DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

<u>HANSARD</u>

27 MARCH 1996

Wednesday, 27 March 1996

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Wednesday, 27 March 1996

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.

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Wood** and **Mr Moore,** from 1,548 and 1,446 residents respectively, requesting that the Assembly vote against any Bill that restricts the trading hours of licensed premises.

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

Licensed Premises - Trading Hours

The petitions 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 we do not agree with the curfew being placed on trading hours of licensed premises.
>
> Your petitioners therefore request the Assembly to vote against any bill that restricts the trading hours of licensed premises.

Petitions received.

CRIMES (AMENDMENT) BILL 1996
DOMESTIC VIOLENCE (AMENDMENT) BILL 1996

MS FOLLETT (10.33): Mr Speaker, I seek leave to deal with notices Nos 1 and 2 together.

Leave granted.

MS FOLLETT: Mr Speaker, I present the Crimes (Amendment) Bill 1996 and the Domestic Violence (Amendment) Bill 1996.

Titles read by Clerk.

MS FOLLETT: I move:

> That these Bills be agreed to in principle.

The effect of these two Bills - the amendment to the Crimes Act and the amendment to the Domestic Violence Act - will be to create a new criminal offence in the Territory, that of stalking. I would like to say at the outset that, in seeking to introduce a new piece of legislation, I am very much aware that what we are dealing with here is the symptoms of the disease rather than the disease itself. The disease I speak of, of course, is violence in our community. It seems to me that until and unless we find a suitable and effective means of reducing violence in our community we must inevitably continue to deal with those symptoms, as we have done over the years, by creating laws that punish people for violence.

In relation to the issue of domestic violence, I have spoken many times in this place and elsewhere on the need for the crime of domestic violence to be taken seriously. I still believe that the crime of domestic violence is not taken seriously enough by our community, by our police and by our judiciary, and I am very sorry indeed that we continue to see the effects of that failure to take domestic violence seriously. We see the effects in the continued suffering of the predominantly women and children who are victims of domestic violence. We have all too often seen, as a result of a failure to take the crime seriously, the death of women particularly. It seems to me that we have a very long way to go in our own community, throughout Australia, throughout the world, before we can truly say that there is equality before the law. I have said before and I will say again that if there were 74 deaths as a result of, say, some sporting activity or some other form of activity there would be a national outcry. There are 74 deaths a year in Australia as a result of domestic violence, yet we continue to see the issue dealt with less seriously than are other criminal offences. We continue to see women and children put at grave risk.

The issue of stalking is one that has been dealt with very comprehensively by the Community Law Reform Committee of the ACT in their Report No. 9, where they have reviewed all of the domestic violence legislation and its implementation in the ACT.

This review has taken place over several years. In fact, the reference was given to the Community Law Reform Committee by my colleague Mr Connolly, when he was Attorney-General, and the report was produced late last year. The Community Law Reform Committee has identified as a serious gap in the ACT's legislation the issue of stalking. The report states:

> Broadly, "stalking" is conduct directed at a person and intended to cause intimidation, harassment and/or fear.

It goes on:

> Stalking includes behaviour such as following another person, loitering outside, watching, or entering their home or work, keeping them under surveillance, telephoning them, sending them articles, and interfering with property in their possession. It usually encompasses actions that have traditionally fallen short of the criminal law but which could be reasonably expected to arouse fear or apprehension in the recipient.

There are two aspects of stalking that I think are significant. The first is that, in the context of domestic violence, stalking should be seen as a further act of violence, for that is what it is. It is intended to intimidate, to cause fear, and that is exactly the effect it has on its victims. Stalking is another form of violence. I know that up until this point there has been a view around that unless an offender was actually causing harm or threatening to cause harm to a victim there was not a crime. I believe that it is time for our community to say that this action itself is a crime. We must treat the issue of stalking as an issue of violence and a further representation of violence in our community.

There has been a gap in the ACT's criminal law in regard to stalking, and this is an issue the Community Law Reform Committee has dealt with in some detail. I believe that the Assembly should take up this issue and ensure that in the ACT, as in every other jurisdiction in Australia, the victims of domestic violence are offered protection from stalking. The Community Law Reform Committee has made a statement on this issue that gives us some of the history of that legislation in other jurisdictions. They say:

> A series of stalking homicides galvanised public opinion in Australia in the early 1990s when it was recognised that the criminal law had no offence which targeted stalking behaviour. At about the same time the existence of legislation in the United States, initially prompted by the "stalking" of celebrities by crazed fans, became known. All Australian jurisdictions except the ACT have now introduced legislation creating the criminal offence of stalking. Stalking is an offence in all jurisdictions in the United States and in Canada. The primary focus of such legislation is stalking in the context of domestic violence, however, many provisions are broad enough to encompass situations in which the assailant is a casual acquaintance or a stranger.

In putting forward this legislation today, the ACT is really playing catch-up in relation to the array of protections against various forms of domestic violence. Again, this is an issue that gives me some concern because in the late 1980s the ACT was, in fact, the trailblazer in terms of domestic violence legislation. We have slipped back, and that is a bad sign.

I will say again that, in our own community, domestic violence is a crime that every possible member of the community, every institution, ought to be tackling. In the years since we have had specific domestic violence legislation, we have had 13 homicides related to domestic violence, and that is in just a few short years. Only a week or so ago yet another woman - a Canberra woman, as it turned out, although she was killed in New South Wales, in Sydney - lost her life after a long period of domestic violence. Those homicides, however, are only the tip of the iceberg in relation to domestic violence. They are the issues that get the media attention, although, unfortunately, they have not galvanised the community into sufficient action to protect those people. Beneath the tip of the iceberg, throughout our community there are a vast number of people, predominantly women, who are suffering pain, suffering humiliation, suffering blighted lives as a result of various forms of domestic violence. Their children also are often the silent victims, the unheard victims of domestic violence. I believe that it is incumbent upon this Assembly to try to ensure that we take all of these issues into account at the first available opportunity.

I commend these two Bills to the Assembly. I am more than happy to discuss either the report or the issues with any member of the Assembly who would like some clarification or some further information. I trust that the Bills will receive the kind of support on a bipartisan basis that I believe they deserve.

MR SPEAKER: Although the Assembly allowed these two Bills to be presented together, it is my intention to put the questions separately.

Debates (on motion by **Mr Stefaniak**) adjourned.

TENANCY TRIBUNAL (AMENDMENT) BILL 1996

MR MOORE (10.44): Mr Speaker, I present the Tenancy Tribunal (Amendment) Bill 1996.

Title read by Clerk.

MR MOORE: I move:

> That this Bill be agreed to in principle.

This Bill seeks to provide a wider coverage of protection for both tenants and landowners by increasing access to the Tenancy Tribunal to those who entered into a lease prior to 1994. Members of the last Assembly may remember that with the passage of the Tenancy Tribunal Bill, which became an Act in 1994, only those who entered into a lease after that date were allowed access to the tribunal in order to have their grievances heard

and resolved. The exclusion of those tenants who were not eligible has allowed a great deal of unfair practice in small businesses to go without redress. Many of these are small businesses that without any redress are striving to exist in the face of unfair increases in rent, advantages given to larger franchise traders, breaches of mediated agreements, key money disputes, ratchet clauses, and other general unfair practices that exist.

Let me make myself perfectly clear about the purpose of this Bill. This Bill is to broaden access to the tribunal so as not to discriminate against those businesses that entered into a lease prior to the end of 1994, are experiencing disputes and have nowhere to go for justice. The tribunal is there to hear these disputes and to decide a course of agreement that will be fair to both the tenant and the landowner. It is unconscionable that these people, both tenants and landowners, were excluded in 1994 from having access to a fair hearing. We can remedy this now with members' support for this amendment.

Last year Mr Gary Humphries informed me that a review of the Tenancy Tribunal Act was not feasible, as only a handful of people had applied to the tribunal for a hearing since the legislation was passed in 1994. Surprise, surprise! Could that be because the bulk of those tenants who really needed this access were already in a lease agreement and had been denied access? If the Assembly of the day had not denied them this access, I am sure that the tribunal would have received many requests for a hearing. It was for those people that the legislation was constructed in the first place. It was for tenants such as the former supermarket owners at Campbell and the many small businesses in shopping malls that needed the tribunal's assistance. Where are they now? They do not exist. They have gone out of business. They have gone out the back door and been replaced, often, by large franchisees. So much for our support for small business.

The arguments put forward at the time to rationalise the exclusion of those who entered into a lease prior to 1994 was that they could apply to the tribunal if the landowners were harsh and oppressive. The trouble with that is that harsh and oppressive conduct often results in the demise of a business before access to the tribunal can be arranged. It is a catch-22 situation. The tenants and landowners excluded need to have access to a tribunal that can deal with disputes caused by alleged breaches of a mediated agreement, about key money in relation to a lease or to negotiations for the entering into of a lease, a claim by a party to a lease that another party to that lease has breached or is breaching the code, or any dispute at all about a lease. Waiting until the landowner is able to be seen as harsh and oppressive is often simply too late.

One has only to wander into any shopping mall in the ACT to see that the same large chain-stores appear in Belconnen, Tuggeranong, Canberra and Woden. Where have all the local businesses gone, the ones that provided diversity and were owned and operated by local Canberrans? They have systematically been taken over by the large homogeneous stores who can afford the increased rates and the overhead costs incurred by being in a shopping mall, because they have huge turnovers or can negotiate with the landowners from a much stronger position. I wonder how many small locally-owned businesses have not been able to survive because of the lack of access to a tribunal to sort out an unfair agreement or a breach of a lease agreement. Perhaps that ought to have been the subject of the review. How many small businesses have been killed off for

lack of a fair and just lease agreement or been taken over by large monopolies? No doubt the Commercial and Retail Tenants Association would be happy to bring to the Minister's attention those tenants who no longer operate, as a result of the decisions we made in 1994.

If this Assembly is serious about supporting small business in Canberra, who provide the bulk of employment in the region, after all, it will pass this amendment simply to allow fairness and justice for all tenants and landowners, not just for a select few.

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

LIQUOR (AMENDMENT) BILL 1996

Debate resumed from 28 February 1996, on motion by **Mr Osborne**:

> That this Bill be agreed to in principle.

MR STEFANIAK (Minister for Education and Training) (10.49): Mr Osborne's Bill proposes amendments to the Liquor Act that would enable regulations to be made limiting trading hours for the sale of liquor in on-licensed premises. This Bill is consistent with the Government's election commitment to have in place provisions enabling the restriction of trading hours of licensed premises and is also consistent with our stated position to use those powers as a way of curbing alcohol-related violence, especially in and around licensed premises, if necessary.

The Government's decision to support Mr Osborne's Bill does not telegraph our intention to settle on 3.00 am as a closing time; rather, it signals that the Government supports the need to add another option to its armoury for use in dealing with alcohol-related crime. In a ministerial statement delivered to the Assembly towards the end of last year, the Attorney-General, Mr Humphries, made it clear that the restriction of trading hours would be back on the agenda if there was no significant improvement by the end of summer in licensee and patron behaviour in Civic and other late-night entertainment areas. The Attorney-General has recently stated that several licensees have continued to flout the occupancy loading requirements of their premises, have not taken adequate precautions to guard against the sale of liquor to minors, and have continued to sell liquor to intoxicated persons. Police and liquor licensing inspectors are continuing to target those licensees, with some success.

The Attorney-General's statement signalled to the liquor industry that an opportunity existed for those in the industry who are not conscious of their obligations as licensees to conduct their business within the law and to adopt responsible practices to assist in reducing the incidence of alcohol-related anti-social behaviour. As the Government has said repeatedly, not all licensees are affected by this statement because, on the whole, most act responsibly. Also, most licensees cease trading before the hours being proposed by Mr Osborne and the AHA. The Government has been eager to ensure that the industry is given a fair chance to demonstrate its willingness to play a part in addressing what

is a significant social problem. The responsibilities of licensees do not end when people walk out the door. They have a duty to have regard for the responsible service of alcohol, and some duty of care, at least in a moral sense, if not a legal sense as well, for their patrons and those likely to be affected by the actions of their patrons.

In support of the industry, the Government introduced the joint liquor action plan in late 1995. That plan has seen the development of a strategic alliance between the Australian Federal Police and the Government's liquor licensing section in the enforcement of liquor laws. As a direct result of the plan, there has been an increase in police patrols in Civic and other late-night entertainment areas and a greater emphasis placed on the enforcement of liquor laws, particularly drinking in public places, under-age drinking and overcrowding of licensed premises, as well as greater attention to problems deriving from alcohol abuse, such as assaults, drink-driving and vandalism. These measures are a clear indication of the Government's commitment to fulfilling its obligations to the community of Canberra to act to deal with liquor-related problems in Civic.

