DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 December 1994

Tuesday, 6 December 1994

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

QUESTIONS WITHOUT NOTICE

Treasury - Auditor-General's Report

MRS CARNELL: Madam Speaker, my question without notice is to the Treasurer. I refer to the Auditor-General's report No. 8, which states on page 36:

Treasury did not fully reconcile its bank accounts during 1993-94;

... ...

the Treasury financial statements were the most untimely, in both drafting and completion, of all departmental financial statements for 1993-94; and

there is a limited number of qualified accounting officers in Treasury in the areas which are responsible for matters relating to the performance of accounting and financial reporting functions.

Does the Chief Minister agree that this state of affairs within her own department, the same one as is responsible for the overall budget management of the Territory, is totally unacceptable? As Minister in charge, will she take full responsibility for these shortcomings?

MS FOLLETT: Madam Speaker, I certainly take very seriously the report that has been put out by the Auditor-General. I am unclear as to its status with regard to the Public Accounts Committee. In the normal course of events, the Government would respond in full to all that is put from the Public Accounts Committee on the Auditor-General's report. Indeed, we will.

I would like to indicate briefly that the question of reconciliations was raised during the recent hearings of the Budget Performance and Outcomes Committee. In fact, it was raised by me. Madam Speaker, I have made no secret of the fact that I do not regard the situation in regard to reconciliations at the end of the financial year as in any way acceptable. I had required that Treasury get their reconciliations up to date. They certainly have approached that task with a great deal of vigour and enthusiasm.

As I said at the time, it is the case that those reconciliations had been outstanding since well prior to self-government. This was hardly a new issue that the Auditor-General was raising, although he had not raised it on any previous occasion. Yes, Treasury is working very hard on the reconciliations. I can advise members that substantial progress has been made and is continuing.

In regard to the Territory public account, the data extraction and analysis have progressed into November; they are getting up to date on that. The drawing account is at mid-October. Again, substantial progress has been made. The reconciliations on the credit card settlement account are current. I can further advise that the net overall position currently is that the public moneys banked actually exceed the ledger postings. However, I take the Auditor-General's point.

Mrs Carnell: That is not good either; they have to be the same.

MS FOLLETT: I agree that they should be the same, but at the moment those reconciliations are not finally completed. There has been a great deal of progress made. Mrs Carnell has also made a point concerning the qualifications of officers in Treasury. While I am generally in agreement with the Auditor-General on the point that we ought to be using as many qualified accountants as we can, I am not aware that that lack of qualified accountants has actually resulted in a great deal of harm in the way that Treasury manages the financial affairs of the Territory. Treasury will continue to try to recruit the best qualified officers that it possibly can.

Finally, in regard to timeliness, I would like to say that much of Treasury's effort around budget time is directed to finalising matters more or less on behalf of other departments and agencies, and that was certainly the case with their final accounting this year. Nevertheless, I take the Auditor-General's comments seriously, as does the Treasury. They will be working to ensure that their own timeliness does improve, and they will also be working with other departments and agencies to try to ensure that, overall, not just the financial management but also the reporting of that financial management are carried out in as timely and as effective a manner as is humanly possible. They have made great strides. There is progress still to be made; I accept that.

MRS CARNELL: I have a supplementary question, Madam Speaker. Chief Minister, the Auditor-General actually found that none of the officers involved in the preparation of the 1993-94 Treasury financial statements had any accounting qualifications and that a firm of private accountants had to be engaged to assist in the preparation of these statements. If, as the Health Minister often says, there are doctors doctoring and nurses nursing in our hospitals, why are there not accountants accounting in Treasury?

MS FOLLETT: Madam Speaker, I found this comment from the Auditor-General somewhat strange, given that he actually contracts out a large amount of his own audit activity to accounting firms. I have said before that I expect Treasury to recruit as many qualified people as they can; but I have to say that, in the preparation of the budget, I certainly did not notice a lack of accountants. That was not my observation. The work that they did was extremely professional; it was certainly done in a manner that I, as Treasurer, was happy with. However, as I say, the Auditor-General actually contracts a large amount of expertise in the course of his own work.

Madam Speaker, I know that what members opposite find the hardest of all to stomach is the fact that our budget has been in balance and that it has not relied on borrowings. As we have heard from Mrs Carnell, she is happy to go out and borrow - she has no problems there; she has the Bankcard mentality - in order to fund her business tax breaks. We have been extremely responsible in our use of borrowings. The fact that we have a AAA credit rating says volumes for the financial management of this Territory. Of course, that is a fact that our Opposition does not want to acknowledge, but they ought to. They ought to join with me in saying that that AAA credit rating is the kind of reputation that the Territory ought to aspire to and ought to maintain.

Melba Health Centre

MS SZUTY: Madam Speaker, my question without notice is to the Minister for Health, Mr Connolly. I understand that an audit of financial arrangements at the Melba Health Centre is currently being undertaken. I am also aware of speculation that the Melba Health Centre may not exist as a health centre for much longer and that some members of the existing staff are expecting to be relocated to the Gungahlin Health Centre once it is established. Will the Minister confirm that the ACT Government has no plans to close the Melba Health Centre and relocate existing staff to the Gungahlin Health Centre once it is established?

MR CONNOLLY: I certainly have no plans to close or relocate the Melba Health Centre. We did move some doctors from Melba to Belconnen because we had a situation where there were more doctors at Melba than there were at Belconnen. Belconnen is far more central, it is served well by public transport and it is obviously the better place to be. I have said that; unlike the nonsensical rhetoric from the Liberals who, from time to time, seem to suggest that, unless you have government doctors, you do not have medicine in a community. It seems to be the only Liberal Party division in Australia that demands 100 per cent socialised medicine. The bulk of general practitioner services in Canberra are provided by private GPs, the bulk of whom now bulkbill. The great Medicare reforms over the last decade have brought access to GP services within the range of all, because, through bulkbilling, you can see a GP. I have indicated that, if GPs want to run a bulkbilling practice and rent space in our health centres, we are happy to look at that, because it allows us to focus health centre effort on other areas.

I have asked the Health Advisory Council to look, in the long run, at the future of community health centres, with a view, in particular, to our providing in the health centres those other health profession services which you cannot easily access.

Opposition members interjected.

MR CONNOLLY: There is a bit of chatter over there, but that is to be expected. I am referring to services which you cannot easily access with a Medicare card - podiatry services and the like. The future of community health centres is somewhat fluid, as I have asked the Health Advisory Council to look at the long-term future of the health centres. Certainly, there are no plans to close Melba.

Construction Industry Long Service Leave Board

MR DE DOMENICO: Madam Speaker, my question without notice is directed to the Industrial Relations Minister, Mr Lamont. I also refer the Minister to the Auditor-General's report No. 8, which states on page 28 that the Construction Industry Long Service Leave Board as at 30 June 1994 holds funds that are $18m in excess of its estimated liabilities for long service leave. The Auditor-General said that, despite the reduction from 2.5 per cent to 1.5 per cent on 1 January this year - a move initiated by the Opposition but opposed by the Government - the funds have continued to accumulate; and the reduction has no significant impact. I ask the Minister: Will he now accept that the levy should be further reduced to a maximum of one per cent, in line with the recommendations of the Long Service Leave Board?

MR LAMONT: I thank the member for his question. It gives me the opportunity to recount - - -

Mrs Carnell: You opposed the first reduction.

Mr Kaine: Why not take the opportunity to answer the question?

Mr Berry: On a point of order, Madam Speaker: Could we have a little less chatter? If the Minister were to say to them, "Hey, man, don't hassle me", that might work.

Mr De Domenico: Under what standing order, Mr Berry?

MADAM SPEAKER: Mr De Domenico, you have asked your question. Continue, Mr Lamont.

MR LAMONT: Thank you, Madam Speaker. Answering this question does give me the opportunity to recount that it was this Opposition who, when another matter was being debated here in the Assembly previously concerning training - - -

Mr Humphries: You cannot answer the question, can you?

Mrs Carnell: He is sitting down.

Mr Humphries: This is very boring.

MADAM SPEAKER: Order!

MR LAMONT: It gave me the opportunity to recount that, when we were discussing the proposals about training and training levies in the ACT, it was this Opposition that objected to and, in fact, fought against a proposition - - -

Mr De Domenico: This is long service leave, not training.

Mrs Carnell: Go on; keep sitting down.

Mr Humphries: He is the opposite to a jack-in-the-box.

Ms Follett: If there are no further questions - - -

MADAM SPEAKER: Order! Are there no further questions?

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

Mrs Carnell: He has not even finished his answer.

Mr Humphries: Come on! He is in the middle of answering a question - or trying to.

MADAM SPEAKER: Are we going to have order or are we not? Mr Stefaniak, be seated. Mr Lamont, proceed.

MR LAMONT: Madam Speaker, I am quite prepared to answer in depth and with the maximum of information, when allowed to do so. In fact, the Opposition prevented the possible use of surplus funds that had been identified in the long service leave account. Recognising that the surplus amounts of money which had been received in the building and construction industry long service leave account since that time were growing, I have commenced negotiations with the industry parties to establish the most appropriate methodology for the dispersal of those funds. Obviously, there is a range of possibilities open to us. I intend to consult with the industry parties about that matter and to advise the Assembly formally of decisions that are subsequently taken. I would certainly hope to involve this Assembly in those discussions. I would hope that all of that can be finalised, certainly by the time that the Assembly next sits. That work will occur, and continue to occur, throughout the pre-election period and during the election process. One of the options that are available, Mr De Domenico, as was indicated at the time that this matter was last debated in this house, is a reduction to one per cent.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. The Minister, during his attempt to answer the question, said that the Opposition prevented funds being used for training. Madam Speaker, you will find that that is not correct. The Minister might read that and find out. I ask the Minister, by way of a supplementary question: Noting that the Long Service Leave Board recommended the reduction to a maximum of one per cent, will the Minister, if he does not intend to reduce it to a maximum of one per cent, be thinking of getting rid of the board - seeing that he is not going to take on their recommendations?

MR LAMONT: The simple proposition is that the board has made a range of recommendations. At the moment, given the decisions that have been made by this Assembly in relation to the training issues associated with possible use of those surplus funds, I am considering the appropriate alternatives. I indicated, during debate when this matter was discussed in the Assembly, that there should be a reduction to one per cent. That, Mr De Domenico, is a proposition that is under active consideration.

Mrs Carnell: Why did you oppose it last time?

Mr Humphries: Come on! You said that it was not any good last time.

Mrs Carnell: On a number of occasions. Go on; sit down.

MR LAMONT: Have we finished?

Mrs Carnell: No. Have you?

MADAM SPEAKER: Order! It is Mr De Domenico's supplementary question.

MR LAMONT: There is every likelihood that the industry parties' recommendations in relation to the dispersal of those funds will be the reduction of that levy to one per cent. That is something on which I concur with Mr De Domenico.

Small Business

MRS GRASSBY: My question is to the Chief Minister. Can the Chief Minister advise the Assembly about the level of confidence that the small business community shows in the local economy?

MS FOLLETT: I thank Mrs Grassby for the question, Madam Speaker. I am very pleased that a recent small business survey, which was sponsored by the Yellow Pages, did show considerable confidence by our small businesses in their future in the ACT. In fact, two-thirds of those small businesses were confident of their own business prospects in the coming year. That is a very pleasing outlook indeed.

Mrs Carnell: That is because they know that we will attain government.

MS FOLLETT: Madam Speaker, is Mrs Carnell going to continue to interject? She nods her head. It is clearly her intention to defy any ruling that you might make. I simply draw it to your attention. After balancing those businesses who expect a decline against those who expect an increase, in the survey there was a net 45 per cent of local small businesses who did expect that their profitability would also increase over the next three months. There were some 12 per cent of those local businesses who expected to increase their capital expenditure in the current quarter. That is very encouraging, as was the number who expected to increase the size of their work force in the current quarter. That was some 13 per cent. We are talking about additional jobs, and that is very good news indeed.

Madam Speaker, I believe that the local business community does know that there is a sound economic base and sound financial management by the Government in the Territory. They also understand - unfortunately, Mrs Carnell does not - that the Labor Government has managed the task of transition to State-type funding levels without the kind of disruption that the Liberal-style budget cuts would imply. The business community understands that our budget is in balance; that we are not resorting to the Bankcard mentality, like Mrs Carnell; and that we have achieved a AAA credit rating. I believe that what does concern the business community is the kind of knee-jerk, confused and irresponsible policy-making that was exhibited last week by the Liberals opposite.

Garbage Collection Service - Contracts

MR STEFANIAK: My question is directed to the Minister for Urban Services. Is it true that, when the initial tender documents were issued for the new ACT garbage contracts, companies tendered on the basis that they would have to purchase their own trucks and equipment? Minister, is that a requirement of the tender? If so, why has the ACT Government apparently financed the purchase of 16 garbage trucks and other equipment on behalf of Thiess Pty Ltd, the successful tenderer? Were other contractors permitted to retender under those new requirements?

MR LAMONT: It is my understanding that the purchase of those vehicles and the funding of the contract are consistent with the tender document.

MR STEFANIAK: I have a supplementary question, Madam Speaker. Minister, did the Government decide to purchase those vehicles in an attempt to avoid the payment of sales tax?

MR LAMONT: Madam Speaker, I am advised that the purchase of those vehicles is consistent with the provisions of the tender document.

Garbage Collection Service - Operators

MS ELLIS: Madam Speaker, my question is also to the Deputy Chief Minister in his capacity as Minister for Urban Services. Can the Minister comment on press reports on the long hours of operation of the garbage services in recent days?

MR LAMONT: I thank the member for her question. Madam Speaker, as you would be aware, the introduction of the comprehensive recycling system is the most radical change to garbage collection and waste collection systems in the history of the ACT. The previous collection system, which has been in place since the foundation of the ACT virtually, has had some 80 years to bed itself in and to ensure that the procedures and the systems that are operating are well oiled. Substantial work has been undertaken over

recent weeks to distribute over 180,000 bins to households and to complexes in the ACT to establish the collection systems as far as the new vehicles are concerned. There has been a complete change of the methodology for collection. There has been an extension of the hours of operation of the operators to ensure that all services are collected on the day of which householders have been notified.

As you would expect, and as is the experience in places that have introduced MGB systems - Queanbeyan, Brisbane, Wagga and a range of other areas throughout Australia - the level of speed, if you like, at which the operators work improves as they become more familiar with the system. It is a case of practice making perfect. We have already seen a diminution in the total hours worked to effect a single service collection, even in the three days of operation of the current system. I am confident, as experience has shown in those places that I have outlined, that the very long hours that are currently being worked will be reduced to basically the daylight hours of operation that the original proposition outlined.

Mrs Carnell: Are they being paid overtime?

MR LAMONT: My understanding is that the employees of the various organisations are being paid in accordance with award prescriptions for such purposes.

Mrs Carnell: Overtime?

MR LAMONT: I understand that they are being paid in accordance with award prescriptions.

Arts Funding - Trades and Labour Council Grant

MR HUMPHRIES: My question is to the Minister for the Arts and Heritage, Mr Wood. I refer to the media release issued by the Minister on 7 November, headed "Follett Government Continues Strong Support for ACT Arts Community". The release states:

The Follett Government is proud to provide one of the highest per capita rates of financial support for artists in Australia.

I ask the Minister: Does the ACT Trades and Labour Council qualify as part of the Territory's arts community? Does he agree that a $45,000 grant for a full-time community arts officer for the Trades and Labour Council to encourage something called community cultural development is part of the quid pro quo relationship between his Government and the Trades and Labour Council?

MR WOOD: Mr Humphries purports to be the shadow spokesman for the arts, but in this question he reveals that he does not have a very deep knowledge of the arts and of the long and historic tradition of a wide variety of working groups and their involvement in the arts.

Mr De Domenico: Basket weaving and knitting.

MR WOOD: Mr De Domenico, again; he never shuts up, does he? Mr Humphries has never seen the multitude of mechanics institutes and the like that are dotted over this nation; he has never been aware of the school of arts that has a wide community and working persons base; he has never been aware of the very artistic tradition in the trade union movement, exemplified, to give only one example, by the great tradition of the trade union banners; he has never been aware of any of that activity. There is a very large amount of literature available in this country. Mr Humphries should attend to some of it and acquaint himself with that long and honourable tradition. Of course, he is an elitist. The arts, for Mr Humphries, is something that only the non-working class can participate in, share in and work in. He comes up with the strangest view, which reveals only his ignorance.

MR HUMPHRIES: I have a supplementary question, Madam Speaker. I ask the Minister: What criteria were used by the Cultural Council to determine the merits of this grant to the TLC? If it is true, as reported in the *Canberra Times*, that members of the council are "still seething about having to approve a grant to the Trades and Labour Council", can he assure the Assembly that the original recommendations made by the Cultural Council to the Minister were accepted in full?

MR WOOD: Mr Humphries makes a whole range of quite wild assumptions. Was the application to the Minister? The application never came to me. I expect that the application went through the routine channels, being submitted to the arts and special events section for assessment. I expect that the application, along with a whole range of applications, because they were all dealt with in this mode, was assessed by a panel of peers. We have had some debate over time, certainly publicly if not here, about that process of evaluation - the arm's-length funding.

Mr Humphries made an offensive remark, in the first part of his question, about a quid pro quo. Mr Humphries, I was unaware of this application until discussions at a fairly advanced stage with the Cultural Council, who brought it up at that stage.

Mr Humphries: Did you accept the submission made by the council?

MR WOOD: Wait a minute. I will finish if Mr Humphries wants me to finish. The council brought it to me at that stage. We have established a pattern whereby I look through their likely recommendations and agree or disagree, and I debate the issue with them. You might have heard Mr Refshauge, the chair of the Cultural Council, say on radio a little while ago that I agreed with all the recommendations that they brought forward; there was no change to any of them. That was the first occasion that I became aware of that claim. I am actually delighted by that; it is terrific. I am very pleased to see the Trades and Labour Council getting involved. Perhaps Mr Humphries has never heard the TLC choir; it might do his soul good if he did. In the end, as Mr Refshauge said, I approved the recommendations as they came to me, because I thought that the advice from the Cultural Council was outstanding and they had very carefully worked through all the processes, and that it was appropriate that I give my confirmation to what they had done.

Residential Redevelopment - Yarralumla

MR CORNWELL: Madam Speaker, my question is to Mr Wood as Minister for the Environment, Land and Planning. I refer to the Government's decision, following the Lansdown report, to establish local area plans for four suburbs, including Yarralumla. I ask: Can the Minister confirm that Hunter Street, Yarralumla, falls within this local area plan and that no redevelopment will take place until Yarralumla residents have been consulted?

MR WOOD: At this stage, Mr Lamont and I are busy working through the establishment of that local area planning concept. It is not simply confined to those four suburbs. Over a period it will be expanded more widely. That is for your information. I would have to check the precise status of that Hunter Street application. At this stage I do not remember whether it has been approved or not approved, when it was actually submitted and what the process has been. I will verify what that situation is and advise Mr Cornwell.

MR CORNWELL: I have a supplementary question, Madam Speaker. My understanding is that it was approved on 18 November and that letters were received by some of the residents on 21 November, the day that the Lansdown report became public. Your colleague Mr Lamont indicated to the Yarralumla Residents Association at last Sunday's meeting, attended by Mr Moore and me and some 50 other people, that the Hunter Street redevelopment would be considered as part of the local area planning consultation with local residents. Can you confirm that that will be the case?

MR WOOD: Madam Speaker, this is a matter which should be considered carefully; and I will do so.

Taxation - Government's Record

MR BERRY: My question is to the Chief Minister in her capacity as Treasurer. I am aware that Mrs Carnell is attempting to create some mischief in relation to tax issues. Perhaps she wants to divert attention away from last - - -

Mrs Carnell: No; it is actually the Australian Bureau of Statistics.

MR BERRY: "It happened, man; you can't avoid that. That's right; you've got it". You cannot divert attention from it. A few smart press releases about the tax record of the Follett Government are not going to divert attention from it. I would like the Chief Minister to confirm the Follett Government's good record on taxes.

MS FOLLETT: Madam Speaker, I thank the member for the question. This has got them stirred up.

Mrs Carnell: The highest increase in Australia - a 34 per cent increase over three years.

MS FOLLETT: Mrs Carnell is going troppo again.

MADAM SPEAKER: Order!

MS FOLLETT: Thank you, Madam Speaker. I have seen Mrs Carnell's press release on this matter this morning, and I have in my hand the Australian Bureau of Statistics document, which I presume she based her press release on. I would like to make it clear that, in looking at the Bureau of Statistics report on tax from all levels of government - taxes, fees and fines - the highest taxing State of all is, quite clearly, Victoria, by a long shot.

Mrs Carnell: Yes; because your mob stuffed up their finances.

MADAM SPEAKER: Order! Mrs Carnell, the Chief Minister can answer the question by herself.

MS FOLLETT: Thank you, Madam Speaker. The next highest taxing State is New South Wales. When last I looked, both of those States were under Liberal regimes; and, in one case, had been for some considerable time. A careful review of the document would also show that the ACT's taxes, fees and fines, per head of population, are well below the national average.

Mrs Carnell: Only because Victoria has a $100 budget deficit tax.

MADAM SPEAKER: Order! Mrs Carnell, you have not been asked the question; the Chief Minister has.

MS FOLLETT: Madam Speaker, I take it as a very fine achievement indeed that this Territory is well below the national average, when we have had a massive cut in Commonwealth general revenue assistance, the like of which has never been seen before in the whole history of Federation. In fact, the cut in the Commonwealth general revenue grant to this Territory was of the order of 46 per cent; it was virtually halved. This Government has coped, in a measured way and in a way that has not adversely affected any one sector of the ACT community, with that massive reduction in Commonwealth revenue assistance.

At the same time, we have continued and improved our services to this Territory. We have also maintained our budget in balance, and we have not resorted to the kinds of borrowings that Mrs Carnell has implied. At the same time, we have made some changes to our tax regime to make it more equitable and more efficient. Some of those changes include the introduction of the stamp duty home buyer concession scheme, which is of great benefit to people on low incomes; the abolition of stamp duty on residential leases; a number of anti-avoidance measures for payroll tax and stamp duties; more recently, an increase in the payroll tax threshold, which will provide substantial relief to some 300 businesses; and, in addition, the lowering, and more recently the abolition, of the tax on low alcohol beer.

Mrs Carnell: Because New South Wales gave you no choice.

MADAM SPEAKER: The Leader of the Opposition will come to order.

MS FOLLETT: I would like to contrast that performance with what occurred under the Liberal Alliance Government. Their one and only budget was an object lesson in how not to do your budget. Not only did they resort to an extraordinary amount of borrowings, over $57m; they also increased the general rates - this is the rates that every household pays - by 16.6 per cent.

Mr De Domenico: That is not true.

MS FOLLETT: It is true. They introduced the petrol tax surcharge of 3c a litre. They introduced the ambulance service levy. The Liberal Alliance Government, in their one and only budget, increased the rate of land tax by 33 per cent. They increased the motor vehicle registration fees by 20 per cent. They doubled the rate of financial institutions duty; that is, a 100 per cent increase, for those opposite that are floundering. They also introduced a tax on the acquisition of businesses. The absolute triumph of the Liberals' tax regime was of course the ill-fated X-rated video tax. You did it, not us. This Government has a very proud record on revenue achievement, as we have on every aspect of financial management. The amount of chaos, the amount of interjection, the amount of anger that is being expressed by the Liberals opposite simply endorses every word that I have said.

Superannuation Liability

MR KAINE: Madam Speaker, my question is to the Chief Minister and Treasurer. She has just spoken about how well the Government has done and how well she has served the people of the Territory by her accounting. However, there is one way in which she has not served the Territory well. It is referred to by the Auditor-General in report No. 8 at pages 42 to 45. It has to do with the funding of superannuation liabilities. I draw the Chief Minister's attention to that report, because the Auditor-General makes a couple of points. He notes that the unfunded superannuation liability as at 30 June 1994 was just over $316m and that this equates to approximately $1,053 of superannuation debt for every person in the ACT. He also notes that this level has increased over the past three years, both in absolute terms and in relative terms. There is a table on page 45 that shows that in 1991-92 the unfunded liability was about $153m. It is now $316m. It has more than doubled in two years. This is a debt that the taxpayer is going to have to pick up eventually. Even Queensland has gone for full funding. Chief Minister, why have you consistently, over the last three years of your stewardship, done nothing to address this major, increasing funding problem?

MS FOLLETT: I thank Mr Kaine for the question, Madam Speaker. It is very generous of him to have asked it. It is the case that, amongst Australian governments, only the Queensland and ACT governments have made any realistic attempt to fund their superannuation liabilities. In fact, the approach that the ACT Government has taken to the management of our superannuation liabilities has been an extremely responsible one.

What we have done is to set aside, year by year, provisions that are well in excess of our annual costs, to ensure that there will not be an adverse effect on future budgets. We will be continuing with this approach.

Mrs Carnell: That is why the unfunded level has doubled in three years.

MS FOLLETT: If Mrs Carnell would hush up for one moment, she might learn something. It is doubtful, but she has no chance at all while she keeps trying to talk over me.

Madam Speaker, the estimated increase in the provisions during 1994-95 is $43m. That compares with our annual emerging cost, what we have to pay for superannuation, of $7.9m. We have set aside $43m to fund this year's cost of $7.9m. We have some left over, and I gather that that has sunk in.

Mrs Carnell: That is this year's cost. It is not our unfunded debt; you know that.

MADAM SPEAKER: Order! Mr Kaine would like to hear the answer to his question.

MS FOLLETT: Madam Speaker, the Government established the superannuation provision trust account in 1991 in order to manage our superannuation liabilities and our provisions. The liability is the employer component of benefits that will be paid from the Commonwealth superannuation scheme to people who have ACT service after 1 July 1989. Under an agreement that we have with the Commonwealth, the liability for all service before 1 July 1989 is borne by the Commonwealth. We will meet our liability by reimbursing the Commonwealth on that emerging basis for the costs of benefits that are paid to people with ACT service after 1 July 1989.

I would like to give members the current estimates of those emerging costs so that you know realistically what the Territory is up for. As I said, for 1994-95, it is $7.9m; for which we have set aside $43m. For 1995-96, it will be $10.3m; for 1996-97, $11m; for 1997-98, $15.2m; and for 1998-99, $19.9m. Those are the emerging costs, what we will actually have to pay. The provision that we had set aside in the superannuation provision trust account at 1 July this year was $149m. That was what we had set aside against those costs. The appropriations, the contributions by commercial agencies and investment earnings will increase that provision by an estimated $43m to 30 June 1995. That provision, together with our appropriations, will be available to smooth that transition to meeting the higher levels of emerging costs that I told you about and that will be coming up in future years.

Madam Speaker, those financial arrangements that I have outlined are in relation to the two Commonwealth superannuation schemes - the CSS and the PSS, the more recent one. In addition, the Government fully funds our liabilities in respect of the group of casual, temporary and part-time staff who do not belong to either of those schemes. That represents a very responsible approach to effectively funding our workers' superannuation entitlements as they become due, plus having put aside a considerable amount of reserves against future need. During 1994-95, the current financial year, we will be reviewing the arrangements for managing superannuation liabilities, and we will be taking into account actuarial advice on the long-term development of annual

emerging costs and accrued liabilities. Whilst I acknowledge what the Auditor-General has said, there is only one government in this country that has done more than this one to ensure that superannuation liabilities can be coped with, and that is the Queensland Government - another Labor government. I thank Mr Kaine for the question. It has been a great pleasure to answer it.

