other than item No. 2 of private members business, when was the last time that any serious matter was rammed through the Assembly in the way that Mr Stevenson, I am sure, will tell us has occurred? The fact is that there was not one. The order of business and the urgency of business are matters that are debated and decided by members in this Assembly. To my memory, it has never been heard of that a matter could simply be rammed through. There is no party within this Assembly that could do it unilaterally, so the proposal from Mr Stevenson is unnecessary, mischievous and totally hypocritical.

MR STEVENSON (12.21), in reply: Only today we have had members speak strongly for my motion. We had Mr Humphries, we had Mr Connolly, we had Ms Szuty and now we have had the Chief Minister; yet everyone in the house is going to vote against it, apparently. The Chief Minister spoke stridently against a matter that was passed through the house with what she says was too much haste. I spoke on it myself in the debate and said that I was concerned about it but that on balance I considered it to be urgent. I would agree with a motion that required that a matter could be considered urgent only if agreed upon by this Assembly, only if we stood up here and agreed that it was urgent.

It was suggested that I would delay matters in this Assembly. Let us look at the practical and democratic aspects of a parliament. We make laws under various names, whether you call them regulations or anything else. We make laws that govern how people live their lives. We greatly affect people again and again. In the very debate we have had this morning Mr Connolly said, "You are taking a great leap forward, not knowing where you are going". So, the Labor Party surely would say that time should be allowed. I have heard just about every member in this Assembly and every member in the last Assembly stand up when it was not their matter but someone else's and say, "We are moving too rapidly on this matter". But will they ever do anything about it when they have a chance? No. And why not? Is it to do with a genuine delay? Is it to do with democracy or is it to do with an elitist view that says, "We know best."? I suggest that it does not have much to do with democracy. It does not have much to do with delay. How can we talk about delay when we talk about laws that affect people's lives? If you believe that you serve people in this community, they have every right to have sufficient time on Mr Moore's amendments and all others, to be consulted, to let us know what their views are and to make a decision.

The Chief Minister shakes her head. I have heard the Chief Minister stand in this Assembly when the Liberal Alliance had power and complain about the speed with which Bills went through this house. It must be unfortunate that this motion is being debated today, a few minutes after the Labor Party said that we had the very problem my motion addresses. Now I give them the opportunity to do something about it, and what will they say? Every one of the eight of them will vote against the opportunity for people to have some time.

Suggestions have been made about how many Bills have gone through this Assembly rapidly. There have been dozens and dozens go through this Assembly in seven days or less in this term. In our last session 20 new Bills were introduced. Bills are still being introduced this week - and we are getting very close to the end of this term and the end of the year.

No reason has been presented as to why the motion should not go through. There are two different aspects of the motion. I cannot recall one other person mentioning anything about the other part of the motion. One part is to require an overall time of 60 days, but what about the other point that you simply did not mention? What about my proposal that after a Bill is introduced we wait a minimum of a couple of weeks before matters can be raised? Mr Moore could table his motion or his amendment and we would not have to vote on it then and there. We could ask questions of the proposer; we could discuss the matter; we could bring up points of view for people in the community. No-one said that that was a good idea and no-one said that that was a bad idea; but you are all about to

vote against it, I suggest, with no thought whatsoever. I have brought this matter up in the Assembly in the past, and with good reason. The words of members in this Assembly on this very day prove that it was important. Mr Humphries said that the previous Bill before the Assembly today took a lot longer than the original Bill. That was another Bill that went through in a hurry. He said that he understood the urgency, but what about including non-urgent matters at the same time? That was a problem.

I think I can sum up by saying that the case for a requirement that there be a minimum time was best put by the members of this Assembly. I have said what the people in Canberra want. The majority of people have said that they want between 60 and 90 days. I took the lesser of the two, knowing the reaction of politicians in this Assembly. But nobody has come forward and said, "Look, let us make it a minimum of 30 days". That is at least reasonable, but nobody has done that. The majority of people in this community want the time to bring matters to their meetings. They want the time to seek advice on matters. They want the time to propose amendments. They want the time to hold public consultation. They want the time to have matters adequately discussed in the media. When you vote against this motion, including the different parts of it, you do not give them that time.

Question resolved in the negative, Mr Stevenson dissenting.

MADAM SPEAKER: Order! It being 12.30 pm, private members business is interrupted in accordance with standing order 77 as amended by temporary order.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Petrol Station Sites

MRS CARNELL: Madam Speaker, my question without notice is to the Minister for the Environment, Land and Planning. I remind the Minister that 2.00 pm today, 30 November, was the closing time for expressions of interest in the three new service station sites. I refer to the fact that applications were limited to certain persons, as defined in determination No. 22 of 1994 under the Land Act. A key eligibility requirement is proof that the applicant will act competitively in the retail petrol market. I therefore ask the Minister: What tests will he apply to satisfy himself, as the responsible Minister, that successful applicants will comply with the requirement to act competitively?

MR WOOD: Madam Speaker, the answer to the question from the Leader of the Opposition is basically "69, 76" - 69c being the price of petrol today and 76c being the price of petrol when this scheme was introduced. That remains the answer to all the questions that the Opposition want to ask about petrol station sites. Mrs Carnell did get it correct when she said that tenders closed at 2.00 pm. Obviously, I am as interested as anybody in the outcome of that, and to see what tenders have been received. I am waiting for a phone call. The main part of Mrs Carnell's question related to the criteria for deciding what is competitive and who will be competitive. As I think we indicated at the

time, there is a very long process of examination of the tenders. There is a particular group set up to assess, most thoroughly, the tenders that have been received, against a range of criteria - not just competitiveness. For example, we also need to know their ability to obtain an adequate supply of petrol. As is appropriate, I will take advice from those officers when they have completed that examination. Obviously, I will be in touch and in discussion with them over a period. At that time, I will be able to inform the Leader of the Opposition. There is a set of criteria, and I will provide that to her.

MRS CARNELL: I have a supplementary question, Madam Speaker. I asked the Minister to define what to act competitively actually means. What does he believe acting competitively means, how is he going to assess it, and how is he going to assess that this particular independent will act competitively for the 99 years of the lease?

MR WOOD: Madam Speaker, it is remarkable that today the Leader of the Opposition stands up and talks about acting competitively. What was she doing last night? What was she doing at this time yesterday? She was standing up and saying, "Minister, don't you dare do anything to act competitively". This is the remarkable aspect of the Leader of the Opposition.

Mr De Domenico: What does it mean, Minister? You are the responsible Minister. What does it mean?

MADAM SPEAKER: Order, Mr De Domenico! The Minister will answer.

MR WOOD: Mr De Domenico is a barometer, Madam Speaker. The more noise he makes, the more difficulty the Opposition is in.

Mr Humphries: I raise a point of order, Madam Speaker. The Minister has been asked a simple question. He was asked what criteria he is going to use for an important matter. Will he give us the answer or not?

MADAM SPEAKER: Mr Humphries, as I have repeatedly called for order, it would be courteous if the Opposition remained quiet. Then perhaps we would discover whether Mr Wood will or will not answer the question. While I cannot hear the answer I cannot rule on that point of order. Let us have some quiet.

MR WOOD: Madam Speaker, Mr Humphries is also a barometer. Every time he jumps to his feet you know that the Opposition is under some pressure. So, we have a couple of barometers there. The most remarkable aspect of this Opposition is how the Leader of the Opposition - I use the word "Leader" because that is her title - can jump from spot to spot, even within the same day. I think she has an absolute cheek to talk about competitiveness, because yesterday she was wanting to close down competition. Yesterday she did not want to know a thing about it. Madam Speaker, I have answered Mrs Carnell's question.

Residential Development - North Watson

MR MOORE: Madam Speaker, my question also is to Mr Wood, as Minister for the Environment, Land and Planning. I gave Mr Wood a few hours' notice that I was going to ask a question like this. Report No. 20 of the Planning, Development and Infrastructure Committee regarding North Watson recommended, amongst other things, that the ACT Planning Authority specify the maximum number of residential dwellings to be built on non-government land and that all site plans be referred to the Planning, Development and Infrastructure Committee before any developments proceed. Could the Minister inform this house whether the maximum number of residential dwellings has been specified and whether the site plans have been referred to the Planning, Development and Infrastructure Committee, with particular reference to the Starlight Drive-in site?

MR WOOD: Madam Speaker, the Planning Authority have, I understand, specified the number of houses to go there. They have done that, as required. They have not referred any site matters to the PDIC. I will check the detail of our response to that committee; but I do not think that the Starlight Drive-in matter to which Mr Moore refers would have been referred to the PDIC, since it is not a site on government owned land.

MR MOORE: Madam Speaker, I would like to ask a supplementary question, extending it from the Starlight Drive-in site. Minister, you said on radio yesterday that all developments in North Watson would be publicly developed, and you referred to 1,300 dwellings. If you are going to take 1,300 dwellings, that figure does include the Starlight Drive-in site. In fact, I believe that the number will be closer to about 970, unless you override that private development. Will you, therefore, resume that site and reauction it, or what is the process that you are talking about?

MR WOOD: I would have thought that the matter was fairly clear. There are quite a number of leases at North Watson. A proportion of those - the major open area, the undeveloped area - are leases over which the Government has control. They have been short-term agistments or of some other nature. There are a number of other sites, particularly those fronting Northbourne Avenue, which are fairly long-term, standard leases of one sort or another, held by private enterprise. I think there is a fairly clear distinction between those two forms of lease.

Petrol Station Sites

MR DE DOMENICO: Madam Speaker, my question also is to the Minister for the Environment, Land and Planning. I refer the Minister again to the three service station sites for which applications closed at 2.00 pm today. Noting that he is a barometer for things concerning this issue, seeing that he signed the determination, I ask the Minister: Under the criteria, which you signed, for direct grant of the leases for the three sites, applicants must not only prove that they will act competitively but also demonstrate that they will remain competitive. Minister, what tests will you apply to ensure that successful applicants will remain competitive for the duration of the lease?

MR WOOD: Madam Speaker, we are going to go through a whole list of tests on about six different points that were written into those tender documents. I have explained the process to the Opposition. It does not seem to be satisfactory to them because they do not like processes. They do not want them. Let me go back to the Tuggeranong Town Centre issue. The Opposition did not want - - -

Mr De Domenico: No; go back to the three service station sites that I asked you about.

MR WOOD: The Opposition did not want - - -

Mrs Carnell: I raise a point of order, Madam Speaker. Standing order 118 says that the answer to a question shall be concise and confined to the subject matter of the question. Madam Speaker, was that the subject matter of the question?

Mr Berry: There is another standing order that says that he will be heard in silence.

MADAM SPEAKER: Thank you, Mr Berry. I will listen to Mr Wood's answer and determine that, Mrs Carnell.

MR WOOD: The process established is that we will have an interdepartmental committee of officers competent in a wide range of areas, who will take those documents and assess them from today. They will establish the bona fides of those by a whole range of criteria.

Mr De Domenico: What are they?

MR WOOD: Madam Speaker, I am not going to go through them, list by list. I am happy to provide the Opposition with whatever detail is publicly available. At the end of the day, I will stand up and justify everything that has been done. There is a proper process. I know that the Opposition members do not like the process. They do not want to know the process. Yesterday Mrs Carnell was saying, "Stop any process". But I believe that it is a very proper way to go, and the officers examining those issues will do exactly that.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. I ask the Minister again: What tests will you apply to ensure that successful applicants remain competitive? Will you assure the Assembly that, if you are not 100 per cent satisfied that the applicant will act competitively for the duration of the lease, the lease will not be issued?

Mr Connolly: You do not like competitive petrol prices, do you?

MR WOOD: They do not like competition, full stop. One of the things that I will attend to - and I have no doubt that officers will attend to it - is some of the recent findings of the Trade Practices Commission, which is about to prosecute some of the major companies for some of their tactics. So, we will be attending very closely to that. You can be sure, Mr De Domenico, that the outcome will be one where every principle is scrupulously observed and that, if we have them, we will have the most competent, reliable service station providers we can get.

Budget Performance and Outcomes Committee

MR BERRY: My question is directed to Mr Kaine, as chair of the Public Accounts Committee. Mr Kaine, you and all your friends - Liberal or otherwise - can go out and can continue to buy that cheap petrol provided by the Labor Government. Mr Kaine, your view that the recent report of the Budget Performance and Outcomes Committee contains recommendations which ought to have been developed by your committee is well known. Is it not a fact that the outcomes and criticisms are no different from those which your committee would make in the circumstances, given that the composition of both of the committees is essentially the same in terms of political balance?

MR KAINE: Madam Speaker, I presume that you have made a ruling as to whether it is a proper question to be directed to me, in the first place.

MADAM SPEAKER: I have not been asked that, Mr Kaine. There is no point of order.

MR KAINE: They are the standing orders.

MADAM SPEAKER: Order! You are in charge of the Public Accounts Committee. The question is to you, Mr Kaine.

Mr Humphries: Madam Speaker, on a point of order: The question being posed to Mr Kaine is: What if? It is a purely hypothetical question, and it is outlawed by standing orders.

MADAM SPEAKER: No, I did not hear any "if" there, Mr Humphries.

Mr Humphries: He said, "Would you not have made the same decision?". That is a hypothetical question, surely. Perhaps Mr Berry should read the question again so that we can see whether or not it is hypothetical.

Mr Berry: I do not need to. Madam Speaker, fear of what Mr Kaine might say is not a reason to take a point of order. I am sure that he will answer it graciously.

MADAM SPEAKER: Order! I heard "what, in your view". Mr Kaine is in charge of the PAC. It did not ring any bells with me. However, I will let Mr Kaine decide, on this occasion.

MR KAINE: Madam Speaker, when the member asks, "What is your view?", he is asking for an opinion.

MADAM SPEAKER: Then the question is out of order.

Petrol Station Sites

MR HUMPHRIES: Madam Speaker, my question also is to the Minister for the Environment, Land and Planning. It concerns the reference he made a moment ago to the action commenced by the Trade Practices Commission against a number of oil companies, with respect to breaches of the Trade Practices Act in relation to competitive practices and competition. Given that this action relates to oil companies which operate in the ACT and given that the independents referred to within that action are independents which, presumably, are in a position to tender for sites in the ACT, I ask the Minister: In view of the relevance of that action, what steps has he taken to familiarise himself with the Trade Practices Commission's reasons for bringing the action and the action itself, and what relevance does he feel that this may have for the process he is engaging in today for the tendering for new sites?

MR WOOD: Madam Speaker, as usual, Mr Humphries seems to be making quite a few assumptions. One thing that I have to take heed of is the fact that there are legal actions pending; so I should not be too judgmental in anything I say. Obviously - to answer Mr Humphries's question quite clearly, as always - I have read the Trade Practices Commission's finding quite carefully.

Mr Humphries: What finding? They have not made a finding.

MR WOOD: Their statement. My officers are reading it quite carefully and have it well in mind as we evaluate the tenders that are coming to us.

MR HUMPHRIES: I wish to ask a supplementary question, Madam Speaker. In fact, I seek leave to table the statement of claim.

Leave granted.

MR HUMPHRIES: Madam Speaker, page 22 of the statement of claim of the Trade Practices Commission refers to independents in the petrol market. In view of the claim by the Trade Practices Commission of collusion between Shell Australia and its independents to fix the retail price of petrol, will the Minister give the Assembly an assurance that he will not authorise the issue of leases unless he is absolutely satisfied that the successful applicants have never entered, and will never enter, into price fixing arrangements with the major oil companies, as evidenced by the statement of claim issued by the Trade Practices Commission?

MR WOOD: Madam Speaker, I am advised that the matter is substantially sub judice. Mr Humphries is quoting from a statement of claim. I find it remarkable that the Opposition should be using a document that confirms the rorting that goes on, which confirms the action that we are taking to provide cheaper petrol to the ACT community. Mr Humphries seems to me to be giving an endorsement to what we are doing. One other point I would make is that the price variable - the 69c price now, compared to 76c - is pretty reasonable evidence to me that there has not been collusion between the independents and others in the ACT.

Recycled Paper

MR STEVENSON: Madam Speaker, my question, which is to Mr Wood, concerns recycled paper. Some time ago the Federal Government introduced a sales tax exemption on recycled paper. They have now removed that exemption. I ask the Minister whether he is aware of that. We have done many things in this Assembly to encourage recycling. Has the Minister taken any action to encourage the Federal Government to exempt recycled paper products?

