DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 October 1995

Tuesday, 24 October 1995

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Hird**, from 161 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Community Sporting Facilities - McKellar

The petition read as follows:

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the undersigned residents living in the Belconnen community totally support the proposed development and provision of much needed community sporting facilities by the Belconnen Soccer Club initiated in 1985, at the intersection of Owen Dixon and William Slim Drives in McKellar.
>
> Your petitioners therefore request the Assembly to approve the above lease and development application as soon as possible.

Petition received.

GAMING MACHINE (AMENDMENT) BILL 1995

MRS CARNELL (Chief Minister and Treasurer) (10.32), by leave: I present the Gaming Machine (Amendment) Bill 1995 and its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

This Bill provides for amendments to the Gaming Machine Act 1987. The Licensed Clubs Association has sought Government agreement to introduce a Territory-wide interclub linked jackpot system for gaming machines. Under the proposed system, winners of jackpots would be selected at random from players playing gaming machines in the link. At present, the Act provides that linked jackpots can occur only in conjunction with a jackpot obtained on a gaming machine.

Amendments proposed in this Bill will allow winners to be selected using the random selection method proposed by the Licensed Clubs Association. The proposed method of selecting linked jackpot winners has advantages over the method currently allowable under the Act in that it allows for different models of gaming machines to be linked while still ensuring fairness to players. This will allow the use of existing gaming machines and provide flexibility in permitting clubs access to linked jackpot arrangements.

The Bill also proposes that the duration of the permits for interclub linked jackpot arrangements be extended from one year to five years. This will give permit holders sufficient time to defray the considerable costs of setting up a linked jackpot system and to attract financial backing. Rules for the conduct of linked jackpot arrangements are being developed with the industry and will be promulgated and tabled in the Assembly in the near future. The introduction of a Territory-wide interclub linked jackpot arrangement will increase the competitiveness of ACT clubs with their New South Wales counterparts and ensure that our club industry continues to be at the forefront of developments in the Australian industry.

The Bill also provides that the tax rate on club gaming machine revenue in excess of $25,000 per month will be increased from 22.5 per cent to 23.5 per cent. This increase was announced in the budget, and it is expected that the increase will raise an additional $600,000 revenue this fiscal year and $1m a year thereafter. The increase, of course, will not affect smaller clubs. The Licensed Clubs Association has been consulted and supports the additional revenue from the tax being directed to fund, at least in the first year, the ACT Sports Academy. After the first year, agreed projects in sport will be funded.

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

COMPETITION POLICY REFORM BILL 1995

Debate resumed from 24 August 1995, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

MR WOOD (10.35): In 1991, the Commonwealth and the States and Territories agreed to consider a national approach to ensure greater competition in the Australian market. As a result, Professor Fred Hilmer was commissioned to conduct a review of competition, and he reported in August 1993. There has been widespread debate of this report, with the Council of Australian Governments progressing this debate over a considerable period. Finally, in April this year COAG agreed to implement the new national competition policy as defined in this complementary legislation. The former Labor Government of the ACT participated in that process during its term of office.

The Commonwealth has recently passed the Competition Policy Reform Act 1995, with necessary amendments to the Trade Practices Act, which will be important in oversighting the new measures. The States and Territories have passed, or will be passing, the legislation that is now before us. The Trade Practices Act will soon apply in all jurisdictions and will include not just private sector activity but government business activity as well. Since the Trade Practices Act already applies to the private sector in the ACT, our particular interest in the new legislation is in its impact on ACT government business activity. The legislation we debate today will require further critical examination of the operations of government business activities, and we should understand the distinction between government business enterprises and the broader range of government business activities.

In its full impact, the new national competition policy covers six areas of government action: One, limiting anti-competitive conduct of firms; two, reforming regulation that unjustifiably restricts competition; three, reforming the structure of public monopolies to facilitate competition; four, providing third party access to certain facilities that are essential for competition; five, restraining monopoly pricing behaviour; and, six, fostering competitive neutrality between government and private businesses when they compete.

The so-called Hilmer reforms will have their biggest impact Australia-wide in the four key areas of public utilities, the building industry, transport and communications, and the unincorporated sector of the professions. Productivity improvements made in these areas will, of necessity, vary across the States and Territories. The full effect of all the reforms is claimed to bring substantial benefits to Australian households. It may, it is claimed, take seven or eight years to occur, but real household consumption is projected to rise eventually by over 4 per cent and to be maintained at that level. Real investment and real government consumption are also expected to increase by about 2½ per cent. As a result, real wages and employment are claimed to increase and communities in general, including the ACT, should be better off.

In other ways, the effects on the ACT of the National Competition Policy Reform Bill will be not considerable but at this stage are still difficult to determine. Since the Trade Practices Act has always applied to the ACT, the impact of the new legislation on the ACT will be confined to the area of government business activity. First, let me make quite clear what this legislation does not do. It does not require a program of privatisation of government enterprise or of corporatisation. It does not encourage governments to privatise or corporatise. It does not provide a basis to argue for privatisation or corporatisation. The Minister appeared in his introductory speech to indicate that it did. The legislation is about competition. It has nothing to do with privatisation or corporatisation.

When the former Chief Minister debated this within COAG, she made this quite clear, as did other State leaders. Federal Minister Gear, in his speech to the Federal Parliament, said:

> ... privatisation and the introduction of competition are entirely separate decisions. It is possible, and in many cases clearly desirable, to introduce competition and to realise its economic benefits while retaining public ownership.

This legislation, and the agreement the current Chief Minister has signed, have nothing to say on the question of public or private ownership. In indicating the Opposition's support in principle for this Bill, I make it absolutely clear that the Government should never seek to argue that the Bill provides some form of backing for a program of privatisation, of corporatisation or of outsourcing. I say again that the issues are quite separate. Nor does this Bill have anything to do with the broad range of government activity - for example, with education, health, welfare and so on.

For some time, the Chief Minister's Department has been examining the ramifications on government activity once this legislation is passed. The Minter Ellison report was commissioned some time ago to develop that examination. I said that this Bill relates to government business activity, not just government business enterprises. The competition code will apply to ACTEW, Totalcare and certain other major areas of government business; but, further than that, it is likely to impact in a range of ways on a whole range of activity that is now to be scrutinised - such matters, for example, as pathology and public relations, land development, and environment protection services. There are legitimate concerns about the continuing provision of quality services to all consumers. What is and is not defined as business will need to be carefully clarified to ensure that those core services I mentioned are not adversely affected by new provisions.

The same concern must be expressed about that host of aspects of government business activity identified by the Minter Ellison report. Again, we expect that this community will require that there be a continued delivery of high-quality services. I expect that we all agree that there are many areas where competition should not be the overriding feature for the delivery of services. Access and equity considerations must come first. Some governments, and the Carnell Government appears to be one, are so obsessed with the bottom line that they think contracting out services, or outsourcing, is the answer to everything. That approach usually means a reduction in services.

While the Opposition supports the introduction of the competition code, I must further express my concern at some of the comments in the Minister's introductory speech. He indicated that agency heads were to provide options for outsourcing. He used his speech to draw on the impetus he claims this Bill will give to the Government's so-called reform program. Outsourcing, like privatisation, has nothing to do with the Bill. It is a separate issue. In his speech, the Minister said that the competition policy will ensure that resources are allocated in an efficient way. He should not assume that outsourcing or other changes will automatically do that or that the outsourced function was inefficient in the first place. There is ample evidence to show that public enterprise can be very efficient and that private enterprise can be highly inefficient. The outcomes are due to management rather than the location of the enterprise in or out of one sector. When the only response to service costs is to cut services, at some point those services will be cut to such a degree that they become pointless. For example, a bus route that is poorly utilised will be used even less and subject to closure if the response is to cut services further.

There has been debate about the need for monitoring the results of this legislation to see what the effects of the change might be. Obviously, our Consumer Affairs Bureau is not established to handle such issues. As the legislation takes effect, we will need to be confident that consumers do not suffer adverse effects. If there are concerns, consumers must have clear and strong avenues to protect their interests. Consumers may no longer have access to such procedures as an approach to the Ombudsman, freedom of information, or even a complaint to a Minister or member. Let me give you an example of what may happen. I want to quote from a letter from the Griffin Centre, which I think all members received. This tells us of the problems that lie ahead. The letter reads:

> On the 4 August, 1995 members of the Board met with the Chief Minister, Mrs Kate Carnell to discuss a number of matters of concern.
>
> One of the matters discussed was a concessionary rate for electricity, water and sewerage for the Griffin Centre and other community facilities in the ACT.
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> The Chief Minister advised that ACTEW, as a corporate entity has responsibility for decisions relating to rates for electricity, water and sewerage and suggested that the Board -

that is, of the Griffin Centre -

> made representations direct to ACTEW on this matter.
>
> In reply ACTEW stated “While there may very well be some reasons of public policy for concessions, ACTEW is not, as a service provider, qualified to determine such matters. Instead ACTEW pays very substantial dividends to Government which, as an elected body, is best able to decide on community priorities and fund them accordingly”.

What did ACTEW do? It passed it back to the Government. This is exactly the sort of circumstance that could develop and the sort of circumstance we have to ensure does not develop. I want to make it clear that the confusion generated in that letter has nothing to do with the competition policy, with this legislation; it has everything to do with Liberal policy. This letter was received after ACTEW was corporatised. It was not received after this legislation came into effect, so it is not an outcome of this legislation, but it could well be. This sort of circumstance could well develop further. It is that sort of confusion - perhaps "evasion" is a better word - that we must avoid.

In response to those sorts of concerns, Federal Minister Jeannette McHugh has released a series of discussion papers. The outcome of those papers is not clear. They have raised the issues, but effective action may rely on decisions from this Government or, if necessary, this Assembly. The concern for consumers has led to a name change for the commission that will oversight the new policy. Rather than the Australian Competition Commission, it is now to be the Australian Competition and Consumer Commission. That, however, does no more than signify an interest in the matter. It does not ensure any outcome. This Assembly must scrutinise all these changes very carefully. The McHugh discussion papers have also brought the advice that public utilities must accept their basic consumer obligations. It identified them as service standards and consumer charters; consumer service advocacy models; corporate compliance programs; redress mechanisms; and information disclosure. Once again, there are not specific provisions in any legislation to ensure that such measures are operative. That will need to be examined by this Assembly to ensure that consumers are appropriately protected. I indicated earlier that, through the mechanism of the Minter Ellison report, the Government is examining the ramifications of this legislation.

I thank Mr De Domenico for his cooperation in providing information that I have sought as I examine this issue on behalf of the Opposition. I am sure that he will acknowledge, as I have indicated in this speech, that we are not yet in a position to state with a sufficient degree of confidence what the outcome may be for the wide range of government activity now being scrutinised. For that reason, the Opposition believes that it is preferable to refer the Bill to an appropriate committee for its further examination and report. It is better that we fully understand what the impact of this legislation may be. Accordingly, the Opposition will give support to the Bill at the in-principle stage and then seek to refer it to an appropriate select committee.

MS TUCKER (10.51): This is a Bill with implications that have not been debated sufficiently, either inside this chamber or, more importantly, in the wider community. Many in our community, certainly those involved in delivery of services in government and the private sector, have heard about the Hilmer reforms; yet very few people have any idea of how much the competitive reforms proposed by the Competition Policy Reform Bill could affect our lives. This is a Bill with implications that I do not think have received sufficient debate in this Assembly or in the community.

In the name of economic efficiency, this legislation has the potential to curtail severely State, Territory and local government capacity to promote and protect social justice and environmental objectives. The 17 people in this Assembly are elected to represent the interests of the ACT. The members of this Assembly have a responsibility to their constituents to find out how legislation before them will affect the lives of

their constituents. This involves a responsibility to ensure that national uniform legislation does not have an adverse impact on the community and does not limit the capacity of our local legislature to promote social justice and environmental objectives, the economic wellbeing of the local community, maintenance of basic wage and work conditions for residents of the ACT, and other important community concerns; but the proposed competitive reforms do just that. It is up to the 17 members of this Assembly to look very carefully at the legislation, debate the consequences for the ACT, and then ensure that all the interests I have just mentioned are protected.

The assumptions behind this legislation are alarming. The underlying assumption of the reforms that are sought through this Bill is that all competition is good and anything that in any way hinders competition is bad. The only exceptions that are recognised are where a natural monopoly might exist or where there is a business of so-called national significance. The reforms even favour market-based mechanisms for resolving community concerns about issues such as public health and safety and environmental protection. But we all know that markets fail, and fail regularly, although it is conveniently ignored by most politicians. So-called perfect competition is only an ideal. Market failure can come in many forms. One example is the failure of producers or consumers to factor in the impact of their production or consumption on other people or the environment - so-called externalities. Market failure could also come about as a result of unequal distribution of power, unequal information, and undersupply of public goods. Because the market system tabulates only individual wants, collective or public needs or wants are not catered for. It is worth reiterating this last point because many of the services that will be deemed to be uncompetitive under this legislation are utilities, providers of public goods.

The main beneficiaries of the Competition Policy Reform Bill are likely to be the big operators, that is, companies and individuals who have the resources to provide goods and services well beyond their home territory. We have just seen this in South Australia, where a French-based company was offered the contract to supply all Adelaide's water and sewerage services. A local company bid for the contract but it could not compete. So all the rhetoric about the public interest comes down to one thing: Commercial profitability. How was the public interest assessed in this case? On economic efficiency grounds alone: Any government policy that gives preferential treatment to a particular business over another would be subject to scrutiny by the new Australian Competition and Consumer Commission. It is interesting that South Australia, which is an extremely dry State, will be producing cheaper water. Thus the commission is likely to limit the scope of government purchasing policies that might be directed at promoting development of a particular part of the ACT, or a particular type of business might be declared as being uncompetitive.

Do we really want to subject all ACT legislation and regulation to wholesale review by such an external body? I do not believe that we would serve the true interests of the community if we did. We need to consider carefully what the implications are and make every effort to ensure that adverse effects will be limited. Reduction in government

regulation and replacement with self-regulation could not only affect local businesses, social justice and the environment but also put community health and safety at risk. The Industry Commission speaks glowingly about self-regulation of the meat industry, but no-one talks about reduction in standards and the resulting meat contamination scandals.

This Bill will also reduce the scope of State or local governments to curtail competition, even when a broad public interest test based on factors other than economic efficiency alone may well indicate that it is in the interests of the community to restrict competition. Reform of electricity and gas is the single biggest source of the economic gains it claims will flow from the reforms. What we are not told is that an inevitable result of this Bill will be to encourage increased consumption. What business would encourage its consumers to use less of the service it promotes? I doubt that anyone would suggest that, in a time of increasing concern about the greenhouse effect, it is of benefit to the community to promote energy consumption.

While deregulation of the electricity industry in Australia may improve productivity or efficiency in the production of energy, it will not lead to greater efficiency in the use of energy and is also unlikely to promote an environment conducive to experimentation of alternative energy programs. On the contrary, with electricity prices predicted to fall, this will send the wrong price signal in terms of conserving resources through greater efficiency in energy use. The Hilmer reforms do not factor in the environmental or social costs of competition. They regard economic efficiency as the primary element of public benefit, and the Greens strongly challenge this view. In fact, I would say that most people do not make choices based purely on price.

The benefits from placing primary importance on economic efficiency are supposedly to be reaped by all. This Government appears to have bought the story that GDP will go up by 5 per cent, leading to increased household expenditure across the board. Many economists, however, have serious doubts about the validity of the modelling, and even the authors of the Hilmer report acknowledge that the predicted economic benefits are based on assumptions that may not be realised. Unfortunately, the advocates of competition reform have chosen to ignore the fact that errors or biases in modelling could well lead to different results.

The claimed benefits of micro-economic reform and the assumption that these benefits will flow on to the whole community are based on very simple assumptions of the real world, benchmarks that are not representational of sectors as a whole and comparisons with other countries that are extremely dubious, to say the least, given different socioeconomic factors and resource bases. Even if all the claimed consumer gains from competition reforms were realised, it is not enough. People do not, as I said, make individual lifestyle choices based on financial factors alone, and neither should governments. There may be a need for government in Australia to change, but the evidence that the market is capable of providing the answer to all the problems experienced is lacking.

As Professor John Quiggin has pointed out, achieving the Hilmer reforms also requires big job losses in the public sector and, despite some gains in the private sector, the overall impact on employment is likely to be negative. I urge other members to consider these issues seriously and not just accept national uniform legislation that is based on an underlying philosophy that may not be in the best interests of residents or the natural environment in the ACT.