MR KAINE: I have a supplementary question, Madam Speaker. I find it fascinating that the Chief Minister relies on the achievements of the Queensland Government to justify her own poor performance. That is rather incredible. I would like the Chief Minister to look at the table on page 45 of the Auditor-General's report, which shows that, from 1991-92 to 1992-93, the total liability increased by $118m and the additional provision made by this Government was $34m. From 1992-93 to 1993-94, the increased liability was $108m and the additional provision made by this Government was $30m. Every year we go, the further behind we get. Does the Chief Minister honestly claim that that is prudent management of a very significant major liability?

MS FOLLETT: Madam Speaker, I have just gone to considerable trouble to explain to members how we could fund our annual emerging liability. In fact, we have done far more than fund that. If what the Auditor-General seems to be implying is that any government ought to be able to completely fund its superannuation liabilities as if it were going out of business - as if the ACT Government ceased to exist and had to retire and pay out all 23,000 of its staff and had to pay out every single dollar of superannuation - if that were ever to occur, then, as things stand, we would not have enough money. That will not occur.

That is the difference between a private company and a government operation. Private businesses can go out of business, but governments are not in that position. Governments continue; governments, whatever their complexion, endure, as has the Commonwealth, for instance. I do not think that anybody would try to tell me that the Commonwealth would completely fund its superannuation liabilities; that would be a nonsense. It is the emerging annual cost which counts. As I have pointed out, we are in a more than healthy position to meet those costs, plus we are putting aside provisions for our future liabilities. We are one of only two governments in this country that are doing it.

Gordon Valley Estate

MR STEVENSON: Madam Speaker, my question is to Mr Connolly and concerns members of the former Gordon Valley Estate Betrayed Home Owners Association. I am sure that the Minister will know that the marketing and development of that estate from late 1990 to mid-1992 was conducted by Realty World and an associated company. I have a deal of evidence to show that, during that time, the company said that there would be no government homes on that estate. As a result, there were above average prices achieved for blocks on that estate. Apparently, the Tuggeranong branch of the Housing Trust knew of these false claims but did not inform the Minister at the time. There are many people concerned that prosecutions were not initiated to handle what would appear to be a clear case of misrepresentation, at the very least. I ask: What can the Minister tell those home owners who feel that justice has not been done?

MR CONNOLLY: Madam Speaker, I will look into that matter and report back to Mr Stevenson. I know that the papers and the various allegations were referred to the director of the Consumer Affairs Bureau. I believe that he was engaging in some discussions on the matter with the Director of Public Prosecutions, with a view to looking at whether the Fair Trading Act was breached. I will report back on where that matter has reached.

Starlight Drive-In Site - Redevelopment

MR MOORE: Madam Speaker, my question is to Mr Wood, the Minister for the Environment, Land and Planning. I did give Mr Wood notice of this question, because it is somewhat complicated. Minister, in response to my question on notice No. 1439, which referred to the Starlight Drive-In site, you indicated that the reason for not taking action for breach of lease since 1988 was:

Courts have in the past not supported compliance action by the Department in the circumstances where negotiations to resolve or vary a lease condition are in process.

You further stated:

No Design and Siting approvals or lease variation ... has been approved.

That was as at your answer on 10 November. The design and siting application, which you stated was lodged on 26 September, in fact was signed on 14 October. Something has been crossed out and changed there. It indicated a requirement for a lease change but sought approval for 330 residential units, contrary to the lease condition which states, at 3D, that the premises would be used only for the purpose of a tourist accommodation centre. My question is: Firstly, can you give specific examples of the courts actually not supporting compliance action where the department has fulfilled its responsibilities under the lease; and, secondly, has the prescribed period for approval of the design and siting application been exceeded, making this a deemed refusal?

MR WOOD: Madam Speaker, I thank Mr Moore for giving me notice of the question. It is a complicated one, and I was talking to his office just 10 minutes before question time to get some elaboration of the intent of the question. My advice remains that judicial reference has been made to the appropriateness of compliance action where a lease is to be varied. It may be deemed that orders would not be necessary if a variation would remedy any breach. The Land Act recognises this principle by providing that an order cannot be made where a current lease variation application, if approved, would remedy the subject of the order. In view of the time, Mr Moore, I will give you some further elaboration on that question later.

Mr Moore: And a specific example.

MR WOOD: Yes. As to the second part of your question - and I am unsure about dates; there is some uncertainty about them; I will want to confirm this also - my advice is that that period has not expired. My advice is that on 27 November this year the lessee was asked to provide additional information. Regulation 22 under the Land (Planning and Environment) Act provides for the time taken to supply the information to be added to the prescribed period; to be added for the approval of the application. I have some more detail to provide to Mr Moore later.

MR MOORE: I have a supplementary question, Madam Speaker. The application for design and siting approval is ticked to indicate that there is no lease variation required. That is how the application has been made. Can the Minister assure this house that no application for residential use that is inconsistent with the lease will be approved, as is the current situation? Will the Minister assure the house that he will support the granting of an order by the registrar to ensure compliance with the current lease, given that, from the application, there is apparently no intention to vary the lease?

MR WOOD: Madam Speaker, I can assure Mr Moore that we will see that all processes in this area, as always, are fully followed. He has some detail there, and I will come back to him on that. I give him the assurance that we will go through those processes most properly.

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

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1994
Suspension of Standing and Temporary Orders

MS FOLLETT (Chief Minister and Treasurer) (3.24): I move:

That so much of the standing and temporary orders be suspended as would prevent a motion being moved to rescind the resolution of the Assembly of 30 November 1994 relating to the agreement of the Drugs of Dependence (Amendment) Bill 1994, as amended, and to reconsider clause 5 of the Bill in the detail stage forthwith.

I would like, at the outset, to spend a moment on the status of the Drugs of Dependence (Amendment) Bill. I remind members that that amendment is not yet enacted. It is not yet gazetted, so the Bill has not been passed into law. I want to make it clear that this is the normal course of events and that the normal timetable and procedures are being adhered to. I have never refused or delayed, and would never refuse or delay, the enactment of a law that has been properly passed by this Assembly. There are only two courses of action possible at this stage in the life of this piece of legislation. Those are, first of all, enactment and gazettal, or, secondly, rescission. At this stage, amendment is not possible until we have gone through the process of rescission. All members who have had second thoughts about this legislation would therefore need to vote to rescind if they wished to do anything further with it. We have moved this way as a government for reasons which, I think, have been fairly widely canvassed.

I do not doubt the good intentions of supporters of clause 5 of the amendment Bill. Their intentions clearly were to provide an alternative form of relief to people suffering from some illnesses where other drugs, other management regimes, had proved either inadequate or not efficacious. However, good intentions are not enough. This Assembly does have a responsibility to ensure that the laws we pass are well thought through and will not bring about unintended consequences which could disadvantage or endanger our community. The best means of ensuring that legislation is well considered, that it is safe, and that it is of benefit to the community rather than the reverse, is to give the community an opportunity to see it, to consider it, and to comment on it before it is passed in the Assembly. Clearly, this process of consultation was overlooked or was not adequate in relation to clause 5.

It was very apparent that, as the criticism of clause 5 mounted late last week, the Leader of the Opposition was floundering in her explanations of it and her support for it and of the advice she had received about it - advice which she has not sought to share with any of us. Mrs Carnell repeatedly contradicted herself and finally was forced to admit that what the Government had said all along was true, that is, that the legislation was fatally flawed. The mismanagement of this issue by the Liberals and the Independents, I believe, has thrown the Assembly back to the bad old days of the previous Assembly and has given to the community the impression of confusion, of rushing in where angels fear to tread, and of taking, simply on the numbers, because we have had minority governments, very ill-considered decisions. Clause 5 clearly does need to be reconsidered. I have heard Mrs Carnell admit as much, and I therefore urge all members to exercise their commonsense and support this motion.

MR MOORE (3.28): In opposing this motion, I will argue that we do not need to reconsider clause 5 of the Bill. We do not need to consider the motion because the legislation is sensible legislation. Mr Connolly came into this house and, in order to emphasise his point, he used what he had, with a department ready to assist him. He brought into this house a legal opinion which said, amongst other things, that the amendment was internally inconsistent with other provisions of the Drugs of Dependence Act and appeared to have some unforeseen results. The term "medical research" was not restricted by the provisions of Part IV of the Drugs of Dependence Act and could have a very wide and possibly unrealistic interpretation.

This Attorney-General has a great deal of power, in that he can get such legal opinions at relatively short notice and, of course, without having to pay for them. It is much harder for members of the Opposition or on the cross benches to get legal opinions. However, I have done so. I shall quote selectively for the moment, but I will be happy to table the legal opinion in due time. Because I have a very brief time, I shall quote selectively, not to criticise the particular officer who provided the legal opinion but rather to illustrate that legal opinions are just that - opinions. For every legal opinion that is given there is almost invariably someone who would be able to give an opposite legal opinion, and Mr Connolly knows that.

With reference to internal inconsistencies, the legal opinion I have been given says, amongst other things:

... although it seemed to me that there was no internal inconsistency in Mr Moore's amendment -

and it goes on. The legal opinion I asked for focuses particularly on the proposed amendments the Liberal Party is putting to clause 5 of the Bill. Having read the legal opinion, I am convinced more than ever that it is simply unnecessary for us to do that. This legal opinion also says, with reference to the definition of medical research:

Whilst, to some extent, that opinion is correct, it clearly goes too far.

That was talking about the way the legal opinion Mr Connolly had was working. The same advice was given later on, talking about existing mental or physical conditions:

It is clear, as opined ..., that these terms are a wide import. One asks, rhetorically, what is the problem with that?

It goes on:

That is, of course, a medical decision and one on which I am not qualified to comment.

It would appear that in the advice Mr Connolly had the officer was indeed qualified to comment. With reference to the matter of research, my legal opinion says such things as this:

The advancement of knowledge and the betterment of the human condition can only be continued if experimentation is permitted and what now appears inappropriate is tested to determine whether that is so.

I have lifted some of these things out of the opinion because, while the opinion was particularly focused on the Liberal Party's amendments, it did address the original amendments and the original opinion. Mr Richard Refshauge of Macphillamy Cummins and Gibson, who I am sure is widely respected by all members in this house, which is why I did seek a legal opinion from him, in presenting this opinion considered the three things he had before him: The proposed amendment to be moved by Mrs Carnell, the original amendment by me, and the advice to the Attorney-General.

We have a situation where this Minister simply does not trust his medical practitioners. We have had such misrepresentation of the facts that the Liberal Party is now in a situation, because of the public perception, that they are prepared to change their position. I can understand that, as Mr Connolly's nose grows longer and longer.

Mr Berry: On a point of order, Madam Speaker: There was an imputation that Mr Connolly was lying.

MR MOORE: He has a long nose and it is growing.

MADAM SPEAKER: Mr Moore, I wish that you would withdraw any imputation that the Minister was lying.

MR MOORE: Madam Speaker, just to seek clarification, I certainly intend to use the phrase "Mr Connolly's nose is growing longer" through the rest of this debate, coolly and calmly. I think it is appropriate to say that his nose is growing longer, without going to extremes - in fact, not even using the word "misrepresentation". It is just part of parliamentary debate, I would put to you.

Ms Follett: On the point of order: Madam Speaker, I know of only one possible interpretation of somebody's nose getting longer, and that is that that person is telling lies. It is quite clearly Mr Moore's intention to impute that Mr Connolly is telling lies. I think that is unparliamentary and ought to be withdrawn.

MADAM SPEAKER: I am ruling that from now on that phrase will no longer be used. Mr Moore, your time has expired.

MR MOORE: I seek an extension of time, Madam Speaker.

MADAM SPEAKER: The time allowed for this whole debate is 15 minutes.

MR MOORE: I will only be short. *(Extension of time granted)* I shall be brief.

Mr Connolly: And table your advice, I presume.

MR MOORE: I seek leave to table that advice. I think it will be important for the rest of the debate, so members should have the opportunity to have it photocopied and circulated.

Leave granted.

MR MOORE: It was in the light of the debate that has gone on, and the fact that we had a sensible decision from the Liberal Party on the facts before them, that we set out to waive a fine for people who were in the most dire circumstances, and we trusted our medical practitioners, especially those engaged in medical research, to do that. That is the import of the Bill; that is clearly what it does. Whilst I cannot make the comment I made before about noses, that is clearly what it does, in spite of the fact that some people suggest that it does otherwise. Therefore, I think there is no need whatsoever to reconsider that piece of legislation. It should stand.

MR HUMPHRIES (3.35): Madam Speaker, the Opposition will support this motion, as indicated earlier today, because it believes that we need to reconsider clause 5 of the Bill.

Mr Wood: Why are you speaking on it?

MR HUMPHRIES: Because I am the Opposition Whip; that is why.

Mr Wood: Why is your leader not speaking?

MR HUMPHRIES: I am the Whip. Mrs Carnell in a moment will speak to her amendment, which has already been circulated in this place. Support for this motion is coming from this side of the chamber not because we resile from the principle that there ought to be an opportunity for proper medical research to be carried out in this Territory into the effects of any drug, but because the Opposition believes that it has been forced into this position by the unprincipled behaviour of the Attorney-General of this place. This Government has argued throughout the life of this Assembly and before that it is a reforming government in the area of drugs. This Attorney-General opposite introduced legislation in this place less than three years ago to decriminalise the personal use of marijuana. That decision, which was opposed by my party at the time - - -

Mr Berry: Madam Speaker, I am finding it hard to work out whether Mr Humphries is arguing for or against the suspension of standing orders.

MR HUMPHRIES: You find everything hard to work out, Wayne. That is just you.

MADAM SPEAKER: Order! The motion before us is Ms Follett's motion, and it relates to the suspension of standing orders. Mr Humphries, please proceed.

MR HUMPHRIES: This Government opposite supported that legislation and argued strongly that it wanted to do so and, as a result of that decision, significantly widened people's access to cannabis in this Territory. Thousands of people were affected by that legislation. The proposal Mrs Carnell and the Opposition supported last week would probably have affected a dozen people at any given time in this Territory. What did this Government do? This Government attacked that position, notwithstanding its own stated position on drug reform, notwithstanding its own party policy on the same question.

What does the Labor Party policy say? I quote from paragraph 10.1, drug offences, of the policy of the ACT branch of the Labor Party:

In general, persons using illegal drugs or possessing them for personal use should be dealt with other than by the imposition of criminal sanctions.

Paragraph 10.3 reads:

Possession and use of cannabis for personal purposes should not be a punishable offence.

I must be very dense. Surely, if it is all right to use cannabis for personal purposes, it is also all right to use cannabis for medicinal purposes? Is not a medicinal purpose a personal purpose? Would not an ordinary person be entitled to think that this Government over here, which trades in tarradiddles day in, day out in this place, and which relies on hysteria on this question, might have taken a different position? Of course they did not.

Question put:

That the motion (Ms Follett's) be agreed to.

The Assembly voted -

AYES, 15 NOES, 2

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

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

Reconsideration

MS FOLLETT (Chief Minister and Treasurer) (3.39): I move:

That:

(1) the resolution of the Assembly of 30 November 1994, relating to the agreement of the Drugs of Dependence (Amendment) Bill 1994, as amended, be rescinded;

(2) clause 5 of the Bill be reconsidered in the detail stage, pursuant to standing order 187; and

(3) reconsideration of clause 5 of the Bill in detail stage commence forthwith.

I will speak relatively briefly. I made many of the points I wanted to make in the course of the debate on the suspension of the standing orders. I would like to reiterate that I can scarcely remember an issue that has caused more community concern than this one has.

Mr De Domenico: Above-the-line voting did.

Mr Moore: What the community is concerned about is the misrepresentation.

MS FOLLETT: I do not doubt the motives of those who supported clause 5, although I hear from the interjections that they are only too happy to impute the vilest of motives to those who opposed them. I do not find that very creditable behaviour in this chamber.

Notwithstanding Mr Moore's childish interjections, I would like to reiterate for members the procedures that are available for anybody who wishes to carry out a clinical trial in the ACT. The advice I have is that the Drugs of Dependence Act 1989 does provide a mechanism under section 32 whereby a person who proposes to conduct a program of research that would require the possession or use of a drug of dependence or a prohibited substance can apply to the Minister for an authorisation in relation to that substance. So, there is clearly a mechanism there to enable the kind of trial we heard Mrs Carnell speak about last week to be undertaken.

Section 32 sets out the detail that has to be included in any such application, including such matters as the qualifications of the person supervising the program; a clinical trial protocol, which must include the aims of the research; the proposed means of conducting it and the proposed method of analysis of its results; the total quantity of the substance to be possessed during the program and the maximum quantity that can be possessed at any one time; and the security arrangements employed while the substance is possessed or used. Further on it says that the program of research can be conducted only under the auspices of the Australian National University, the University of Canberra, the CSIRO or an education institution conducted by the Territory. I assume that in that latter category would be included the clinical school. Those are the arrangements currently in place for the conduct of a clinical trial for a product such as cannabis, and I find those processes very reassuring.

As I have said many times, I do not doubt the good intentions of the members who initially supported clause 5, but it is a fact that we have to have a cautious approach to the introduction into our community of a wider use of cannabis. I know that members have made the point that the Government must not trust doctors if we do not want to go ahead with the kind of arrangement that the Moore-Carnell motion had envisaged. The answer is that I do not trust doctors implicitly, and only a fool would. Yesterday I had the privilege of opening a new drug service for women who have problems with either alcohol or drug dependency, and it is the case that many of the women who are seeking the assistance of that service are on prescribed drugs. I know that in committee work Mr Moore has looked at the matter of benzodiazapines. It is a fact that over 50 per cent of people who have been prescribed sedatives or tranquillisers that are in common use in

our society are still on those drugs six months after they start to take them. It is, I am told, the usual good medical practice that those drugs be prescribed for relatively short periods. It is the case that there are many people in our community, principally women, who have grave addictive problems because of prescribed drugs. So, anybody who is asking me to trust implicitly every doctor to do the right thing with every drug is asking too much of me.

I have also heard Brendan Nelson of the AMA saying in public that there are doctors of whom the AMA is not proud.

Mr Moore: Because they are not members of the AMA; that is why.

MS FOLLETT: I do not particularly care whether those doctors Dr Nelson is not proud of are members of the AMA or not. There is an acknowledgment at the highest level that doctors cannot be trusted implicitly in all circumstances. We know that there are some doctors who do not do the right thing.

As I have said, the arrangements for the proper conduct of a clinical trial are clearly set out. I heard Mr Connolly say last week that if other members of the Assembly wished to progress the matter of a clinical trial of cannabis he would assist them, and I suspect that that is the correct way to go. I realise that, like other members, I probably am not alone in having read a letter in the newspaper from a woman whose mother was suffering from terminal cancer and had received considerable relief from the use of cannabis. Having read that woman's very sad letter, the questions which arose in my mind were many. In the first place, this woman had to go through an illegal process to obtain the drug. That seems to me to be quite inequitable and to lack social justice, but it is exactly what you would have had to do under clause 5. It is exactly the procedure you would have had to use under clause 5 - go through an illegal process to obtain the drug or grow your own.

There was a second problem raised in that lady's letter for which I had a great deal of sympathy. She did not know what kind of dosage to give her mother or how to administer it. It seemed to me that she had come to a very good decision on that. What she did was to infuse the cannabis, when she eventually was able to obtain it, in some warm milk and she was therefore able to administer a little of it to her mother. It did appear to help, and thank heavens for that. The issues that arise are that neither the patient nor the person administering it to her nor any medical practitioner who might have been in attendance would have had any idea, firstly, of the strength of the drug they were dealing with or, secondly, of the dose that should or would have been given to the patient.

Mr Moore: How many people have overdosed on cannabis worldwide? None. Nobody has ever overdosed on cannabis.

MADAM SPEAKER: Order! You will have your turn, Mr Moore.

MS FOLLETT: There are many of us who had enormous compassion for the writer of that letter and her mother, but the issues she raised were of even greater concern to me. A further issue that was not canvassed in that letter was the question of what other drugs, if any, that patient was taking and what the interaction was between those drugs and cannabis. I do not know. I do not think that is a matter for legislators to know. I think that is a matter for a clinical trial to establish. It is a matter on which there must be the most cautious approach. Even some drugs which of themselves are relatively benign can react very badly with other substances. Aspro is a case in point, as are simple antibiotics or alcohol. In combination, benign drugs can have very serious effects. That is a matter that needs to be addressed if we are to look at the reasonable wider use of cannabis in our community.

I would urge members to rescind clause 5. I do not believe that it can be amended. I know that Mrs Carnell is intending to move an amendment, which has only just this moment been brought to the Government's attention. Having looked very briefly at Mrs Carnell's proposed amendment, all I can say is that it is a face-saver, nothing more; but it seems to me to be no better thought out than was the Liberals' original decision to vote for Mr Moore's amendment.

MR MOORE (3.50): I have ensured that my amendment to Mrs Carnell's proposed amendment has been circulated so that members can see the intention. One of the reasons that Mr Connolly's nose is itchy, along with those of many of his counterparts in the Federal Government, such as the Minister for Health, is that as part of creating an impression that things were terribly wrong the word came from Carmen Lawrence's office that there may well have been - - -

Mr Berry: Madam Speaker, there was a clear imputation again on the nose. There was another imputation that the Minister was lying. That has to be withdrawn by Mr Moore.

MADAM SPEAKER: Mr Moore, I did ask you no longer to refer to Mr Connolly's nose. Would you please withdraw that?

MR MOORE: Madam Speaker, on the contrary, it was not Mr Connolly's nose you asked me not to refer to; you asked me not to refer to the fact that Mr Connolly's nose is growing.

MADAM SPEAKER: I am now asking you not to refer to it in any way. You are clearly drawing an imputation from a common health - - -

MR MOORE: Madam Speaker, I just do not accept that. I said that Mr Connolly has an itchy nose. That clearly is - - -

MADAM SPEAKER: Mr Moore, I ask you to conduct yourself with your normal restraint, good humour and sense.

MR MOORE: It is good humour, Madam Speaker, to talk about someone with an itchy nose.

MADAM SPEAKER: I have witnessed it over and over again, Mr Moore. I ask you to exercise a little restraint. You are cross with Mr Connolly, I am sure; but there is no reason to transgress standing orders in order to express your displeasure, and you well know it.

MR MOORE: Madam Speaker, can I seek clarification? Are you telling me that a member cannot use the term "itchy nose"? Are you saying that "itchy nose" is unparliamentary?

MADAM SPEAKER: Today, Mr Moore, I am. Please withdraw that.

MR MOORE: Thank you, Madam Speaker. Tomorrow is another day, but for now "itchy nose" is unparliamentary. This, Madam Speaker, will have to go down in the books.

MADAM SPEAKER: I am pleased that it will. Will you now withdraw it, Mr Moore?

MR MOORE: You also wish me to withdraw "itchy nose", Madam Speaker?

MADAM SPEAKER: I do now, yes, Mr Moore.

MR MOORE: Madam Speaker, you wish me to withdraw "itchy nose"?

MADAM SPEAKER: You heard me, Mr Moore.

MR MOORE: Madam Speaker, I withdraw "itchy nose".

MADAM SPEAKER: Thank you. Proceed, Mr Moore.

MR MOORE: It is no wonder Mr Connolly's face is uncomfortable, and Carmen Lawrence is assisting in this. There was a suggestion that in some way the legislation that was put up might be - nobody was prepared to say that it is - inconsistent with our international treaties. This was part of putting up a whole public misconception about the import of that very sensible piece of legislation that we voted on and that is now before the Assembly again.

To reinforce this, I would like to quote from monograph No. 26, "Legislative options for cannabis in Australia", which is only a couple of months old and is part of the report of the National Task Force on Cannabis to the Ministerial Council on Drug Strategy. After discussing the United Nations Single Convention on Narcotic Drugs and the other international treaties, it says:

Given that the United Nations Conventions do not specifically proscribe the medical uses of cannabis, introducing legislation that allowed the use of the drug for medical purposes in Australia would be relatively simple.

It is quite clear there and in many other places that there never was the slightest question about our international treaties.

Mr De Domenico: Did Mr Connolly have a copy of that?

MR MOORE: Not only did Mr Connolly have a copy of that; Mr Connolly was kind enough to provide that copy for me from his own bookshelf. It may well be that for a time Mr Connolly did not have a copy because he had given his personal copy to me, although I have explained that to his officers, who were getting him copies.

It simply is not necessary to change this motion. I suppose that one of the other things that all members of the Labor Party here must get terribly embarrassed about is that you have an item on your own platform that goes far further than we have done in passing this amendment. It must be terribly embarrassing to know that your Minister for Health not only did not support his platform - you might do that at any time; I understand that you are not compelled to implement it - but worked actively against your own platform. That is the most extraordinary betrayal by this Minister of members of the Labor Party and, indeed, Labor voters, who would have looked at that part of your platform. Fortunately, Labor voters, because we do not have above-the-line voting - that system for which Geoff Pryor drew the Chief Minister crawling around on the floor - will have the opportunity, because of this issue, to put Mr Connolly down as the last person on their Labor ticket, if they so wish.

Mr Connolly: I will take my chances.

MR MOORE: The Minister with the uncomfortable face indicates that he will take his chances. As members read the legal opinion that has now been tabled, they will realise that the whole process of presenting a picture that is different from what we intended and what we set out to do and what we did do has been extraordinary. Madam Speaker, that is why I made the comment earlier in my speech that you will not permit me to refer to about the obtrusion on faces. We have in front of us a motion that seeks to rescind a piece of legislation that effectively goes part of the way towards implementing the Labor Party platform. One of the greatest ironies of this Assembly is that the Labor Party's Minister has worked so hard to destroy that part of the platform.

It seems to me that a great deal has been made of the concept of medical research. Because that is the case, we have a situation where the Liberals have foreshadowed that they will be putting an amendment restricting medical research to the way it is set up in section 33 of the Act. I think that is a great pity, because section 33 of the Act means a series of things. First of all, it means that we are restricting it to clinical trials, and there is a whole range of medical research that goes well beyond the clinical trial. We can start with the case series, and perhaps I will come back to that later in the debate. We had expected that, with the handful of people in the ACT who would have been able to take advantage of this legislation, the community as a whole would gain knowledge from it. That is why we put medical research in there. Not only was it a compassionate act for people who had found that other drugs had failed them; it was also one that would provide knowledge to the rest of the community so that they would be able to answer the sorts of questions that Ms Follett raised.

There is another point about somebody on a clinical trial, and I refer also to that letter to the editor that Ms Follett referred to. That is very important because, under those circumstances, a woman who has chemotherapy and whose nausea is overpowering cannot go to a medical practitioner unless in some way there is already a protocol set up and a clinical trial awaiting her. Instead of being able to become very rapidly involved in a research project, it will now clearly take a significant amount of time.

Dr Peter Rowland, the medical practitioner who looks after more people suffering from AIDS than does any other person in the ACT, has indicated that he would provide certificates as soon as he could for those people who are already using cannabis and are subject to a $100 fine. For those people, we are going to remove the pressure. When we get the clinical trial prepared and the protocol prepared, the research institute sets out its application, the application goes to the Minister and the Minister, I hope, deals with that application as quickly as possible, I think we will still be able to provide cannabis particularly for those people who are suffering from AIDS. I suppose that that process is going to take us two or maybe three months.