The Government has not accepted the previous attempts by the Australian Hotels Association to portray the solution as resting solely with the provision of even more police resources - this despite a significant boost in the numbers of police assigned to Civic, in particular, and other regions across Canberra. More recently, I understand, the AHA has presented to the Attorney-General a nine-point action plan encompassing such issues as the responsible service of alcohol and the proper training of staff, both bar and security staff, in issues of liquor law compliance. The Government welcomes the industry's initiative in putting forward those proposals. It is also pleasing to see that the AHA has recognised the potential need for setting a taps-off time for licensed premises. This is a significant reversal of their oft stated position that there is no need for trading hours restrictions, and it almost guarantees some Government action in the foreseeable future to restrict trading hours.

As someone who has seen first-hand the anti-social behaviour that is occurring in Canberra's late-night entertainment areas, I can only repeat that it is not acceptable in our city and that this Government is committed to preventing it, or responding to it appropriately and forcefully when it does happen. I think the police view is one that has to be respected here. They are the ones who have to pick up the pieces. They are the experts in this area. They are the ones who have been calling for some time for action such as this to assist them in their battle against anti-social behaviour. Might I say that I think that is something other people in this house, especially the Greens, should have regard to. I would expect that any action that was taken as a result of this would lead to a drop in violence and some of the incidents that concern them, rather than an increase.

Our city might be amongst the safest in the world; but, if there are measures that we as a government and as a community can undertake to make it that little bit safer, then it is incumbent upon us to do so. Indeed, only at the end of last year my colleague the Attorney-General referred to a drink-drive operation conducted by the police in and around Canberra City. One in 30 drivers recorded a positive drink-driving test, and after 3.00 am that figure narrowed sharply to one in three tested being over the limit.

Mr Humphries, who was with the police during that operation, tells me that most of those drivers caught after 3.00 am in the city for being over the limit were emerging from licensed premises.

Mr Osborne's Bill has, to a limited extent, pre-empted the Government's consideration of the restriction of trading hours, in that his Bill establishes the framework under which regulations can be made by the Government to restrict trading hours. The actual restriction of trading hours would be a matter for Government action through the making of such regulations. The Attorney-General will finalise in the next few weeks his consultations on the issue and review the outcome of the initiatives put in place over the summer period. A decision will then be taken on the nature of any liquor trading hours restrictions. That decision will be taken after involving the industry in consideration.

It now appears clear that there will be a closing time and that all sides of the debate - except, I understand, the Australian Labor Party and the Greens, but including Mr Moore, the Government, Mr Osborne, the police and now the industry itself - accept the need for some restriction of trading hours in Canberra. The Government supports Mr Osborne's Bill enthusiastically and commends him for having brought it to the Assembly.

MS FOLLETT (10.56): My Labor colleagues and I will be opposing this Bill of Mr Osborne's, and we will do so for a number of reasons. I would like to point out at the start, however, that the Bill represents a quite unusual and, in my view, totally unwarranted step, and that is the handing over by this Assembly of our regulatory powers to the Attorney-General. It leaves the Assembly with only the power of veto by way of the disallowable instrument procedure. It seems to me that it would be far preferable for the issues in this debate to be put fully before the Assembly and for the result of that debate to form the basis of policy on this matter. If it is the will of the majority of the Assembly to take the kind of action we have heard Mr Osborne outline, then so be it. I would not argue with the Assembly's role in that procedure, but I think the Assembly needs to think very carefully about simply handing over to a Minister a power we have in the way that this Bill outlines. It is a serious step, and I hope that it does not form a precedent for further legislation that is aimed at diminishing the powers of the legislature. I think that is a serious issue that members ought to consider.

Amongst our other reasons for opposing Mr Osborne's legislation is, first of all, the belief that the step Mr Osborne is taking may simply act to concentrate unacceptable behaviour at a particular time of the day. Mr Osborne may not be old enough, but I certainly am, and I well remember the phenomenon known as the 6 o'clock swill. It was my lot, as a young person, to walk quite a long way through the streets of Sydney to get my transport home at around 6 o'clock in the evening. The display shortly before the 6 o'clock closing time of unseemly, illegal and totally unacceptable behaviour was something that has never left me. I have remembered it all my life. That behaviour was brought about purely and simply because the pubs were closing at 6 o'clock and because the drinkers were determined to pack in as much alcohol as they possibly could before that closing time. It was often the case that 6 o'clock closing led to violence and to people taking grave risks with their own health, in my opinion, by binge drinking in the immediate lead-up to the 6 o'clock closing time.

It is my view that any artificial closing time, whether it is 6 o'clock or 3.00 am or whatever, will have the same effect. We will see drinkers trying to make the most of whatever limited time is available to them, perhaps with their judgment blurred by alcohol anyway, and I cannot see how we could fail to have a repeat of the same phenomenon that the 6 o'clock swill saw. I also think that, unlike 6 o'clock closing, where presumably the drinkers had had only an hour or two after work to ingest alcohol, with a 3.00 am closing time the drinkers would have had several hours - five, six or seven hours - in which to drink, and we could see an even worse phenomenon occurring.

I am also seriously concerned about the issue of binge drinking, particularly for inexperienced or young drinkers. I have seen that, whenever there is a limit on the supply of a commodity, those people who are particularly keen on it tend to overdo it. Whether it is cakes at a kids party or whatever, if there is a limited supply available some people will seek to maximise their share of that supply. If we do see 3.00 am closing, we will see an increase in binge drinking, particularly amongst young and inexperienced drinkers. I think that is a serious issue that we ought to consider as well.

I also believe that there is a high probability that imposing a closing time in the city area, which I understand is Mr Osborne's intention, could well see a displacement of the unacceptable behaviour, the illegal behaviour perhaps, to some other area of Canberra. It is a fact that drinking places, particularly nightclubs, where people congregate in large numbers, go through fashions. Sometimes it is this nightclub, sometimes another nightclub, where everybody tends to gather. If it is known that, say, in the city the nightclubs, the taverns, will be closing at 3.00 am, people may well choose to spend their evening in Manuka and we may simply see a displacement of the unacceptable behaviour.

It is not clear to me whether Mr Osborne intends this kind of closing regime to be brought in right across Canberra, and perhaps that is another matter he might want to make clear. It would be very undesirable indeed if we were simply to see people transferring what I fully accept is unacceptable behaviour to another area, perhaps where it is less easy to control. For example, if they go to Tuggeranong or to Belconnen, where there is not the concentration of business houses and hence police resources, transport and so on, it may be even more difficult to control the unacceptable behaviour as a result of late-night drinking.

Finally, I would like to point out that we have heard at length from Mr Moore, in particular, on the issue of heroin, that prohibition does not work and has been proved not to work. Yet here we have an attempt to impose a limited prohibition regime on the consumption of alcohol. Why prohibition might be thought to work in relation to alcohol when Mr Moore clearly believes that it has not worked in relation to heroin is something I would be very interested to hear about. It does, in my view, smack of hypocrisy. I believe that the legislation Mr Osborne has brought forward, while well intentioned, could in fact have unintended consequences that exacerbate the problem. That is my greatest concern, and I believe that by weakening the Assembly's own powers in relation to this matter we are probably denying ourselves the opportunity to debate in detail many of the issues that ought to be debated.

As I said, we will be opposing Mr Osborne's Bill, and I can assure the Assembly that it is not because I have any brief whatsoever for the AHA. I disagree, in fact, with the points of view they have put forward. I believe that the statistics they put forward to support their case a couple of months ago were quite fatally flawed. The decision my party has reached in relation to this matter is as a result of our examination of the practicalities of the issue. We have decided that, for our part, the Bill ought not to be supported. In saying that, I believe that Mr Osborne has brought the matter forward from the very best of intentions, and I hope that there is a solution to this issue. My own view is that that solution must involve the licensees themselves being brought to book on issues such as the serving of alcohol to under-age drinkers and the serving of alcohol to people already intoxicated or affected by alcohol. I do not believe that we would have this issue on the Assembly's agenda at all if it were not for one or two licensees in Civic failing to live up to the requirements of their licence in regard to those two issues.

I regret that this step has had to come about. I think there probably are better ways of achieving the objectives Mr Osborne has set out to achieve. I also consider that the increased policing we have seen in Civic over recent months has had an effect. There has been a reduction in crime; there has been a reduction in unacceptable behaviour; there have been arrests and charges have been laid. If Civic got a reputation for being a very well policed area, 24 hours of the day, we might indeed see the problem resolving itself. We oppose the Bill; but I would, of course, support any reasonable action that further reduced the level of crime, the level of unacceptable behaviour, as a result of alcohol consumption, and particularly action that protected the rest of the community as well. I am concerned that we might see these issues breaking out in other areas.

MR MOORE (11.06): In rising to speak on this Bill, I think it is important to indicate, first of all, that I have prepared and circulated some amendments. I foreshadow that, in the detail stage, I will be moving those amendments, which provide for a sunset clause to this piece of legislation, so that it is available to the Government for only nine months. That meets, to a certain extent, the criticism put by Ms Follett that we are handing over power to the Government, except for veto. So that will be limited to nine months, although I would like to make the point that it may have slipped Ms Follett’s mind that we passed an addition to the disallowance legislation that now allows amendment as well as disallowance. So it is not just a case of being able to veto; we also have the power, when a regulation is put up, to modify that regulation. That is not to undermine the fundamental point Ms Follett made that this is a shift of power from the legislature to the Executive. I accept that that is the case. I do not think it is the best way to go about it. However, I am prepared to accept it on a nine months basis, which is why I am putting this up.

While I am dealing with issues raised by Ms Follett, I should explain to her, as I have done on a number of occasions, the consistency of my position on this issue, as with illicit drugs. Whilst I believe that prohibition does not work, I have always believed in a system of controlled availability, and it is a system that does have restrictions on it. I have never believed that we should have free access to any drug, and that includes alcohol and tobacco. So it is actually a quite consistent approach. The question we are dealing with is: What are the controls and how we are going to tinker with the controls

to try to get the least possible harm associated with the use of this particular drug, alcohol? That is why, when Mr Osborne approached me and said that he wanted to use this approach, I said that I believed that it could be done only if it was properly evaluated and was done on a trial basis, so that we would then have some proper information on which to base our decision.

I heard Ms Tucker on the radio, I think, yesterday talking about a piece of research that was done in the Northern Territory, which we must extrapolate from. It is appropriate for us to look at that and to extrapolate. However, if a body such as the Australian Institute of Criminology were doing research on a trial such as this, the first thing they would do is a literature search. They would go right through all the literature available and present the ideas that have come internationally on what happens with closing hours. They would then set out a protocol for how they would conduct the trial, before any trial began.

At that stage, it may be that the information is so overwhelming that we unanimously agree that we ought not proceed with a trial because there will be too much damage, because there are ethical problems, or because the aim of the trial simply cannot be met, because no problem exists in the first place, that it has just been a beat-up. Indeed, most of us who watched the issue of violence in Civic as it was presented to us, particularly through the *Canberra Times* and other media outlets as well, at the beginning of this year, would probably agree that there was a significant beat-up. We still live in probably the safest city in Australia, which probably makes it amongst the safest cities in the world. That does not mean, though, that we can ignore it when violence does occur, and it does mean that we have responsibilities to make our city even safer, if we can. That safety does not apply just to walking in our streets; it applies also to what happens in the home, and that is certainly the issue Ms Tucker raised in relation to the Northern Territory research. No doubt she will talk about it later. The findings in the Northern Territory research indicate that there was an increase in violence in homes. There are huge cultural differences between the ACT and the Northern Territory; so we have to be very careful how we extrapolate from that, and it may well be that a trial is necessary to understand those issues and how they apply in the ACT.

They are the sorts of reasons why I originally gave my support, qualified by the fact that it had to be a trial monitored by a body such as the Australian Institute of Criminology, and Mr Humphries and Mr Osborne seemed to settle on the Australian Institute of Criminology as the appropriate body to examine this proposal. Since that time, Mr Osborne's actions have brought about a whole series of other actions. The most notable of those has been the response by the AHA - in one sense voluntarily, but I think under the huge amount of pressure Mr Osborne has brought by introducing this legislation - to put up a code of conduct that will deal with the sorts of issues Ms Follett raised about serving people alcohol when they are clearly inebriated.

The issue here is that people are being served to make a buck. The threat Mr Osborne has put out is that they are going to lose a lot more bucks by proceeding with irresponsible conduct. It seems to me that the AHA, in a proposal that I first saw either yesterday or the day before - a seven- or eight-point plan - indicated that they were prepared now to take some action. It is important for us to examine that, and I am happy to discuss it with Mr Osborne - I have already discussed it with Mr Humphries -

but, for that to take place, the big stick ought to be there in the first place. There still is the possibility that they are going to lose significant amounts of money if they do not take their responsibility seriously in terms of the use of alcohol and the serving of alcohol.

