DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 August 1995

Thursday, 24 August 1995

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The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

COMPETITION POLICY REFORM BILL 1995

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.31): Mr Speaker, I present the Competition Policy Reform Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

The Competition Policy Reform Bill 1995 is a significant step in the implementation of the national competition policy agreements entered into at the April 1995 Council of Australian Governments meeting. I am delighted that we are able to present this Bill at this time as it will underpin many of the reforms the Government is committed to. Implementation of the national competition policy in the ACT will remove restrictions on competition and will ensure that resources are allocated in an efficient way. This does not mean that the economy will shrink with increased efficiency, but it will enable development in a way that creates new jobs and economic growth.

The Competition Policy Reform Bill applies the competition code in the ACT. The code requires States and Territories to achieve and maintain consistent and complementary competition laws and policies that will apply to all businesses in Australia, regardless of ownership. It was further agreed that this would be done by legislation. The Commonwealth has passed its Competition Policy Reform Act and so has New South Wales. Most other States plan to pass complementary legislation during their budget sittings. It is pleasing to note that this is well in advance of the timetable agreed at COAG. This shows the commitment the parties to the agreements have to implementing national competition policy so that benefits can be gained as early as possible. Each State and Territory is using model legislation developed by New South Wales Parliamentary Counsel in consultation with the States and Territories to achieve consistency in approach.

The Competition Policy Reform Bill applies the competition code in the ACT. It does so in concert with the Commonwealth Act, which effectively creates the competition code but does not itself apply the code. The competition code extends coverage of Part IV of the Trade Practices Act to government business activity in the ACT. Members will note that coverage of Part IV of the Trade Practices Act does not apply to activities associated with the normal functions of government. Part IV of the Trade Practices Act prohibits anti-competitive conduct such as exclusive dealing, misuse of market power, and anti-competitive agreements. Extension of the Trade Practices Act to government business activity will require all government business activities to be reviewed to reform any elements of their business that restrict competition. However, the Government will have the capacity to authorise anti-competitive conduct by legislation where it is clearly in the public interest. Provision to restrict competition is currently available to business under subsection 51(1) of the Trade Practices Act. Any exemptions to the general conduct rules are permitted only when a clear public benefit can be demonstrated through a transparent process.

The benefits of the Competition Policy Reform Bill will take time to work through to all levels of business activity. Early passage of the legislation will assist the process of reviewing government business activity to ensure that it does not contravene Part IV of the Trade Practices Act. Implementation of competition policy in the ACT provides additional impetus to the Government's own comprehensive reform program. We are already working on implementing the reforms, which include reviewing regulation and legislation affecting competition; and implementation of our corporatisation program. Also, as part of the development of the 1995 budget, I have asked all agency heads to consider options for outsourcing. The Government is committed to directing scarce resources to the core functions of government which deliver services to the community. This Bill provides the vehicle for eliminating anti-competitive practices from government business activity. This will benefit the community and the private sector and improve the public sector.

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

NATURE CONSERVATION (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.36): Mr Speaker, I present the Nature Conservation (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

The Nature Conservation (Amendment) Bill 1995 amends the Nature Conservation Act 1980. The Nature Conservation Act provides for the protection of native plants and animals and the management of nature reserves and national parks. The purpose of the Bill is to exempt leased urban land from native tree controls. In doing so, it reinstates a provision that was inadvertently deleted during drafting of an amendment to the Nature Conservation Act in 1994.

Priorities for management of native trees on urban blocks are best determined by individual occupant practice and preference. The vast majority of trees on urban leases are planted, managed and disposed of by the occupant and a regular turnover and net gain of trees is quite typical. Nature conservation values are often enhanced incidentally to landscape, safety and engineering infrastructure considerations. Canberra has an enviable and longstanding record of successful tree establishment and management programs in public lands, reflected in our streets, parks and reserves. This bush capital image is complemented by a strong community landscape ethic, which would not be well served by additional and unnecessary controls. The implications of implementing controls for what is, in effect, an urban trees preservation program are significant in terms of administrative costs and an unnecessary imposition on the community without any correspondingly significant nature conservation benefits.

The opportunity is taken to insert appeal rights in respect of decisions taken under section 49 of the Nature Conservation Act, which gives the Conservator of Flora and Fauna authority to give directions to the owner of a native animal or native plant that is suffering from a disease. The Nature Conservation (Amendment) Bill 1995 removes an unnecessary control over the management of urban leases, and I commend it to the house.

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

LEAVE OF ABSENCE TO MEMBER

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

> That leave of absence from 2 to 12 September 1995 inclusive be given to Ms Tucker.

DISTINGUISHED VISITORS

MR SPEAKER: I would like to acknowledge the presence in the gallery of students from Lyneham Primary School.

REMUNERATION TRIBUNAL ACT (COMMONWEALTH) - DETERMINATIONS NOS A.C.T. 1, 2 AND 3 OF 1995
Motion for Disapproval

MS TUCKER (10.39): I move:

> That, pursuant to subsection 7(8A) of the *Remuneration Tribunal Act 1973* (Commonwealth), the following Remuneration Tribunal Determinations made under the Act be disapproved:
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> (1) Determination No. ACT 1 of 1995 relating to the remuneration to be paid to holders of public offices in the Australian Capital Territory;
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> (2) Determination No. ACT 2 of 1995 relating to the remuneration to be paid to holders of public offices in the Australian Capital Territory; and
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> (3) Determination No. ACT 3 of 1995 relating to the remuneration to be paid to members of, and holders of offices connected with, the Legislative Assembly for the Australian Capital Territory.

This motion seeks to reject Remuneration Tribunal Determinations 1, 2 and 3, which have recommended a 2 per cent salary increase to MLAs and full-time and part-time ACT public office-holders, who include chief executives of ACT government departments, the director of the CIT and members of boards, among others. The savings generated by rejecting these determinations would be in excess of $100,000. The savings generated by the Assembly would be well in excess of $25,000.

We are moving this motion because we believe that it is not appropriate for MLAs to receive a pay rise at a time when many other groups throughout the community are struggling to retain their funding or have already lost it. For many groups, this funding will put people already on very low incomes out of work. While MLAs may not be paid enormous salaries compared to some, they are significantly better off than most. Not including allowances, we are paid approximately 1.5 times average weekly earnings in the ACT and twice the Australian average. We do recognise, however, that MLAs are paid significantly less than many senior public servants and business people. On the matter of pay rises for statutory public office-holders, we believe that at a time of recruitment freezes and budget cuts it is appropriate that heads of departments and members of boards set an example to their staff.

We are not talking about dramatically reducing the quality of life of all people affected by Remuneration Tribunal Determinations 1, 2 and 3. We are simply saying that at a time when others are being asked to cut back we should not be holding our hands out for more. Over the last few weeks several members have raised the question of when it might be appropriate to receive a pay rise; if we do not take it now, when will we get it? Perhaps the appropriate time will be when the rest of the community are not taking cuts.

I believe that the key question of equity should also be addressed. This place must seek to establish equitable practices, both here and within the community. There are many inequities within our community and, indeed, some within the Assembly. The Greens believe that it is imperative that we seek to address those inequities. While this motion will not have a dramatic effect on members' salaries, it will show that MLAs are working towards creating a fairer system for all.

Finally, one member has put to us that refusing a Remuneration Tribunal determination should be a matter of choice. While we can see the logic in that argument, we believe that this Assembly is all too happy to pass motions and legislation that affect the choices other people have. I therefore believe that we can pass a motion that affects our choices too. At a time when community groups such as women's refuges, youth groups and employment groups are losing their funding or having their funding reduced, we believe that it is appropriate that this Assembly support the motion.

MR MOORE (10.43): Mr Speaker, this is not the first time we have seen this style of political grandstanding on remuneration. Dennis Stevenson used the same sorts of arguments. If I remember correctly, he went on to do a further political grandstand and said that he would not actually take the extra money that was provided. That was modified a little, and he said that he would take it but he would use it only for doing his job as an MLA. We often wondered, I must say, just exactly where and what his job was. Nevertheless, he was an elected member and entitled to do that. Of course, the rest of us do exactly the same thing. We use a substantial part of our income to do our job and, as you look at your tax return around this time of year and realise just how much money you spend on doing this job, you realise that that was just a bit more political grandstanding.

One of the things we could have done in this Assembly, because we have the power in the self-government Act to do it, is what almost every other parliament in Australia has done: Forget about the Remuneration Tribunal and tie ourselves to the Federal Government, in the same way that the Brisbane City Council has, for example. In that way, we could all substantially increase our salaries. It does not matter what we do; the community are going to say that we get paid too much, because they always think politicians get paid too much. Instead of doing that, we accepted a very fair and equitable system - an independent group to have a look at our salaries and determine what the salary should be for the job.

There is another arm to that: We have the right to write to the Remuneration Tribunal and say to them that the way we are paid is not appropriate, and on two occasions I have done that. Some members will remember that when we first started in this house the remuneration was $40,000. I was one of the people who felt that that was inadequate, particularly because I knew that I was spending substantial sums of money on the job. Every time we do that, it means that it is less money we have to spend on our families. Everybody is presented with those sorts of problems. That is why it is that we get the Remuneration Tribunal to make these decisions for us at arm's length. Because it is a determination, we also have the power, and Ms Tucker is testing that, to say no, we are not going to take it.

I believe that it is appropriate for us to accept what the Remuneration Tribunal sets and to proceed from there in an appropriate way. The sort of political grandstanding that goes with this move, I think, is seen through by most people. When Dennis Stevenson did it, most people thought, "Yes, they think they are going to get a good standing in the community because they knocked back a bit of money, and everybody is going to think they are wonderful". It makes no difference. I think it ought to be seen for what it is - a stunt, and it is a stunt that I think sets a poor precedent. When we actually put something at arm's length and we want it done, that is how we should operate. If the Remuneration Tribunal had said that we were getting paid too much money and therefore we should reduce it, that is something we would also have to accept, rather than knocking back a determination to that effect. We have an arbiter, an umpire. We accept the umpire's decision.

MR BERRY (10.47): The Opposition will be opposing this move by the Greens. Working people throughout Australia have come to accept the principle of arbitration and the setting of wages and conditions by independent tribunals. It is part of the lifestyle of Australians, and the independence of those tribunals is something we have to protect. In this case, it has been argued that a range of people, from politicians through public servants, the people who serve on boards and statutory office-holders, should not receive the 2 per cent wage increase which has been decided upon by the Remuneration Tribunal. It is all right to have a shot at the politicians - one expects that in this game - but I would like to defend the public servants and the office-bearers in statutory positions, as well as those people who serve on boards of management and statutory boards throughout the ACT. They too subject themselves to this independent tribunal to determine an appropriate remuneration for the work they do.

In this country, some people earn more than others; but it seems that in this case the Greens have been smitten by the language of the Government in relation to their budget, accepting the Henny Penny argument from the Government, which would give rise to a great range of people not receiving pay rises. We do not accept that argument. We take the view that, if there is an independent tribunal that is able to set pay and conditions for a range of people, you have ample opportunity to make submissions. In June this year - I think it was on 1 June - I received a letter from the Remuneration Tribunal, and so did everybody else, which invited submissions in relation to the matter. I think they asked that submissions be provided by the end of June. I have been in touch with the Remuneration Tribunal, and I have found out that there has been one submission from a member in the ACT and that was not a Green. If you are fair dinkum about this issue, that is the time when you make a submission.

I accept that we have the right to overturn this decision if it is demonstrably wrong, but I do not think there has been a case made out that the decision of the tribunal was demonstrably wrong. It is a decision that has been arrived at through examination of the issues, and it was mentioned in the letter to us that there had been 2 per cent increases in various other legislatures. I think it comes back to that point I just raised. If there is something that is demonstrably wrong, we have an obligation to examine the issue and make a decision about it. No case has been made out that this is demonstrably wrong, and I do not think the Greens have a leg to stand on. They had their chance to make their submission to the tribunal and have it assessed and a decision made on it. They did not take that opportunity, and that is disappointing.

I have expressed my disappointment to the Greens on this score, so it will not come as a surprise to them that I do not accept the course they have decided to take in relation to this issue. Mr Moore has made a few points on the issue that I will not go over. All I need to say, in conclusion, is that we will not be supporting the move by the Greens.

MRS CARNELL (Chief Minister) (10.52): The Government also will not be supporting the motion, because the Remuneration Tribunal has made a decision. The reason why the Remuneration Tribunal determines the salaries of politicians, senior public servants and members of boards is that that is the forum where this debate should be happening - at arm's length from government, with all of the information on the table, and by a body that is not political and not part of this Assembly. Everyone is able, as Mr Berry said, to make submissions to that tribunal. I think one of the best things that ever happened in the political arena and amongst senior public servants and board members was the decision to move these sorts of decisions outside the political arena so that they can be made on the basis of fact rather than on political rhetoric or on stunts, as this obviously is.

There was no submission to the Remuneration Tribunal from the Greens. If they had wanted to put their case they could have done so in that arena. We believe strongly that what the Remuneration Tribunal determines is what this body should accept. As others have said, if that determination was a reduction in salary rates, if it was a change in the balance, whatever it was, we should accept the umpire's ruling. I think it is really quite tough to suggest that this body here should be debating what the Remuneration Tribunal determines for our senior public servants and board members. Any one of us here can knock back that increase. The Greens, whatever happens to this motion, can say that they do not want it, and that is fine; but for us even to suggest that it is okay for us to debate what senior public servants and others should get after an independent umpire has made a decision, I think, is totally unacceptable. This really shows, I think, that the Greens simply do not understand the system that we work with.

Again, I come back to the view that we have an independent umpire. As I pre-empted earlier this week, we will be moving, hopefully with the support of this house, to have an ACT Remuneration Tribunal, one that will have a much better understanding of the ACT, of us, and of the situations that occur in the ACT. I think that having an independent umpire will further improve the situation. The whole basis of having an umpire, whether in sport or a remuneration tribunal, is that you accept the decision.

MS HORODNY (10.54): Mr Speaker, I have come from a community group, as has Kerrie, where I have worked with hardworking individuals who receive little or no pay. Coming to this Assembly and earning the wage that we do, I have come to realise the real meaning of haves and have-nots. It is disappointing that, at a time when everyone is being asked to tighten their belts, people in this Assembly will not put their money where their rhetoric is.

MR OSBORNE (10.55): Mr Speaker, I am happy to support the motion as long as the Greens give back the cars, as they promised during the election.