In the case of Dr Rowland, it seems to me that we will be able to come up with a reasonable solution in some time; but in the case of people who are going blind now, in the case of people who are undergoing chemotherapy now and who have not responded to normal medication and for whom there was another option, any change to the legislation we put through will be closed off. We will be closing off another option to people who are going blind. We will be closing off another option to people who are undergoing chemotherapy, who have the worry of cancer, who cannot eat and who are nauseated in the extreme. We know that in the vast majority of cases ordinary prescribed medicines will assist those people. That is how it should go, and that is what we would expect that a medical practitioner would do. But in other cases we should have been prepared to stick with the legislation. There is a great irony in this whole process. According to the National Task Force on Cannabis:

In Australia, tincture of cannabis was used in medicine until the 1960s, when it was declared a prohibited drug.

We are talking about 30 years ago, when people were using this drug as a medicine, and prohibition has meant that they cannot.

The principal concept we are dealing with here is: Should we be reconsidering this Bill or should we not? The answer, in my mind, very clearly is that there is no need to reconsider this Bill. The appropriate checks and balances are in place. I would like to conclude by taking a particular point that the Chief Minister raised about trusting doctors. She would not trust doctors with this drug; but we trust doctors with morphine, which is very close to heroin. We trust doctors with speed. We trust doctors with the benzodiazepines and, as the Chief Minister said, sometimes, on some occasions - that was the effect of the report we did on benzodiazepines - they are overprescribed. But what we know from the 6,000 or so research papers on cannabis, many of which have been published in such eminent journals as the *New England Journal of Medicine* - I repeat, the *New England Journal of Medicine*, the *New England Journal of Medicine* - - -

Mr Berry: This is open slather, Michael.

MR MOORE: I repeated that on two occasions for Mr Berry's sake, but then I realised that it was not going to help because he has no idea of the significance of that. We know that there are side effects of cannabis, although we know that they are nowhere near as serious as the side effects of benzodiazepines and other drugs over which doctors have control; yet under these very strict circumstances the Chief Minister and the Minister for Health are not prepared to trust doctors. It is a most extraordinary case. We had a situation where, on compassionate grounds, the Liberal Party made a very sensible decision; but, thanks to a popular misconception fed by the Minister of the uncomfortable face, the Minister of the difficult nasal tract, the Liberal Party has now been prepared to back away and try to tighten up even further when it simply is not necessary.

Question resolved in the affirmative.

Detail Stage

Reconsideration of clause 5.

MRS CARNELL (Leader of the Opposition) (4.06): I move:

Omit the clause, substitute the following new clause:

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) an offence under subsection 171(1) of possessing not more than 25 grams of cannabis; or

(b) an offence under subsection 171(2) of administering, or causing or permitting to be administered, to himself or herself cannabis;

if a medical practitioner who is the holder of an authorisation granted under section 33 for the purpose of a program of research in relation to cannabis has, in accordance with the terms and conditions of the authorisation, certified in writing that the use of cannabis by that person is appropriate for the treatment of an existing mental or physical condition.'.".

I think it is very sad that this debate is on at all today. It is sad because it shows a Minister who is willing to play politics with medicine, and playing politics with medicine is totally unacceptable. In fact, this Minister appears to be a liar. He appears to be a liar. It is okay to say that, Madam Speaker.

MADAM SPEAKER: No. Order! I did ask for "appears to be a fool" to be withdrawn and, from my memory, Mr Connolly did withdraw.

MRS CARNELL: Oh!

MADAM SPEAKER: I beg your pardon. When Mr Connolly used it again and Mr Humphries pointed out that there was offence being taken, I asked for it to be withdrawn and Mr Connolly withdrew it. I have had enough of people mocking this parliament.

MRS CARNELL: I withdraw, Madam Speaker. It is unfortunate that in this debate it is impossible, without talking about faces and other things, to talk about the things that Mr Connolly has been saying over the last week, things that are simply incorrect. Mr Connolly has claimed that the amendment passed last week would legalise cannabis. Mr Refshauge's legal opinion says that Mr Moore's amendment did not, as the Government Solicitor agreed, decriminalise the supply of cannabis. It did not. End of deal! Mr Connolly was wrong again. Mr Connolly was wrong about it, yet he said it and he said it again. He talked about an open slather approach to cannabis use in Canberra, and Mr Berry did also - open slather, when it has not decriminalised the use of it, when it is prescribed by a medical practitioner for medical research.

Quite seriously, those sorts of statements are simply irresponsible. There is no other way to look at them. He said, or indicated, or Carmen Lawrence indicated, that there may be a breach of international treaties. We have already heard Mr Moore quote verbatim from the relevant report - "Legislative options for cannabis in Australia". That was never the case. It was never the case for even one second, yet Mr Connolly was very happy to spread those sorts of unacceptable untruths. He did it not just once, but continued to do it. He continued to say that it was open slather. He continued to say that it was - - -

Mr Lamont: It must have hurt.

MRS CARNELL: Yes, Mr Lamont, it was absolutely remarkable to us that anybody in this house would go down that track and put politics in front of people with cancer, and that is what he did. He was quite happy to do it. He did not do it once; he kept doing it. He did it time and time again. He said, to quote him, that "it allowed doctors to prescribe cannabis for anything from the common cold up". Absolute rubbish!

Mr Connolly: It would, and Refshauge agrees.

MRS CARNELL: He does not agree. The fact is that it had to be part of medical research. Mr Connolly then went on to half quote Brendan Nelson. Brendan Nelson said quite categorically that any doctor who was involved in shonky research, research that was not up to scratch, would be deregistered, would be subject to medical discipline.

He did not say that this could happen; he said that if it happened the doctor involved would be subject to medical discipline. That is exactly what we said in the house last week; but Mr Connolly went on to say that they could prescribe it for anything from the common cold up and anyone could use it. Absolute rubbish! They would be deregistered, to quote Brendan Nelson. But you did not want to quote that; all you wanted to do was put out into the community information that could be - - -

Mr De Domenico: He wanted to play politics.

MRS CARNELL: To play politics with medicine. That is what it was all about. He very happily overlooked his own party policy, which, no matter how you look at it, says that possession and use of cannabis for personal purposes should not be a punishable offence. All we were saying was that legal proceedings should not happen for people involved in medical research conducted by a medical practitioner. The fact of the matter is that the Labor Party's own platform would mean that possession and use of cannabis for personal purposes, for recreational purposes, would not be punishable. It is simply unacceptable.

Turning to Mr Refshauge, whom Mr Wood quoted in question time today, I think, he says:

Thus, although it seemed to me that there was no internal inconsistency in Mr Moore's amendment, the proposed amendment has clarified the position and made the "line of supply" more patent and brought it more clearly within the terms and structure of the Act.

I think Mr Refshauge is the one who sums up the reason we have brought forward this amendment today. It is not because, as Mr Berry and others have said, the Liberal Party is backflipping on this issue. The Liberal Party strongly believes in research into whatever substance is involved, but - - -

Mr Lamont: Three of your members over here are telling you that you are backflipping.

MRS CARNELL: Which ones?

Mr Lamont: Everybody could see through the window.

MRS CARNELL: That was, as you know, to do with a no-confidence motion in Mr Connolly. The stench of hypocrisy on this issue is quite remarkable. It is absolutely remarkable that, because the Minister has put out information that is simply untrue and incorrect, we are placed in this position. We believe that legislation should not be open to misinterpretation, that legislation should be as tight as possible. The Opposition last week in the Assembly said categorically, "We support properly conducted medical research into cannabis". We stand by that position. Every single one of us stands by that position.

What we have done today is bring forward an amendment that clarifies the position. It makes sure that section 33 of the Act, which has regard to medical research, is definitely linked to the amendment as it stands today. As Mr Refshauge says, the line of supply has been clarified. First of all, Mr Refshauge says that the Minister's legal advice raises three issues. He then goes on to say:

... in my opinion the proposed amendment ... does, however, address two of the concerns raised by the Government Solicitor and, in my view, adequately and effectively address them. As to the third issue, the changed context of the amendment removes any reasonable concern about it.

Therefore, all three issues have been addressed in the amendment and, unless you do not believe Macphillamy Cummins and Gibson and Richard Refshauge, it brings it into line with what, supposedly, we all meant to do last week. Mr Connolly himself said last week that he supported properly conducted medical research into cannabis.

As the last extension of the truth, Mr Connolly suggested that under the current legislation there was capacity for action not to be taken against somebody who possessed small amounts of cannabis as part of a medical trial under section 160 of the legislation. The fact of the matter is that that is not the case either. It protects everyone else known to man. It protects doctors, nurses, people associated, researchers - everybody but the patient. All we are trying to do today is clarify the position we put last week. It is something that still needs to be worked on. The approach we have to take to drug law reform in this area is a difficult one; but, boy, did the Minister make it more difficult last week by taking the tack of putting out into the public arena information that simply was not true. The people who made comments were not party to the amendment. He did not actually send the amendment to the people he told about it; he sent them a press release. The fact is that the Minister's approach to this whole situation is totally unacceptable.

MR CONNOLLY (Attorney-General and Minister for Health) (4.17): What a sad day for the Assembly and what a bitter, ugly, petulant performance by the Leader of the Opposition! After Mr Moore's obsession with my face and my nose, without making any references to lying, I would say that the only noses that have grown around here are those of the Liberals, who have been led by the nose by their leader, who appears to have been led by the nose by Mr Moore. The once great Liberal Party must really be wondering where it is going here.

Mrs Carnell: Commonsense.

MR CONNOLLY: "Commonsense", chortles the Opposition Leader. That is one quality that has been sadly lacking over the last week, from the time when you acted in this extraordinary manner to spring this reform on the people of the ACT, through the various positions you have adopted since. On Wednesday of last week you were quite clear. You did not want medical research with bells and whistles, you said.

You were also at one stage waxing lyrical about how the Liberal Party would be in favour of the commercial use of cannabis. I interjected saying, "Do you really mean commercial? Do you not mean research for medical purposes?", and you said no, you were keen on the commercial use - obviously playing for the Dennis Stevenson vote. You had one position on Wednesday, another position on Thursday, and another position on Friday. You do not know what the position was on the weekend. Then, today, sensibly - - -

Mr Moore: On a point of order, Madam Speaker: I can understand the Minister's face getting itchy again. We know that Mrs Carnell qualified her comment about commercial uses of hemp when she made that reference, and Mr Connolly knows that. That is the problem, Madam Speaker.

MADAM SPEAKER: I do not see quite why that is the point of order.

MR CONNOLLY: No, nor do I; but I understand that Mr Moore is deeply agitated and I am prepared to give him latitude. As I say, Mrs Carnell's position has been chopping and changing all week. But, finally, this afternoon commonsense prevailed and Mrs Carnell and the Liberals - I am sure that it was a relief to the Liberal Party room - voted with the Government to rescind what they did last week. That was very sensible. However, now we are back on the merry-go-round. Let us go around once again. This is indeed stupid, Mrs Carnell; your words are absolutely correct. We once again get an amendment to the Drugs of Dependence Act. We are blundering around, changing the law in relation to clinical trials on drugs. We get to see this amendment when it is circulated in this place, not even before lunch. Who has seen this? Has the AMA seen this? Has the Australian Federal Police Association seen this? Do we have documents saying that they are in favour of it? What do they think of it? We did not know what you were doing.

This Government has, and I think Mr Moore adverted to this, a quite proud record of law reform. The reason we have been able to achieve so much law reform is that we take the public with us. We engage in long and extensive consultation. The tabling of the Bill of Rights which will happen in this place in a couple of days' time shows the stark contrast between this Labor Government's approach to law reform and this ramshackle, knee-jerk reaction adhockery from the other side. We go out; we explain what we propose to do; we issue discussion papers; we bring the community with us. You just blunder ahead and do it anyway. We continue to have concerns about what you are doing. I have said, and it remains the position, that we do believe that work should be done on the potential medical benefits of cannabis. As the national drug strategy people have said, we should be coordinating this. You have been led by Mr Moore. Mrs Carnell and Mr Moore cut a deal on this and the Liberal Party, lemming-like, goes over the cliff with Mrs Carnell. Here you are today trying to justify a backflip.

Our main problem, and our great difficulty with this legislation, is this, and I will run through this fairly slowly. I hope that members opposite will pay some attention to it. I notice that we not only have the Carnell amendments that we had not seen until half an hour ago - - -

Mrs Carnell: No, only you.

MR CONNOLLY: Yes, is that not funny? "Ho, ho, ho; only the Government. Ho, ho, ho; chortle, chortle. Am I not a clever little Opposition Leader? I will just run an amendment without showing it to the Government". You got criticism from everywhere last week about rushing in and passing legislation without appropriate consultation, and now you think it is a clever, funny little tack. Really, Madam Speaker!

We also have an amendment from Mr Moore. Mrs Carnell, I think, wants the doctor to go through the medical research protocol. So, there is a full reversal from last week; we have bells and whistles research. You are getting a bit more sensible, Mrs Carnell. They want the protection for the use of the 25 grams of cannabis. Mr Moore wants the plants back in; we do not know whether the Liberals want the plants back in or not. The problem is this: As you go through the process for approval, there are certain things that are compulsory in seeking the application.

Mrs Carnell: That is right.

MR CONNOLLY: "That is right", says Mrs Carnell. You have to specify certain things. One of the things you have to specify is the strength and form in which the drug or substance is to be possessed and used. The difficulty you have with medical experiments using cannabis leaf is that you cannot specify the strength and form in which it occurs. As the Australian Doctors Forum said the other day when they were referring to this rather nasty new variant of cannabis that apparently has emerged in some parts of Australia, it can range from one per cent to 30 per cent THC. So, you do not know the strength of the product you are experimenting on. The other thing you do not know is whether the person is going to ingest it in their tea or smoke it. If they are going to smoke it, can they do the old drawback? How much are they going to absorb into their lungs?

We are talking about serious clinical research on whether the active ingredient in cannabis, which is tetrahydrocannabinol, has a medicinal benefit. There are arguments that it has, but there are arguments that it is dangerous. I presume that Mrs Carnell keeps up with her professional reading, and I refer her to the journal of the British Pharmacy Society, the *Pharmaceutical Journal*, published in the United Kingdom. In the November 1994 edition, which has just been faxed to me by a very concerned doctor, an article talks about proposals for medical research using cannabis leaf. It states in part:

As a quality control pharmacist and, indeed, as a pharmacist alarm bells start ringing when it is not possible to standardise active principles, especially with a preparation such as cannabis that imparts a psycho-mimetic effect.

In other words, we should be alarmed about doing research on the raw cannabis leaf because we do not know the strength and quality of the product that would be ingested.

Mrs Carnell: It is up to you to approve it.

MR CONNOLLY: Indeed, that is likely to be what would happen. So, we do not need these silly proposals, which are all linked in to consumption of cannabis leaf. The Department of Health has been getting ready to start talking to the Commonwealth - and the people who are the key players in this are the Therapeutic Goods Administration - about whether we can get doctors who are keen to do the research. I think we probably can. I think we will find the doctors who are interested in this research. But there may be ways of allowing that research to be conducted with control quantities of Delta 9 tetrahydrocannabinol, that is, control quantities of the active ingredient. For the record, Mrs Carnell made a grubby little interjection, "Mr Connolly does not care about the pain of cancer sufferers", or material like that. By that sort of statement, Mrs Carnell, you are being judged out in the community and found wanting. That sort of material, Mrs Carnell, is beneath the dignity of an Opposition leader, and you should be ashamed of yourself. I will leave that for you to live with.

If you had a doctor looking at potential pain relief benefits for cancer cases or advanced AIDS cases, we would be trialling five milligrams a day on one person, maybe 10 milligrams a day for another person. You would do those serious controlled clinical trials. Again, this article in the British *Pharmaceutical Journal* makes the point that a problem with cannabis is that it is present in the bloodstream for a long time. The point here is that he says that the potential for drug interactions with cannabis is "horrendous". This writer is concerned that there has been very little research done on how cannabis can interact with other pharmacological agents. So, there are lots of questions that need to be addressed, and they will be addressed not by politicians, hopefully, but by doctors and research scientists. That is the way we think the proposal should go. *(Extension of time granted)*

The sensible and prudent course of action for this Assembly, having rescinded the hasty and ill-considered legislation of last week, is to reject Mrs Carnell's hasty and ill-considered amendment of today that we have only just seen and to reject Mr Moore's amendments to it. We think that going down this path of researching the potential benefits of the active ingredient in cannabis as a medical agent is a quite admirable goal. As the Chief Minister said, we are not ascribing bad motives to the idea of looking at medical research. That is what I said on Wednesday of last week. You could have saved yourselves all this angst, you could have saved yourselves looking like dills, if you had listened to what I said last week. I said, "Whoa, let us be careful. We are going into uncharted waters here". We should not pass another hasty amendment, because you will just invite the same round of criticism again.

Mr Moore says that this does nothing. Mr Refshauge says that it may make some improvement. You seem to think it is terrific. My concern is that I have had it for only half an hour, so I really do not know what it means; but, in particular, it does not address the issue that I think is a very important one and that my medical advisers tell me is a very important one: If you are going to do serious trials, as opposed to random human guineapig experiments, you need to know the quantity of the drug you are trialling on the person.

Mrs Carnell: Yes.

MR CONNOLLY: "Yes", says Mrs Carnell.

Mrs Carnell: And, therefore, you can approve it or not.

MR CONNOLLY: But I cannot, Mrs Carnell. There is no point in my approving that a person use five reefers a day. That is just silly. We do not know how effective they are at smoking it, if that is going to be the chosen method of ingesting it. On Wednesday that was fine; maybe now it is not. We do not know the precise quality of the drug we are talking about. You can do experiments on random samples of cannabis; but, again, you are not certain that the whole amount is of that purity. All you can say when you do a purity test is that the sample you tested had that level of purity or that level of active ingredient. If you are going to clinically trial potential medicinal use of cannabis, you clinically trial on the prepared extract, the active ingredient of Delta 9 THC. That is the way we should proceed. We should proceed with caution.

We would adopt that approach, and then we would say that a committee of this Assembly next year, if they are keen on advancing this issue, should advance this issue, should put up all the proposals and should look at Mr Moore's original proposal, which we have been very critical of in the very short time we have had to see it. We have raised problems, and I would continue to raise problems, about international treaties. Yes, international treaties approve research, and clearly the existing research provisions are consistent with Australia's international treaty obligations. But what about a law passed by this Assembly which says that cannabis is lawful and may be sold at any outlet in the ACT, and any person may consume any amount of cannabis, provided that the National Health and Medical Research Council does a long-term study of the medical effect of that cannabis on the population of Canberra? Would that be a law consistent with our international treaty obligations?

Mr Moore: Absolutely.

MR CONNOLLY: Mr Moore says. "Absolutely". My advice is, "Absolutely not". Something between the two extremes is where our treaty obligations would be consistent or inconsistent, and Mr Moore's law in its first strike is probably towards one end of that spectrum. I am not saying that it is; I am saying that you cannot say that your ritual law is consistent with our treaty obligations. Let us look at all of those issues.

I understand that the Federal Police Association have said, "Just leave it alone. Once you have rescinded it, just leave it alone. Do not pass any more amendments". Mrs Carnell was interjecting furiously, "We have consulted. Everybody is happy". They tell me that their advice is, "Once the Assembly has rescinded this motion, leave it alone". I do not know what they told you. I do not know whether what they told you is what you told your party room colleagues. We never know about these things, Mrs Carnell, on this subject. If we want to look further, let us do what we have done in the past. Let us get an Assembly committee to have a look at it; let us hold hearings.

Let us go back through the process for which this Assembly quite properly has developed a good reputation in this community - a sound reputation for careful, considered law-making. Having been bitten once with our absurd actions last week, let us not do it again. Rescind and no more.

MR HUMPHRIES (4.31): Mr Connolly has raised a number of problems that he perceives with the amendment before the house. Unfortunately, he seems to have either accidentally or, I suspect, more likely deliberately overlooked the single saving safeguard in this amendment of Mrs Carnell's which clearly deals with all the points he has raised. There is that provision, very clearly made, which obviously was not clear to the Government before the debate last week, that a medical practitioner, in order to be able to conduct this kind of medical research, in order to be able to authorise the possession by a patient of cannabis, must have an authority granted under section 33 of the Drugs of Dependence Act. Who grants that authority? Not Santa Claus, not the Ayatollah; the Minister, Minister Connolly.

The point is that if Mr Connolly does not think you can get the right dosage to give to a patient as part of a medical protocol, he does not authorise the program of research. That is the simple answer. If he does not believe that it is possible to have a consistent means of measuring the outcome of a particular process of research, he does not authorise the research. If he has any other reason, any misgivings about the structure of this thing, he does not authorise the research. What this does do, which this Minister with the much commented upon nose did not care to mention, is protect those people who happen to be operating under a program that he has authorised, that he has approved. It does protect those people if they happen to be in the position where they have drugs either administered to them or in their possession. The point about the amendment Mrs Carnell is moving is that it is hedged in with that protection, and the Minister has quite deliberately chosen to ignore that fact. He would choose to continue the outrageous misrepresentations that have characterised this Government's behaviour on this matter since day one. This Government of hypocrites has, on the one hand, argued that it believes in drug law reform. On the one hand, it has a party policy which is unequivocally in favour of allowing individual personal possession of cannabis for personal use. It is a government without any hesitation putting those things forward in its policy, but which now says, "No, we do not think people should be able to use it for medical research".

To my way of thinking, that is the most gross hypocrisy it is possible to imagine in this place. Not only have they apparently chosen to abandon their party policy totally - set fire to it, shred it and then flush it down the toilet; that is about all that is left of it once you have done all that these people have done - but, having done that, this Minister and this Government then attack the position their very own policy represents. I repeat the question, and I challenge one of these people across the way - the wonderful Mr Lamont, or any of you - to tell us the answer: Why is it that your policy allows you to have personal possession for recreational use but not for medicinal purposes? Why not for medicinal purposes?

Mr Lamont: Just repeat that a couple more times - the wonderful Mr Lamont. Just keep on going for a few more times.

MR HUMPHRIES: There is something called sarcasm, Mr Lamont, and that is what you are getting at the moment - sarcasm. Mr Lamont, Ms Follett and Mr Connolly have, I understand, been running an unusual line today, and that is that the policy of the ACT branch of the Labor Party does not bind its members in the parliamentary Labor Party. Ms Ellis looks pretty stunned at this. "Good heavens; is that right?", she says. She looks very stunned. You should look stunned, because, as I understand your party policy, you and your colleagues are bound by party policy. Indeed, so are we. But is that going to be an impediment to your trashing your own party policy? Apparently not. I look forward to an explanation from those opposite as to why they can sustain the line that they have a party policy that says that possession and use of cannabis for personal purposes should not be a punishable offence and yet oppose the matter that is before the Assembly today. I repeat that there are adequate safeguards in here. If Mr Connolly believes otherwise, he should point out why that is not the case.

The fact of the matter is that there has been extensive politicking on this matter by the Government opposite. They have exploited this matter for every ounce of value they could get from it. I have no doubt at all that Dr Lawrence's office and Mr Lavarch's office and so on did not independently come to the view that they should buy into this debate. I have absolutely no doubt that they took the view on the basis of having had advice from or contact with the office of someone across the way there. Perhaps it is the member with the perfectly formed proboscis who happened to have someone on his staff make a phone call across to the hill and make some comment such as, "How about you guys getting into this issue of cannabis? We have our Liberal opponents on the run here. How about a few comments about 'might infringe international treaties, might cause some terrible catastrophe in our system of drug administration in this country'?". Not surprisingly, their colleagues on the hill were prepared to buy into that argument.

We have a government that is supposed not to play politics attacking Mrs Carnell every time she is supposed to be playing politics on health. When the opportunity opens up, they charge through the gap as quickly as you can blink your eyes. The Labor Party policy is left in this process as one of the greatest works of fiction ever seen in the Territory. A document that is supposed to guide and bind members of this party opposite in this place is not worth the paper it is written on, when it comes to the crunch. I think those opposite deserve to be ashamed of their conduct in this place. They have behaved like the pack of charlatans they truly are. The comment was made across the way that they were not given advance notice of the amendment being moved by Mrs Carnell. Is it any wonder, I ask you? Of course it is not.

I also note that the Chief Minister issued a press release on Friday. This is the press release, by the way, that came out at the same time as the government business meeting was being told that there was no way the Assembly would sit on Friday this week or any day next week. At the very same moment as this was being said by the Government Whip, Ms Follett was saying to the media, "Yes, we will sit on Friday, if we have to, to deal with this matter". There seems to be confusion opposite, but that is to be expected. In this press release, Ms Follett says quite clearly that there is no scope, no room for amendments; that the only thing that could possibly be done by a responsible government and Assembly is simply to rescind the motion. Why did you want to see our amendment, if you were not going to vote for it?

It seems to me that we are indeed clutching at straws. I think it is very sad that the Government of the Territory behaves in this fashion; but, in the circumstances, the Liberal Party has, I freely admit, been put in a difficult position by this sort of behaviour. It is an embarrassing position to be in, and I regret that this has come about. But I state again that we do not resile from the important principle that medical research should go on under proper supervision, in the proper form and manner, in this community of Australia into the effects of cannabis and the possible benefits it might have for medical research and for relief of suffering and pain. That is the view of this Opposition. It was the view at one time of those people opposite. They seem to have lost their principles in the headlong rush towards next year's election; but that is a sad reflection on their position and one that, I think, my party can be reasonably proud to have honoured.

MR STEVENSON (4.40): As members will see, I do not have my hemp jacket on today, but I read from hemp paper. First of all, I think it is relevant to look at some of the medicinal qualities of hemp. We should understand that from 1842 and through the 1890s extremely strong marijuana, then known as cannabis extractums, and hashish extracts, tinctures and elixirs were the second and third most routinely used medicines in America for humans, from birth through childhood to old age, and in veterinary medicine until the 1920s and later. As I have stated before when I have raised this matter in the Assembly, for at least 3,000 years prior to 1842, widely varying marijuana extracts - buds, leaves, roots, et cetera - were the most commonly used real medicines in the world for the majority of mankind's illnesses. However, in Western Europe the Roman Catholic Church forbade the use of cannabis or any medical treatment, except for alcohol or blood-letting, for 1,200-plus years.

The US pharmacopoeia indicated that cannabis should be used for treating such ailments as fatigue, fits of coughing, rheumatism, asthma, delirium tremens, migraine headaches and the cramps and depressions associated with menstruation. That was data from Professor William Emboden, Professor of Narcotic Botany, California State University, Northridge. Queen Victoria used cannabis resins for her menstrual cramps and PMS. Her reign, from 1837 to 1901, paralleled the enormous growth of the use of Indian cannabis medicine in the English-speaking world. In this century, cannabis research has demonstrated therapeutic value and complete safety in the treatment of many health problems, including asthma, glaucoma, nausea, tumours, epilepsy, infection, stress, migraines, anorexia, depression, rheumatism, arthritis and possibly herpes.