This is not a simple issue. Ms Follett, and Ms Tucker as well, raised a whole series of other points about domestic violence, about violence in Civic, about the use of police, about closing hours, about how you can move a problem not only from one location to another - for example, from Civic to Manuka - but also from a nightclub to a home. There is a whole series of very difficult issues that need to be addressed in any study on this issue, but those issues do need to be addressed - - -

Mr Berry: So prohibition works?

MR MOORE: Mr Berry has just come in, and he interjects that prohibition works, after a little chat to Ms Follett. Unfortunately, it was a question I have already answered once, Mr Berry. Your shallow understanding of this whole issue flabbergasts me. As I have explained to you before and as I have explained to Ms Follett, I do not suggest for one minute that prohibition works; but I also do not suggest ever, on any drug, that we have a free-for-all. We are talking about controlled availability. That is a system we should use with all drugs, and we should apply it in different ways to all drugs. It is a great shame, Mr Berry, that you do not join about 100 of your Labor colleagues from around Australia who recognise that prohibition does not work and look sensibly for methods of minimising harm. That is exactly what Mr Osborne has attempted to do here - look for a method to minimise the harm associated with the use of alcohol. If his method increases harm, then we ought to leave it. If the method reduces harm, then we should adopt it. But the only way we are going to know is to trial it.

What is being proposed at the moment is a series of other things that could work in an integrated way and perhaps should be trialled before we look at what Mr Osborne has proposed, and we have a method to do it. This Bill simply facilitates those things. It does not compel Mr Humphries to go out and introduce 3.00 am closing. That is what I see as stage two. Stage one is to allow that power to be put into his hands, and then to monitor it, remembering that in this Assembly we can still contain that power in one of two ways - by absolute disallowance or by amendment under that same Act. Granted, we have to watch for the subordinate legislation, and that is what makes it different from the black-letter legislation we are dealing with, like Mr Osborne's legislation. That is why I have foreshadowed that I will be moving amendments to this legislation in the detail stage. This is an appropriate reaction to a situation. It is appropriate, provided that it is done on a trial basis and monitored to check that it reduces the harm associated with the use, or abuse, if you like, of this particular drug, alcohol.

MS TUCKER (11.17): The issue for us here is, once again, that it is always much more complex than it might look at first glance. I have expressed in the media, as most members are aware, serious concerns about the consequences of these sorts of initiatives, which, if they have not been thoroughly researched, can have very harmful effects on the community. I do not believe that this has been sufficiently well researched. I heard what

Mr Moore said, and I am hearing other people acknowledge that this sort of initiative needs to be well researched before members of this place have to make a decision. I do not understand why we are even having this discussion now if that research has not occurred.

I have been told that it is a position the Liberal Party have held for some time and that, as far as they know, there are no problems with it. I do not think they know very far, and that was echoed this morning by the Institute of Criminology, when Mr McDonald, to whom I spoke, said, "Of course, you need to do research. You need to find data-based information about whether this sort of trial has worked before in other places". He did not at any time say, "Things that happen in other places have no relevance to what happens here". He said, "You obviously cannot say that what happens in Darwin, for instance, will automatically happen here in exactly the same way".

What he did say was that you have to look at research that has been done in other places and you have to take warning from results there. I believe that there is incredible warning in what happened in Darwin, and I would argue that the onus is on this Government to show us why we do not have to be alarmed about the proposal to run a similar trial here. I want to see that and I have not seen it, and I am not at all happy with the way the decision process is working in this place. What we found in Darwin was that there was a 55 per cent increase in serious assaults, sexual and physical, on the weekends, and there was an even higher increase on weekdays.

This is about domestic violence; it is about other sorts of violence; it is about violence that has been more widely spread in the community. Interestingly enough, after I did the media yesterday morning, I was rung by a policeman and I thought, "I am going to get an earful now". But no, he was ringing to say that he supported my concerns. He had real concerns about the whole process of a trial and how you monitor whether facilities are stopping selling alcohol at a certain time. There is the question of transport in Darwin. I do not know how different we are here; we have wiped out the Nightrider bus service. In Darwin, taxis would not pick people up because they were so drunk and the drivers did not want the vomit in their cars. Then they very quickly had to bring in a mini-bus service. So there was a problem with transport. There was an overall increase in consumption of alcohol over the trial period. I do not know why we are so sure that we are different from Darwin, but I am happy to be told that we are. I want to see the evidence, and I have not seen that.

The onus is on the Government and proponents of these sorts of proposals to show us why we do not have to be concerned. I do not see that members of this place have been given the benefit of that information, and it feels like very irresponsible decision-making. We can be told that the finer details of such a trial, of regulating trading hours, would be sorted out, things like the ANU bar - of which you do not have to be a member, Mr Osborne, I can assure you - and the Queanbeyan outlets, of course, and the supermarket outlets. As I mentioned yesterday, in the "Manuka by Night" paper there were grave concerns from residents because they were having to deal with people drinking in their parks. How do we know that this is not going to happen?

It was obviously happening in other places. In the short time I have had to look at this, there is evidence in studies that have been done in other countries and elsewhere in Australia that there are concerns. In two cities in America - I think it is Chicago and Los Angeles - one has restricted trading and one does not. The one with the restricted trading is more violent. I have not had time to do a thorough research search here, and that is what I want to see.

The question of bouncers is another issue. Consistently in all the studies that I have been able to see accessed, there is grave concern about the connection between bouncers and crowd controllers and violent incidents. I am very pleased to see the Government working on this issue. The Community Law Reform Committee report on the issue was very good, and everyone seems to be happy with the process that is happening there. Once again, however, if we are going to talk about the incidence of violence in Civic, we have isolated this particular issue, which is only now starting to be dealt with. Why not work out how much of an impact that is going to have on the problem of violence in Civic? That is something that is going in parallel and that needs to be given a chance. Then we can identify the problem that is left.

Talking to the people at the Institute of Criminology, they were saying that they could see the reason for having, if you like, this two-stage approach, so that we have the opportunity to look at information in this place. We need to have a commitment from this Government that they are going to finance a review from the Institute of Criminology, or whoever else they choose to use who has expertise in the area, to look at collecting all the information, so that a report is presented to the Assembly. We will be asking that this process gets slowed down so that we can have a reasonable chance of making a decision that is well informed.

The question of violence in society generally is much broader than the few people who get drunk and punch each other in Civic. This is about violence throughout the community, and, when we try to attack this problem by what could be seen to be playing with people's lives, it is saying, “We will have a trial and, if we see that serious assault, sexual assault, domestic violence, does increase, then we will say that this trial was not a success”. But that is very offensive. They are real human beings at the bottom of that idea and they are going to suffer, and I do not feel that it is responsible for us to take on the idea of a trial in that manner. I am very disappointed with the Liberal Party's response. All I have had is, “We have always stood for a trial because we think it would be interesting and we do not know that it would be a problem”. I repeat that I do not think they have done the work, and that is what we are asking for. I am happy to look at it. When we get the informed report, the information, we can assess whether we want to take that sort of risk with the people of this city and this region, whom we represent.

Once again I say that it is about women's issues particularly; it is about domestic violence. We already have another report, which I think is going to be discussed today, where Mrs Carnell acknowledged that she agrees with the task force that it is a national health issue. Domestic violence is of huge concern. We cannot on the one hand say that, and on the other hand go ahead with this sort of process, which is not appropriate.

The question of how we could approach violence is also about what the Australian Hotels Association has come up with. It is about making the industry accountable. It is not just crowd controllers; it is people working within the industry. They are interested in training people in serving people with alcohol. They are interested in improving the accountability of the industry, and that is good and it is cooperative. It could be about working more with the community, and the community safety committees that are already in place are a very good start for this sort of initiative.

On the broader questions of violence in the whole community, I am reminded of my work on the Social Policy Committee, where we are looking at violence in schools. You see quite clearly that these kids are now turning up in preschool, then you see them in primary school, and then you see them in high school. You can bet your bottom dollar that they are probably the ones you are going to see in Civic. Let us have a look at how we can bring real resourcing to early intervention, to parent support. These kids are often identified very early, and, while I understand that in adolescence things can happen, too, and that it is not always picked up very early, that is also an argument for resourcing our schools and our community services to support families in need so that they can find ways other than violence to deal with conflict.

It is only if we start looking at this in the broader community that we are going to avoid the situation where we need more police, we need more rules, we need more sentences, we need law and order. How about looking at it from the bottom, looking at preventing what is going wrong in our community and taking responsibility for it, not just coming with a big stick at the end and saying, “These people are bad and they are messing up our lives”. These people have had troubled backgrounds, very often, and a community that is not supporting them. Why do we not look at that? In my committee work I noticed that one mother's comment was that bullies are not happy people. I do not think people who go around punching each other because they get drunk are necessarily happy people either, so why do we not look at the whole issue? In conclusion, I indicate that this is my response in principle to this Bill, but I will talk later about the amendments.

MR OSBORNE (11.28), in reply: Mr Speaker, it appears that I have enough support here to get my legislation up, and today I would like to thank the Government and Mr Moore for that. I would also like to thank the AHA, because it appears that they support some sort of restriction on alcohol, which is what we are debating here today. I would also like to thank the Labor Party and the Greens for raising some very valid arguments. I do not think anything they said today I would grossly disagree with, and they certainly raised some issues. However, after listening to the debate, I feel that it is necessary to clarify a number of points.

Firstly, Ms Follett asked whether or not the proposed trial would cover just Civic or the whole of Canberra. My understanding is that it would be a blanket cover across the whole of Canberra, so hopefully that clarifies the matter for Ms Follett. Secondly, I would like to go to another point that needs to be clarified. A lot of what Ms Follett said and a lot of what has been reported - and I believe that a number of petitions on this are about to be tendered in the Assembly - indicates that my proposal

is to close pubs and clubs. That is certainly not my intention. My intention is to restrict the sale of alcohol. I certainly will not be legislating in any way whatsoever to force pubs and clubs to shut their doors. That is a choice they and they alone make. When that petition is tendered here in the Assembly, I will be more than happy to sign it, because it is not my intention to force anyone to shut.

Another thing I would like to speak about is the impact the Institute of Criminology will have on this concept of mine. I initially spoke to Mr Moore about it, and I thank him for his support. He was kind enough to steer me in the direction of the Institute of Criminology. I had a meeting there for about an hour and a half with the director and a number of senior criminologists, and we spoke about the Northern Territory situation. It would be foolish for me to say that we should not look at different trials and different data. It would be absolutely silly for me to do that. But, as Mr McDonald said to me, there is no way he could say categorically one way or the other, by looking at a trial conducted in the Northern Territory, whether it would have a good or a bad impact on us here in the ACT.

I have been approached by the AHA a number of times, I have had meetings with independent hoteliers, and I have spoken to many people on this issue. They have come to me with different points of view and I have said, "Show me something in black and white. Show me some sort of data that will support your case". Not once has anyone come forward with anything that would specifically show that running a trial like this in the ACT would be good or bad. That is why, rather than calling for an outright ban, I have tempered my own views a little and gone down the path of this trial. I think it is very important on this issue that we have some facts and figures in front of us. There is no point in someone coming to me and saying, "We are going to have a 3 o'clock binge", or "We are going to have a 4 o'clock binge", or "We are going to have a 5 o'clock binge", because no-one can categorically show me that that will be the case.

Some of the points Ms Tucker raised about domestic violence and serious assaults are very valid, and they are things that need to be taken into consideration. Mr McDonald, from the Institute of Criminology, with whom I spoke again this morning, indicated on the day I had the meeting with him that it could take anything up to six weeks to two months for them to set up this whole process so that at the end of the day they can come back with a professional and expert opinion for us in the Assembly to consider. I am sure that they will be looking at data from overseas and they will be looking at data from the Northern Territory. Ms Tucker said that we should look at San Francisco and Los Angeles and at the problems they have there. I think it is a lot like comparing Darwin with Canberra to say that we are going to have the same types of problems. I have been to both cities, and they are certainly two different cities. That is why I believe in having the Institute of Criminology very heavily involved.

I would like to touch briefly on nine points the AHA have raised. They are, as Mr Moore said, well worth looking at; but I would suggest that the majority of those are things that should be put in place irrespective of the big stick being held over them. A lot of what they have here is things they should be doing anyway, and I hope that, whatever the outcome of this debate, and whether we finally come to 3 o'clock or whatever,

the members of the AHA, independent licensees, will all go some way to following these recommendations, the majority of which are quite good. That is why I am pleased they are supporting my view that there should be some restriction on the sale of alcohol. They are offering a voluntary 5.00 am close, so we are only two hours off. Perhaps we can wear them down. I am not holding my breath, though.