MR WOOD: Madam Speaker, I am going back in memory a little here. That concession was removed, or notice of its removal was given, at least a year ago, I think. Maybe by now it has just fed into the system. I recall that at the time there was some debate about it amongst Ministers. Some differences were expressed. Certainly, there was a view, which I expressed, that it was desirable to encourage paper recycling. At the time, the Commonwealth had a quite reasonable argument in support of their move. They had the financial data that indicated that it did not have the desired effect to the extent necessary to justify that concession.

Certainly, we remain committed to paper recycling. I saw some trucks outside this building today, and I think Mr Lamont was making some statements to that effect today. Certainly, the ACT is very keen to encourage paper recycling. There has been a newspaper recycling mill - if that is the word - established not too far from here in recent times. That is a benefit to us. Newspaper is a particular problem. There is a great demand for the sort of paper that we dispense with here - the high-quality paper. Newsprint is much harder to get back into the stream of paper. Every step is one that we support. Certainly, I can say to Mr Stevenson that we do everything we can to encourage paper recycling within the ACT and in support at national forums.

MR STEVENSON: Madam Speaker, I have a supplementary question. Would the Minister take on this issue and raise it specifically at the next appropriate occasion? There is no doubt that exemptions from taxes encourage people to do things, and they certainly would in this case. The Minister mentioned that the Federal Government raised a particular reason at the time, namely, that it did not have the desired effect. Either there were many people involved in recycling or there were not. If there were not, there would not have been many taxes lost. If there were, would that not achieve the desired result?

MR WOOD: Madam Speaker, I am happy to keep this issue on the agenda, and I will raise it with colleagues at the next meeting of ANZECC in, I think, April next year.

Intellectually Disabled Students

MR CORNWELL: My question is addressed to Mr Wood, as Minister for Education. Mr Wood, why have only nine places been made available in the 1995 mainstream integration program for students with mild to moderate disabilities, when I understand that something like 46 applied? Do you not agree that the acceptance of nine, from 46, is a token gesture and further disappoints and frustrates those already in the program at the preschool or kindergarten level when they are rejected for the program in the higher years of schooling?

MR WOOD: Madam Speaker, it is not a token gesture. I am a bit surprised that Mr Cornwell raises this now. I wonder why he did not raise it three years ago, when we began our integration program. Perhaps he did not know about it. Let me tell him what has happened here, because he does not even know. He has not been part of this debate. He would not have any idea of it. Now, suddenly, he wants to show an interest. Let me tell him what happened here. We came into government and we had - - -

Mr Cornwell: I do not want the history; I want the answer to the question, please.

MR WOOD: You are going to get the history, because you do not know the history. You asked the question. You are going to get the answer. We have a very proud record in running our integration program. It is one for which the Government, quite properly, has achieved recognition from the community most concerned about it. When we came into government, there was no such program, and there was a fairly strong segregation of people with intellectual and physical disabilities into special schools. That was the record in the ACT ahead of self-government. I came into the position of Minister for Education and changed that. The ACT Government, year after year, with the enthusiastic support of the ACT Treasurer, Rosemary Follett, has funded that change.

Mr Cornwell: Come on; answer the question.

MR WOOD: You have a totally wrong perception of this, because you do not know anything. You do not know what it is all about.

Mr Humphries: One chance in five of getting into the program.

MR WOOD: You were Education Minister and you sat on your hands. You did not do a thing. To be fair to you, Mr Humphries, I do not think you recognised that there was a problem there. I do not think you gave it thought or consideration or any attention at all. It was left to me to do something, because you did not know about it. If you did, you would not have done anything.

Three years ago, we started. The Treasurer provided funds, and we have had a regular program of integrating intellectually disabled students into mainstream schools. It has been a very successful program. We took a deliberate decision that it would be a phased introduction. That was done with the knowledge of and, as I recall, the acceptance by most of the parents that this was the way to go. Mr Cornwell displays the ignorance of those people opposite - - -

Mr Cornwell: And the parents, by implication.

MR WOOD: On your terms, I then had two options. There were about 350 students in our special schools. I could have said to the 350 students, "From day one next year, every one of you is going to go into a mainstream school". That is your proposal. This is a very strong program for us. The other thing is that when we undertake a program, as with land development, we do it steadily and carefully. As with integration programs, we make sure that we make a success of them. There was no way, even in that first year, that I could have integrated more than six students. I had to convince the schools, the parent community in the schools and the teachers in those schools that this was something that was going to work. There was a very considerable amount of anxiety in our school system as to how this might be done, because Mr Humphries had never done a thing about it. I had to convince them, critically, in that first year or two, that this was a workable program.

We provided extra support to these intellectually disabled students. We provided 0.7 of a teachers aide to each one of them to go in, side by side with that student, and to mix with other students. We provided professional development to teachers and support to schools. The program has been a success. We have been working through that - the parent community knows this - at six or seven students a year, and I think we are well up into the twenties by now. That seems outrageous to you people; but what has happened is that we have successfully convinced our school communities that this integration program not only is designed well but is workable. That is where we are at. This year, as for other years, not every student whose parents applied was able to be placed. The school system and the teaching staff still cannot take the 40 that you mentioned, let alone the 300 or so that remain in our special schools. This will be a long and careful program of integration.

Let me tell you something else. We have not integrated all the physically disabled children. We have not started that program as well as we would like to because - I was going to say that you would understand, but you would not - there is a further high cost to that, in that in most of our older schools wheelchair access is simply not as widespread as it should be. Mr Cornwell does not know, and certainly his leader does not know, that this week I am negotiating to get a very severely physically disabled but quite bright child into one of our mainstream schools. We did the same last year. We are working carefully through a program. I regret that, out of your ignorance, you want to criticise it.

MR CORNWELL: I wish to ask a supplementary question, Madam Speaker. It is apparent that the Minister has missed the important aspect of the question. I am sorry that I do not have a blackboard here to help you, Minister. Minister, are you prepared to review the admittance procedures for those children who have been in this program and wish to continue in the program to the higher levels of education? The argument that you are advancing does not seem to make sense to this side of the house. You cannot put them in and pull them out again. Are you prepared to examine the conditions so that the children who are in the scheme now at the lower levels of schooling can continue on to higher years, and stop this frustration and disappointment?

MR WOOD: I pay Mr Cornwell due respect from time to time because he has some knowledge; but, on this question, he just does not have it. He seems to be saying to me that we put students in for a year and then pull them out. That is not the case. The funds that the Treasurer has provided are enhancement moneys, which means that they carry on year after year. They are built into the system. I really resent this. The first time the Opposition know what is going on here is when they get a letter. I think what you have done today is disgraceful, and it is shameful, because what you have shown is that here is an issue that you know nothing about.

Mr Kaine: Madam Speaker, I draw your attention to standing order 118, which calls upon you, if you are convinced that the Minister has had ample opportunity to answer the question, to ask him to desist. He has had plenty of time to answer the question, and he still has not answered it.

MADAM SPEAKER: Thank you, Mr Kaine, for bringing that to my attention. Mr Wood, have you finished?

MR WOOD: Madam Speaker, I will offer to Mr Cornwell - I do not think Mrs Carnell would be in the least bit interested - a full briefing from my department, to go into the long and proud record of what we have done in this respect. Then I will not get such damned stupid questions.

Mr Cornwell: Madam Speaker, I accept the Minister's offer.

Tourism Statistics

MS ELLIS: Madam Speaker, my question is directed to the Chief Minister. In recent times, the Canberra tourism industry has benefited from a number of major events. Can the Chief Minister advise whether the effect of these events and of the promotion of the Territory as a tourism destination is reflected in the available tourism statistics?

MS FOLLETT: Madam Speaker, I thank Ms Ellis for the question. It is the case that the tourism industry is showing some very healthy statistics indeed. The industry is experiencing very healthy growth. The most specific performance indicator is the total visitor numbers to the ACT. The most recent figures we have for those total visitor numbers are for the year ending March 1994; but those figures show that there has been an increase of almost 10 per cent from the same period last year. In fact, the total number of visitors was - - -

Mrs Carnell: Last time you said that counting total visitor numbers was not the appropriate way to go. You said that it was bed numbers.

MADAM SPEAKER: Order! Since we are talking about standing orders today, let me say that my favourite one is standing order 38. Perhaps members would like to read that one.

MS FOLLETT: Madam Speaker, the increase in the total visitor numbers has been around 10 per cent. What that means is that in the year to March 1994 there was a total of 1.7 million visitors. As members will be aware - - -

Mr Humphries: That was last year.

MS FOLLETT: It is not attractive, having members yelling at each other across the chamber. It is not dignified. Just let me answer.

Madam Speaker, I believe that members would be aware that the beneficial effect of any increase in visitor numbers is felt first and foremost in the accommodation industry, as you see a rise in the occupancy rates. I am very pleased to be able to advise members that the upward trend in visitor numbers is reflected in some of the more recent information that we have. That shows that, in the September quarter of 1994, the room occupancy rate was 66 per cent, which compares with 62.2 per cent for the September quarter of 1993. So, there is a substantial increase there. In fact, it was the highest ever occupancy rate for a September quarter. The increase in the occupancy rate, needless to say, resulted in increased takings as well from the accommodation. The takings jumped, again to an all-time high, to $18.8m. That is an increase of $2.2m over the September quarter of 1993.

Madam Speaker, winter is generally a slow period for accommodation in the Territory. I believe that those figures are all the more encouraging because they show that you can have a substantial increase even in our traditionally slow quarter. I think they reflect the success of the tourism industry itself and of the Canberra Tourism Commission in their promotional activities. But underlying those statistics is the important fact that tourism is a major employer. When we see increased tourism activity - increases in visitor numbers and occupancy rates - it means that we have increases in employment as well.

While I am on the general subject of statistics, Madam Speaker, I will just briefly mention, as I have been brief, that the building industry has also shown a quite remarkable resilience and strength, according to the most recent statistics available. They show, for the month of October, an increase overall of 23.9 per cent in the building approval figures for the ACT. That is the overall figure. In residential approvals, there was an increase of 49.1 per cent during October. I believe that those kinds of figures show that there is considerable confidence in the ACT's economy, and these figures are particularly important for employment growth.

Madam Speaker, with particular reference to those building figures, as I am sure that members know, you have to be a bit cautious with month-to-month figures; but, despite the record highs in building approvals that we have seen in previous years and despite the expected and recent increases in mortgage interest rates, I think that that kind of activity is a very good sign indeed. I am very grateful to members opposite for at least having heard me out with some decorum, for once.

Kangaroos - Departmental Action

MR STEFANIAK: Madam Speaker, my question without notice is directed to the Minister for the Environment. I refer the Minister to an incident that occurred last Thursday, 24 November, at the Canberra Nature Park off Hindmarsh Drive, Red Hill, when an officer of the Parks and Conservation Branch attended a media conference given by the Opposition and the Conservation Council of the South-East Region and Canberra. Is it the Minister's usual policy to send public servants, off duty or otherwise, to Opposition and community media conferences? Was that particular officer contacted at home and told to attend the media conference? If so, why, Minister?

MR WOOD: What a remarkable question that is, coming from the warm and fuzzy shadow Environment Minister, who has a proposal to keep sound levels at unacceptably high maximums! It is an interesting question. I received advice, on whatever day it was, that people were presenting what, I understand, they regarded as a serious proposal to deal with kangaroos. I said, "Oh, that is interesting. We should know about it". I did two things. I checked back in my memory, because from another activity many years ago I had a vague memory of it and I wanted information on this. I thought I had some material in my files; but it was on another kangaroo protection device, not this one. I did ask people from the Parks and Conservation Branch to attend and to give me a report on the working of this device.

It is strange that Mr Stefaniak asks this question, because he was in company with the Conservation Council of the South-East Region and Canberra, and representatives of that body habitually turn up at my media conferences. I am glad that they do. This seems to me to be a case where, if I had not sent someone or had not shown any interest, Mr Stefaniak would have been standing up and saying, "Why are you not interested? Why were you not there?". You are damned if you do, and you are damned if you do not. I have to say to Mr Stefaniak that the Opposition is not really covering itself with distinction in the questions it is asking today.

Let me return to this proposal. I went back to a Senate select committee report, because that was what had prompted my memory. When they were looking at the problem of kangaroos they were asked to report on this same scheme, and they turned it down. They said, "No, it did not work". At that time - this was ahead of self-government, so we were not involved - the then Parks and Conservation Service, if that was its precise title, set up a full study for this.

Mr Kaine: On a point of order, Madam Speaker, I again draw your attention to standing order 118. The Minister is giving us a great lecture. He has had plenty of time to answer the question, and he has not done so. I would ask you to make a ruling on the matter.

MADAM SPEAKER: Thank you for bringing that to my attention.

MR WOOD: Another barometer!

MADAM SPEAKER: Order! The standing order requires the answer to be concise.

Mrs Carnell: And confined to the subject matter.

MADAM SPEAKER: Order! I am quite well aware of what the standing order requires.

Mr Kaine: But you are not going to invoke it.

MADAM SPEAKER: This is my favourite standing order. As I understand where Mr Wood is going - and I am listening intently - he is linking that inquiry to why that officer was at that meeting. That is the point that I am listening for. "Concise", in my book, means relevance in coming to a point, and I believe that he is coming to it. Please proceed, Mr Wood.

Mr Kaine: "When?" is the question.

MR WOOD: Do not get so agitated. This survey was carried out in about 1988. They set up sonic barriers - posts that emitted sound. The situation was different from what you had the other day. They had lots of kangaroos around. They tried to see whether the kangaroos would be deterred by this sonic barrier. They took no notice. They would not even scratch themselves on it. So, all the senators, who had got up at about 4.00 am to go and witness this at about 5.30 am, were horribly disappointed and gave a negative report on the proposal. I understand that it was the same proposal that Mr Stefaniak was pushing the other day.

The proponents have come back with an enhancement - a higher-technology system - by which you have to get out your shotguns and your stockwhips and make a lot of noise and startle the animals to get them moving. When they get a bit agitated, the sonic barrier has an effect. That is the technical improvement that this system now has. That is what Mr Stefaniak - this wonderful shadow Minister for the Environment - was supporting. The *Canberra Times* quite correctly headed the article for this loving, caring shadow Minister for the Environment "Migraines for Kangaroos". What an accurate heading that was!

MR STEFANIAK: I have a supplementary question, Madam Speaker. I also refer the Minister to today's *Canberra Times*, in which the president of the Conservation Council of the South-East Region and Canberra was reported as saying, "Mr Wood has lost sight of the real issue". She went on to say that he had phoned a bureaucrat at home and ordered him into the bush to attend an Opposition press conference. She reminded the Minister that the role of bureaucrats is to give independent advice, not to be dispatched to spy on either the Opposition or the community. I ask the Minister: Is it Government policy to send public servants, off duty or otherwise, to press conferences such as these, rather than members of your own staff, which would have been more appropriate?

MR WOOD: You have given me a few beaut questions today, have you not? Your caring for the kangaroos is interesting. Madam Speaker, if we had another five minutes, one of my officers could send down Mr Stefaniak's beat-up media statement that he put out only a month ago saying, "Kill the kangaroos because they are getting in the way of our cars". Does he remember that media statement?

Mr Stefaniak: No, not that one. Quote it properly.

MR WOOD: No; suddenly he does not. Further to that, I wonder whether he will have the full Conservation Council of the South-East Region and Canberra in here on the day he wants to debate his measure concerning noise on racing tracks. I am sure that he will get their full support for that! This is the wonderful shadow Minister for the Environment. It is very strange.

The basic thing is this: As always, I am happy to continue with that process of communication. My departmental officers are in constant communication with the Conservation Council. If I did not do that, they would not be happy. I encourage, and will continue to encourage - - -

Mr Stefaniak: They are not happy now. They wanted us to ask the question. They wrote a letter to the paper.

MR WOOD: One of my officers was on the phone last night, or early in the evening yesterday, to Jacqui Rees on a matter. I do not hear a complaint about the fact that she got a phone call after hours or at about 5.00 or 6.00 pm. This is a constant process of communication, and I am surprised that it worries you.

Flynn Primary School - Fire

MS SZUTY: My question without notice is to the Minister for Education and Training, Mr Wood. I refer to an article in yesterday's *Canberra Times* which suggested that the recently burnt out sections of Flynn Primary School are unlikely to be completely rebuilt. The article indicated that, while four options, including complete rebuilding, had been discussed by Education Department officials, the school board and the president of the P and C, the preference of departmental officials was not to return the school to its original state. Can the Minister inform the Assembly whether he considers it to be appropriate in this case that the Flynn school community have the ultimate say in which option is decided upon?