The father of Chinese medicine, Emperor Shen Nung, included marijuana in his pharmacopoeia almost 5,000 years ago. Recently, marijuana was found in the 1,600-year-old skeleton of a woman giving birth near Jerusalem. Medical literature of the time indicated that marijuana had the power to increase the force of uterine contractions and provide a significant reduction of labour pain. References to marijuana are also recorded in Egyptian, Assyrian, Greek and Roman writings from the same era. On the Indian subcontinent, marijuana is found in many preparations in ancient Ayurvedic medicine and is still widely used today. It is certainly used in the treatment of glaucoma, as we know. That is a very important cause of blindness, particularly in people over the age of 40 or 50. It is an increase of intra-ocular pressure. The pressure inside the eyeball gets so great that it destroys part of the optic nerve. This can, and often does, lead to blindness. While there are drugs to treat this, they have a lot of problems associated with them.

Marijuana can be used in the treatment of multiple sclerosis, which is a central nervous system disease. One of the symptoms is terrible muscle spasms, which is a very difficult type of pain to control. There are some drugs ordinarily used - Dantrolene, Baclofen and Valium - but none of them is as effective as was hoped by medical researchers, and they have side effects. They discovered some time ago that if these same patients take some marijuana they get rid of the spasms and there are not any of the side effects. The same muscle spasms can be found in people who have paraplegia and quadriplegia.

So, there are many well-known, well-researched uses of marijuana for medicinal purposes. As members are aware, I have certainly not been one to promote the use of marijuana for what are called recreational purposes. As members will also know, I have strongly promoted the benefits of this most amazing plant to people not only in Canberra but throughout Australia. I realised when I first brought the matter up that members in this Assembly, mainly Labor members, were not aware of the valuable uses, medicinal and otherwise, of this plant. I could understand that some people had just read propaganda without any real thought or research, and I thought it was important that we should all have an opportunity to find out about cannabis hemp.

I organised the Hemp Futurama conference in Canberra, which was held on Thursday, 10 June 1993, nearly 18 months ago. The conference purpose was:

To inform relevant decision makers of the facts surrounding commercial Hemp production so that impediments to progress can be removed now and an informed future ethos contributed to ...

I got down to speak at the conference a medical doctor, Dr Andrew Katelaris. During the conference we went through the history and uses of fibre hemp. We looked at the current global situation and the fact that every country in the EEC has legalised the use of commercial low-drug strain hemp. We looked at the Dutch Government study on the value of the use of hemp in order to handle their pesticide problem by researching hemp for paper.

Mr Berry: Are you going to support this?

MR STEVENSON: Yes, I do support using hemp for paper. We looked at pulping. We looked at the legal issues. We looked at the agronomic aspects. We looked at the present project and the future of hemp in Australia. We looked at the other uses and we listed some of them: Textiles and clothing, paper, seed oil, methanol fuel, pharmaceuticals, industrial inputs, biodegradable plastics, industrial fabrics, human foodstuffs, stockfeed applications, and energy uses. These were all the things we looked at in the conference, to make sure that all members of the Assembly and other relevant people throughout Canberra and in the Federal arena were well aware of the information and had an opportunity to ask questions. There is no doubt that they should have an opportunity to ask questions.

We had great interest throughout Federal departments and the ACT. We had representatives attending the conference from the Rural Industries Research and Development Corporation, the Department of the Environment, Land and Planning in the ACT, the Federal Department of Industry, Technology and Regional Development, the Land and Water Research and Development Corporation, the Federal Department of Environment, Sport and Territories, the Federal Department of Primary Industries and Energy, Greening Australia, the National Land Care Group, the Resource Science Faculty at the University of Canberra, the Canberra Region Campaign, printing industry research, and representatives of the media.

Members of the Labor Party and other members here would have benefited greatly from the research that was shown, from the evidence that was presented, from the opportunities to ask a medical doctor, Dr Andrew Katelaris, questions about the medicinal effects of cannabis hemp and the other many uses. Were the members of the Labor Party supportive of this conference and interested in finding out the truth about what must be God's gift to mankind agriculturally? Let me tell you what many people do not know. Members of the Labor Party attempted to prevent the conference going ahead. First of all, they cancelled the venue. I got another one. Secondly, a number of Ministers forbade ACT Government public servants and researchers from attending the conference. If anybody does not know that, they should find out what is going on in this town. That was one of the most appallingly irresponsible political actions I have seen - and, having been a member of this Assembly for some time, I have seen a lot.

You will get a chance to talk on this. Why do you not tell the people of Canberra, the people of Australia, the people of the world, we hear, and the people of the other planets who heard about what we did last week, what you did about researching - - - *(Extension of time granted)*

Ms Follett: On a point of order, Madam Speaker: I thought we were debating a fairly specific, if transparently face-saving, amendment by Mrs Carnell. I have yet to hear Mr Stevenson address that matter.

MADAM SPEAKER: Mr Stevenson, the question before the house is: That Mrs Carnell's amendment be agreed to. Would you address that question, please.

MR STEVENSON: The reason I spoke a little bit loudly when I spoke about the interplanetary people was to make sure that they heard as well. Although it has been heard all around the world, I am not sure how the message is getting out. Why is it that we do not represent Canberrans? Why is it that we are not prepared to look at medical research? Why is it that we are prepared to go to such lengths to try to prevent very interested members of the ACT public service from discussing the matter, from asking questions on the matter? I ask the Labor Ministers to tell me and tell the people of Canberra and the people of Australia why they attempted to prevent this medical and other knowledge from getting out.

I think we all understand that there has been a great deal of interest in the medical and other uses of cannabis hemp. Recently on ABC TV there was a program called *The Billion Dollar Crop*. It premiered on Sunday, 7 August, and was narrated by Jack Thompson. Among other things, it talked about the medicinal uses of cannabis hemp. Another program has been just about completed and should go to air soon. I have been approached by companies, businesses throughout Australia, and researchers interested in commercial uses of this product that would benefit all Australians. Whatever happens today, let us hope that the view of those people with power in governments in Australia changes and that they start supporting the people by supporting the commercial uses of cannabis hemp. As members know, I always look at what people consider about different issues that come before this Assembly. I grant that the amendment was introduced with haste last week. There is no denying that.

Mr Berry: You voted for it.

MR STEVENSON: Mr Berry says that I voted for it. Indeed I did, but not without thought. Is it not interesting that, on the day we voted for this Bill, I had a motion before this Assembly to change the standing orders to allow a minimum time for people to find out about legislation. Part of that motion gave people an opportunity to find out about amendments. As Mr Lamont would well know, you may have an animal farewell Bill on the table for many months; but, if you introduce an amendment at the last minute to ban circuses with so-called exotic animals, that is a major step. It is not just the Bill that should have some time, but amendments. I sought to require a minimum time of 14 days so that matters could be brought up in the Assembly without having to be voted on in principle and agreed or disagreed, so that members could ask questions, perhaps on behalf of people in the community.

I thought that was a good idea, and I am sure that most people would think it was a good idea. Unfortunately, we just lost it by a 16 to 1 vote because members in this Assembly, when it comes down to crunch time, do not really want people to have time. Every member in this Assembly has complained, I dare say, about matters being rushed through; but when they have the opportunity, when it comes to the crunch, they do not vote to do their best to make sure that that does not happen. In the amendment I did allow that if a matter was considered by the majority of members in this Assembly to be urgent it could be heard, and last week the majority of members did consider this matter to be urgent. We conducted a straw poll of 100 people. It was very lineball; it was 52 for and 48 against. The Prime TV poll showed a majority in favour, but not by too many.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.56): These amendments will go down in the history of this Legislative Assembly as the tourniquet amendments. They are designed to stem the effects of the self-mutilation of the Liberal Party during a 30-minute frenzy last week. That is what these amendments seek to do. Mr Moore has held consistently a particular view about the use of cannabis, and the circumstances under which he believes that it should be used, administered, provided and available. I say quite simply to Mr Moore that what has happened in relation to the way he has proceeded could be expected because that is what he believes should happen.

The great concern, as far as the Labor Party and the Government are concerned, is in the way in which this whole sorry mess has been executed. If you look at these amendments, the people of the ACT could be forgiven for believing that Milan Brych had been "reincarnellated" here in the ACT. You may recall that it was Milan Brych in Queensland, supported by the then Premier of that State, who suggested that he had a cure for cancer. He put forward this stunning eye of newt, scraping of bat's ear and whatever else it was, as a long lost secret for the cure of particular issues. Quite frankly, Milan Brych got the comeuppance he deserved, and I think every right-minded Australian believes that the final reaction of the people of Queensland, and indeed the people of Australia, was appropriate in those circumstances. What is being proposed by these amendments and the original motion is no less dangerous than the propositions put forward by Milan Brych.

Mrs Carnell: How?

MR LAMONT: I thank you for that opportunity, Mrs Carnell. I will now go on to explain the reasons why.

Mr Humphries: To make them up, you mean.

MR LAMONT: Mr Humphries, unlike your amendments, which quite obviously have been made up on the spur of the moment, we have given long and careful consideration to these issues. We have given long and careful consideration to them as a party, and in particular as a government. I pick up the words of Mr Stevenson, who has suggested that what we need to do is take a plant which for centuries has been known or alleged to have medicinal purposes.

Mr Stevenson: Thousands of years.

MR LAMONT: Okay, for millennia. Does that suit you? Let me say one thing to you: Despite all those eons and millennia, I still cannot walk into a doctor's surgery and say, "Doctor, I have a headache; I have a migraine. I think a quick hit of THC will get me over my problem", and have him say, "We will give you 5 milligrams and we will intravenously administer it and it will overcome the problem". If I go in looking for some other organic treatment, it will have been tested before it is made available for the purposes for which it is being proposed to be released. It is clinically tested; it is clinically controlled and investigated. But that is not what is being proposed at all by these amendments. You are not proposing that there be limited controlled clinical testing.

Mrs Carnell: Yes, we are.

MR LAMONT: No, you are not, and that is the difference. On the one hand, I believe Mr Moore when he says, "As far as I am concerned, my position on this drug is that this is good enough and this is the way it should be done". That is Mr Moore's firmly held view, and I do not for one minute deny that Mr Moore quite sincerely holds that view.

I can suggest that in relation to the way it has been executed there are problems, but I will not challenge the veracity of why Mr Moore does what he does. I cannot say that for the people across this room. As I said in my opening remarks, last week Mrs Carnell, in a display of self-mutilation, ripped the throat out of the Liberal Party. That is basically what has been done. You came in here today and voted with the Government to rescind the dangerous amendments.

Mrs Carnell: No, not dangerous amendments.

MR LAMONT: You voted to do so. You stood up here and said, "I acknowledge that these amendments were ill-considered, ill-conceived, badly thought out. I vote to withdraw them".

Mrs Carnell: We did not say any of that.

MR LAMONT: That is exactly what you have done this afternoon. Then what do we have? The ultimate face-saver, the ultimate tourniquet - these amendments, designed to give the impression that it was not all so bad last week, and to say, "It has a couple of minor technical faults; let us fix it". Fundamentally, what you are proposing here is dangerous. It is dangerous in relation to achieving the objectives Mr Moore and you espouse, that is, the proper controlled clinical assessment of the benefits of this drug. That is what you are proposing to do. These amendments simply do not achieve that. These amendments are as dangerous as at least three of your party members said to you last week that your amendments were. These amendments are equally dangerous and equally ill-conceived as those that three of your own members said to you that you should walk away from. That is the position. As I have said, and it has to be rammed home, these amendments are a tourniquet. They are to stop you and your party from haemorrhaging. They are to try to stem the tide of the damage you, Mrs Carnell, have caused your party and its chances of electoral success next February. That is what these amendments are for, and it should be exposed to the people of Canberra that that is the case.

Mr Humphries: I raise a point of order, Madam Speaker. The Minister is mixing his metaphors outrageously. I would ask him to withdraw those.

MR LAMONT: The only thing that is mixed is not a metaphor; it is the sort of undergraduate humour that Mr Humphries has been unable to leave behind since - - -

Mr Humphries: Like this?

MR LAMONT: I understand, in some of the photos I have seen, that that is exactly what you are doing. I think at that stage you were standing on your hands. What we are talking about here is the tourniquet, not the blowtorch. The finger cannot be pointed at the Attorney-General or the Government. The damage that has been caused to the Liberal Party has been caused by the Liberal Party. The damage that has been caused to each of your colleagues, Mrs Carnell - to Mr Kaine, to Mr Stefaniak and, dare I say, to Mr Cornwell, notwithstanding that he was brought in from his sick bed to vote in the Assembly last week - will go down in legend. Two months before an election, you now seek to apply a tourniquet to stop the damage.

This is a stunt. It is regarded as a stunt. The Police Association are quite clearly saying to you - and to you, Mr Stefaniak, once called a friend of the Police Association, I understand - "Do not have a part of this. Reject all of it, because that is the only safe course of action". If you want clinical tests, if you want to achieve the result that Mrs Carnell says that she wants to achieve, have proper clinical testing. Have it pursuant to the provisions of this Act that are available without these amendments. I implore you, Mr Kaine, as the elder statesperson of your party, to prevail upon the excesses of some of your colleagues and get them to see sense on this matter.

MR MOORE (5.06): Madam Speaker, Terry Connolly knows. He knows just how much misrepresentation he has been involved in. He knows the impact he has had on a number of people in this community. He knows how he has trampled on a number of people. The import of the legislation we passed last week was to waive a $100 fine in some small number of cases - for a few people who are suffering from cancer or AIDS or are going blind. That is what we did.

In the*Journal of Clinical Oncology* in 1991, and this report is repeated in the report of the National Task Force on Cannabis, we notice that, of members of the American Society of Clinical Oncologists, more than 44 per cent of the respondents reported recommending the illegal use of marijuana for the control of emesis. Some 48 per cent, or almost half, of oncologists in the United States who are members of the American Society of Clinical Oncologists, would prescribe cannabis to some of their patients, where other drugs had failed, if it was legal. That is what we are talking about.

I listened to Mr Connolly talk about clinical trials, and I wondered about the definition of clinical trials in our Act. I wondered whether Mr Connolly would be prepared to indicate to the house whether he would include in the term "trial" the sorts of trials that are covered in such eminent texts as Professor Hennekens's *Epidemiology in Medicine* or Professor Abramson's *Survey Methods in Community Medicine*. We do not have just clinical studies; rather, we can look at correlational studies, descriptive studies, case report studies, case series studies, cross-sectional studies, observational studies, case control studies, cohort studies and intervention studies. Intervention studies are those that are usually referred to as clinical trials. We know that in community medicine, when dealing with such issues as this, it would be important for people to understand that there is a whole range of trials.

One of the disadvantages of rescinding, and of the amendment we have before us that restricts us to what is in this text, is that, on face value, it appears that this legislation will restrict us back to a very limited number and range of studies we might be able to do. My mind would be eased somewhat if the Minister stood up and said that in granting authorisation he would not use the term "clinical trial" in the way it is strictly used by these texts but, rather, would accept the general concept that the trials we are talking about are medical trials and would fit into a normal medical protocol. Certainly, if you were to read the strict letter of the law, this amendment would undo a great deal of research, as does the Act itself.

I will not be supporting the amendment put up by the Liberals, although Mr Connolly almost convinced me to. When Mr Connolly was talking about synthetic THC, Delta 9 THC, he said that this is the only way that such a clinical trial should be carried out because this is the only way we can deliver a known quantity in a known quality. Normally, that would be a sensible argument, and I can understand where Mr Connolly is coming from. But we have a great deal of research on this, and I imagine that even some members here would know that people who ingest cannabis by smoking, as opposed to swallowing, have a far better control over their own level of THC and over the impact of the drug. That is something that needs to be explored and researched.

As Richard Refshauge observed, the purpose of research is to ask questions that have not been asked, to find out whether or not this is a sensible way to go about it. We know from our research with pure heroin, for example, that where somebody injects heroin the effect is instantaneous; and that is why people get a rush, and that is why they do it. We also know that when people use the method known as chasing the dragon, where they inhale the heroin - it has to be very pure heroin for them to be able to do that - there is about a 15-second delay before the same rush. Similarly, that is why people snort cocaine. What we do know is that many users claim that when they are given synthetic THC or ingest THC, as in swallowing it, they cannot control the amount they have and they cannot control the impact. Considering that we have a very strong movement in terms of pain control, where we give to people control over their own medicines, when we find that they tend to use less, it would seem that there is a good reason to research the issue of cannabis being used in this way, no matter what the strength of the THC.

That brings me to the next point, which relates to skunk. We now hear of a new strain of cannabis that has 30 per cent THC. Nobody has indicated where this information has come from; it just appears. One of the things that have been very interesting to observers of drug law reform is that every time there is a movement towards drug law reform some new drug or some new form of that drug suddenly appears from nowhere. I urge members to take that information with caution and to try to ensure that they know where that information came from so that it can be assessed sensibly.

Mr Berry: The Australian Doctors Fund.

MR MOORE: If the Australian Doctors Fund is talking about skunk, we ought to ask the Australian Doctors Fund where they got this information. To the best of my knowledge, it has not been published in a peer review journal, which is exactly the sort of information, the sort of research, that Mr Connolly wishes to rely on. I am just urging caution in accepting that sort of thing. Even so, it is very important to understand the question, in terms of cannabis, of quantity and purity. Do not forget that cannabis is widely used and widely available and that people use it primarily for the purpose that my colleague Mr Stevenson disagrees with me most strongly on, that is, to change their psychological state, to change their terms of consciousness.

I think it is important for us to take up the suggestion by Mr Connolly that in the next Assembly, for those of us who are still here, we should continue this work. I can see that, by and large, the very sensible legislation that was put through last week is going to be lost. I would like to see a situation where we go through a further process of investigating the medical use of cannabis, and also the industrial uses of cannabis, through an Assembly committee, to ensure that we deal with the sorts of issues that have been raised today in a sensible and rational way. I hope that I will have the opportunity to serve on such a committee and that perhaps somebody like Ms Ellis, with whom I have served on many committees and who has an open mind on such issues, would be prepared to serve, and indeed any other member.

I think there is great shame for the Labor Party in the way this process has been followed. They must be particularly embarrassed about the way they have approached this, shamelessly tramping on those who needed their help, shamelessly tramping on some of the most vulnerable people in our society, for political point-scoring. For those of us who listened to Mr Lamont's speech, it was very interesting to watch some of his colleagues when he was talking about the Liberal Party self-mutilating and so forth. We were on the political level of this debate; we had lost what it was really about. That would have embarrassed most people. I did not see Mr Connolly being embarrassed because I do not think he knows how to be embarrassed. I think he has lost the ability to do that.

I happen to have with me the United States Department of Justice Drug Enforcement Administration booklet on how to hold your own in a drug legalisation debate. In other words, how do you argue against somebody like Michael Moore when he puts up the notion that we need to take sensible steps away from prohibition? Mr Connolly could have used the book. His arguments, his way of presenting it, his networking, the whole process probably improved a little on the book. He could easily have used the book. The misrepresentation that went on was extraordinary, and the misrepresentation continued when we heard Mr Lamont talking about dangerous amendments. The Labor Party's own platform goes much further than these amendments. I happen to think that platform was very sensible.

Whenever we have had drug law reform anywhere in the world there have been screams about open slather. One of the ironies of drug law reform is that it would appear that, whenever it has occurred, when you look at it over a three- or four-year period you find that just the opposite has happened. Many people account for that by drawing attention to the fact that when you reform, when you move away from prohibition, you also move away from the forbidden fruit syndrome; but, perhaps more importantly, you move away from the pyramid sales networks that operate.

In conclusion for the moment, I indicate that I will not be supporting the Liberal Party amendments. The reason for that part of it, although I know that they have been put up genuinely, is that my reading of subsection 170(2) of the Act, which also refers back to subsection 169(2), indicates to me that the people the Liberal Party is seeking to protect are already protected. That is my personal interpretation of the Act. It would also seem to me that the restriction for authorisation under section 33 of the Act would do exactly what is in the Act now, unless the amendment I will move shortly, which members have, were to be passed. If that amendment were to be passed, it would add something that is not in the Act, that is, protection for people in terms of cultivation.

I take the opportunity to move as an amendment to Mrs Carnell's amendment:

After proposed paragraph 171B(b), insert the following new paragraph:

"(c) an offence under subsection 162(2) of cultivating, or participating in the cultivation of, not more than 5 cannabis plants.".

That would add something to the Bill that is not there.

MR BERRY (Manager of Government Business) (5.22): I want to talk about a few issues that are important in the scheme of things as they relate to this debate. I know that the Liberals were in support of bringing circuses to the ACT, but I never thought they would want to bring this one. They have brought all the bells and whistles and clowns, all of the issues that brought criticism on this Assembly in past years. Mrs Carnell, you would not remember past years, but I will tell you who does. I do and Trevor Kaine does, and he does not want to go through that again. Mr Kaine would remember a prominent Liberal who rated a mention very often in the electronic and printed media - Speaker Prowse, with the monkey bites and all of that. I suggest that there are a few monkey bite scars over there today.

Last week we saw one of the silliest pieces of legislation ever developed in this place, and it was developed in a most silly way. For somebody like Mr Stevenson to support such a thing surprised me. Mr Stevenson has said over and over again that he does not like to see Bills rushed through this place, but last week he must have been salivating at the opportunity to see hempen sports coats hanging on every street corner, and he thought this might have been the way to get there. It was not. It was a silly piece of law. It was inspired out of silliness, and it made this Assembly look absolutely stupid. I do not mind it, as it has turned out, because the circus has worn it, and so they ought to have. The Liberal Party has worn it, Mr Moore has worn it, and Mr Stevenson, though he might think he has gone unnoticed in the debate, has worn it too.

We now have an opportunity to get rid of the effects of the loopy decision making that went on in this Assembly. It does not go to the issue of the Labor Party's policy, as Mr Humphries put it; the Labor Party's policy is one with which we are comfortable. It goes to how you develop legislation and what you say in it. The pictures last week of people dying with cancer having to cultivate hemp in the backyard to medicate themselves and of people going blind with glaucoma growing hemp in the backyard to medicate themselves, was the sort of loopy stuff you developed, and it gave rise to quite legitimate concerns about the way this silly amendment would affect the community.

I remember not too long ago, when Mr Prowse, that prominent Liberal, was with us, how we had the great debate about fluoride. It was on again, off again, on again, off again. You never knew from one week to the next what was going to happen with fluoride. Mr Prowse, bearing his Liberal badge, would be out there poised to press the button to switch it off at every opportunity, and Mr Kaine was sitting there helpless, saying, "I wish I could stop him; I wish I could stop him". I will bet that he was saying the same thing a week ago: "I wish I could stop them; I wish I could stop them".

But he could not. They got carried away. As Mr Kaine would well know, there has been some significant political damage done to his party and therefore to him. I know that most people in the community probably see him as separate from it and lay the blame at the feet of the people who really did it - Mrs Carnell, Mr De Domenico and Mr Humphries. They are the ones who are going to wear it. None of the others really support this, but they have been towed along.

We now have the opportunity, colleagues, to wipe the slate clean. If, as Mrs Carnell would usually put it, the NHMRC is the right body to look at these sorts of things, perhaps one day the NHMRC will do something about this issue and there may come about change on a national basis, not one that is being pursued because Mr Moore wants to lead the world on these issues. It is all very well for him to want to lead the world, but we live in a society where you have to take the rest of the country with you. I have put to Mr Moore on several occasions the view that you have to do it at national forums to get these things changed. You might get your picture in the newspaper; Mrs Carnell might get her picture in the newspaper, although I do not think she would have liked the ones that were in the newspaper last week. If you want to get the use of these sorts of things changed, it has to be done in a national context. That is a sensible way to go. But sense went out the window last week, and we all wore the effects of it.

You have the opportunity now to fix it. If you want to go down the path of changing the way these drugs are used in the community, you do it sensibly. The government of the day - Labor in this case - will raise these matters as the need arises and have them dealt with sensibly at a national level. Running around like chickens with your heads chopped off on this issue is quite silly, and we all wear the flak from that. What seems to be developing now is that the whole thing will collapse and you will be able to say, "We are free of it". Mr Moore will be able to say, "I am free of it. It has all gone away now. It has been rescinded and we could not get support from everybody. It just fell apart". The Liberals will say the same thing, namely, "We are free of it, and we played a part in that, ho, ho, ho".

Mr De Domenico: What are you going to say?

MR BERRY: I will say, "At last Labor has cleaned it up again". The grand opportunity is here for you to play a part in that, and a sensible part. I know that there are a few members amongst your party who, if they had their druthers, would be voting with us. Pretty soon, they are going to have the opportunity, and on this occasion we would welcome it.

MRS CARNELL (Leader of the Opposition) (5.30): Very briefly, I think there are a couple of things that need to be cleared up. The Health Minister raved on for a very long time about how concerning and worrying it would be to pass this amendment because it spoke about cannabis leaf rather than just synthetic cannabinoids. He forgot that section 32(2)(b)(iii) of his own Act says that he has to approve the strength and form of the drug or substance that is to be possessed or used. If there is something wrong with that, it is the Minister's own fault. He does not even understand his own legislation.

In terms of the clinical trial protocol, that also needs to be addressed. It has to have aims, it has to have the proposed means of conducting it and the proposed method of analysis of the results.

Mr Connolly: I am starting to feel sorry for you, Mrs Carnell.

MRS CARNELL: I have felt a bit sorry for you for ages. Unless the proposed method of analysis of results is there, it cannot be approved. Of course, it has to be scientifically viable. If poor old Mr Connolly cannot work those sorts of things out, he should not be Health Minister and he should not be approving this sort of approach. Mr Lamont suggested that it was dangerous. Mr Lamont, it is dangerous only if your Minister for Health stuffs up and approves something that is dangerous. He has to approve it.

Mr Lamont also made a comment suggesting that the usefulness of cannabis medically was "alleged". The fact is that there is already one product - a very expensive product - that is available on an import basis. It is a product called Nabelone, which is specifically a synthetic cannabinoid product for nausea in end stage cancer. It is an approved product. So much for Mr Lamont's "alleged". The fact is that it is not dangerous. There are not alleged medical benefits; there are real ones that have already, in very limited circumstances, been proved, which shows that there is a need for more medical research in this area. The issue of quantity and quality and strength has already been addressed in the legislation. It seems to me that those were the only issues that anybody raised.

MS SZUTY (5.33): I have listened to the debate, both this afternoon and last week, with some interest. It has been one of the most extraordinary public debates I have witnessed, certainly in my time in this Assembly. The comment I would like to make about it is that it seems to have generated an enormous amount of hysteria in the community. "Hysteria", I think, is an appropriate word. It is interesting that this debate has been about the medicinal use of cannabis. How many other amendments have come before this Assembly which have been corrected at a later date and which have caused no community reaction whatsoever? It is a most extraordinary circumstance that we are even debating today Mr Moore's amendment to the Drugs of Dependence Act. Nonetheless, when the variety of legal opinions was proffered last week, I must admit that I had some concerns about the effect of Mr Moore's amendment, and certainly many people in the community would have had those concerns as well. I note that Mr Moore, in good faith, decided that he would seek his own legal opinion on the effect of his amendment, and I am very pleased and very grateful to Mr Moore for doing that. I think Mr Refshauge has clarified the position of Mr Moore's amendment quite conclusively.