We spoke about the problems in Civic, and I would like to congratulate Tony Curtis from the Civic police station and Jeff Brown for the work they have done over the last few months. I think that can continue. I have never said that my proposal is the ultimate solution. I do not think there is an ultimate solution to the problems we have. I just think this could be a significant step. As I said before, I am basing my assumption on my own view, on research and information I have received from different parties; but nowhere can I find anything in black and white that says that this will happen or that will happen. I suppose that that is why I went down this path. Ms Tucker raised concerns about why I did what I did. The power we have given to Mr Humphries is a major shift in power, I agree; but I think it is well worth the risk.

Taking the worst case scenario - I do not believe that it will happen and the police certainly do not think it will - if Ms Tucker comes in after one day and says that there is a marked increase in one particular crime or another, there is nothing to stop Mr Humphries automatically changing the regulation. I personally do not think that will happen, but we chose this option so that if there was a marked increase or decrease one way or the other it would not require a major change in legislation in the Assembly to right it. That is why I went down this path.

I hope that I have clarified a number of points there. I thank the Government, I thank Mr Moore, and I thank Ms Follett and Ms Tucker for their input. I am very pleased that we all have taken what I consider to be a very sensible approach and have debated this whole issue sensibly. I think we have already seen that it is having some sort of impact and, hopefully, it can improve and my legislation will have some impact.

Ms Follett: Maybe not what you wanted, though.

MR OSBORNE: Finally, there is one more point I would like to raise about the 6 o'clock swill.

Mr Moore: This is your third “finally”.

MR OSBORNE: This is my third “finally”, but I am getting interjections from Ms Follett, so that it is prolonging it a little. To talk about the 6 o'clock swill is a very valid argument.

Mr Moore: It was before your time.

MR OSBORNE: It was well before my time, but I have witnessed and perhaps once or twice taken part in some sort of swill myself.

Mr Moore: I cannot believe it.

MR OSBORNE: It was not very often, and it was a long time ago. I would suggest that not many people could consume much more than they do in the early hours of the morning. I thank everyone for their input, and I hope that over the next few months, as we go down the path of setting up this trial, the debate will continue to be conducted in this way. I thank the Greens for their input. We perhaps had a crossing of communication lines over the last couple of days, and I apologise if any of that was my fault; but I think it was a case of both sides being a little in the wrong. I apologise for "juvenile", as long as you will withdraw "simplistic". I thank the members who supported me.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 8	*NOES, 7*
Mrs Carnell	Mr Berry
Mr Cornwell	Ms Follett
Mr De Domenico	Ms Horodny
Mr Hird	Ms Reilly
Mr Kaine	Ms Tucker
Mr Moore	Mr Whitecross
Mr Osborne	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

Bill agreed to in principle.

Mr Berry: Mr Speaker, I remind you that Ms McRae and Mr Humphries are paired.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (11.44): Mr Speaker, I seek leave to move together amendments Nos 1 to 5 circulated in my name.

Leave granted.

MR MOORE: I move:

Page 2, line 4, clause 4, omit "is", substitute "has effect as if it had been".

Page 2, line 7, clause 5, omit "is", substitute "has effect as if it had been".

Page 2, line 10, clause 6, omit "is", substitute "has effect as if it had been".

Page 2, line 13, clause 7, omit "is", substitute "has effect as if it had been".

Proposed new clause -

Page 2, line 20, after clause 7, insert the following new clause:

"Application

8. Sections 4, 5, 6 and 7 have effect for the period of 9 months commencing on the day on which this Act is notified in the *Gazette*.".

Mr Speaker, these amendments have the effect of putting a sunset clause in the Bill so that the effect of this particular amending legislation will last for only nine months. There has been some discussion in the chamber, Mr Speaker, that nine months may not be long enough because it would not allow such a trial to operate over the summer months. My understanding is that Mr Stefaniak will move an amendment to my amendment which will change that to 12 months. That is acceptable to me, Mr Speaker. Therefore, I think that what we will see is a piece of legislation that does put some extra power into the hands of the Minister for a year to allow a trial to go ahead.

It has been very interesting listening to the debate on this Bill, Mr Speaker. It seems to me that a trial of this nature will actually answer many of the questions that have been raised. A whole series of very serious questions have been raised. It may well be that those questions will be answered in the literature search even before such a trial goes ahead, and it may well be that the Minister then determines - or this Assembly, through a disallowance procedure, determines - that no trial will proceed, because of the literature search, because of the review, because of the information about the baseline. If there is going to be an assessment of whether things can be improved by a change in hours or by a change in the approach taken by the AHA or whatever, you have to have a baseline to start with, something to compare with. When we read the literature review and when we see the baseline, it may well be that we then determine that it is not necessary to proceed to a trial. Nevertheless, I think this issue has been appropriately brought to the Assembly and I look forward to my amendments being passed so that the power is in the hands of the Minister for a limited period.

MR STEFANIAK (Minister for Education and Training) (11.47): I move the following amendment to Mr Moore's amendment:

Proposed new clause 8, omit "9", substitute "12".

My amendment deletes the figure 9 and inserts in its place 12, so it becomes a 12 months trial. If there is to be a trial, which I think is obvious, it needs to encompass the summer months as well. The Government, I think, would have preferred any sort of sunset clause to be in the regulation which the Minister issues; but we certainly can count, and we appreciate that there seems to be a mood in the Assembly that Mr Moore's amendment will succeed. Accordingly, we feel that the 12 months would be a much more appropriate timeframe than the nine months. I would certainly be surprised if a trial were not needed, Mr Moore; but at least we feel that 12 months is an appropriate timeframe. It will enable the trial to continue over summer, which I think is quite crucial, as everyone realises, and it is a more realistic timeframe than the nine months initially proposed by Mr Moore.

MRS CARNELL (Chief Minister) (11.48): A number of concerns about the trial have been raised in the Assembly this morning. I just want to give a commitment to the Assembly about the protocols for the trial. After the literature search is done, after all of the work has been done to determine whether a trial is appropriate, if it is determined that a trial is appropriate those protocols will be tabled in this Assembly to give all Assembly members an opportunity to determine whether or not they use their power of disallowance, with all of the information in front of them. Certainly, the Institute of Criminology will be one of the interested parties that will be spoken to in putting together those protocols.

MS TUCKER (11.49): I will support the amendment because I think it is bringing in something that is important, in terms of the summer months being covered and so on. However, I have to say that we were not able to vote for the whole Bill because, although Mrs Carnell has made a sort of commitment to information and she has said that they will talk to the Institute of Criminology, that is not what we want. We want to have a much tighter commitment than that, because we have seen before these sorts of reviews that come up with an opinion that is not necessarily a balanced opinion. We hope that we can work constructively with members here to ensure that it is an informed decision that we make about this issue because, I repeat, it is about people's lives, and we cannot enter these sorts of trials without really understanding the consequences.

MR OSBORNE (11.49): I will be supporting Mr Moore's amendments because I have no choice, really. But I would just like to give Ms Tucker a reassurance as well. I believe, as she does, that the Institute of Criminology needs to be heavily involved in this, and I will ensure that it is, from my point of view. I will include her in any meetings or conversations that I have with the institute in the future.

Amendment (**Mr Stefaniak's**) agreed to.

Amendments (**Mr Moore's**), as amended, agreed to.

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

Bill, as amended, agreed to.

FAIR TRADING (AMENDMENT) BILL 1996

Debate resumed from 21 February 1996, on motion by **Ms Follett**:

> That this Bill be agreed to in principle.

MR STEFANIAK (Minister for Education and Training) (11.51): Whilst the Government has reservations over the effectiveness and timing of the Fair Trading (Amendment) Bill 1996, the Government will support the passage of this Bill, for ultimately we share the same concerns over issues of privacy and consumer protection. It is in the legislative approach that we differ from the Opposition, Mr Speaker. The Government considers smart cards to represent a small but significant part of the technological changes occurring in our society. Arguably, it is an element of the information technology revolution. But this information technology revolution has implications for privacy of individuals and freedom of consumer choice.

In the present and in the future, as information about consumers and individuals is collated from the daily transactions they make, we shall have to address the privacy implications that arise from the collection of this data and the ramifications for control and manipulation of the consumer market. Information collected exists in electronic form which is rapidly transmittable across State and Territory borders and vast distances overseas. Likewise, the technology enabling smart card transactions themselves transcends borders and jurisdictions. For example, it is quite feasible that private information about the use of a smart card by an ACT resident may be downloaded to a database in New South Wales and disclosed in any number of Australian jurisdictions or overseas. Whilst the Bill purports to have extraterritorial effect to cover these situations, I am advised by the Attorney-General's Department that there will be “significant evidentiary difficulties” in trying to prove these disclosures.

Further, I am advised that the Bill may lack application where an ACT resident uses a smart card which has been issued or encoded in another jurisdiction in a transaction outside the ACT. The Bill will not be able to protect ACT residents in those circumstances. Clearly, Mr Speaker, these problems require a national solution, with nationally uniform legislation to ensure that there are no gaps in protection. The Government is already pursuing this course of action and, in fact, raised the issue of a national approach at the Ministerial Council on Consumer Affairs on 4 August last year.

Again, I want to highlight the difference in our approach to the issue of smart cards. Crucial to our approach is the development of a coherent legislative response, which cannot, I emphasise, be properly formulated while the results of the trial remain unknown. For this reason, we regard the Bill as somewhat premature, as we are not in a position to fully consider all the protective measures that consumers and individuals need.

Further, we are concerned with the Bill's amendment of the Fair Trading Act to secure privacy rights of individuals. Recommendations in a report by the Privacy Committee of New South Wales state that the interwoven issues of privacy and consumer protection that arise from the use of smart cards should be addressed through special privacy and data protection legislation and specific consumer protection in the form of an industry code of practice. This multilayered legislative approach to privacy and consumer issues is preferred by the ACT Government.

I am also advised, Mr Speaker, that our preference for a national regulatory framework is similarly reflected in statements by bodies such as the Credit Union Services Corporation, the peak national body of credit unions; the Australian Consumers Association, which publishes *Choice*; and the banks directly involved in the Belconnen trial. A national approach will produce not only a consistent regulatory framework but also uniform levels of consumer protection.

Whilst this Government supports this Bill, with the reservations I have outlined about its timing and effectiveness, it will also continue with the following measures. Firstly, it will continue its proactive program through the Consumer Affairs Bureau of raising consumer awareness of the smart card trial and related issues. Secondly, it will evaluate with consumers and industry the outcome of the trial ending in December. Thirdly, it will examine the protection that consumers and individuals may need after the end of the smart card trial. Finally, it will pursue the development of a national and uniform legislative solution to consumer and privacy issues raised by smart cards through the Ministerial Council on Consumer Affairs, including the possibility of an industry code of practice. This course of action will most probably require the amendment or repeal of the provisions contained in this Bill, to give effect to a national regulatory approach. I therefore put the Assembly on notice about the probable need to amend or repeal these provisions.

MR MOORE (11.55): Mr Speaker, how reluctantly do we see the Government dragged in, kicking and screaming, but counting. They saw that the numbers were against them and decided that they were going to lose this, so they might as well do it with good grace. In the end, there was a little good grace, but not without our having heard Mr Humphries again and again saying, “This is not necessary. This is premature. This will not work”. Indeed, Mr Speaker, it may be inadequate, but at least it is a sensible step along the lines of consumer protection. If it is inadequate, then responsibility goes right back to Mr Humphries for allowing the trial to commence without having the appropriate safeguards and mechanisms in place in the first place. At least what we have seen from Ms Follett is an attempt to get in place some basic and fundamental safeguards, particularly for privacy. I must congratulate her and the Labor Party for getting this legislation before the Assembly to try to ensure appropriate safeguards for consumers.

It was interesting to hear the Government present some concerns about evidence and whether or not these issues would be able to be carried in court. I must say, Mr Speaker, that over the last six or seven years in this place I have heard the argument put again and again when people in some way have opposed legislation: “You will not be able to actually make it stick in court”. Of course, that is not the only purpose of legislation.

Legislation also can set a tone within the community and a tone amongst ordinary people, who are the vast majority, who tend to want to obey the law; who tend to want to follow the way legislation is set. It is also important to understand that tone in this piece of legislation. It well may be, Mr Speaker, that somebody is taken to court and we then find that it is necessary to improve this piece of legislation. Well, then, let us do it at that stage.

I am pleased that, in the end, the Government did, albeit reluctantly, come to the party in supporting this protection for consumers. I think it is a very necessary piece of protection. I must say, Mr Speaker, that, as each new piece of technology hits us, we always wonder to what extent we should allow a total free-for-all or to what extent we should continue to protect consumers. I think that the overall responsibility of this legislature is to try to protect those who are in the least powerful position. I think that, in the introduction of such things as smart cards, there are many people who are made vulnerable in some ways, and this legislation assists in providing a protection for that vulnerability. It is with pleasure, then, Mr Speaker, that I support this legislation and congratulate the Labor Party for introducing it.