MS TUCKER (10.55), in reply: It is great to see everyone work so well together on some issues anyway. I understand that there has been a problem in the process with our submission to the Remuneration Tribunal. I accept that maybe that is something we could have done. We were not aware of that. You can use the process, if you like, as a way of arguing against the principle of what we have done here. All I can say is that the principle is that we feel at this time that it is not appropriate to take a pay rise, and we stick by that. In terms of the cars, we are still working on the cars and we have something going to Mrs Carnell today. We will be able to inform you more on that issue.

Question put:

> That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 2	*NOES, 15*	
Ms Horodny	Mr Berry	Mr Kaine
Ms Tucker	Mrs Carnell	Ms McRae
	Mr Connolly	Mr Moore
	Mr Cornwell	Mr Osborne
	Mr De Domenico	Mr Stefaniak
	Ms Follett	Mr Whitecross
	Mr Hird	Mr Wood
	Mr Humphries	

Question so resolved in the negative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Printing, Circulation and Publication of Reports

MR MOORE (10.58): Mr Speaker, I move:

> That the resolution of the Assembly of 1 June 1995 relating to the printing and circulation of the reports by the Standing Committee on Planning and Environment on its inquiries into contaminated sites and the Government's draft Capital Works Program be amended by omitting "printing and circulation" from paragraph (1) and substituting "printing, circulation and publication".

I put this motion on the notice paper in order to alter the usual motion in relation to the printing and circulation of committee reports out of session. We want to add the words "and publication". The reason for this addition is to make plain the Assembly's intention that when it authorises a committee to circulate its report out of session, subject, of course, to your approval, Mr Speaker, the circulation should be to the wider community and not just to members of this house. We have had a couple of instances in the not too distant past when one possible interpretation was that our motion did not

cover broader publication to members of the public. I think it was always the intention of the Assembly to do so. I think it is right and proper for a report of the committee of the Assembly to be made available to the Canberra community, once the Speaker has authorised its release, when the Assembly is not sitting. The purpose of this motion is to remove any ambiguity, Mr Speaker, and I commend it to members.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 9 of 1994

Debate resumed from 1 June 1995, on motion by **Ms Follett**:

That the report be noted.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Watson, Section 61, Block 8 (Former Starlight Drive-In Site)

Debate resumed from 20 June 1995, on motion by **Mr Moore**:

That the report be noted.

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

SOCIAL POLICY - STANDING COMMITTEE
Report on Social Policy Issues Raised by Community Groups

Debate resumed from 22 June 1995, on motion by **Ms Tucker**:

That the report be noted.

MS McRAE (11.02): Mr Speaker, I want to take this opportunity, firstly, to thank all the groups who bothered to give their time to this committee. It was a fishing exercise really - an unusual event for a committee, because in normal instances people come around a very fixed term of reference with some sort of question, a burning question, to answer, argue to and fro the particular issue, present their evidence and then come up with some conclusion. In this instance the committee undertook a different process to allow groups to come and make us aware of their concerns. This, of course, met with some criticism from the press, but I believe that the exercise was extremely useful.

It was of very great interest in that it came so hot after the election. It was pretty well the first thing that happened in the Assembly after the new Government had been formed. People were still in election mode to a certain extent, in that they had lobbied both parties, everybody, before the election; so they still had their ideas fresh, had their focus still on their major concerns, and had not quite come to terms with all the new arrangements that were in hand. Of course, anxieties were expressed about the formation of the new departments and the interrelationship with those, and the nature of the effect of that on community activity. I think that is a fair assessment of the dangers that the changes pose and, I hope, a fair warning to government that community groups were familiar with how things went and will need a fair level of education and encouragement to be involved with the new formations, not necessarily with the fear or trepidation which was expressed by so many groups. We, of course, will be keeping a close eye on that and offering further opportunity for discussion.

I was very grateful for the frankness and the willingness with which people were able to come forward and share their personal anxieties for the community groups that they deal with. I know that at the end of the day it is no one major group's fault that another group in the community is suffering hardship. It is never as simple as that, and it is never as simple as dividing the oppressors and the oppressed, as Chris Uhlmann has pointed out in the *Canberra Times.* I accept that that is a simplistic analysis of how the world is; but, for many people caught up in very difficult and trying circumstances, it appears that way. I think that what is interesting about this report is that it gives us an insight into how the world feels for some groups, into the sorts of things that they are grappling with, into the ways that they see issues, and perhaps gives us some guidance to at least walking into their hearts, walking into their timeframe, walking into their lives and their battles, and to try to say, "Okay, if you feel that, if you are experiencing that, if you are involved in these struggles, what role does government have, and what role do we as individual politicians have?".

Some of the issues raised are very challenging. How on earth does a person with epilepsy make himself or herself acceptable? How on earth does one individual deal with the massive prejudices that do exist in our community? How does one deal with the underlying fears of some diseases that individuals hold within themselves and then project on the community? How do people who have suffered traumatic brain injury recover? What right do they have to support services? What responsibilities does a government have for a person who has suffered a tragic accident? At what point does that support stop? What responsibility must continue? Who holds that responsibility? These questions are probably unanswerable, but to have them posed so early in the life of this Assembly, I think, is of grave importance.

The continuing issue of language is an aggravation for many, but again the group that presented the stereotypes that they were faced with find it a handicap to the services that they seek. Perhaps there is a role for government in fixing that; perhaps there is not. By the mere airing of them, though, we are all collectively put on alert. The continuing and emerging problems that are facing the ageing community are of profound interest because this community is changing, as is the rest of Australia, and, in time, we who are

still paying taxes will find an increasing burden which we must find a better way to deal with. Along with that, again, the ageing felt the depth of prejudice against the elderly. I guess there is a projection of fear; that nobody wants to be frail, nobody wants to be infirm, nobody wants to face that part of their life, and they feel that in many of the ways that they then deal with the bureaucracy and the community.

The other area of great interest which will be continuing is the perception of consultation. It is a vexed question and one on which both sides of the house, and everyone in between, will be able to throw bricks, abuse and criticism. At the end of the day the issues that were raised by the various groups in terms of consultation are of profound interest. There are only 17 of us. No-one can understand, know or be on top of the entire range of issues that confront the community, nor to the depth and complexity that the community groups that are dealing with the issues have, and their rightful role in being consulted, in informing government, in informing the Assembly, is one that in some way or another, collectively, we have to grapple with and assure the community at the end that at the appropriate place, at the appropriate time, their voices are heard.

The $90m question then becomes: What do you do with those people who feel that, no matter how long you have listened, you have not heard and, because you have not done exactly what they have wanted you to do, you have therefore failed them?. Our test as politicians is how we interpret what we hear and then put it into action. That, to me, seems to be the test of what this report offers us all. It is a snapshot of a range of views given very early in this new Assembly. It is an insight into the perceptions of a pretty large variety of groups as to the problems that assail our community. It is an expression of the concerns, the frustrations, the pain, the joy, the complexities of life in the ACT as it grows up and changes and comes to deal with the political process. I see the report as a very good check list against which we can all look at the various things that we do in the Assembly and say, "Have we collectively done anything to help the families who have children with disabilities who, every school holiday program, find themselves without an adequate service?". If we have not, who has? Who is responsible? Why should people leave their jobs, which people have done, because, at the age of 12 or 13, suddenly their child who had been able to go off to a school holiday program is no longer eligible? Surely someone in this Assembly ultimately has the responsibility to see that those needs are met.

Similarly with the perceptions and prejudices that still make life difficult for so many people. Surely we collectively have some role, as leaders in the community, to play in changing those. Then there are the structural questions that are being asked about the nature of consultation, the nature of interaction between the community and government, the nature of interaction between our decisions and their promulgation, and the nature of interaction of individual with community and with government. These are profound questions that are being challenged day by day.

I found it overall a very useful survey. It is by no means comprehensive. I was very concerned about the groups that did not appear, even more than about the groups that did. We did not hear a lot about women's groups or domestic violence. We did hear a lot about child abuse but not a great deal about the parent help groups or the ways that people are dealing with that. There are clear gaps in the information; but the survey sets

out at least a rudimentary map of where people are at, of the depth of concern, and gives us a measure of the number of brilliant people within our community who, for very little financial remuneration, are willing to give so much time and so much of themselves to other people who face pretty torrid personal challenges.

I hope that everyone in the Assembly takes the time to have a good look at this report, and even to look at some of the transcripts and further detailed evidence which we took, because this is by no means all of the story. I hope that we can revisit this in a year's time and have a look at how we are all travelling. Of course, we are going to sit here and accuse the Government of having failed everyone. That is our job; we are the Opposition. But all told there are 17 of us and there are perhaps other areas that we can pick up collectively in the Assembly, and make sure that collectively we do take responsibility for the things that have been talked about, and at least take some steps towards alleviating some of the more extreme hardships that are unnecessarily faced but willingly borne by many people in our community.

MR HIRD (11.12): Mr Speaker, firstly, as a member of the committee, I would like to thank my colleagues on the committee. I would also like to thank the secretary, Judith Henderson, for the fine effort that she put in. I concur with the remarks of the chair and deputy chair about the calibre of the submissions to this inquiry. This is a significant report inasmuch as it was the first report to come from any of the standing committees to the new parliament, the Third Assembly. The calibre of these people and their dedication is without question. Their thoughtfulness, their selflessness and their dedication to their respective communities and their respective individual organisations are beyond doubt. Topics ranged right across a wide spectrum within the ACT community, from people who are disabled to those dealing with violence in our community. One particular submission was very informative not just for the committee but for this parliament. It dealt with the problems of youth within our community. I dare say that this report will be a document that will be used for some time in the future because of the amount of information it contains, as Ms McRae indicated.

The committee has decided to follow up this inquiry with an inquiry into the prevention of violence within our schools. It will look at that particular issue. The committee, the first committee of the new Assembly, made a significant impression with those who made submissions. People were unsure of the roads the new Government would take. That has settled down. It is clear that the Government and the Assembly are here to serve the ACT community and will listen, on a consultative basis, to the needs of our community.

MR KAINE (11.15): I think that this report is deserving of some comment from those of us who were not members of the committee. I found it a very interesting report although there is nothing new in it. I think that most of us who have been around for a while on the local political scene are well aware of the problems that this community experiences. When I read at the back of this report the list of the people who had appeared before the committee, they were all very familiar names. The organisations that they represent are all very familiar organisations. These people and the organisations that they represent make constant representations to the members of this place, through both formal committee proceedings and less formal approaches as people from the electorate who want people like me and you to know what they think about issues.

I was interested to see that only two recommendations emerged from the inquiry, but I do not think that is the significant factor about reports of this kind. In a debate on a matter of public importance yesterday I said that if we did a survey of all ACT government agencies we would collectively get a pretty good picture of what this community is looking for and what it expects of government. Public servants who are in daily communication through their service organisations with the community, with these organisations that are mentioned in here, know what the problems are, and some of that sifts through the system and finds its way into government programs and government budgets. Reports of this kind of review by Assembly committees are a good way of keeping in touch with the community and allowing people, consistently and continuously, to make their views known in a formal way. The views are not new. As I said, I did not find anything in this report that I have not read in many other reports. I have people coming to see me and calling me on the telephone all the time, and these are the issues that they are talking about; but I think this is just another way of bringing issues to the Government.

Any of us who read this report are once again confronted with the range of issues that plague our community. Some of those things can be dealt with by government. Some of them, I suspect, are not easily susceptible to resolution by government or anybody else. They represent social problems which might take 10 to 15 years of government legislation and changes imposed by government on society before you can affect the way people behave. Social violence is one such issue. We cannot legislate tomorrow and say, "All social violence will stop". We could legislate, but it would not work. One way you can stop it is by conducting education programs, starting with children when they are young and explaining to them that violence is unacceptable in any form; that it is unnecessary, and it is unacceptable. Over many years, with such a program, supported by government, you can effect a change in society's attitudes to these things.

Some of these things could be rectified if only we had a bottomless pit of money. Some of these issues could be dealt with this year. Regrettably, we know that that is not true. Organisations out there, the ones that Ms Horodny talked about earlier and that she is associated with, largely made up of volunteers, work hard and long to achieve something for the disadvantaged in our society. We all know what those organisations are, and we know the difficulties under which they work. I know that if we had an inexhaustible supply of money and other resources I would be asking the Chief Minister and Treasurer to solve those problems this year, and I know that she would want to do it. Why would she not want to do it if the money was there? Regrettably, it is not, and resources have to be spread, in some cases very thinly, across the whole spectrum of human activity.

As I said, there are only two recommendations in the report. I am sure that the Government will take those recommendations and consider them carefully, but this document is more important for the fact that it allows the community to express their views. It allows their views to be recorded, and it allows us, sitting in this chamber, to read the report and refresh our memories, very often, about those things of which we should be aware. I commend the committee on its work. I know that for some of the committee members it might have been a very interesting learning experience.

There may be much in here that some of the new members of the Assembly were unaware of until they heard it presented to them in the hearings of this committee. Some of us have been here for a long time and have been through a number of hearings of this kind, and we are well aware; but, even then, it is a useful exercise to remind us again of some of the things that we need to be addressing in the way that we make government work for us.

MR MOORE (11.20): Mr Speaker, as an overview, this is a very interesting report. I would say, in some ways, it is a little disappointing, considering some of the issues that still need to be dealt with. Perhaps that is the challenge for the Social Policy Committee. Perhaps they will take those on. I notice that the Mental Health (Treatment and Care) Act is mentioned in paragraph 4.6 of the report. The committee will continue to monitor all health issues, but it really skirts right around the fundamental problems associated with mental health. It was an issue that the last Social Policy Committee took on. We took it on specifically to look at that Act. We recognised many of the difficulties there. We realised that it is an issue that is going to continue to cause problems in our community.

I think, in some ways, almost of more concern is what is not in the report. It is an overview, and I think Ms McRae touched on this. Some members of the community came out, and their issues have been drawn to attention; but most of us would be aware of many other issues that could have been brought out and dealt with. I do not think that is so much a criticism of the committee and the process, but it should make us ask about processes and how they are going. That is part of the report. What sometimes, on the surface, or on a chart, appears to be a fantastic process often just continues the same sort of result as other processes. I think we have to be careful that we do not get totally bogged down on process; that we continue to ensure that where we see an injustice it is appropriate that the Social Policy Committee look at that area of injustice, even though it perhaps does not have a strong lobby group pushing it.

I think they are some of the issues that come out of a broad reading of this first report of the Standing Committee on Social Policy in the Third Assembly. Mr Speaker, that having been said, I think the Social Policy Committee has set for itself a real challenge as to how it is now going to handle not only the issues that are raised here but also the other issues that I have just talked about, that they are aware of but that have not been raised. They have effectively thrown the gauntlet down for themselves.