MR WOOD: Madam Speaker, I would like Ms Szuty, as part of this process, to tell me what her opinion is. I would like her not just to ask a question, but to give me her views.

MADAM SPEAKER: I do not think that is entirely in order, Mr Wood.

MR WOOD: It is very nice to ask a question and avoid any responsibility. What is happening here is a simple process, which obviously surprises the Opposition. The Education Department has gone to that school community and has said, "Let us talk about this. Let us see what is the best outcome from this". Is that unreasonable? I think it is a thorough way to go. They have initiated discussions. There are more discussions to come. I think that is an appropriate process.

MS SZUTY: I ask a supplementary question, Madam Speaker. Does the Minister consider that, if the school buildings are not completely replaced, that is an appropriate message to send to the people who were actually responsible for the burning down of the school buildings in the first place?

Mr Wood: What was the last part?

MS SZUTY: What message do you think it sends to the people who were actually responsible for burning down the school buildings in the first place if they are not completely replaced?

MR WOOD: That question is a bit hard to fathom. I think the appropriate message is, quite simply, that it is sensible that we talk to that school community about what happens within their school community. It seems to me to be eminently sensible. The department presented a range of options for discussion. I note that you are quoting from a report. It may be that someone from some part of that community has put a slant on the department's preferred option. I do not know about that. I know that they presented four options for discussion, and it is surprising that you would resist that.

Tuggeranong Hyperdome

MR KAINE: Madam Speaker, I have a question for Mr Wood, the Minister for the Environment, Land and Planning. I would really like him to answer this one.

Mr Lamont: Madam Speaker, I indicate that both Mr Connolly and I are also prepared to answer questions today.

MR KAINE: The trouble is that you do not answer the questions either. Madam Speaker, I refer the Minister to events yesterday, when he and his Government refused to allow discussion of a moratorium on further expansion of the Hyperdome until an analysis of the social and commercial needs of the area had been conducted. Minister, in light of your refusal even to discuss the damage which the proposed extension would inflict both on existing businesses and on employment, can you refute a statement made recently in the Australian supermarket magazine that, for every 3.9 people who lose jobs in suburban supermarkets, only one person will be re-employed by the larger supermarkets?

MR WOOD: It is interesting. Yesterday Mrs Carnell would not answer a question about who has been knocking on her door, but the same people quoted that to me.

Mrs Carnell: I did not know that you had asked me a question.

MR WOOD: You would not say who was knocking on your door. You seem to deny other people the right to lobby, but you do not want to acknowledge that people come visiting you. I am surprised that again today the Opposition want to run an issue on which they got hit all over the place yesterday. The plain fact is that the ACT Government is way ahead in its consideration of this issue. Suddenly, last week, the Leader of the Opposition jumped up and down, and said, "No, do not do anything".

Was there not a question earlier today about competitiveness? Yesterday, or earlier this week, in particular, the Leader of the Opposition was saying, "No competition. Do not do anything. Do not even consider it". As the week went on, she did modify that stance a little. I think, yesterday, we said quite clearly what is happening. The Government, a little while ago, initiated a retail study. As well as that, all the activity that Mrs Carnell did not seem to think about, that is automatically triggered because of this very large proposed expansion, will be put into place. That will all happen. It will tease out all the issues. That is the appropriate way to go. It is the way that this very sensible Government is going.

MR KAINE: Madam Speaker, I ask a supplementary question. As I suspected, the Minister could not answer the question, because he made no reference at all to the question in his answer. Since he does not know the answer, he cannot refute the statement that, for every 3.9 people who lose their jobs in suburban supermarkets, only one will find a job in the major supermarkets. Does he not at least concede that there is valid justification for a comprehensive review before he goes ahead and authorises any expansion of the Tuggeranong Hyperdome?

MR WOOD: Where have you been? What have you been smoking, which is more to the point? You did not hear what I said yesterday and you did not hear what I said today. Mr Kaine, I had those same figures quoted at me. I know of them. Other people have quoted other figures. There are more figures there than you can jump around. But there is one other point. The Leda proposal - and I am not promoting it, nor am I opposing it - will concentrate supermarket activity. It will also provide a whole range of other shops - small business shops. I think they quoted 100 small business shops, which employ very high numbers of people. The point to note is that there are so many ifs and buts and pluses and minuses in employment, as in other things, that it warrants the very serious consideration we have always given to it, and not the instant dismissal that Kate Carnell is proposing.

Royal Life Saving Society

MR BERRY: My question is to the Deputy Chief Minister. I know that he will be keen to answer the question and that he will not be blocked by his colleagues, because we have no fear of the answer. Madam Speaker, the question I would like to ask is: Has the Government refused funding to the Royal Life Saving Society for 1995 for the alleged continuation of patrols at Canberra swimming holes?

Mrs Carnell: It should be a quick answer.

MR LAMONT: Mrs Carnell, it will be about as long as the stunt that Mr De Domenico and Mr Stefaniak organised this morning.

Madam Speaker, it has been indicated to the Royal Life Saving Society over a number of years that the process by which they were seeking grants would need to change and that those grants would not be able to be achieved in future years through the community service grants program. As a result, the Royal Life Saving Society put forward a grant

application to the sport and recreation grants program, which would have the effect of providing finances for sporting and recreational organisations from 1 January 1995. That is an important date, and I hope that you remember it, Mr De Domenico. In that funding round, the Sport and Recreation Council's recommendation to me was that they not be funded.

Mrs Carnell: So, it is not your fault. Is this a duckshove?

MR LAMONT: Do you really want me to start?

Mrs Carnell: Yes, go ahead.

MR LAMONT: The Bureau of Sport, Recreation and Racing, acting on that advice, forwarded to me the list of announcements for grants to apply from 1 January 1995 - about $1.9m worth. They were announced last week. At a meeting in my office at the end of last week, it was indicated to the president of the RLSS and their full-time officer that we had some concerns about the way in which the RLSS conducted its business. What had happened - - -

Mrs Carnell: They probably had concerns about how you conducted yours as well.

MR LAMONT: Will you listen? Quite clearly, concerns have been raised, by both my departmental officers and the Sport and Recreation Council, as to the day-to-day administration of the Royal Life Saving Society's operations in the ACT - - -

Mr De Domenico: The one chaired by Justice Higgins?

MR LAMONT: Listen again. I said "the day-to-day operations". It is not the chair who is responsible for that; it is the full-time officer.

Mrs Carnell: Who is responsible to the chair.

MADAM SPEAKER: Order! Members, perhaps you would like to remember standing order 39.

MR LAMONT: Where doubt has been cast upon the organisational ability of any particular grant applicant, I have ministerial responsibility to ensure that the public interest is protected in providing that organisation with grants money, which is public money. I intend to exercise my ministerial responsibility in relation to the Royal Life Saving Society. It has been notified to them that that is the situation - that we have some concerns and that, while they have not been included in the grants round, funding could be made available for them to continue their operation from 1 January 1995. Did you get the date, Mrs Carnell? It was 1 January. That is on the basis that their internal organisation is satisfactory to me, as the Minister.

Mr De Domenico: What about Terry Higgins?

MR LAMONT: I am sorry; the chair is not responsible for the granting of public moneys, you fool.

Mr De Domenico: Is Justice Higgins incapable?

MADAM SPEAKER: Mr De Domenico, order!

Mr Stefaniak: I raise a point of order, Madam Speaker. Mr Lamont has used the word "fool" against Mr De Domenico. That would clearly come within standing order 54 as being quite offensive.

MR LAMONT: Madam Speaker, I concur, and I withdraw any accusation that Mr De Domenico may be a fool.

MADAM SPEAKER: Thank you, Mr Lamont.

MR LAMONT: Madam Speaker, I have said quite clearly that, upon the presentation of satisfactory evidence that the day-to-day administration, under the responsibility of their full-time officer, is satisfactory and that the program they are suggesting that they can carry out and for which they are seeking funding can, in fact, be carried out, I will reconsider the position favourably. I have indicated that to them. I find it somewhat strange that, as we are going through that process to allow me to ensure that the public interest is protected and to discharge my ministerial responsibility in the public interest in an appropriate fashion, Mr McGibbon would go to Mr De Domenico's office last night to have Mr De Domenico and Mr Stefaniak organise a stunt for this morning. I will tell you now that I will not be bullied by Mr De Domenico, by Mr Stefaniak or, indeed, by the full-time officer of the Royal Life Saving Society. I will not be bullied by you, Mr De Domenico, as you have tried to do by running the stunt this morning.

I have clearly indicated to the people of the ACT that, if the Royal Life Saving Society is unable to satisfy the reasonable requirements for the receipt of this grant, I will ensure that those services that it has allegedly provided in the past will be provided in those areas in the coming summer months. I say "allegedly", Madam Speaker. One of the concerns that have been raised by officers of my department is that there may be some doubt as to whether or not the claims made about attendances in previous years are accurate. All I need to do is to satisfy myself in the granting of that application - and I think we are talking about something in the order of $28,000 - that all of the activities that are being proposed or that have been claimed will be undertaken or have been undertaken. That is an appropriate thing for me to do to discharge my responsibility as the custodian of public moneys. Mr De Domenico, I intend to do that. It now appears that you do not.

Royal Life Saving Society

MR DE DOMENICO: Madam Speaker, my question without notice is to the Minister for Sport, Mr Lamont. Minister, is it not true that for the past 12 years the Royal Life Saving Society have provided lifesaving services to the people of the ACT? Is it not true also that last year alone they saved some 12 lives in the ACT and attended 133 other cases where people in the ACT needed their assistance? If that is the case, is it not true that the component for that service to continue to be provided would be only $8,000?

Mr Berry: Madam Speaker, I take a point of order. I do not mind a question or two, but a diatribe is a little hard to put up with, especially from Mr De Domenico.

MR DE DOMENICO: If all those things are true, Minister, is it not worth $8,000 to prevent the possible loss of life in the ACT?

MR LAMONT: Madam Speaker, I would regard $8,000 as a very small price in those circumstances. That is the reason why, Mrs Carnell - if you will listen - I am insisting that the apparent breakdown of the administration of the Royal Life Saving Society be rectified and that it bring its day-to-day administration up to standard, so that the marvellous record of the Royal Life Saving Society, that enviable - - -

Mr Humphries: He has changed his tune. Now it is a marvellous record.

MR LAMONT: It is beyond dispute.

Mr Humphries: The alleged provision of services?

MR LAMONT: It is beyond dispute, over a great period of time. In fact, I am a supporter, as I know every other member of this Assembly is. But I also have a responsibility, as the custodian of public funds, where I believe that there is a legitimate concern or where there have been repeated - I emphasise "repeated" - requests for investigation of the day-to-day administration of that organisation. I am talking about the day-to-day administration - not about the volunteers, not about the people who go out and stand; not about the people who provide their time at pools. I am not talking about them. I am talking about the day-to-day administration. I am talking about the process required to underpin that enviable record.

My concern, quite clearly stated, is for that administration. I have indicated that, when I am able to be satisfied that the program they are outlining is the program they can deliver and that they have the administrative support and capacity to do so, I will make the funds available to the Royal Life Saving Society. If it means that they are unable to do that, and I need to provide funding to ensure that that work continues, I will do that also. But I will not provide funding to an organisation that in recent times has had repeated complaints in relation to the administration of its activity. That is the simple position, Mr De Domenico. That is the position that has been put to the Royal Life Saving Society and that is the reason why I find what has happened so strange and regrettable.

That process was being undertaken. I was being advised by officers of my department - the rangers - the people that you stood up a minute ago and supported by saying, "Let them do their job. Let them get on with their job". These rangers were reporting to me that they had some concerns in relation to some of those attendances and some of the suggestions that have been put forward by the RLSS. It was a reasonable position for me, as a Minister, to take. Were I to do anything else, I could hear the echoes from across this room about my not discharging my ministerial responsibility correctly. You can rest assured, Mr De Domenico, that I intend to do it and I will do it.

MR DE DOMENICO: I have a supplementary question, Madam Speaker.

Mr Wood: You had your supplementary question, did you not?

MR DE DOMENICO: No, I did not. I am glad that Mr Wood is not the Speaker. Mr Lamont, noting that you have expressed concern at the day-to-day administration - in your words - of the Royal Life Saving Society and noting that the day-to-day administration is the responsibility of the executive officer, who has been appointed by the board, I ask: Do you intend to sack the board?

MR LAMONT: First of all, Madam Speaker, I thank the member for another opportunity to show just how silly he is. The simple proposition, as I have said, is that the Royal Life Saving Society has an enviable record. I have a difficulty in terms of the grant application which has been made. I have a ministerial responsibility to the people of Canberra to ensure that the public moneys that are granted for applications such as the one that has been put forward are expended appropriately and expended for the purpose for which, on a day-to-day basis, those claims are made. When I have satisfied myself that that is the situation in relation to the grant that has been made - - -

Mr Kaine: How long does that take?

MR LAMONT: They were advised last week, Mr De Domenico.

Mr De Domenico: No; that is Mr Kaine.

MR LAMONT: I was looking at him and talking to you. Mr De Domenico, they have been advised as late as Friday, and again on Monday. They received formal written notification - - -

Mr De Domenico: That they were not going to get any money?

MR LAMONT: That is right. They have also been told that, in relation to those concerns that we have, the basis upon which the Sport and Recreation Council - not me, although I concur with the recommendation of the Sport and Recreation Council - - -

Mr De Domenico: Not to give them any money over the summer period to provide lifeguards?

MR LAMONT: No. The recommendation was that they not receive it, because the council was not satisfied with what they were proposing and what was underpinning it. I have received the recommendations, and I concur with that view. When I, as Minister, am satisfied that they are able to discharge their responsibility on the day-to-day basis, I will provide them with additional funds. If they are unable to do that - - -

Mr Kaine: And you will fix it tomorrow or the next day; not in January?

MR LAMONT: Mr Kaine, they do not need the funds until 1 January. They are currently funded, which is the reason - - -

Mrs Carnell: January is four weeks away.

MR LAMONT: That is correct. And, guess what, Mrs Carnell: This is the first time since self-government that the sport and recreation grants have been notified to organisations in November. It is usually in the last week of December. Therefore, Mrs Carnell - - -

Mrs Carnell: So, this time they will know for four weeks instead of one week that they do not have any money.

MR LAMONT: No; that is not the case. You misunderstand. The real problem with your stunt this morning is that you are saying that they have to stop from next week. The funding does not apply until January. They have the funds. They have received the money to operate until the end of the year. That is why what you have done is outrageous.

Mr De Domenico They do not think so.

MR LAMONT: And I would suggest that what you have done is dishonest.

MADAM SPEAKER: No, Mr Lamont - - -

Mr De Domenico: And you take all the responsibility, Mr Lamont?

MR LAMONT: Yes, that I do.

MADAM SPEAKER: I was going to ask him to withdraw, on your behalf, Mr De Domenico; but, with that level of interjection, you make it quite difficult. Mr Lamont, I would ask you to withdraw the implication that Mr De Domenico is dishonest.

MR LAMONT: I unequivocally withdraw such a suggestion. What I was suggesting, Madam Speaker, was that the stunt performed this morning was dishonest.

MADAM SPEAKER: Thank you, Mr Lamont.

Hospital Waiting Lists

MRS GRASSBY: My question is to the Minister for Health, and I would like to hear the answer, Mrs Carnell. The *Canberra Times* today carried an article headed "Majority of waiting list not urgent". Is the information in this article correct?

MR CONNOLLY: I thank Mrs Grassby for the question. What an extraordinary day it has been! We have had over an hour of question time. The health quarterly report, which usually sends the Opposition into a feeding frenzy - there it is, with its yellow cover, and notice that it is sitting on Mrs Carnell's desk - has been out in the public domain, and there has not been a single question from the Opposition on health. What have they been focusing on today? It has been on stopping competition in retailing, stopping competition in petrol, scaring the kangaroos and sort of murking around on a grant application.

Mr Cornwell: I raise a point of order, Madam Speaker. I do not believe that that was the question that Mrs Grassby asked the Minister, and I would ask you to direct him to answer the question that was asked of him.

Mrs Grassby: On a point of order, Madam Speaker: I would like to hear the answer. If the rabble on the other side would be quiet, I might be able to hear it.

MADAM SPEAKER: Mr Connolly, please return to the quarterly report.