MS FOLLETT (11.59), in reply: I thank members of the Assembly for their support for this legislation. As I said in introducing the Bill, Mr Speaker, and as Mr Stefaniak has reiterated, this is an interim measure. The fact of the matter is that eventually we will need a national and, in my view, mandatory code of practice for the regulation of smart cards in Australia. Mr Speaker, the trial that has just commenced in the ACT will involve up to 10,000 residents of the Belconnen area, and it can, therefore, be seen as a quite extensive activity in our community. There are some 300 outlets, I believe, that have signed up for the trial, including the kinds of outlets that many people visit frequently, like petrol stations and McDonald's. So, it is very much an issue for our consumers in the ACT community.

I have been concerned all along that the level of education and the level of information about smart cards and the whole technology were not high enough to allow people to make a well-informed decision about whether they should be part of this trial and should embrace this technology. Mr Speaker, at the outset, I want to congratulate the Consumer Affairs Bureau, and indeed their Minister, for undertaking an extensive education campaign on the smart card technology. I think an indication of some of the underlying or hidden issues in smart cards can be gleaned from one of the phrases that are being used in that education campaign - "Sexy or sinister?" - in relation to smart cards. It is my view that there are some sinister aspects, and I think that those aspects ought to be brought out into the open. I do not believe that it is widely known, for instance, that the smart cards actually have three chambers in them, or the capacity for three different types of operation. The first of those chambers is the electronic purse, which is like cash. You can get $200, $500, or whatever it is, from that electronic purse without using a PIN, and it can be seen as an extremely convenient way to shop. The second chamber is a debit card, where you can draw on your own funds. The third chamber - which is silent for the purposes of this trial, but there is a third chamber - is a credit facility. So, Mr Speaker, ultimately these so-called smart cards could take over not only an individual consumer's banking but, in fact, the whole of the everyday banking of a great many people in the ACT.

Another aspect that I regard as rather sinister is in the terms and conditions that accompanied the issue of these cards. In fact, Mr Speaker, there was amongst those terms and conditions the capacity for the banks to change the terms and conditions without reference to the consumer at all. Again I think this is something that people must be aware of. It may or may not be a significant issue, but certainly the banks have attempted to give themselves total control in this situation. Another aspect that I think is worth noting is the risk to your cash if you lose your card. As matters stand, I believe that, if somebody has a credit in their smart card and they lose their card, in effect, they have lost their cash. You cannot cancel it and get your money back. You cannot write and tell the bank to stop all further transactions. In effect, you have lost the cash. That is a significant aspect, particularly for people on low incomes.

I believe that people have a right to that kind of information in order to make an informed decision on whether or not to be part of the trial. In fact, Mr Speaker, I think it is a misnomer to call it a trial. What it is, of course, is a marketing exercise by the banks involved. They are attempting to persuade people to make use of this facility, and the reason they are attempting to persuade people to make use of the facility is so that they, the banks, can make money out of it. The fact of the matter is that all of the money in the individual electronic purses - what you have on the smart cards - is pooled. At the end of each day, that pool is reconciled, and, of course, there is a large balance. Every consumer will not spend the whole of their electronic cash every day. The banks make money on that pooled resource. Of course they do. If it were a matter, say, of each card having a credit of $100 or so at the end of the day, then we would be talking about some millions of dollars at call for the banks and for them to make money on.

It is also the case that there could be fees and charges on these smart cards. I understand that they have been waived for the first few months, as far as we know; but, of course, we are not aware of what the banks' final intentions are. In fact, Mr Speaker, I think that the current trial is quite clever, in a way. They are not actually calling it a smart card; they are calling it "MasterCard Cash, the smarter card" and using any number of devices, perhaps, to present this facility to consumers in the most attractive light possible. I say, "Let the buyer beware". Any consumers who go into this with their eyes shut could be running a risk with their own money and could, at the end of the day, be making a small donation to the banks' profits which perhaps they did not want to make. So, there is no such thing as a free lunch and there is no such thing as a smart card that does not cost you anything, in my opinion.

Mr Speaker, the small step which I have taken in order to at least protect the privacy of people taking part in this smart card trial is, I believe, just a timely warning that the introduction of the smart card technology is being watched and that there are legislatures, there are governments, there are elected representatives, who will act to protect the consumer in the introduction of this new legislation. Mr Speaker, I commend the steps that the Government has taken to raise this matter at the Consumer Affairs Ministers council. I understand that that matter is due to be debated in September of this year. I trust that the debate at that level will lead swiftly to a national and mandatory regime for ensuring that the consumer interest in this new banking facility is totally protected. That has been my intention in taking this first step - to protect the privacy of those consumers. I thank members for their support for the Bill and I trust that it will be but a first step in a national regulatory regime for smart card technology.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATION

MR HIRD: Mr Speaker, I claim to have been misrepresented. Under standing order 46 I wish to make a statement.

MR SPEAKER: Proceed.

MR HIRD: This occurred on 18 October 1995. I claim, Mr Speaker, that in this parliament I was misrepresented by the then shadow spokesman for urban services, Mr Whitecross, who is now the Leader of the Opposition.

Mr De Domenico: This week.

MR HIRD: This week. I draw the Assembly's attention to the Auditor-General's Report No. 2 of an audit conducted into the 1995 taxi plates auction, tabled at yesterday's sitting of the parliament. Among other matters, the audit reviewed the process used to select the successful auctioneer for the auction in question. The audit was conducted at the request of the Chief Minister following questions raised in this parliament on 18 October 1995 by Mr Whitecross, the then Opposition spokesman on urban services, over the selection of Harold Hird and Associates to carry out the said auction.

Mr Whitecross: On a point of order, Mr Speaker: My understanding is that Mr Hird is making a personal explanation under standing order 46.

MR SPEAKER: That is correct.

Mr Whitecross: The two-page personal explanation that he has in his hand seems to be a statement from him of his accounting of the events. In a personal explanation he should state what has been said that misrepresents him and correct the points, not give a two-page statement to the house, which is what he is doing.

MR HIRD: That is exactly what I am doing. Sit down.

MR SPEAKER: Order! I shall listen carefully to Mr Hird's comments and make sure that he does not stray from the personal explanation.

MR HIRD: Thank you, Mr Speaker; a wise decision, sir. I am pleased to say that, in spite of veiled inferences levelled at me by Mr Whitecross on that occasion, the Auditor-General has found that the selection of Harold Hird and Associates as the auctioneer was, in his words, "fair and unbiased".

Mr Berry: I raise a point of order. If Mr Hird wants to make some attacks on Mr Whitecross, he should seek leave to do so in the course of a statement to the Assembly; but, if he wants to make a personal explanation, he should keep to the personal facts. If he wants to seek leave to make a personal attack on Mr Whitecross, he should seek leave to do so. We will give it to him. Similarly, we will give Mr Whitecross leave to respond.

MR HIRD: I will be guided by the Speaker, as always, and I am making it personal.

MR SPEAKER: Mr Hird, have you finished your statement?

MR HIRD: No, I have not, sir.

MR SPEAKER: If you are going to attack Mr Whitecross rather than make a personal explanation - and I cannot judge that; it is what you have before you - then you do have the opportunity of seeking leave to make a statement. But I must, of course, advise you that that will then open the matter for full debate in the Assembly.

MR HIRD: I am not attacking Mr Whitecross.

MR SPEAKER: The Opposition has indicated that it would be happy to give you leave.

MR HIRD: I am making a personal explanation on the fact that Mr Whitecross attacked me on 18 October last year.

Mr Kaine: Erroneously.

MR HIRD: Yes, erroneously. He attacked me. I am not attacking him. I am saying that he attacked me.

MR SPEAKER: Order!

Mr Whitecross: Mr Speaker, on a point of order: Is it customary to address the Chair whilst sitting down?

MR SPEAKER: It is not customary to remain seated when addressing the Chair, either.

Mr Whitecross: I have a further point of order. On the question of standing order 46, Mr Hird has said that he drew some inferences last year about what I might or might not have thought. He has not said what I said which misrepresented him and why that was wrong. That is what he has to do if he is making a personal explanation.

MR SPEAKER: Standing order 46 states that a person may explain matters of a personal nature, although there is no question before the Assembly; but such matters may not be debated.

Ms McRae: To reinterpret what the Auditor-General says is not a personal explanation. Mr Speaker, with the greatest of respect, to reinterpret now, retrospectively, what the Auditor-General has said has nothing to do with a personal explanation. A personal explanation is a re-examination of something that has been said by someone in the chamber. There are plenty of avenues for Mr Hird to make such a statement; but I ask you, Mr Speaker, to look carefully at this standing order, because what Mr Hird is doing is reinterpreting new information to put an old slur under a new light.

MR SPEAKER: I will listen.

Mr Berry: I will add a bit more grist to the mill, if I may, in respect of the point of order, Mr Speaker. This is a matter that is going to be considered by the Public Accounts Committee anyway, and Mr Hird will have an adequate period of time available to him in due course to respond to the Public Accounts Committee report on the matter. It will be a matter that will come back to this chamber. So, in many ways, he is trying to pre-empt the discussion of that by the committee of inquiry. I repeat, Mr Speaker: If he seeks leave to make a statement, we will give him leave.

MR HIRD: No. I have been wronged. It is very generous of you. I have been wronged. I am not accusing; I am saying that he accused me.

MR SPEAKER: Order! You have only to seek leave, Mr Hird, if that is what you wish; but you will open this up for debate, I would suggest.

Mr Kaine: On a point of order, Mr Speaker: I am confused.

MR SPEAKER: So am I.

Mr Kaine: The member has sought to make a personal explanation under standing order 46. We have had three speakers from the other side, before he has even made his statement, questioning the propriety of it. I suggest that you rule that he is entitled to make a statement under standing order 46 and leave it at that.

MR SPEAKER: I am happy to do that, Mr Kaine. However, we have a two-page statement, I think, there. I have been listening to the statement; but I must caution you, Mr Hird.

MR HIRD: I will be guided by you, sir.

MR SPEAKER: If you drift away from the intent of standing order 46, I will rule you out of order. It is then up to you to decide whether you wish to pursue the matter and to seek leave to make a statement, which can then be up for debate in this house. Proceed.

MR HIRD: Thank you, Mr Speaker. The Auditor-General found further - again, these are his words:

> There is no evidence that the selection process was influenced by Harold Hird or the Minister for Urban Services [Mr De Domenico].

He said further that the selection procedures followed complied with government purchasing guidelines. I quote from the Auditor-General's report of the audit:

> A thorough examination of all documentation relating to the calling of quotes, the recommendation made and the final selection decision revealed no evidence -

no evidence -

> that Harold Hird or the Minister for Urban Services had any involvement or influence in the selection decision. Discussions with the responsible officials also produced positive statements that Harold Hird and the Minister had no involvement.

I quote again:

> There is no evidence that the selection decision was influenced by Mr Hird or the Minister for Urban Services or his staff.

Mr Speaker, the Auditor-General's report vindicates what I said in answer to Mr Whitecross.

Mr Moore: On a point of order, Mr Speaker: Up to now he has been in order; that is quite right. What he cannot do is debate the matter.

MR SPEAKER: I uphold the point of order.

MR HIRD: Now he should have the good grace to get up and apologise.

INFERENCES AND IMPUTATIONS
Statement by Speaker

MR SPEAKER: Members, at the sitting of the Assembly on 29 February 1996, Ms Follett, on a point of order, asked whether I would examine a matter in *Hansard* and perhaps report back on it. The matter referred to a comment made by me earlier that day concerning a supplementary question asked by Mr Berry. In my comment I stated that there was an inference or an imputation in the question. Mr Berry was not prevented from asking the question, nor indeed was the Chief Minister prevented from answering it. Nevertheless, having examined the uncorrected *Hansard* proof, I have concluded that the question did not contain an inference or an imputation.

PERSONAL EXPLANATION

MR WHITECROSS (Leader of the Opposition): Mr Speaker, I might rise under standing order 46 to make a personal explanation myself.

MR SPEAKER: Proceed.

MR WHITECROSS: Mr Speaker, I claim to have been misrepresented by Mr Hird, who claims that I misrepresented him. In Mr Hird's statement to the house a few minutes ago, he opened up by saying that I had misrepresented him, and he made various references to the Auditor-General's report, but at no stage disclosed any occasion on which I had misrepresented him. Therefore, his claim that I had misrepresented him is completely fallacious and without basis.

In relation to the merits of the Auditor-General's report on the matter and the question of a code of practice for members in their dealings with the Government, I think that these are matters that are better left to later debate, after the Public Accounts Committee has inquired into and reported on the Auditor-General's report. So, I do not want to open up those matters now. I just want to have it on the record that Mr Hird has not indicated any way in which I have misrepresented him, and therefore, transparently, there is nothing to apologise for.