MRS CARNELL (Chief Minister) (11.00): This Bill, as Mr Wood has already said, has had a quite long gestation to this point, through the Follett Labor Government and the Kaine Alliance Government to the stage in April, at my first COAG meeting, where I was given the opportunity to sign the agreement on behalf of the Territory. Most of the preliminary work had been done by Ms Follett and had certainly been agreed to by the previous Government. Ms Follett made a couple of statements in this place on the ACT's agreement with the approach that had been taken by the Federal Labor Government. We have a signed agreement between all States and Territories and the Federal Government to take a joint approach on this legislation, and the Competition Policy Reform Act is what has flowed from that.

It might be nice for us to become an island. We could perhaps dig a moat all the way around the ACT and pretend that we are not part of Australia. Not passing this Bill, or making the substantial amendments I have seen that the ACT Greens seem to think are appropriate here, simply cannot make a difference. New South Wales has already passed the legislation, and the legislation will be passed in all other State jurisdictions, because they signed the agreement, as I did, which will make this happen at a Federal level. All that the ACT could possibly achieve by either substantially changing the legislation or not passing it would be not to get the ACT's share of the payments that have been allocated under this reform approach, which I think is $3.7m in 1997-98, moving up to $10.4m per annum by the year 2001-02. We could be really smart here! We could make some amendments so that we would lose our share. It would not make one speck of difference to what happens nationally. It would not make one speck of difference to national competition, to the electricity grid, to the approach to gas or to any other area of competition, except that the ACT would not get its share of the money. I think that is probably a pretty stupid approach.

Some of the issues raised by Ms Tucker are very real issues. As we move to being a more competitive nation, a nation that can compete in our region and with the rest of the world, we must keep in mind environmental issues, issues to do with lifestyle and with the way we live in this country; but, quite seriously, a moat around the ACT is not the way to go.

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.03), in reply: I thank all the members for their contributions. I specifically thank Mr Wood for the way in which he has comprehensively analysed the Competition Policy Reform Bill. Can I, first of all, say that Mr Wood and other members who have been in this Assembly for long enough would have realised that negotiations first started on this topic back in the days when Mr Kaine was Chief Minister in 1991. In fact, I am told that the first Special Premiers Conference meeting in Brisbane in 1991 started the negotiations about this legislation. It was carried through,

as Mrs Carnell and Mr Wood said, when Ms Follett was Chief Minister of the Territory from 1991 to 1994 and, finally, at the first COAG meeting Mrs Carnell went to in April this year all she did, literally, was to sign off what had already been agreed to by two previous Chief Ministers of the ACT, every other State and Territory government and the Federal Government over a period of about five years.

In summary, the Bill was not developed overnight or in isolation. As everybody would be aware, it is the result of considerable analysis and debate by the Commonwealth, all States and Territories over a significant period of time. This is significant in that it now shows the degree of bipartisanship on the issue. The benefits of increased competition were clearly shown by the Hilmer Committee in its report, and this legislative package is a culmination of those recommendations. The development of the policies and the supporting legislative package has been the subject of much community and industry consultation. The process that brought this Bill to the floor of the Assembly can therefore be described as evolutionary rather than revolutionary. The Bill provides the legislative base for achieving and maintaining consistent and complementary competition laws and policies, which will apply to all businesses in Australia, regardless of whether they are publicly or privately owned.

Under this Act, ACT government business activities will face the same conduct provisions of Part IV of the Trade Practices Act as their private sector rivals - if there are any, and I stress that. The community will see the benefits of the application of this law in more efficient government business activities and greater choice due to greater opportunities for competition. It will also result in better accountability as the cost of producing goods and services commercially will be more transparent. It is important to stress that this legislation extends coverage of Part IV of the Trade Practices Act to government business activities. It does not apply to the normal functions of government. Mr Wood stressed that, and he was right. For the edification of the Greens, it does not apply to the normal functions of government. These are specifically excluded in the legislation.

In implementing national competition policy, we will not be introducing competition for competition's sake. I repeat, for those people who might not have heard it the first time, that in implementing national competition policy all governments, including the ACT Government, will not be introducing competition for competition's sake. We will pursue competition only where the public benefit outweighs the costs. We will take into account, as the competition principles agreement requires us to do, the interests of consumers. We will have regard to economic and regional development and ecologically sustainable development, and issues such as occupational health and safety, industrial relations and access and equity will not be overlooked. This Government has always maintained a commitment to community service obligations being served, and this Bill will not compromise that commitment. So it is nonsense for the Greens to stand up in this place and suggest that the only people in Australia who have any notion of ecologically sustainable development, or all those nice warm and fuzzy things the Greens think of from time to time, are the Greens. That is just not the case, and had you been in this place long enough you would have realised that most of the things we do in this place we do with cooperation and bipartisanship.

Each government business activity will be reviewed. This process of improving the competitive environment is already under way with the work of the red tape task force and a general review of legislation and regulations. Once again, we are not alone in doing that. Governments of all political persuasions and all political colours from time to time do conduct such reviews, and so they should. Once again, for the edification of the Greens, it is not something that is coming out of left field or right field or even middle field; it is just coming out of the field of commonsense.

With regard to restructuring our public utility, the ACTEW Corporation, we have chosen to introduce a corporatisation model rather than privatisation. This is a deliberate commitment to maintain essential infrastructure in public ownership for the benefit of the community. Each agency will be asked to examine its business activities and, where appropriate, reform any anti-competitive conduct. We do, however, have the capacity to sanction conduct that restricts competition where it is in the public interest. Again, I stress, as Mr Wood has, where it is in the public interest. I do not expect that we would use this facility unless the benefits were very clear.

It is important to note that all States and Territories are required to implement complementary legislation because we all signed the agreement - all States and Territories of all political persuasions all over the country. New South Wales, I am told, has passed its legislation, and in other States Bills either have been introduced or will be introduced shortly into their respective parliaments. This legislation complements the Commonwealth's Competition Policy Reform Act - in fact, it is word for word - which was granted royal assent on 20 July 1995.

To summarise, can I once again thank Mr Wood for the way he has cooperated and chosen to look at this Bill. That same cooperation and information that was made available to Mr Wood would also have been made available to anybody else who cared to come and ask for it. We make sure that at most times we get bipartisan support. We need to look at what Ms Tucker had to say, though. It should not be left unsaid that, once again, the policy of Ms Tucker and the Greens in general, we are aware, is to do exactly what their colleagues did in the Federal house. That was unsuccessful, by the way, and so it should have been, because it belied reality. From time to time, when people with particular political persuasions, such as Ms Tucker and Ms Horodny, talk about things, reality goes out the window.

As Mrs Carnell said, put simply, if we refuse to pass this legislation, the people who are going to miss out financially are the people of the ACT, to the tune of $3.7m initially, going up to $10.4m per annum in the year 2000-01. If Ms Tucker and Ms Horodny want to say to their constituents, "Because of our shenanigans in the Assembly, because we copied what our Green mates did federally, you are going to miss out on $10.4m worth of funds from the Commonwealth", be that on their own heads. I am certainly not going to be in the position of telling the people of Brindabella that because of the way I voted in this place they are going to miss out on potentially $10.4m per annum. As Mrs Carnell said, we cannot start digging moats around the ACT and saying, "Let us do it differently from the commonsense way because in the ACT we happen to have two Green members in the Assembly". Once again, if that is what Ms Horodny and Ms Tucker want to do, be it on their own heads as well.

Can I also make a comment on the statements by Ms Tucker about some of the dubious countries that have enshrined this competition. New South Wales, the Commonwealth Government, the United States, Europe and the United Kingdom have; even Cuba might have at one stage or another talked about competition as well. I do not know where the dubious nations are that you found in your atlas, Ms Tucker, but certainly the information I have seen tells me that a National Competition Policy Reform Bill is going to be passed by every State and Territory jurisdiction, as well as the Commonwealth - not for some ideological clandestine reason, but because it makes terribly good commonsense. This Government will support it, as I am sure the Opposition has agreed to support it in principle as well, because it does make good commonsense. If the Greens want to disagree with that, be it on their own heads. I notice that they are at least consistent, because that is exactly what their Federal colleagues have done. I commend the Bill to the Assembly, and I hope that commonsense will prevail.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

REMAND CENTRES (AMENDMENT) BILL 1995

[COGNATE BILL:

MAGISTRATES COURT (AMENDMENT) BILL 1995]

Debate resumed from 21 September 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Magistrates Court (Amendment) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR CONNOLLY (11.13): The Opposition will be supporting these two Bills, which make some procedural amendments to the legal regime governing the Remand Centre, in order to allow what I guess could be described as commonsense outcomes. The Remand Centre, as a matter of principle, and quite properly, consistent with practice throughout Australia and consistent with practice required of Australia under international civil rights agreements, is designed to house persons who have not been convicted of any crime, that is, persons who are accused of a crime but have not yet been convicted.

It is a fundamental principle held to by Australian governments and by governments throughout the world that persons who are on remand should be housed separately from persons who have been convicted of offences, and we would all hold to that. However, there are circumstances where it makes sense for persons who have been convicted of an offence to be temporarily held in our Remand Centre, given that the ACT does not have and, regardless of who wins the debate on this, certainly for some years yet will not have a permanent prison.

A situation that arose in 1980 has been referred to by Mr Humphries. A young offender was sent straight into the New South Wales system and, as a result of what appear to be some administrative foul-ups along the way, the papers alerting prison authorities to the young man's psychological condition were not properly attended to and that young person tragically committed suicide in the Goulburn correctional facility. As Mr Humphries says in his introductory remarks, the intention of this Bill is to allow a person to be held at the Remand Centre in the purpose-built special care facility there, which was built through 1991-92, while appropriate arrangements can be made with the New South Wales prison authorities, so that, if we have an offender with a condition that places them at risk, the authorities can be satisfied that that person will be properly sent to New South Wales, and that is a commonsense solution.

Mr Humphries also notes that the practice, which again has been a commonsense practice, of bringing a person from New South Wales, if they are serving a term of imprisonment in New South Wales but are on trial for another matter in the ACT, and holding them in the Remand Centre makes sense but is under a legal cloud. We probably do not have authority to do that at the moment. He also suggests a commonsense solution that, for prisoners who are appealing the fact of conviction, it makes more sense to hold them in the Remand Centre than it would to have them at Goulburn and transferred on a daily basis to and from the ACT while the trial is proceeding or having to put them in Goulburn and bring them back for their appeal to be heard.

For those reasons, the Opposition is prepared to support the Bill. However, there is some risk that these procedures could be abused, and the Opposition was considering some amendments to this Bill that would have, in effect, required the Attorney, after, say, two months, to satisfy himself that the continued detention in the ACT was appropriate. I decided not to proceed with that because it would, in a sense, be another piece of red tape or unnecessary paperwork. However, I hope that the Attorney will keep an eye on this, and I put ACT Corrective Services on notice that, in their annual report and when we get before the Estimates Committee, we will be wanting to see how this process is used. It would be a concern if we saw the Remand Centre at Belconnen becoming a de facto long-term centre for detention. It would be a concern if we saw significant movement, say, in appeals against conviction so that people served out their full sentence at the Belconnen Remand Centre. It is not designed for that, and the principle that you should not mix prisoners on remand with prisoners who have been convicted is an important one.

As I said, on reflection, we have not gone ahead with those amendments because it would just, in a sense, add another layer of paperwork. We would be concerned, as I hope the Government would be, if these commonsense provisions appeared to be being overutilised. We are prepared to support these amendments as commonsense amendments to the procedures of the Remand Centre, on the assumption, as Mr Humphries gave the impression, that these are to deal with more isolated cases and that we will not have the Remand Centre becoming, de facto, a permanent place of imprisonment. With that caveat, the Opposition indicates that it will be supporting these Bills right through the detail stage today.

MR MOORE (11.18): I rise to support this Bill and congratulate the Government on introducing a more flexible system. Whenever we are dealing with people on remand, and in some ways I echo the sentiments Terry Connolly has expressed, I think it is incumbent upon us to remember that these are people who are charged with a crime but have not yet been found guilty and there is some reason why it is appropriate to detain them in custody. For that reason, we must always be conscious of the most flexible and most humane way to deal with those people. We have a restriction on us because, where people are found guilty, they go to prison in New South Wales. We should be dealing with them in the most humane way possible.

I would urge any member who has not visited a prison, particularly Goulburn prison, where a lot of our detainees go, to do so. It is one of the things I did after about nine months in the Assembly, and it had a profound effect on me. It is something we all ought to do, so that when we have legislation before us that says, "Six months' gaol" or "Two years' gaol", we understand the ramifications of what that means to somebody going there. After I had returned, somebody said to me, "Perhaps we should get all our kids in the high schools and colleges to visit a gaol. Then they would realise the consequences of what they might be doing". Whilst I know that this point extends beyond the Bill before us, it does still have to do with people in custody.

We need to look at expanding options for our judiciary and our magistracy, to ensure that the option of prison, the deprivation of liberty, is the last option that is considered. It is necessary for some people; there is no question about that. I do not question it as a final solution, but we should do so very reluctantly, and I know that that is generally the approach taken by the various courts in the ACT. This is a step forward in terms of flexibility, and I encourage the Minister to look at other ways to step forward, as did his predecessor, Terry Connolly, in looking at how we can deal with people other than by sending them to gaols, dealing with them with as much flexibility as possible. We have made appropriate strides in that area, but I think we should continue testing new systems, a bit at a time, in this jurisdiction.

MR HUMPHRIES (Attorney-General) (11.21), in reply: I thank members for their support for this Bill and its sister Bill. As Mr Moore indicated, the Bills allow for a greater range of options to be available to people in particular categories. Indeed, the hallmark of this legislation is flexibility in the approach we take towards the housing of people with particular problems who come in contact with the criminal justice system. We have a very limited number of weapons in our armoury in this area.

In the ACT we have the Remand Centre, we have the periodic detention centre, as of a few weeks ago, we have police cells, and we have a paddy-wagon that travels to Goulburn and other places to take prisoners off to New South Wales. For a community as large and as sophisticated as ours, with problems of a kind being experienced elsewhere in the country and a range of issues that need to be addressed, particularly with respect to the housing of mentally ill people or people with behavioural problems, there really are serious issues about how we begin to create further options for people in those unfortunate circumstances. I hope that the flexibility inherent in the approach behind these Bills will be an approach we can take further in the future.

Obviously, the ultimate option for the housing of prisoners in the ACT is the establishment of a permanent full-time prison in the ACT. The Government has indicated its desire to look very hard at that option and, indeed, it has begun work on that very concept. Cost is a very important question in that regard, as are arrangements with New South Wales. I am confident that, if we put the issue on the table now and put it on the community's agenda for debate, it will produce at the end of the day a satisfactory outcome, just as putting a rescue helicopter on the agenda two or three years ago has produced, I think, a satisfactory outcome.

Mr Connolly raised the problems with this approach, and I fully accept those. It is not the intention of the Government to make this a de facto permanent place of imprisonment. It is only in very limited circumstances that people ought to be housed in the Remand Centre. Unfortunately, the limited range of options available in the Territory force us to use it in that way from time to time. I was horrified a few weeks ago, for example, to learn that a young Aboriginal prisoner - that is, a person under the age of 18 - had been transferred to the Remand Centre on the orders of the Magistrates Court. I was relieved to be able to see that person returned to Quamby at the earliest available opportunity. Occasionally, options such as that are the only options available, and we need to be aware that at the present time there are some prisoners who are simply not accommodated in an appropriate fashion with our present range of facilities.

I will certainly accept the injunction from Mr Moore to look further at other ways of housing people with certain problems, and I expect that that will be a process that will continue throughout the life of this Government. I do, at the same time, urge members to be prepared to take part in that community debate. It will not be easy to persuade people to build more prisons, more detention facilities of whatever kind, in the Territory. In some ways we got off fairly lightly with the periodic detention centre, as some people may well have been more alarmist about even that modest institution. I believe that we will see further debate on this, and I hope that members of the Assembly will take part in that debate in a constructive fashion. I thank members for their support for these Bills.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MAGISTRATES COURT (AMENDMENT) BILL 1995

Debate resumed from 21 September 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.27 am to 2.30 pm

DISTINGUISHED VISITORS

MR SPEAKER: Members, I inform you of the presence in the gallery of the Speaker of the Provincial Assembly of Sindh, the Hon. Ghous Bux Khan Mahar, MPA, who is accompanied by the Clerk, Mr Umrani. Mr Neil Bell, a member of the Northern Territory Legislative Assembly and Opposition spokesman on health, is also present. To each of you distinguished gentlemen, welcome.