MR HUMPHRIES (Attorney-General) (11.23): Mr Speaker, I want to comment very briefly on the report. I suppose one could take the view that the report deals with a great many issues, which would not surprise me, members of the Assembly having heard many of these things articulated over a number of years. I refer, for example, to problems with the planning of our city, services not being provided to certain areas at a level that people would like to see, underlying social problems to do with the provision of counselling and support services, particularly for disadvantaged groups, things like youth suicide, and problems relating to mental health and services around that issue. I suppose there is value in having a sort of snapshot taken of the state of these problems at present by the committee, and perhaps for others who might want to know what are the main issues of concern to the ACT community.

MR SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

Motion (by **Ms Tucker**) agreed to:

> That the time allotted to Assembly business be extended by 30 minutes.

MR HUMPHRIES: As I said, there is a whole range of issues that could be touched upon, and one can get a view about what the issues are that affect people in the Territory and what they are concerned about. The issue that is brought to the surface by these comments - the one of how we continue to gauge, assess and monitor community views in these areas, and the question of how the community is appropriately consulted, through the tracking of issues like this - is obviously very important.

On the question of planning, for example, the Government, as members know, has embarked on attempting to track community views about planning through a process of establishing local area planning advisory committees, and the last of the elections to those committees was held last night. I attended the first of those three on Monday night. I cannot comment on the subsequent two meetings; but I must say that I thought the first meeting was a good meeting, with people expressing their views, but no-one being, in my view, extreme about that. There seemed to be a strong view that people would be able to work together on that committee and put views to government. I hope that is the case with the other two committees as well.

Mechanisms like that are going to become increasingly important, I believe, in order for us to use methods of gauging community opinion which are not traditional in the Westminster system. Traditionally, people have the right to come and address committees of the Assembly, to sign petitions to the Assembly, and even to exercise the more radical right, if you like, of standing outside the Assembly with placards and megaphones; but we need to be developing sophisticated methods of gauging directly what the community is saying about things and I think mechanisms like, if not identical to, LAPACs will be more and more important. Members would be aware also that the Government at present is developing its approach towards other mechanisms that would be appropriately used by the community to ventilate views which do not fit necessarily within the traditional means of making points of view known to elected governments or elected assemblies. As those issues develop we will need to debate them in this place and develop strategies for dealing with them.

I want to say, finally, that I notice that the committee has taken on board some complaints by the Council on the Ageing concerning language which was sometimes, at least as far as the ageing were concerned, felt to be denigrating. I refer to terms like “grannies” and “old girl”, referring to vintage cars, and “granny flats”. I confess that I have a granny flat under my house and I look forward to the committee giving me an idea of what alternative phrase I might use to describe the flat in which my father lives at the moment.

Mrs Carnell: Grandpa flat.

MR HUMPHRIES: I think "grandpa flat" would not quite do the trick either. Perhaps the next reference by the committee could be to try to generate some alternative terms for these offensive ones.

MS TUCKER (11.28), in reply: I would, firstly, like to acknowledge the support I got from my colleagues on the committee, Mr Hird and Ms McRae, as it was my first inquiry as chair. I do believe that it was a very useful exercise, not only in terms of the information that came from the community groups and the government agencies but also, as other members have noted, because it was opening up and offering the community an opportunity to speak to an Assembly committee in this way.

I do acknowledge the gaps in who did come to speak to us; I was aware of that myself. Committee process, in terms of who comes to speak to committees, how you address groups and how you ask for their input, is something that we in this committee have a keen interest in pursuing. I will be tabling something on the beginning of an inquiry on community consultation later today. I will talk in more detail about that then, probably, or maybe I will not. It might be a procedural statement today, but it is those sorts of concerns that we will be addressing.

I do take on the challenge that this has offered, not only in terms of process but also in terms of the very many concerns that were expressed. It has been stated here by several members that they know the issues and that they have been the same for a long time. I guess an immediate response to that is that no wonder some of those groups were so distressed when they came to see us, because their needs were real. The situations were quite serious in some areas. I take that as an indictment of the government processes of the past - that it has been allowed to go on for as long as it has.

The other concerns that came up were not just about needing more money and then everything would be all right, as Mr Kaine said. There was an element of that, but what was also clear was that there needs to be a lot more communication between groups about how they can deliver services where sometimes there is duplication and how government agencies likewise can work together better. There can be a better intersectoral approach to the Government's work. Perhaps some of the administrative changes that have occurred will make that more efficient in government agencies. That is yet to be seen, and the committee is going to be watching that closely as well.

The other issue that was highlighted by this report and by the statements of many of the people who spoke to us - if you read the transcript you will see this more clearly, perhaps, than the report shows - is that what makes up the fabric of our society is not just basic living requirements. We also need a sense of inclusion or belonging, to be listened to, to have the opportunity to define a sense of place in our neighbourhoods. Material needs are not all there is to social policy. If we are to move towards a society where we consume fewer resources and have a better quality of life, which is not related just to material goods, we will have to work harder on these aspects of community.

Mr Speaker, I should point out a typing error in the report which we failed to pick up at the time of editing. This typo, unfortunately, quite significantly changes the meaning of one of the recommendations regarding community consultation. I will read out the recommendation. It says:

> The Committee wishes to compliment the work being done by government in this area.

Maybe we will wish to do that in the near future or the distant future, but at this point the word should have been "complement", not "compliment". I am pleased to inform the Assembly that some cutting and pasting has rectified this error.

Question resolved in the affirmative.

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

MR OSBORNE: I present Report No. 9 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Report No. 9 of 1995 contains the committee's comments on one Bill. I commend the report to the Assembly.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Report and Discussion Paper

MR WHITECROSS: I seek leave of the Assembly to present a report on a conference.

Leave granted.

MR WHITECROSS: I present the report of the Standing Committee on Scrutiny of Bills and Subordinate Legislation on the Delegated Legislation Conference and the Scrutiny of Bills Conference which was held in Darwin from 5 to 7 July 1995. I also present, pursuant to standing order 246B, Discussion Paper No. 1 by the committee entitled "Scrutiny of National Scheme Legislation and the Desirability of Uniform Scrutiny Principles", and I ask for leave to make a brief statement on the papers.

Leave granted.

MR WHITECROSS: A range of matters were canvassed at the conference in Darwin. It was a quite informative conference in terms of the range of issues being considered by scrutiny committees around Australia, including the scrutiny of Bills and subordinate legislation dealing with human rights issues, Henry VIII provisions and other incursions on civil liberties and on the legislature's role in the law-making process. I am happy to discuss any of those particular matters with people if they want further amplification of the report.

Discussion Paper No. 1, which deals with the desirability of uniform scrutiny principles and the general issues of scrutiny of national scheme legislation, has been adopted by scrutiny committees around Australia. As I understand it, it may be the first time that scrutiny committees from all parliaments have adopted the same discussion paper. I know that the Senate has already circulated its version of this discussion paper to a number of people around town.

The issues raised relate to the circumstance where Ministers agree in ministerial conferences on appropriate national scheme legislation to deal with issues. The consumer credit legislation we were dealing with earlier in the week is an example of this kind of thing. The interest in this matter relates to the fact that these national schemes tend to deal individual parliaments and individual scrutiny committees out of the process of considering how these issues weigh up against the legislative standards of individual parliaments. They are the issues which the discussion paper seeks to canvass.

An example of the issue is that the consent to entry provisions in the national consumer code are actually not quite as clear and as strong as the consent to entry provisions set down by this legislature in its legislation. While the consumer code requires consent to entry in writing, it does not require the person giving consent to confirm that they were told that they had the right to refuse consent and that they gave consent voluntarily and to state the time and date on which they gave consent. There are some issues which ought to be considered, but these concerns have to be balanced against the desirability of national scheme legislation. I commend the discussion paper to members for consideration. Mr Speaker, I seek leave to move a motion to take note of the papers.

Leave granted.

MR WHITECROSS: I move:

> That the Assembly takes note of the papers.

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

SOCIAL POLICY - STANDING COMMITTEE
Inquiry into Community Consultation

MS TUCKER: Mr Speaker, I wish to inform the Assembly, pursuant to standing order 246A, that by motion on 25 May 1995 as amended on 26 June 1995 the Standing Committee on Social Policy resolved to inquire into and report on community consultation, specifically in relation to social policy issues. The terms of reference are:

(1) inquire into processes of community consultation for:

(a) the development of legislation;

(b) the development of policy;

(c) maximisation of community participation in Assembly processes;

(2) identify and report to the Assembly on effective means of community consultation.

I ask for leave of the Assembly to move a motion in relation to the inquiry.

Leave granted.

MS TUCKER: I move:

That:

(1) if the Assembly is not sitting when the Standing Committee on Social Policy has completed its discussion paper on the community consultation inquiry, the Committee may send its discussion paper to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication;

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I will be speaking in greater detail once the discussion paper has been tabled, as this is an issue of great importance to the residents of the ACT and it is important that members of the Assembly take the issue seriously. Ms McRae has already moved a motion regarding consultation on legislation. This is one of the issues considered in the report. Many community groups in the ACT are developing or already have developed their own consultation strategies in recognition of the need to involve people affected by any particular decision in the process of arriving at that decision. The community is demanding that processes be transparent and clear, that feedback be provided after consultation and that decision-making bodies be represented.

An effective consultation strategy is not something that can be developed once off and then left alone. It must be an evolving process, as the experience of the local area planning advisory committees which were established this week demonstrates. What has started this week is just the beginning, and in my discussion with Gary Humphries about the LAPACs one of the suggestions I put to him was to put in place an evaluative mechanism straightaway. It may be useful, for example, to have an evaluation sheet at the end of each meeting, including the first meeting today, for participants to register their impressions of the process.

There are also some very creative ideas when it comes to consultation. It does not all have to be public meetings and submissions. Some ideas are explored in the discussion paper, and we hope to have a lot of input from the residents of Canberra, key stakeholders and other MLAs. The committee is aware that the Government is developing its own consultation strategy in addition to the LAPACs which are already under way, and we look forward to commenting on this and receiving feedback from the community on any initiatives which are announced. I am sure that this discussion paper will provide a useful base for debate around the issue of community participation and consultation in the ACT.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Inquiries into a Strategic Plan and Graffiti

MR MOORE: I wish to inform the Assembly, pursuant to standing order 246A, that on 23 June 1995 and 1 August 1995, respectively, the Standing Committee on Planning and Environment resolved to conduct the following inquiries:

(1) the nature of a strategic plan for the ACT;

(2) the environmental, social and financial impact of graffiti in the ACT and the appropriate means of preventing graffiti damage, having regard to:

  (a) education programs;

  (b) policing aspects;

  (c) clean-up arrangements; and

  (d) any other related matters.

I ask for leave of the Assembly to move a motion in relation to the inquiries.

Leave granted.

MR MOORE: I move:

That:

(1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiries into:

(a) the nature of a strategic plan for the ACT; and

(b) graffiti

the Committee may send its reports to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for their printing, circulation and publication; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Printing, Circulation and Publication of Report

MR MOORE: I ask for leave of the Assembly to move a motion in relation to the Acton Peninsula and Kingston foreshores land swap inquiry.

Leave granted.

MR MOORE: I move:

That:

(1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiry into the Acton Peninsula and the Kingston foreshores land swap, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, it is worth saying just a couple of words. The main reasons behind this motion are the same as those for my previous motion on publishing. As with all inquiries, if possible we will table our report on this inquiry in the Assembly; but if the timing makes that difficult or would mean a long delay we need to have the matter covered appropriately. That is the reason for the motion today.

Question resolved in the affirmative.

AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS

MR HUMPHRIES (Attorney-General): I ask for leave to move a motion regarding the recording of proceedings today, 24 August.

Leave granted.

MR HUMPHRIES: I move:

> That the Assembly authorises:
>
> (1) the recording on video tape without sound by ABC Pay TV of proceedings during question time, today, 24 August 1995; and
>
> (2) the use by that television channel of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule.

Question resolved in the affirmative.

MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1995

Debate resumed from 4 May 1995, on motion by **Mr Humphries**:

> That this Bill be agreed to in principle.

MR CONNOLLY (11.46): Mr Speaker, this Bill, on the face of it, authorises a bailiff to come around and bash your door down and enter your premises. I must say that it was very tempting when the Bill was produced to treat this as a "Shock, horror; Gary Humphries sends the bailiffs around to beat your door down" invasion of civil liberties issue. But, despite the apparently dramatic nature of this Bill, it is in fact a Bill which we had looked at before the change of government. It corrects a minor gap in the very substantial legislation that was passed last year, the Magistrates Court (Enforcement of Judgments) Act 1994, which itself was based on a very long-term Australian Law Reform Commission study of the way debt recovery processes occur.

There was no doubt that the existing law in the ACT in a sense benefited both bad debtors and bad creditors. People who were trying to do the right thing, whether they were debtors or creditors, often found that the law was difficult and cumbersome. The minor gap in the legislation meant that people, the Christopher Skases of the ACT, could basically thumb their noses at the court and refuse to front despite the fact that a warrant had been issued through a judicial process, by a registrar but on the authorisation of a magistrate so that you had all the safeguards. The bailiff could front up at Chez Skase, be it in Kambah or Narrabundah, and the elusive Mr Skase could sit behind the door and thumb his nose at the bailiff. That clearly was a problem. The bailiff had no powers.

While on the face of it a law that allows a bailiff to come and knock your door down may seem a little excessive, this exercise may occur only after it has been authorised by a magistrate, and the Bill limits the bailiff to reasonable force. It seems to be a safe and sound law. The temptation for me to say that Mr Humphries is sending the bailiffs around to bash your door down was one that I was able to resist. The Opposition is able to support this legislation, which simply corrects a minor lacuna in the law. I am sure that if we were to receive reports of high-handed behaviour by bailiffs or by sheriffs officers - fortunately, in the ACT that has not been a matter I have ever heard complaints about - the Government would be quite happy to review this Bill, but that should not be necessary. The Opposition supports the law.

The Bill also contains some minor consequential changes resulting from changes to the Land (Planning and Environment) (Consequential Provisions) Act which were not picked up in the original very substantial Bill.

MR MOORE (11.49): Mr Speaker, shock, horror, Mr Humphries and Mr Connolly have got together. Mr Connolly had started on this process, so now he cannot back off, and Mr Humphries has continued it. Between them they have an agreement to go and bash doors down, and to get big dogs to go with them as well. That force would be seen as necessary and reasonable in the circumstances that Mr Connolly mentioned. I had the same reaction as Mr Connolly in the initial instance when I read this Bill. It was only on checking it and seeing that in fact the use of force to enter premises has to be authorised by a magistrate - this Bill relates to the jurisdiction of the Magistrates Court - that my mind was eased somewhat in the same way as Mr Connolly's was.