MR CONNOLLY: So, after an hour, and with no interest by the Opposition, I am pleased to address the quarterly report. The quarterly report shows that the ACT Government - which is focusing on the hard issues of government, not on the sorts of trivia and flim-flam that obsess the Opposition - has been getting on with the job of turning Health around from its previous disastrous levels, when Mr Seventeen Million Dollars over here had his blow-out, to a situation where we significantly overachieved on the target last year. Mrs Carnell was predicting $10m blow-outs. We came in at $4.4m - not a cause for champagne, but a lot better - and the prediction for this year is that we will bring the health budget in on target. We will achieve our target levels of activity and we will achieve them within budget, and no amount of Mrs Carnell's squawking and carping and carrying on will alter that. If Mrs Carnell thought that she was on firm ground, she would have been up on every question in question time, as she has been in the past, going on about the health quarterly report.

This shows a solid record of achievement; of consolidating the finances of ACT Health; of achieving very satisfactory throughput levels; and, most importantly, stopping the increases in the waiting lists, plateauing them and, in fact, bringing them down slightly. Most importantly, for the first time, we can report to the people of Canberra the composition of the waiting lists, using nationally accepted standards for categorising people on the waiting lists. The standard, which was developed in the first instance by your Victorian Liberal colleagues, shows that only some 19 per cent of patients on our waiting lists fall into the urgent category, category 1 - in fact, only 2 per cent are in category 1 and 17 per cent are in category 2 - that 81 per cent are in the very non-urgent category, yet our throughput in the - - -

Mr Humphries: It does not matter about hip replacements and varicose veins. They do not matter.

Mrs Grassby: Madam Speaker, I take a point of order again. I would like to hear the answer.

MADAM SPEAKER: Yes, I know, Mrs Grassby. Mr Connolly is - - -

Mr Kaine: Why do you not ask him quietly, instead of going through all this nonsense?

MADAM SPEAKER: Order! Mr Connolly, just proceed. Let us have a moment's silence. Perhaps people will remember what it sounds like. Let us have some order.

MR CONNOLLY: Thank you, Madam Speaker. The level of agitation of the Opposition now and the fact that for an hour they did not want to ask a question about the health quarterly report are more eloquent than anything I can say today. While only 19 per cent of the patients on the waiting lists fall into the urgency category - which says that they should be seen within three months - in fact, 39 per cent of patients on the waiting lists have been waiting for less than three months. So, we are throughputting people at a significantly greater level, and that is quite appropriate for people who have absolutely non-urgent, elective conditions.

Mrs Carnell: Like hip replacements?

MR CONNOLLY: Mrs Carnell, a hip replacement that is urgent, as a result of a fall or a fracture, can be dealt with in a couple of days, and a hip replacement that is purely elective can wait for months. You know that, but you will not be honest with the community.

Mr Berry: On a point of order, Madam Speaker: I draw your attention to standing order 202, which relates to the naming of a member, and I would suggest that Mrs Carnell is sailing a bit close to the wind these days.

MADAM SPEAKER: I will make my own decisions on that standing order, Mr Berry. Let us have a bit of order.

MR CONNOLLY: So, yes, Mrs Grassby; those figures reported in the paper this morning were accurate. On the ABC news late last night, on the national round-up, when Andrew Fraser of the *Canberra Times* was saying, "Yes, over 80 per cent on the waiting lists are in the non-urgent category", the compere from Sydney said, "The public health waiting lists in the ACT seem to be in pretty good shape then, do they not, compared with other parts of Australia?". So, I thank you for that editorial comment.

Again, the fact that the Opposition members, who are usually obsessive and who trivialise health quarterly reports, have sat mute today indicates that this document proves that the Government's determination to continue to improve the health system is showing results. We are getting on with the hard work of government while you people - - -

Mrs Carnell: The document is fudged, Terry. You know it. Why ask questions on fudged documents?

MADAM SPEAKER: Order!

MR CONNOLLY: Here she goes again. This discredited and leaderless Opposition is obsessed with trivia.

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

Petrol Station Sites

MR WOOD: Madam Speaker, as members were interested, I can report that at 2 o'clock four tenders had been received in response to our advertisement for petrol station sites.

ANSWERS TO QUESTIONS ON NOTICE

MR CORNWELL: Madam Speaker, I wish to ask a question under standing order 118A. I refer the Minister for Housing and Community Services to my question on notice No. 1430, which was due to be answered on 11 November. I refer the Minister for the Environment, Land and Planning to my question on notice No. 1442, which was due to be answered on 12 November. I wonder whether the Ministers could provide answers to those questions for me today.

MR LAMONT: I will undertake to provide that answer by close of business today.

MR WOOD: I will provide an answer as soon as possible.

ASSEMBLY VISITORS

MR BERRY (Manager of Government Business): Madam Speaker, I would like to acknowledge the attendance in the chamber of the ACT Embroiderers. I am sure that they will be around for a while.

PAPERS

MR BERRY (Manager of Government Business): Madam Speaker, for the information of members, I present the following papers:

Department of Health's Activity Report for the September Quarter 1994 - - -

Mr Humphries: The whitewash report!

MR BERRY: I hear Mr Humphries scream out "whitewash". That is what his leader said about Mr Kaine, in a very unkind report in the *Canberra Times* this morning. I also present:

Legal Aid Commission - Annual Report 1993-94, together with the financial statements and the Auditor-General's report, pursuant to the Legal Aid Act 1977;

Occupational Health and Safety Council - Annual Report 1993-94, pursuant to section 12 of the Occupational Health and Safety Act 1989;

Australian Federal Police - Annual Report 1993-94 on Policing in the ACT, including financial statements and the Commonwealth Auditor-General's report.

NEIGHBOURHOODS
Discussion of Matter of Public Importance

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

The failure of the ACT Government to take full account of the needs of Canberra's neighbourhoods.

MS SZUTY (3.46): Madam Speaker, I have raised as a matter of public importance for debate today the failure of the ACT Government to take full account of the needs of Canberra's neighbours. I would like to begin by reminding members of my remarks when I was speaking in the debate on country town policing. I have a strong belief that it is to the benefit of all Canberrans to live in cohesive communities with a strong sense of local identity. While there is, to some degree, what I call a sense of community in some neighbourhoods in Canberra, it is by no means always the case. I believe that it is appropriate that, whenever possible, government policies should seek to foster and develop this sense of community.

The National Capital Development Commission recognised in a planning context the need for neighbourhood identity when it developed the town centre, group centre and local centre hierarchy. This hierarchy served Canberra well up to the time of self-government, and this concept has been continued and been reflected in the planning principles espoused in the Territory Plan. What is concerning, Madam Speaker, is the fact that the sense of community at a neighbourhood level has seemingly been eroded since self-government, and especially during the life of this Assembly. It is germane, I believe, to consider some of the comments made by Mr Bob Lansdown in his recent residential redevelopment review that was commissioned by the Minister for the Environment, Land and Planning. Mr Lansdown noted:

There was a strong desire expressed to reinforce rather than change the special character of many, especially the older, Canberra neighbourhoods and there were suggestions that the Planning Authority should give more attention to building up a sense of place, as the changes occur, rather than concentrating on design, siting and building standards.

In short, giving the same ... care to the management of change that went into the original neighbourhood planning.

Madam Speaker, the comments made by Bob Lansdown in this report, and indeed the need for the review itself, indicate clearly that the Government has not taken sufficient cognisance of Canberra's existing neighbourhood structure in the course of implementing its 50 : 50 urban consolidation policy. But neighbourhoods are about more than bricks and mortar. While good planning can help create an environment in which a sense of community can develop, and bad planning can substantially impede such development, it is the people of the community and their interaction that really define a neighbourhood.

Madam Speaker, in taking this broader view of what a neighbourhood is, I refer to the *Oxford Dictionary* which, as well as defining neighbourhood in terms of nearness, or vicinity and district, also defines neighbourhood as a community, friendly relations between neighbours, and neighbourly feeling or conduct. It is in this sense that I use the term "neighbourhood". I regard a neighbourhood as a community of people who are geographically close to each other, who share local amenities, who provide mutual support to each other and who develop a capacity for self-representation. In other words, a neighbourhood is a community which has developed a degree of synergy, a community in which the whole is greater than the sum of the parts.

It is in the area of shared local amenities that I believe that the ACT Government has failed to take full account of the needs of Canberra's neighbourhoods. These local amenities are made up of many facilities and services, including shopping centres, community facilities such as meeting halls, schools, child-care facilities, preschools, health services, community services, roads and parking facilities, accessible public transport, pedestrian and cycle paths, safety, both real and perceived, accessible sporting facilities, playgrounds and public parks and the non-urban environment in general. It is the sum of

these facilities that provides the environment for the development of a sense of community. When residents need to leave their neighbourhood to access some of these services they also access other services outside their neighbourhood. This can result in the decline of the remaining local services, further contributing to the centralisation and, in some cases, dehumanisation of service provision.

Madam Speaker, historically, the development of Canberra was focused on the neighbourhood, with each neighbourhood having its own school, shops and other local services. These facilities gave a sense of focus for the local community and enabled that intangible sense of community to develop. I acknowledge, though, Madam Speaker, that times have changed. Transport by car predominates. Indeed, the development of the city has been predicated on private car usage. Extensions to the trading hours of major supermarkets, while meeting consumer demand, have had a major impact on the viability of small shops in local shopping centres. We have also seen changes in petrol retailing patterns, with a shift of emphasis from the local service station with driveway service to the larger self-serve outlet. These examples are indicative of broad societal changes that Canberra has seen over the last few decades - changes which have had a significant impact on Canberra's local centres and communities.

Madam Speaker, we have also seen new suburbs developed without shops or schools, child-care services being linked to group centres in preference to local centres, and reduced maintenance of local open spaces, ovals and playgrounds, although for playgrounds this has changed in recent times. Facilities and services such as these help give a sense of focus for a community, and help foster the development of vibrant and exciting neighbourhoods. We need to recognise that times have changed, while recognising the ongoing need for focus in a community so that neighbourhoods can thrive and grow. This means that government needs to embrace flexibility, adaptability and understanding in the delivery of services to local communities, rather than adopt a narrow, specifically focused approach to local facilities and services on an agency or program basis. The need is to consider the community as a whole, rather than be constrained by artificial boundaries between government agencies.

A clear example to illustrate this point is the example of the community use of schools. As I have discovered recently, few communities have local meeting halls and related community facilities; yet, in most of these communities, there are substantial school facilities - capital assets which may be unused in the evenings, at weekends and during school holidays. A number of recommendations have been made by the Social Policy Committee of this Assembly that school facilities should be made more freely available for community use. Yet the Government has effectively buried within the Department of Education and Training the recommendation that school halls and other school facilities be made more affordable and accessible to local communities.

Madam Speaker, the Government has recognised some of the issues affecting local communities and is taking positive action in some cases. Initiatives like community policing and the establishment of local precinct committees, such as that in O'Connor, go some way to recognising the needs of the neighbourhood. But more needs to be done.

Each initiative appears to have been considered in isolation. By considering the neighbourhood as a whole, each of the services within the neighbourhood can be considered in context and the real costs and values determined. Just one example might be the real costs, both for the individual and for the community, when a mother drives three suburbs away to a baby health centre rather than walking to a local facility with the baby in a pram.

It is appropriate at this point to return to the Lansdown report, which stated that, in the context of urban consolidation and residential amenity, the preferred option was:

... that the Planning Authority specifically identify urban areas with different residential characteristics and different levels of visual and physical amenity, and introduce more development, (non-statutory) guidelines and timeframes which are area specific and appropriate to each locality.

The report went on to note that this approach was potentially very resource intensive and, as a result, recommended that initial area focus might be simplified to five broad areas, with these areas being subject to more detailed study and community liaison. The report also suggested that, as a subsequent task, the Planning Authority could also progressively identify specific localities where more detailed controls could apply.

Madam Speaker, it is clear from his report that Mr Lansdown is advocating more consultation by the Planning Authority with local communities; but in many areas there is little or no sense of community at a local level, and what there is is being eroded by government action or inaction. In this context it would be appropriate that consultation in respect of these local areas be undertaken in such a manner as to promote community development. This could be done in a number of ways: By satisfying a need in the community to have influence; building leadership and decision making skills within the community; clarifying the planning process and keeping the community informed; encouraging community self-support and self-reliance; promoting interaction between interests groups; and validating opinions voiced in the community, strengthening community cohesion and developing mutual support networks.

Madam Speaker, the long-term value to Canberra of strong and vibrant communities is incalculable. The willingness is there in our local communities to contribute to the development and management of those communities. It needs the Government to accept the challenge and to regard neighbourhoods in a holistic way. Only then, I believe, will we see the flowering of neighbourhoods and the development of a true sense of community throughout Canberra.

MR STEVENSON (3.56): There is concern about neighbourhoods. The particular point I would like to raise concerns the right to live in relative peace and quiet in a neighbourhood, and particularly the concern that so many people have about large trucks and other commercial vehicles operating from residential areas. First of all, it has been said that people have a right to a living. Indeed, they do; but, under law, and in commonsense, it is the same as the right to swing your arm - it ends immediately before someone's nose.

So, the right to earn a living ends when you interfere with somebody else's standard of living - the right to live in relative peace and quiet. This is something that is well known under law, and I am sure that no-one would disagree with it. It is the point we must remember because it is not just a matter of a person's right to earn a living. There are many restrictions that we have in our lives. You have a right to earn a living; but you have to have these licences, pay these taxes, operate within certain hours, operate only in certain localities, and so on.

What are some of the problems that are caused? First of all, let me look at the danger involved to neighbourhoods. Urban areas in Canberra were not designed to accommodate large commercial vehicles - 10 wheelers, 18 wheelers, 20 wheelers. They cannot go around the corners without going onto the wrong side of the road. They cannot make turns within a street in many cases without going over the footpaths and without going over the centre kerb areas.

Let us look at a couple of problems that have been sent to me. I will not mention the names because they are not particularly important. The principles are important, though. This is from a newspaper article:

... a nearby semitrailer is a noisy nuisance, waking him up in the early hours of the morning and late at night.

... the semitrailer's presence has also resulted in a devaluation of his property. [He] says this was confirmed by the Department of Administrative Services in 1992 and resulted in a provisional reduction in his rates.

... an engineer from the Traffic and Roads Section subsequently inspected the street, finding slight cracking in the pavement.

This cracking in the pavement is a very important point that I will get back to in due course. There was a government poster in Woden, in the square, covering the development of ACT roads. It indicated that one heavy vehicle has the wear and tear on the roads of 15,000 cars. That is a remarkable figure. But it is well known that it is not an arithmetic progression as you go up in weight; it is geometric. It rockets like the national debt has in Australia over the last few decades. Let me read about another case. This is a letter from a constituent and it says:

Next door there is a trucking business where large trucks are parked and repaired.

I am selecting sections from these letters. This letter continues:

Beside the noise, danger and pollution associated with this business there has been two large explosions which were heard half a kilometre away.

Another one refers to a 10-wheel tip-truck and it says that there are usually at least four vehicles at this address. The letter says:

This vehicle has left and returned to his property at all times of the day and night - even at 2 and 3 am ...

the road outside his property is showing signs of breaking up from having this large vehicle continually turning across it. My cross-over, which he chooses to run his vehicles over (in spite of being asked by the Department not to do so) has also been broken up ...

coming and going from his residence and loading equipment at different times of the day and night.

That is an interesting point. It continues:

This situation seems to have been overlooked in Noise Pollution legislation as it only covers the owner leaving and returning to his residence ...

Last year I applied for a revaluation of my rates and my property has been devalued because of the activities and state of my neighbour's property.

Let us have a look at another document, headed "Issues that need resolving", which says:

I do not want a very large truck parked next to my place.

I believe that the presence of the semi will devalue the property.

I am concerned about the safety of my children.

This is an urban setting not an industrial one. I don't believe trucks of this size especially in a city/country as large as this one need to be parked in an urban setting.

I would not have bought this residence if there was a large truck parked next door.

I now feel I will have difficulty selling the property if the need arises.

There is the matter of visual pollution.

There is the matter of noise pollution.

There is the matter of air pollution.

There is the question of fencing which has to be resolved.

Trucks are not built to go in normal house driveways, and apparently there was some damage done to the fence. This gentleman says:

I believe I have rights in this issue.

I value good relations with all people especially my neighbours ...

Indeed, people do; but what do they do when they have this problem and it goes on month after month and, in some cases, year after year? It is not only a noise pollution problem, although the noise pollution problem is one that is marked. We all know that in the Small Claims Court there was a case where someone said that the neighbour was starting up a large truck in the morning and it was waking them up early. In this particular case the people were retired. There was a court order that the driver was not allowed to start the truck before 5.30 am. That is a very interesting time for those of us who do not get to sleep until 3.00 am or thereabouts.