I believe without reservation that Mr Moore is correct about the effect of his amendment, and I refer to the comment he made most recently that this amendment is about the fact that fines are not instituted and proceedings do not lie against a person in respect of the alleged commission of a simple cannabis offence under these particular circumstances. If members refer to the appropriate section of the Drugs of Dependence Act, the heading that precedes the cannabis medicinal use provision is "Offence notices", section 171A. I think Mr Moore has quite appropriately couched his amendment in terms which relate to that provision of the Act. I note Mr Moore's attempt to make cannabis available to people in particularly dire circumstances, and we have all heard over the last week about people who suffer from glaucoma, AIDS and terminal cancer. I commend Mr Moore for his compassionate approach to these people in raising this amendment in these circumstances.

I would like to refer to the issue the Labor Government has raised - that we should not be considering this amendment in the ACT because we should be doing something at a national level, in a national forum. I remember listening to Mr Connolly this morning, talking about his - - -

Mr De Domenico: Like the Bill of Rights, nationally.

MS SZUTY: Exactly, Mr De Domenico. He was talking about his Bill of Rights, saying that in some circumstances it is appropriate for a jurisdiction to take a lead in relation to a particular issue. That is exactly what Mr Moore's amendment does in these circumstances. I think the analogy is particularly ironic, given that the draft legislation is Mr Connolly's own legislation.

I also agree with Mr Moore that the amendments proposed by the Liberals do not add anything to the provisions of the Act as they currently apply, and I believe that Mr Moore is right in that these amendments should not be supported. But he has gone further and indicated to the Assembly that he is looking for support for his own amendment to Mrs Carnell's amendment, which would add something to the current legislation and protect people in circumstances where they are cultivating cannabis themselves.

I am aware that Mr Moore's position and my position on this matter will not be supported. However, I do commend one of the more sensible suggestions put forward by Mr Connolly, that is, that the new Assembly should consider the medicinal use of cannabis in a committee process. Mr Moore has already indicated to the Assembly that he would support that process, and I certainly would too. I do not believe that I will be speaking again on this particular matter. It really has been the most extraordinary debate. I hope that, at the conclusion of this debate, we have all thought through the issues and will not be placed in such circumstances again.

Amendment (Mr Moore's) negatived.

Question put:

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

The Assembly voted -

AYES, 7 NOES, 10

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

Question so resolved in the negative.

Mr Moore: On a point of order, Madam Speaker, I seek clarification. Now that Mrs Carnell's amendment has been lost, does the original amendment that I put stand? I am just seeking clarification.

MADAM SPEAKER: We still have a clause 5 that is Mr Moore's clause 5. The question now is: That clause 5 be agreed to.

MR MOORE (5.41): In many ways, I think it is sad that I was put into a position where I had to vote against the Liberal amendment. I believe that the Liberal Party, in making their decision, clearly made it in good faith. In their minds they clearly had the people who were ill in Canberra, people who were suffering from cancer, people who needed their help. It is quite clear that when they made their original decision, and again when they sought to modify it, they genuinely believed that that was part and parcel of their thinking.

That attitude contrasts greatly with the attitude of the Government, particularly the Minister for Health, who saw a political opportunity and went for it. Speech after speech from the Labor Party has not been about the issue; it has been about the Liberal Party exposing themselves to the sort of political charade that was put on particularly by the Minister for Health. I think that is a very sad circumstance. That is what we have seen over the last few days, and it is exacerbated in my mind by the fact that the Labor Party has a policy that effectively says that, instead of having an amendment that requires a medical practitioner who is doing medical research to give permission or to certify, they will waive the $100 fine completely. They simply will not punish people for the personal use of cannabis.

If I were a member of the Labor Party now, and thank God I am not, it would be a source of great embarrassment to me that I had been part of a system that shamelessly works in the hypocritical way of the New South Wales Right. That epitomises what we saw over the last few days. It seems to me that through that process of misrepresentation, as Mr Connolly knows, people have been put in awkward situations. We have even had suggestions that there has been no rigorous scientific study. I will mention just one, because I have referred to it a couple of times. The first rigorous scientific study of the medical benefits of cannabis was published in the prestigious *New England Journal of Medicine* in 1975. Cannabis was demonstrated there to reduce nausea and vomiting resulting from cancer chemotherapy. A number of other studies have subsequently confirmed these findings.

Rather than continuing on this line and taking members through until later this evening - as members would be aware, I could easily do that - I think it is appropriate for us to allow this debate to be drawn to a conclusion. It ought to be, for the Minister for Health in particular, with a sense of shame.

Clause negatived.

Bill, as amended, agreed to.

Sitting suspended from 5.46 to 8.00 pm

SUBORDINATE LEGISLATION
Papers

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for criteria for direct grant of crown leases, determinations and regulations.

The schedule read as follows:

Land (Planning and Environment) Act -

Determination of criteria for direct grant of Crown lease - No. 154 of 1994 (S282, dated 5 December 1994).

Land (Planning and Environment) Regulations (Amendment) - No. 41 of 1994 (S275, dated 29 November 1994).

Liquor Act - Liquor Regulations (Amendment) - No. 40 of 1994 (S272, dated 28 November 1994).

Taxation (Administration) Act - Determination for the purposes of the *Business Franchise (Liquor) Act 1993* - No. 152 of 1994 (S274, dated 28 November 1994).

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

MRS GRASSBY: Madam Speaker, I present report No. 19 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement.

Leave granted.

MRS GRASSBY: Report No. 19 of 1994 contains the committee's comments on six Bills and 14 pieces of subordinate legislation and seven Government responses. This is the last report that our committee will be presenting to this Assembly, and I would like to thank the other two members of the committee, Gary Humphries and Helen Szuty. It has been a pleasure to serve with them. I would also like to thank Professor Whalan, who has provided a great deal of guidance to us. Also, I thank Beth and Tom from the Secretariat, who have done a wonderful job. The nice thing is that Tom always comes up with a story. His story this morning was: What does Santa Claus call his elves? The answer is: Subordinate Clauses. I thought you would like that, Madam Speaker.

PUBLIC SECTOR - STANDING COMMITTEE
Report on Whistleblower Legislation

MR KAINE (8.04): I present report No. 1 of the Standing Committee on the Public Sector, entitled "Report on Whistleblower Legislation in the ACT", which includes a dissenting report, together with extracts from the minutes of proceedings. I move:

That the report be noted.

As I have indicated, Mr Berry has submitted a minority report on this matter. I would like to comment briefly on that report. I notice that Mr Berry has said that he has not changed his view from that which he adopted some months ago in relation to the select committee, on the basis that no additional information or evidence has been presented that would cause him to change his mind. Madam Speaker, I would like to draw attention to paragraph 1.8 of the report, which mentions the evidence that the committee looked at. Some of that information was not available at the time that the select committee examined this matter. It includes the South Australian Whistleblowers Protection Act 1993; the Queensland Whistleblowers Protection Bill 1994, which I note is still a Bill; the New South Wales Protected Disclosures Bill 1994; Senator Christabel Chamarette's private members Whistleblowers Protection Bill, which is currently before the Senate; and the report of the Senate Standing Committee on Public Interest Whistleblowing. Most of those documents were not available when the select committee looked at this matter some time ago.

This committee reviewed the Public Sector Management Act and the private members Bill put forward by Mrs Carnell some time ago, in the light of the additional legislation that is now being considered in most States of Australia and at the Federal level. Reading those documents alone introduces a new dimension to this whole question of whistleblowing and, I believe, adds even greater weight to the original recommendations of the select committee, which the standing committee very largely proceeded from. We took the report of that select committee and the recommendations that flowed from it, and they are repeated in chapter 2 of our report. They represent the point from which the committee began.

Madam Speaker, in coming to a conclusion on this matter, we had the Public Sector Management Act, section 12, which is currently the law of this Territory, and we had, by way of comparison, the Public Interest Disclosure Bill put forward by the Leader of the Opposition. We went back and picked up the issues that had been raised during the earlier consideration of this matter in the select committee. Those issues are dealt with in chapter 3. They relate to such things as to whom disclosures may be made. In chapter 3 of this report we compare the provisions of the Public Sector Management Act with those provisions that would apply were the Public Interest Disclosure Bill to be enacted into law.

So, we looked at to whom disclosures may be made. We compared the Bill and the Act. We looked at what is disclosable information. We compared the provisions of the two documents, and in each case we made a judgment about which of the two documents we believed was superior. We looked at the question of disclosable conduct. We looked at the question of protection of the whistleblower - who needs to be protected and in what manner they can or should be protected. I am working my way through chapter 3 of the report.

We looked at procedures for disclosures - how somebody who wants to make a disclosure which he or she believes to be in the public interest goes about doing that. We considered the alternatives available to us in that respect. We looked at the obligation to disclose conduct. Finally, we dealt with matters such as false or misleading information; reporting requirements; progress reports, which we believe that the administration should provide to the person who disclosed the information in the first place; and the question of disclosures of anticipated conduct, which is where the conduct is not something that has been done already but is something that intended to be carried on in the future.

Madam Speaker, we believe that the committee has made a very comprehensive review of the issues that were raised in earlier debate on the matter. We have looked at the two documents that are currently before this house - the Public Sector Management Act and the Public Interest Disclosure Bill. We have considered all of those issues in the context of what almost every other State of the Commonwealth has enacted or is enacting and draft legislation which is before the Federal Parliament at this time in the form of a private members Bill. We have drawn some conclusions and we have made some significant recommendations, which I ask the Assembly to consider very seriously.

I want to pay tribute to our committee clerk, Russell Keith. This report is really his work. I have to say that, in the sense of the complexity of the material that was before the committee, Russell Keith has done an excellent job in summarising it and presenting it in a form which is, in my view, quite readable. When people have read it, they will understand the issues. I want to pay particular tribute to Russell Keith for the manner in which he has put this report together. I think it is most commendable. One sentence in this report, at paragraph 3.5, states:

The effect of treating whistleblowing as a disciplinary matter is to miss the point of building a culture of service, responsiveness and accountability.

Those are the words of Russell Keith. I must say that they express, for me, the essence of what whistleblowing legislation is about. I think that is the difference between the Government's Public Sector Management Act and the Public Interest Disclosure Bill of the Leader of the Opposition. The Public Sector Management Act treats this subject as though it is a disciplinary matter. If any public servant makes a disclosure, in the context of the Government's own Bill, it immediately raises the question of disciplinary action - primarily against the person against whom the disclosures are made; but also, if the disclosures turn out to be frivolous, there is a question of disciplinary action against the person who made the disclosures. I think that those words express the essence of the legislation, or of what the legislation should be.

It should not be about discipline, because many things that people will wish to make disclosures about - in terms of the behaviour of a public servant or the information that is available in the system - will not, at the end of the day, warrant disciplinary treatment. It may be that the behaviour of the public servant is the result of a lack of information about the nature of his or her job, or a lack of understanding of the job that they are expected to perform or the standards to which they are expected by the public service culture to perform. I think that it is basically wrong to begin from the premise that, the minute somebody blows the whistle - that is, discloses information about a public servant's conduct - it is automatically a matter for discipline. I believe that that could not be further from the truth. To pursue the matter along those lines merely reinforces the culture of the public service - that you cannot and do not blow the whistle on anybody, because, the minute you do, somebody is in line for some disciplinary treatment.

What we should be aiming to achieve is a corporate ethic - a culture where it is acceptable and normal procedure for a public servant who has information that suggests that the behaviour of another public servant is unacceptable in the public interest, without any fear of reprisal or of putting his or her position in jeopardy, to bring that information out in the open and have it properly examined. If we proceed from any other assumption, then I believe that this legislation and the intent of this legislation will fail, because it will be contrary to the current ethic of the public service.

I believe that the report is a good one. I regret that Mr Berry could not bring himself to support the recommendations, because I believe that the recommendations of this report are intended to improve the environment in which public servants work. If they were adopted, I believe that we would have a better law than we currently have, and it would be one in which public servants could operate, knowing that if they blow the whistle on somebody they are not going to be considered as pariahs and the person about whom they are laying the information is not necessarily going to be subjected automatically to some kind of disciplinary treatment. So, I urge the Assembly to examine the report carefully, to read the argument which is contained in chapter 3 about the merits of the Public Sector Management Act on the one hand and the Public Interest Disclosure Bill on the other, and to consider the recommendations that we have made in the light of that argument. I believe that our recommendations are sustainable and eminently sensible. I would ask the Assembly to adopt them.

MS SZUTY (8.16): I recall a rather strange debate that we had several weeks ago about whether the Public Interest Disclosure Bill was currently being considered by the Standing Committee on the Public Sector. Members may well recall that both Mr Berry and I indicated that we believed that the Bill was currently before the committee, and we did not see why the committee could not consider further the issue of whistleblowing, picking up a recommendation of the former Select Committee on the Establishment of an ACT Public Service. Recommendation 12 of that committee's report, which is identified in this report of the Standing Committee on the Public Sector on page 4, states:

the stand alone whistleblower legislation, when drafted, should be referred to [the Standing Committee on the Public Sector] before being debated by the Assembly.

Those words are in brackets because the committee did not have a title at the time. Madam Speaker, this is what we have proceeded to do in the weeks following that debate, the result of which is this report which the committee is presenting to the Assembly today.

I note Mr Berry's dissent from the committee's report. Mr Berry also draws attention to his dissenting remarks in relation to the report of the Select Committee on the Establishment of an ACT Public Service. In fact, I agree with Mr Berry in one part of his dissenting remarks. In the third paragraph he states:

As I noted in the report of the Select Committee I believe that the provisions of the Public Sector Management Bill, in relation to whistleblower protection, form a comprehensive package to deal with this matter as it may apply in the government service.

Madam Speaker, it could well be argued that that is the case, although it is important to note that the majority of the committee actually go further than that. We believe that whistleblower provisions should be extended to people beyond the public sector. I think it is one of the most important parts of what we are reporting to the Assembly that we actually do believe that those provisions should be extended further.

I would like to draw members' attention to page 19 of our report, in chapter 4, which argues the case for stand-alone whistleblower legislation. Paragraph 4.1 states:

One of the arguments for the retention of the whistleblowing provisions of the PSM Act is that it incorporates most of the legislation relating to the conduct of the public sector into the one piece of legislation. However, legislation providing for whistleblowing by persons outside the public sector should, in the Committee's view, be separate from the PSM Act. The Committee concludes, therefore, that there should be stand alone whistleblower legislation.

Paragraph 4.2 states:

The Select Committee on the Establishment of a Separate Public Service recommended that Part XII of the PSM Bill remain in force until such time as stand alone whistleblower legislation is passed. With the passing of separate whistleblower legislation encompassing relevant provisions of Part XII of the PSM Act, the Committee considers that Part XII of the PSM Act should be repealed.

We recommend as such in recommendation 10 of our committee report. In his dissenting report Mr Berry also mentions that no public hearings had been held by the Standing Committee on the Public Sector to review the recommendations of the Select Committee on the Establishment of an ACT Public Service and, indeed, any other issues. But it would be fair to say that extensive discussions have been held and that the work of the Select Committee on the Establishment of an ACT Public Service was referred to quite extensively. Members will note the extensive work done by the committee in comparing the provisions of the Public Sector Management Act, the Public Interest Disclosure Bill and other legislation and proposed legislation in place in other jurisdictions. Madam Speaker, members will note that various pieces of legislation from other places are referred to on page viii of the report. The committee, in considering these issues further, took note of approximately eight reports and other pieces of legislation which are in place in other jurisdictions in Australia. Therefore, I feel that the committee has considered these issues extensively and is ready to present this report on whistleblowing provisions to this Assembly.

I would also like to draw attention to the final recommendation made by the committee. It is in the text of the report on page 21. It relates to private sector whistleblowing. This is a recommendation that I am sure Mr Berry will talk to. Mr Berry actually proposed it. I think it makes a lot of sense. In fact, the committee has agreed and recommended that a committee of the Third Assembly inquire into the need for legislation in regard to private sector whistleblowing. I think that it is an important point which was brought forward by Mr Berry in the context of the committee's report and it is worth noting. I certainly support the recommendation that a committee of the Third Assembly look into this matter of private sector whistleblowing.

As Mr Kaine has indicated, the committee has come up with 11 recommendations in relation to whistleblowing, which is, I think, a comprehensive response to the issue. Mr Kaine has spoken at some length about the various provisions which relate to those recommendations in the report. Finally, Madam Speaker, I am pleased that the Standing Committee on the Public Sector has been able to complete this task before the conclusion of the sittings of this Assembly. That should now enable debate to proceed on appropriate stand-alone whistleblowing legislation for the ACT. It is a matter that has been considered for some time by both members of the Standing Committee on the Public Sector and members of this Assembly. I believe that the Leader of the Opposition, Mrs Carnell, should be congratulated for the very extensive work that she has done in relation to her Public Interest Disclosure Bill and the manner in which she has responded to the recommendations made by the former Select Committee on the Establishment of an ACT Public Service and the Standing Committee on the Public Sector.

MR BERRY (Manager of Government Business) (8.23): As the author of the dissenting report on this committee's deliberations, I think the first thing I ought to deal with is the fact that the committee's deliberations were incomplete. I take members to recommendation 11, which talks about the need for an examination into whether or not there should be legislation in regard to private sector whistleblowing. In my dissenting report I mention specifically issues which need to be examined, such as corruption in the non-government sector. There has been no examination at all of those matters. I think we have to look at this report in context. It was a report that was done in circumstances where specific timelines had to be accommodated in the scheme of things. It was done against the background of legislation which had been introduced in what I felt was something of a political stunt on the issue of whistleblowing. I felt that the politics of the Assembly would necessarily show up in the report.

One of the important issues that we have to consider in relation to this matter is the circumstances of the various States in relation to whistleblowing legislation. Mr Kaine quite appropriately raised those areas. The committee looked at the South Australian Whistleblowers Protection Act, the Queensland Whistleblowers Protection Bill, the New South Wales Protected Disclosures Bill, Senator Christabel Chamarette's private members Whistleblowers Protection Bill, and the report of the Senate Standing Committee on Public Interest Whistleblowing. The only one which has been passed is the Queensland Whistleblowers Protection Bill; that is, apart from - wait for it - the ACT one which applies to the public service. The circumstances in all of those places are quite different from the ACT. They have had longstanding public service legislation which covers the way in which their public service operates; but in the ACT it is quite different. We had the opportunity to develop legislation which incorporated the management of our public service and a whistleblower provision. Because of the convergence of the need to deal with those issues, we were able to put together in one package some legislation which covered both areas - comprehensive legislation, very satisfactorily drafted, which dealt with whistleblower provisions.

Additionally, we are now in a position where we might wish to consider how we deal with the need for whistleblowing and the sorts of problems that occur in whistleblowing in the private sector. But that is not something that we can deal with lightly, and it is certainly not something that we could have dealt with in the time that was available to us in addressing these issues. So, dealing with the private or non-government sector was something that could not have occurred in the time available to us. My view is that the majority of the committee were in error in suggesting that the Government should go to the trouble of supporting the Public Interest Disclosure Bill, which has been proposed by Mrs Carnell, merely to accommodate the views of the committee, because the investigation is incomplete and it would leave some matters undiscovered. It is something which could well be considered before coming down with final recommendations on the matter.

Mr Kaine is a wily politician. I note that he made some comment about the investigation which was conducted by the committee but carefully avoided the fact that we had no public inquiries to hear from the people who, as contractors or as people who had at some time worked in the public sector, might be affected in some way by whistleblower provisions. Essentially, what has happened is that the majority of the committee have relied on assumptions that people might be affected. There was no real evidence collected which showed that people were affected or were fearful of being affected. So, I think we have left some work to be done. I think it would be a shame if stand-alone legislation were now put in place and at the same time we undid that comprehensive legislation that no other State or Territory has had the opportunity to develop.

In terms of the public sector, we have put together a comprehensive package in the ACT that people throughout the country would be envious of. There is no question about that. I think we ought to be looking in more depth at what is required outside the government sector before we start mucking around with legislation which has, as its origins, a political decision. I am not satisfied that we have done our job properly yet, and that is why I submitted the dissenting report.

Madam Speaker, I would like to thank the secretariat for the good-natured, hard work of putting together these reports. They are not always easy to put together. My experience has been that they always do it with enthusiasm. This report, with all its faults, is a report which is representative of the views of the committee members; but I think that it lost something in not going to a full examination of the issues.

Debate (on motion by Ms Follett) adjourned.

RATES AND LAND TAX (AMENDMENT) BILL (NO. 2) 1994

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

That this Bill be agreed to in principle.

MR KAINE (8.31): Madam Speaker, the Opposition, in general, supports this Bill. The amendments are intended to achieve a number of things. First of all, they amend the Act - these are the words of the Government, and I accept them at face value - "to more adequately reflect current land ownership requirements". I am not too sure what that means, but I am sure that the Government's intentions are good. The Bill also provides for the correction of errors in valuation processes. It allows persons adversely affected by administrative decisions to have greater objection and appeal rights. The Opposition has no great difficulty with most of those things, although we are a bit doubtful as to why it was necessary to redefine the relationship between a landowner or a land lessee and a tenant. However, we accept that the Government's intentions are to secure the revenues of the Territory without undue detriment to the people who have to pay those charges.

In debate earlier today, much was made of the fact that the Liberal Party in opposition had not consulted all kinds of people about marijuana use. It is funny that the Government should say that, because when this Bill was tabled I contacted the Canberra Business Council, the Canberra Property Owners Association, the ACT Ratepayers Association, the ACT Law Society, the Society of Certified Practising Accountants and the Institute of Chartered Accountants, and none of them had seen the Bill. So, I sometimes wonder who is guilty of a lack of consultation. I cannot imagine why the Government would proceed with a Bill like this without contacting people like the Canberra business owners, who are directly and perhaps materially affected by it. Nevertheless, the facts are that the Government clearly did not consult any of those people before it brought this Bill forward. Madam Speaker, I note that the Scrutiny of Bills Committee raised a point in connection with this Bill. It indicated that the proposed subsection 10(4) could give rise to a prejudicial retrospectivity and suggested that the Government should perhaps make its intentions clear. I wait for the Government to indicate to the Assembly whether or not there is a prejudicial retrospectivity in that section and, if so, why it is there and what they intend to do about it.

Madam Speaker, there is only one aspect of the Bill that the Opposition does not agree with. I foreshadow that I will be moving an amendment that has to do with the situation where a taxpayer has paid the assessed tax up front, he then lodges an appeal against the assessment and there is an order by the Administrative Appeals Tribunal or some other relevant body that says that the assessment was excessive. At the moment, it certainly provides for the reimbursement of any excess money, but it does not say anything about the payment of any interest in connection with such overpayments. The Government is quite clear that, if somebody underpays or does not pay on time, they pay a very substantial amount of interest on the amount of money short-paid or not paid. I do not believe that it is asking any less of the Government that, where there is an incorrect assessment and that assessment is judged to be incorrect and money is due and payable, interest at the same rate should be paid to the taxpayer on the money that has been inadvertently or erroneously collected. I will be moving an amendment in the detail stage to correct that oversight. Other than that, the Opposition supports the Bill.

MS SZUTY (8.37): I would like to raise two issues in connection with this Bill. The first is an issue to which the Scrutiny of Bills Committee drew attention. We have received advice only today on the matter. It is to do with prejudicial retrospectivity in the provisions of the Rates and Land Tax (Amendment) Bill (No. 2). I would like to quote from the Attorney-General's response to the Scrutiny of Bills Committee on this point. He said:

The Committee sought confirmation as to the intention of new subsection 10(4) given that it appeared that there could exist a prejudicial retrospectivity if the subsection was to apply to errors of duplication that are presently in the system and come to light after the amendments commence operation.

I am advised that the Committee's assessment of likely prejudicial retrospectivity is correct. Under the Principal Act as it presently applies the Commissioner has the power to go back 3 years and correct a "clerical" error which has occurred in the valuation process. The extension of the provision to cover all types of errors removes an inequity in the valuation process which, currently, inadvertently creates different classes of rate and land tax payers.

The extent to which any change in an unimproved land value will be prejudicial is debateable. In the initial instance, if the error had not occurred, then the rate or land tax payer would have paid rates and land tax on the correct value all along (whether or not this value was higher or lower).

Where an erroneous unimproved land value is corrected the rate or land tax payer may object to the Commissioner on the new value. If he or she is still not satisfied after the Commissioner makes a decision on the objection then an appeal may be lodged with the Administrative Appeals Tribunal. These processes clearly provide an affected person with the opportunity to have the new value determined at a reasonable and acceptable level.

In addition, under section 21A of the principal Act there would be no effect on an owner who bought a property which subsequently had the unimproved value redetermined at a date prior to that person's acquisition, providing a certificate which showed no liability was obtained from the Commissioner prior to buying the property.

Madam Speaker, I am always very conscious of amendments to Bills which are likely to be prejudicial in nature to particular people. However, in this circumstance, I accept the argument of the Attorney-General that there are processes in place for people who believe that that reassessment is unjust. So, on the basis of that advice, I am prepared to pass that provision of the Bill at the moment, although I indicate that it is something that I will be taking an interest in to see whether that is a satisfactory response to that situation. I think it is something that the Assembly will have to consider in the future.

There is another issue that I would like to talk about. I thank the Chief Minister for making her officers available to brief me on this matter. I asked for clarification as to what other types of errors - other than clerical errors - might occur in making various assessments. I will quote from the advice that I have received from Mr Casburn from the policy and appeals area of the ACT Revenue Office. That advice states:

Under the Principal Act the term "clerical" error only applies to a clerical error occurring in the ACT Revenue Office in writing something down incorrectly, such as transposing a figure. It does not apply, for example, to an error occurring in the Australian Valuation Office or when a valuer is inspecting a site. The amending Bill corrects this situation. Examples of errors which could occur are:

. an incorrect digit is introduced into a valuation, such as a zero on the end of an unimproved land value amount.

That one, I think, would be fairly easy to detect by the person who has received such an assessment. The next dot point states:

. recent sales evidence becomes available to the Australian Valuation Office which indicates that previous sales information used to establish the unimproved land value had been misleading.

I find that a fairly unusual provision. The Chief Minister may wish to explain to the Assembly some circumstances which would lead to such decisions being made by the Revenue Office in respect of particular land valuations. The third dot point states:

. incorrect information is provided to the Australian Valuation Office in respect of the lease purpose clause or the gross floor area of a building on a commercial lease.

I do not have any particular problem with that criterion; but I believe that the Assembly should be aware of the criteria which the ACT Revenue Office can use in relation to amending valuations on properties. Madam Speaker, I would appreciate it if the Chief Minister could address those issues in her closing remarks; but I indicate to the Assembly that I will be supporting the Bill.

MR MOORE (8.42): In rising to support this Bill I would like to emphasise that I appreciate the opportunity to be part of a system that extends appeal rights to ordinary people. I think that the Chief Minister should be congratulated for putting in a system of review of decisions and, in particular, for that review to be made through the Administrative Appeals Tribunal. There certainly are a number of occasions when that can apply. Ms Szuty has addressed some of them. I think that the list was by no means meant to be exhaustive but, rather, to provide some examples of where people feel that an administrative decision has been made which adversely affects them. Up until now, in many of these circumstances we have had a situation where people simply have had no other recourse but perhaps to appeal politically to us or directly to the Chief Minister.

I think it is unhealthy to have such things dealt with in a political forum. So, for the appropriate body - the Administrative Appeals Tribunal - to be able to review such decisions of the Commissioner for ACT Revenue is, I think, an entirely appropriate process, and I have pleasure in supporting the Bill.