I must say that when I first saw this piece of legislation I had exactly the same reaction as Mr Connolly. I thought, "What is Humphries up to this time? We had move-on powers before, but this really leaves the move-on powers for dead. A bailiff can just decide that he wants to knock down a door, and away he goes". That is certainly what you would think on reading the Bill. But, with the normal protections of the Magistrates Court, quite clearly it is appropriate that this power be extended in order to carry out the normal process of law when people are required to appear in the Magistrates Court.

MR DE DOMENICO (Minister for Urban Services) (11.51): Mr Speaker, I have just discussed it with the Attorney-General and he assures me that in order to avoid anybody being high-handed he has agreed to appoint short bailiffs if possible.

MR HUMPHRIES (Attorney-General) (11.52), in reply: Mr Speaker, I thank members around the chamber for their support for the Bill. The idea of giving bailiffs more power was certainly a matter I discussed with my colleague Mr Stefaniak, and he thought it was a wonderful idea. He said, "You will not have any troubles with that". I thought that was all the go-ahead that I needed. I remind members - - -

Mr Connolly: This is your civil liberties safeguard - check with Stefaniak first?

MR HUMPHRIES: That is right; exactly.

Mr Connolly: We can all rest comfortably in our beds, I am sure!

MR HUMPHRIES: Indeed; plus all legislation introduced by this Government, Mr Connolly.

Mr Speaker, members should be assured that the bailiff may exercise only such force as is reasonable and necessary in the circumstances to enforce this capacity. Indeed, the bailiff already has such a capacity in respect of the seizure of goods for sale under a writ of execution. So there is no significant erosion of civil liberties entailed in this legislation. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ELECTORAL (AMENDMENT) BILL 1995

Debate resumed from 11 May 1995, on motion by **Mr Humphries**:

> That this Bill be agreed to in principle.

Debate (on motion by **Ms Follett**) adjourned.

BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS) (AMENDMENT) BILL 1995

Debate resumed from 22 August 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (11.54): Mr Speaker, the Opposition will not be opposing this Bill, which the Government has put up as an anti-avoidance measure. The anti-avoidance measure, we understand, has become necessary because of the current practice of some tobacco discounters to provide what they term as free tobacco and also to attempt to make that free tobacco free of tax. I fully support the Government's activity in ensuring that the revenue base is maintained by taking the measures that are provided for within this Bill. For that reason, we support the regulatory framework that exists to ensure that business franchises make appropriate contributions to the Territory's economy. The Bill, as we understand it, has arisen because of particular circumstances. I think that it is an appropriate response to those circumstances.

MR MOORE (11.55): Mr Speaker, we have had this Bill for a relatively short time. I indicated to the Treasurer that we are very comfortable with the anti-avoidance measure associated with tobacco. I would like the Chief Minister to explain the need for the diesel fuel exemption certificate, as identified in clause 12, in terms of anti-avoidance measures. It was quite clear about the tobacco sales, but it was not so clear exactly how this situation happens with the exemption of dieseline. In principle, Mr Speaker, I am quite happy to support the Bill, because I think it is important for us to work as a group in the Assembly to ensure that any tax avoidance schemes are brought to a stop as quickly as possible. The principle is that when somebody is not paying tax the rest of the community wind up having to pay more tax. Whenever there is an exemption, it has to be looked at particularly carefully. I know that the Leader of the Opposition, as Chief Minister, often put that perspective, both in private argument and in the Assembly. I think it is a very good principle for us to keep in mind.

MRS CARNELL (Chief Minister and Treasurer) (11.57), in reply: Mr Moore, was it clause 12 with regard to the TPI pensioners that you were asking about?

Mr Moore: Yes, in terms of diesel fuel.

MRS CARNELL: It was brought to the attention of the Government that, under the current situation, TPI pensioners could not get a diesel fuel exemption certificate although I think they were always meant to be included. The Bill adds TPI pensioners to normal pensioners. This Bill applies to petrol products as well as tobacco because the business franchise approach that we take is the same for both. The potential problem could exist with either, so they were lumped together. It was nothing more nor less than that. We have no indications that the problem occurring with tobacco products is occurring with petrol products.

Mr Speaker, the Business Franchise (Tobacco and Petroleum Products) Bill 1995 contains a number of measures which will ensure that all tobacco and petroleum products destined for sale in the ACT will come within the regulatory and revenue provisions of the Business Franchise (Tobacco and Petroleum Products) Act 1984. Other measures in the Bill will improve the administration and, importantly, equity of the Act. In July and August several tobacco licensees engaged in significant discounting of tobacco products in a manner which precluded the products from the regulatory and revenue framework of the Act. Mr Speaker, the Government is clearly committed to the regulation of both tobacco and petroleum products in the ACT. Accordingly, we cannot allow avoidance schemes which undermine the regulation of these products to continue. The anti-avoidance provisions of the Bill include an expansive definition of "sell" which will bring free or exchange tobacco and petroleum products within the Act and which will deem transactions occurring outside the Territory of goods which are destined for the Territory to be sales within the scope of the Act.

Mr Speaker, I have also tabled an amendment to the Bill imposing a sunset clause on the deeming provision. That was circulated yesterday. A similar deeming provision in New South Wales legislation is currently before the High Court, and in the expectation that the High Court will rule within two years the Government has decided to limit the duration of this particular measure to a period of two years. Accordingly, the amendment imposes a two-year sunset clause on the deeming provision of the Bill. These are significant measures introduced by this Bill, and I am very pleased that the Assembly will be supporting them today. I am also very appreciative that the Assembly was willing to handle this Bill as quickly as it did, so as to ensure that the revenue base of the Territory was protected.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MRS CARNELL (Chief Minister and Treasurer) (12.00): I move:

> Page 3, line 8, clause 4, proposed new subsection 3(12), after proposed new subsection 3(11), insert the following subsection:
>
> "(12) Subsection (11) ceases to have effect on the expiration of the period of 2 years commencing on the day on which section 4 of the *Business Franchise (Tobacco and Petroleum Products) (Amendment) Act 1995* commences.".

I also present the supplementary explanatory memorandum.

Amendment agreed to.

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

Bill, as amended, agreed to.

DIRECTOR OF PUBLIC PROSECUTIONS (AMENDMENT) BILL 1995

Debate resumed from 11 May 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (12.01): Mr Speaker, the Opposition will be supporting this Bill, but only after quite a bit of consideration. Mr Humphries's response to some issues that I raised with him in correspondence reassured me somewhat, but this is an issue that we may well want to come back to in this Assembly and revisit. The principle of the legislation is fine and supportable. Indeed, it is something which was put in train under the Labor Government. The DPP is the person charged with making the often controversial decision to proceed or not proceed with a prosecution. We were concerned when we were in office that sometimes the decision of a director not to proceed with a prosecution would cause a lot of pain and concern to the victims of the crime in respect of which prosecution was not proceeded with, and we encouraged the director to explain to the victims of the crime or to the public at large why the decision had been made. Indeed, one of the aspects of the charter in the victims of crime package that was put through the Assembly late last year, when that is finally implemented by the current administration, will make it mandatory that victims be informed of these types of decisions.

There have been situations where a decision not to prosecute has been made at late notice because of quite compelling material before the director indicating perhaps that a key witness had been involved in perjury proceedings. There may be quite compelling reasons why it is not sound to proceed with the prosecution. The difficulty is that if that decision is not taken on the floor of the court and the director explains, "I am not proceeding because the key witness is, in my considered opinion, a perjurer and unreliable", that is defamatory. The only protection for the director would be to wait until the indictment is presented in the court and then say in the court, "We are withdrawing this indictment because we have reason to believe that a key witness is a perjurer". I again take that extreme example. That would clearly be unfair and put the defendant to unnecessary cost and inconvenience. So it makes sense to provide a form of protection to the Director of Public Prosecutions to explain to the families of the victim, to the victim, to the world at large why a particular prosecution is not proceeding.

I was, however, concerned at the extent to which that immunity is being granted, and I remain concerned, although we are prepared to support it. The immunity in this legislation is granted to the director or to any member of the staff of the office of the director in relation to pretty much anything done in the carrying out of duties. I am concerned that, if we move down the path that we seem to be moving down in Australia, of increasing trial by media, and if we ever get to a situation that exists in the United States, where it seems to an observer from a distance that some of the key decisions in a criminal prosecution are those about the engagement of a good publicist by either the state or the defence, there could be a great danger that an overzealous prosecutor or the staff of an overzealous prosecutor might put about a bit of scuttlebutt as to the reliability or otherwise of the defendant or a witness in support of the defence. Such conduct would clearly be totally unethical in Australia today, and there are appropriate methods to discipline any person under both Bar rules and Law Society rules. The risk here is that the prosecution is given total immunity for anything said in relation to anybody in the course of a trial. My concern is that defence lawyers could say, "We have now given the Crown the ability to say that witness X for the defence is a bit shady and a bit unreliable. Should not the defence have the ability to say that police officer Y, who is about to give evidence, is well known as a bash merchant, and to say that to the media or the world at large?". Clearly, that would be unsatisfactory.

I was contemplating an amendment to limit this power. It is a very important power that we are giving. It is one that even, on the DPP's application, would pretty much be exclusively exercised by the director or a person acting for the director. It is not the sort of power that, even in the DPP's contemplation, would be exercised by a junior staff member. I wrote to the Attorney raising concerns about the width of this. I was advised by Mr Humphries that provisions in similar terms exist in, I think, New South Wales and Queensland. He advised that those jurisdictions where this question of immunity has been looked at have tended to cast it fairly widely.

Given that, I am not moving an amendment now; but certainly, if we were to hear complaints from, say, the defence side of the equation, through anybody acting as defence counsel, that this power was being abused, the Opposition would very quickly be moving in this place to pull this power right back. The model that Mr Humphries has come to this chamber with is the model that has been used in other jurisdictions. I must confess that I have not heard of that being abused, but there is some risk here. For that reason, while we are prepared to support this Bill, we would put the Government on notice that if there is any suggestion that this power is being overused we will want to circumscribe it right back and perhaps limit it to a privilege that would attach only to a written statement by the director. It should not be something that is used very often.

MR HUMPHRIES (Attorney-General) (12.07), in reply: Mr Speaker, Mr Connolly indicated that it might be necessary at some stage to revisit the issues which this Bill gives rise to. I have to say that I entirely agree with him. In fact, I think I made some reference to that when I was actually presenting this Bill the other month. It does give rise to a serious question about the extent of capacity to protect members of the public service or agents or officers of government in the exercise of their functions. One can see a case for protecting the Director of Public Prosecutions in this case; but it is very apparent, when one looks at the circumstances, that where to draw the line around that privilege that one endows a person with is very hard to see.

It was my inclination initially, for example, to delete paragraph 33A(1)(c), which refers to the right of immunity extending to a person acting under the direction or authority of the director or a member of the staff of the office. But officers of my department put it to me that, if a person was acting under the direction of the DPP and was saying certain things in good faith and in the purported exercise of a power or performance of a function, they ought to enjoy the same immunity to be able to impart the information. This will not necessarily be in the context of a statement to the media. It could be in all sorts of contexts - imparting information to parties to the case or to victims of a crime or whatever it might be. It will not always be the DPP who will be out there making statements on his or her own part. It will be a question of all sorts of people possibly having access to information which might be sensitive in this way.

The Bill does give rise to the very real question of why a similar provision should not be extended to all sorts of people who work for government - officers of the Family Services Branch, for example who are constantly dealing with cases concerning allegations of child abuse, who will constantly be providing information to people who are in a position to need to know about certain allegations and who, it could be argued, should have certain protections. I confess, Mr Speaker, that I do not know precisely where to draw that line, but it does seem to me that the line ought to be at least established and it certainly ought to surround officers in this particular category. It may be that, if the pressure falls on the Government or the Assembly to consider extension of this principle, we should establish some process to examine how that extension should occur. Perhaps an inquiry by the Legal Affairs Committee or some other process could determine that.

For the moment I believe that the step we are taking here is appropriate in the circumstances. The Government certainly gives an assurance that it will carefully consider any further applications for extension of this principle and will attempt to make sure that officers exercising these powers do not abuse them. If they do, we will certainly join any moves to reconsider the way in which they are provided for in legislation such as this.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.11 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Student Assessment

MS FOLLETT: I direct a question to the Minister for Education, Mr Stefaniak. I refer the Minister to the statement that he made in the Assembly yesterday evening concerning the assessment of a student. In that statement, Minister, you revealed for the first time, despite having had the best part of a dozen questions on the subject, that a letter had been sent from your office which gave advice on action that would be taken in relation to the assessment of a student. My question is: What was the action that was proposed to be taken in that letter, whom was the letter to, who signed the letter, and will you table it?

MR STEFANIAK: In relation to that question, Mr Speaker, the answer is no. I would refer Ms Follett to precedents set by her Government and especially, as I have said earlier in the piece, to the Privacy Act. In relation to the Privacy Act, Ms Follett, I think you would be well aware of similar situations where your Ministers last year regularly would invoke that Act, just as I think it is so important to do so for the benefit of the student, the school and everyone else here. If I could quote from Mr Lamont - - -

Mr Berry: I take a point of order. Mr Speaker, this Minister, all day yesterday, dodged the issue. He refused to answer questions. He has been asked a very straight question. We have made it very clear. All we want is an answer. We do not want the names and addresses. We just want an answer.

MR SPEAKER: The Minister, as far as I am concerned, is providing that answer. Continue, Mr Stefaniak.

MR STEFANIAK: In answer to Question No. 1262 in relation to a Housing Trust property, asked by Mr Cornwell, Mr Lamont said:

> The question raises matters of principle in relation to the operation of the Privacy Act 1988 which was enacted for the purposes of protecting the rights of members of the community to personal privacy.
>
> One of the purposes of the privacy legislation is to prevent the disclosure of personal information - - -

Mr Berry: Mr Speaker, I raise a point of order. This question is about ministerial interference in a matter related to education. The Minister's response is not relevant, and he should address himself to the question.

MR SPEAKER: I am afraid I have to overrule the point of order that it is not relevant. The Minister is referring - to the best of my ability, with the interjections and the noise - to the operations of the Privacy Act, which, as far as I am concerned, is relevant to this question. If it applied in a previous government, then it must apply in this Government, I would hope.