QUESTIONS WITHOUT NOTICE

Charnwood High School

MS McRAE: Mr Speaker, I have a question for Mr Stefaniak in his capacity as Minister for Education and Training. Mr Stefaniak, last week you said in question time that Charnwood High School did not want supplementation to staffing to continue forever. That is perfectly reasonable. However, one of the options discussed by the school for its future required the amalgamation of Years 7 and 8, and 9 and 10. This option was rejected by the school because there was a need for a year's development work to occur, and you have refused to restore any supplementation for Charnwood. Minister, will you explain to this Assembly why even one more year's staffing supplementation was not offered to Charnwood to enable them to take up this option?

MR STEFANIAK: I thank the member for the question, Mr Speaker. I think Ms McRae would well know that supplementation is there for a number of reasons which I have gone into in the past. It was quite clear from the feeling of the meeting I attended that those present did not expect that supplementation could last forever.

It was interesting, Ms McRae, that the people at that meeting thought that the process they were going through would have been very sensible if they had done it about two years ago. They were somewhat critical of your Government for not letting that happen. The process, as I indicated, was a very healthy one, and there were very full discussions by the members there.

Mr Speaker, this Government is not supplementing, and I think Ms McRae would appreciate some of the reasons for that. If we continue to supplement where supplementation is not warranted, how can we supply teachers for new schools? Lanyon is coming on stream next year, and Nicholls High School in 1998. There are a number of primary schools coming on stream. It is quite clear that that is why supplementation cannot continue indefinitely.

Ms McRae: Mr Speaker, on a point of order: I have asked a very specific question about one year and one option. I would ask you to ask the Minister to answer my question.

MR STEFANIAK: I thought I did.

MR SPEAKER: Mr Minister, would you mind answering Ms McRae's question.

MR STEFANIAK: One school is certainly coming on stream. Another high school is coming on stream next year, in 1996, for starters, and a further one in 1998. There are a number of primary schools also coming on stream. I think that provides a fairly clear answer to the member's question, Mr Speaker.

MS McRAE: I have a supplementary question, Mr Speaker. Mr Stefaniak, given that the two options presented to members of the Charnwood High School community were to close the school or to amalgamate with Ginninderra High School, which will be discussed tonight on the Ginninderra High School site, both of which mean the closure of that high school at Charnwood, will you now confirm that it is your Government's policy to close schools?

MR STEFANIAK: I think our Government's policy is quite clear. The Chief Minister has stated it. I have stated it. Various members have stated it. Our policy is that we are not going to close schools without the consent of the school community. The main point of these consultations was to go through a whole series of options. I commend the Charnwood High School Board and the various people who were there when I attended that meeting, Mr Speaker, for their very detailed, very frank and very thorough examination of the issues. I think they were keeping in mind, unlike Ms McRae, the goal of the best possible educational outcome for their students. In terms of the two options which I understand they have put to their community, they have come up with them themselves. This Government has given an assurance that appropriate support will be available to support arrangements that provide a clear educational future for students in the area. The precise form and extent of this support will be decided on after the implementation team has drawn up a program to implement the decision when the school has actually made that decision.

Parkwood Eggs

MR HIRD: Mr Speaker, I would like to address a question to Mr Humphries as Minister for the Environment, Land and Planning. Is the Minister aware of the action by certain members of Animal Liberation last week in which they targeted Parkwood Eggs, which incidentally employs a number of my constituents, as part of a protest against battery hen farming? Can the Minister tell the parliament how the Government has responded to this action?

MR HUMPHRIES: I thank the member for his question, and I am pleased that I am appropriately attired to answer it, Mr Speaker. Last Friday activists from Animal Liberation raided Parkwood Eggs in West Belconnen. Members will be aware that 14 of them chained themselves to cages. Four were arrested for trespass and 10 left the premises after being directed to do so by the police. This is the second childish and immature stunt performed by Animal Liberation in recent weeks.

On 15 September they released a video claiming that it was taken inside Parkwood Eggs. An investigation by the Australian Federal Police and animal welfare inspectors from my department could not substantiate that allegation. Indeed, Parkwood themselves firmly denied that that footage had been taken inside their premises. On that day inspectors visited Parkwood Eggs and reported to me that Parkwood were complying with the conditions set out in the Code of Practice for Domestic Poultry under the Animal Welfare Act. That code, as members would be aware, is an adoption of the National Code of Practice for the Welfare of Domestic Poultry. That comes in the context of the animal welfare legislation which, as members would be well aware, is the toughest legislation of its kind in the country. Last Friday, 20 October, inspectors visited Parkwood Eggs as a result of the raid and found again that the facilities complied with the code of practice in every respect. This time they were accompanied by veterinary inspectors from the RSPCA who conducted their own inspection and agreed with the conclusions reached by government inspectors.

Mr Speaker, I am in some confusion as to what point Animal Liberation are trying to make. Originally, at the time of the 15 September raid, members of Animal Liberation made the point to the media that it was not the case that Parkwood Eggs were breaching legislation; that they were, in fact, complying with the legislation, but the legislation itself was not tough enough, or the code under which it operated was not tough enough. Last Friday activists on behalf of Animal Liberation claimed that the code was not being complied with and the legislation was being breached. I am not really sure what point they are trying to make about this. On both scores, Mr Speaker, I have to say that I think they are wrong. I want to table the reports of 15 September and 20 October which make it very clear that Parkwood is amongst the best performers in this country when it comes to complying with animal welfare legislation, particularly codes of practice that deal with the care of domestic poultry. I table those two reports.

Ms Horodny made some statements on the subject last week as well. I quote her from ABC radio on Friday morning. She said:

> The ACT doesn't have its own code of practice for the care of battery hens so we have to put together a code of practice for the ACT.

I would expect that members would exercise a little more care before they make those kinds of irrational or unsubstantiated statements. In fact, the ACT has had a code of practice for the care of domestic poultry since 15 May 1993. The process whereby those codes have been thrown up and approved by successive governments has been one widely supported by the community and in this chamber.

Parkwood is a Canberra business, as Mr Hird points out. It employs 60 people and supplies 80 per cent of the ACT's eggs. They have about 250,000 hens at Parkwood. If, as I think has been proposed by Ms Horodny, Parkwood Eggs were to be made to comply with a ban on battery production, my view is quite clear that that would almost certainly force either the closure of Parkwood Eggs or its movement across the border into New South Wales.

Mr Berry: About 200 metres to the west.

MR HUMPHRIES: Perhaps only 200 metres to the west, but making that transition would deprive the ACT, for example, of payroll tax revenue, and no ACT legislation on animal welfare can apply to them in New South Wales. It would achieve absolutely nothing from the point of view of those who seek to make a point about animal welfare. If we are to raise the standards of care for domestic poultry, or any other animals, in this country, we should do so as part of a national program to gradually get national standards for the treatment of these sorts of animals. The ACT will continue to comply with national standards. I strongly reject the suggestion that we should apply higher standards at this time - standards which, I would argue, are unnecessary at this time - because that would simply cost the ACT community jobs.

Mr Speaker, it is worth recording also that the Animal Health Committee of the national Standing Committee on Agriculture and Resource Management is recommending that the Egg Association take a more active role in self-regulation and allow firms which surpass the minimum standards under the code of practice to advertise that fact. I think we would find that Parkwood Eggs achieve that goal on all occasions, and would be able to advertise in that fashion frequently. They are one of the best facilities of their kind in the whole of this country.

MR HIRD: I have a supplementary question, Mr Speaker. The Minister heard on ABC radio on Friday last that Animal Liberation had seized a number of birds and taken them to a veterinarian who was said to be appalled by the condition they were in. Do you know who this veterinarian is?

MR HUMPHRIES: Mr Speaker, I do know who the veterinary surgeon is.

Mr De Domenico: It was Harold Bird and Associates.

MR SPEAKER: Order!

MR HUMPHRIES: It was not Harold Bird and Associates. Mr Speaker, the veterinary surgeon was Dr Roger Meischke, who would be well known to Animal Liberation because he is, I understand, a member of Animal Liberation and sat on the Animal Welfare Advisory Committee until recently as Animal Liberation's representative on that body. Dr Meischke resigned recently from the committee on the basis of his disagreement with the rest of the committee about a decision it had made about dog collars. Dr Meischke apparently finds himself unable to agree even with other persons whose role it is to protect the welfare of animals.

I tend to prefer the views of the Government's own veterinary inspectors about these matters and the RSPCA, even though it has a policy opposed to the use of battery farming of hens; but it agrees that the standards being met by Parkwood are fully in compliance with the present law. Claims made, for example, that the animals were infected with lice and were underweight were all found not to be substantiated by the inspections done by the government inspectors. In fact, there was some suggestion that some hens in those cages were overweight. That is what the government inspectors told us. Mr Speaker, I think that those who are concerned about this issue ought to be careful about the claims they make in public without being able to substantiate them.

Taxi Licence Auction

MS FOLLETT: Mr Speaker, I address a question to Mr De Domenico in his capacity as Minister for Urban Services. Minister, in the Assembly last week you replied to a question from my colleague Mr Berry asking whether you had tabled the tender documents to select an auctioneer for the sale of 15 new taxi plates. You said, "I will do it now. I will table those". Is it not the case that you misled the Assembly by tabling not the tender document but an instruction sheet for bidders? Is it not the case that the tender document was a handwritten note on a fax cover sheet which failed to state how many plates were to be auctioned and which gave a closing date for tender bids which was four days after the date of the auction? Minister, is this a photocopy of the original tender document? I seek leave to table that document, Mr Speaker.

Leave granted.

MR DE DOMENICO: Mr Speaker, I tabled what I was advised was the tender document. I do not know what Ms Follett has just tabled. I will have a look at that and pass it on to the Auditor-General, who, as the former Chief Minister would be aware, has agreed to arrange for one of his officers to review the procedures. I look forward to the Auditor-General's response.

MS FOLLETT: I have a supplementary question. I understand that the instructions to the Auditor-General are to devise a code of practice for these matters. It is not an inquiry into what happened with this particular tender. Given that this is $3m worth of government assets that are being disposed of, why did you not table the actual document? Will you give the Assembly an explanation for that? Why did you seek to mislead the Assembly on this matter?

MR DE DOMENICO: Mr Speaker, I will answer that. First, I never will, and I never did, seek to mislead the Assembly. Secondly, if the former Chief Minister had sat back and listened to what was said, even today, she would have realised that the Auditor-General is going a step further than she believes he is going. I quote from the Auditor-General's response to Mrs Carnell, where he says:

> In view of the publicity arising from the illustrative situation contained in your letter, I have arranged for one of my officers to review the procedures involved in the awarding of that contract.

I look forward to the Auditor-General's response in that review.

Mr Connolly: So he is looking into the facts of this case.

Mrs Carnell: He is looking at the facts of this case.

MR DE DOMENICO: Yes.

Taxi Licence Auction

MR WOOD: My question is to Mr De Domenico and it is on the same subject. Can you explain to the Assembly why only seven auction houses were invited to tender for the disposal of those 15 taxi licences when there are many more listed in the *Yellow Pages*, and even more registered under the Auctioneers Act? Why was no general tender for the auction called, which would have allowed all auctioneers to bid for the work?

MR DE DOMENICO: Mr Speaker, I thank Mr Wood for his question. Mr Wood would realise that eight companies decided to put in bids. I am advised, Mr Wood, that seven auctioneers were identified in the Canberra telephone directory as meeting the specified criteria and all seven were invited to tender. Invitations were issued by telephone on 27 September, seeking tenders at a flat rate. I am advised, Mr Wood, that all the auctioneers that the department deemed fit to tender were invited, and there happened to be seven of those. I am also advised that they did not have to go to the seven, but decided to go to the seven to make sure that they got the best possible tenders available.

MR WOOD: I have a supplementary question. I would have thought that the Government would have wanted to open it as widely as possible. The Minister has just indicated that the background documentation for the qualifications of these auctioneers was the *Yellow Pages*. Minister, do you believe that the *Yellow Pages* is a suitable source of information for Government action? Do you require a departmental person to peruse the *Yellow Pages*? Would you not prefer to use established guidelines?

MR DE DOMENICO: I recall, for example, Mr Wood, when you were in power, when the sound system for this Assembly building was being tendered for - - -

Ms McRae: You have been asked a question. You answer the question.

MR DE DOMENICO: You just sit back in your box. You had a turn to ask your question. Wait and listen to the answer that I am giving.

Ms McRae: You know all about being quiet, Mr De Domenico! Try answering the question.

MR SPEAKER: Order! Let the Minister answer the question.

MR DE DOMENICO: I think someone forgot to give you your apple for today, Ms Teacher. Sit back, relax and listen. You might learn something.

Mr Wood: Tell us about the *Yellow Pages*.

MR DE DOMENICO: I will tell you about the *Yellow Pages*. I recall that under the previous Government, Mr Speaker, when the sound system for this Assembly was tendered for, someone picked up the *Yellow Pages* and picked someone at random out of the *Yellow Pages*, thus missing out on a local company that happened to do the wiring for the Federal Parliament House. It was not good enough to do ours.

Ms McRae: You did not know what you were talking about then and you do not know now.

MR DE DOMENICO: If you sit back and listen, and stop quirking like the chook that Mr Humphries was talking about, you will learn something as well. On previous occasions, Mr Wood, we did not even ask for seven tenders. That was under your Government, apparently. I am advised that in 1994, for example, only one or two were invited to tender, Mr Wood. This time the department made sure that we got as many local auctioneers as possible; the ones that were registered on our BASIS system that your Government implemented. All seven of those, I am advised, were invited to tender, and they did.

Taxi Licence Auction

MR BERRY: My question, too, is directed to Mr De Domenico in his capacity as Minister for Urban Services. Minister, in your reply in the Assembly last week you stated that the tender received from the company bearing the name of Harold Hird, MLA, was the lowest tender received. Your actual words were, "... the lowest tender, $250 flat rate, was received from Harold Hird and Associates". We have to bear in mind, Mr Speaker, that we have to add to that $2,000 which the Minister then told us was going to be spent on advertising that galah event - you know, the great extravaganza. You also stated that a company called Hymans, auctioneers and valuers, was unsuccessful because it did not comply with the tender document. That is what I assume you meant when you said that the Hymans bid "did not fit into the tender things". Which things were they? Mr Minister, are you aware that the bid from Hymans, auctioneers, included all advertising, hall hire and nibblies? Minister, are you aware that the bid from Harold Hird and Associates was not the lowest bid received and that the Hymans bid was in fact zero - that is, no cost to the ACT Government and ACT taxpayers? Why did you mislead the Assembly by stating that the bid from a company bearing the name of a Liberal MLA was the lowest when it was not?

MR DE DOMENICO: I take that on board too, Mr Speaker. Mr Berry mentioned the advertising. I can inform Mr Berry that nowhere in the advertising, which would have gone ahead anyway, notwithstanding which company got the bid - - -

Mr Berry: No, no; they pay for it all.

MR DE DOMENICO: Just hold on a tick. You have asked the question; you will get it answered. I was not aware of what Hymans bid, or what anybody else bid, because the Minister, as you are aware, under the guidelines put in by your Government, is kept right away from the process, Mr Berry.

Ms Follett: Why did you say that it was the lowest tender?

MR DE DOMENICO: I was advised after the event, after the tender was awarded, that the tender from Harold Hird and Associates was the lowest tender. I still believe that advice. I have not read what Hymans said or what anybody else has said.

MR BERRY: Mr Speaker, he is happy enough to say that the Hymans bid "did not fit into the tender things". He probably had a look at the Hymans bid to see whether it had fitted into the tender. Minister, I would appreciate it if you could tell us which part of the tender documents, scribbled on a fax sheet which has been circulated, Hymans, auctioneers and valuers, did not comply with. Could you tell us that?

MR DE DOMENICO: Mr Berry, once all the information goes before the Auditor-General - - -

Mr Berry: Mr Speaker, the question has been asked of the Minister. Diving behind the Auditor-General is not the answer to this issue. The Minister ought to pay due respect to this Assembly and answer the question.

MR SPEAKER: I call the Minister.

MR DE DOMENICO: Mr Speaker, notwithstanding any way the Opposition asks this question, the answer is the same: This Government had no part whatsoever in the process of allocating the tender. Rightly, this Government should have no part in the process. The Government is quite happy to have the process looked at by the Auditor-General. This Government and this Minister knew not who was bidding; it did not know how much the bid was; it did not know anything about the thing; and quite rightly so. I am quite happy in the future to have hands-on involvement in all tenders, but I am sure that other members of the Assembly would have great concern if any Minister had anything to do with the proper process. Proper process was followed. Proper process will continue to be followed. If it was not followed, the Auditor-General will say so.