Sitting suspended from 12.18 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Australian Federal Police - Alleged Corruption

MR WHITECROSS: Mr Speaker, my question without notice is to Mr Humphries in his capacity as the Minister for Police. Minister, there have been a number of serious claims made in recent weeks regarding alleged corruption in the Australian Federal Police. Specifically, a former AFP sergeant has claimed that, according to him, up to half of the officers of the AFP have engaged in some form of improper conduct, including robbing suspects, verballing, dealing in drugs and assaulting prisoners. These allegations appear to mirror similar allegations coming out of the royal commission in New South Wales. At a *Trends* luncheon earlier this month, the AFP Commissioner, Mick Palmer, stated that the hierarchical and branch structure of the New South Wales police force itself created an environment which could be conducive to corruption - a structure similar to the structure which, until recently, was in the AFP. Minister, can you advise the Assembly what steps you and the commissioner have taken to identify whether the kind of corruption alleged does exist in the AFP, particularly among officers involved in policing in the ACT?

MR HUMPHRIES: Mr Speaker, I thank Mr Whitecross for the question. It is a very good question in the light of recent comment. I am certainly concerned about the suggestions that were made on national television, on the *60 Minutes* program, and subsequently by that former officer of the Australian Federal Police. The concern that I have, of course, is centred around what has been, for the ACT, an extremely good record with police probity up until the present. We have not seen circumstances in which any serious allegations of corruption against officers serving the ACT, as part of the ACT Region, have been sustained in recent years or indeed for as long as I can recall, since the AFP was created back in 1979. That is a sign, I think, of considerable merit in the way in which the AFP has seen its work and the way in which it continues to carry out its duties of community policing in the ACT.

The allegations made in respect of the AFP by the former officer on the *60 Minutes* program and subsequently have been allegations made in respect of the national function of the AFP. I have not seen, at this point in time, any allegations relating to the ACT function of the AFP - the community policing function here in Canberra of the AFP - which would give me any cause for concern in relation to that function. Certainly, from time to time, citizens of the Territory make suggestions which I would describe - not in fairness, perhaps, to those citizens - as minor allegations of corruption about the operations of the AFP. Such allegations are always fully investigated, using the agency of the Ombudsman to do so. The concern that that sort of thing gives rise to has not yet been translated into, as far as I am concerned, any concern about the fundamental nature of the structure of the AFP or the nature of the quality of officers serving in the AFP as far as the ACT Region is concerned.

The structures that have contributed to these sorts of problems, in the words of Commissioner Palmer from last week, certainly are the sorts of issues which have needed to be examined, and have been examined, in the ACT context. The team-based approach towards police management has been, I think, a welcome device by the AFP to deal with those sorts of problems.

I am aware that the Federal Attorney-General, who has responsibility for the Australian Federal Police globally, has indicated his willingness to examine these allegations seriously and, as I understand it, has commenced to do so. I understand also that Commissioner Palmer has begun the task of working with the Federal Attorney-General to do just that. In the absence of allegations made against officers in respect of their ACT duties, I do not propose to initiate any parallel program or process in the ACT. With respect, that would be to initiate a process of tracking down allegations which have not actually appeared at this point in time. But I can assure members that the continuing brief I have given the Australian Federal Police is to be vigilant for this kind of problem. If any serious allegations or any concerns arise in the ACT context about these sorts of issues, they will be investigated as fully as the devices at my disposal allow. That is an ongoing commitment, not just for this particular point in time.

MR WHITECROSS: I wish to ask a supplementary question, Mr Speaker. Minister, given that presumably your counterparts in the Federal Parliament would have given exactly the same answer as you just gave before the *60 Minutes* interview and given the obvious concern of Commissioner Palmer about the structure which operated in the ACT up until recently, as he has changed the structure and identified that a tendency towards the structure being conducive to corruption was a concern which led him to change the structure, do you not believe that it would be appropriate for you to order some sort of inquiry to reassure the ACT community that there is not a problem in the ACT, if you are right, and to ensure that ACT police officers who are working diligently in the service of the community are not besmirched by these vague allegations and by the concern that might be created by the fact that you are saying that you will not order an inquiry until a specific allegation comes to light?

MR HUMPHRIES: Mr Speaker, the question I would pose rhetorically to Mr Whitecross is: Into what would I order an inquiry? There have not been any allegations concerning the conduct of police serving in the ACT Region in respect of their ACT duties that I am aware of.

Mr Moore: Yes, there have.

MR HUMPHRIES: There has been one allegation in relation to a serving AFP officer in this region at the moment in relation to something that happened on Christmas Island some years ago. I do not really have the jurisdiction or the capacity to order an inquiry into an event that happened on Christmas Island several years ago; nor should I. It is, with respect, of no concern to the ACT - except perhaps that there are now officers who were involved in that, or who may have been involved in something wrong at that stage, who are serving in the ACT. If you expect me to launch a kind of pre-emptive strike to investigate allegations which have not actually been made in respect of the ACT, I would say that you are defeating the purpose which you have just stated you are intent on supporting, which is to clear these people of allegations made against them.

Ms McRae: Why did you restructure, then, if there is no problem?

MR HUMPHRIES: Another point has been raised. Why have we restructured? We have restructured to achieve efficiency and a better outcome. I cannot understand this. Mr Whitecross says, “Take your pre-emptive step and have an investigation”. Ms McRae asks why I have taken a pre-emptive step of restructuring the AFP. It is only seven minutes into question time, Mr Speaker, and my head is already spinning. I cannot work this out. When you people have worked out what you are saying - - -

Members interjected.

Mr Berry: Mr Speaker, it would help the Opposition if we could hear the Minister above the cacophony created by his colleagues.

MR HUMPHRIES: Mr Speaker, when those people opposite work out what they are saying, we will have a look at it. When Mr Whitecross can come to me with a specific allegation relating to the ACT which I can investigate, I will do so. If he suggests that I should have an investigation of a particular officer named in respect of the Christmas Island matter as to his general probity, quite apart from what happened on Christmas Island, I would say to him that he is starting bushfires which he ought not be even talking about in a public way. I will remind him that it was only about this time last year that he had to apologise to the Australian Federal Police for remarks he made about their telephone manner. I suggest that he do not again get into the business of creating things that he cannot control in this place.

Hospital Waiting Lists

MR KAINE: Mr Speaker, through you, I ask a question of the Minister for Health, the Chief Minister. Chief Minister, over a period of years and through two successive Labor Health Ministers we saw the list for what is euphemistically described as “elective surgery” increase dramatically. Given that on that list there are hundreds of people who suffer from conditions that, while not life threatening, certainly detract from their quality of life, can you tell us what your Government is doing to reduce this list?

MRS CARNELL: Thank you very much, Mr Kaine. Mr Speaker, it is fair to say that there are many health experts - - -

Members interjected.

MRS CARNELL: We are starting to hear the health experts over on the other side.

Mr Berry: Blowing out the budget; the biggest blow-out ever.

MR SPEAKER: Order! The Minister for Health is answering the question, Mr Berry, not you.

MRS CARNELL: I am sorry, Mr Speaker; it did seem like Mr Berry was very interested in answering that question. I am not terribly surprised, really, because the one person who certainly does have a range of views on this subject, Mr Speaker, is Mr Berry. While in opposition, Mr Berry told this Assembly in 1990 that “one of the best performance indicators of a hospital system is the waiting lists” - the absolute best. Mr Berry should be very pleased that I am quoting him in this place. When Mr Berry actually got into government he sort of changed a bit and then he told the house in 1993 that waiting lists were no longer a full measure of the performance of the health system. I know that this is what you could call a punter's approach - a little bit this way, a little bit that way, a bit each way, or whatever. I thought I would just bring that in. But, unlike Mr Berry, as Health Minister I view the ACT's elective surgery waiting list as a real problem and something that really does require concerted action.

Mr Speaker, when this Government came to office just over a year ago, the waiting list stood at an all-time high of 4,569. In fact, it had more than doubled over the previous 3½ years, to the point where the ACT enjoyed the dubious distinction of having the second-worst record of any State or Territory in waiting times for surgery. This Government set itself the challenge of trying to reduce the waiting list by 20 per cent, or 900 patients, over the period of our three-year term. It is a challenge we have taken very seriously. Already this year we have targeted $2m in funds for operations for people who have been waiting for unacceptably long periods of time. At the end of last month, Mr Speaker, this had resulted in surgery for an additional 216 patients at Calvary Hospital, and more than 600 additional cases are expected to be treated before the end of the financial year at both public hospitals in Canberra. Already this year we have developed a waiting list policy, or management strategy, if you like, which involves doctors, nurses, hospital staff and patients.

Mr Berry: How many have you reduced them by?

MRS CARNELL: I will get to that, Mr Berry. It is all right; just wait. You will be very pleased, I am sure. We have recruited additional operating theatre nurses and trainees to partly fill what has been a desperate shortage in our theatres, particularly at Woden Valley Hospital. The new professor of surgery at the Canberra Clinical School, Professor McClelland, has also begun extensive work on developing protocols and management plans at Woden Valley Hospital to ensure that our waiting list performance targets reflect national standards.

So, what is the upshot of this, Mr Speaker? Well, here we are, Mr Berry, for you: At the end of February the ACT's waiting list stood at 4,221. That is 348 fewer than when we came to office and it is also the lowest level since June 1994. We recognise that we still have a long way to go; but the reforms that we are putting in place are starting to have real benefits, and certainly those real benefits are very important to the 4,000-plus people waiting for elective surgery.

Mr Berry: It is a great reform - a bigger budget blow-out!

MRS CARNELL: Mr Berry cannot even say, "Well, good on you, Government. Good on you for reducing waiting lists by 348 over a 12 months period". The waiting list had doubled under the previous Government. I would like to take this opportunity, Mr Speaker, to congratulate the staff at both Woden and Calvary hospitals, particularly those in surgery, theatres and the booking offices, who have really made this difference. It is they who have produced this quite substantial reduction and a turnaround that simply has not happened since self-government, which I think is very exciting, even if Mr Berry does not.

Nurses - Registration

MR BERRY: Mr Speaker, I have a question to the Chief Minister in her capacity as Minister for Health and Community Care. Minister, as you would appreciate, under the mutual recognition principles there are no longer barriers within Australia to registered professionals from one State or Territory practising in another jurisdiction. Will you assure this Assembly that nurses who are registered in New South Wales are fully accepted for service in ACT hospitals? Will you guarantee that any barriers are removed from nurses who are registered in New South Wales to make sure - - -

Mrs Carnell: Well, if they are registered in the ACT.

MR BERRY: Will you remove any barriers preventing nurses who are registered in New South Wales from being allowed to practise here in the ACT?

MRS CARNELL: Mr Berry used to be a Minister for Health at one stage and he might know that in the ACT we have something called a Nurses Registration Act which actually requires nurses who work in the ACT to be registered in the ACT. It is actually the law. My understanding is that this Assembly passed that legislation. My understanding is that those opposite actually supported it as well. It would appear to me, and it is certainly my understanding of this area, that all health professionals that work in the ACT must be registered in the ACT under the laws that we have all supported.

MR BERRY: Given that there are no residential requirements in the New South Wales registration Act and ACT nurses can choose to register there, thus avoiding - - -

Mrs Carnell: In the ACT.

MR BERRY: ACT nurses can choose to register in New South Wales.

Mrs Carnell: But they cannot work in New South Wales unless they are registered there.

MR BERRY: There are no residential requirements - - -

MR SPEAKER: Order! Continue, Mr Berry.

MR BERRY: Mrs Carnell has demonstrated a complete lack of understanding of the mutual recognition standards, because registration in one State can qualify you to practise in another State, unless, of course, a State puts in place an artificial barrier. I am asking Mrs Carnell: Will she remove the barrier for nurses who are registered in New South Wales in order that they can practise here in the ACT, thereby avoiding the massive hike in ACT registration fees which has again artificially been put in place to come down on ACT nurses?

Mr Kaine: On a point of order, Mr Speaker: Is this a supplementary question or is it a former ministerial statement?

MR SPEAKER: It finally ended up that way, Mr Kaine.

MRS CARNELL: Mr Speaker, I am extremely happy to answer this question again. My understanding, Mr Speaker, Mr Berry and members of this Assembly, is that at this stage we do not have national registration of nurses in this country. What we have is legislation, which we all passed in this place, that requires health professionals, if they operate as health professionals, to be registered here. For Mr Berry's information, the reason we do that is that sometimes there are people who may be registered in other States but who may not have current practice; they may not have actually spent one day in a hospital or anywhere for 20 years. Are you seriously suggesting, Mr Berry, that we say to those people whose practice is way out of date, who may even have some problems with boards in other States, "We will not require any registration here."? Are you seriously suggesting that we should just allow them in here - not registered here, therefore not covered by professional indemnity, therefore - - -

Mr Berry: So, people in Queanbeyan cannot practise in the ACT; they are not good enough!