Mr Berry: Mr Speaker, the Minister, if he is going to refuse to answer the question, should just refuse to answer it. Rather than try to dig up excuses, he should just refuse. If he does not want to answer the question about improper ministerial interference in due process, he can say, "I will not answer it".

MR SPEAKER: I am not aware, Mr Berry, that the Minister is refusing to answer. As far as I am aware, he is answering it quite competently at the moment within the bounds of question time.

Mr Kaine: Mr Speaker, I would like to take a point of order, too. If the member opposite continues to harangue you as Speaker, I suggest that you ask him to leave the chamber.

MR SPEAKER: I shall bear it in mind, Mr Kaine. Continue, Mr Stefaniak.

MR STEFANIAK: Mr Lamont said:

> The question raises matters of principle in relation to the operation of the Privacy Act 1988 which was enacted for the purposes of protecting the rights of members of the community to personal privacy.
>
> One of the purposes of the privacy legislation is to prevent - - -

Mr Connolly: I take a point of order, Mr Speaker. The Minister's answer is referring to privacy, and he is specifically referring there to not divulging personal information. The Leader of the Opposition's question most specifically asked for the letter with personal identifier details deleted. I therefore ask you: How can this answer relating to personal information privacy be relevant to a question which sought the tabling of a document going to policy, with personal identifier information specifically excluded?

MR STEFANIAK: I will quote the last paragraph of Mr Lamont's reply, Mr Speaker.

MR SPEAKER: I will await Mr Stefaniak's complete answer. I do not know where he is leading to on this very point.

MR STEFANIAK: Thank you. In relation to Mr Connolly's point of order, Mr Speaker, Mr Lamont said:

> Although your question does not seek the name of the former tenant of -

I will not read the address, but it is in here -

> ... the person's identity would undoubtedly be apparent to some people, particularly neighbouring residents who may have known the tenant. Given that the answers to Questions on Notice are published in *Hansard* and are therefore available to the general public, it is not considered appropriate to provide the information you sought.

MR SPEAKER: Ms Follett, do you have a supplementary question?

MS FOLLETT: Thank you, Mr Speaker. I repeat to the Minister that I asked for advice on whom the letter was to. Was it to the student involved? Was it to the school? Was it to the department? I do not seek any information which might identify personally the student or the school. I think it is more than appropriate that I make the request of the Minister to tell us whom he wrote to, and I find it extraordinary that he has again resorted to this kind of secrecy. Mr Speaker, my supplementary question to the Minister refers again to his statement in which he says that the letter came from his office. I note that he will not tell us who signed it, whether it was him, his senior staffer, a DLO, or a totally innocent bystander. He will not even tell us that much. Mr Speaker, the one bit of information that the Minister has proffered is that that letter from his office, presumably on his behalf, gave advice on what action should be taken in relation to the assessment of this student. My question, Mr Speaker, is this: How can a letter proffering that advice not be a directive on the matter?

MR STEFANIAK: Ms Follett, if you have a look at the rest of the statement and have a look at the rest of the information that has been flying around here for the last couple of years - I am sorry; the last couple of days - I think that would be apparent.

Mr Moore: It seems like years.

MR STEFANIAK: It does, Mr Moore. I think you are well aware that there is only one case. As Mr Lamont quite correctly pointed out, it would not be terribly difficult to identify it, even with the action you suggest.

Student Assessment

MR BERRY: My question is to the Minister for Education as well. Minister, I repeat that we do not want the name of the school, we do not want the name of the student, we do not want anybody's name; we just want to know what you have been up to.

MR SPEAKER: That is a non-question so far, but go on.

MR BERRY: Mr Speaker, if I was going to ask you a question I would have asked you.

MR SPEAKER: You will not get a chance to ask anybody if you keep this up.

MR BERRY: Mr Speaker, I would like the Minister to explain why he agreed to a highly unusual level of interference in an assessment process. Why did you not leave the process in the hands of those with responsibility to deal with it? Why did you interfere?

MR STEFANIAK: Again, Mr Speaker, I think we have been over this for the last two days. I would also refer Mr Berry to a very succinct two-paragraph report which sums up this situation very well. On page 2 of today's *Canberra Times*, the sixth paragraph down states:

> The ACT Department of Education's chief executive, Cheryl Vardon, said all options offered to the student were possible within the guidelines for exceptional cases.
>
> She said Mr Stefaniak had not changed or acted outside of the existing guidelines or intervened in the actual assessment of the student.

Mr Berry: Mr Speaker, I take a point of order. I asked the Minister to explain why he agreed to a highly unusual level of interference in an assessment process. The question is very clear. I just need an answer to that to demonstrate what level of ministerial interference in due process went on here. That should be a matter for public viewing. We need a complete answer to this. Why did he not leave the entire process in the hands of those with responsibility to deal with it? Why did the Minister interfere? Why did he not leave it to the people who have the responsibility?

MR STEFANIAK: I am the Minister for Education, Mr Berry, and there were exceptional circumstances, as you have heard. I note that some members of the Assembly, at least, have taken up the Government's offer of a confidential briefing. None of you people have, and I think that probably says something.

MR BERRY: Of course, this Minister - - -

MR SPEAKER: Is this a supplementary question?

MR BERRY: Indeed, Mr Speaker. Of course, this Minister would have members in this chamber take - - -

Mr Kaine: I take a point of order, Mr Speaker. Is the member asking a supplementary question? If that is not his purpose, I suggest that he should sit down and let somebody else ask a question.

MR BERRY: Indeed; he is asking a supplementary question, and this will become clear to you shortly.

MR SPEAKER: He did indicate that this was his supplementary question. I would ask, Mr Berry, that you ask your supplementary question now.

MR BERRY: Mr Speaker, this Minister should be aware of this document because it is a document from the Board of Senior Secondary Studies and it has in it your rights to appeal. It appears that not one of those processes includes the Minister's phone number. Do you believe, Minister, that it is proper for a Minister to closely involve himself in an assessment process? Let me make it clear for you so that you understand. Do you believe that it is proper for a Minister to closely involve himself in an assessment process? We have to know whether there is an impropriety in the Minister's interference in this process.

MR STEFANIAK: Again, have a look at the second paragraph of what Ms Vardon said, because she stated that I had not changed or acted outside of the existing guidelines or intervened in the actual assessment of the student.

Service Stations

MR KAINE: I have a question to Mr Humphries, the Minister for Consumer Affairs. Minister, I have recently had calls from the owners of several service stations in the Brindabella electorate and they have been expressing some alarm at proposals by oil companies aimed at forcing them out of their existing franchise agreements. How seriously does the Government view this action by oil companies, and what will it mean for competition between Canberra service stations if they succeed?

MR HUMPHRIES: Mr Speaker, I thank Mr Kaine for this question because I think anybody in an electorate in this Territory at the moment would have to be concerned about developments taking place in the petrol industry.

Mr Connolly: It was 67.9c when Labor left office.

MR HUMPHRIES: Petrol has also gone up all over the country, Mr Connolly. I know that the Liberal Government in Canberra is a very powerful and persuasive Government; but apparently our capacity to cause prices to rise across the whole of Australia, from Perth to Brisbane, is somewhat greater than the power I imagined that we actually had. Thank you for the flattering comment.

Mr Speaker, I think members have to be aware that whatever competitive elements there are in the Canberra market are easily dislodged or displaced by developments which are very much within the control of the major oil companies that work in this country. Only a few months ago Shell began to advise some of its franchisees that it would begin to effect multi-site franchising policy in respect of them. There are four dealers, at least, that we are aware of who were initially affected by that process. The concept, as members will be aware, involves a vesting franchise agreement for a number of retailing facilities across an area going into one dealership or one franchisee. This is particularly dramatic in the case of a development for Mobil dealers in the ACT. We were advised last week that 15 Canberra franchisees for Mobil would be reduced to just three; that is, 12 of the 15 would have to get out, and three of the 15 would be left essentially to run the other 12. That is an 80 per cent reduction in the number of franchisees for the Mobil market in Canberra, and that must have very serious implications for competition in this marketplace.

I announced immediately that the Government would introduce a moratorium on existing multi-site franchise agreements in the Territory, and it works like this: Existing owners of franchise agreements will be prevented from acquiring any further agreements than those they had in their possession as at 17 August this year until such time as the moratorium is lifted. Companies and individuals will not be allowed to establish separate companies or business entities for the purpose of acquiring additional franchises, and it will be illegal for groups or individuals to collude in any way which would see them effectively act, for business purposes, as a multi-site or area franchisee.

That moratorium, Mr Speaker, will be lifted at one of two events. The Trades Practices Commission is presently examining multi-site franchising arrangements and the Government will await its report, which is due next year. If that report demonstrates that multi-site agreements benefit the community, as the oil companies allege, we will certainly consider lifting the moratorium in that event; or, if the oil companies themselves can demonstrate an unequivocal commitment to benefiting the Canberra consumer by this action. I do not mean by that a comforting letter or assurances; I mean proof positive that multi-site franchising will actually benefit Canberra consumers.

Mr Speaker, the support for this move has been surprising in many ways. My office took a telephone call from the Caltex-Ampol group the other day and were expecting some abuse from them. In fact, I can report that they were very pleased to support the move made by the Government. They apparently see this development as being deleterious to competition, not just within a particular marketplace but across Australia, and they are anxious to oppose it. I can also report that the governments of Victoria, South Australia, Western Australia and New South Wales are also examining this proposal, and several of those States have indicated that they would like to see our legislation when it is ready in order to be able to copy it in those jurisdictions as well.

I would say to the oil companies concerned that, if they had any impression that, because of our position on the policies of the previous Government about admitting new players into the Canberra petrol market on preferential terms, we were in some ways friendly towards major oil companies or compliant about their policies and plans for this marketplace, these moves clearly indicate that we are not. We will not stand by and see competition further reduced in the ACT marketplace and we will protect the interests of both Canberra service station owners and the consumers in this marketplace with whatever steps are reasonable in the circumstances.

MR KAINE: I have a supplementary question. Minister, thank you for a comprehensive answer, but we have seen legislation before. In fact, I recall that the previous Attorney-General passed legislation that he desperately needed to cap wholesale pricing. That legislation has never been invoked, presumably for good reasons, in that it was probably known that it would not work. In order for this new legislation to work, I presume that you would need to have the cooperation of other State governments. How confident are you that your legislation will receive that sort of popular support and will be effective?

MR HUMPHRIES: Mr Speaker, I can advise Mr Kaine that this issue was raised at the meeting of Consumer Affairs Ministers about three weeks ago and that there was quite surprisingly strong support from almost every other jurisdiction for this proposal.

Mr Connolly: Except New South Wales, who said you were silly.

MR HUMPHRIES: Except New South Wales and the Commonwealth. New South Wales was ambivalent. The Minister for Consumer Affairs there has been in office for even less time than we have and she did not have a strong view about going down a particular path.

The Commonwealth certainly was quite opposed. On the other hand, Queensland was very supportive of this proposal and indicated strong support for us, privately and publicly, at that meeting. Mr Speaker, since the legislation was announced by me last week New South Wales has been in touch with us, asking for details of how our legislation will work. I would be very surprised if any jurisdiction would be prepared to stand aside from this process altogether. I accept the argument that this is not the whole answer to our problems, but we must draw the line in the sand if we are going to be sure of being able to stop these kinds of practices going on by oil companies in this jurisdiction. We are seen as an easy target by them. We must make it clear to them that we are not an easy target.

Landcare and Parkcare Groups

MS HORODNY: My question is to the Minister for the Environment, Land and Planning, Mr Humphries. Landcare and Parkcare groups in the ACT provide many hundreds of hours of invaluable volunteer labour to care for and improve the natural environment in Canberra. There is no question that the work they do is increasingly needed, although there has not been a parallel increase in resources made available to them by the Government. Does the Government have any plans to increase the resources available for training volunteers in Landcare and Parkcare groups?

MR HUMPHRIES: Mr Speaker, Ms Horodny says there has been no increase in resources for Landcare or Parkcare groups. There has not been a decision made by this Government about funding for those groups. I am not saying that we are not going to fund them; I am saying that we have made no decision. The grants which I had the privilege of handing over on World Environment Day a few months ago were the grants allocated in the 1994-95 budget. We have not had an opportunity to be able to make a decision about grants for 1995-96 as yet. I will indicate, however, that we are very supportive of those groups. I indicated, when I presented those cheques to those groups on World Environment Day, that the Government views their activities within the Canberra region as vitally important. It has been estimated that the cost to the Government directly of providing paid employees to do the work that those groups do would be well in excess of $1m in a given year. For us to have volunteers prepared to do that work, for no better reason than the love of the environment that they share, is very gratifying indeed. We will continue to support their work, as appropriate.

Mr Speaker, the Government's policy on volunteering is very clear. We believe that our community cannot survive without a strong policy of support for volunteering. We will continue to provide that support, and a number of measures are under way to do just that. In respect of volunteering generally, I am very happy to provide Ms Horodny with further information about that in due course. It is very clear, I think, Mr Speaker, that we are prepared to continue to support those sorts of efforts on the part of volunteers in this field, and in any other field where benefit to the community flows from their efforts.

Student Assessment

MR WOOD: Mr Speaker, my question is to Mr Stefaniak on the issue of student assessments. These questions will continue until we get an answer. There has been no answer to any question at this stage. Will Mr Stefaniak confirm, firstly, that part of the special process of assessment for this one student included videotaping of an assessment procedure, and, secondly, that the teachers refused to comply?

MR STEFANIAK: Again, I refer you to what I said yesterday, Mr Wood. I think the answer to that is readily apparent from yesterday's answers.

Mr Wood: What an avoidance technique!

MR STEFANIAK: Mr Wood, I think the answer was given yesterday, and you know it.

MR WOOD: I have a supplementary question, Mr Speaker, with frustration, I must say, because the question was not answered. It was a question that Mr Stefaniak would know the answer to. Can we have an answer to the simple question? You are getting advice from your colleagues there; answer it. Mr De Domenico is telling you. Answer it. Will you answer it?

MR SPEAKER: Mr Stefaniak, would you like to try to answer that?

MR STEFANIAK: As Mr Wood well knows, if he has had a look at yesterday's answers, I think the answer to both of those questions is yes.

Housing Trust - Home Ownership

MR HIRD: Mr Speaker, I have a question, through you, to Mr Stefaniak in his capacity as Minister for Housing. Can the Minister outline to the parliament the new incentive he has undertaken to encourage house ownership among ACT Housing tenants?