MS FOLLETT (Chief Minister and Treasurer) (8.43), in reply: Madam Speaker, I would like to thank the members who have spoken for their support of the Bill and for their comments upon it. As members are aware, the Bill contains a package of measures which are designed for a number of purposes, but first of all to make complying with the Rates and Land Tax Act administratively easier and to ensure that ACT rate and land tax payers are afforded even greater protection. The workload of sellers, transferees and buyers of land will be reduced by the removal of a requirement to provide in transfer of land advices details about the purpose for which the land is used and the value of any goods being transferred with the property. Such information is no longer required by government agencies. So, in line with the Government's policy of streamlining administrative processes, the obligation on people to provide this now superfluous information has been removed.

The extension of objection and appeal rights to take account of administrative decisions which could adversely affect rate and land tax payers who, prior to this Bill, have had no recourse to appropriate review processes certainly demonstrates the Government's commitment to ensure greater access to social justice. Madam Speaker, the change in the definition of "owner" and related provisions ensures that land tax on residential investment properties is applied on an equitable basis by providing an exemption from land tax only to owners of a lease from the Crown who occupy a property as their principal place of residence. So, the change also removes an avenue for avoidance of land tax, and it reduces the opportunities for erosion of the revenue base.

Madam Speaker, the Standing Committee on Scrutiny of Bills and Subordinate Legislation raised the issue of retrospectivity, which has been referred to by Mr Kaine and Ms Szuty. That issue arises in respect of the amendment of section 10 of the principal Act in cases where an error occurs in the valuation of land processes. The committee was concerned that the retrospective reassessment of rates and land tax using a new value may affect rate and/or land tax payers prejudicially in some cases. I would respond by saying that owners of land which has been subject to a redetermined value have a right to object to the new value under section 29 of the Act and the right of appeal to the AAT if their objection is disallowed. What that means is that rates and land tax will be assessed or reassessed, based on a value which owners have had several opportunities to ensure is reasonable.

Ms Szuty raised an additional issue about misleading sales information and the question of a clerical error in relation to that kind of information. I am advised that what might occur is that sales of land in a comparable area may have been minimal and further sales may occur which will then assist in establishing values which are more closely aligned to the market evidence. So, I hope that that clears that up for Ms Szuty. It is a matter of there being perhaps insufficient information to establish the value in the first instance and then the production of additional information casting new light on it.

I will speak to Mr Kaine's amendment after he moves it. As he has foreshadowed that he will be moving it, I will foreshadow that I will be opposing it. I believe, in general, Madam Speaker, that the proposed amendment will benefit rate and land tax payers through the broadening of the appeal provisions and through the removal of superfluous requirements in the transfer of land advices, and it will allow for more equitable valuation of land processes. It will also ensure - and I think this is important - that only those people who are owners of land directly from the Crown and who occupy that land as their principal place of residence are eligible for an exemption from residential land tax.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR KAINE (8.48): I move:

Page 5, line 28, clause 11, proposed new section 32B, after proposed section 32A insert the following section:

Rate of interest payable following certain reviewed decisions

"32B. Where, on a review of a decision referred to in paragraph 31(d) or (e), the Administrative Appeals Tribunal sets aside the decision of the Commissioner and substitutes a decision that interest or further interest, as the case requires, be paid to the owner of the relevant parcel of land, that interest or further interest is payable at the rate determined under subsection 22(3).".

I find it rather curious that the Chief Minister has signified her opposition to this amendment. I can only say that, if it is just and equitable to charge ratepayers at a specific rate when they fail to pay their rates, or any part of their rates, on time, then it is equally just that the Government itself should pay the same rate of interest when it has collected money that it was not entitled to and holds it over a period of time while a decision is made and then has to repay the money. All my amendment does is set the rate of interest which will apply when the Government has received and held somebody else's money for a long period of time at the same rate as the Government itself charges to a delinquent ratepayer. I do not see anything unjust in that or anything that the Chief Minister could bring up as justification for not doing that.

The Bill that is before us provides for the commissioner to make an interest payment in certain circumstances. It provides for an application to be made to the Administrative Appeals Tribunal where the ratepayer or the taxpayer is not satisfied with the decision made by the commissioner. Since it is already provided that the Government shall pay interest, what could be the possible exception to the interest being paid at the same rate as that which the Government itself charges to delinquent taxpayers? I fail to see any distinction. The only difficulty is that there could be some slight effect on revenues, in that the commissioner does not get all of the revenues that he estimated at the beginning of the year that he might get. I would consider that, however, to be of very marginal effect. There will not be very many cases where it applies. So, I would urge the Chief Minister to look at this from the viewpoint of equity and social justice. Where a person's money has been taken by the tax commissioner and held perhaps for months while an appeal to the Administrative Appeals Tribunal is made, where a decision is made, the commissioner processes it and eventually decides to repay the money, I think that the same rate of interest as the Government itself charges is reasonable. That is all that this amendment does.

MS FOLLETT (Chief Minister and Treasurer) (8.51): Madam Speaker, the Government will be opposing Mr Kaine's amendment. The amendment tries to introduce a requirement that interest on repayments be paid at the penalty rate. That is currently 17 per cent. This compares with an interest rate on refunds of any other overpaid tax which is currently 5.25 per cent. So, there is a very substantial differential there. I would like to make a couple of comments about why that differential ought to be maintained. Madam Speaker, the 17 per cent penalty interest rate which is imposed on late taxpayers contains a significant disincentive to discourage what, in effect, could be the use of tax moneys for normal financing arrangements. There is a heavy penalty factor in there, and it is a deliberate penalty, so that rate and tax payers do not put their tax last and use those funds, in effect, to finance other ventures or put them to some other use. So, there is a specific penalty provision in there.

The effect of Mr Kaine's amendment, were it to be passed, would be to put the interest on the specific refunds that are referred to in Mr Kaine's amendment at variance with all other refunds of overpaid tax. Madam Speaker, I do not think that that is a very sensible course of action to follow. The current provisions of the Act already require the payment of interest in the circumstances that are envisaged in Mr Kaine's amendment; but they require that payment to be at the rate of 5.25 per cent. That is the rate that is in use. That rate ensures that the real value of the overpayment is maintained.

Madam Speaker, I want to raise a couple of other issues, which you may feel are somewhat hypothetical. The fact of the matter is that, in collecting, imposing and assessing taxes, the Commissioner for Revenue is carrying out his duty as a statutory officer. His job is to collect taxes. Madam Speaker, I know that the Commissioner for Revenue is pretty scrupulous in his assessment of whether tax is due or not. As the Treasurer, I can say that I rely on a Commissioner for Revenue who does not beat about the bush but who applies himself energetically to his duty, which is to collect revenues. No government could put up with a Revenue Commissioner who shilly-shallied or was inclined to give people the benefit of the doubt on the slightest of evidence. I expect him to collect the taxes. He knows that it is his duty to collect the taxes, and that is what he does.

Taxpayers who do not pay their taxes are in a very different position. They are not carrying out their duty. In fact, they may be attempting to do anything but their duty. They may be attempting not to pay their taxes and not to meet their responsibilities to the rest of the community. There may be cases where an error has been made by a taxpayer. There may be cases where there has been a misunderstanding. But, Madam Speaker, I believe that we cannot say that the Commissioner for Revenue and the non-taxpayer are in equatable positions. The Commissioner for Revenue, in my opinion, is doing his duty. The non-taxpayer or the late taxpayer is not. So, they are not in comparable positions. Therefore, Madam Speaker, I believe that it is appropriate to have a penalty in one case and not in the other.

I would also like to say that, with such a huge differential as Mr Kaine suggests in his amendment, it may well be that we could find taxpayers manipulating the situation to take advantage of a 17 per cent interest payment. Some of these matters go to many thousands - even millions - of dollars, and it could well be worth the while of a taxpayer to pursue the matter through the AAT and so on, with the distinct intention of getting 17 per cent from the Revenue Commissioner. It is not beyond the bounds of possibility, Madam Speaker. I understand Mr Kaine's motivation in this. Indeed, on the surface of it, what he is proposing looks like a fair thing. But when you scrape away at that surface, look at our tax regime overall, look at the relative positions of the tax commissioner and the taxpayer, then I think that members would agree that Mr Kaine's amendment - understandable as it may be - would not make for an equitable outcome for the ACT.

MR DE DOMENICO (8.56): Madam Speaker, I have been listening very intently to what the Chief Minister has said. Can I say that her arguments are very poor?

Mr Berry: No, you cannot say that.

MR DE DOMENICO: Well, I am going to, Mr Berry. I just have.

Mr Lamont: Then you would be wrong again.

MR DE DOMENICO: I will say it again, if you like. I have listened to what the Chief Minister has said and to the interjections from the peanut gallery as well, and what the Chief Minister has said does not make any sense. Let us have a look at what the Chief Minister did say. The Chief Minister said that the taxpayer should be penalised - or that there ought to be some sort of penalty provision in there as a disincentive for people not to do the right thing. Can I use that same argument with the Chief Minister? There should be, perhaps, a disincentive the other way, to make sure that taxpayers also are treated fairly and equitably. That is one argument. She talked about a deliberate penalty.

It just goes to show you how interested Mr Lamont is, when he is making gesticulatory actions about puffing certain substances. Mr Lamont, I think this is a very serious piece of legislation - - -

Mr Lamont: Go out and water your tomatoes.

MR DE DOMENICO: No; I am looking forward to your contribution, Mr Lamont. You would not even understand the principles. Let me say, Madam Speaker, that there is no sense in not treating a member of the public in the same way as you expect the member of the public to treat you. Where is the sense in saying that the duty of the ACT Revenue Commissioner is to collect taxes? That is true; but, surely, the duty of that person is to collect only the taxes that are due. If he or she collects ones that are not due or makes a mistake, why should the taxpayer have to bear the burden of that? For example, the taxpayer might have been meeting their responsibility and paying what they believed to be a tax because they were told to pay it, going through all the processes that this Bill quite correctly enables people to go through - and the Chief Minister ought to be applauded for that - and then a third party, an independent body like the AAT, might rule in favour of the taxpayer. Why should the Government, in this case, which has made the mistake, not be treated in the same way as the Government would treat the taxpayer if he or she made a mistake?

Let us have a look at one of the other reasons Ms Follett gave for not voting for this amendment. She said that Mr Kaine's amendment is out of kilter with other legislation. I believe that Mr Kaine's amendment makes good sense. My suggestion to the Chief Minister is that perhaps the Government ought to consider amending all the other pieces of legislation to bring them into line with Mr Kaine's amendment. I find it very difficult to believe that anybody in this Assembly would not support a proposition that would treat everybody equally. "If the Government makes a mistake", the Chief Minister is saying, "we are prepared to pay 5.25 per cent; but, if the taxpayer makes a mistake, we will slug them 17 per cent". Why is there a differential? I am suggesting, Chief Minister, that, as a disincentive, there ought to be penalty provisions so that perhaps tax collectors who are already scrupulous might be inclined to be a bit more scrupulous and not disadvantage normal members of the public.

MS SZUTY (9.00): I listened very intently to what Mr Kaine had to say when he put forward his arguments about this provision being fair, reasonable and socially just. I think the key element of this clause that Mr Kaine is recommending that the Assembly consider is the rate determined under subsection 22(3) of the Rates and Land Tax Act. I listened also to the remarks that the Chief Minister made about the differential between the penalty amount of payment and the usual amount of payment. On that basis, I will not be supporting Mr Kaine's amendment on this occasion.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

CASINO CONTROL (AMENDMENT) BILL 1994

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

That this Bill be agreed to in principle.

MR KAINE (9.01): Madam Speaker, I have to say that this is one of the strangest Bills that I have had to deal with in six years as a member of this Assembly and, indeed, in the 14 years before, when I was a member of precedent advisory bodies.

Mr Berry: What about last week, if you are talking about strange Bills? Come on! Honestly!

MR KAINE: Mr Berry, this is an odd Bill. I will tell you why it is an odd Bill, Madam Speaker. I am sure that you would be interested, even if Mr Berry is not. It is an odd Bill because my information is that the casino made a bid for a variation to the tax rate that applies to it and that, without the casino's knowledge, the Government immediately proceeded to legislation to put their submission into effect. When you read the Bill and when you look at the information that stands behind it, you have to wonder how it is that the Government was so quick to satisfy the casino. At the end of the day - and we did our homework, which the Government did not - there are pros and cons in adopting the course of action that the Government has adopted. I would like to deal with one or two of them. The argument is that there is this business called the junket business. I had always thought that term applied to public servants and politicians, but it turns out that it is a term that relates to gamblers. The Canberra casino, in an effort to improve and increase its turnover, is anxious to attract the junket trade to Canberra.

The junket trade, according to the information that I have, operates this way: An agent somewhere - it might be Singapore or Hong Kong - decides that he is going to put together a party of high roller gamblers and take them off to the casino at Canberra. This is his initiative; it has nothing at all to do with the casino. The casino, if it really wants this business, has to offer some very substantial inducements. A fairly normal inducement to the agent to bring his people to Canberra - as opposed to Cairns, Christmas Island or somewhere else - is 55 per cent of the gross proceeds of this additional business. On top of that, to get the players to come, the casino has to offer inducements to them. That is a minimum of 10 per cent of the gross turnover. So, before a single gambler arrives in Canberra under this junket process, 65 per cent of the potential proceeds has gone to the agent or to the players. Then the casino has to cover all of its operating costs, it has to make a profit and it has to pay the tax to the Government. The casino has put together some fairly persuasive statistics that show that if they have to pay a tax rate of more than about 10 per cent on this business it is not worth their while.

That is a simple run-down on the nature of the junket business. What it means is that to enable the casino to increase its turnover we have to give them a tax break on this additional business. At first glance one would say, "That is a bit odd. Should we do it and, if we should, why should we?". I do not believe that the Government thought it through. It could not have done so, given the time that it took to respond to the casino's proposal. But we have done so. We have looked at all of the considerations and we believe that there is an argument, a marginal argument, that could sustain a government allowing a concessional tax rate for this additional business. So, in principle, we are going to go along with the Government's proposal; we are not going to oppose it. But I think we need to sound a warning.

First of all, the whole process seems to us to be a bit marginal, and I will tell you why. The implication behind all of this is that if we give the casino this 10 per cent tax rate, as opposed to the 27 per cent that they currently pay on all of their business - and that is a basic flat rate of 20 per cent plus a supertax of 7 per cent that will reduce over the next two to three years - they will turn over sufficient money to pay an additional sum of approximately $2m a year into the ACT coffers. That is predicated on some kind of implicit belief that all of these high rollers are going to be coming from Singapore, Hong Kong and such places; but there is nothing in this Bill or anywhere else to suggest that the high rollers who come to Canberra and play at our gaming tables - and on whose business the casino is to pay a tax rate of 10 per cent - will not come from Sydney. There is nothing to say that they do not already come from Sydney and that the business they generate attracts a tax of 27 per cent. Potentially, we are allowing the casino to bring the same gamblers to Canberra, produce the same turnover and pay only a 10 per cent rate on that business. That is the flaw in the argument.

I have said that, in principle, we are going to support the Bill. We are going to give the Government and the casino an opportunity to prove that their proposition is a rational one and a valid one, although we recognise that there are pitfalls that perhaps the Government has not recognised. Of course, one of those pitfalls - which the Government may have recognised, because the Chief Minister made reference to it in her tabling speech - is that when these high rollers come to town they are just as likely to inflict a huge loss on the casino as to allow the casino to make a huge profit. The consequences of that on the revenues of the casino and, in turn, on the revenues to the Territory have yet to be tested. There are some very real questions that we believe need to be answered.

I have said that we will go along with this, with real reservations. One of the reservations that I have - and I wonder whether the Government took the trouble to do what we did - flows from the tax rate that junket casino operators pay elsewhere. When a casino comes to the Government and says, "We are paying you 27 per cent tax on normal business and we want you to give us a 10 per cent rate on this additional junket business", one would immediately assume that other casinos throughout Australia are offering the same concession. In fact, they are not. I got this information from the casino; I did not ask anybody else. I asked the casino what rate is paid at other casinos throughout Australia. Interestingly enough, they say that the rates at Cairns and Townsville are 11 per cent. But, in fact, there is no casino in Cairns yet. So, what they are saying is that the Queensland Government is expecting the Cairns casino to pay 11 per cent on junket business if and when it is up and operating. It does not operate yet. That is a rather fanciful argument, because that casino does not exist.

The Gold Coast casino pays 21 per cent on junket business. Compare that with the rate here once the supertax disappears from the tax that we are currently asking the casino to pay. Bear in mind that the supertax was an alternative to putting on an additional premium up front. It is not something that we are getting for nothing. We gave up a part of a premium up front in exchange for a supertax of 7 per cent, reducing to 6 per cent, to 5 per cent and so on over the first few years of operation in the Territory. We can assume that the flat rate, once the supertax is out of the way, will be 20 per cent. By comparison, the casino on the Gold Coast pays 21 per cent on the junket trade. They get no concession at all and, in fact, pay one per cent more in tax on that turnover than we extract for the regular turnover in the normal course of events.

The tax rate that applies to the casino in Adelaide is 13.75 per cent. In Melbourne it will be 21 per cent. In Hobart it is 15 per cent. On Christmas Island, where in fact the whole of the business is junket business, the flat rate tax is 9 per cent. But that is a special case because they are just down the road from Singapore. You can fly out of Singapore and be at Christmas Island in an hour and a half or two hours. The casino there has no local trade at all. If the Gold Coast and Brisbane are going to want 21 per cent, if Melbourne is going to want 21 per cent and if even Hobart wants 15 per cent, you have to ask why we are being asked to allow the casino a 10 per cent tax rate.

There appears to me to be more behind this than the ACT Government and the submission made by Casino Canberra reveal. The ACT Government may well have fallen for something which they might have looked into more closely. However, I have said that we are prepared to give them a run, but we are going to give them a run on the basis that there is a sunset clause. The Chief Minister, in her speech, said:

... Casino Canberra has agreed that the tax rate on junket profits will be reviewed prior to 31 December 1995 when the current supertax arrangements on general casino profits come to an end.

I must say that that is very generous of the Canberra casino. They are saying that they want only a 10 per cent concessional tax rate now, but they want it reviewed in 12 months' time. They do not say whether they want it reviewed to go up, although I doubt it; but they want it reviewed. Madam Speaker, we in the Opposition want something more positive than that, and that is why I have tabled amendments that will put a sunset clause on this concessional rate. We have not set a sunset of December 1995; we have set a sunset of December 1996, in effect, because we believe that it will take pretty close to a year for the casino to build up its junket business and you will not be able to assess the result of it in less than two years. We intend to have the concessional rate reviewed, and we want it built into the legislation that it will be reviewed. A simple assurance from the Government and from Casino Canberra that they will review the rate at the end of 1995 is, in my view, not good enough and it needs something more positive.

In summary, Madam Speaker, it is odd legislation. I would like to be assured that the Government has given it very careful consideration in the light of all the information that is available; but we are prepared to let it run and see what the consequences for ACT revenues are over a two-year period, at the end of which time - by legislation - we will require that the rate be reviewed.

MS SZUTY (9.15): I also believe that this Bill is rather marginal in terms of the Assembly's support of it. My reaction to it is that I am rather ambivalent about it. We certainly know what the Government proposes by this legislation and, indeed, what Casino Canberra proposes. The casino proposes to expand its business to target what it terms the lucrative international junket market. As explained in the Chief Minister's presentation speech:

Junkets, Madam Speaker, are essentially groups of high stake overseas players who are organised by a junket operator or agent to play at a casino. The junket operator is paid a commission based on the value of the chips purchased or the amount wagered during a junket visit. The casino operator also offers direct inducements to the players to gamble in the casino, such as complimentary airfares, accommodation and meals.

Further, it is stated:

... to compete effectively with other casinos for the patronage of junket operators and players, Casino Canberra is seeking a lower tax rate on junket profits. Currently the casino's gross profits are taxed at a rate of 20 per cent plus a supertax. The supertax ceases at the end of 1995.

Madam Speaker, looking at this legislation, I am not quite sure why inducements need to be offered to operators to come to the ACT to gamble. These people are, after all, presumably very wealthy people who, I would have thought, would have needed no inducement at all to come to the ACT.

It is also noted that a lower tax regime would also apply to junket players coming here. Philosophically, I have some difficulty with this, although I understand that in order to attract junket players at all it is going to be necessary to adopt a lower tax regime in relation to the casino's gross profits, a proportion of which of course is returned to the Territory. Mr Kaine asked how many high rollers we have actually had at the casino in the ACT. I understand that the answer to that question is one. We have had only one high roller ever come to the casino here in the ACT.

Madam Speaker, it was represented to me by the officers from Treasury that the tax rates currently applying to the ACT casino are the highest in Australia. As Mr Kaine has already pointed out, that is not altogether an accurate picture. The casino is currently taxed at 20 per cent plus a supertax. The supertax is payable in lieu of an up-front premium higher than the $19m paid to the ACT in 1992. The casino premium payable at that time could have been some millions of dollars more than that, with no supertax at all being payable by the casino over a longer period of time.

The Chief Minister's presentation speech also goes on to say that junket business can result in large wins or large losses. I take Mr Kaine's point that the casino is really running the risk of sustaining a rather heavy loss on its operations. I believe, Madam Speaker, that the Darwin casino sustained a loss of some $25m due to one individual junket player. I think this Assembly needs to approach this issue with some caution so that we put the necessary processes and procedures in place to ensure that

losses of this magnitude are not sustained by our casino. I understand, Madam Speaker, that junket operations will be fully separated from the normal operations of the casino. This is essential, with the differing tax rates which will apply. I am satisfied, from what I have heard, that the processes and procedures will be put in place so that these arrangements are kept entirely separate and therefore there is full accountability to the ACT.

Madam Speaker, it is important to note that the Government believes that in the first full financial year of operation an additional $2m will be paid to the ACT as a result of junket operations and expects that in 1994-95 some $900,000 will be returned to the Territory. It is also noted in the Chief Minister's presentation speech that other benefits could include an estimated $780 of spending per person per day on shopping, tours, restaurants and hotels. However, Madam Speaker, it needs to be remembered that this money is unlikely to be spent by the gamblers, who will already have received considerable inducements to come to the ACT and will be gambling anyway. This money is therefore likely to be spent by the people accompanying the gamblers to the ACT, not the gamblers themselves.

In summary, Madam Speaker, while I can see the potential benefits to the ACT in expected revenue returns, I feel somewhat uncomfortable about what is proposed. I certainly note the amendments to the Bill foreshadowed by Mr Kaine and would like to indicate to the Assembly that I will support them unless very strong contrary arguments are put to the Assembly by the Chief Minister. It seems to make sense to me that these sunset clause provisions be adopted and that the Assembly formally review them at an appropriate time in the future.

MR MOORE (9.20): Madam Speaker, I did not think I would ever be standing up in the Assembly talking about junkets, but in this context I think they are an appropriate thing to be speaking about.

Mr Kaine: I thought you were the expert, Michael.

MR MOORE: I did not hear any interjection at all. Madam Speaker, the Casino Control (Amendment) Bill, I believe, has been presented to the Assembly for its potential to provide more tax income to the Assembly, particularly from sources outside Canberra. To me, that is a very sensible thing. The more revenue that we can raise for this community from outside Canberra - in fact, from offshore - the better. Madam Speaker, I think that has been acknowledged by other speakers. According to the introductory speech by the Chief Minister and also the briefing that the Chief Minister provided for us, that is clearly the intention of the Government in putting this Bill up.

Madam Speaker, I take this opportunity to thank the Chief Minister and all Ministers for making their staff available to us for those briefings. As we close in on the end of the year, I do not know whether I am going to get this opportunity again. I would like to say how much I appreciate those staff members being available. They are always forthright and operate very appropriately within their role as public servants.

Madam Speaker, I am quite happy to support this Bill in principle so that we have the opportunity to raise the expected revenue. Madam Speaker, the concern that Mr Kaine and Ms Szuty have raised is a sensible concern, and I am sure that the Chief Minister also shares their views about the outside possibility - and I think that at the most it is only an outside possibility - that in some way this provision might be misused, perhaps by somebody setting up a junket system to take people out of Canberra and then bring them back in, or something along those lines. I do not know that it can be abused, but I think that possibility ought to be looked at very carefully. There is no doubt that that can be done under the sunset clause proposed by Mr Kaine. That mechanism would allow the proposed system to come into operation quite quickly. This Bill has come before us quite quickly. The Government has responded very quickly to requests from the casino. Most importantly, the Government has responded quickly so that the ACT has the opportunity to gain some extra revenue. I think that is a very positive feature of having a fairly small Assembly where such things can be dealt with quickly and efficiently when the occasions are appropriate.

Madam Speaker, therefore, I am not only inclined to support the Bill in principle but also inclined to support the sunset clause unless I hear some very strong argument against it. I think this may be an appropriate time for a sunset clause that would let the Bill be put in place, be tried and then, effectively, be forced into a review process.

MS FOLLETT (Chief Minister and Treasurer) (9.24), in reply: I would like to thank members who have spoken on this legislation. I can understand members' discomfort with it. It is something new, and it is a rather odd notion for us here in the ACT. I think that that discomfort is also explained by the fact that the casino has not operated this junket business to date; it is an entirely new undertaking that they are considering.

I would like to address a few of the issues that were raised by various speakers. Mr Kaine made a comment that no sooner had the casino raised this matter than "the Government immediately proceeded to legislation". That is not the case, Madam Speaker. My view of the matter is that it was under discussion for quite some months, and those discussions culminated in the legislation which the Government has brought forward. However, I would like to say that I consider the matter to have a time critical element to it. I think I mentioned that in introducing the legislation. The time critical element is, of course, the proposed opening of the casino in Sydney. It seems to me to be very important that we allow the Canberra casino to take advantage of what is a quite small window of opportunity to get in on the junket market, if indeed there is one, and establish themselves before the Sydney casino has the opportunity to do so. Madam Speaker, I think that we ought to exploit that little timing advantage if it is at all possible to do so because, as some speakers have said, the junket operation, if it is successful, will mean a considerable increase in revenue to the Territory.

Madam Speaker, Mr Kaine referred to the different rates of tax that apply to junket operations in different States, and he pointed out, quite rightly, that the ACT's proposed tax at 10 per cent is on the low side. There are some disadvantages for the casino in trying to attract junket business to the ACT, and I referred to them in introducing the legislation. I believe that you could consider Canberra to have a geographical disadvantage in trying to attract this kind of business. For one thing, we do not have an international airport and, quite clearly, those Australian cities that do have an international

airport have an advantage in that they can fly charter flights full of junketeers directly to their doorstep practically. This is obviously what happens in some of the northern casinos. It is the exclusive form of business in the Christmas Island casino. Canberra would have to transport junket players from another port, and I think that could be seen as a disadvantage.

It is also the case, Madam Speaker - regrettable but true - that the ACT does not have a terribly high profile overseas. We are working on that. We are promoting the Territory, particularly in Asia; but at this stage the ACT's proportion of overseas visitors is quite small. We still need to do quite a lot of work to ensure that we raise our overseas visitation rate. There are some disadvantages and some reasons, therefore, to give our casino something of an edge, if it is possible to do so, and still get a revenue return.