MRS CARNELL: People in Queanbeyan can operate in the ACT if they are registered in the ACT. Similarly, nurses who are registered in the ACT can practise in New South Wales if they are registered in New South Wales. But in every State in this country, in all the health professions, you have to be registered in the State or Territory that you are actually operating in.

Mr Berry: Not in New South Wales.

MRS CARNELL: Yes, in New South Wales. New South Wales requires you to be registered. You do not have to live there. Similarly, I am registered as a pharmacist in New South Wales. I do not live there, but if I were going to work in New South Wales I would have to be registered in New South Wales. You can go over the border and practise, and you can live in the ACT, but you still have to be registered. The reason you have to be registered is that there are such things as professional indemnity and all of those sorts of issues that are based upon your registration to practise in that jurisdiction.

Mr Berry: There is no mutual recognition in the ACT.

MRS CARNELL: Mutual recognition is based upon the fact that the basis of registration in any State in this country is the same as in every other State, but at this stage in no health profession have we yet moved to national registration. When we do, of course, anyone can practise anywhere, as long as they are nationally registered. As national registration does not exist at this stage, the only option is for each State or Territory to maintain its own registration, therefore its own board, therefore its own peer group review mechanism. That is the approach that we take. Quite seriously, Mr Speaker and Mr Berry, I would prefer health professionals who practise in the ACT to be registered in the ACT.

Office Development - Turner

MR MOORE: My question is to Mr Humphries as Minister for the Environment, Land and Planning. I need to give a bit of background, Mr Speaker. Yesterday, in answer to a question that I asked Mr Humphries about block 1, section 58, Turner, he said:

> I think, with respect, the Turner residents and Dr Dickins have run for the pens before the matter has been decided and could not be reversed or reconsidered.

Mr Humphries, I presume that you have had an opportunity now to follow this up and ask your department what has been going on. I refer to a letter to Dr Dickins from an officer in your leasing division who is in charge of that area. The letter mentions a variation to the lease from 14,900-odd square metres to about double that area. The officer states:

> I wish to advise that the application has been approved by the Minister -

I presume that that is also by delegation -

> under section 245 of the Land (Planning and Environment) Act ...

This is subject to a series of conditions, which include betterment and so on. I am surprised that your office does not use the term “development rights levy”. Nevertheless, Minister, I ask you, now that you are aware that that letter has been written: Has that decision been made, can it be reversed, and do you think it is appropriate for us to look at doubling the size of office space in areas like Dickson and Civic at a time when we should be trying to encourage people to move to Gungahlin and to Tuggeranong, in particular, for their work?

MR HUMPHRIES: Mr Speaker, it is certainly the case that I have not personally seen or approved any application in respect of that site. Mr Moore is right when he says that these things are done by delegation, and perhaps the language in those letters should be changed to say that the delegate has done those things, rather than the Minister personally. Be that as it may, I have not been able to obtain information about this matter to the extent that I would like. I would remind Mr Moore and other members that there are still bans in force in respect of contact with Ministers’ offices, and they sometimes make the acquisition of information difficult.

I stand by the comment I made yesterday that that decision is reversible if it is the wrong decision. I stand by the comment I made yesterday, also, that I have not been approached by Dr Dickins or anyone from the Turner Residents Association, that I am aware of, who was concerned about this decision, and I am quite prepared to reconsider that decision if they put that case to me. I am sure that there are mechanisms in place to do that. I do not believe that it is necessary even to legislate to achieve that. I am quite prepared to consider that proposal; but, again, I say to them that they should put that case before the Government.

MR MOORE: I have a supplementary question, Mr Speaker. Indeed, I will provide you with some of the information you need, Mr Humphries, on their behalf; but I would also say to you that there is a very important principle that this raises, and that principle is the notion that, if we wish to achieve, as you claim you do, the development of the Gungahlin Town Centre in a rational way and also further improvement to the development of Tuggeranong, it requires an appropriate balance between office spaces in Civic and office spaces in the town centres. Can you explain to this Assembly how you expect to achieve getting office spaces in those town centres in terms of overall strategic policy?

MR HUMPHRIES: Can I indicate to Mr Moore that the decision about this particular site has been made in the context of a policy that applies to that whole part of North Canberra, particularly up the spine of Northbourne Avenue. It is not the case that this Government has changed that policy. It is a policy we have inherited; it is a policy we have left in place; it is a policy which is probably underpinned by elements of legislation and elements of the Territory Plan, which have been passed, of course, by this place. The height of buildings and the capacity to create things along that spine are matters that are not new to this Government. They are matters that have been in place for some time.

Mr Moore: The Territory Plan allows you to - - -

MR HUMPHRIES: Indeed, it does; and a decision has been made by a delegate in this case, based on the view that they were conforming with an existing policy relating to development of buildings along that spine. Mr Moore says, presumably on behalf of the Turner residents, that we should change that policy. I am quite prepared to consider that debate. It is an issue which we would put very firmly on the plate of the local area planning advisory committees and ask them to give us views about it. I might say that at least one local area planning advisory committee has told me that they would, in fact, like to see a greater capacity for there to be higher-density residential development along that spine, particularly in the B1 area, as a device to create certainty for those living outside the B1 area that development of that kind will not be necessary for their areas. Mr Speaker, that is the kind of policy change which I would certainly be very happy to consider should both members of LAPACs and others in the community put it before the Government.

The point is that the policy is there. It has not been created by this Government; it is there. Those who wish to change it should bring forward a case to change it, and I can tell you that I will be all ears, as will my colleagues, for consideration of those sorts of changes. But we need to have that put on our plate. Although for a number of years there have obviously been concerns from people like the Turner Residents Association about the general direction of planning policies in North Canberra, this Government is addressing that by other processes. But, if they have a general concern about that kind of development, then I am quite happy to consider an argument specifically about office development along that spine.

Carnell Ministry

MS REILLY: My question is to the Chief Minister. I refer the Chief Minister to discussions initiated by her party colleagues, including Ministers, concerning the creation of a fifth ministry. Considering that such a move could cost the ACT over $200,000, will the Chief Minister put an end to the speculation and advise the Assembly what she intends to do?

MRS CARNELL: What speculation? I am happy to answer the question. There have been no discussions - not one - with any of my colleagues around here. There have been no discussions, not even one little discussion.

Mr Moore: Do you mean that a ministry for me was going to replace one of them?

MRS CARNELL: That was after Michael Moore got back.

MS REILLY: I wish to ask a supplementary question, Mr Speaker. Obviously, the Chief Minister is saying that there have been no discussions to date. Is she going to reconsider this case in the future and will she rule out a fifth ministry in her time as Chief Minister?

MRS CARNELL: It is a hypothetical question. I do not mean just today; I mean that today or yesterday or the day before there have been no discussions.

MR SPEAKER: I cannot allow your answer to that one.

Youth Business Initiatives

MR HIRD: Mr Speaker, I direct a question to the Minister for Business, Employment and Tourism, Mr De Domenico. Could the Minister inform the parliament of what the Government is doing to foster and encourage young business talent in the ACT?

Mr Moore: More auctions!

MR DE DOMENICO: Mr Speaker, Mr Moore suggests more auctions. If it creates jobs, Mr Moore, we will get more auctions, I dare say. Mr Speaker, unlike those members opposite when they were in government, this Government is committed, obviously, to encouraging growth in business and the tourism industry and thereby to creating new employment opportunities. Canberra is no longer merely a public service town, and it is imperative that initiatives be put in place to nurture the types of talents and skills required to develop a successful business.

In this context, the Government is giving a high priority to a number of initiatives. For example, the ACT is participating in the youth business initiative - a jointly funded program designed to assist young unemployed people between the ages of 18 and 25 to establish themselves in new business ventures. The program aims to reduce the risk of failure in establishing a new business by providing a six-week intensive planning course

in small business management, 12 months' business support and a start-up grant of up to $3,000 for each business. In addition, Mr Speaker, I am pleased to inform the Assembly that 12 Canberra businesses have agreed to fund youth business initiative grants in 1996. The program began as a pilot project last year, with five young people now running successful small businesses full time and one part time. The 1996 program will begin with 25 taking part in the training course starting in April, and up to 14 new businesses are expected to commence operating in June. Mr Speaker, I am also pleased to see that many of Canberra's schools are teaching the types of skills that students will need if they pursue a career in business, and I congratulate Mr Stefaniak for his initiative there.

Last week I officially opened the 1996 ACT business educators seminar, which saw teachers of business from around Canberra come together for a chance to discuss the state of business education in the ACT. The focus of this year's seminar was enterprise education, which is what we must instil in the minds of Canberra's young people if they are to develop an interest in the business world. Mr Speaker, I also took the opportunity of launching the ACT's "Plan your own Enterprise" competition. The competition involves students from Years 9 to 12 from around Australia submitting a comprehensive business plan as part of a national education initiative to stimulate students' interest in the business world. This is what this Government has initiated, Mr Speaker.

During Labor's last year of office a mere 700 new jobs were created - a figure which reflects the priority given to business by the former Government, a government more interested in dealing with unions than in supporting the private sector. Mr Speaker, I am pleased to inform members that, under this Government, the outlook for Canberra's ever-increasing private sector is a good deal rosier. The latest *Yellow Pages s*mall business index, announced recently, showed that 63 per cent of small businesses in the ACT are now positive about their prospects. Mr Speaker, we will continue to work closely with the business sector to ensure that this confidence is maintained. In addition, Mr Speaker, when speaking to a recent seminar of about 82 small business women in the ACT the major thing they said to me was, "For heaven's sake, if you are going to educate kids, educate them about being business people. Make sure that the education program is geared towards that". Once again, I applaud the work Mr Stefaniak is doing.

On top of that, Mr Speaker, to answer Mr Hird's question, as you know, from 1 January of this year this Government increased the payroll tax threshold to $600,000. From 1 January next year it will be increased to $800,000, thus injecting $13.5m back into the private sector. Can I also say, Mr Speaker, that this Friday I will be travelling to Melbourne to meet with colleagues as Industrial Relations Ministers to make sure that under Federal legislation proposed by the Howard Liberal Government - which this Government will support - the unfair dismissal laws will be changed, secondary boycotts legislation will be changed, and hopefully also protected strike action under section 170 will be changed, to make sure that the private sector is given every opportunity possible to employ more young people. So, Mr Speaker, this Government, unlike the previous Labor Government, has done a lot to make sure that the future is rosier for young people seeking employment in the ACT.

Tuggeranong and Erindale Youth Centres

MR OSBORNE: Mr Speaker, my question is to the Minister for Children's and Youth Services, Mr Stefaniak. Minister, I was deeply disturbed to read in today's *Valley View* that there appear to be some troubles with the Tuggeranong and Erindale youth centres and that they have temporarily had to close down some of their programs because they have run out of money. It seems from reading the article that your office and the Youth Centre Management Committee disagree on how the funding should have been spent and on why they have suddenly run out of cash. Mr Stefaniak, what is your understanding of this situation and what inquiries have you made, or are you intending to make, to get to the bottom of this disturbing situation?

MR STEFANIAK: Mr Speaker, I thank the member for the question. It is always disturbing when things like this happen. The Tuggeranong Youth Centre Management Committee is working closely with the community and youth development section of the department to resolve some financial and staffing difficulties which have been developing over a long period of time. These difficulties relate to the accumulation of a relatively small shortfall in their cash flow situation and to a lack of management systems and structures for the direction and guidance of the coordinator and staff. The management committee there, Mr Speaker, has acknowledged that it needs to take a stronger management directive approach towards the efficient functioning of the two youth centres and has recently sought advice from the community and youth development section in relation to that. Members may not be aware, Mr Speaker, that the Tuggeranong Youth Centre and the Erindale Youth Centre are in two separate locations but are run conjointly.

The board of management has indicated that the coordinator, who has recently taken up employment elsewhere, was inexperienced and somewhat disorganised and needed more direction than it realised. However, the board does not believe that there has been any misuse of money or any illegal actions involved. Funding issues should be resolved shortly, when the last instalment of funds for the current financial year is paid to the centre in a few weeks' time. The service will receive this instalment when it has demonstrated to the community and youth development section that it will be able to resolve its small amount of cash shortfall and operate within budget until the end of the year. The management committee is also working closely with the community and youth development section to ensure the best possible outcomes for the young people in Tuggeranong. This could include the development of some new management and service delivery structures. While the management committee is working through these issues, the centre will attempt to maintain a reduced service, which includes a drop-in service. However, this could mean some temporary closure for a short period of time.

MR OSBORNE: I have a supplementary question, Mr Speaker. Thank you, Minister. You just said that the past coordinator was inappropriately appointed. I am certainly not trying to infer anything about the previous person there; but, given that the yearly budget for this particular youth centre is just over $200,000, I believe, what controls are currently in place to make sure that competent coordinators are appointed in the future and we do not have the situation that we have just finished up with?