MR STEFANIAK: Thank you for the question, Mr Hird. I would be delighted to outline to the Assembly the actioning of the Canberra Liberal election promise to make home ownership more accessible to housing clients. From Monday this week ACT Housing clients with a minimum of five years' continuous residence who are currently in a separately titled property will be able to purchase that accommodation at the current market price. Further, any structural improvements made to the property by the tenant will be valued and deducted from the sale price. Prior to the implementation of this policy, tenants had to wait some eight years before becoming eligible to purchase an ACT Housing property. All income received from home sales in this situation will be reinvested in new housing stock for ACT Housing. This sensible scheme should therefore have the dual advantage of increasing the levels of home ownership in the ACT and, hopefully, also of reducing the size of ACT Housing's waiting list.

MR HIRD: I have a supplementary question, Mr Speaker. The Minister indicated that there was an eight-year waiting period prior to this initiative. Could the Minister inform the house of who implemented the eight-year period?

MR STEFANIAK: I am delighted to, Mr Hird. The eight-year waiting list was under the previous Labor Government.

McKellar Sporting Complex - Proposed Development

MR MOORE: Mr Speaker, my question is to Mr Humphries as Minister for the Environment, Land and Planning. I did give the Minister an hour-and-a-half or so's notice of this question. Is the Government going to carry out an environmental impact statement to assess the impact on Lake Ginninderra, on the waters leading into it and on the local residents, of the proposed development of a sporting complex at McKellar? Why was such a major development, a sporting complex with grandstands and so forth, put in somewhere like McKellar, in among suburbs, rather than in somewhere like Bruce?

MR HUMPHRIES: Mr Speaker, let me say, first of all, that it has not been put anywhere. The proposal from the Belconnen Soccer Club is presently before the Planning Authority. A preliminary environmental assessment has been commissioned. That was made available for public comment on 5 August this year, and public comment ends on 31 August. It is at that point that decisions will need to be made about whether this goes ahead. It is up to the Government to make that decision, on the advice of the Planning Authority. I will say that there are a number of arguments about that development which need to be carefully considered before a decision can be made. So the assumption in that question that it has already been signed, sealed and delivered is not warranted.

The preliminary environmental assessment has been done as per the legislation. On receipt of that assessment and consideration by the Planning Authority, a decision about an environmental impact statement - the second or more extreme or more elaborate step in the process - will be made on the basis of the adequacy of that first step. Obviously, the preliminary assessment is done by the applicant. If it appears not to have been done adequately, or to leave questions unanswered, or to otherwise leave open the question of whether this would have a deleterious impact on the environment in a broad sense, it is open to the Government to go to that second stage and have an EIS.

Environmental impact statements are not common, though, as Mr Moore would be well aware. There have been only a couple in the case of the ACT since self-government. One concerned West Belconnen, but I forget the other one. Certainly, they have not been common for developments in this Territory. Obviously, an impact on our downstream waters from a development on the shore of a waterway can be quite severe. Any building on the shore of a waterway almost certainly will result in some run-off, some soil erosion, and some damage, at least on a short-term basis, to the catchment area.

Our water catchment policy includes the question of how we handle that in a total catchment sense. We do not measure how much soil is running off a particular development at a particular point in time to decide whether particular remedial measures need to be taken. The Water Pollution Act requires that we ensure that we take steps to minimise the impact on downstream waters from any of these sorts of developments. Those measures can include things like establishing buffer strips, using silt fencing, or hay bales in the water, or constructing a settling pond to require waters not to be disturbed further down. If the proposal goes ahead we will have to examine how measures could be taken to minimise any impact. Indeed, whether measures of that kind can be taken effectively would be a precondition of the development going ahead. I indicate that we will take that into account.

MR MOORE: I ask a supplementary question, Mr Speaker. Is this complex planned as part of the ACT bid for sports events for the 2000 Olympics?

MR HUMPHRIES: Not directly, Mr Speaker. There is no certainty that the ACT will get any sporting events directly associated with the 2000 Olympics, and if we did they certainly would not be at this site in McKellar. Obviously, any facilities available in the ACT might be used for spill-over training and preparation activities by those who are coming to Sydney. For that and other reasons, there is certainly a strong reason to believe that the ACT would benefit very much from having additional facilities of this kind. The question of where they go, what size they are and how they affect surrounding residences needs to be worked out. I see that as one of the benefits - I am sure that my colleague the Minister for Sport does as well - but we will need to make sure that we can handle the environmental issues before this site is approved for this activity.

Student Assessment

MS McRAE: Mr Speaker, my question is to Mr Stefaniak, the Minister for Education. I say from the outset that the point of all our questioning has never been, and will never be, to find out the name of the school, the student or the individuals involved. We are not concerned with that. The issue we are concerned with is the Minister's capacity to explain his ministerial responsibility in the process of assessment. To that end we have discovered today that this Minister sought to have videoing undertaken. Minister, is this procedure a normal procedure? Does it support the statement that the Chief Executive made, that this fits within the guidelines of normal procedure?

MR STEFANIAK: I am instructed by the department that it is certainly not outside the guidelines. As I said yesterday, Ms McRae, as you should know yourself, as an ex-teacher, this is not a normal case. At all times, Ms McRae, I have acted in this case with the best interests of the student, and all other students, the school and the staff, in mind. The stress that has been placed on teachers in the school in question has also been foremost in my mind. All these factors weighed heavily in terms of any involvement I had in this matter.

MS McRAE: I ask a supplementary question. That, of course, concerns us as well, Minister. It is your involvement in this that we are concerned about, and your public capacity to explain that. My supplementary question is this: Will you now table the guidelines, the normal guidelines, for all of us to see, and at some point or another give us an explanation as to why you chose to deviate from those guidelines? Advice is advice, but you chose. I wish the guidelines to be tabled.

MR SPEAKER: Order! There is an imputation in the second part of that question. It has not been established. Answer the first part.

MR STEFANIAK: Mr Speaker, firstly, in terms of tabling the guidelines, I would have to take that on notice. I do not have them with me. Ms McRae, in relation to the - - -

Mr Berry: I will give you the phone number, Bill - 2057181.

MR STEFANIAK: Will you? It is all right, Wayne. I will be happy to table the guidelines when I take that on notice. Ms McRae, I think you know full well what is involved in this case. I would reiterate that other people in this chamber have had the opportunity of a confidential briefing. You people have not - - -

Ms McRae: It is not a secret society.

MR STEFANIAK: It is that simple, Ms McRae, because that would explain to you everything that has occurred. By refusing that briefing it is quite clear that you are just trying to take cheap political shots. What you are saying really has nothing to do with education.

Watson Hostel

MS TUCKER: Mr Speaker, my question is for Mrs Carnell as Minister for Health and Community Care. Can the Minister inform the Assembly of what her plans are in relation to Watson Hostel? Does she plan to reduce the number of beds or to close the hostel?

MRS CARNELL: There is currently a discussion paper, as I am sure Ms Tucker is aware, out for community consultation. We are currently in the position of getting back a number of responses from all sorts of people on recommendations that the number of hostels beds in the ACT be reduced. That came out of this report. That is what the consultation report says. We are now consulting with people - - -

Ms Follett: It is a nonsense, absolute nonsense.

MRS CARNELL: It was done under your Government, Ms Follett.

Ms Follett: I know.

MRS CARNELL: We did not have anything at all to do with this.

Ms Follett: It was never accepted by us.

MRS CARNELL: It has not been accepted by us either. In the interests of community consultation, we are in the process of getting responses from all interested parties. After those responses are in, again in the interests of community consultation, decisions will be made.

MS TUCKER: I have a supplementary question. Yes, I am aware of that report. I know that there is extreme concern in the community about funding for this area. Are you prepared to increase funding to the area, or are you considering that it should stay how it is?

MRS CARNELL: I think that is probably a second question, but I will answer it, anyway.

MR SPEAKER: You can please yourself because you do not have to announce Executive policy.

MRS CARNELL: Obviously, funding issues will be announced in the context of the budget. Let me restate, in answer to the first question, that the Government has made absolutely no decision on this report that was done under the previous Government. I have some severe personal doubts about reducing hostel beds in the ACT. I think the whole point of the exercise of community consultation is making sure everybody gets an opportunity to have their say, for us to take all of those views on board, including my own, and yours, and making sure we make decisions in the context of the information before us.

Student Assessment

MR WHITECROSS: Mr Speaker, my question without notice is to the Minister for Education, Mr Stefaniak. Mr Stefaniak, I refer again to the letter that went from your office concerning this assessment case, the existence of which you revealed for the first time yesterday. Can you confirm that you signed the letter that went from your office? Can you confirm that the letter nominated a specific solicitor to participate in the reassessment process?

MR STEFANIAK: Again, I think the issues of confidentiality are quite clear here.

Ms McRae: It is your letter, is it, or Mr Campbell's?

MR STEFANIAK: Yes, it is, and it is from my office. A number of letters went from my office, Mr Whitecross, in relation to a number of matters; but the letter which I referred - - -

Mr Berry: Was it more than one?

Mr Kaine: Which one do you want?

MR STEFANIAK: Which one do you want? Yes, exactly.

Ms McRae: The one you talked about yesterday.

Mr De Domenico: Which letter?

Mr Kaine: The one you have already?

MR STEFANIAK: Yes, I think that is probably the case.

Ms Follett: That is not true.

MR STEFANIAK: Mr Speaker, here we go again.

MR SPEAKER: Order!

MR STEFANIAK: This is a very sensitive matter. Mr Whitecross, I would have no problem, in a confidential briefing, which other people have had, for you to see this letter and have my chief executive walk you through the whole thing. I really do not see the need for me, in this difficult situation, to answer that particular question; I am sorry. I do not think you are really interested in the facts of this case. I think you have a fair idea of a lot of them, and you are just making cheap political points. If you take the briefing, you will be able to get the full story.

MR WHITECROSS: I have a supplementary question. Minister, thank you for your new information - that there was not one letter, but more than one letter. I refer you again to my question, which was, "Did you sign the letters?". If you did not sign the letters, who did? Did any of the letters nominate a solicitor to participate in the reassessment process? In answering these questions, I ask the Minister to draw a distinction between privacy, which is to protect the interests of the student involved, and secrecy, which is to protect the interests of the Minister.

MR STEFANIAK: I am quite happy. I do not believe any specific solicitor was mentioned by name in relation to any of the letters on this matter that might have left my office, Mr Whitecross. I might point out that no particular solicitor, or any solicitor, in fact, has been appointed in relation to this case - certainly not from the department's point of view.

Ministerial Travel

MR CONNOLLY: My question is also to Mr Stefaniak, the Minister for Education. Minister, in April the Chief Minister published a document entitled "Guidelines for Ministerial Conduct". It was silent on a number of matters - personal conduct, sexual harassment, interference in appeal processes. Given that general silence, I ask you to explain to this Assembly what standards you, as Minister, are expected to uphold in relation to the use of taxpayers' money for trips to party political functions?

Mr Stefaniak: Would you like to be specific in relation to that?

MR CONNOLLY: The Minister seemed not to understand the question. The question, very specifically, was: What standards are you, as Minister, expected to uphold in relation to the use of taxpayer funds for trips to party political events?

Mr Kaine: The same ones that you invented when you were in government.

MR STEFANIAK: Exactly, Mr Connolly. I think Mr Kaine has almost answered it. You went to Hobart to meet some other Ministers who happened to be Labor Ministers, and I went to Adelaide to meet some coalition Ministers who happened to be Liberals. You have the documents there because, unlike your Government, Mr Connolly, we table details of ministerial travel on a regular basis.

MR CONNOLLY: I ask a supplementary question, Mr Speaker. I have no difficulty with Mr Stefaniak, as Minister, attending a meeting with other Ministers, where, no doubt, official business was transacted. I do, however, ask: What was the justification for the expenditure of $405 for a passenger Duckworth, of Mr Stefaniak's office, to attend, unaccompanied by the Minister, a meeting described under "reasons for travel" as "Coalition advisers on education meeting" in Melbourne? That clearly appears to have been a party political meeting, as it was of coalition advisers, and the passenger was not accompanied by the Minister.

Mrs Carnell: It certainly was not the party conference in Hobart, with Mr Wedgwood.

MR CONNOLLY: The squawking Chief Minister might like to pay a little bit more attention to what this mistake-prone Minister is up to.

MR STEFANIAK: Mr Connolly, my colleagues keep referring to trips you took to Hobart with staff. Let me say this, Mr Connolly; hear me out.

Mr Connolly: Mr Speaker, I take a point of order. I attended no meeting of any ALP conference in Hobart.

MR STEFANIAK: Mr Connolly, let me point this out: I will be delighted, Mr Connolly, to talk to my Chief Minister in relation to this. If any of those trips were not proper, and if that staff member - - -

Mr Connolly: It is your staff. Do you not know what your staff are doing?

MR STEFANIAK: Yes, I do, and that was quite clear. She went down there for a conference. Mr Connolly, let me say this: If there is anything wrong - - -

Mr Connolly: A party conference that you did not attend.

MR STEFANIAK: A coalition Ministers advisory conference. If there is any problem with that, Mr Connolly, that money will be repaid, because that went through normal channels. I have no dramas with that. From what my colleagues are saying, it is exactly the same thing as you people did in government. It is really quite simple, Mr Connolly. If my Chief Minister says there is any problem with that, that will be repaid, and I will assure you that it will not happen again in the future.

Community Health Centres - Bulk-Billing

MR OSBORNE: My question, Mr Speaker, is to the Minister for Health, Mrs Carnell. Would you clarify for me a point in relation to the removal of salaried GPs from the government health centres? Mrs Carnell, since Canberra families are to lose the 12 bulk-billing ACT government salaried doctors, will that mean that in future all of the GPs and specialists operating in our health centres will be required to bulk-bill, as you assured me in a meeting in your office? Also, will the other services currently available at these centres remain available?

MRS CARNELL: The services available at health centres will expand, we hope. In fact, that is our plan. Interestingly, currently, probably right at this moment, negotiations are happening with those current CMPs with regard to encouraging them to stay in our health centres as practising GPs. Many of those GPs have been operating out of health centres for a long period - in fact, up to 20 years in one particular circumstance. We have said that we would encourage those GPs to stay. As our first port of call we are negotiating with those GPs in an attempt to get them to stay if it is humanly possible. Our preferred position with those CMPs, firstly, is that they stay if it is humanly possible, because they have patients and so on. Secondly, our preferred position is that they bulk-bill. Our absolute minimum position with those CMPs is that they bulk-bill all patients who have any difficulty paying, for whatever reason. With other doctors, other than those CMPs, coming to our health centres, our required position is that they bulk-bill everybody.