Madam Speaker, I would like also to address the question, which I think Mr Kaine raised, about what kind of profitability there is in this business. I have before me an indicative profit and loss projection for junket operations. It makes interesting reading. Madam Speaker, it includes, under the item "expenditure", salaries and wages, 1.18 per cent; advertising, 2.88 per cent; commissions, 55 per cent - a huge proportion; complimentary air fares, tours, beverages, food, accommodation and so on, 8.73 per cent; gaming supplies, postage, printing and so on, 0.52 per cent; special events and entertainment, 3.09 per cent; the Singapore office, the head office, fees, 1.15 per cent; and the tax, 10 per cent. So the total expenditure is 85.66 per cent. If the income is 100 per cent, it gives you a profit of 14.34 per cent - not a very high proportion. Of course, against the casino's profit of 14.34 per cent, we set the Government's benefit, which is 10 per cent. I think you will see from that indicative profit and loss projection that the casino does stand to make considerable amounts of money if these junkets are successful, and so does the Government. But the outgoings are very considerable, and I think I explained that at the time that I introduced the legislation.

Madam Speaker, I will briefly address Mr Kaine's foreshadowed amendments, simply to say that I do not really believe that they are necessary but that they do not give me any great cause for concern. In introducing this legislation, I said that I would be reviewing it at the end of 1995. Indeed, I will, because that is when the supertax arrangements currently applying to the casino on their general profits come to an end. So, there will be that review of the junket tax regime at the end of December 1995.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 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.

CASINO CONTROL (AMENDMENT) BILL 1994

Debate resumed.

MS FOLLETT: Mr Kaine is proposing that the junket tax rate, the subject of this legislation, should be subject to a sunset clause that comes into effect on 1 January 1997. That does not give me any great cause for concern. It is not in conflict with my intentions; in fact, if anything, it actually extends the period of the lower tax rate that I have proposed. Madam Speaker, I again thank members for their comments. I thank them also for taking the trouble to be briefed on the matter.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR KAINE (9.31): Madam Speaker, I seek leave to move three amendments together.

Leave granted.

MR KAINE: I move:

Page 1, line 9, clause 2, subclause (2), omit "The remaining provisions", substitute "Sections 4 to 8 (inclusive)".

Page 1, line 14, clause 2, add the following subclause:

"(4) Section 9 commences on 1 January 1997.".

Page 4, line 19, after clause 8, insert the following new clause:

Junket tax

"9. Section 16A of the Principal Act, as inserted by section 6 of this Act, is amended -

(a) by omitting subsection (2) and substituting the following subsection:

'(2) Junket tax is payable at the rate determined for general tax under subsection 16(2).'; and

(b) by omitting from subsection (3) 'subsection (2)' and substituting 'subsection 16(2)'.".

Madam Speaker, I will be brief. I have already foreshadowed these amendments. The Chief Minister spoke of a window of opportunity. I do not know whether there is a window of opportunity or not; but there is an opportunity for us to share with the casino in this additional business, if the business eventuates. The Chief Minister referred to a profit and loss projection which shows that, of an approximate $20m expected turnover from this junket trade, the Government can expect just over $2m by way of tax, and the casino itself can expect slightly less than $3m by way of profit. What that indicates to me is that about 76 per cent of the proceeds would be consumed before the ACT Government or the casino made one cent. You only have to get a couple of high rollers who make a big profit and somebody is going to lose out.

Nevertheless, we are prepared to give this measure a run. My amendments simply say that on 1 January 1997, unless something is done to the contrary, the tax rate that applies to junket business shall be the rate determined for general tax. In other words, the casino will pay 20 per cent on this business as from 1 January 1997. Of course, I would imagine that in the latter half of 1996 the Government and the casino will both be reviewing their options. If it is agreed that it has been good business, that it has been beneficial to both, and if there has been a reasonable return to the ACT revenues, then I would expect to see an amendment that would remove that sunset clause from the law.

On the other hand, if things have not gone as well as the casino expects and if, whether they have made a profit or not, we have had virtually no revenues or a loss of revenue, then I would expect the Government to insist that that concessional tax rate disappear. I urge members to support my proposal. It seems to me to be a reasonable and prudent thing to do in the interests of the ACT taxpayer.

MS SZUTY (9.34): I indicate to the Assembly that I will be supporting the amendments as proposed by Mr Kaine. The Chief Minister indicated that she would review the provisions at the end of 1995 in any case. I think all members of this Assembly would urge her to do that, knowing that further down the track the sunset clause provision, as I believe it will be accepted by this Assembly, will come into effect unless there has been a change of mind in the meantime. Although the Chief Minister's point about the review happening in December 1995 is a valid one, I think there is still room to support Mr Kaine's amendments and the sunset clause that he is proposing.

Amendments agreed to.

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

Bill, as amended, agreed to.

DISCRIMINATION (AMENDMENT) BILL (NO. 3) 1994

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

That this Bill be agreed to in principle.

MR HUMPHRIES (9.35): The Opposition will support this Bill. It effects a very minor amendment to the Discrimination Act which makes it clear that matters stated or evidence given in the course of mediation proceedings under the Act is not evidence in later proceedings under the Act. It is obviously sensible to protect the integrity of that process, and the Bill has the support of the Opposition.

MR CONNOLLY (Attorney-General and Minister for Health) (9.36), in reply: I thank the Opposition for their support. If only we could always get on this well together!

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

POSTPONEMENT OF ORDER OF THE DAY

Motion (by Mr Berry) agreed to:

That order of the day No. 4, Executive business, relating to the Dentists (Amendment) Bill 1994, be postponed until the next day of sitting.

SKIN PENETRATION PROCEDURES BILL 1994
Detail Stage

Clause 1

Debate resumed from 30 November 1994.

Clause agreed to.

Clauses 2 to 8, by leave, taken together, and agreed to.

Clause 9

MRS CARNELL (Leader of the Opposition) (9.38): I move:

Page 5, lines 14 to 16, subclause (3), omit the subclause, substitute the following subclause:

"(3) The Minister shall ensure that a copy of each code of practice is -

(a) given to each licensee who is likely to be affected by the code; and

(b) made available for public inspection during office hours at the place or places specified in the notice under subsection (1).".

Clause 9 requires codes of practice to be published in the *Gazette* and the local daily newspaper. Our amendment provides for a requirement to inform all licensees directly of such codes by posting a copy of the code to them. That is not a great deal to ask, I would have thought. An argument has been put to us, though, that if the code of practice is very big it will be too much of a hassle to send it out to all licensees. Our response is that, if the code of practice is very big, then that is all the more reason why it needs to be posted out to all licensees. The thought that a very big code of practice could be published in the *Gazette* or in the local daily newspaper, which is currently what it says in the legislation, is simply ridiculous.

Informing licensees of the rules by which they must conduct their business far outweighs any inconvenience that may arise from the distribution of such a code. Obviously, one of the ways that this sort of legislation is going to work is if the people who are involved - that is, the beauty therapists, the tattooists and the other people involved in skin penetration that falls under this legislation - are actually aware of the code of practice that they are supposed to be guided by in their practice. If they do not happen to read daily newspapers, and of course many people in Canberra do not, or alternatively if they do not read the *Gazette*, and even more people do not read the *Gazette*, they obviously just will not know about it. On the whole, these people are not organised into very formal groups. They tend to be individual operators operating on their own out there in the community. There is every chance that, unless the department is willing to send out this information, or any changes in the code, directly to the people who hold licences, then they simply will not know about them. It is a safeguard for the community. It is also a safeguard for the people who are attempting to enforce that code.

MR CONNOLLY (Attorney-General and Minister for Health) (9.41): Madam Speaker, Mrs Carnell proposes an interesting concept. She now adopts a new principle - that whenever a code of practice is to be developed the department concerned is required to send a copy of the code of practice by post to every participant in the industry, notwithstanding the fact that the code is the very subordinate governing instrument, below the Act and below any regulations, and there is no requirement to post out copies of an Act and there is no requirement to post out copies of regulations. But we are about

to have a requirement to post out a code of practice. This sounds like amendments thought up on the run, which is something we are not unfamiliar with. Mrs Carnell, last week, was kind enough - and I thank her for this - to give me a copy of a running sheet of her suggestions for amendments. At that stage, they were not written out in the form in which we have them today. They were written out as the policy suggestions that Mrs Carnell had for amendments and that - - -

Mrs Carnell: Because they had not come back from legislative drafting. You know why.

MR CONNOLLY: Indeed. I understand that. I am not being critical. In fact, I am thanking you for showing me in advance what your policy concerns were. One of the reasons we adjourned the debate was to let the working party have another meeting. I provided to the working party Mrs Carnell's policy concerns. I advised Mrs Carnell of the outcome of this the other day, and I provided a copy of that advice to Ms Szuty and Mr Stevenson today.

Basically, I am advised by my department that there was a meeting of that working party last Wednesday, as was expected. The meeting was attended by representatives from the broadest possible spectrum of those industries that undertake skin penetration procedures in some form. They included acupuncturists, beauty therapists and tattooists. The meeting discussed clause by clause those amendments proposed by Mrs Carnell. It was agreed unanimously that the Bill should stand as is, except for the proposed amendments to clauses 38 and 41, both of which were supported. Given that that is not what the Government originally wanted, but given that the industry consultative group has said, "Yes, Mrs Carnell's proposed changes to those clauses are sensible", the Government is going to say, "Yes, we have consulted with the industry group. Mrs Carnell's amendments are sensible. We are supporting them".

In relation to the balance of Mrs Carnell's amendments, we are going to do exactly the same thing. We are going to listen to what the industry group said. The industry group said, "Support the legislation as is". In fact, I am told that they made a point of congratulating public health staff in the Government Service on an excellent piece of groundbreaking legislation, which indeed it is. They then expressed some other concerns about how the registration issue will be dealt with, and that is something to be addressed administratively over the coming months. We will make sure that we pay attention to that.

Madam Speaker, the Government will not be supporting Mrs Carnell's amendments which are not supported by the industry working group, but we will be supporting Mrs Carnell's amendments which are supported by the industry working group. This is an amendment which is not supported by the industry working group. It raises the interesting concept of whether we should do this with all codes of practice. If we do it with codes of practice, why do we not do it with regulations, which are of more immediate impact on a business, and why do we not do it with the Act itself, which is of absolute impact on a business?

MS SZUTY (9.43): I thank the Minister for Health for the copy of the minute of the working group, which he provided me with some little time ago. I must admit that I am surprised that the working party would accept only two of the amendments as proposed by Mrs Carnell to the Skin Penetration Procedures Bill 1994. I understand the Minister's argument that sending out a code of practice to each licensee is unusual; but I would have to say that, in terms of the general principle of provision of information to licensees, I think it is a very sensible measure to adopt. I would be inclined to support the amendment at this stage.

Question put:

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

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.

Clause, as amended, agreed to.

Clauses 10 to 32, by leave, taken together, and agreed to.

Clause 33

MRS CARNELL (Leader of the Opposition) (9.48): Madam Speaker, I ask for leave to move together amendments Nos 2 and 3 circulated in my name.

Leave granted.

MRS CARNELL: I move:

Page 17, lines 24 to 32, subclause (1), omit the subclause, substitute the following subclauses:

"(1) An authorised officer who believes on reasonable grounds that it is necessary to do so for the purposes of this Act may, with the consent of the occupier, enter prescribed premises with such assistance as is reasonable.

(1A) Where the Minister is satisfied on reasonable grounds that it is necessary for the purposes of this Act that an inspector enter prescribed premises, the Minister may, by instrument -

(a) authorise an inspector to enter specified prescribed premises; and

(b) if satisfied on reasonable grounds that the circumstances are of such seriousness and urgency as to require immediate access to the premises - authorise the entry at any time.

(1B) An inspector may, after giving to the occupier of the relevant premises a copy of an instrument under subsection (1A), enter those premises, with such assistance and by such force as is reasonable -

(a) at any reasonable time; or

(b) if the instrument so authorises, at any time.".

Page 17, line 34, subclause (2), omit "(1)", substitute "(1B)".

Madam Speaker, clause 33 deals with the powers of authorised officers to enter premises, either where consent has been given or where reasonable grounds exist for them to believe that circumstances are of such seriousness and urgency as to require entry without consent. It is our belief that, if consent is not given, then an authorised officer should not be allowed to enter. Allowing authorised officers to have immediate access to private premises where consent has not been given effectively gives the officer greater powers than are actually vested in the police. If the police want to enter premises, they must obtain a warrant prior to entry. To give inspectors greater powers than the police is obviously ludicrous.

Our amendment provides that an authorised officer must obtain a written notice signed by the Minister before he or she enters premises without consent. This notice will obviously need to be served upon the occupant prior to entry. If the matter is serious enough for the inspector to feel that they must enter premises which they do not have consent to enter, obviously it will not be too difficult to get the signature of the Minister or the Minister's designated person - - -

Mr Connolly: It will be, on a Sunday if the Minister is in Sydney or down the coast.

MRS CARNELL: There are such things as faxes, Minister, and there is also delegated responsibility. As the Assembly would remember, we had this exact argument on the food legislation. We suggested, as we have here, that it was not all right for an inspector to enter premises without written authority because they may think a matter is urgent.

If there is an emergency situation, there must be methodology under the legislation to allow for entry into those particular premises. We do not step away from that. But to allow a departmental officer, whether it be a food inspector or an inspector under this legislation, simply to enter somebody's premises without consent, without a warrant and without written authorisation, I believe, is an invasion of privacy and potentially subject to abuse. We argued the same line under the food legislation. At that stage the Assembly supported this particular approach, and I certainly urge the Assembly to do the same at this stage. The other amendments involved are consequential.

MR MOORE (9.51): It really is a very serious issue when we are talking about entry to premises. In fact, Madam Speaker, I recall raising this issue when the Land (Planning and Environment) Act went through. I believe that arguments that were put forward for such a need under that legislation were certainly much less than with this legislation; but, even so, Madam Speaker, I think all of us can perceive of a situation where an officer may have reasonable grounds to enter premises. Whilst the amendment improves the situation significantly, it surprises me that the Minister did not use the same method they use with police - that is, having a warrant - especially if the Minister is concerned about his own availability or the availability of his delegate. The sensible approach may well have been a warrant obtained in the normal way through a magistrate. In that case an authorised officer would have a range of possible approaches. The Minister has had that opportunity. If the Minister, believing that the Assembly is inclined to support Mrs Carnell's amendments, would prefer a magistrate to issue a warrant, then I think that would also be a sensible approach. In the interim, Madam Speaker, I am quite happy if the genuine power to enter is vested in the Minister.

MR CONNOLLY (Attorney-General and Minister for Health) (9.53): Madam Speaker, the Government's position on these amendments is much the same as it was on the previous ones. We took a Bill that had been developed over a lot of time with a lot of consultation with industry groups. Everybody was happy with it. Mrs Carnell came up with some amendments. She seems to think this is a passionate, vital issue of principle. We took it to the industry group. The industry group said, "No; it is fine. Go ahead with it". Mr Moore said that in more serious matters this power has been rejected. This is pretty serious stuff we are talking about here. We are talking about the tattooist with a dirty needle. We are talking about the - - -

Mr Moore: I said that there are less serious matters.

MR CONNOLLY: I am sorry. You said "less serious". I appreciate that. This is a very serious matter. Mr De Domenico says, "Ah!". We are potentially talking about the tattooist with the dirty, infected needle. In terms of public health, it would be hard to think of a more serious matter. Hence we had an emergency entry process. When some little while ago we passed a piece of legislation reviewing police powers and developing a modern form of police powers, members may recall that we foreshadowed that there was a fairly major exercise going on within government which probably will not see the light of day until after the election, well into the next Assembly. I am looking forward to bringing that forward then. Madam Speaker, that involves looking at all of the powers for all of these officers who are not police officers but who have various entry and search powers, and trying to come up with a logical and consistent across-the-board approach to these sorts of emergency entry and search powers.

To the extent that there is any concern about the power being abused, I will give you two answers. Firstly, the industry group is happy with it, which I would have thought would count for something with the pro-industry Liberals, but it obviously does not. Secondly, it will be reviewed in a later course of action. I do not particularly want to be authorising persons to break down doors in the middle of the night. That is not a role for a Minister. If you need to have that approved by somebody, it probably should be approved by a magistrate. Mr Moore adverted to something like that, and I suspect that in due course there will be something like that.

Mr De Domenico: Put it in the Bill.

MR CONNOLLY: "Put it in the Bill", says Mr De Domenico. Instead of this adhockery for which you are becoming famous, we are taking a broad approach to it.

Mr Kaine: Why do you not get your legislation right in the first place?

MR CONNOLLY: The industry says that it is right, Mr Kaine. That is the point.

Mr De Domenico: They might be wrong, Mr Connolly.

MR CONNOLLY: Of course, if Mr De Domenico says something, it must be right. I can see you all salivating at the prospect of doing me over on this. We developed this piece of legislation in good faith. We sent it out to the industry groups - and a whole range of groups are involved in this. It is pretty serious stuff, because we are talking about potentially infected needles and potentially very dangerous practices. If a health inspector sees the tattooist tattoo someone and then go to tattoo somebody else with the same needle, pity that person. Under our legislation the health inspector can go straight in and fix it.

Mrs Carnell: Is he checking it out through the window?

MR CONNOLLY: Yes, indeed. If my health inspector is standing by the window or the open door and sees the needle used on one person and sees it about to be used on another, under our legislation - approved by industry, because the industry is concerned about these things - the health inspector can go straight in and protect that person. Under Mrs Carnell's legislation that health inspector has to get on the bike, race up to my office and get me to sign a piece of paper - if I happen to be in my office. Of course, I am often out and about - at the hospital, for instance.

Mr De Domenico: You might be down the coast, you said.

MR CONNOLLY: It might be on the weekend and I might be down the coast, Mr De Domenico. I might be in an area where I am out of mobile phone range. I might be anywhere. In the hours or days in the interim, that tattooist may use that dirty needle not on one person but on many people.

Madam Speaker, again, Mrs Carnell makes the big speech, but you are playing with fairly important stuff here. We have been through this process. We have taken it to the industry consultative groups, and the industry consultative groups have indicated that they favour our approach - despite the rhetoric about a breach of civil liberties - because they realise what a serious area this is and they realise that there is likely to be a need for fairly swift emergency action in the circumstances I have described or similar circumstances. Such action is possible under our scheme. Under your scheme many people could be infected while an officer is racing around the town trying to get me to sign a piece of paper.

MRS CARNELL (Leader of the Opposition) (9.58): Madam Speaker, it seems that recently in this Assembly Mr Connolly has adopted the approach of saying, "We will see whether we can scare the pants off everyone, knowing that regardless of what we say it will be all right". The fact of the matter is that I do not think we have health inspectors - I hope that we do not - who walk around this city peering in through people's windows to see whether they pick up a dirty needle. I hope that health inspectors use proper procedures where they believe that there may be a problem and they may not be given consent to access premises. I hope that, instead of having to peer through the window of the tattooist or the beauty therapist, they can produce written authorisation to enter if they believe that there is a chance - - -

Mr Connolly: So, I need to sign an instrument every time an inspector goes out for every premises they visit?

MRS CARNELL: That is absolutely ridiculous. You are talking about a situation where somebody will not give access to premises. That hardly ever happens. If an inspector believes that there is an absolutely emergency situation because they have seen someone about to reuse a needle, all they have to do is say to the patient, "Excuse me. That is a dirty needle". I am confident that in that situation the operator would not go anywhere near the patient.

Minister, what you have said is just scare tactics. The fact is that civil liberties are important. We do not let our police go onto premises where they believe that a crime is being committed unless they have consent or they have a warrant to go in. Why, in heaven's name, would we let a health inspector do so, whether it be for the purposes of inspecting food or inspecting the operations of beauty therapists, tattooists or other people? It is simply ridiculous, Minister, to go down the track of suggesting that a health inspector who may be at premises and who sees a dirty needle about to be used could not say, "Excuse me. Do not use that dirty needle, tattooist", or that the tattooist in that situation is going to say, "I am going to use it anyway" and the patient is going to say, "And I do not care". Obviously, Minister, that is ridiculous. Let us look at the reality of the situation and always balance civil liberties against what is in the greater public good.

MS SZUTY (10.00): I again note that the working party was not supportive of this amendment of Mrs Carnell's, but I call to mind a number of debates we have had in this Assembly on the entry to premises provisions that have come up from time to time in relation to particular pieces of legislation. I also note that the Scrutiny of Bills Committee did not comment on this particular item, so I guess that the committee felt that it was actually in line with reasonable powers of entry that we have paid some attention to in the past. Nonetheless, I believe that Mrs Carnell's amendments are sensible amendments and, given the level of debate that we have had on these particular issues in the past, I will be supporting Mrs Carnell's amendments at this time. Mr Connolly has also said that there will be a general review of entry to premises provisions at some time in the future. It seems to me that if there are problems with this particular provision they can be revisited at some stage in the future.

Question put:

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

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.

Clause, as amended, agreed to.

Clause 34

MRS CARNELL (Leader of the Opposition) (10.04): I ask for leave to move together amendments 4 to 9 circulated in my name.

Leave granted.

MRS CARNELL: I move:

Page 18, line 25, subclause (1), omit "paragraph 33(1)(b)", substitute "subsection 33(1)".

Page 18, line 26, paragraph (1)(a), omit "and".

Page 18, line 27, paragraph (1)(b), add "and".

Page 18, line 27, paragraph (1)(b), add the following paragraph:

"(c) give to that person a copy of section 35.".

Page 18, line 29, subclause (2), omit "paragraph 33(1)(b)", substitute "subsection 33(1)".

Page 19, line 4, subclause (3), omit "paragraph 33(1)(b)", substitute "subsection 33(1)".

These amendments are consequential on the previous amendments.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 35 to 37, by leave, taken together, and agreed to.

Clause 38

MRS CARNELL (Leader of the Opposition) (10.05): Madam Speaker, I move:

Page 20, line 33, omit "as soon as practicable", substitute "within 24 hours".

Madam Speaker, clause 38 of the Bill requires an authorised officer to give notice in writing as soon as practicable of all items seized in an inspection. The Bill uses the words "as soon as practicable", but this is a nebulous statement and the Opposition believes that there should be a stipulation that the provision of such notice detailing those things that have been seized must be given to the licensee within 24 hours. Forty-eight hours was actually our initial time limit, but one of Mr Connolly's officers pointed out - and we thank him for that - that the limit in the Food Act is actually 24 hours. We do not see why it should be different in this legislation. The working party saw that as an appropriate approach as well. This amendment makes it fair to the occupant, who may be innocent of any offence, of course. The things that are taken may be taken just as a precaution to see whether an offence has been committed. The working party, I understand, has agreed with this provision and I am looking forward to the Government's support for this approach.

MR STEVENSON (10.07): The question I ask the Minister is why people's private property or business property should be allowed to be taken without a receipt. It is all very well to say that there is going to be a receipt in 24 hours, 48 hours, a few days or as soon as possible later; but how does that allow for justice? If something is taken, what is taken should be clearly indicated. That would prevent any mix-up later about something being taken, when in fact it was not taken. Why is the person not entitled to a receipt at the time, rather than later on?

MR CONNOLLY (Attorney-General and Minister for Health) (10.07): Madam Speaker, we are happy to support this amendment, because the working party said that it was reasonable. We have been consistent throughout. We consult and we act as a result of consultation. Mr Stevenson raised a question about issuing a receipt at the time. Again, we will take the worst case example. Suppose that we discover a tattooist operating in very shady circumstances where we may have reason to believe that proper infection control is not being practised. We would want to move - - -

Mrs Carnell: If they are not licensed?

MR CONNOLLY: They may have a licence.

Mrs Carnell: They may be licensed and shady?

MR CONNOLLY: Yes. No system is infallible and, human nature being what it is, you can get problems. You may need to go in and seize a lot of equipment that you perhaps have reason to believe is, in effect, not being properly looked after. You may have hundreds of needles. To give a proper receipt, you would have to properly describe them. That is why we had "as soon as practicable". We thought it could take a long time to sit down and clerically do all that.

The Opposition said that it should be within 48 hours. We looked at that and talked to the industry group and they said, "Yes, that would be better". Then, as Mrs Carnell said, we said, "If you are doing this, we probably should in fact make it 24 hours, because that is consistent". So we are doing that. The industry group said, "In some cases it may be difficult to comply with, but we will obviously seek to comply with it because it will be the law". But to issue a receipt at the time would present significant administrative problems. A receipt within 24 hours is a fairly substantial safeguard. Obviously, if there are abuses of the system, members of this place will raise that abuse and we will address it.

MR STEVENSON (10.09): I accept the Minister's worst case scenario, but let us take the worst case scenario on the other side - no needles are taken from the premises and yet a day later we find out that needles are included in the property that was taken. It would be perhaps unreasonable to suggest that the number of needles counted be included - say, 146 needles - but certainly "a quantity of needles" could be included, together with any other specific items. It may not be exact at that time, but at least the person would have some protection. After all, it is not unknown that some people can get fitted up in different areas, if we look at the worst case scenario.

MRS CARNELL (Leader of the Opposition) (10.10): Madam Speaker, actually I agree with Mr Stevenson in almost all circumstances. I would hope that a health inspector who seized equipment would attempt to give immediate documentation on what he or she had taken. I believe that that would be the best possible practice; but I concede that in some cases it could take a little bit longer, and I think 24 hours is appropriate. I certainly think that the procedure should be that, when whatever is taken from anybody's premises belongs to somebody else, a receipt should be given. I would certainly want one.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 39 and 40, by leave, taken together, and agreed to.

Clause 41

MRS CARNELL (Leader of the Opposition) (10.11): Madam Speaker, I move:

Page 22, line 6, paragraph (1)(a), omit "6", substitute "2".

Madam Speaker, clause 41 requires that goods which have been seized must be returned within six months to the licensee, should no proceedings be commenced. If this clause and the last clause we debated stayed in place, health inspectors would have to give, as soon as practicable, a list of what had been taken and could keep the goods for six months, even if no particular proceedings are commenced. That would be a pretty unusual circumstance, particularly as they could have gone into the premises without a warrant or without the okay from the Minister.

We believe that six months is simply too long. I do not know how this clause was drafted into the Bill, and I think we will never know. It would obviously be irresponsible if a provision along these lines were to drive an innocent operator out of business within a six-month period. Surely, six months is a very long time for a business to operate without those things which allow it to operate. We have suggested that the period should be two months. We believe that even that is probably too long, but we understand that the process of law takes a quite large amount of time. We understand that there are often problems with getting space in the Magistrates Court and so on. The last thing that we want to do is create a situation where a potential case against an operator falls apart because potential evidence has to be handed back and an offence cannot be proven. Two months should be the absolute outside. It should be possible well within a two-month period to get the implements of trade back to a person who is not going to be proceeded against. The Opposition is flexible in its approach; but I understand that it is necessary to set a time. So we have moved to make it two months; but six months would obviously be ridiculous.

MR STEVENSON (10.13): A friend of mine said that there is no limit to the number of rules and regulations that politicians can think of. The idea that six months is an okay time in which to get your business property back so that you can go on running your business is bizarre, but I understand why it was proposed. It is like wage and salary claims. We claim an extra $5,000 and expect to get about $500. Here we have provided for six months, thinking, "Someone will come along and amend it to two months. We would accept even a month, although it is extreme". If you agree with the idea that six months could put someone out of business - - -

Mr Lamont: Madam Speaker, I rise to a point of order. If we need to put up with this from Mr Stevenson, I think the rest of the members of the Assembly would like to know that Australia won by 28 runs.