It is interesting to look at what other noise you cannot make. You cannot run a power saw at night or in the early hours of the morning. You cannot run a chainsaw. You cannot run other heavy machinery. You can run a truck, but not the others. There are strict regulations under the Noise Control Act.

Mr Stefaniak: It is draconian in terms of motor sport.

MR STEVENSON: That is an interesting point. In daytime it is just five decibels above. There are even stronger limits between 10.00 pm and 7.00 am. It has to be just background noise. That is reasonable. I am sure that most people would agree with that. Seven o'clock is early enough. It is too early for some people, but that is okay; you have to compromise; you have to have a balance. I suggest that 5.30 am or 6.00 am is simply unreasonable, particularly in this day and age.

People complain about dogs barking loudly in the night or early in the morning. That is quite reasonable. It seems a lot easier to get something done about that and these other noises than it is about trucks, because trucks largely are exempt from these tight restrictions under the Noise Control Act. Also, large vehicles commonly drip oil, and sometimes they can be warmed up for a long time and there is a problem with diesel fumes and other gases that are emitted. When the truck is turned off at night-time the air-brakes make a considerable noise as they shut down. Another gentleman wrote in and talked about the clunking of the truck as it goes over the gutter and the noise caused by the motor warming up. He mentions being woken up at 11.30 pm, 12.20 am, and 5.45 am.

People have said, quite reasonably, "What is the solution?". I agree that some things are easier to solve than others. It would be easy to solve a lot of our problems in Canberra by abolishing this State-like Assembly. So, some are easier than others. When we come to trucks, what do we look at? Either you can operate them in residential areas or you cannot. It is obvious that, with a 40-foot truck, a 50 footer, a 60 footer, a double-axle job, whatever, there would be some restrictions. Basically, we are talking about the size of vehicles that should be allowed in residential areas. We are also talking about the times

during which they can be operated. It is that simple. All of us would agree that there should be restrictions. What we need to address is the times that the restrictions should apply and to what size vehicle. I suggest that it is not all that hard to do. A few weeks, a few months, should do it.

I am informed that solutions are coming before the end of the year. If so, that would be excellent. I do not think the solution is to say that only the biggest trucks cannot do it. An eight tonner, as an example, is a heavy vehicle. It still breaks up the roads. All taxpayers have to pay for these things. Residential areas are not designed for them. This is an ongoing problem that concerns a lot of people throughout Canberra. It has been suggested that there are some 600 heavy vehicles being parked and operated in residential areas around Canberra. That is an enormous number of vehicles in a council-size area.

The Minister mentioned at one time that there was one complaint coming in every week. That is a remarkably high level of complaints. I think we would all agree that many people do not voice their complaint because of fear of reprisals, because of fear of retaliation. I know of one case where a truck driver had a house and looked after the place very well. He had a very nice front lawn, nice shrubs, flowers, and other things. He parked his truck on the neighbour's front lawn, believe it or not. It was a big truck. It put ridges in the earth - it was very heavy - and the neighbour mentioned it. One could call it a complaint, but the idea is to talk to somebody about these things. They mentioned this and they got the retaliation. This person, when the neighbour was out, put a hose through the bathroom window and turned it on. He also did his best to jam the front door lock, threw things on the front lawn, made a tremendous noise, and made a number of personal accusations and so on. The police were called. So, I can understand that many people will not voice their concerns. There have been cases in Canberra where people have voiced their concerns. They have done the right thing, not just gone straight along to complain to the authorities.

What about talking to our neighbours? What about accepting responsibility for our own community? We should not run off to the government department to look after us. I agree; try to work it out ourselves. People have done this and, unfortunately, they have found that they have had problems as a result because some people are unreasonable; certainly not all people, but some people. We need to do something about this, and to do it rapidly. We need to make sure, though, that the times in which trucks are allowed in residential areas are reasonable and that the size of the truck is not too large. Leaving it at an unreasonable time and too large trucks will only exacerbate the problem.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.11): I thank Ms Szuty for the opportunity to rise to speak about this very important matter and the information supplied by Mr Stevenson in his dissertation, which I think would probably more correctly have been entitled "A speech to an MPI that said 'The failure of the ACT Government to take full account of the needs of Canberra's neighbours'", as opposed to the substance of the MPI, which is the neighbourhoods issue. I reject both assertions, whether construed in the narrow form of the comments made by Mr Stevenson or in the broader sense of the comments made by Ms Szuty.

Fundamentally, local areas or neighbourhoods have seen the development of Canberra society. We have seen the development of the National Capital Plan and the local Territory Plan. This has been the subject of much debate and discussion. Quite obviously, in response to a number of the observations made by Mr Lansdown in his report, the Government has taken up the issue of local area planning. I suppose that you could really read into that that you would need to address all of the issues covered by Ms Szuty. We are talking about the infrastructure within that local neighbourhood as much as we are talking about the built form, or the concept or structure of the built form within that local area.

What I have done as Minister, with the endorsement of the Government, is establish a range of precinct management groups which ultimately will extend across all of the suburban form in the ACT as far as shopping centres are concerned. *(Quorum formed)* As Minister, I have taken a keen interest in the issues associated with the development of our neighbourhoods and the provision of infrastructure. The development of a precinct management model, which is aimed at improving the urban amenity of our shopping precincts as part of the neighbourhood, in fact includes the neighbourhood in that process. Consultative arrangements were determined by, as an example, the O'Connor precinct management group elected following a series of public meetings of O'Connor residents as well as shop owners and landlords in the O'Connor precinct. They have demonstrated quite clearly that it is a very effective way to ensure involvement in the rejuvenation of that shopping facility. It has also addressed a range of issues which fall outside the narrow confines of the shopping centre and relate to the public open spaces and green spaces around that centre as well as some of the traffic management issues associated with through traffic and traffic arrangements within O'Connor. That has now been extended to Narrabundah and also to Hughes. It will ultimately be extended to Watson, as far as its rejuvenation is concerned, and then throughout the remainder of Canberra.

This is a process by which this Government quite clearly involves the community in establishing the neighbourliness of neighbours, if you like, and encourages the reaffirmation of the great commitment that has been built up in the ACT, this feeling that we are part of a local community. This, in a lot of older cities, comes as a matter of course as those cities have developed over a century or more. Within the ACT it must be understood that the greater bulk of the urban form has been developed only over the last decade and a half. I read with interest just recently an excellent publication put out by the Department of the Environment, Land and Planning which gives the history of street names and the development of suburbs in the ACT. That is a magnificent publication that gives you a quite clear appreciation of how Canberra's neighbourhoods, its local suburbs, have developed. What we need to do, and what this Government is committed to doing, is ensure that we continue the development of that local identity, but, in doing so, not detract from the position that we are Canberrans and that we have a wider urban fabric than just an immediate neighbourhood.

In addition to that, I am also responsible for the ACT Housing Trust. The ACT Housing Trust, in some suburbs, in some local areas, owns in excess of 30 per cent of the housing stock. Therefore, 30 per cent of the residents in, say, Ainslie are public tenants. As such, I have a responsibility to ensure not only that those tenants are afforded the rights of every other citizen living in Ainslie, but also that they are required to meet the obligations of every other tenant or person living in Ainslie. To that end, in an announcement by the Minister, Mr Wood, in responding to the Lansdown report, the Government quite clearly has indicated that in a wider suburban context in Ainslie, as an example, the local area planning arrangements will be put in place.

I understand that Mr Wood, in a moment, will expand on this. Our first meetings in that area are scheduled for December. They are aimed at getting the community together in relation to the local area planning issues and a lot of the local infrastructure issues associated with a number of concepts that Ms Szuty raised in her opening remarks - concepts about our schools, concepts about the way our streets are structured, the relationship with local shops, the relationship with schools and so forth. This is all part of being within this neighbourhood.

The Government, in protecting and securing the future of our neighbourhoods, has, I believe, an enviable record. That does not mean to say that on occasions things cannot be done better, or that we should say, "We have implemented this program; therefore we should remain static". As a city we will mature, we will develop, and governments of any persuasion, over time, need to mature and develop with the city. We need to develop and mature in our attitudes towards our own neighbourhoods. We need to mature and develop responses which our communities, our neighbourhoods, want - nay, I say, demand - from governments and service providers.

It is interesting also to note that it is not just the Government that has a responsibility for the development of neighbourhoods. Private individuals also have a responsibility to be involved in that concept, as do private sector organisations, private businesses. Non-government organisations also have a legitimate role in developing these concepts and encouraging the development of neighbourhoods. I am pleased to see that in a range of areas, whether it is in child-care, whether it is through the Housing Trust, whether it is through the planning department, whether it is through the ACT Housing Trust, whether it is through the Department of Urban Services, the ACT police force, the Fire Brigade and those other government service providers, that is what is happening. Involvement between government organisations and non-government organisations is at an all-time high in those areas. The great respect that these organs of government have within the community, I believe, is probably the highest amongst any community in Australia. If I look at our police force, a government service, it is, in fact, the most highly regarded police force by its community in Australia. If I look at the Fire Brigade and our Ambulance Service, a similar position applies.

Without repeating myself too much, Madam Speaker, I would indicate that this Government has an enviable record. This Government is not just the eight people who sit on this side of the house. This Government is, in fact, the management of the organisation of the ACT administration. That is why I claim that Ms Szuty's proposition is in error and that, in fact, the Government has been providing for the advancement and development of neighbourhoods in the ACT.

MR STEFANIAK (4.22): I think there is a lot of force in Ms Szuty's matter of public importance - "The failure of the ACT Government to take full account of the needs of Canberra's neighbourhoods" - and I will mention a couple of points. Firstly, I indicate that there are probably some things which this Government pursued, and certainly the Opposition and those members of it when it was in government pursued, which really are very much common ground and are quite sensible. So, I think the use of the word "full" is quite correct because I think any government since self-government has taken some account of the needs of Canberra's neighbourhoods.

One concept which the Opposition certainly supports, and that I think a few members mentioned, is the role of the country cop. The people I speak to in the northern electorate-to-be of Ginninderra are very keen to see that extended. People at Charnwood recently indicated that they would dearly like to see a country cop for Charnwood because there are a number of problems there, especially in relation to under-age drinking behind the shops and the swearing, damage to property, assaults and violence that tend to flow, unfortunately, from that.

I was pleased to hear some members say here today that it is not only government that can contribute to a neighbourhood; the people also can. I would like to take this opportunity to give a big pat on the back to the Anglican Church which operates out of Charnwood and which has set up refreshment stalls, a soup kitchen, and coffee and tea facilities from 10.00 pm on Fridays till 3.00 am on Saturdays. That is specifically designed to attract youth, to have a chat to them, and to do something to assist them to keep out of trouble. I suppose that it is very difficult for the police to be everywhere, especially with this Government constantly cutting the police budget. People have indicated that they would like a neighbourhood cop in Charnwood. If that experiment goes well in Canberra, it should be extended. I would commend that suggestion to the Government.

One other point I want to raise, though, indicates the failure of this Government to take full account of the needs of some aspects of Canberra's neighbourhoods. Mr Stevenson touched on that to an extent in relation to commercial vehicles and other problems in our suburban streets. I know that that is a difficult issue, but I think something can be done to balance the needs of people running a business and the legitimate rights of neighbours to quiet, peace and proper enjoyment of their street.

I am now going to mention a specific case in Kambah. Some residents of Faithfull Circuit have been complaining to the Department of the Environment, Land and Planning for over three years, and I think only recently has much attention been paid to their complaints. This is not an isolated problem, because I have heard of similar complaints around Canberra. One of them, Minister, relates to unreasonable noise. The complaints relate to a number of Acts being breached. I would say that there is a very big and very sad difference perhaps between the speed with which the ACT Government, in relation to noise, has responded to complaints about motor racing from a couple of residents across

the border in New South Wales and the tardiness and reluctance to respond to complaints from citizens within the Territory in relation to noise emanating in the suburbs. I think there is a little bit of a double standard there, Minister, which you should take a little bit more interest in and be a bit more positive about. That concerns the Opposition greatly.

The problems at Faithfull Circuit, Kambah, relate to a business or a series of businesses operating out of No. 12. The residents have written to the Department of the Environment, Land and Planning on a number of occasions, including a letter signed by residents of the street and dated between 28 September and 4 October this year, and others sent more recently on 25 November and 27 November. I understand that the Minister was also spoken to at his Tuggeranong electoral office on, I believe, 21 October. The problems at Kambah are problems which I think are intolerable. Residents have to put up with them day in and day out and action does need to be taken. I am surprised that nothing has really happened for some three years.

Perhaps it is best if I simply list a couple of the concerns the residents have. They quote sections of the Territory Plan and the Land Act in terms of what people can and cannot do in running businesses from suburbs. We are always, I think, going to get some complaints in relation to people running businesses from suburbs. One of the points the department makes is that any business run from a suburb should not involve any activity which generates pollution, creates a health hazard or causes annoyance to neighbours in terms of the provisions specified in the Noise Control Act, the Air Pollution Act, the Water Pollution Act, the Pesticides Act and the Public Health Act. The residents of Faithfull Circuit have said that the business operating from No. 12 has been involved in commercial enterprises of one kind or another which have disrupted the zoning of the land. The residents there have a quite busy trash pack business or businesses which they operate from home, and that involves the storage, conveyance and removal of noxious and hazardous waste material. Much of that waste material has been left unprotected and unsecured in the front of the premises for days on end, and in front of the building line.

Residents who have not suffered any health problems before, over the last three years have suffered things such as suddenly getting fleas in their hair and allergies. A couple of households have suffered. One household with four young children under eight have noticed problems with their kids suddenly getting fleas in their hair. They noticed about that time that there were some rotting mattresses left outside the subject premises which could well have been a source of fleas and other vermin.

Another criterion in relation to running a business from home is that goods relating to the business are not displayed in the windows or outside the building and that the business does not result in the storage on the block of materials obtained for or generated by the business other than within the confines of the approved structures. The complaints are that items from the business have been left outside unsealed, and waste material has been left and stored on the block. Things such as fridges and old stoves have been stored outside. I have some photographs here which I will give to the Minister for the Environment, Land and Planning after this debate so that he can refer those to his department, if they do not have them, and they can investigate this further.

There is a provision in relation to commercial vehicles, and in this particular case the neighbours complain of a number of commercial vehicles outside the premises which often cause difficulties for other road users who travel around that street. They have difficulty in getting past some of these vehicles that are parked on the nature strip, on the roadway and in the vicinity of those premises. There is also no provision for adequate parking facilities for visitors' or customers' vehicles, and quite clearly there are no adequate parking facilities there. The residents also complain of traffic generated by the business, which is unacceptable and does affect the flow of local traffic. As I said before, local traffic has trouble getting out. Also, by the nature of this business, people are woken up at 10.00 pm, 2.00 am and 5.00 am on a quite regular basis.

All these matters have been made known to the department and, more recently, to the Minister. I understand that some action is now being taken; but, quite clearly, a number of people have a very real concern. Their neighbourhood amenity and quality of life quite clearly is being threatened, and action is very slow in being taken. This is not an isolated incident and we are seeing, as I said earlier, a number of instances throughout Canberra where people in certain neighbourhoods do have a number of problems which do have to be addressed.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

NEIGHBOURHOODS
Discussion of Matter of Public Importance

Debate resumed.

MR STEFANIAK: Madam Speaker, I will pass what further information I have to the Minister. His department has some. I indicate that I will be following this with great interest. I will be in contact with him outside this chamber in relation to it so that appropriate action can follow.

On a more positive note, Madam Speaker, Canberra does have a unique reputation throughout Australia, and I believe the world, as being a very beautiful city as a result of Walter Burley Griffin's original plan. An integral part of that plan is nice neighbourhoods and city centres where people can live. I think that most Canberrans value that more than

anything else. They value the physical beauty and the ease of living in Canberra, and the fact that our neighbourhoods are the envy of the rest of Australia. That is something that any ACT government has to cherish and try to maintain as best it possibly can as we go towards the twenty-first century.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (4.32): Madam Speaker, in broad terms I would agree with the concepts and the principles expressed by Ms Szuty in her speech. I would not agree that they actually matched the MPI, which has in its wording a criticism of the ACT Government, because I do not think there was any substantiation of that claim in her speech. She spelt out some principles that probably are fairly sound and would be generally endorsed. Whether they can be applied in every instance is another matter.