MR OSBORNE: I have a supplementary question. Chief Minister, will you assure this Assembly that the medical centres in question will operate completely as bulk-billing centres?

MRS CARNELL: As I said, our first priority with the CMPs currently there is to keep them there if it is humanly possible. We said, in negotiations with those people, that we want them to stay as they often have patients that they have seen for many years. Our absolute minimum position with those people is that any patient who has any difficulty paying, for whatever reason, will be bulk-billed. Outside those CMPs who currently have patient loads in those health centres, all new GPs looking at coming to our health centres will be required to bulk-bill.

I ask that all further questions be placed on the notice paper.

Landcare and Parkcare Groups

MR HUMPHRIES: Mr Speaker, I wish to provide some more information about a question I answered in question time. I indicated to Ms Horodny that I would give her more information about the Government's policy on volunteering, in particular in relation to environmental grants processes. I have announced an initiative in the last few months for joint training of community leaders and government agency managers offered by the ACT Parks and Conservation Service in collaboration with the Volunteer Centre of the ACT. It has been a complementary effort to improve the availability of skills for facilitating community participation involving staff at the ACT Parks and Conservation Service, ACT Forests, the ACT Office of the Environment, and City Parks. These staff will now be in a far better position to assist community groups to develop plans and programs.

We have also provided a grant - I do not have the amount available; I can provide that to Ms Horodny separately - for both operating and equipment to support the Australian Trust for Conservation Volunteers in providing assistance to a range of community Landcare projects. I had the pleasure of meeting with them a few weeks ago. Specialised equipment is also being provided to assist the trust to carry out its water maintenance program as part of Water Watch.

AUDITOR-GENERAL - REPORT NO. 4 OF 1995
Government Secondary Colleges

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 4 of 1995, "Government Secondary Colleges".

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

> That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1995.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) ACT
Determinations

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members, I present, pursuant to the Legislative Assembly (Members' Staff) Act 1989, two determinations made under subsection 11(2) of the Act, dated 1 July and 10 July 1995. I also present two determinations made pursuant to subsection 6(2) of the Act and dated 1 July 1995 and 10 July 1995.

PAPER
Workforce Statistical Report

MR HUMPHRIES (Attorney-General): For the information of members, I present the ACT government workforce statistical report for the fourth quarter of 1994-95.

NATURE CONSERVATION ACT
Papers and Ministerial Statement

MR HUMPHRIES: (Attorney-General and Minister for the Environment, Land and Planning): I present, pursuant to the Subordinate Laws Act 1989, Determination No. 99 made under the Nature Conservation Act 1980 relating to the criteria for declaring a species vulnerable or endangered, an ecological community to be endangered or a process threatening. I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: Mr Speaker, the Flora and Fauna Committee was established under an amendment to the Nature Conservation Act 1980 which came into force in October 1994. The main function of the committee is to provide the Minister with advice on nature conservation matters, with a particular emphasis on identifying those native species and ecological communities of the ACT region that are threatened with extinction. Committee members were appointed in January this year for a three-year period and hold office on a part-time basis. The members of the committee have been selected for their expertise in biodiversity and ecology, and a range of disciplines is represented so that collectively the committee has the knowledge and experience required to address a variety of issues. They are all well-qualified and experienced scientists who have been drawn from organisations such as the CSIRO, the Australian National University, the University of Canberra and the Commonwealth Government and from the private sector.

The committee is required, under the Nature Conservation Act, to develop criteria for determining whether a species or ecological community is threatened with extinction or whether a process is ecologically threatening. These criteria and the committee's procedural guidelines are required to be tabled in the Assembly.

In undertaking this task, members reviewed recent developments made by other nature conservation organisations. They considered similar criteria and guidelines used by the International Union for Nature Conservation, the Commonwealth and Australian State governments, particularly Victoria. A document containing draft criteria was released for public comment in May this year. The committee has considered comment received, and the final criteria have been agreed and specified as required under the Nature Conservation Act.

Should the committee determine that a species or ecological community is threatened with extinction, then it will advise the Minister and recommend that a corresponding declaration be made. There are a number of categories under which an item may be declared. A species may be declared to be either vulnerable or endangered, depending on the degree of threat to its survival; and an ecological community may be declared as endangered. A similar process of assessment and declaration applies to threatening processes. A threatening process will be considered to be ecologically significant if it threatens or may threaten the survival in the wild of native species and communities. Identification of threatened species and communities is an essential first step in developing necessary conservation measures.

The instrument I am tabling today is the culmination of the last six months' work by the Flora and Fauna Committee. These criteria are a fundamental component of the process for identifying threatened species in a consistent and scientific manner. In this context, I would point out that it is the committee's role to assess the status of an item based on nature conservation grounds only, and this is clearly reflected in the criteria. Once a species community or process has been identified and declared, the Conservator of Flora and Fauna is required to develop a management response by way of an action plan. An action plan will examine relevant conservation issues and propose measures for enhanced conservation of a declared species or community, or the management of a declared threatening process. A draft of an action plan will be released to the public for a period of comment.

I consider it important for the Flora and Fauna Committee to be involved in the preparation of action plans, and I have agreed to the plans being referred to the committee before they are finalised. Through this process, Mr Speaker, the ACT Government will be endeavouring to avoid ecologically irreversible actions and to ensure the long-term conservation of the biological diversity of the ACT region. Mr Speaker, the criteria specified in this instrument will guide the identification of threatened species, ecological communities and threatening processes in the Territory and will support an increased management focus on conservation of biological diversity within the region. I commend the instrument to the house. I present the following paper:

> Flora and Fauna Assessment Criteria - tabling statement.

I move:

> That the Assembly takes note of the papers.

Debate (on motion by **Ms Horodny**) adjourned.

DISABILITY SERVICES - REFORM
Ministerial Statement

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I ask for leave of the Assembly to make a ministerial statement on the reform of disability services in the ACT.

Leave granted.

MRS CARNELL: Mr Speaker, in 1991 the ACT Government passed the ACT Disability Services Act, which set out our legal obligations in relation to people in our community who have disabilities. It also enshrined a set of human rights principles. For everybody's benefit, I will spell out these principles, which are set out in Schedule 2 of the Act. All people with disabilities are individuals who have the inherent right of respect for their human worth and dignity. Whatever their origin, nature, type or degree of disability, people with disabilities have the same basic human rights as other members of society and should be enabled to exercise these basic human rights.

People with disabilities have the same rights as other members of society to realise their individual capacities for physical, social, emotional and intellectual development. Carers of people with disabilities and people with disabilities have the same rights as other members of society to services which will support their attaining a reasonable quality of life. People with disabilities have the same right as other members of society to make, and actively participate in, the decisions which affect their lives and are entitled to appropriate and necessary support to enable participation in, and direction and implementation of, the decisions which affect their lives. They have the same right as other members of society to receive services in a manner which results in the least restriction of their rights and opportunities and have the same right of pursuit of any grievance in relation to services as have other members of our society. People with disabilities who wish to pursue a grievance also have a right to adequate support to enable pursuit of the grievance and the ability to pursue the grievance without fear of discontinuation of service or recrimination from any person or agency who may be affected by, or involved in, the pursuit of the grievance.

Since 1989 there have been a number of reviews of ACT disability services as well as related national reviews, all of which have recommended substantial change to disability service delivery. Part of the Government's election platform and its subsequent creation of the Department of Health and Community Care was to undertake significant reform of services for people with disabilities and to ensure greater program accountability. There is now a general client and community expectation that there will be a substantial improvement in the focus and relevance of government and non-government programs for people with disabilities.

I do not intend to commission yet another review. Instead, I have agreed to implement those recommendations flowing from previous reviews which will provide the ACT with better, more client focused services. I am determined that there be more accountability for these services than at present and that they be delivered within allocated resources.

Last year the previous Government commissioned Ms Sunny Dell to report on the state of services for people with intellectual disabilities in the ACT. The Dell report produced a number of useful recommendations for the reform of services for these people in the ACT. However, I believe it is important that these recommendations be implemented in an integrated way and that we consider all people with disabilities when developing reform measures. The previous Government concurred with the majority of Dell's broader recommendations and committed to consult widely on implementation of these recommendations. I have agreed to continue this strategy.

As a number of the report's recommendations were operational in nature, they have already been considered and the recommended changes implemented. For example, operational procedures have been developed, have been agreed by parents and staff and are awaiting union endorsement prior to their implementation; a regional structure for disability support is being developed; individual needs assessments are replacing IQ tests to determine eligibility for services; training on the legislation and disability service standards will be completed by the end of the month; work has commenced on the establishment of a client database and an individual incident recording system; individual financial records and more rigorous systems are now in place in group houses; flip charts will be provided to each group house to provide information on steps to be taken to deal with all forms of emergency; and a program for recruitment has been implemented to keep casual and acting positions to a minimum.

To provide a better framework for this reform we will be introducing an amendment to the ACT Disability Services Act 1991 to insert national disability standards applicable to the ACT as Schedule 3 of the Act. We will be ensuring that government-wide procedures are in place so that consideration is given to the needs of people with disabilities at the planning stage. We will be requesting the Disability Services Advisory Council, DSAC, to advise me on service outcomes for people with disabilities within the ACT, particularly as they relate to individual empowerment, participation, contribution and choice. I have already launched the first DSAC community forum for service providers on the 18th of this month. A second forum for service users will be held on 9 September and its outcomes will enable DSAC to better advise government of its constituents' needs. We will be ensuring that more appropriate accommodation and support are provided to young adults with disabilities who are presently inappropriately accommodated in institutional aged care settings.

As you are aware, to facilitate the reform, a disability services development project has been set up within the Department of Health and Community Care. The project team will work cooperatively with all interested parties and has already established some agreed priority areas for development and improvement. A major outcome sought from the project is the reform of the Government's residential and respite services programs, to ensure that more client focused and responsive models of care are developed and delivered. Over the next few months a range of strategies will be implemented to improve these and other important areas of support, to ensure better outcomes for people with disabilities in the ACT.

Some key issues for the reform process are to ensure that individual needs of people with disabilities are the focus of all government and non-government disability services; that support is effective, as well as being efficiently and economically delivered and administered; that more appropriate, individually tailored support is provided, thereby freeing some resources to redress existing inequities in access to services and facilities which are generally available to the community; and that services are managed as close as possible to their clients, as a means of ensuring that they reflect client needs and can respond quickly to any crises that may arise.

Consistent with the principle that all government programs must operate efficiently and effectively, key changes in the Government's programs for people with disabilities will occur over the next 12 months. I will provide regular information to members on the progress of these reforms and look forward to your support to ensure that every opportunity is taken to include people with disabilities as an integral part of our community. I present the following paper:

Disability Services - Reform, ministerial statement, 24 August 1995.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

DEVELOPMENT OF CANBERRA REGION - GOVERNMENT'S OUTLOOK
Ministerial Statement

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Government's outlook for the development of the Canberra region.

Leave granted.

MR DE DOMENICO: Mr Speaker, I am pleased to have the opportunity today to present a ministerial statement on this Government's outlook for the Canberra region and the steps it is taking to make that outlook a reality. Our outlook is for a region that has a competitive edge and outlook in the global economy; a region in which governments work closely together, making our political borders all but invisible to people using government services and to business; and a region in which the quality of our environment and quality of life are values that are protected.

Mr Speaker, it is now well recognised at the local, national and international level that it is regions that are the basic economic building blocks, not States or countries. It is regions which compete in the international marketplace, and for this to occur strong leadership within regions is essential. This Government, in cooperation with the 17 local governments in the south-east region of New South Wales and the New South Wales and

Commonwealth governments, is working to develop a region which is not only world competitive but also able to use its resources in a more effective way. The very diversity of our geography and industry creates a base on which the south-east region can build to make us all prosperous in terms of economic wealth, employment growth and a sustainable quality of life. To achieve this, governments, business, unions and the wider community must work together. We have taken up the challenge.

Earlier this month the Chief Minister hosted a regional leaders forum. The forum was attended by the mayors from the local councils in the region, the Chief Minister and me, as well as the chairmen of the South East Regional Development Council and the Canberra Region Campaign. A number of pressing matters and areas of mutual interest and cooperation were discussed at the meeting, all of which relate to our vision for the region. For example, it was agreed to urge the New South Wales Government to support the proposal for a rescue helicopter service to be based in Canberra to service the entire south-east region. My colleague Mr Humphries made that a reality yesterday.

Members will be aware that, like a number of ACT government services, the ACT hospital system provides significant services to the surrounding community. This creates opportunities for cooperation and integration of the regional services to achieve a high-quality health system that makes sensible use of the limited resources available to the ACT and New South Wales governments. The ACT and New South Wales governments will be establishing an ACT and New South Wales cross-border health committee to examine the feasibility of sharing some resources to provide better health services. This committee will also seek to identify issues affecting access to health services; identify funding arrangements to meet community needs; minimise cost shifting across the border; as well as making recommendations on further administrative, planning and services provision arrangements.

Mr Speaker, tourism is an industry sector which is common across the region. Canberra Tourism has been working with all the regional tourism associations to coordinate the promotion of our region. The meeting discussed opportunities to further develop the cooperative arrangements, including linking events and region-wide promotional material. The recent "Spring Fling" promotion is a good example of how we are working together to promote the wider region and to make the best use of our limited resources in doing so.

The meeting of regional leaders also provided the opportunity to discuss the management of our natural resources, primarily water use and reuse. The ACT Government sought support for a feasibility study of future water use in the ACT subregion, specifically examining the potential for sharing water and, within the entire region, sharing water management technology and expertise. I am pleased to report that the meeting gave in-principle support for the ACT Government to conduct a three-month feasibility study on water supply options for the region which will involve consultations with ACT government agencies, ACTEW and New South Wales, Commonwealth and local governments.

A tour of the ACT's ecologically sustainable development sites and resource efficient display homes, which was undertaken by visiting mayors, reinforced the benefits of effective water management and the skills that ACTEW can offer to the region. The importance of managing the region's natural resources is also the focus of the ACT and Sub-region Planning Committee, which covers land and environmental management issues. This committee has representation from the three tiers of government - Commonwealth, State/Territory and local. In preparing the draft ACT and subregion planning strategy, the committee worked closely with relevant government agencies at all levels of government. The strategy was launched for public comment on 30 May, and the committee is holding some 10 public forums through the ACT and subregion to discuss strategy and implications for a sustainable future. Two forums which were recently held in Canberra were well attended.

Mr Speaker, there is wide recognition in the community, as well as by governments, that what we do here in the ACT affects our neighbours, and vice versa. Consequently, there is strong general support for such strategies. Key issues raised to date in these public forums on the planning strategy concern ensuring that development is sustainable and that our environment and natural resources, such as water, are managed wisely.