Woden Valley Hospital - Appointment of Chief Executive

MR KAINE: I address a question to the Chief Minister and Minister for Health and Community Care. I note that a new chief executive has been selected for Woden Valley Hospital. Can you tell us the process by which this selection was made and satisfy the Assembly as to the credentials of the person selected?

MRS CARNELL: I thank Mr Kaine for this question. Members will know that Woden Valley Hospital is one of Australia's major teaching facilities. Certainly, we plan for it to be one. It is also the most expensive and, in many areas, the least efficient. It is a hospital that spends more than $180m each year to treat fewer than 40,000 patients in its beds, and sees thousands more in accident and emergency and outpatient services. Earlier this year the current general manager, Glen Gaskill, advised me that he believed that a specialist hospital administrator was needed to manage the enormous changes that Woden needs to undergo. A nationwide search was carried out to find a top health manager with the right credentials for what is widely touted to be the toughest and most challenging job going in Australian health circles today. I must say that I was somewhat surprised to find that the position attracted a large and very impressive field of candidates.

After an exhaustive merit selection process, Allan Hughes was chosen as the new chief executive of Woden Valley Hospital. Mr Hughes has been chief executive of the Victorian Hospitals Association for the past decade. He brings to his new job more than 25 years of experience in health administration, including management of major hospitals and a senior health position in the Victorian Government. His experience has also seen his appointment as Federal President of the Australian College of Health Service Executives. Mr Hughes has agreed to come to Canberra on a performance-based contract and help to turn around Woden Valley Hospital's appalling financial record. The contract will contain the requirement for real and measurable outcomes.

I have heard the usual criticism from Mr Connolly today about paying senior executives far too much money. I am happy to answer him in this way: First, to achieve the necessary reforms at Woden Valley Hospital will require the commitment and experience possessed by very few senior executives in this field. I think we have seen that in the past.

If you want the best you have to pay the sort of money that major teaching hospitals all around this country are paying, and that is exactly what we are doing this time. Terry, it would be really fascinating to see what would happen to the work rate of those opposite if we put you all under performance-based contracts. Possibly that is the reason why Mr Berry opposes them.

Homebirth Program

MR MOORE: My question to the Chief Minister and Minister for Health is also on health matters. Mrs Carnell, you made a commitment on 30 March 1995, and repeated it again on 1 April 1995 at the Birth Wise conference, that the Department of Health is working towards the inclusion of homebirth in the ACT community midwives project within 12 months. Will you now confirm that homebirth will be offered as a choice to Canberra women by March 1996?

MRS CARNELL: I certainly made a commitment that homebirth will be part of the whole process within 12 months. I do not think that will be March 1996, but I can guarantee that it will be available as an option for Canberra women next year.

MR MOORE: I have a supplementary question, Mr Speaker. Chief Minister, the commitment was made on 30 March 1995. You were to meet your commitment by the end of March 1996, or perhaps some people would prefer 1 April as the date. I remind you that there is a 31 March. Meeting that commitment would take you through to the end of March 1996. Will you do so?

MRS CARNELL: The commitment certainly stands, Mr Moore. As you know, it is something that I feel very strongly about. I am also very pleased to note that the community midwives project is going so well in the ACT. We all saw recently that the first babies in that project have been born. I understand that those babies were the first babies born in Australia under the community midwife approach. It is obviously a project that women in Canberra are embracing. We already have a waiting list for the project. It is one where women are - - -

Members interjected.

Mr Kaine: I take a point of order, Mr Speaker. The Chief Minister is attempting to answer a question and all I can hear is the Opposition cackling like a bunch of battery hens. Can you stop them?

MR SPEAKER: Mr Kaine, we have already had that question, but I do uphold the point of order.

MRS CARNELL: The community midwives project allows women choice as to the sort of care they have during pregnancy, birth and the postnatal period. As I said, it is working very well. The final piece of that puzzle is homebirth and it is an absolutely essential part. It does have my total support.

Taxi Licence Auction

MR CONNOLLY: My question is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, you said in the Assembly last week that the first knowledge you had from any source that Harold Hird and Associates, the company bearing the name of your parliamentary colleague, had been awarded the contract to auction 15 new taxi plates was on 9 October last. Minister, did you, or any member of your staff in your office, have any contact with any person involved in the tender selection process which culminated in Mr Hird's company, or the company associated with Mr Hird, being awarded this contract, before the final decision was made by the Department of Urban Services or before the successful tenderer was announced? If so, who had contact with whom?

MR DE DOMENICO: I will answer the question in this way, Mr Speaker. I had no contact with anybody prior to 9 October. That was the first time I knew that Harold Hird and Associates had been awarded the tender - not was going to be awarded but had been awarded the tender - and quite rightly so, because, as I said, under the process, I should not have had any contact, and did not, with any member of the Department of Urban Services.

MR CONNOLLY: This is not really a supplementary question; it is the key question: Was any member of your staff, any member of your private office, involved in any contact with the people involved in the tender selection process?

MR DE DOMENICO: The answer to that is: Not that I am aware of.

Interferon

MR OSBORNE: Mr Speaker, my question is to the Minister for Health and Community Care, Mrs Carnell. Minister, the plight of the interferon program for Canberra's 1,500 hepatitis C sufferers has recently been brought to my attention. I understand that the drug interferon, although it has not yet been fully tested, is the only available treatment for this disease, other than a liver transplant. I believe, Minister, that the Commonwealth Government is willing to provide interferon at no cost if the States and Territories will pay for the cost of administering this treatment. I understand that New South Wales already has an interferon program in place. The ACT Government, on 13 July this year, endorsed the national hepatitis C awareness plan and donated $5,000 to a support group. These same people have been prevented from having this treatment because no funds have been allocated for it in the current budget. Is the Government doing anything about getting an interferon treatment option working here in the ACT?

MRS CARNELL: The ACT has made some progress in implementing the action plan, particularly in surveillance, education, and prevention and testing for hepatitis C. However, there have been some difficulties in fully implementing the plan, as the Commonwealth Government has not provided financial support to State and Territory health departments for implementation. The department is examining how the ACT can meet its obligations with regard to the action plan. However, in the current financial climate, it is going to be very difficult. I believe that the Commonwealth Government should be providing greater financial assistance to the States and Territories to assist with full implementation of the plan. Since January 1995 the ACT has been participating in the 12-month pilot national hepatitis C surveillance scheme to determine the number of new infections in the ACT as well as to identify the risk factors. PCR testing for hepatitis C recently became available in the ACT through Woden Valley Hospital.

Mr Berry: How dare you blame the Commonwealth when you are participating in a pilot. That is outrageous. You have agreed to the pilot.

MR SPEAKER: Order!

Ms Follett: When am I getting my briefing that I have asked for urgently?

MR SPEAKER: It will not happen now because the Chief Minister is answering Mr Osborne's question.

MRS CARNELL: It is estimated that PCR testing will cost the ACT about $30,000 each year. Interferon became available as an S100 drug on 1 October 1994, but access to interferon treatment is not available because of insufficient resources to run a liver clinic. It is estimated - - -

Mr Berry: Because the ACT Government has made a decision not to do it until the pilot looks into it.

MR SPEAKER: Order!

MRS CARNELL: Mr Berry, maybe you might notice that on 1 October 1994 we were not in government. You might note this. It is estimated that about 1,500 people in the ACT and surrounding regions may need to be assessed for treatment. Currently, about 100 people are on the waiting list for interferon.

In addition to the demands placed on specialist services, the management of patients on interferon will also increase demands on pathology, medical imaging, nursing and pharmaceutical services at Woden Valley Hospital. The cost of pathology alone for one interferon patient is estimated at $900 every year. The Department of Health and Community Care is working with the Commonwealth and other State and Territory governments on the development of national and local strategies on hepatitis C education and prevention. At present hepatitis C education and prevention is focused on high risk groups. The needle exchange program provides free needles and syringes to injecting drug users. Hepatitis C education services are largely provided by agencies who help

HIV AIDS education. Obviously, the ACT Government sees hepatitis C as a very real problem for the future. Interferon treatment has not yet been fully proven as being effective, but we are working with the Commonwealth Government to ensure that in the future a treatment plan is available in the ACT.

Ms Follett: When can I get my briefing?

MRS CARNELL: Any time you like.

Local Area Planning

MS TUCKER: My question is to Mr Humphries as Minister for Planning. Mr Humphries, last week I asked you a question about the LAPACs and the amount of time that you have given them to respond to variation 33. I noticed that in your response you said that you thought it was adequate time for them to begin to respond to this variation. You also said that you believed that they had a responsibility to develop awareness guidelines. That group, at the first and only meeting they have had, did not even know each other's names. Some of the members of that LAPAC were saying, "What is this variation and what is the moratorium?". That group had not enough time to even have another meeting and asked for an extension of time to give in their submissions. I would like to know how you think they can possibly develop awareness guidelines, or what you think awareness guidelines are. Before they are developed, how can they come up with a thoughtful response to variation 33?

MR HUMPHRIES: Mr Speaker, I think Ms Tucker is confusing two things. I asked for consideration by the LAPACs fairly rapidly of draft variation 33. I did not require them also to develop awareness guidelines within the same timeframe. They have as much time as they want to develop awareness guidelines. They can take a year if they want to. It will not be much good for people in their communities, I must say, if they take that long; but there is no time limit on that aspect of it.

Mr Speaker, as I said in my previous answer on this matter, it is of concern that a great many planning processes have been held up while we have waited for the establishment of local area planning, and, now, the consideration of draft variation 33 through that process. I do not apologise for being concerned that we get the draft variation up before the LAPACs and into the Assembly at the first available opportunity. The committee sought a two-week extension. As I indicated to the Assembly, I was happy to grant the two-week extension. Nobody has written to me, that I am aware of at this stage, to say, "We do not consider that the two weeks is adequate". I assume that if they did write to me in those terms it would not be the view of the whole of the committee which has already asked for a two-week extension and no more.

Mr Speaker, I am not indicating that I am prepared to grant endless extensions in this matter. I certainly am not. But I should say that it is important that we start to develop a decision-making process, not just a process for putting people in touch with issues, talking through issues and having a chance to communicate. That is very important, but it is not the whole question. The issue is getting some decisions made on issues about which the community is rightly quite concerned. So we have set the process in train. We announced LAPACs some time ago. We brought the elections up to early September or late August. We now have LAPACs in place. We expect them to be educating themselves about issues. We are making officers available to do that. We have put aside $100,000 to assist in the process of educating them and helping them get the information that they need, and I think it is not unreasonable in those circumstances that they should draw towards making a decision.

MS TUCKER: I have a supplementary question, Mr Speaker. My question was: What is your understanding of the meaning of the term "awareness guidelines"? I was not implying that they needed to do that before or at the same time as this response to variation 33. My question was: How do you see a committee's ability to evaluate a particular variation until they have developed awareness guidelines, and what is your idea of awareness guidelines?

MR HUMPHRIES: Mr Speaker, first of all, "awareness guidelines" is a deliberately vague term because it is up to the local communities, through the LAPAC process, to determine what standards or performance criteria they want to put in place, or want to propose to put in place, in respect of their local areas. For example, if they want to develop awareness guidelines which say, "We should not have developments in our streets such as to create more than two dual occupancies per section of the Territory Plan", that would be an awareness guideline requirement imposed by that LAPAC, and they would be entitled to put it forward for consideration by the Government and by the planning processes, and perhaps even for consideration in the context of the Territory Plan amendments, and so on. What we are talking about is them determining the sorts of issues they want to address in the context of their whole areas, issues that might or might not be part of the present planning process.

It should be very clear, I think, to all players in this matter that the development of awareness guidelines is not a precursor for the other work that the LAPAC has to do. It will have to consider other issues before it develops its awareness guidelines. It will have to look at particular planning applications in the context of the present law and the Territory Plan; it will have to look at particular variations to the Territory Plan and so on in that framework. I regret the fact that we do not have a year to let them become educated and mull over a range of possible issues in this matter. We do not have a year to leave some important decisions to be made. I would like to let them have as much opportunity as I can to understand the process, and, as I say, the Government has put aside money to make that happen; but it will not be an open-ended process. It must make some decisions as it goes along.

Taxi Licence Auction

MR WHITECROSS: Mr Speaker, my question without notice is to Mr De Domenico, the Minister for Urban Services. The tender process to select an auctioneer to auction 15 new taxi plates, which is due to be held tomorrow, is now under serious question, given that the successful tenderer does not appear to have had the lowest bid; that the lowest tenderer is a company bearing the name of Liberal MLA Harold Hird; that there is some question about the involvement of your office, which you were not able to refute today; that the tender documents in relation to this tender appear to be a handwritten facsimile which does not set out clearly what services are being purchased and what criteria will be used to evaluate the tender; and that the Auditor-General has now involved himself in the matter. Given all these things, will you now postpone the auction of the taxi plates and redo the tender process in a way which is fair, follows proper procedures, and is seen to be fair?

MR DE DOMENICO: I thank Mr Whitecross for his question. The answer to all those questions is no. I have the utmost confidence in the process, Mr Speaker. The process, by the way, was initiated by the former Government.

Ms Follett: Then why did you call in the Auditor-General? What is the Auditor-General doing?

MR DE DOMENICO: The Government is quite happy to allow the Auditor-General to revisit the process. I am quite sure that the Auditor-General will say that the process has been adhered to. My advice from the department is that the process has been adhered to. I am quite happy to take on that advice, and I think the auction should go ahead.

MR WHITECROSS: Minister, can you confirm that, despite the fact that the Auditor-General has felt sufficiently strongly about the matter to want to look at it, you - - -

Mr De Domenico: No, he was invited to look at it. He did not feel strongly inclined to look at it; he was invited to look at it.

Mrs Carnell: I asked him.

MR WHITECROSS: Given that the Government felt sufficiently concerned about the process to ask him to look at it, why are you not prepared to postpone the auction until we have heard what they have to say, at least; if not, to redo the process in a way which is more transparently fair, and is seen to be fair?

MR DE DOMENICO: Mr Speaker, this Government intends to go ahead with the business of government, and that means rolling your sleeves up and doing the job. If we are going to stop and ponder every time this Opposition doubts anything, we will be here forever. This Opposition has shown itself to be irrelevant, and it continues to show itself to be irrelevant. We will get on with the job, Mr Whitecross. You sit back there and cackle, like at Parkwood Eggs. We will get on with the job. The auction will go ahead. We are happy with the process and that is why the auction will go ahead.

Ms Follett: You are looking after your cronies; that is what you are doing.

MR DE DOMENICO: No, we are not.

Mr Connolly: There is a smell like Parkwood Eggs over this.

MR DE DOMENICO: You would not know how to smell anything except your own bathwater, which you drink anyway, Mr Connolly.

MR SPEAKER: Order!

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

Sex Workers - Police Records

MR HUMPHRIES: Mr Speaker, before the Chief Minister presents a paper, may I provide an answer to a question? In the adjournment debate on 20 September Mr Moore raised with me in the Assembly the issue of the criminal records of prostitutes following the legalisation of prostitution. At the time I indicated that I would take the issue on notice and advise the Assembly of the answer. Mr Speaker, I raised this matter with the then Attorney-General, Mr Connolly, in June of 1993 and I sought the same action Mr Moore has sought from me, so I can understand why he has asked the question.

I have had advice from the Deputy Commissioner of the Australian Federal Police, Mr Allen, that the records of people associated with the prostitution industry in the ACT prior to the legalisation who were not involved in other criminal activities and who did not have previous criminal convictions at the relevant time having the force of law were destroyed on 17 February 1994. Records of people associated with the prostitution industry in the ACT prior to legalisation who have been involved in other criminal activity or who have previous criminal convictions at the relevant time having the force of law have not been destroyed. Mr Speaker, Mr Moore told the Assembly that it was his view that this had not yet been done. I can assure Mr Moore that the records were disposed of in accordance with the provisions under the Archives Act 1983. I have written to Mr Moore indicating the answer to that question in more detail.

MR MOORE: Mr Speaker, I seek leave of the Assembly to make a very brief statement for perhaps a minute-and-a-half on that issue.

Leave granted.