MADAM SPEAKER: That is a quite unusual point of order. Proceed, Mr Stevenson.

MR STEVENSON: I should say thank you to Mr Lamont for letting us know.

Mr Lamont: I am Minister for Sport. I have an obligation. I would be accused of misleading the Assembly if I did not tell you straightaway.

Mr Cornwell: I am going to check the winning number of runs, just in case you have got it wrong.

Mr Lamont: It was 224 to 196.

MR STEVENSON: As I was saying, the suggestion is that six months can put you out of business. So could two months in this economic climate. Once again I ask the Minister: Why two months? Why not seven or 14 days, and why not require a court order to extend that time? That would give you sufficient time to lay a charge or give the property back to the person it belongs to.

MR CONNOLLY (Attorney-General and Minister for Health) (10.16): Madam Speaker, we are happy with the amendment proposed by the Opposition. The test here is not when the case is concluded, of course, Mrs Carnell; it is when you begin proceedings. Mr Stefaniak could explain to you from his experience in that area that it can sometimes take the DPP a period to decide whether the case that the agency has prepared is sufficient of a legal case to launch proceedings. So, there is an issue there for the DPP to make a decision on, which sometimes can legitimately take some little time. When you seize the object, you may need to do some forensic tests on it. If it is a computer, it can be quite complex getting into the detail. I think two months is about right.

Again, I say on this whole debate about search and seizure powers that it is the Government's intention next year to bring into this Assembly a whopping great piece of legislation that will involve having looked at literally hundreds of these sorts of provisions scattered throughout all legislation in the ACT, in an attempt to come up with some consistent principles about search, emergency search, who can authorise it, identity cards, powers, times of the day, when you seize property, how you receipt it, and all the rest of it. For the moment, we are happy to accept this amendment. I think that when we bring that major reform exercise through there will be a very appropriate role for a major Assembly committee to look at it, and then we will not have these debates again.

MR STEVENSON (10.17): That does not actually answer the question as to why not a lesser time. If in future we are going to look at all legislation in these areas based on this sort of principle, all that means is that there are far more areas where people are unreasonably deprived of their private property. It is all very well for politicians to stand up and say, "We will toss six months over here and make it two months", but think of the people on the receiving end trying to operate their business via their computer when the Minister is telling them, "It is very difficult to get into your computer and work out what is going on. You are not going to have it back for a couple of months". By that time the business could be going bankrupt and the banks could be moving in on them. What do they do - drive their Pajero through the front door?

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 42 to 48, by leave, taken together, and agreed to.

Clause 49

MR CONNOLLY (Attorney-General and Minister for Health) (10.19): Madam Speaker, I seek leave to move together the two amendments circulated in my name.

Leave granted.

MR CONNOLLY: I move:

Page 24, line 28, omit "a health", substitute "an authorised".

Page 24, line 30, omit "a health", substitute "an authorised".

Madam Speaker, Mrs Grassby earlier tonight thanked the Scrutiny of Bills Committee for their sterling work over the years of this Assembly, and I would like to join her in noted that we had picked up a wrong piece of the definition clause. We had "a health officer" and it should have been "an authorised officer". These things do occur, even with the best laid plans. They seem to be a particular problem in definition clauses. Often what happens is that parliamentary counsel virtually pick up a dictionary form from the computer and place it in the legislation.

Mrs Carnell: We will not even make a comment about that.

MR CONNOLLY: Are you not smart, Mrs Carnell, having a little sly dig at officers of the Parliamentary Counsel's Office? I am saying that these things happen. Despite the amazing hours they put in, and the amazing amount of work they have produced in this place, they are human. Prick them and they will bleed. They do, from time to time, make these minor errors which are picked up by Professor Whalan and the Scrutiny of Bills Committee, for which we thank Professor Whalan and the committee, and for which the Parliamentary Counsel's Office thanks Professor Whalan and the committee. To have a bit of a sly dig at the Government because these things occur annoys me a little because of the amount of work that parliamentary counsel put in. Anyway, that is why we are moving the amendments. It is a minor matter. I have no doubt that the amendments will be supported.

MR MOORE (10.21): Madam Speaker, it is not a question of parliamentary counsel. I think Mr Connolly is feeling a little sensitive to the interjection from Mrs Carnell because of his previous conduct today. The responsibility for the Bill is Mr Connolly's. Unfortunately, like everybody else, he too is human. That is perhaps hard for you to believe, Madam Speaker, but it is the case. Yes, those things do occur, and we are very fortunate to have Professor Whalan go over our legislation, and to have the Scrutiny of Bills Committee to double-check it. I think it is appropriate for us all to join in thanking that committee and Professor Whalan.

MADAM SPEAKER: Mr Connolly, do you have a supplementary explanatory memorandum to present?

MR CONNOLLY (Attorney-General and Minister for Health) (10.22): I am sure that there is a supplementary explanatory memorandum which explains in great detail why we have done this. We have done it because of what the Scrutiny of Bills Committee did. Ms Szuty has a copy. Thank you very much. If the Scrutiny of Bills Committee ever miss a typographical error, we can rely on Ms Szuty to find it. I present a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

RATES AND LAND TAX (AMENDMENT) BILL (NO. 3) 1994

Debate resumed from 1 December 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MR KAINE (10.23): Madam Speaker, this is a red-letter day for the Under Treasurer. This is a Treasury Bill which the Opposition supports without reservation. Of course, it is understandable that the Liberal Party in opposition would support this Bill, because it is Liberal Party policy. It is rather curious that only a matter of months ago the Chief Minister and Treasurer was fighting in the ditches over doing the thing that this Bill does. Then we had a very quick - - -

Mr De Domenico: Then they had a look at the polls.

MR KAINE: Yes, we had a look at the polls, and we had a very quick and superficial in-house inquiry into what we could do about the rates. The people doing the inquiry had a quick look at the Liberal Party policy to see what goodies we had in there and, lo and behold, we get a Bill that removes the penalties for non-payment of an instalment on your rates. Madam Speaker, I do not think there is any need for me to say any more. We support the Bill as being a case of the Government implementing Liberal Party policy, on which we commend them.

MS SZUTY (10.24): I thank the Chief Minister for providing me with extra briefing notes on this particular Bill which is before the Assembly today. I would like to quote a few paragraphs from the briefing from the Chief Minister's Treasury liaison officer dated 30 November this year. It says:

The Bill gives effect to the Government's decision to discontinue the practice of removing a taxpayer's right to pay their rates or land tax by instalment if an instalment is not paid by the due date. This action was a recommendation of the recent rates review, and the Government is anxious to introduce measures flowing from the review as quickly as practicable.

Given administrative constraints, many of the recommendations of the rates review cannot be introduced until the 1995-96 financial year. However, this measure is one which can be introduced quickly and easily. Experience has shown that a large number of taxpayers that have lost their instalment rights are low income earners facing financial difficulty, and the Government believes that any means of reducing hardship should be dealt with promptly.

The Bill proposes that the legislation be made retrospective to 15 November 1994, the date on which the Government announced its intention to discontinue the practice of removing the right to pay rates and land tax by instalment. This is also the day on which taxpayers that had not paid their second rates instalment for 1994-95 lost their right to continue to pay in instalments.

I commend the Chief Minister for this particular measure. I note that her rates review was concluded some little time ago and that another raft of recommendations is to come before this Assembly at some point. She is to be commended for the swiftness with which she has responded with this particular measure, which I understand from the briefing provided by her Treasury liaison officer is very much a social justice measure.

MS FOLLETT (Chief Minister and Treasurer) (10.26), in reply: Madam Speaker, I thank members for their support of the Bill. If this Bill was ever Liberal Party policy, it was one of the best kept secrets in Canberra. Madam Speaker, not even Ms Lucinda Spier, the Liberal Party's member of the ratepayers association, has ever mentioned it. In fact, all she has ever come up with has been a one-year - just the one year - capping of rates. Madam Speaker, I appreciate members' support for my initiative here. If they want to pretend that it was theirs, I guess that I feel a little bit sorry for them.

Madam Speaker, this is a timely and necessary measure. It will be fairer on people in our community, particularly those who are less well off. I think that people will find it easier to pay their bills and easier to budget for their rates bill, which is one of the larger bills that most households receive during the year. I certainly look forward to an easier rates regime as a result of the passage of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

POSTPONEMENT OF ORDER OF THE DAY

Motion (by Mr Berry) agreed to:

That order of the day No. 7, Executive business, relating to the Nature Conservation (Amendment) Bill 1994, be postponed until the next day of sitting.

SUBORDINATE LAWS (AMENDMENT) BILL (NO. 3) 1994

Debate resumed from 1 December 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (10.28): Madam Speaker, this Bill is a very straightforward matter which requires - - -

Mr Lamont: Aye.

MR HUMPHRIES: I am glad that Mr Lamont agrees. Since I can hear my bed calling to me, I commend the Bill to the house.

MR CONNOLLY (Attorney-General and Minister for Health) (10.28), in reply: I thank Mr Humphries for that short and succinct speech. I entirely endorse his remarks.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Motion (by Mr Berry) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 10.28 pm

ANSWERS TO QUESTIONS

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1430

Housing Trust - Borrowings

MR CORNWELL - Asked the Minister for Housing and Community Services -

(1) Is the ACT Housing Trust in (a) debt, (b) arrears, to an amount of about $50 million.

(2) If either of the questions at (1) is correct, what are the circumstances of the debt/arrears situation.

(3) What steps are being taken to retrieve the situation at (1).

(4) Who will pay the cost of recovering the situation at (1).

MR LAMONT - The answer to the Members question is as follows -

(1) (a)As at 30 September 1994 ACT Housing had total borrowings of
$334.989 million comprising:
$276.349 million Commonwealth Loan Council funds;
$1.850 million private lenders loans; and
$56.790 million ACT Treasury.

(1b) Nil

(2) The Commonwealth borrowings are Loan Council moneys used to fund Rental Housing purchases and Home Purchase Assistance loans. These borrowings ceased in 1990.

The private borrowings are funds obtained from Superannuation funds during the 1960s and 1970s at low fixed interest rates.

The borrowings from ACT Treasury are used solely to enable additional home lending to those in the community who are unable to acquire home funding through financial institutions.

(3) These borrowings comprise the means used to finance the assets of ACT Housing Trust and are repaid from the earnings of the ACT Housing Trust.

(4) ACT Housing Trust.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1453

Housing Trust Properties - Acquisitions and Disposals

MR CORNWELL - Asked the Minister for Housing and Community Services -

(1) What types of dwellings (eg 2,3 or 4 bedroom houses or flats) were the 97 ACT Housing Trust properties disposed of in 1993-94.

(2) What types of dwellings (eg 2,3 or 4 bedroom houses or flats) were the 145 Trust properties acquired in 1993-94.

(3) How many people, by maximum normal eligibility criteria, can be housed in those dwellings referred to in (1) and (2).

MR LAMONT - The answer to the Members question is as follows
(1) The 97 ACT Housing Trust properties disposed of in 1993-94 were all houses. They consisted of 10 two bedroom, 79 three bedroom, 7 four bedroom and 1 forty bedroom.

(2)

	1	2	3	4	>4	Total
Houses	0	9	36	7	1	53
Flats	39	35	0	0	0	74
APUs	18	0	0	0	0	18
Total	57	44	36	7	1	145

(3) The number of people, by maximum normal eligibility criteria, that could be housed is (1) 590 and (2) 427.

Waiting lists for public housing reflect the demographic move towards more family units and smaller family units. It is more expensive and more difficult to house many smaller family units than to house fewer traditional family units.

It should be noted that most of the 97 properties disposed of in 1993-94 were either underutilised or at the end of their economic life, and did not accommodate the maximum number of people possible. The type of stock acquired cater for smaller family units which reflect the current needs of the waiting lists.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1454

Rural Property Licences - Stocking Rates

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to rural land held under agistment licence in the ACT and referring to the list, showing that all but two blocks are assessed as capable of carrying between .2 and 9 DSE per ha, which you provided as part of your response to question on notice No.954

(1) Who establishes the DSE for these holdings

(2) When and how were these DSEs established and are they re-assessed when a holding changes hands.

(3) The quarterly charges appear to be levied at a rate of approximately $1.04 per head DSE; (a) is the correct formula for setting quarterly charges and (b) if not, what is the correct formula.

(4) What characteristics relating to block 21, Jerrabomberra (hectarage 2, quarterly charge $57.72) and the block denoted as "Feb-44 Mitchell" (hectarage 7.7, quarterly charge $203.84) enable them to carry 28 DSE/ha and 25.5 DSE/ha respectively; if any of these figures are not correct, what are the correct ones.

(5) How long (a) have quarterly charges been assessed at these stocking rates for these two blocks; (b) has it been since these rates have been re-assessed; and (c) who, by name, assessed the stocking rates on these two blocks.

(6) If these high stocking rates are errors, will the correct rate be applied back to the beginning of the licensees tenure and a rebate of excess monies, with interest, be paid to the two licensees.

Mr Wood - the answer to the Members question is as follows:

(1) An agronomist from my Department.

(2) When the areas become available for agistment a visual inspection is undertaken to assess the DSE. As agistment is not transferable should the area be vacated a new assessment is undertaken before expressions of interest are sought from ACT rural lessees.

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(3) (a) As of September 1993 $1.04 was the charge per DSE per quarter.

(b)Charges for agistment are set on a weekly basis and currently are $0.09 per DSE per week or $1.17 per DSE per quarter. Accounts are sent out quarterly.

(4) These figures are incorrect and should read:

block 21 Jerrabomberra 22.2 ha, 56 DSE, $58.24
block 2/44 Mitchell 7.7 ha, 30.8 DSE, $31.98

(5) (a) Charges have never been at the incorrect rate.

(b) &(c) The two agistees have been charged in the case of the Mitchell block $31.98 (the correct charge) and only $57.72 instead of $58.24 for the Jerrabomberra block. This total was re-adjusted when the DSE rate changed in July 1994.

(6) Errors were in the information supplied and the only error in monies was in favour of the agistee.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1459

Rural Leases - Permissive Occupancies

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to permissive occupancy (free agistment) in the ACT.

(1) How many hectares, at 8 November 1994 (a) are used in this way and (b) were used in this way.

(2) What areas (block and section) have-been added or deducted to the area used for permissive occupancy in the last 12 months and what are their alternative uses.

(3) What process (a) is used to determine who may have permissive occupancy of a block and (b) who decides this.

(4) At 8 November 1994, what areas by block and section are being used in this way, (a) by whom; (b) when were they allocated to these people and (c) for what purpose are they being used (type and number of stock).

Mr Wood - the answer to the Members question is as follows:

(1) (a) & (b) The areas used for permissive grazing are not identified by size rather than by the fact that they need to be grazed to reduce the fire hazard or provide relief grazing in drought times. As no fees are levied, the area (size) is not calculated. It is expected that as the drought continues the area of permissive grazing will increase.

(2) Areas added

Block 33 Coree Block 63 Section 3 Fyshwick Vacant land at the Northern end of Mitchell pt 64 Bonython

Areas deleted

Block 65 Section 18 Gilmore (now horse paddock) Part block 1493 Tuggeranong (ungrazed at this time but expected to be grazed in the future)

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(3) (a) The previous lessee is given first right. If the land is not large enough to ask for expressions of interest from ACT rural lessees it may be offered to the adjoining lessee.

(b) The manager of the section administering the land.

(4)
(a) (b)
92 Tennent R & J Martin Intermittent since 1993
33 Coree P Retallack November 1994
63/3 Fyshwick P Gullett November 1994
vacant land J Cavanagh November 199_4
Mitchell
433 Gungahlin T Wingrove Intermittent since 1990
pt 64 Bonython Mark Dallas Pty October 1994
434 Stromlo B Champion Intermittent since March 1989
1426 Tuggeranong Mark Dallas pty March 1989
1439 Tuggeranong Mark Dallas pty November 1987
1508 Tuggeranong B Katz Intermittent since 1989
46/2 Greenway Mark Dallas pty 1989
1498 Tuggeranong P Gullett Intermittent since 1992
(c) As these paddocks are grazed either to reduce the fire hazard or as relief grazing in drought times type and stock numbers are not specified.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1460

Rural Land - Permissive Occupancies

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to an area of land beside the airport which has recently been fenced (apparently for grazing use) -

(1) What other areas in the ACT could possibly be utilised in this manner.

(2). What mowing costs could be saved by doing so.

(3) Are any other areas earmarked for fencing off and using in this way.

(4) On (a) what basis will such areas be used (lease, permissive occupancy etc) and (b) what process will be followed to ascertain who will use it.

(5) What water supply is deemed necessary for this to be done in those areas.

Mr Wood - the answer to the Members question is as follows:

(1) Roadside verges which front rural leases and unleased land which is identified as being suitable for this purpose.

(2) Unknown, but relatively minor as some areas would not be normally mown and few lessees will take the opportunity to graze the road verges fronting their lease.

(3) Three areas have been identified for relief grazing.

(4) (a) The land will be under a permissive occupancy arrangement.

(b) A letter was sent to all rural lessees in September 1994 identifying these areas and inviting lessees to express an interest in this land. Allocation of the land was on a ballot system.

(5) The supply of water will be the responsibility of the user.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1469

Pine Island Homestead

Mr Cornwell - asked the Minister for Environment, Land and Planning -In relation to the Pine Island Homestead

(1) When did Mr Stevens make his first inquiry about occupying this dwelling.

(2) When did responsibility for the homestead pass to the ACT Parks and Conservation service.

(3) When did consideration for providing an occupant in this dwelling first occur.

(4) How much time, out of normal working hours, will the tenant (a)be expected to provide a presence in the recreation area and (b)be paid for providing this presence.

(5) What (a)duties will he/she perform in that time; (b)duties will the tenant perform for the Service and (c)the hours per week will he/she work in total at what salary level.

(6) What training, authority and qualifications has the prospective tenant been given which will equip him/her to specifically handle or deter vandalism.

(7) What specific qualifications make the prospective tenant capable of restoring the homestead in keeping with its heritage value.

(8) Who will pay for (a) labour and (b) materials regarding such restoration, and how much will (a) and (b) cost.

(9) how much has already been spent in preparing the homestead for its prospective tenant.

(10)When was the homestead last vacated and was it previously occupied by Service personnel.

(11)Will the new tenant sign a lease on the homestead; (a) what will be the conditions of that lease and (b) how much rent will be paid.

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Mr Wood - The answers to the Members questions are as follows

(1) Mr Stevens first enquired about the property in December 1993.

(2) In September 1994.

(3) In November 1991.

(4) a) 7 hours per week of unpaid work, equating approximately to the rental otherwise payable.
b) None, as it equates approximately to rent otherwise payable.

(5) a) Duties per week:

in summer - evening walking patrols approx. 6pm to 7pm (random nights), aimed at reducing vandalism

in summer - night patrols after dark. To inform police if a situation potentially leading to vandalism exists.

other maintenance duties depending on time involved in above patrols.

A verbal report of incidents and an update to senior staff on a weekly basis.

b) the tenant will provide a caretaker presence at Pine Island to reduce incidents of anti-social behaviour and vandalism. The tenant will be an after hours phone contact person for Parks and Conservation and the police in emergencies.

c)the tenant is a staff member who works Monday to Friday at a GSO 4 salary level. The caretaker duties of 7 hours per week will be an unpaid addition to this in lieu of rent.

(6) The tenant has worked for the Murrumbidgee River Corridor for 20 years and is employed as a General Services Officer. He undertakes maintenance duties in the recreation areas and is responsible for driving the gang truck. He is also very experienced in patrol duties in these areas. He will be authorised under all the relevant acts.

(7) The homestead has not been nominated for consideration for inclusion on the ACT Heritage Places Register. All work undertaken will be sympathetic to the style of the building. The tenant is fully aware of this policy and

is very supportive of this approach. It is a requirement of the arrangement that any work undertaken by the tenant is approved before being commenced.

(8) The Department will fund materials and labour to bring the building to a basic standard suitable for occupation. Work such as restoring the garden and fences will be undertaken by the tenant. All of this would be funded by the Department if the tenant was to pay rent directly instead of working in lieu of rent. No estimate of these costs is available.

(9) A Building Inspection report has been prepared by Freeman Collett & Partners - total cost $360. No work has yet been carried out on the homestead.

(10)The last two tenants have been employees of the ACT Parks and Conservation Service. The - last tenant left in November 1991. Both tenants provided a caretaker presence on an unofficial basis.

(11)The new tenant will sign a Licence Agreement. Conditions will include that the premises be used for residential purposes only and that the tenant provide the caretaker and maintenance services outlined above. The tenant will pay a licence fee of $24 per year and arrange insurance.

4642

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1470

**Environment, Land and Planning Portfolio -
Field Based Staff**

Mr Cornwell - asked the Minister for the Environment, Land and Planning -In relation to rangers and other field personnel employed by your Department

(1) How many are employed; (a) by section, (b) duty, and (c) rank.

(2) By what processes are such officers promoted.

(3) Since self-government, have any such officers been demoted; and if so for what reasons.

(4) Have any such officers been demoted from responsible positions shortly before retirement, if so, how has such demotion affected the retirement benefits subsequently paid to those officers.

Mr Wood - the answer to the Members question is as follows:

(1) The Parks and Conservation Branch employs approximately 585 permanent field based staff. The breakdown by section, duty and rank is as follows;

City Parks
Horticultural Maintenance 381
(including plant operators)
Trades support 75
(includes bricklayers, mechanics,
carpenters, welders, painters
and plumbers)
Conservation and Wildlife
Rangers 31
GSO Staff 39

Agriculture and Landcare

GSO staff (Ag Ops) 19
Dog Pound
Rangers 11

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(2) Employees are promoted consistent with the Public Sector Management Act and associated industrial agreements.

(3) Since Self Government one officer from City Parks has been demoted for disciplinary reasons.

(4) No officer has been demoted shortly before retirement.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 1471

Royal Canberra Golf Club - Extension Project

Mr Stefaniak - asked the Minister for the Environment, Land and Planning -

(1) What is the size and location of the "minor land additions" you refer to as necessary for the completion of the Royal Canberra Golf Club project?

(2) What, if any, is the size and location of the "publicly accessible open space" along Dunrossil Drive that will remain if this project proceeds?

(3) Approximately how many mature trees will be felled to make way for the proposed golf course?

What access will the wider community have to the new golf course?

(5) What procedures were in place to determine the attitude of the wider community in relation to this proposal?

Mr Wood - the answer to the Members question is as follows:

(1) Continued negotiations with the Royal Canberra Golf Club recently resulted in the Club deciding not to pursue obtaining any additional land. The club will proceed to develop only within the boundaries of the existing lease.

(2) A strip of Public Land 80 metres wide, in the pine plantation area, exists between the Clubs lease boundary of the I-ees Paddock site and Dunrossil Drive.

(3) The National Capital Planning Authority has requested the lessee to provide overlays showing the existing trees on the site, trees that are to be removed and trees which are to be planted. I understand this information has not yet been submitted.

(4) As the conditions of lease granted in 1984 for the golf course extension are the same as the existing developed area, access arrangements for the wider community are also the same.

4645

(5) As no additional land was pursued, the public consultation processes associated with either;
(i) the granting of an additional lease, or
(ii) a lease variation application, or

(iii) a variation of the National Capital Plan for land sought in areas identified on the Plan as Public Land, was not required.

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MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION

Question No. 1474

Canberra Institute of Technology -
Weekend School

MR CORNWELL - asked the Minister for Education and Training on notice on 9 November 1994:

In regard to the Canberra Institute of Technology "looking at best practice in North America to make a weekend college with the possibility of concentrated mode study a feature for 1994-95" (Estimates 1994)
(1) What is the status of the investigation.

(2) Has any decision been taken on the matter of weekend college courses; if so, (a) what is the decision; if not, (b) when will a decision be made. -

MR WOOD - the answer to the Members question is as follows:

(1) & (2) During 1994 CIT gathered information from Victorian and Western Australian TAFE Colleges in regard to their weekend operations. CIT looked at the justification for a wide range of operational aspects that pertained to the interstate weekend schools. In addition, information was gathered on North American and Canadian Community Colleges, including their experience in the operations of weekend colleges. An internal discussion paper was prepared and considered by the CIT Corporate Executive Group. There was support in principle for establishment of a Weekend School, but several issues were identified that would require further work to ensure a successful launch. The weekend school will be revisited as a priority issue during Semester 1 1995.

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MINISTER FOR THE ENVIRONMENT LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 1478

**Canberra Womens Bowling Club Site -
Residential Redevelopment**

Mr Cornwell - asked the minister for the Environment Land and Planning - in relation to the redevelopment of Section 26 Kingston, the bowling green development, approved by this Assembly in May 1993 -

(1) Is the Minister aware that local residents are concerned about the level of traffic resulting from the development which will use Gosse Street, particularly following the establishment or the retirement facility.

(2) Have the residents asked that the entrance and exit for section 26 be moved to Wentworth Avenue where driveways to the proposed complex already exist.

(3) If this was done, how many vehicle movements per day would be avoided in Gosse Street.

(4) Will this change be made and, if not, why not.

Mr Wood - The answer to the Members question is as follows:

(1) I am aware of the local residents concerns about the level of traffic resulting from the proposed redevelopment of the former Canberra Womens Bowling Club for residential units. I and officers of my Department have met with the Kingston Citizens Action Group to listen, and respond where possible, to their concerns. I also draw the Members attention to my response to his letter of 2 June 1994 on this very matter.

(2) The residents have asked that the entrance and exit points to the proposed redevelopment utilise the existing driveway crossings on Wentworth Avenue. As I advised in my previous response, the two access driveways from Wentworth Avenue date back to the 1960s and, I understand, were never used for vehicular access to the site. Club members preferred to use informal parking which then existed off Jardine Street. As traffic volumes increased on Wentworth Avenue it was no longer appropriate, in traffic management and safety terms, to allow direct access from this road. For this reason, Block 50 was set aside in December 1980 to provide access from Gosse Street in the event of redevelopment of the bowling club.

This position was re-confirmed in the course of traffic assessments undertaken as part of the Draft Variation to the Territory Plan.

(3) It is calculated that the proposed residential development on the site will generate approximately 350 vehicle trips per day.

(4) On the basis of traffic engineering assessments undertaken to date, it is not proposed to relocate the access from Gosse Street to Wentworth Avenue for the following reasons:

An additional 350 vehicle trips per day can be safely accommodated within the capacity of Gosse Street which is designed as a residential access road with an environmental capacity of 1000 vehicle movements per dayACT Planning Authority figures indicate that Gosse Street is currently operating at about half capacity.

Wentworth Avenue is an arterial road with significantly higher average traffic speed (as distinct from speed limit) and traffic volume than Gosse Street. Traffic volumes on Wentworth Avenue will increase in the future as the city grows. Consequently, the risk of serious accidents occurring is much greater on Wentworth Avenue.

However, my colleague, the Minister for Urban Services, Mr David Lamont MLA met with the residents on 16 November 1994 to discuss both this issue and the wider traffic management issues in the Kingston area. As a result there is to be further contact between the residents and officers of the relevant government agencies on traffic management issues in Kingston.

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