While I am discussing planning matters and the need to ensure that development is undertaken in an environmentally sensitive manner, I would draw your attention to a further significant initiative in which this Government is participating. The Government has agreed to participate jointly with the Queanbeyan City Council in a study on cross-border infrastructure development. The study is funded under the Commonwealth's integrated local area planning program. The Jerrabomberra Valley is the focus of the study. As you will know, this valley straddles the ACT and New South Wales border between Canberra and Queanbeyan. We are examining the possibility of sharing infrastructure, coordinating the provision of services to residents and improving coordination in the areas of planning. The study is expected to conclude in mid-1996. Mr Speaker, these issues of planning and services delivery offer huge scope for cooperation and coordination to the mutual benefit of the whole community. Specifically, they offer opportunities for improving services and reducing duplication, and hopefully in the longer term reducing real costs.

In addition to the measures which I have already described, an ACT and New South Wales senior officials group has been set up as a primary forum to discuss a range of cross-border issues and anomalies between the jurisdictions. The issues under discussion are diverse, but all have impact on our community - for example, the need for mutual recognition of seniors cards and their eligibility criteria; compatibility with New South Wales on penalties for all traffic infringements; the establishment of reciprocal arrangements under the subsidised taxi scheme for people with disabilities; and an integrated program of reform of the construction industry, to name a few.

The Government is committed to a healthy and vigorous regional economy. We recognise that the ACT's economic destiny is firmly linked with that of the region. We also recognise the truth of the McKinsey findings that “the role of government is shifting from 'doer to director' to change leader in regional and economic development”.

It is not within our power as a country or our interest as a region to seek to shield our businesses and our region from world competition with tariffs and subsidies. To prosper, our businesses need to compete and win globally, and our region must provide an investment environment which has the competitive edge to attract business and help it grow.

Mr Speaker, the ACT and New South Wales governments have established the South East Regional Development Council to help drive and facilitate regional development, and for that I must give a lot of kudos to former Chief Minister Kaine, who, as we know, with Premier Greiner back in 1991, and perhaps even earlier, was responsible for the setting up of the initial involvement. The council's role includes advising the ACT and New South Wales governments on significant economic issues affecting the region, including actions that will make it easier to do business within the region and to market the region's economic development potential and investment opportunities.

Mr Speaker, the SERD Council has been approved as a regional development organisation under the Commonwealth's regional development program and now qualifies to bid for Commonwealth funding for major projects, including infrastructure projects. The council released its strategic plan on 1 June for public consultation and received wide support. It has since established seven working groups to consider significant regional issues, including the management of natural resources, transport infrastructure, technology and communications, export education and expertise, and tourism. These are issues of interest to the whole region, and this interest is reflected in the membership of the working groups. Members are drawn from business, all tiers of government, the trade union movement, academia and the wider community.

I am also pleased to say that the council has already put two business proposals to the Commonwealth for funding consideration. The first proposal, which has been approved for funding, is the Telecottage project at Bega. This project provides a local node where local residents can access a range of services, such as education, and obtain access to the Internet for the cost of a local call. The second proposal which is being discussed with the Commonwealth for funding support is the Gungahlin broadband pilot project. This project involves a close to $30m investment by Telstra and will make broadband telecommunications services available to 5,000 homes in Gungahlin. The ACT Government will also be investing a significant amount in the project. This exciting project will act as a platform for testing the delivery of broadband services to domestic users and has the potential to offer wider regional community access in the future. I do not want to be accused of stealing all the thunder, because that is something that the previous Labor Government was also in very strong support of.

The intention of these proposals, Mr Speaker, is to establish an advanced electronic network in the region which will enhance communication both within the region and externally. Major elements driving such a network could be tourism services and education services, both of which are likely to generate strong market demand, and the network itself will be a key export facilitator for regional goods and services. These projects are just two of what I expect will be many proposals which will result in economic growth and development not just for the ACT but for the region as a whole.

Mr Speaker, we are establishing firm foundations for sustainable regional growth and prosperity. Our vision for the future will require cooperation, and the Government is seeking to obtain this through a range of mechanisms: By working closely on a government-to-government basis to eliminate red tape and coordinate services to the business and wider community, and I must say that the way in which we work with the New South Wales Labor Government is excellent and that I appreciate the cooperation given by our colleagues in New South Wales; by working with the community through organisations such as the South East Regional Development Council; by making the community aware of just how great the region really is, through organisations such as the Canberra Region Campaign; and by marketing our region and assisting our businesses to ensure that their products are world competitive.

Mr Speaker, our strong commitment to the region and working with both the business community and governments at all levels to improve our regional competitive edge is the key to realising the vision for the future of the Canberra region. I will continue to keep the Assembly informed of our achievements in this area. I present the following paper:

> Development of Canberra Region - Government's Vision - ministerial statement, 24 August 1995.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

COMMUNITY HEALTH CENTRES - SALARIED MEDICAL PRACTITIONERS

MR OSBORNE (3.44): Mr Speaker, I seek leave of the Assembly to move a motion relating to community health centres.

Leave granted.

MR OSBORNE: Mr Speaker, I move:

> That this Assembly rejects the Government's announced decision to remove salaried practitioner services from community health centres unless the health centres are managed as 100 per cent bulk-billing practices for general practitioner services.

Mr Speaker, my understanding of the arrangement that I had with the Chief Minister was that the salaried GPs would be leaving the community health centres. The biggest concern for me was that the bulk-billing should remain. My understanding was that that would be in place. I would like a guarantee from the Chief Minister that that will be so. Otherwise, I will not be supporting what she has in mind.

MR CONNOLLY (3.45): Mr Speaker, the Labor Party rejects absolutely the abolition of salaried positions from the community health centres. We see that as an extraordinarily retrograde step. Had we had more time, I would have preferred not to have a motion that conditionally accepts the abolition of those salaried medical positions. That is not, and will never be, our position. The Chief Minister gave a highly equivocal answer in question time. She said, "We would like them to be bulk-billing and we are sure that they will be, at least for health care card holders and people who are able to throw themselves on the doctors' mercy and have the doctors agree that they are unable to pay their bills". That is one of the most demeaning experiences that anyone can have. If a doctor says, "I will bulk-bill if you can persuade me that you need it", it throws a citizen on the mercy of the doctor.

We certainly are prepared to support a motion which locks in the principle that any private doctors in the community health centres must be 100 per cent bulk-billing, which is the intention of Mr Osborne's motion. We will not try to amend the motion to get rid of that conditional aspect of the wording, but it should be made very clear that Labor totally rejects any abolition of salaried medical practitioners.

MR MOORE (3.46): Mr Speaker, I rise to support Mr Osborne's motion. I found the question he asked today in question time very interesting and the Chief Minister's response to that question even more interesting. My understanding of the process that we were going through was that it was transferring to the Federal Government the costs that the ACT pays. I think it is appropriate to remind members that when the community health centres were set up it was done effectively as a Federal government expense under a Federal government controlled ACT. Under those circumstances it did not really matter which bucket of money the money was drawn from.

It seems to me, Mr Speaker, that people who wish to use community health centres should be able to do so without reaching into their pockets, and feel relaxed about doing that. That is how our community health centres have operated. It seems to me that, if we transfer to a bulk-billing system, exactly the same applies as far as the patients are concerned. The major difference, from our perspective, is that the Federal Government pays the bill instead of the ACT Government paying the bill. To me, that is a perfectly logical and rational way for us to go about sorting out this expenditure.

For those reasons, Mr Speaker, when Mrs Carnell answered the question today I felt that my understanding of what was happening was not accurate and I felt it important to clarify it. Mrs Carnell indicated to me that there is a problem associated with some of the doctors who may not be prepared to bulk-bill. I believe that under those circumstances, Mr Speaker, the doctors then have a choice. If they do not wish to bulk-bill, then they may prefer to open their own practice, perhaps close by. I would hope that that is not the case. I would hope that doctors would remain, or even perhaps remain half-time in the service and open their own private practice where they do not bulk-bill, so that other options are still available.

This service ought to be a bulk-billing service. My real fear is that, if at this stage the Chief Minister allows one or two doctors, or more, to set up a practice where they are not bulk-billing, it will be the thin end of the wedge and it will be only a very short time before the other doctors look at it and think, "Why is Dr Fred earning substantially more than I am for doing exactly the same thing?", and the process will snowball. It is far better to set the standard from the word go, and that is why I welcome Mr Osborne's motion. I think it was very astute of him to recognise this problem and, having heard the answer in question time, to bring this matter to the attention of the Assembly now. I think it is a very sensible motion.

MS TUCKER (3.50): We will be supporting this motion as well, because it is totally consistent with how we voted yesterday. I was not quite clear why Mr Moore and Mr Osborne voted the way they did, but it is clear now; so we will be supporting the motion.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (3.50): As I have said to the Assembly on a number of occasions, our preferred position is exactly in line with this motion; but the CMPs and the union representing the CMPs currently working in our health centres have raised a position with our negotiating group, suggesting that they should be able not to bulk-bill some people. They have said that they are quite happy to bulk-bill people who are on health care cards, the disadvantaged people on low incomes and people who cannot afford to pay; but they want some flexibility.

The position as I put it in question time was that, as negotiations were continuing with those CMPs, I was not willing to rule out that position, as I believe that it is in the community's best interests for those CMPs, if possible, to stay in their current practices. But, as I have often said and will say again, it is our preferred position that all doctors in our health centres bulk-bill. If it is the will of the Assembly, and it appears to be, for that to be the case, to the exclusion of the union's request in the current situation, I assume that the Assembly will rule that way. I think it is unfortunate, though, as I said in question time, to be so categorical with the very few doctors we are talking about here, if it means that they will not stay in practices that they have been in for a long time. There is certainly no skin off anybody's nose here, whichever way we go. But the only people who could potentially be disadvantaged in any way are people who have been going to a particular practice for a long time and whose doctor decides that he wants to have the flexibility to do something other than bulk-bill some people and decides to move. That means that that patient could, under certain circumstances, be disadvantaged.

Mr Moore told me that he believes that the CMPs are bluffing. Potentially they are. I suppose that is part of a negotiating situation. I am just making the Assembly aware of the claim that the union and the CMPs have placed in front of our negotiating committee. I really do not see that allowing doctors a capacity not to bulk-bill some patients - it is not as if they will not be bulk-billing at all - would really cause a huge problem. We certainly need some new doctors, as we find that there are fewer than two doctors at the Tuggeranong Health Centre. That is simply unacceptable in a $3m facility. We need to get new GPs into our centres, and our requirements are that they all be bulk-billing.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Wattle Day

MR BERRY (3.53): It is with pleasure that I speak in the adjournment debate today. What I am going to say comes from a project that was undertaken by a high school student in my office. For a couple of hours once a week for a few weeks he was involved in the research and development of a speech in relation to Wattle Day. The events leading to the proclamation of Wattle Day involve a long tale of dedicated work from a broad spectrum of the Australian community - not just botanists, but many different Australians from many different backgrounds.

As early as the 1890s different clubs, groups and associations were campaigning for the wattle to become our national floral emblem and for Wattle Day to become recognised. One of these was the Wattle Club founded in 1899 by Archibald Campbell. The Wattle Club promoted a Wattle Day demonstration every September to encourage recognition of the flower as a symbol of patriotism. In Sydney in 1901 the first day of September was declared Wattle Day, and the concept was taken up in Victoria in 1910 and South Australia in 1911. Later, 1 August came to be known as Wattle Day in New South Wales. In 1913 Prime Minister Fisher opened a Federal Wattle Day conference in Melbourne, marking the inauguration of a movement fraught with vast patriotic possibilities.

The wattle has become one of Australia's most recognisable symbols. Our national colours are green and gold, the same as the wattle. Acacia blooms are on our coat of arms. But there was no formal proclamation of the golden wattle as our national emblem until 1 September 1988. *Acacia pygnantha*, the golden wattle, is a spreading shrub or small tree which grows in the understorey of open forest woodland and scrub in South Australia, Victoria, New South Wales and the Australian Capital Territory. In spring large fluffy golden flower heads with up to 100 sweetly scented flowers provide a vivid contrast to the bright green foliage.

On 24 August 1992 Bill Hayden, the Governor-General, declared that 1 September each year be observed as National Wattle Day throughout Australia. This ended the long battle to have the wattle recognised as our floral emblem and Wattle Day celebrated nationally. There is, however, one hiccup. As part of the promotion of Wattle Day, the seeds of the *Acacia pygnantha* were sent to individual groups. This has had to be stopped in Western Australia, where the *Acacia pygnantha* is a noxious plant. I offer my thanks to the young man who did the research for me and put that speech together. I will have a bit of a yarn to him about putting a bit more sting into it.

Football Teams

MR HIRD (3.56): Mr Speaker, I would like - and I know all members will support me on this occasion - to wish our two football teams all the best. This weekend the ACT rugby union team, known as the Kookaburras, will play the Randwick team in the major semifinal, and our wonderful Raiders will play their last home game, against the South Queensland Crushers. I am sure that all within the chamber and within the Territory wish both teams well.

Craft Directory

MR HUMPHRIES (Attorney-General and Minister for Arts and Heritage) (3.57), in reply: Mr Speaker, to leaven the bread of wild flowers and football, I would like to talk very briefly about the arts. My colleagues are all very interested in this subject. Members, particularly my predecessor opposite as Minister for the Arts, would well know that the ACT is very richly endowed with artists and craftspeople who produce a quite phenomenal output for a place as small as the ACT. But the problem has always been, of course, that although there are many very talented craftspeople available in the Territory there has not been the capacity for people who might care to purchase products or commission items from these people to know where they might find such people to provide the particular thing that they are after.

As a result, Mr Speaker, the Cultural Council and my predecessor, Mr Wood, authorised expenditure of some $5,000 to fund the creation of a directory of accredited professional members of the Crafts Council of the ACT. I was pleased to launch this directory last night. It contains colour photographs of the very exciting works of members of the Crafts Council of the ACT and pictures of the craftspeople themselves. Copies of this directory are available. Some stunning things are in evidence in it. There are fabulous pieces of woodwork, ceramics, textiles, glass, stone, furniture and so on. They are certainly worth while. Members who might be travelling overseas or otherwise delivering gifts to people might be interested in examining these for the purpose of commissioning works for gifts representative of the ACT. There are copies of the directory available for members to look at.

Question resolved in the affirmative.

Assembly adjourned at 3.59 pm until Tuesday, 19 September 1995, at 10.30 am