MR MOORE: Thank you, members. Mr Speaker, this really closes the circle on an issue that this Assembly has dealt with very responsibly. The issue of sex workers in the ACT has brought international interest. At the Commonwealth Parliamentary Association conference that I attended in Sri Lanka a couple of weeks ago a number of African states in particular, including Botswana and some local jurisdictions within South Africa,

were particularly interested in our legislation and in our report. It pleases me that the final recommendation of that report that had not been adopted, to the best of my knowledge, has been adopted. It is a great credit to the previous Government for their interest and for following that up. I think it is a great credit to our Assembly that in this issue we have been able to show such tolerance for an activity that I think most of us find personally unacceptable.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Committee Activity During the Second Assembly - Government Response

MRS CARNELL (Chief Minister and Treasurer) (3.17): Mr Speaker, for the information of members, I present the Government's response to Report No. 19 of the Standing Committee on Public Accounts entitled "Review of Committee Activity During the Second Assembly", which was presented to the Second Assembly on 7 December 1994. I move:

That the Assembly takes note of the paper.

In December 1994, the presiding member of the Standing Committee on Public Accounts issued the committee's Report No. 19, "Review of Committee Activity During the Second Assembly". The report summarised the workload and endeavours of the committee, mentioned specific support for the development and implementation of accrual budgeting and accrual accounting, and highlighted some unfinished business of the committee. The content and recommendations are entirely procedural in nature, with the recommendations, in effect, seeking to provide the new committee with access to papers of the previous committee in order to allow for the continuation of the work of the previous committee. In particular, the committee's interest in the progress of accrual accounting and budgeting would be maintained.

The Government is comfortable with the three recommendations made by the committee. These are, firstly, that the files of the previous committee should be assessed by the new PAC to consider whether the matter of the adoption by government of accrual accounting and budgeting should be pursued. It was looking at a then timeframe of accrual accounting being in place by 1996-97 for departments. The committee had briefed itself extensively on the subject matter, including a trip to New Zealand for extensive discussions with New Zealand officials, professional and business organisations, client bodies and academics. My Government is strongly in favour of pursuing improved management of the public sector under a shorter timeframe than has been the case until now. This Government has accelerated the process such that accrual accounting will be achieved across departments for the 1995-96 reporting year.

The committee report also recommended that membership in the Australasian Council of Public Accounts Committees, which provides a means of interaction between the public accounts committees of the Federal and State parliaments, be continued. The third and final recommendation involves continuation of the consideration of three reports of the Auditor-General - Nos 6 of 1994, 7 of 1994 and 8 of 1994. That work was incomplete at December 1994.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a determination and regulations. I also present a notice of commencement for sections 4 and 5 of the Nature Conservation (Amendment) Act 1995.

The schedule read as follows:

Adoption Act - Determination of fees - No. 149 of 1995 (S265, dated 23 October 1995).

Boxing Control Act - Boxing Control Regulations (Amendment) - No. 38 of 1995 (S256, dated 10 October 1995).

National Crime Authority (Territory Provisions) Act - National Crime Authority (Territory Provisions) Regulations - No. 39 of 1995 (S258, dated 13 October 1995).

Nature Conservation (Amendment) Act - Notice of commencement (16 October 1995) of sections 4 and 5 (S260, dated 13 October 1995).

MENTAL HEALTH LEGISLATION
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 mental health.

Leave granted.

MRS CARNELL: Mr Speaker, this Government is committed to the development and improvement of mental health services in the ACT. In August last year, the previous Legislative Assembly passed the Mental Health (Treatment and Care) Act 1994. In the report on the inquiry into the Mental Welfare and Crimes (Amendment) Exposure Draft Bills, the Standing Committee on Social Policy recommended:

> ... for the duration of the proposed interim mental health legislation, a formal monitoring mechanism be established whereby the Government reports to the Standing Committee on Social Policy every six months on the need for and provision of services, including legal services, for people with a mental dysfunction.

The legislation - comprising the Mental Health (Treatment and Care) Act 1994, Crimes (Amendment) Act 1994 and Mental Health (Consequential Provisions) Act 1994 - was gazetted on 6 February 1995. This legislation is concerned only with the treatment and care of people with a mental dysfunction or psychiatric illness.

The aims of the legislation are to set out the rights of mentally dysfunctional people and to ensure that those rights are upheld. Its objectives are to provide treatment, care, rehabilitation and protection of mentally dysfunctional persons in a manner that is least restrictive of their human rights; to provide for mentally dysfunctional persons to receive treatment, care, rehabilitation and protection voluntarily and, in certain circumstances, involuntarily; to protect the dignity and self-respect of mentally dysfunctional persons; to ensure that mentally dysfunctional persons have the right to receive treatment, care, rehabilitation and protection in an environment that is the least restrictive and intrusive, having regard to their needs and the need to protect other persons from physical and emotional harm; and to facilitate access by mentally dysfunctional persons to services and facilities appropriate for the provision of treatment, care, rehabilitation and protection.

The general manager of Woden Valley Hospital, Mr Glen Gaskill, has kept the Social Policy Committee informed of the progress of the early stages of the implementation of this important Act, and shortly I will be forwarding to the Social Policy Committee a detailed report. The Mental Health Tribunal and the associated procedures and processes have been in operation for only a short time. The Act in its infancy of operation has highlighted a number of areas that deserve further attention. These mainly relate to the complexity of some cases; the need for balance between demand for crisis support and ongoing support; and straining resources and facilities across various services to care for those clients with complex needs. Problems have been experienced when a client has a multifaceted disorder requiring a cross-service approach to their management. The complexity of their needs places a strain on the available resources within the mental health framework and related services. A recent case before the Supreme Court highlighted the difficulties of clients with multifaceted problems and the problems in operating within a small jurisdiction with limited flexibility in service alternatives and facilities.

Generally, only a small percentage of situations where people become involved within the mental health framework encounter difficulties, the majority being resolved quickly and effectively. However, the difficult cases tend to be resource intensive and remain foremost in people's minds, fuelling concern and causing considerable contention amongst services, the community and people close to the issues. Due to ignorance and misunderstanding, people with mental illness often experience rejection and discrimination rather than the assistance, understanding, support and acceptance that are needed.

Members are aware that there are no simple solutions to the challenges confronting us, and we must continually work towards change to ensure best practice in our delivery of services to the mentally ill. The key measure for the effectiveness and quality of our services must be the outcomes for the individuals and their ability to achieve their goals and aspirations. It is essential to ensure that services are effective and appropriate to meet people's needs and to ensure that needs are the focus of our service provision. It is my vision to provide an effective, high-quality, integrated mental health service for the people of the ACT and surrounding region.

As you are aware, funding was made available in the recent budget for the establishment of a management assessment panel. The management assessment panel concept is based on the successful South Australian model, which has been in operation since 1987. The aim of the management assessment panel is to improve current service delivery by promoting cooperation and coordination between the existing services. This panel will assist the tribunal with the coordination of services for a range of people who have traditionally fallen through the cracks.

People with mental illnesses and their families do not live in a vacuum which can be managed by mental health services alone. They are influenced by a multiplicity of government actions. Government departments must recognise their responsibilities and accordingly work together to provide a cohesive service for the estimated one in five people who have a mental health problem in any one given year. A working party at the operational level is currently working successfully towards addressing and refining procedural issues and will provide ongoing assessment in relation to the Mental Health Tribunal. This cooperative approach will ensure that mental health services in the ACT and surrounding region will be improved, will be better coordinated, will better meet the needs of the community and will be of a high standard.

Although much has been accomplished, there is still much more to be done. The direction in the next six months will be guided by the outcomes of the review by the Social Policy Committee of the need for and provision of services, including legal services, for people with a mental dysfunction, as well as streamlining operations and clarifying management of the most difficult cases. People affected by mental illness are among the most vulnerable and disadvantaged in our community. There is systemic discrimination and people are often denied rights and services to which they are entitled. This level of ignorance and discrimination still associated with mental illness in today's society is completely unacceptable and must be addressed. I am sure that everyone in this Assembly shares that view. I present the following paper:

> Mental Health - Implementation of ACT Mental Health Legislation 1994 - report - ministerial statement, 24 October 1995.

I move:

> That the Assembly takes note of the paper.

MR CONNOLLY (3.29): I take the opportunity to respond briefly to this statement on behalf of the Opposition. Broadly, we welcome what the Chief Minister and Health Minister has had to say and in particular endorse Mrs Carnell's statement towards the end of the speech that, although much has been accomplished, there is still more to be done. That is indeed a correct assessment of the situation. It is something to the ACT's shame that it was only in 1994 that the last vestiges of the Lunacy Act of 1898 were removed from the statute books in this Territory. The passage of the mental health legislation Mrs Carnell referred to was one of the most significant legislative achievements of the period of our Labor Government. It was a significant achievement for this Assembly. There was a quite vigorous campaign to sensationalise certain aspects, particularly the involuntary treatment and such orders, and it was to the credit of this Assembly that people managed to avoid the temptation of playing politics with that. As a result of the efforts of the Social Policy Committee, presided over by my then colleague Ms Ellis, we were able to reach a generally bipartisan position on that legislation.

I would say to Ms Tucker that she may well find that, while there may be areas that interest her more - that is not to say that she is not interested in mental health issues - the Social Policy Committee's review of the mental health package could well be the most important task that committee will have over the life of this parliament. Inevitably, there will be glitches in the system, despite the best efforts of a lot of people over many years in putting together the ACT's package, which has been seen by commentators outside the ACT as something of a model of integrated mental health legislation, and the ACT is one of the few jurisdictions that actually meet the national model of mental health legislation. There inevitably will be glitches, and we will be looking to the Social Policy Committee to continue the work of the last Assembly and to come up with solutions that can bring the Assembly together on these issues rather than divide us.

Mental Health Week, which Mrs Carnell briefly referred to, was celebrated and observed last week, which is a good thing; although, again to echo the Chief Minister, much has been accomplished but much more is to be done. In opposition one tends to watch a lot more TV than when one was in government, and I noticed last week that there were a lot of those advertisements running - "Bloggs is coming back to work. Is that not the person who had a car accident last year? It is a good thing he is coming back to work"; or "Is that not the person who had a breakdown last year?". That challenges us about the way we often think differently of a person who has had a mental illness from the way we think of a person who has had a physical illness. That is a very encouraging program and a lot of good work is being done on awareness raising.

I was, however, horrified last night, and I take the opportunity to say this here today, watching the ABC's arts program *Review*, when they did a review of a shortly to be released Australian movie featuring a love affair between two people suffering from schizophrenia. At the end of the generally favourable review, the learned and fairly superior arts commentator said, "It is a story about two charming fruitloops". I thought that was an utterly appalling statement from an arts reviewer describing a film - - -

Mr De Domenico: On the ABC.

MR CONNOLLY: On the ABC, describing a movie where the producer and the writers clearly were attempting to say something quite positive about people living through a mental illness and relationships. No doubt it is a fine movie, but to hear the arts commentator describe it as a film involving two charming or delightful fruitloops certainly made me spill my late night cup of milo. Again, as the Chief Minister said, much has been achieved in raising awareness of mental health issues, but much more remains to be done.

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

AUSTRALIAN ROAD RULES
Ministerial Statement

MR DE DOMENICO (Minister for Urban Services): I ask for leave of the Assembly to make a ministerial statement on Australian Road Rules.

Leave granted.

MR DE DOMENICO: Mr Speaker, I wish to bring members' attention to progress being made on developing and implementing national traffic and road rules legislation as part of the road transport reform agenda of the National Road Transport Commission. The NRTC was established in 1991 to develop a national package of transport laws that improve transport efficiency, enhance road safety and reduce costs of administration. At present, each State and Territory has its own driver, traffic and vehicle legislation. In addition, the Commonwealth has legislation for the Federal interstate registration scheme. This non-uniformity of legislation imposes a considerable cost on the road transport industry and creates unnecessary complexity and confusion for the motorist travelling or moving interstate.

For the first time, a specific process is in place to implement national road transport legislation. As a consequence of agreements made between heads of government on 30 July 1991 and again on 11 May 1992, and between the Commonwealth and the ACT on 19 November 1991 and 27 August 1992, once it is agreed by a ministerial council of transport Ministers the Commonwealth will make model or template road transport legislation for the ACT. Other jurisdictions have agreed to adopt this model legislation. The Legislative Assembly agreed to this process by passing a motion put by the then Chief Minister on 6 August 1991. The Assembly specifically consented to the making by the Commonwealth of the model legislation for the ACT.

The Australian Road Rules will be established in regulations under the Road Transport Reform (Vehicles and Traffic) Act, passed by the Federal Government in 1993. There are a number of additional regulations being attached to this Act which I will briefly itemise to demonstrate the scope of the national road transport reform that is presently being progressed. The Vehicle Standards Regulations will address the construction and performance standards applied to all motor vehicles and trailers, as well as ongoing roadworthiness requirements. They will include general safety requirements such as

steering and windscreens, vehicle markings, including vehicle identification numbers, configuration and dimensions, including axle spacings, length and width, all external lights and reflectors, braking systems, fuel systems, noise and emissions, speed limiting, and trailer connections.

The Road Transport Reform (Mass and Loading) Regulations will impose mass limits on vehicles and combinations, including their loads, as well as mass limits for individual tyres, wheels, axles and axle groups. They also will impose rules about the size of the load, how far it may project from the vehicle, warning signals for certain projections, and the securing of loads. The Oversize and Overmass Vehicles Regulations will allow authorities to exempt vehicles and combinations from the mass and dimensions limits in the Heavy Vehicle Standards Regulations and the Mass and Loading Regulations. Vehicles that may be exempted include special purpose vehicles such as mobile cranes, concrete pumps, fire trucks, agricultural machines and implements, as well as low-loader and platform combinations designed to carry indivisible items.

The Restricted Access Vehicles Regulations are a related national set of procedures under which vehicles and combinations that are too large or too heavy to be allowed general access to the road network, other than those to which the Oversize and Overmass Vehicles Regulations apply, are given restricted access. Access is granted by means of a permit setting out the class of vehicles or combinations covered, the area in which they may travel and the conditions of travel. There have also been established regulations addressing the working hours of bus drivers, and similar regulations are planned for heavy vehicle drivers. These regulations seek to specify rest periods and log book management for both drivers and those responsible for the consignment of goods by road. This national road transport reform process further embraces such matters as the transport of dangerous goods and national driver licensing and registration systems, and will be backed up with appropriate compliance and enforcement mechanisms.

I will now turn to the remaining regulation to be attached to the Road Transport Reform (Vehicles and Traffic) Act 1993, the Australian Road Rules, which are the focus of this ministerial statement. A draft of the Australian Road Rules was made available for public comment in December 1994. It was advertised nationally by the NRTC, including in the *Canberra Times*, supported by additional advertising in the local press. Since that time, the NRTC and jurisdictions have been preparing a revised draft taking into account the public comment and dealing with a number of outstanding issues that are not yet finally agreed.

The rules address traffic matters that are pertinent to all jurisdictions. They will provide clear, plain-English rules for motorists on such matters as signs and road markings, parking, and give-way priorities in roundabouts - an issue that is particularly relevant to the ACT. They will provide a complete range of traffic rules for all Australians in a single document, ranging from give-way priorities for trams to the distance to be maintained when towing caravans in areas where road trains are in common use. The road rules will not address criminal matters such as negligent or culpable driving or offences relating to drink-driving. These matters will remain the responsibility of each jurisdiction, and rightly so.

The ACT has no major concerns with what is proposed in the draft rules, which will give us the opportunity to have best practice road traffic legislation consistent with other jurisdictions. Following settling of the last draft, the NRTC will present the draft rules to the chief executives of transport agencies, and then to a ministerial council of transport Ministers for final voting. It will then be submitted to the Federal Parliament and is expected to be passed and implemented in 1996. As with other national road transport legislation, my vote at ministerial council will represent the ACT position. The decision to accept or reject the Australian Road Rules will not be available to the Legislative Assembly, in light of the Assembly's agreement to the NRTC process on 6 August 1991, which I previously mentioned. However, with the commitment this Government made last week, we will make sure that the Assembly has a long time to look at anything before anybody goes out of this place and votes on behalf of the ACT.

The purpose of my statement today is to bring members' attention to this important development, which for the first time will bring into place nationally consistent road rules, with resultant benefits to motorists and road safety. In so doing, I once again congratulate previous governments and, in particular, two Ministers - Mr Lamont and Mr Connolly - for the work they have done. It is something that is mutually recognised as being bipartisan and non-party-political. I commend the statement to the house. I present the following paper:

Australian Road Rules - ministerial statement, 24 October 1995.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

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

MR OSBORNE: I present Report No. 13 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I seek leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Report No. 13 of 1995 contains the committee’s comments on 23 pieces of subordinate legislation, four Bills and one Government response. I commend the report to the Assembly.