The ACT Government, for nearly two terms, or one term and a half, has been working very hard to refine and to improve its processes in respect of how it treats people generally and their neighbourhoods. We inherited, at self-government, a system that was fairly dictatorial. The National Capital Planning Authority was fairly strong in the way that it did things. If there was anything not related to that, it was so remote, it was so distant, that the citizenry had no real access to the Commonwealth bureaucrats who ran hospitals and the like. Self-government brought a change, and a change for the better. Over that period I think we have all been conscious of the need to improve our processes. We all make a great deal of consultation, and I think all of us do so seriously. Certainly, speaking for the Government, we mean what we say. I would not pretend that on every occasion, in every example, we have always achieved perfection. Of course, we never will; but we are setting about improving the way we do things.

Let me give an example. At Oaks Estate, during this year, we ran a process with the community to draw out with them how they wanted their suburb to be in the future. I think that is a reasonably good model for the local area planning that we are now undertaking. The community was invited to participate and it did so with considerable enthusiasm. The outcome, I believe, was an excellent one. It was not an outcome that said, "Nothing much can change here; we cannot do anything in this suburb". The outcome was one that acknowledged that there would be changes, but they would be managed and they would always enhance that little area. There are some advantages in the way that that was done. Oaks Estate is a very clear, discrete area. There is no difficulty in identifying who should be involved. Secondly, it is sufficiently small to allow everybody to be easily informed, and this allowed an open invitation for anybody to participate. As we look at models for our local area planning, it is a good one; but it is not necessarily one that can be immediately implemented. If we go to some of our larger suburbs, I am not sure that an open invitation to whoever wishes to turn up can be incorporated in the planning and is necessarily going to be the best way to go.

Ms Szuty made a comment that I agree with, and it is one that we have to keep well in our minds. In our local area plan, as in our decisions across Canberra, she said, we have to regard the neighbourhood as a whole and it is greater than the sum of its parts. I would ask Ms Szuty, and others, to reflect upon that. That means that we have to take a decision in respect of the whole neighbourhood, sometimes in respect of the whole city, and that no one small part of that, even numbers of those small parts, can necessarily

dominate or overstate some of the issues. That is something that Mr Lamont and I have to have in mind as we establish these local area planning groups. How do we get that representation from communities? We have to look at the whole, not the parts of it. Those parts are going to be there, certainly; but we have to look at the whole. I think that, without perhaps expecting it, Ms Szuty raised, for me, what is a very important point. Neighbourhoods are important in any community.

Let me tell you about the problems, sometimes, of neighbourhood involvement. We have tried very hard in our planning processes to involve the whole community, but it is not easy. I think I related a story here that until you come into someone's street, until you come right down to the backyard, it is hard to get people involved. I remember that ahead of the last election, and shortly after it, we worked hard in government to get PACTT as part of a body we could work with. We wanted them involved. They had done an effective lobbying job during that election campaign and we set up a process to keep them informed. If that group had developed, it would have been a very good point of contact; but it did not develop. It arose because some people, some parts, had very specific interests. It arose, but when those particular interests were dispensed with they did not care any more.

It is not necessarily easy to establish a neighbourhood and then to ensure that that neighbourhood carries on in a continuous fashion. Ms Szuty would know the number of groups that have flitted in and out of our consciousness. They come in and then they disappear. Neighbourhood groups are very much of that order. It is a challenge to us to see whether we can get neighbourhood groups up, and, even if there is no major or significant problem or issue in their area, to keep them on and see that they maintain their activity. It is important. It is no easy task for us, but I think it can be done. I do not claim at this stage to have all the answers.

Further to that, there are sectional interests to which we have to pay attention. Mr Stefaniak today seemed to be giving me a serve because I wanted to do that; I wanted genuinely, Mr Stefaniak, to attend to something that was happening, and I got a serve for it. It is incomprehensible. There is a whole range of groups around the ACT - environmental groups, social groups, welfare groups, sporting groups - that we deal with. I would not dare try to add up the number of advisory groups, committees, councils and the like that either the Government formally established as points of advice or are out there, without our initiation, providing that advice. There is a very large number of them, and we want that. That is good for us, and we get very good advice. I hope that you do not mind, Mr Stefaniak, if I go looking for it. But that advice sometimes has to be married to the whole picture. That advice can sometimes be in conflict with neighbourhoods, and the aim is, hopefully, to work those through; but those two different sorts of groups have to be accommodated. I do not think too much credit can be paid to the thousands of people in the ACT who do a great deal of work and provide their talent to help sporting, cultural and other bodies and to provide advice to the Government. They are a very important point of contact for us, and I do not think I could complete this debate without giving recognition to them. Those groups are also part of the ACT neighbourhood and they have to be accommodated in the range of thoughts that we find in this Territory.

MADAM SPEAKER: The debate has concluded.

ROYAL LIFE SAVING SOCIETY

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I wish to provide additional information to an answer which I provided during question time this day.

MADAM SPEAKER: You have leave.

MR LAMONT: Madam Speaker, during the course of answers to questions from both Mr Berry and Mr De Domenico, I raised the dates and timing of grants for the Royal Life Saving Society. I indicated that the grant for which they had applied to the Bureau of Sport, Recreation and Racing, and that recommendation to me for zero grant by the Sport and Recreation Council, were to take effect from 1 January 1995. I wish to clarify that point. Despite the fact that that may have been the recommendation, I have, in fact, said that I would fund them, consequent upon a number of issues being resolved. The community service grant which they had been operating on, and which they were aware would expire on 30 June 1994, has expired. The Royal Life Saving Society had been aware for two years that there would be a period between 30 June 1994 and 1 January 1995 for which no grant was applicable. It was drawn to my attention by one of my staff that that could have been either misinterpreted or confused. I needed to appropriately clarify that.

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

MRS GRASSBY: Madam Speaker, I present report No. 18 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the report.

Leave granted.

MRS GRASSBY: Report No. 18 of 1994 contains the committee's comments on one Bill. I commend the report to the Assembly.

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

Debate resumed from 29 November 1994, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (4.44): Madam Speaker, the Opposition will be supporting this Bill in its entirety. It corrects anomalies in the present legislation. It appears that some areas of the current legislation are open to misinterpretation - issues such as what an enclosed restaurant is, the commencement date in some circumstances for licensed premises having to become 50 per cent smoke free, and other similar issues. This Bill brings the smoke-free legislation into line with what the Assembly had in mind when it passed the original legislation.

Mr Berry: But you mucked it up, did you not?

MRS CARNELL: It was not our Bill, Mr Berry; it was a Bill that came from the committee chaired by Mr Moore. We are very happy for this Bill to bring the legislation into line with what I believe the Assembly as a whole, certainly not just the Liberal Party, supported.

The one issue that still is of interest to the Opposition and something that I hope Mr Connolly will elaborate on is the issue of the fee that will be involved in the various aspects of this Bill. It is something that certainly is not elaborated on and is not, for that matter, directly part of this Bill, but it is something that there is real concern about in the community generally. It is with pleasure that I support this Bill. I also thank Mr Connolly for allowing me to be briefed on this Bill last week. As it was put in place only yesterday, it would have been very difficult to come to grips with it over 24 hours otherwise.

MS SZUTY (4.46): I will speak very briefly to this Bill also. I would like to note the comments in the report of the Scrutiny of Bills Committee which has just been tabled by Mrs Grassby, the chair of that committee. They are important. The report states:

Clause 2 of the Bill provides as follows:

"2. This Act commences, or is to be taken to have commenced, on 6 December 1994.".

Under subsection 2(2) of the *Smoke-free Areas (Enclosed Public Places) Act 1994*, the Minister has published a *Gazette* notice providing that the remaining provisions of that Act are to commence on 6 December 1994.

Some of the amendments in the present Bill amend provisions of the Principal Act that are to commence on that date. Clause 2 is drafted to ensure that those provisions take effect as amended by the present Bill. Other amendments to the Act and the new provisions also take effect on that date.

The final comment in the Scrutiny of Bills Committee report reads:

Of course, if the passing and notification in the *Gazette* of the present Bill as an Act were to be delayed beyond 6 December 1994, the present Bill would be retrospective in effect.

That is something that I am sure all members of this Assembly would not like to see occur. Madam Speaker, I would also like to thank the Minister for making his officers available to me to go through the draft amendments, as they were, several days ago. It has, I believe, expedited the consideration of this final Bill which is currently before the Assembly. I did point out during my briefing that I felt that there was a problem with the definition of "premises" in the draft Bill. I have not examined the final form of the Bill too closely, but I understand that my concerns in that area have been taken up. Madam Speaker, I am pleased to see this legislation coming to the point where it will be implemented shortly. These are certainly measures that the Canberra community has been anticipating for some time, and it gives me great pleasure to finalise consideration of this matter today.

MR CONNOLLY (Attorney-General and Minister for Health) (4.48), in reply: I thank members for their support. This Bill was introduced, essentially, to correct some technical errors that occurred as a result of the process of the original legislation going through. I would only observe that today we correct what we have done in relation to tobacco smoke, and we may well find ourselves here in a week's time thinking about cannabis smoke.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR OMNIBUS SERVICES (AMENDMENT) BILL 1994

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

That this Bill be agreed to in principle.

MR DE DOMENICO (4.49): The Opposition will not be opposing this Bill. The Bill takes account of new processing of bus fares through electronic ticketing validators and introduces on-the-spot fines or infringement notices instead of prosecution for minor offences. Basically, those two things make a lot of sense and, therefore, the Opposition will not be opposing the Bill. It is good legislation that introduces infringement notices for offences on buses, instead of having to go direct to prosecution through the courts.

Initially, the Opposition had some concerns about the powers being given to bus drivers, inspectors and authorised persons, the fines being charged in comparison with other States, the issue of being able to purchase tickets on behalf of another person and the illegality that was brought up by the Legal Affairs Committee - I think Mr Lamont will talk on that issue when he responds - and the leniency for concession card holders in the payment of fines. The Opposition will be introducing an amendment to make sure that all concession card holders, including people with certain disabilities, are included in that provision. The Opposition has also had a chance to have a look at the Government's amendments. We will be supporting the Government's amendments because they tidy up the Bill as it presently stands. I think I will reserve my comments on amendments until later on. In essence, the Opposition will be supporting the Bill.

MS SZUTY (4.51): I wish to address this Bill very briefly. I appreciate the opportunity I had to talk to officers of ACTION about the introduction of the automated ticketing system. I did say to them that I would raise a number of issues in relation to the introduction of the system when I spoke to the Bill at the in-principle stage of the debate. Madam Speaker, I think it is important to note that we are looking at quite profound changes in the way that people use the bus service in the ACT. I asked whether electronic ticketing systems were in place in other parts of Australia, and the answer to that was yes. I further asked whether these systems have ever been evaluated to see whether people who catch buses are happy with them, and the answer was no. I think that is rather curious. These systems in place in other parts of Australia have not been fully evaluated. That is something that the Minister may want to consider further down the track, in making sure that people who take buses in the ACT are informed of the changes at various stages of the process.

I note that stage one of the introduction of the automated ticketing system will commence on 5 December this year. That will be for people who pay cash fares. The second stage of the process will commence in April of next year, when other passengers will come under the new arrangements. It may take commuters some time to get used to the new arrangements. I have been informed that on some occasions it will be slower for people to board buses and to disembark from buses, and it may cause some frustration

and concern to people if they are not really aware of the impact that the new changes will have. I guess that I am flagging the need to consider a public awareness and education campaign to inform people as to what the changes are likely to mean, to their commuting habits in particular. I think the majority of bus passengers are people who commute to work each day.

I note also, Madam Speaker, that implementation of the system is some nine months behind schedule. I think we have explored the reasons for that in the past, but it is regrettable that it has taken nine months for the new system to be introduced. I certainly hope that from here on there will not be any major difficulties. We will also be looking at the introduction of ticketing inspectors to our bus service for the first time. I think that also is an important change that the community will need to get used to. I did stress to the officers from ACTION who briefed me that it is important that ticketing inspectors be appropriately trained to deal with all of the potential situations which may arise. The last thing we need to do is discourage people from using our bus service. I guess that with any new system there is some potential for things to go wrong, particularly in the early stages. While I support the legislation, Madam Speaker, I note that we are talking about profound change to the operation of our bus system. I urge the Minister to note the comments made by Assembly members during this debate and to keep both the community and members informed of the changes as they take place.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.54), in reply: Madam Speaker, I appreciate the support of Ms Szuty and the Opposition. I will address the rest of my remarks to the substance of the amendments which I have circulated to the Assembly and will deal with a number of amendments foreshadowed by Mr De Domenico at the time of moving my own amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

MR DE DOMENICO (4.56): I move:

Page 2, lines 30 to 32, paragraph (c), omit the definition of "pensioner concession card".

People holding pensioner concession cards can apply to pay off their fines over time in instalments. That is provided for in proposed sections 12(3)(e)(i) and (ii) and 18. However, this is discriminatory, we believe, against all other concession card holders and especially young people. Without being discriminatory, I point out that an 18-year-old

is far more likely to be charged with an offence on a bus than an 80-year-old. It was suggested that the best way out was to omit the definition of "pensioner concession card", and that is what this amendment will do.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.57): The Government opposes Mr De Domenico's proposed amendment on a number of grounds. First of all, one of the issues that have been confronting government is the question of uniformity of definitions across legislation. What we are attempting to do in relation to the payment of fines, et cetera, is to gain consistency in definitions. Across a succession of Bills that have been presented to this house we have relied upon the definition of the Department of Social Security as to what a pensioner concession should be. In allowing people leniency in paying fines, we need some consistent approach. Consistent across all of our legislation have been the definitions provided by the Department of Social Security with respect to the pensioner concession card arrangements. The pensioner concession card replaced the pensioner health benefits card and the transport concession card and has now incorporated the concessions under those two schemes into one card called the pensioner concession card. It is for that purpose that this definition is contained within the legislation.

I also suggest that there is some social justice principle associated with using this definition and having it included in this Act, as it is similarly included in other Acts. Persons assessed as warranting special consideration for their relative disadvantage become entitled, on meeting the criteria, to a pensioner concession card. Madam Speaker, it is true that we offer a range of other concessions within ACTION. Those concessions, however, are not predicated on a person's ability to pay but, in fact, are predicated on a range of other tests. When we were putting this legislation together, it was deemed to be appropriate that in extending leniency in the payment of fines there should be consistency between this legislation and other legislation and that we should observe the social justice principles that apply in the granting of a card such as this.

The Government will be opposing Mr De Domenico's first, second, third and fifth amendments, for the reasons that I have outlined - firstly, internal consistency with Government legislation already accepted and adopted by this Assembly; and, secondly, the social justice reason for the inclusion of the pensioner concession card as the legitimate test of ability to pay and our social justice obligations. For these reasons, I believe that the Assembly should reject Mr De Domenico's proposition.

MS SZUTY (5.01): Madam Speaker, I have been listening intently to what Mr De Domenico and Mr Lamont have had to say about these amendments. When I first saw them, I thought that Mr De Domenico's amendments made a lot of sense. I do not know that we need to particularly restrict the capacity of people to pay fines in particular circumstances in this way, but I do take Mr Lamont's point that the pensioner concession card has been so described for consistency reasons and for social justice reasons. At this stage I will not be supporting Mr De Domenico's amendments Nos 1, 2, 3 and 5.

MR DE DOMENICO (5.01): Whilst the Opposition is not going to die in a ditch over things like this, we want to point out that the Bill seems to discriminate against certain persons in the community who hold concession cards that are not pensioner concession cards. For that reason, Ms Szuty and others might reconsider. I know that, for the sake of consistency, it is easier to leave things as they are. I cannot comment on the social justice implications. I think it is more socially just to make sure that all people with concession cards are treated in the same way. For that reason, Madam Speaker, we still stick by our guns. We believe that it is a very sensible amendment, but the voice of the Assembly will ultimately decide that.

Amendment negatived.

Clause agreed to.

Clauses 5 and 6, by leave, taken together, and agreed to.

Clause 7

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.03): I ask for leave to move together amendments Nos 1, 2, 3 and 4 circulated in my name.

Leave granted.

MR LAMONT: I present a supplementary explanatory memorandum to the Bill and move:

Page 4, line 21, proposed subsection 4BB(3), omit "$500", substitute "5 penalty units".

Page 4, line 32, proposed subsection 4C(1) (penalty provision), omit "$500", substitute "5 penalty units".