COMPETITION POLICY REFORM - SELECT COMMITTEE
Appointment

MS TUCKER (3.41): Mr Speaker, I ask for leave of the Assembly to move a motion to establish a Select Committee on Competition Policy Reform.

Leave granted.

MS TUCKER: I move:

That -

(1) a Select Committee on Competition Policy Reform be appointed to inquire into and report on the Competition Policy Reform Bill 1995 to assess the impacts, whether positive or negative, of the introduction of the Bill on the ACT community and in particular to:

(a) determine the impact on the ability of the Assembly and the Government of the ACT to pursue policies and protect the interests of the Territory in relation to:

(i) legislation and policies relating to protection of the environment, including fostering environmentally sustainable practices;

(ii) social welfare and equity objectives;

(iii) maintenance of basic wage and work conditions, including legislation and policies relating to matters such as occupational health and safety, and access and equity;

(iv) the interests of consumers;

(v) the economic wellbeing of the local community;

(vi) the efficient allocation of resources; and

(vii) any other services provided by or on the behalf of the ACT Government;

(b) determine and assess:

(i) alternative options for achieving any benefits which may be achieved through enactment of the Bill;

(ii) options for preventing or reversing any adverse impacts which may occur as a result of the enactment of the Bill; and

(c) other relevant matters as determined by the Committee;

(2) Ms Follett, Mr Kaine and Ms Tucker be appointed as the members of the Committee;

(3) the Committee shall report by the first sitting day in March 1996; and

(4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

The ACT Greens believe that it is essential to establish a select committee to consider the issues that arise from the Competition Policy Reform Bill. The Bill has been introduced on the assumption that, through promotion of competition, we will see greater efficiency in the delivery of services. I say that this is an assumption because there is little evidence to suggest that it is fact. The Hilmer report, which forms the basis for many of the reforms that are currently being promoted, states that there is no one approach that will gain efficiency. In fact, it argues a case-by-case approach to gain efficiency. However, the basic underlying assumptions remain: Firstly, that competition leads to efficiency; and, secondly, that efficiency is good for people. Efficiency may be good for some of the people some of the time, but it is almost never good for all of the people all of the time.

The reference by Mrs Carnell to digging a moat shows that she fails to acknowledge that, as Hilmer argued, a case-by-case approach is possible with this legislation as well and it is probably desirable. I heard the Liberals argue fiercely for the corporatisation of ACTEW because it was one measure to make us more competitive; yet there was an opportunity, unfortunately not taken up by the Assembly, to look at that change more carefully. It is the duty of every member of any democratically elected assembly anywhere to promote policies they believe will enhance the wellbeing of their constituents. A responsible person will ensure that she or he has made a decision based on the best possible advice, following a thorough assessment of the issues at hand. Sometimes making such an assessment can be reasonably quick and easy, but with other issues, such as the Bill before us, such an assessment requires a lot of consideration and wide-ranging public debate.

The Bill has only just been passed in the Federal Parliament, and it is 1995. It is very interesting to look at *Hansard* and to see the range of concerns expressed by members of all parties. Mr De Domenico claims that we are just doing what Greens do around the country. That is probably true, Mr De Domenico. I do not know why you

have to be unpleasant when you make these points, though. It does nothing for your argument. It is absolutely true that the Green senators did raise concerns, but if you look at the Senate *Hansard* I think you will see that a lot of your Liberal colleagues and National Party members also had very serious concerns about the impact of the legislation there.

The proposed terms of reference, therefore, seek to achieve two things. First of all, the inquiry by the select committee would have to determine the impact of enactment of the Bill on the Assembly's and the Government's ability to pursue and protect social, environmental and economic objectives for the ACT. This assessment will have to be thorough, as the potential impact of the Bill is so wide ranging. Secondly, but no less importantly, the committee will be asked to determine whether there are alternative options that would bring the same benefits to the Territory. We are told that the Bill and the market reforms it brings are the solution to all our problems; yet we are not told what other options, if any, have been considered and why, if any were considered, they were rejected. We are also told that the impact of the reforms will be positive. We are not convinced. In fact, the ACT Greens believe that there is real potential for serious negative impacts. Therefore, we ask that the committee investigate options for preventing negative impacts.

In summary, the ACT Greens believe that a select committee with the terms of reference proposed will ensure a more thorough understanding of the impact of the Competition Policy Reform Bill, potential alternatives, and ways in which adverse effects can be alleviated.

MS FOLLETT (Leader of the Opposition) (3.46): The Opposition will be supporting this motion. In fact, there has been negotiation around the motion since this morning when the issue first arose for debate. Although I have been in a somewhat privileged position, having been involved in the national discussions on competition policy for some years and having only just missed out on the culmination of those discussions earlier this year, I still believe that in discussing competition policy for Australia there are a great many issues that need to be quite clearly specified so that the community, the governments and parliaments involved, and also the organisations who will be directly affected by a competition policy, the government business enterprises and so on, are aware of what the important issues are.

I was concerned in the debate on competition policy to ensure that there would be benefits for the community overall as a result of this reform process, and the kinds of benefits that I was anxious to see were, of course, benefits to the consumers; of course, benefits by way of community service obligations on the organisations involved; of course, greater environmental protection, and so on. But it seemed to me that in the debate on competition policy, while there was often lip-service paid to those kinds of issues, it was the rhetoric of competition and of reform that seized the moment and these other issues were not given, throughout that debate, the kind of profile they deserved.

I support the competition reforms that are going on around Australia, and I think we have already seen at least some evidence that competition means a better outcome for consumers. If you look at things like telephones, airlines and so on, you will see that, where there is genuine competition, very often the consumers get a better deal.

But there are potential losers in all of these reforms, and I think we, as a parliament, have a duty to point out some of the equity concerns that can be an issue in competition policy. So I support the inquiry being undertaken by a select committee. If the committee does no more than delineate what these issues are and perhaps attempts to delineate what might be the desirable outcomes as we see them, that will be a very worthwhile addition to the debate on competition policy. It is an aspect of that debate that I do not believe has been adequately covered so far.

Most of the negotiation around the appointment of a committee was around the reporting date for the committee. I understand the Government's wish to get on with their legislation, because it is template legislation; it will be the same right around Australia. You might say that it is not very controversial and we should just get on with it, and I understand that point of view. However, once the legislation is passed, the opportunity for this kind of scrutiny is probably past as well. So I believe that it is important that we conduct the scrutiny before we get into the detail stage of this debate. We have negotiated on the date for reporting by the select committee. I realise that it is probably a bit later than the Government would like and a bit earlier than the movers would like, but I think it is a reasonable compromise position. It does allow the committee at least some time to consult and to consider the issues before it. It also means that the Government can get its legislation through within the timeframe of the national reform initiatives.

As I said, we support the motion. I am very pleased that there appears to be bipartisan support for it, or multipartisan support, I should say, and I look forward very much to working on the committee. I also look forward, and I am sure that I can be confident in this, to getting a degree of cooperation from the Government and from the Government's advisers on this matter. Clearly, there are some technical issues on which we, as a committee, will need to seek advice, and I hope that it will not be a problem for the Government's advisers to come up with the information we may require in the time that is now envisaged in the motion. I think it is a good motion. I do not care whether it is part of a national scheme by the Greens. I do not think that rules it out at all. It is still a motion that is worthy of being treated on its merits by this particular parliament, and the Opposition will be supporting it on that basis.

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (3.51): The Government will also be supporting the motion. Ms Follett is right; the Government would have preferred this to go ahead and to get the job done. As Ms Follett said, it is template legislation. It is going to be introduced by every other jurisdiction, and it seems that the ACT is going to be lagging behind. Ms Tucker said that efficiency is not always good. In my view, Ms Tucker, efficiency is always good in comparison to inefficiency. I think all of us will agree that if you can be efficient it is better than being inefficient.

Can I say, Ms Tucker, that, if you thought I was unpleasant, I apologise. I did not mean to be unpleasant. I do not think I am ever unpleasant, actually. I am frustrated, though, Ms Tucker. I sit back here and listen to some of the things you and your colleagues say from time to time in an attempt to lecture members of this Assembly about

our responsibilities, and I get frustrated because we are well aware of what our responsibilities are. Although I welcome you reminding us from time to time, we try to take the responsible angle all the way through and we will continue to be as responsible as we can be on this side of the house.

Can I also say that sometimes being responsible means disagreeing vehemently with some of the things you and your party have to say from time to time. We will disagree when we need to disagree; but, hopefully, we can disagree pleasantly as well, although it might seem to you to be a bit unpleasant. I can assure you, Ms Tucker, that when I am very unpleasant you will know about it. I am getting to the stage where I am tempted to be unpleasant - politically, that is - but I will not be, because I do not think that is fair to anyone at this stage. So, frustrated is more what I feel, especially about this issue.

Ms Tucker, members of your party and others have had about five years to get yourselves around the issue of competition policy, because that is how long it has been out there in the public domain. You need some more time. That is fine. I disagree with the time you need; but I can also count and, if the Assembly thinks February or March might be a good time, whilst I am not too enamoured of that I am not going to die in a ditch over a month or so. It is just a pity that the ACT cannot be leading the way on issues such as this, seeing that we seem to have bipartisan support, instead of being last because some of us need to have this warm inner glow with our concern about efficiencies and inefficiencies. I am not going to get involved in definitions of words or aspects, except to say that reality tells me that template legislation is template legislation. But I might be accused of being unpleasant because I happen to believe in reality.

MRS CARNELL (Chief Minister) (3.54): As Mr De Domenico said, we will be supporting this referral to the committee; but I am not quite sure why, I have to admit. Ms Follett said that this was template legislation and she indicated that it would be passed by this Assembly in its current form. If it is not passed in its current form, the ACT will have significant difficulties. Apart from not sharing in the substantial amounts of money that have been made available through the agreement to implement the national competition policy and related reforms that were agreed to at COAG, it would also mean that the ACT would no longer be regarded as a participating jurisdiction under the CPRA and the Commonwealth would reapply it to the ACT under section 6 of the TPA. This would mean that the ACT's coverage would be completely within the Commonwealth's jurisdiction. In other words, it would end up meaning that the Commonwealth had total control over the ACT in this area, so any control this Assembly had would go straight out the window.

If what we are doing here is putting it all off for a few months before we pass this template legislation, if that is what the Assembly wants to do, so be it. But we must pass this template legislation if we are to continue to have control over our own destiny in this area, and I, for one, believe strongly that we should. What we are doing here is voting to refer this Bill to a committee so that the ACT can be last again.

MR MOORE (3.57): It is interesting, is it not, Mr Speaker, that some people worry about whether we are going to be first or last. It is not a question of first or last. We have an obligation to consider this legislation by 1 July because the Chief Minister happened to make this commitment without consulting the crossbenches, so we have no commitment at all to that.

Mrs Carnell: Ms Follett has.

MR MOORE: I do not care who did it. That aside, the fact that we would be first or last has no bearing on whether we get a quality decision. The committee process is about ensuring that we have covered all aspects and looked at it as thoroughly as possible. That is why I think this is a very sensible motion. It is not just a case of saying, "It does not matter what we do because the other States are going to do it anyway". If that is the case, we would not be putting up legislation; we would not have legislation. It may be appropriate to modify the legislation; or it may be appropriate to look at the amendment the Greens have proposed and had circulated privately to other members. That amendment puts into effect a series of review processes in our legislation without affecting the way the legislation works, and that may be the most appropriate process.

I think it is far better that a committee looks at it and understands what it is about and produces a report on it, rather than the Assembly just taking willy-nilly whatever is presented to us because of a national agreement between heads of State governments in which some of us at least had no say whatsoever. I think it is a very good process and I think it is a good solution at this stage.

MR KAINE (3.58): I must say that I am sometimes confounded by the steps people will take to stop the business of government going on.

Mr De Domenico: Do not be unpleasant.

MR KAINE: No, I am not being unpleasant. People either do not understand or have forgotten the origin of this Bill. This Bill is not a product of the mind of this Government. This Bill is a product of work that was undertaken at the Commonwealth level and which led to recommendations for certain action to be taken right across Australia. In order to implement that program, which was agreed by the former Chief Minister at various heads of government meetings and the like, we need to take legislative action here. That is the origin of this Bill. What is the committee going to do? I have agreed to sit on it, but I must say that I am confounded as to what I am going to do. When you see the terms of reference - - -

Mr Berry: Somebody will let you know.

Ms McRae: It is okay. We will show you a draft report.

MR KAINE: The hens are cackling over the other side, Mr Speaker. Can you not keep them quiet?

MR SPEAKER: Yes. You are all getting a bit restless.

MR KAINE: When I read the terms of reference, we are obviously going to ignore everything that Hilmer did. That is obviously not relevant. There are some matters here that go into enormous detail. We are going to be asked to have a look and see whether or not the introduction of this Bill will affect the maintenance of basic wage and work conditions, including legislation and policies relating to matters such as occupational health and safety and access and equity. How on earth do you do that? How on earth does any committee of this Assembly do that, and why do we need to? Why do we need to when we are implementing a nationwide policy which Chief Ministers, the Prime Minister and Premiers of State governments agreed months ago that we would implement? As I say, either people do not understand the background and the reason why this Bill is on the table or, if they ever did understand it, they have forgotten.

I am not too sure what this investigation is going to add to the wealth of knowledge we already have about the reasons for this Bill and what it is intended to do. Presumably, the previous Chief Minister well understood all of these ramifications before she agreed at a Premiers Conference to participate in the program. Now the same person is going to sit, as the names are presumably in a given order here, as chairperson of this committee, to look at what? Things she has already agreed a year or more ago that we would undertake to do. I find it quite incredible, frankly.

I do not know what the result of a vote on the floor of the house in the next few minutes or some time today or tomorrow is going to be. I presume from the fact that the motion is on the table that enough people have agreed for this to go ahead; but I am confounded, I repeat, as to what the purpose of the inquiry is going to be and what we are expected to come up with that is not already known or that has not already been taken into account in the original determination that this program would be followed. I do not know where people have been for the last three to five years while all of this has been developed. Presumably, they have been living in another country or on another planet and have no comprehension of any of the background. If that is the case, perhaps they could be forgiven; but I think the Leader of the Opposition would not be one of those.

MS TUCKER (4.03), in reply: I can relate to Mr De Domenico feeling frustrated. I think everybody could in this place. You do not stand alone on that. The lecturing, this "You do not understand" stuff, does not go over too well either, Mr De Domenico.

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

MS TUCKER: It is very often coming from that side of the house, believe me. We have a different understanding of the value of social and environmental costing of policies that are basically driven by economic rationalism and ideology. We have made it quite clear that we do not like the broad-brush approach of this legislation. We have also made it quite clear, and Hilmer also made the point, that there is benefit in an approach that looks at different pieces of legislation individually. There is no harm in doing that and he saw the merit in it.

What we want to do in this committee is to look carefully at individual areas and, where we can establish that there is a negative impact, shelter those areas from competition policy reform. We could, as Mr Moore suggested, modify the legislation if it were seen as necessary. We recognise that we may indeed have a need for reform and we do not have an argument with that. All we are asking for is more careful analysis. You say that everyone has agreed with this in the Federal Parliament. Perhaps there were not enough people in the Federal Parliament questioning it. As I said, people without much power in the party hierarchy had real concerns about that.

Mr De Domenico: You do not believe that, do you?

MS TUCKER: You may read the *Hansard* if you are not sure about that, Mr De Domenico. It is a good idea to a lot of people that we have Greens in parliament starting to ask these questions. It is a not dissimilar debate from that on GATT or the World Trade Organisation. There are very similar principles there, and you will find that there are very few people around the world, other than Green politicians, who have been questioning the wisdom of that. Now we are starting to get very serious concerns about the impact of the globalisation of trade. In conclusion, I stress again that we are not against reform; we are for looking at this thing carefully. I enjoy working with Ms Follett and Mr Kaine. It sounds as though he will find it a very enlightening experience.

Question resolved in the affirmative.

Referral of Competition Policy Reform Bill 1995

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

> That the Competition Policy Reform Bill 1995 be referred to the Select Committee on Competition Reform and that, on the Committee presenting its report to the Assembly, resumption of debate on the question "That Clause 1 be agreed to" in the detail stage be set down as an order of the day for the next sitting.

STATE OF THE ENVIRONMENT REPORT 1994
Government Response

Debate resumed from 22 August 1995, on motion by **Mr Humphries**:

> That the Assembly takes note of the paper.

MR BERRY (4.07): It is with pleasure that I speak on this matter. The State of the Environment Report was tabled in the Assembly by a Labor Minister, my colleague Mr Bill Wood, in September last year. The report is required under the Commissioner for the Environment Act, which was introduced by Labor - another Labor initiative. Few governments in Australia could stand beside Labor when you look at its record.

I refer members to page 7 of the report, which mentions the environmental budget statement of 1994-95. It lists the outcomes for 1993-94. I will go through them because I think it is good to have them on the record. The outcomes are the ACT environment strategy; the national strategy for ESD and greenhouse response strategy; integrated environment protection legislation; "Canberra in the Year 2020"; gazettal of the Territory Plan; establishment of Mulligans Flat nature reserve; Lower Molonglo Water Quality Control Centre; amendments to the Air Pollution Act 1984; Cooperative Research Centre for Freshwater Ecology; ACT algal action plan; National Environment and Protection Council; environment grants program; review of the Land (Planning and Environment) Act; Landcare and environment action program; and Youth Conservation Corps. They are all issues that were dealt with under Labor.

The major issues dealt with in 1994-95 were employment growth from environmental initiatives; endangered species legislation; Ecotourism; ECOTEX 94; national manifest system; contaminated sites; Mulligans Flat nature reserve; house energy rating scheme; energy management; landscape design, xeriscape gardens, Weston and Civic; ACT weeds strategy; and the capital works program. Few governments could match those achievements.

A lot has happened since the report was tabled; a lot of water has passed under the bridge. Some say that there has been some dirty water since the Liberal Government came into office. It is timely to review the ACT's progress over the period of the Liberal Government since the report was handed down. It is appropriate to review that progress under the five main topics identified in the report and mentioned in Mr Humphries's speech. They are atmosphere, water, land, plants and animals, and the urban environment. This is about the performance of this Government. It is all right to respond to the report, but we really have to look at the early performance of this Government on the issue of the environment.

I think the first thing we have to look at - and this is one of the first issues that clouded us - is the atmosphere. In the ACT we are blessed with clean air. Happily, it is not just something we take for granted; we cherish it. For this reason, when air quality is threatened, people in the ACT react very strongly. We saw this when neighbouring New South Wales shires decided to conduct burn-offs recently. There was not any appropriate consultation with those shires by the Environment Minister. The ACT was inundated with smoke - something which not only downgrades - - -

Mr Humphries: I raise a point of order, Mr Speaker. We are happy to have a debate about the performance of the present Government on the environment, but this is a debate on the State of the Environment Report 1994. We are talking about the achievements or lack thereof of the former Government, not of this Government.

MR BERRY: No; I think he has got it wrong. This is about the environment. I will speak on the point of order. This is about the issues dealt with in the State of the Environment Report. It is most appropriate to send a message to the government of the day in relation to their performance in this matter. Mr Speaker, I think it is an outrageous misuse of the standing orders for somebody to stand and try to gag debate with such a point of order.

MR SPEAKER: Mr Berry, I must say that there is nothing to stop anybody bringing on a matter relating to this Government's performance in any area. It can be done in all sorts of ways. But I draw your attention to the fact that the order of the day on the notice paper is the Government's response to the State of the Environment Report 1994 and the motion to take note of the paper. This is why I uphold Mr Humphries's point. I cannot see how debate on the State of the Environment Report 1994 can be interpreted as a debate on the current Government's performance in the area. They were not in government at the time.

MR BERRY: Let me explain, Mr Speaker. In tabling the Government's response, the Minister listed the five main topics as atmosphere, water, land, plants and animals, and the urban environment. They are issues that the Minister himself mentioned in his tabling statement. They are issues that I wish to address in relation to this Government's performance against the background of this report.

Mr Humphries: On the point of order, Mr Speaker: I did list five matters in my tabling statement but in relation to 51 recommendations in the report. Everything in the Government's statement is directed at responses to issues in the 1994 State of the Environment Report.

MR BERRY: Mr Speaker, you must take note of the notice paper. It makes it clear that this is about the Government's response; but, as I explained to you, there was a tabling statement which related to those five key issues which I wish to address.

MR SPEAKER: As Mr Humphries has just pointed out, those five key issues refer to 51 recommendations in the 1994 report.

Mr Humphries: Mr Speaker, if Mr Berry can show us where, for example, Dr Baker refers in the 1994 report to smoke coming across the border from New South Wales since 9 March 1995 - the issue Mr Berry raised - I will very happily concede the point of order; but until he can I will not.

MR SPEAKER: The matter of the smoke coming across the border was after this report, Mr Berry.

MR BERRY: Indeed. I would not suggest otherwise.

MR SPEAKER: The Government's response to the State of the Environment Report 1994 could hardly have covered that particular issue. Therefore, it is not germane to the debate that is taking place now.

MR BERRY: Mr Speaker, the Government's response was after the smoke.

MR SPEAKER: But the Government's response was in relation to the 1994 report. The smoke coming across the border is not germane to this debate.

Mr Wood: Mr Speaker, points of order are debatable. I rise to a point of order because I know what my speech is to be about. The debate is about the Government's response. The Government's response is totally about what it intends to do. If we point out that it is not doing very much, that is entirely valid.

Mr Humphries: Mr Speaker, if Mr Wood can show where the Government's response in any way touches on the question of smoke crossing over from New South Wales - - -

Mr Wood: You talked about better coordination, and I do not see any evidence of it.

Mr Humphries: If you can find talk about smoke crossing from New South Wales I will happily concede the point of order.

Mr Wood: It is in your response and in your tabling statement.

MR BERRY: Mr Speaker, may I direct your attention to pages 28 and 29 of the report, which in fact deal with the issue of smoke and its effects in the ACT. It is relevant to the debate to address this issue and what has occurred since. If the Government is a bit anxious about its performance and wishes to gag debate, that is not a proper use of the standing orders. This is about consideration of the Government's response - - -

MR SPEAKER: To a 1994 report.

MR BERRY: Indeed, and elements of hypocrisy in that response, bearing in mind the Government's performance since the report was tabled. It is entirely appropriate that the community should hear about the Government's response in the context of the debate about this report. Mr Humphries is very nervous. He has good reason to be, and he has good reason to use every tactic possible to try to divert attention from this issue; but he will not get away with it.

MR SPEAKER: Mr Berry, I suggest that if you wish to continue to debate the matter you can do so in a general sense. You do not have to make reference to something that clearly happened after that report came down and is not germane to this debate. We could, I suppose, debate the fact that it rained heavily last Sunday and ask what the Government did about that. It is not relevant.

MR BERRY: Mr Speaker, I also draw your attention to the Minister's tabling statement. Mr Humphries said:

> In addition, a number of recommendations derive from the overview chapter at the front of the report of the Commissioner for the Environment. The Government response to the report is directed at the long-term protection of the environment.

We are talking about the future and the Government's actions in relation to the environment. We should not be blocked on a misuse of the standing orders by Mr Humphries.

Mr Humphries: Mr Speaker, I contend that my application of standing orders is absolutely according to references to relevance in the standing orders. However, I can see that Mr Berry has a very well worked out speech which he wants to deliver on the subject. In the interests of Mr Berry having his usual spray, to the amusement of all of us in this chamber, I will withdraw my point of order.

MR SPEAKER: Thank you, Mr Humphries. Let us get on with the business.

MR BERRY: It is nice to see that the Minister has agreed that we can pursue this issue. He is just in time, because I was about to move a motion to suspend so much of standing orders as would prevent me from making a speech on the environment.

MR SPEAKER: Very well. You may now proceed with your speech.

MR BERRY: Mr Speaker, just before Mr Humphries exhausted a whole lot of hot air, I was talking about the environment in the ACT and the embarrassment which was caused to the Government when neighbouring New South Wales shires decided to conduct a burning off exercise. The ACT was inundated with smoke - something which not only downgrades air quality but also affects the health of many in the community, particularly those with eye problems and respiratory problems. Those most affected, as Mrs Carnell would know, are the elderly and the young. The Minister reassured us that it would not happen again. Unfortunately, we saw either slackness from the Minister or another broken promise. Either way, it was a dreadful performance by the Minister. Smoke again filled the ACT skies and this was followed by some more lame duck excuses and more reassurances that it would not happen again.

Water quality is another issue canvassed by the report. We in the ACT are encouraged to conserve water so that we can reduce the need for further storage requirements. ACTEW Corporation spends a lot of consumer dollars providing advice on how we can conserve water and reassuring us that we have high water quality in the ACT. It was a great surprise, Mr Speaker, when the Minister floated the idea that he was about to hand over Namadgi National Park to another State or the private sector, or anybody else who might be interested. It was a suggestion out of the blue, an idea floated without any of the promised Liberal consultation; and of course there was an outcry. Rightly, people condemned the proposal. The Namadgi National Park is a beautiful park of great environmental value. It is well maintained by dedicated staff in Canberra. It is a park in which Canberrans have a sense of pride and which they wish to retain.

Namadgi is the source of our water supply, but Mr Humphries considered giving it away, not living up to his responsibility as an elected officer but handing it over to somebody else to manage. No-one in the community has any faith that an outside body would give the priority necessary to ensure that the high quality of our water supply was maintained. No-one wants to see the skill and knowledge of the dedicated staff lost. Yet, in spite of motions in support of the retention of Namadgi, we have not seen what further action the Minister has taken. On the best information, he went to the preparation of a memorandum of understanding which never saw the light of day. He backed off, and that is good news for the ACT and good news for the water supply. *(Extension of time granted)*

We were promised consultation on a whole range of things - consultation which has not eventuated. We know about the old Liberal consultative, council style of government. On the important issue of land, the Liberal Government has no commitment to safeguarding the Territory's assets. Against a background of no consultation, it handed over Acton Peninsula - valuable Territory land - for land of less value at Kingston. What did we find out in the end? It turns out to be contaminated. It has been accepted that the site is contaminated. The extent of the contamination is unknown, but this Government has taken on the responsibility for cleaning it up at the taxpayers' expense without having sorted the matter out in the first place. Committed as we are to cleaning up the mess which Mrs Carnell has given to us, it will be interesting to see how the Government responds to a committee report which has yet to be delivered in relation to the matter.

On the issue of plants and animals, we have seen the Minister set his sights on the ACT kangaroo population. He leapt in, contrary to the advice of the committee he set up, and proposed shooting the kangaroos.

Mr Osborne: What about condoms?

MR BERRY: He might as well have suggested that. Unfortunately, the males do not have a pouch to carry them around in. At no stage did he outline long-term solutions or a rational approach. His response was to shoot them.

We have also seen the work of a whole range of Landcare groups and nature conservationists undermined by the Government's decision to commence burning off during the breeding season for birds. I thought that was a thoughtless approach. Everybody knows, I would have thought, that in the spring lots of birds breed in the shrubs in our nature parks. There was a lot of concern about that issue when the burning off commenced. Nobody would argue that proper fuel control ought not to be carried out as bushfire prevention. I have seen enough of the effects of ineffective fuel control in the past. In my view, there are other times in the year when you could carry out those sorts of burning off programs. At least the communities concerned about these issues need to be consulted closely. As far as I could make out, the outcry that resulted from the burning off decision demonstrated again that this Government failed in its promise to consult widely with the community. You just cannot go and torch our nature parks and expect people to sit back if they have not been properly consulted. That sets back the work of those groups and conservationists concerned about the urban environment and the natural environment in the ACT.

The Government's most recent action in relation to urban environment has left all of our mature native trees in urban areas vulnerable. In an outrageous move, the Government has jettisoned the section of the Nature Conservation Act which protected our mature native trees in urban areas for the whole community. I do not think it has sunk in with people because - - -

Mr Connolly: He has a gun in one hand and a chainsaw in the other. Bang, whirr, bang, whirr!

MR BERRY: That is right. He has bulging pockets.

Mr Humphries: Do not forget the lighted match in my teeth!

MR BERRY: That is right. He is a little old fire bomb thrower with bulging pockets containing all sorts of devices which are meant to wreak havoc on the environment. He has a chainsaw in one pocket, a gun in the other and, as he himself indicates, a box of matches in his shirt pocket. This sort of stuff might sound a bit humorous, but when you have a look - - -

MR SPEAKER: Bizarre, perhaps.

MR BERRY: To sensible people it may sound bizarre, Mr Speaker; but, when people see the effects on the environment, they will be horrified, and rightly so.

Mr Speaker, the next State of the Environment Report is the one we have to watch, because so far the Government has failed. One would hope that the areas in which it has failed will be picked up in the next State of the Environment Report. One thing for sure is that the Labor Party and its group of environmentalists will stand on guard and will point out to the community the failures of this Government as they occur, as we have done to this point. This afternoon's performance by Mr Humphries in relation to standing orders shows that he is prepared to do anything to avoid close criticism of his performance in the environment area. Such criticism would demonstrate how incapable he is.

MS HORODNY (4.29): Mr Speaker, we have heard the Government's response to the State of the Environment Report, and last week we saw the commitment of the Government and the Opposition to the environment when they both agreed to the continued destruction of our remaining native forests. While their rhetoric on environmental issues is expansive, their real commitment is close to non-existent. The Government says that it will have a stronger commitment to a regional approach to water management, and it is seeking to bring the ACT into full membership of the Murray-Darling Basin Commission. Yet, when the community, specialists and the Greens suggest that significant hydrological issues should be included in the terms of reference for the McKellar soccer development environmental impact assessment, the response is that water is not a significant issue.

While the Government may have adopted the Labor model of a glossy public relations strategy on greenhouse gas emissions, does it actually plan to do anything about it? It appears not. We only have to look at their attitude to ACTION. It is the old, "Let us cut the service a bit more". Over three years it is quite likely that we will end up with a significantly reduced service. In the budget papers we find the following interesting fact: At its current level of patronage ACTION saves 68,000 tonnes of carbon dioxide, 2,645 tonnes of carbon monoxide, and 549 tonnes of nitrous oxide emissions each year. This is at a level of patronage and at a cost that the Government finds unsupportable. One would have hoped that the budget would have included performance indicators such as increased patronage in areas where usage is low.

But no; on the floor of this Assembly the Minister for Urban Services just recently admitted that services will be cut, particularly where patronage is low. If the Government had been serious about meeting greenhouse gas targets it would have sought to find ways of increasing services, not decreasing them, particularly when some 53 per cent of ACT energy use is in transport.

One might think that the valuable work that the Commissioner for the Environment is doing on indicators might be useful to the Government in the formulation of their budget. The Government has developed a budget that is, by and large, devoid of environmental indicators. If this Government were serious about environmental issues it would begin to use environmental indicators throughout the budget, particularly in key economic areas. The Government has said that it wants to have environmental education as an essential component of all stages of formal education. Instead, the quality of existing programs at Birrigai is at risk, and the policy officer for society and environment has been scrapped. Again, there is absolutely no commitment to the environment.

We also strongly disagree that environmental factors are not a key factor in health, and we urge the Government to reconsider its position that ACT Health, in its goals and targets, should not restore and expand its section on the impact of environmental factors on health. Has the Minister not heard of particulate pollution and the strong links to respiratory illness? This Government talks about an intersectoral approach to policy development, so where is the commitment to putting it into practice?

Energy consumption and the effects of that consumption on greenhouse gas emissions does not appear to be a significant priority for this Government. Again I should add that it was not a significant issue for the last Government. The response to the energy issue by this Government was to corporatise ACTEW without thorough debate on how we could make it one of the most energy efficient power providers in the country, or, indeed, the world. Recently I spotted joint advertising by ACTEW and a private company promoting slab heating. I am sure that it is a wonderfully comfortable form of heating, but I have it on best advice that, compared to alternatives such as gas space heating, it is very inefficient for most purposes. In fact, it is hard to reconcile the promotion of this form of energy use with the legal requirement that ACTEW be as committed to the promotion of ecologically sustainable practices as it should be to its operation as a commercial business.

Another area in which the Government has been found to be seriously lacking is on the issue of burning off. Despite some nice rhetoric, again it failed to consult with the local groups and the Conservation Council on developing practical strategies for the care of particular areas of bushland. A classic example is the burning off in the Aranda bushland which was being studied by Landcare groups for its varieties of native flowers and grasses. That study is now delayed by five years.

There is a raft of actions that should be taken. Some of these include adequate funding for the weeds strategy and the implementation of at least some of the recommendations of the last Assembly's Environment Committee's report on feral animals and invasive plants. There is no commitment to a register of contaminated sites and potentially polluting practices; there is no commitment to a grasslands, woodlands, and wetlands reserve system in the ACT; and there are no strategies to deal with the problem of siltation of our waterways. Builders are simply given a licence to pollute.