Page 4, lines 33 and 34, proposed subsection 4C(2), omit "in purported compliance with paragraph (1)(a), without reasonable excuse", substitute "for the purposes of avoiding payment of a fare for a journey".

Page 5, lines 4, 8 and 18, proposed subsections 4C(2), (3) and (5) (penalty provisions), omit "$500", substitute "5 penalty units".

Madam Speaker, as outlined, these amendments to the Motor Omnibus Services (Amendment) Bill are concerned with offences and powers to demand name and address. The offence provisions in proposed new section 4C of the Act are being amended to make it clear that a person must have intended to avoid payment of a fare for a journey in order to commit an offence under this section. Madam Speaker, the explanatory memorandum outlines the reasons why we have put forward the other amendments. I understand that there is, in fact, agreement within the Assembly to the amendments as proposed.

MS SZUTY (5.04): Most of these amendments are self-explanatory. The one that I will mention is the proposed amendment to proposed subsection 4C(2), which I think strengthens the provision quite considerably. It will now read:

A person shall not for the purposes of avoiding payment of a fare for a journey tender to be validated a ticket ...

I think that is a much stronger provision than before. Without the amendment, some ambiguity could arise and the purported offence could be challenged further down the line. I think the amendment is an improvement to the Bill. The remaining amendments as proposed by the Minister are self-explanatory. Most of them arise from the passage of the Statute Law Revision (Penalties) Bill, which the Assembly dealt with some time ago. They basically deal with matters which are redundant under this particular Bill.

MR HUMPHRIES (5.05): Madam Speaker, I am just being a bit picky, but obviously this amendment flows to some extent from comments made by the Legal Affairs Committee in its report on the Statute Law Revision (Penalties) Bill. We welcome the movement on the part of the Government. I am still a little bit puzzled as to how it is possible to tender a ticket for the purposes of avoiding payment of a fare for a journey. If you have a valid ticket, not a forged ticket, then surely you cannot possibly be avoiding the payment of a fare by tendering the ticket. Perhaps the Minister could explain how that works. I do not quite understand how it works.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.06): Are you talking about proposed section 4C(1)(b)?

Mr Humphries: Proposed section 4C.

MR LAMONT: Proposed section 4C(2) relates to the offence of tendering a ticket taken from a book of tickets, not being a book of tickets purchased by that person. In other words, if you thieve a ticket from somebody else and it can be demonstrated that that is the case, then you are in fact committing an offence in presenting that ticket.

Mr Humphries: Is not the thieving the offence, not the tendering of the ticket?

MR LAMONT: Both.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 8 and 9, by leave, taken together, and agreed to.

Clause 10

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.07): I ask for leave to move amendments Nos 5, 6, 7, 8 and 9 together.

Leave granted.

MR LAMONT: I move:

Page 6, line 33, proposed subsection 6(2) (penalty provision), omit "$100", substitute "1 penalty unit".

Page 7, lines 4 and 15, proposed subsections 6(4) and 7(2) (penalty provisions), omit "$200", substitute "2 penalty units".

Page 7, line 27, proposed subsection 9(1), omit ", a police officer".

Page 7, lines 34 and 35, proposed subsection 9(3), omit "in compliance with a request under subsection (1)", substitute "to a driver, an inspector or an authorised officer".

Page 8, line 26, proposed section 11 (penalty provision), omit "$5,000", substitute "50 penalty units".

Madam Speaker, these amendments refer to the penalty provisions within the Bill and, for the sake of consistency, replace actual dollar amounts with penalty units. They also omit the reference to a police officer at page 7, line 27, of the Bill. As I understand it, it was deemed appropriate to do that, because the police officer already has that power and there is no need to duplicate it in this Bill. The amendment omitting "in compliance with a request under subsection (1)" and substituting "to a driver, an inspector or an authorised officer" provides additional clarification. I understand that these amendments are supported by the rest of the Assembly.

Amendments agreed to.

MR DE DOMENICO (5.09): Madam Speaker, I move:

Page 13, line 8, proposed paragraph 17(4)(a), after "decision", insert " and the reasons for the decision".

Madam Speaker, this amendment has to do with disputing infringement notices. Currently, if a person disputes an infringement notice regarding an offence, they must write to the chief executive expressing their objection and giving reasons. The chief executive must reply within 60 days. If the chief executive does not uphold the appeal, the alleged offender must be notified; but currently there is no requirement for the reasons for the dismissal of the objection to be given. My amendment purely says that the reasons must be given if the chief executive dismisses the appeal.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.10): Madam Speaker, the Government will be opposing this amendment. To remove the discretion to withdraw infringement notices has a natural corollary - to propose the alternative, which is prosecution. This amendment would not allow a person to exercise discretion in assessing the merits of an issue, but basically means that an appeal against an infringement notice would be a judicial process; you would need to go to court. Mr De Domenico is trying to replace a discretionary process with a judicial process. Similar discretionary provisions exist elsewhere. There is discretionary power to do a range of things. One is to speed up the process and not bog down the courts. If you do not wish to have a discretionary process such as the one outlined here, then you must have a court based process. That is one of the reasons for the wording in the legislation.

If a person is refused a withdrawal by the nominated officer, the matter will be decided by a court if the person does not pay. On the grounds of natural justice, a person must be given an opportunity to have their day in court and get an answer. That is what is provided for within the legislation as it is currently framed. If they are knocked back and they do not pay the fine, the matter goes to court for determination. If it were a requirement that reasons be given for a rejection, as proposed by Mr De Domenico, the reasons would become the subject of legal challenge, rather than the original fine. I go back to my first point about the difference between the exercise of discretion and the judicial process. For those reasons, we believe that we need to object to Mr De Domenico's amendment.

Section 13C of the Interpretation Act presents difficulties with setting out findings, which is what Mr De Domenico is essentially seeking to have happen. Again, it makes a bit of an absurdity to say, on the one hand, that we will provide a discretion but, on the other hand, that this person will have to follow a judicial-like process in coming to a decision. The amendment flies in the face of the discretion intended in this clause. The withdrawal of a notice would, I suspect, be on fairly straightforward grounds. The offences for which an on-the-spot fine can be used are very straightforward and do not involve a degree of subjective judgment about elements of the offence. The offences that we are talking about are offences such as failure to validate a ticket, standing on a seat, et cetera. They are the types of things which, quite frankly, do not need a lot of subjective judgment. If the offence is challenged and the fine is not paid, the court determines the issue at the end of the day.

For those reasons, the requirement that Mr De Domenico would impose upon the officer is unreasonable and is inconsistent with the way in which discretions of this nature are exercised in other areas. For those two reasons - for the sake of consistency and the nature of the issues that we are talking about - the amendment moved by Mr De Domenico should not be supported.

MS SZUTY (5.14): Madam Speaker, I am a bit puzzled by the Government's reaction to this particular amendment, because it was my assumption earlier today that the Government was going to support it. I have been listening rather intently to the discussion and I understand the nature of the discretion which would be introduced by this particular provision of the Bill. In fact, I have just referred to the Scrutiny of Bills Committee report and noted that the Scrutiny of Bills Committee did not have any

comment to make on the power of the chief executive in this situation to give the person written notice of the decision without outlining reasons. I guess that, if reasons are outlined, that decision, quite rightly, should be appealable in some circumstances. I fundamentally believe that, where people make decisions, giving reasons for those decisions is a very sensible thing to do. It is all about exchange of information. I have always believed that giving reasons for decisions is an appropriate course of action for officers to take. At this stage I will not support Mr De Domenico's amendment, but I suggest to the Minister that he keep this particular provision under review. It may be a matter that the Assembly will wish to reconsider at some stage.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.16): I am quite comfortable with the course of action that Ms Szuty has outlined. We will keep a very close eye on how the new system operates. I would encourage Mr De Domenico and Ms Szuty to keep this matter under advisement. I indicate to Mr De Domenico that if there is any indication that this provision is being abused I will support the type of action that he is talking about.

MR DE DOMENICO (5.17): I realise what is going to happen; but I still think that, when one is given the discretion to say yes or no, one ought to give reasons for that decision. However, I welcome the fact that Mr Lamont is keeping this under review, and we will see what happens.

Amendment negatived.

Clause, as amended, agreed to.

Clause 11

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.17): Madam Speaker, I move:

Page 15, line 26, paragraph (b), omit "1,000", substitute "10 penalty units".

This amendment to paragraph 11(b) again reflects the conversion of dollar amounts to penalty units and, I believe, has the support of the Assembly.

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

POISONS AND DRUGS (AMENDMENT) BILL (NO. 3) 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) (5.19): Madam Speaker, the Opposition will be supporting the Poisons and Drugs (Amendment) Bill (No. 3) 1994. Up until now the uniform scheduling of poisons and drugs in Australia has been facilitated by the National Drugs and Poisons Schedule Committee, as recommended and published by the National Health and Medical Research Council. This housekeeping Bill amends the principal Act, the Poisons and Drugs Act 1978, so as to reflect the fact that the National Drugs and Poisons Schedule Committee now comes under the auspices of the Australian Health Ministers Advisory Council. The first standard published under the Health Ministers Advisory Council will be effective as of 18 December 1994. Madam Speaker, this amendment Bill will ensure that the scheduling of drugs and poisons in the ACT reflects this change and remains up to date, and the Opposition certainly supports this move.

MR CONNOLLY (Attorney-General and Minister for Health) (5.20), in reply: I thank the Opposition for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

NATIONAL ENVIRONMENT PROTECTION COUNCIL BILL 1994

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

That this Bill be agreed to in principle.

MR STEFANIAK (5.21): This Bill represents legislation that will go a long way, when the whole process between the Commonwealth and the States is up and running, towards national environmental legislation and uniformity, and I think that is terribly important. It has been around for a while. The agreement, I think, was signed in 1992. I see that South Australia has enacted a Bill in the last few weeks, and the ACT has introduced this Bill.

The ACT specifically, I think, can benefit from this in a number of ways. Firstly, the ACT, whilst not part of the Murray-Darling Basin and the Murray-Darling agreement - I think that is something that should happen; we should be part of that - does at least go along and participate, and we are part of the Murray-Darling Basin in that our waterways flow into the Murrumbidgee River, the Murrumbidgee River flows into the Murray River and the Darling River flows into the Murray River, and what happens in the ACT impacts downriver. One only has to remember back a couple of years ago to the outflow of sewage from the Molonglo treatment works and the furore that that caused in surrounding shires. So, the ACT has a key role to play in terms of the local environment in south-eastern Australia. Because of that, it is crazy if various States and Territories go it alone in terms of environmental standards. The whole gamut of environmental controls over such things as water pollution, toxic wastes and noise is not terribly effective if each State and Territory has its own legislation. I have seen a number of problems because there is different legislation in New South Wales and the ACT. The ACT can administer its area and have an input in surrounding areas because the legislation is not common.

This Bill will put the ACT in line with the rest of the country in terms of having the National Environment Protection Council meet and make recommendations, which then, in terms of the agreement, will be enacted by the Commonwealth, the States and Territories in order to adopt a coordinated approach towards the environment. I think the ACT can only benefit from this. I believe that the process is still in its infancy. We are unlikely to see uniform legislation for many months, possibly one or two years; but at least this enables that to commence. I think that within a few years we should have sensible coordinated legislation by the ACT, New South Wales, the other States and the Commonwealth. That can only benefit not only the people of the ACT but Australia as a whole.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (5.24), in reply: I understand Mr Stefaniak's support and I thank him for that. It is a fine move. This time I will commend him, for a change, on his environmental sensitivity.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

EVIDENCE (CLOSED-CIRCUIT TELEVISION) (AMENDMENT) BILL (NO. 2) 1994

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

That this Bill be agreed to in principle.

MR HUMPHRIES (5.25): Madam Speaker, the Opposition supports this Bill which has come up for debate, but I do think that I need to sound a note of warning about the legislation. I believe that it raises a philosophical question which will be more pronounced by the passage of the legislation. The Bill extends the use of closed-circuit television to adult witnesses in sexual abuse cases. Members will recall that in 1991 we passed legislation which facilitated at that stage a trial, and later a permanent arrangement, for children to use closed-circuit television when giving evidence in court. We are all well aware of the arguments for doing that. Children face a special trauma when giving evidence in court. We thought it was important to allow them to do so by means of television. That process of doing so was monitored by a trial of some sort. Having reviewed the results of that trial, it was, I think, earlier this year that we passed legislation to remove the sunset provisions and make that a permanent feature of our court systems. Children now, as a matter of course, can use closed-circuit television to give evidence in cases in our courts.

Madam Speaker, it is argued that we are to extend this arrangement now to people who have to give evidence in court where sexual assault or indecent assault proceedings are under way. The philosophical question I pose is this: If we believe that this is an appropriate thing to do in order to reduce the trauma of people appearing in our courts, generally women in this case, why should we not allow all witnesses in criminal proceedings to appear through closed-circuit television? Indeed, why not allow all witnesses, full stop, should they wish, in civil and criminal proceedings, to give evidence through closed-circuit television? Those of us who happen to have appeared in court from time to time on civil or criminal matters will know that it is a traumatic experience. Irrespective of what function one performs in that role, it can be a traumatic experience.

The question I posed - "Why should not everybody be entitled to give closed-circuit television evidence?" - I think, can be answered in one of two possible ways. One answer is that we do not have the resources to let everybody give evidence in this fashion. That may well be a short-term answer; but I think that in the longer term, if we believe that it is important to make justice accessible - I assume that this is an argument about accessibility of justice - we presumably, progressively, should make closed-circuit television a feature of other court proceedings over a period. It can be very traumatic to be a witness in an assault proceeding, or a murder case, or whatever it might be. There is an argument in all those cases for extending that particular provision. Having set up the physical infrastructure for giving evidence by closed-circuit television, namely, the line that runs from the courtroom to the other room where the witness sits and gives the evidence, the physical cost is basically met. The only cost, presumably, is the cost of an operator sitting in the room with the witness to facilitate the relaying of the material back into the courtroom. So, the infrastructure or resources question is not necessarily a very great one.

The second possible answer to this question, Madam Speaker, is that the reason we would not extend closed-circuit television to all witnesses in proceedings in our courts is that perhaps it defeats the purpose of appearing in court at all. Perhaps there is a certain amount of intimidation, if I may use that word, which is actually part of the system of justice, and criminal justice particularly. If courts were as informal as one's living room, would the system work? To illustrate that point, Madam Speaker, I want to quote some comments that were made by Mr Gordon Richardson at informal proceedings that the Legal Affairs Committee conducted last week. We have an inquiry going on at the moment into access to justice and we held some informal proceedings last week.

Mr Richardson, as members will know, is a senior counsel. He is the ACT's first and, so far, only SC, the successor of the QC. Mr Richardson appeared before some members of the committee and made some comments about a number of things, including court gowns and wigs. I would like to quote some of those comments to the Assembly. Mrs Grassby asked him about wigs and gowns and suggested, "It can be quite frightening; it really can". Mr Richardson said in response:

Well, I am not prepared, with respect, just to accept that assertion. I am not at all convinced that that is right. It may be right, in some circumstances, but as far as judges go, and that is a matter for the judges, not for the profession, the Family Court experience is worth recording. Do you remember when the Family Court came into existence in 1976, the Act actually prohibited the wearing of robes. Then we had a period of courts being blown up, judges being murdered, counsel being threatened, and so on. Now, one of the reactions to that, and again it is very difficult to do research into this, but one of the reactions to that was to put the court back in robes. I think it is very important for the court to be seen, for a judge to be seen, as an administrator of justice. As a figurehead of the court, not as a human being. When I first used to appear here in the Family Court in 1976, in a small temporary court room, the judge was sitting as far away as you are -

that is, about two metres -

and my client would be sitting beside me. The judge would be dressed in ordinary clothes, just like an ordinary man in the street, or at least a suited ordinary man in the street, and he would be making emotive decisions about people's children and their property, and people would go out and feel, "Why should this man be making decisions like this that affect me?". They would get very upset about it.

He went on to say later on:

I think that you will find that their feeling -

that is, the feeling of people who had appeared in that situation -

is directed back at the court, because the decision has been made clearly by a judge, not by a human being.

That is, that if they were robed there would be a different reaction than if they were, in fact, in an informal mode. Mr Richardson, by the way, is the president of the Bar Association of the ACT.

I think, in summary, what Mr Richardson was saying was that respect for our court system, and for the decisions and the processes of our court system, and, in turn, compliance with our court system, based not merely on the fact that the Assembly has passed laws which say you shall not do this or you shall do that, but also to some extent on the trappings of the system. To some extent, that process produces results which might not be produced if the structure were a little less frightening, a little less intimidating.