Mr Speaker, actions speak louder than words. If something does not work and requires change, such as the tree protection provisions of the Nature Conservation Act which were recently amended by the Government, one would have expected the Government to fix it, but not by saying, "It is too difficult; let us remove it altogether". A truly committed government would have presented alternatives to improve the situation.

MR WOOD (4.35): Mr Speaker, I am glad that Mr Humphries retreated from his abortive point of order to close down debate on certain aspects. Mr Humphries was correct when he said that this commissioner report was a report of the former Government, but we are not debating just this report. The Minister's response we are now debating is the report on his Government's responsibilities and the way they have responses to the 51 recommendations here assert very proudly the Government's record. But I do not think the record is anything to be proud of. The Government's performance is simply not up to what it should be. But that is what we are debating.

This report is one I am proud to stand by. It contains a great number of constructive recommendations. It has criticisms of a lot of what has happened in the Territory, but we did that deliberately so that it could show us the way forward. We have the most expert opinion on how we should proceed. We had that opinion from an independent officer; a statutory officer who enlisted the support of 50 of the best scientists and other people in this Territory - people who are free of influence - to tell us how we should proceed. That will happen again this year. I expect that Mr Humphries will get the second State of the Environment Report very soon. I hope that it will not take him as long as this time - something like six months - to respond to it.

Mr Humphries: It took you six months to respond to it. You were in office until March this year.

MR WOOD: I am sorry; this was tabled in about October last year.

Mr Humphries: Yes; November, December, January, February, March. It was five months before you - - -

MR WOOD: I think there were about two more sitting weeks in the term of that parliament, Mr Humphries. Go and check your records. It took you until recently - all year - to table the response. The report was much valued. The Minister's response is a great disappointment.

Mr Humphries: How could it be disappointing when we agree with all the recommendations?

MR WOOD: Exactly. Almost every recommendation is agreed. I went through and I thought, "This is good. The Government is taking some of this impetus and moving forward". But the Government actually has not done anything. It is good that this report, though it was delayed, is now being debated after the budget. That allows us to see whether the Government is putting its money where its mouth is, and the Government has failed dismally.

Mrs Carnell: What money? That is the problem. We do not have any.

MR WOOD: Go and read the report. I will point out some aspects to you, Chief Minister. There is no area of Government initiative that Mr Humphries can point to. There were 51 recommendations - - -

Mr Humphries: Five hundred hectares of native grasslands, created since this Government came to office.

MR WOOD: Those grasslands were an outcome of the draft variation, and the revised draft variation, of the Tuggeranong Town Centre.

Mr Humphries: No, it was not. This is Gungahlin, you idiot.

MR WOOD: I am sorry; the Gungahlin Town Centre. The report provided strong impetus for further rapid progress for a better environment. It provides us with the advice on the way forward; but, for all Mr Humphries's platitudes, there is no action and progress is stalled. The Minister said that the Government response is directed at the long-term protection of the environment. He seems to have a very long-term protection in mind there. We want some rather quicker action than that. The majority of the recommendations - almost all of them - are supported; but without some action, without some funding to back up things, there is no support. There cannot be support without something happening.

The commissioner, when he set about writing this report, initially faced some problems, as he reported. I think these were some of the major comments that he made. He reported that he simply did not have enough data. He said that there is not an agreed set of indicators available by which he can make his judgments. He indicated that he would be looking for some of those locally, but mostly we needed a national set of agreed indicators. He also said that responsibility in the ACT was rather dispersed, and in his first year he did not find it easy to gather all of the data that he wanted. I quote from his comment on page 6 of his report:

> That few parameters of condition are yet measured in the necessary number of places, or with the required frequency to give the comprehensive awareness of the state of the environment that would ultimately be expected of the ACT, is not surprising.

The indicators, the data, were simply not in place. The problem was simply that we did not know enough to make accurate statements of what we want. The report set out to remedy that situation in those five areas that are in the report and that Mr Berry mentioned.

Let me show you how the Minister has failed to deliver. I refer to recommendation 35. The Minister numbered them; they were not numbered in the report. Recommendation 35 requires the creation of a biological survey unit to establish and maintain an inventory of the flora and fauna of the ACT. That is to be found on page 10 of the report.

If members read that - I will not have time to do it - they will see how importantly the commissioner regarded this recommendation. The Minister's response to this key recommendation - this is one of the key recommendations of the report - takes two or three sentences. He says, "We are progressively undertaking inventories". He did not say, "We will establish the survey unit as recommended". There are no additional resources put into anything. There is nothing new that is happening in this very crucial area. The recommendation has been dismissed with agreement, and in a couple of sentences of platitudes.

We now have a Flora and Fauna Committee set up as a result of the initiative of the former Minister. It is now up and running and we have approved the criteria that it set only last week. We had a clear path of action. The former Government knew exactly where it was going. We had this committee and we were beginning to get into the position where we could get the detailed knowledge we needed and move ahead; but the Liberals' budget gave no money, gave no support, and gave no enthusiasm to carry on those steps.

I will now go from talking about animal life and refer to the air. One of the recommendations talks about needing more meteorological stations. We need more monitoring of particulates of less than 10 micrometres in diameter. Again, we get some platitudes in the response. We have, or we are getting, one new station, but that was under way a year ago. That was part of the program of the former Government. I think it is now being constructed. We have some anxieties about the location, but that is now under way. The Minister does acknowledge that there are two stations now monitoring those smaller particulates, but that has been programmed for a while, and that is all that is happening. There is no further monitoring of the atmosphere in this town. It is not sufficient simply to say, as the Minister has, that we have wonderful clean air here and we do not have to worry too much. We need to assess very carefully, as Ms Horodny said, the impact of those particulates on people's health. We need to know first what those particulates are, where they are, in what parts of Canberra, and to what extent.

Recommendation 16, according to the Minister's numbering, calls for an improved means of measuring ground water depth and quality. There are some words about it. There is agreement, but there is nothing happening. Mr Humphries yesterday was out at Lake Ginninderra giving wonderful verbal support to National Water Week; but there is no physical support, there is no financial support, to do something more to find out the condition of our ground water. There is nothing there. Mere agreement that we need to know more is simply not sufficient.

Let me look at recommendation 24 on soil quality. This is an excellent example of how the Minister has simply glossed over all these aspects by giving agreement but doing nothing. *(Extension of time granted)* Recommendation 24 calls for "the establishment of a program to develop land quality indicators in the ACT". That is very important. There are a few paragraphs in this response. There is a quite potted statement here about how important it is and then the Government's response says this:

> To be effective, the data needs to be electronically stored so interrogation and trends can be easily made spatially and over time.

Okay, he says that we need that. One would have assumed that we would be getting some money to do it; but no, it is simply not there. Once again he has agreed and once again he has done nothing to take us forward on this issue.

Mr Speaker, as I said earlier, we will shortly be getting the second report and I look forward with interest to that. I have to say how disappointed I am, personally and politically, at the failure of Mr Humphries in his budget to do anything at all to advance this report; to take these excellent recommendations, to take up the mountain of work that was done, and take us on some path of progress towards that better environment that we all say we want. The Minister's response is a bitter disappointment.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.47), in reply: When I heard some of the speakers, particularly in the earlier part of this debate, I thought I had stepped into the twilight zone. All sorts of things were being discussed, but not the subject at hand, which was the Government's response to the 1994 State of the Environment Report. What we heard from Mr Berry was a diatribe about the present Government's environment policies, which might be very edifying for us all but did not touch on the very important subject matter of this report. Mr Wood, to his credit, at least did go through this report. He picked up some recommendations that were made in the report and talked about the Government's response to them. At least that was to the point. I do not think Mr Berry has read the report, and I have to say that he probably does not understand it even if he did.

Just to run through the record, Mr Speaker, no, the Government did not fail to consult with New South Wales about smoke production in New South Wales. No, the Government does not propose to give away Namadgi National Park. No, there is no evidence at this point that there is any serious contamination of the Kingston foreshore. No, we are not proposing to start shooting kangaroos willy-nilly. No, we have not started to burn off during spring without consultation with local people. No, we have not repealed an existing operating tree preservation order.

Mr Speaker, having made those comments I am quite prepared to look at an independent assessment of the former Government's performance in the area of the environment. Mr Wood and Mr Berry can dismiss my comments on the environment - that is fair enough - and I am sure that they will do so again in public; but let us turn to another independent assessment of the former Government's performance on the environment, which Mr Berry was so anxious to extol, and assess what the World Wide Fund for Nature thought about the former Government.

Mr Wood: That was a political statement, Mr Humphries.

MR HUMPHRIES: You were framed. Mr Wood says that it was a political statement. You would think from hearing Mr Berry that he would get a report from some august body like the World Wide Fund for Nature, with the Conservation Council of the South-East Region and Canberra backing it up, which was at least an A, surely. Well, maybe even a B. A high C perhaps. No, Mr Speaker, the former Government got a C minus with a comment "Performance slipping". It was C minus, performance slipping, according to the World Wide Fund for Nature. Mr Craig Darlington, in his press release that accompanied that report, talked about - - -

Mr Wood: A political body.

MR HUMPHRIES: The Conservation Council is a political body, is it?

Mr Wood: Absolutely.

MR HUMPHRIES: The Conservation Council is. That is an interesting comment. I will bear that in mind. I accept that advice. The council said that the ACT rating was a "very qualified pass mark", and it reflected the neglect of our key threatened ecosystems. Mr Darlington went on to say:

> Ex-Environment Minister Bill Wood was put on notice by last year's Report Card and failed to take up the challenge. His government's inaction on protection of grassland and woodland ecosystems is directly responsible for the ACT's poor marks in this year's Report Card.

He went on to talk about the lack of grasslands and woodlands, the ex-Labor Government's delay in setting up science-based criteria for selection of protected areas, and the inadequate resources to properly manage the current reserve areas in the ACT. It looks like I am not the only one who is in trouble for not giving resources to certain areas, Mr Wood. Mr Darlington also mentioned increasing threats to natural areas from invasive weeds and feral animals - we have put a weeds strategy in place - and lack of involvement of indigenous people in the direct management of protected areas. Mr Speaker, if I were the former Government I would not be talking much about our performance in respect of the environment.

Mr Wood and others may have neglected to note a number of important initiatives in the ACT with respect to the environment, and I want to touch on some of those, just very briefly. Members will recall that in this budget, which was so recently slated, we have set aside something in the order of 500 hectares of land around Gungahlin for the preservation of the habitat of Delma impar, the legless lizard. Mr Speaker, my Government is very proud to have made that decision.

Mr Wood: That has been a long process.

MR HUMPHRIES: Mr Wood suggests that it was the result of a long process. That is simply not the case. Recommendations that I saw referred to protection of certain areas of the ACT which were identified existing habitats of the legless lizard. Those habitats constituted about 100 hectares of land. The Government has not protected just those 100 hectares as recommended to us; we have protected 500 hectares of grasslands for regeneration of our native grassland species of both plants and animals in Gungahlin. That is a significant contribution towards the preservation of endangered species whose habitats those grasslands are.

We have put in place for the first time the beginnings of work on a weeds strategy for the Territory. Mr Wood himself was criticised by the World Wide Fund and by the Conservation Council for failure to act in the area of a weeds strategy, and that is a very clear indication that we need to be acting in this area to provide for a consistent and

strong approach over the next 10 years. Perhaps the eradication of exotic weeds in the next 10 years will be one of the most important environmental initiatives in which governments will have to be engaged in order to ensure that we have an adequate level of protection for native plants and species.

Despite the comments of those opposite, we have again begun research into matters of kangaroo husbandry to deal with the recommendations made by the Kangaroo Advisory Committee. Mr Speaker, despite the comments of Mr Berry, every recommendation made by the committee in its recent report has been picked up and adopted. I met with the kangaroo committee last week and the committee indicated to me that, although they were concerned about the imagery of the comments that I made, or the expectations that I created by my comments, none of the specific actions that I proposed in that report differed from the view taken by the committee.

Mr Wood mentioned the monitoring of small particulates in the area. I remind Mr Wood that he and his party have attacked this Government for setting up a weather station in Tuggeranong to do just that - to check on small particulate matter in the atmosphere, among other things. Mr Berry even had the audacity to say, "Why do we need to be checking the weather in Tuggeranong?". What woeful ignorance of what goes on in the ACT other than in his electorate! We have maintained a comprehensive strategy for the management of contaminated sites - another matter of some considerable concern to people in places like Tuggeranong. That process is going to be very expensive, a multimillion dollar process over the next few years which will entail governments working closely with affected residents in those areas to achieve an outcome which is satisfactory from their point of view, and from the taxpayers' point of view a reasonable way of dealing with a very serious environmental problem.

At the legislative level, the most significant initiative of this Government is to set in place integrated environmental protection legislation during the life of this Assembly - a very important protection for the entire environment. At the moment the legislation administered and in many cases put in place by the former Government is ramshackle, poorly coordinated, and provides different sanctions for different sorts of activities which ought to be synchronised to a much greater degree.

Mr Speaker, Mr Berry returns to the chamber at last to hear some of these comments, but I am almost finished. I do not think anybody would think that the former Government's performance was very much worth while, certainly not in view of the C minus given to it by the World Wide Fund. People opposite would realise, if they had the honesty to admit it, that the process of environmental protection is a very multifaceted process which will entail governments having to set priorities amidst a number of competing demands. It is very easy to say, "You have not done this and you have not done that", but in respect of the 51 recommendations in here there are many paths that are being suggested to us. It would be very easy to suggest that we should be going down any one or all of them at any one time, but there simply are not the resources there to pick up all of these recommendations at the one time.

What Mr Wood should be saying is, "We do not agree, for example, with your putting money into protection of endangered species habitats in Gungahlin, or the creation of a Tuggeranong weather station, or the establishment of integrated environmental protection legislation, or a contaminated sites plan, or a weeds strategy for the Territory. We think other things are more important". If that is the case, let him say so, and let him say which matters are more important than those issues. Mr Speaker, this Government stands by the approach we are taking because it will ultimately deal with the most important issues first.

MR BERRY: Mr Speaker, pursuant to standing order 46, I would like to make a short statement.

MR SPEAKER: Yes. Do you mind if I put the question first?

MR BERRY: I would rather deal with it now, sir.

MR SPEAKER: Very well. Proceed.

MR BERRY: Mr Speaker, Mr Humphries, in the course of the debate, talked about the Tuggeranong weather station and claimed that I was opposed to it. Mr Humphries ought to have gone to one of the very important issues which I was concerned about in that criticism of the Government, and that was the 100 mature trees that Mr Humphries was going to cut down without any consultation with the community. If Mr Humphries had dwelt on that issue for a moment I would have felt more relaxed about his discussion of the issue during the course of his speech.

MR HUMPHRIES: Mr Speaker, under standing order 46, I also would like to make a personal explanation.

MR SPEAKER: Proceed.

MR HUMPHRIES: Mr Speaker, Mr Berry, in the course of his comments, clearly indicated on the original taped debate about the Tuggeranong weather station that he did not see why we needed to monitor in Tuggeranong. Mr Berry did not talk about the trees. Mr Berry was concerned about why people in Tuggeranong deserved to have their weather monitored. That is the issue that he should be facing up to and admitting to.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Drowning Prevention Day

MR HIRD (4.59): Mr Speaker, I wish to bring to the attention of the house the launch tomorrow of the Royal Lifesaving Society's National Drowning Prevention Day 1995. This launch will take place from 12.45 to 1.45 pm at the Oasis Leisure Centre in Deakin. The fact is that three out of four who drown in Australia are under the age of five. Half of all drownings occur in backyard swimming pools or spas. Many drownings occur in the swimming pools of neighbours or relatives. Drownings also occur in fenced swimming pools where the gate has been left open or the fence is in disrepair. Just as many nought to five-year-old children drown in rivers, dams and bathtubs as in home swimming pools. Mr Speaker, I know that you will be launching this program tomorrow, and I know that all members of this place share my concerns in respect of this issue.

Kippax Health Centre

MR BERRY (5.00): Mr Speaker, I rise to congratulate the citizens of West Belconnen for their efforts in defence of the Kippax Health Centre. Members of the community out there who work within the Kippax task force, and others in the community who have been concerned about it, have already raised about 1,200 petitioners against the closure of that health centre, and they have only just begun. I understand that they are, as we speak, collecting more signatures. Just the other day I was in a shop in that area and I was asked to sign a petition. So shopkeepers are working actively in pursuit of the aim of the citizens as well. Congratulations to those people out there who are working in defence of their health facilities.

Question resolved in the affirmative.

Assembly adjourned at 5.01 pm