Coming back to this Bill, it is undoubtedly true that appearances in sexual assault proceedings can be particularly traumatic for the women concerned. I do not wish for one instant to denigrate the experience that they have, to suggest that it is appropriate for our system generally to facilitate that kind of discomfort or worse that can be experienced by women in those circumstances. It is important to realise that it is not entirely a question of removing the pressure from witnesses in those circumstances. If there were no pressure on witnesses it is, I think, arguable that there would be less likelihood in some cases of truth being actually exposed by this process.

Clearly, Madam Speaker, when people go to court, as witnesses particularly, and particularly in criminal cases, it is very frequently the case that there will be incentive to tell lies. People will be in the position of wishing to escape a criminal charge, or, for some other reason, will wish not to tell the truth, and it is important to put a certain amount of pressure on people to tell the truth, notwithstanding their own interest in not doing so. I am not suggesting for one instant that women who appear in court are less likely to be truthful than men. I am not suggesting that there is more likelihood of people being untruthful in sexual assault cases.

But I pose this question: If we believe that it is important to take the pressure off people who appear in these cases, is there an argument for extending this to all people who appear in all criminal or civil matters in our courts? Why should anyone be placed under pressure when they appear as a witness? Why should anyone be placed under that pressure? If there is an argument for there being some pressure, we have to ask ourselves: What are the criteria we use for saying that some should have pressure placed on them and others should not? Why is it that some people should feel the intimidatory atmosphere of a room with oak panelling, and a person sitting on a bench, in a wig and gown, and tipstaffs, and lace and solemn oaths, and lawyers speaking in Latin? Why is it that that is appropriate in some circumstances but not in others?

If we are going to wind back the idea of making the courts a place which are frightening for some people to appear in, then the ideal people to start with are certainly children, and they are certainly women. There is no doubt that women appearing in sexual assault cases deserve to be the first exemptions or the first exclusions from this process where the court can make people feel very intimidated. But I pose the question, simply: Where exactly is the line to be drawn? Why do we allow people in those circumstances to do that and not others? If, for example, we are to feel in future years that people from non-English-speaking backgrounds face more pressure in our courts, will we say that they also should be afforded the comfort of closed-circuit television? Perhaps we should.

Ms Follett: Possibly; why not?

MR HUMPHRIES: "Possibly; why not?", says the Chief Minister. Indeed. We could argue that the elderly who have not been experienced in our court system might face more pressures in the circumstances than a young person. Should we not also consider exempting them? Is it possible that other people could demonstrate that they were nervous, that they were apprehensive, that they were worried, and could make an application to the court and say, "I really do not want to give evidence in a full court because I am worried about it. Please, may I give evidence by closed-circuit television"? Perhaps there is a very good argument for saying that everybody deserves that right, that we all need to have access to closed-circuit television; but that argument is not actually set out in the legislation or in the presentation speech by the Minister.

Madam Speaker, the Opposition supports this Bill and we believe that it is appropriate for there to be some action taken to insulate people in these circumstances, particularly women, from the traumatic effects of appearance in courts in sexual assault cases; but I think that the Government needs to answer the question, if not today then later on: Exactly what is the philosophical basis for this and how far does it go? Will the Government give a commitment that progressively others should get the benefit of this arrangement? Perhaps, at the end of the day, everybody who wishes to avail themselves of it should have the benefit of the same arrangement. I make this point very clear: I am not suggesting that women are any less deserving of special consideration than anybody else. I am certainly acknowledging very strongly the argument that says that sexual assault cases in our courts are very serious and cause particular distress to witnesses in those cases, and they deserve to be the first cab off the rank. My question is, though: Where does the rank end? How far down does it go?

MRS GRASSBY (5.38): Madam Speaker, sitting here, I thought I was listening to a speaker from the seventeenth century, not a speaker in this Legislative Assembly in 1994. It was one of the most conservative speeches that I have ever heard in my life. Mr Humphries referred to the fact that when we spoke to the Bar Association I asked about wigs and gowns. He quoted what Mr Richardson said. I firmly disagree with Mr Richardson. I do not think the Family Court was blown up at that time because of that. It was a new law that was brought in. As much as I think highly of the person who brought that in, the late Senator Lionel Murphy, I felt at the time that the law needed a lot of tidying up. To this day I still think it does.

The trauma for any person who had lost their children had nothing to do with the fact that the man was sitting there with a suit on. I think it had to do with the fact that, when they got outside and found out what they had lost, they were angry. I have known people whose first language is not English and who have had to go into court and to face a judge in a wig and a gown. They are nervous enough. They often lose their language. They speak very good English outside the court, but all of a sudden they cannot remember things. Then they will be screamed at by the prosecution, who says that they are doing that because they do not want to give evidence. They do not understand it.

I disagree with everything that Mr Humphries said here today. As a woman, and knowing women who have gone through rape cases, women who have brought the charges and have given evidence, and knowing the questions they are asked, I find it unbelievable that Mr Humphries would stand there and make statements like that. I applaud the Attorney-General for bringing this Bill into the house. As a woman I stand here and say to every woman out there that they also should applaud him. I find the speech that Mr Humphries made here tonight most conservative. It would have sat well in the seventeenth century.

MS SZUTY (5.40): I, too, support the Bill in principle. In speaking briefly at the in-principle stage of the debate on this Bill I would like to refer to some of the comments I made on 17 May this year on the Evidence (Closed-Circuit Television) (Amendment) Bill as it was presented at that time. At that time the Attorney-General, Mr Connolly, foreshadowed this Bill by saying this in closing the in-principle debate:

I have referred to the ACT Community Law Reform Committee a reference on the way we prosecute sexual assault and rape in this Territory.

The Attorney-General went on to say:

I am not seeking to pre-empt the work of the committee, but I very firmly believe that one of the recommendations will be that adult survivors of violent sexual assault also have the option of video evidence.

So, Madam Speaker, we have this legislation before the Assembly today to consider and, as I have indicated, I am a wholehearted supporter of it. It allows people, primarily women of course, who allege that they are victims of a sexual offence, defined as complainants in the legislation, to give evidence by closed-circuit TV, as children became able to do following the passage of the Evidence (Closed-Circuit Television) (Amendment) Act in May this year.

Madam Speaker, I would also like to address a few other remarks that the Attorney-General has made on this subject during the year. The first of these is the fact that, when he introduced the initial Evidence (Closed-Circuit Television) (Amendment) Bill on 21 April this year, he made extensive references to report No. 63 of the Australian Law Reform Commission, a fact that I commented on during the in-principle debate on

this legislation on 17 May. Yet when the Attorney-General tabled this Bill on 10 November he made no reference to recommendations of either that body or the Community Law Reform Committee, despite the fact that he stated in May, and I quoted his particular remarks, that he had referred the matters addressed by the Bill to that committee.

The Attorney-General also noted on 17 May that the Community Law Reform Committee had a lot of work to do, and he was not sure when the recommendations on his reference regarding the prosecution of sexual assault and rape would be brought before the Assembly. The inclusion of the sunset clause in this Bill, designed to allow the evaluation of its operation and effect under the auspices of the Community Law Reform Committee over a trial period of 18 months, would seem to indicate that the committee has, as yet, not finalised its recommendations in relation to this reference. I hope that in his closing remarks at the in-principle stage of this debate today the Attorney-General can inform the Assembly as to where that reference of the Community Law Reform Committee is at, and any recommendations that they have made about the implementation of this measure.

The other point that I would appreciate the Attorney-General addressing in his remarks is the evaluation of the initial Evidence (Closed-Circuit Television) (Amendment) Bill. In speaking at the in-principle stage of debate on that Bill I said:

While I am not yet convinced of the need at this time to amend the Government's proposed legislation to give child defendants the opportunity to give evidence by closed-circuit TV, I encourage the Attorney-General and members of this Assembly to further consider the matter. Options we have available to us are a possible reference by the Attorney-General to the ACT's Community Law Reform Committee; or, alternatively, members of the Assembly's Legal Affairs Committee considering the issue as a possible reference.

In his final remarks on that Bill on 17 May, the Attorney-General, while suggesting that the next step could be giving adult survivors of sexual violence the option of video evidence, said this:

If we are to consider taking the next step, that may provide the opportunity to review how it is going, as Ms Szuty and Mr Humphries have suggested.

The Attorney-General also said of that Bill:

I am sure that this Assembly will have another opportunity to look at it.

Madam Speaker, the Bill we are debating today is the next step and this is the opportunity to look at it. I certainly hope that the Attorney-General will inform the Assembly as to how effective closed-circuit TV is proving for children giving evidence, as allowed for in the legislation passed by the Assembly earlier this year. Madam Speaker, I support the intent of this legislation, and I very much look forward to hearing the outcome of the evaluation of this Bill in 18 months' time.

MR CONNOLLY (Attorney-General and Minister for Health) (5.45), in reply: I thank members for their support. This Bill was brought before the Assembly late in the sitting periods essentially because the chair of the Community Law Reform Committee wrote to me saying that the committee had embarked on this fairly large reference on procedure in sexual assault cases which I referred to before. I regard it as one of the most important references before a law reform committee in the country. The chair of the Community Law Reform Committee, Mr Justice Higgins, wrote to me in early September to say that they were making an interim recommendation regarding the use of closed-circuit television, which was that we extend it, as we have done now, for a trial period of 12 months. He also made some recommendations relating to the design of the Magistrates Court. Members will be aware that that is now under construction. The sexual assault subcommittee of the Community Law Reform Committee have involved themselves in the design and layout for that court. This legislation is being taken into consideration as it is being designed.

I am advised that the major discussion paper which contains a lot of this evaluation of what has been going on will be finalised in about March of next year. The normal process then is that there are public meetings and hearings conducted, which means that it probably will be about the end of 1995 that that is brought forward. I certainly look forward, Madam Speaker, to still being in this seat and being able to bring that forward to the Assembly. Certainly, whoever has that privilege, it will be a very major paper.

This is a significant piece of reform. Somebody asked whether we should be looking at everybody using this. Perhaps in due course there may be extensions. At the moment we are very consciously saying that we are aware that for decades it has been a complaint, a criticism that women have of the criminal justice system, that in sexual assault cases they are the one on trial, they are the one being revictimised. This is a measure to make that procedure easier. We think that it is appropriate to take special measures in this case. This has been in place in some other parts of Australia for some time and there seems to be no great difficulty. Indeed, I think the majority of Australian jurisdictions now have this measure. When we first started down this path under Ron Cahill's leadership, with the use of video evidence for children's evidence in the Magistrates Court, we were the first; but other jurisdictions have caught up. I am now pleased that we are in the vanguard in this important area.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

STATUTORY OFFICES (MISCELLANEOUS PROVISIONS) BILL 1994

Debate resumed from 10 November 1994, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR KAINE (5.48): Madam Speaker, I support this Bill. There are at the moment, I think, 253 statutory appointments within the Australian Capital Territory. At present those appointments are made either by a Minister or by the Executive. This Bill removes about 140 of those statutory appointments and makes them the responsibility of a chief executive of an agency. It is sensible that this should be so, because these positions are essentially those where the functions of the statutory office are carried out by a public servant in the normal course of his duties. It is therefore appropriate that the chief executive officers should make the appointments to those positions. There are, however, 111 other positions which will remain the responsibility of either a Minister or the Executive. Those positions and posts are of a quite different nature and it is appropriate that they remain the responsibility of either a Minister or the Executive, although I suspect that some of them in the future may come under consideration for inclusion under the provisions of this Statutory Offices Act.

A legislative review committee has made some comments on this Bill and I notice that the Minister has taken up those matters. It was my view, having read the Bill, that the Minister would deal with these matters pretty much in the way that he has. He has made the point that the purpose of this Bill is primarily to deal with appointments to statutory offices; it is not to do with some of the minor administrative matters, as to whether or not a statutory officer has an identity card or something of that nature. Generally speaking, I have no difficulty with the Minister's response to the matters raised.

However, there was one interesting point brought to the Minister's attention, and that was in regard to the Lakes Act of 1976. The word "may" is used. In other words, at present the Minister may appoint a delegate. The Minister, in his response to the question about whether that was deliberate, said, "Yes, it is", and he made a distinction between the responsibility of the chief executive in the future, on the one hand, to create and maintain an office for a delegate and, on the other hand, the responsibility to appoint somebody to that office. It seems to me to be rather odd that in this particular case, and this one only, the Minister is saying that the chief executive has a responsibility under the law to create and maintain an office but he does not have the responsibility to fill that office. It seems to me to be something of an absurdity. If the office is not required, why make it mandatory for the chief executive to create and maintain an office to which he may never appoint anybody? It seems a little bit of a play on words, a little bit of a semantic argument. It is not a matter on which I intend to take issue, but it seems rather curious to me that the Minister has responded in that fashion. Madam Speaker, I believe that what the Government is doing in making this change in the way a statutory officer is appointed is eminently sensible and, as I said at the beginning, I support the Bill.

MS FOLLETT (Chief Minister and Treasurer) (5.53), in reply: Madam Speaker, I would like to thank Mr Kaine for his indication of support for the Bill. It is a significant matter because this is really the final arrangement for the separate service in relation to statutory offices and chief executives. With the move to self-government, we inherited from the Commonwealth an inappropriate model for dealing with statutory offices. The Commonwealth, as members would know, had chosen to pursue a hands-off approach to the administration of the Territory, particularly in regard to the Territory's statutory functions. With the establishment of a separate ACT public service, we now have the opportunity, and I would venture to say that we have the obligation, to address this inherited inefficiency.

The model that is set out in the Bill rationalises the outmoded Commonwealth model and has been developed to address the Territory's needs and to fit in with the Government's general principles of administering the ACT. The Bill promotes and increases accountability and efficiency, and it recognises the new role of chief executives. The Bill achieves this by simplifying the appointment process, and consequently the lines of direction and reporting for certain statutory offices. The Bill cuts out the extra step of ministerial rubber-stamping of an appointment as currently required, and it describes the chief executive's responsibilities for the statutory side of public sector administration.

Madam Speaker, developing arrangements for statutory offices has been a major task. Mr Kaine commented on the number of such positions. If it had been an easy task it would have been done earlier. The ACT Government Service has been in place now since July and it is high time that we finalised these structural arrangements. Of the 255 ACT public offices, it is appropriate to continue arrangements for either ministerial or judicial responsibility for 112. For the remaining 143, the Bill proposes arrangements for chief executive responsibility. The functions of the affected offices are municipal-type functions and involve mainly routine administrative tasks which sit easily in the public administration functions under chief executives' control. The legislation currently requires that the functions be performed by public servants, and this Bill is consistent with this idea, reflecting that the functions appropriately form part of public service activities and should fall wholly within the functioning of public service departments. The chief executives will have full responsibility for creating, filling and operating these offices, while maintaining their usual accountability requirements to the relevant Minister.

As I said, Madam Speaker, this is an important opportunity. The Government has delivered a separate ACT Government Service encompassing not only the public sector management side but also now the statutory function side. It is now a matter for the Assembly to pass the Bill, if members see fit. As I said, I thank Mr Kaine for his support of the Bill. It is an important step and I think it is important that we do not lose the opportunity that is presented now to finalise the separate service arrangements.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SKIN PENETRATION PROCEDURES BILL 1994
Detail Stage

Clause 1

Debate resumed from 29 November 1994.

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

PERSONAL EXPLANATION

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

MADAM SPEAKER: Proceed, Ms Follett.

MS FOLLETT: Madam Speaker, the *Canberra Times* of 26 November carried an article entitled "Rare Fauna Halt Development". That article contained a statement which I will quote:

The Chief Minister, Rosemary Follett, announced in March that the Symonston high-tech park would attract 25 manufacturers to the ACT, generate up to 500 jobs among the manufacturers and up to 300 more in service industries.

Madam Speaker, members might recall that that statement was the subject of questioning to me yesterday. I would like to advise, Madam Speaker, that the statement that is attributed to me in the *Canberra Times* is not one that I, in fact, have made, and the journalist, in preparing this article, did not contact either me or my office. I would like to table, for the information of members, a copy of the statement which I did make on 11 March 1994 concerning the new advanced technology manufacturing park, the speech which I made to the Canberra Region Advanced Technology Manufacturing Association on the same date, and the *Canberra Times* article on the technology park on 12 March 1994. Members will be able to see that none of those documents contains that statement either.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.58 pm