MR STEFANIAK: The budget, of course, is audited. That has to occur, and the audit has to go to the department. In this case there were problems with that; so those have been addressed. To answer Mr Osborne's question, both the department and I are closely monitoring what happens at the youth centre, to ensure that the management committee now is, in fact, operating properly. It has recognised a number of shortfalls in terms of how it conducted its operation. It is responsible for running the centre and administering the budget. I am confident now that steps have been taken to ensure that things like this do not happen again. But, naturally, the department and I will be monitoring the situation very carefully.

Jindalee Nursing Home - Staff

MS FOLLETT: Mr Speaker, I direct a question to the Minister for Health and Community Care. It relates to the former staff of the Jindalee Nursing Home, so generously donated by Mrs Carnell to the private sector. I would ask in relation to those former staff: Minister, can you advise the Assembly how many of the casual staff, the permanent part-time staff and indeed the permanent full-time staff have been provided with jobs at Jindalee Nursing Home or alternatively with the ACT Government?

MRS CARNELL: As part of the tendering process there was a requirement for Johnson Village Services, the people that have bought Jindalee Nursing Home, to make offers of employment to the existing staff at Jindalee. Accordingly, Johnson Village Services advised staff of the positions that were available and sought expressions of interest from any staff who were interested in working for them. Approximately 20 staff have accepted offers of employment with Johnson Village Services, while approximately 55 of the other staff at Jindalee have elected to take voluntary redundancy packages, 40 will continue to work at Lower Jindalee and 20 have been redeployed elsewhere in the department.

MS FOLLETT: On a supplementary question, Mr Speaker: Would the Minister inform the Assembly of which of these staff have suffered a pay reduction as a result of their changed employment circumstances?

MRS CARNELL: I actually do not know what individual staff are being paid by the new contractor; but, obviously, they had a choice of taking employment with Johnson Village Services, taking a redundancy, taking redeployment or whatever. Ms Follett may have to go and ask Johnson Village Services what they are paying their staff, but I am sure that they are paying them in line with the award.

Schools Development Review - Parent Participation

MS TUCKER: My question is to the Minister for Education and Training, Mr Stefaniak. Given that the schools development review process is one of the most important mechanisms available in the ACT government schools system for providing accountability by schools to parents and the community and for improving the performance of schools and given the importance of parent participation in this process, I ask the Minister why formal requirements for parent participation have been reduced through not continuing the subcommittee system, which used to involve at least 35 people.

MR STEFANIAK: Mr Speaker, to answer the member's question, I recently saw a number of people, including representatives from the P and C council, in relation to this matter. They appeared to be reasonably happy with what was happening and indeed indicated that they would get back to me if there were any further problems. I think this process, too, might be one of the ones that were affected by the bans; so it does not surprise me that no-one has got back to me. But certainly that invitation stands, and if anyone wants to get back to me in relation to it I would welcome that, as I indicated to the P and C council when I saw them about this and some other issues, I think about four weeks ago.

MS TUCKER: On a supplementary question: The P and C members are concerned, I can assure you, because that is why I am asking this question. I am sure that they will be in touch with you. But, given the answer yesterday, when you claimed that a board member who was a parent was equal representation to parent interests, I would have to disagree with that, because they have to represent the whole school. So, can the Minister assure us that in the process that is changing now with SPRAD, or, as it is called now, the development review process, parent interests will remain foremost in his mind so that there is a balance and so that it cannot become just a whitewash for perhaps only one part of the school interests? Parents obviously need to have a say in that.

MR STEFANIAK: As I indicated to the member, Mr Speaker, of course parental interest is crucial and foremost in my mind. I expect that, if there is any problem, people will get back to me in relation to this. In relation to the point yesterday, that was an overall committee which advises me on a number of matters, and I reiterate my comment yesterday in relation to that. That is a very different issue, as far as I see it, from the point Ms Tucker raises today.

Jindalee Nursing Home

MR WOOD: Mr Speaker, my question is to the Chief Minister, as Minister for Health and Community Care. Noting, Chief Minister, that you previously did nothing to overcome the claimed breaches of Commonwealth standards at Jindalee Nursing Home, what will you now do if those standards are not conformed to in the next six months?

MRS CARNELL: I am shocked, Mr Wood, that you have not listened in all of the times in this place that I have got up and spoken about the number of things that we did prior to the sale to try to lift the number of issues or areas in which Jindalee Nursing Home did comply with the 31 Commonwealth quality standards. In fact, we put on a consultant - somebody with a lot of experience in this particular area - who worked with the management and the staff at Jindalee in an attempt to change practices to bring Jindalee up to scratch. That was after the first time - it might not have been the first time, but after one of the times - when the Commonwealth came in and said, "Look, Jindalee and ACT Government, you have to do something here because you are well below the level where we are happy to continue funding to Jindalee Nursing Home".

So, in cooperation with the Commonwealth, we brought in a consultant. That particular person worked with the staff and management of Jindalee over a number of months. There was then another look at the Jindalee Nursing Home situation, and I think at that stage Jindalee might have gone up to meeting three of the 31 quality standards. It was somewhere in that vicinity. At that stage Jindalee was tagged as a nursing home that did not meet Commonwealth standards, and it was put on notice that funding would be removed if it did not do something about it.

That was very much in the timeframe when we were looking at selling Jindalee. As part of the contractual agreement that we have with Johnson Village Services, they have undertaken to bring Jindalee up to Commonwealth standards, because, quite seriously, if they do not, they end up with a funding problem. They have indicated to us that they believe that they can meet 31 of the 31 standards within six months. I will certainly be keeping a very close eye on that; but, more importantly, so will the Commonwealth, because the Commonwealth simply will not fund nursing homes that do not meet a significant number of those quality standards. That was the problem with Jindalee.

MR WOOD: On a supplementary question, Mr Speaker: The Chief Minister simply confirmed the accuracy of my question. Apart from the need to ensure their future funding by meeting standards, I really want to know what this Government is doing to ensure that those standards are met. What action are you going to take? You did not do it when you were running the place. What are you going to do now?

MRS CARNELL: We tried extremely hard to bring Jindalee up to Commonwealth standards. But, Mr Wood, they are Commonwealth standards. They are assessed by the Commonwealth, they are part of the Commonwealth funding approach, they are part of the Commonwealth funding structure, they are the way that the Commonwealth assesses whether nursing homes - which are Commonwealth funded - are achieving quality outcomes. As part of our agreement with Johnsons, and in discussions I had with them, they certainly indicated to me that they believed that they could reach 31 of the 31 standards within six months.

Mr Wood: Do you accept that?

MRS CARNELL: It is a damned sight better than two or three, Mr Wood.

Unapproved Home Businesses

MS HORODNY: My question is to the Minister for the Environment, Land and Planning, Mr Humphries. We have received complaints about vehicle repair businesses operating in Liverpool Street, Macquarie. These complaints are typical of a number of complaints that we have received regarding the impact on neighbours of unapproved home businesses. So, my question is: What is the Government doing to enforce control over the establishment of home businesses, as specified in the Territory Plan?

MR HUMPHRIES: Mr Speaker, I have also met with residents from Liverpool Street in Macquarie and had discussions with them about the concerns they have about particularly two businesses operating in that street. I might say that the advice given to me is that there are a number of issues to be examined in the context of those complaints. As with all those sorts of matters, they often revolve around exactly what is going on. Residents will make certain statements or express a view about what they think is happening on those sites. The people who occupy the sites will express different points of view. The department officers who examine these matters are left in the position of having to try to find out what exactly is going on when there is sometimes quite bitter conflict between those two parties. My department is well aware of accusations that those sites are being used for on-site motor vehicle repair businesses. Those sorts of businesses are not, by themselves, contrary to the present rules applying to home businesses. It is possible for motor vehicle repairs to be conducted on a residential lease under a home business or home occupation - - -

Mr Moore: Under strict circumstances.

MR HUMPHRIES: Under strict circumstances. They are not very common and they can occur; but certainly the question in this case is whether the conditions under which they are proposed to be or are actually being conducted on those two sites in Macquarie breach the conditions which might reasonably be imposed or should not, under any circumstances, be allowed anyway because there cannot be reasonable compliance with conditions that one would expect to see in a residential lease. So, Mr Speaker, I have met with the residents, as I have said. I am examining their concerns. I have asked the department to advise me further, and in due course a decision will be made.

MS HORODNY: I have a supplementary question. What sort of monitoring and policing is going on at the moment in the ACT in regard to other home businesses?

MR HUMPHRIES: Mr Speaker, to give a comprehensive answer to that question I will probably have to take it on notice; but can I say that, broadly speaking, the Department of Urban Services operates a reactive service in these circumstances. When people complain about particular things happening in their street, the complaint is registered by the department. People then go out to see what is going on. They may come to the home of the person concerned, on an appointment or without an appointment, to see whether the allegations, for example of noise, noxious fumes, smoke or whatever, are borne out by what is actually happening there. There is not a roving inspector who roves around the streets to look for these things, but there are people who will respond to people's complaints. That is probably a reasonable mechanism, Mr Speaker. If no-one complains about something, even if it is in breach of a lease, I think it is probably reasonable to expect that it should be allowed to continue. But, if people do raise a concern, then clearly we have to react to that. There may be more to that situation than I have given in this answer, and I am very happy to take on notice any elements I have left out and get back to Ms Horodny.

Nursing Homes - Sale Prices

MS McRAE: My question is to the Chief Minister in her capacity as Minister for Health and Community Care. Chief Minister, noting that new nursing home costs stand at about $28,000 per bed, including capital costs; that the average going rate for existing nursing homes is approximately $18,000 per bed; that Jeff Kennett's bargain basement price is $10,000 to $14,000 per bed; but that in the ACT the give-away price is $2,188 per bed, I ask: Is this another example of how you treat the taxpayers' money, in line with the CRA give-away of $11m dollars?

Members interjected.

MR SPEAKER: Order! The Minister cannot hear the question.

Mr Humphries: I raise a point of order, Mr Speaker. With great respect, I believe that this question, in other language, was asked in the last sitting period. As I understand it, the question is - - -

MS McRAE: If you would let me finish asking the question you would find that out, Mr Humphries. My question is: How do you seek to overcome a $13m health budget blow-out by giving away ACT assets?

MRS CARNELL: It is extremely interesting that you should say that, because Jindalee Nursing Home was costing us $600,000 a year. Simply by removing the loss we actually improve our budget situation. So, there you go, Ms McRae. We put the sale of Jindalee out to open tender, as I explained to this Assembly in the last sitting. The bid by Johnson Village Services was by far the best, both financially and in quality terms. I understand that over the next 12 months or so they are planning to spend some $700,000 refurbishing the site. As I also explained in the last sitting - unfortunately, Ms McRae obviously was not listening terribly well - the reason why the price of Jindalee appears to be low is that there is an undertaking from Johnson Village Services that the gap between what the Commonwealth pays State-owned nursing homes per patient and the amount that it pays for private sector nursing home beds, which is a very big difference, will be absorbed by Johnson Village Services. Therefore, the ACT Government ends up without that potential liability, without the $600,000 loss that Jindalee was making. I must admit, though, that that was not as bad as a $3m loss that Jindalee was making at one stage, but it was still a quite definite loss in our budget situation.

As well as that, we can now be confident that the Commonwealth quality standards can be reached. I understand that Johnson Village Services have some 435 hostel and nursing home beds elsewhere in New South Wales, all of which meet 31 of the 31 quality standards.

MR SPEAKER: Do you have a supplementary question Ms McRae?

MS McRAE: Yes, Mr Speaker. It sounds very much like more of Mrs Carnell's CRA "real money" talk. The average punter in the ACT still cannot see how this can be portrayed as a benefit to the ACT. How can you portray it as such when you have given away a valuable community asset for less than the price of a Red Hill house? It just does not make sense, Mrs Carnell.

MRS CARNELL: I do not think that is a question.

Ms McRae: There was one there.

MRS CARNELL: I am happy to do it all over again.

Members interjected.

MRS CARNELL: That is fine.

Mr Speaker, I request that any further questions be put on the notice paper.

AUDITOR-GENERAL - REPORT NO. 3 OF 1996
VMO Contracts

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 3 of 1996 entitled "VMO Contracts".

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

> That the Assembly authorises the publication of the Auditor-General's Report No. 3 of 1996.

ANNUAL REPORTS - DECLARATIONS AND DIRECTIONS FOR 1995-96
Papers

MRS CARNELL (Chief Minister) (3.23): Mr Speaker, for the information of members, I present the Annual Reports Directions for 1995-96, a declaration made under section 4 and directions made under subsection 8(2), paragraph 8(5)(b) and section 10 of the Annual Reports (Government Agencies) Act 1995. Pursuant to section 15 of the Act, I also present a declaration made under section 5 and directions made under paragraph 6(2)(b), subsection 7(2) and paragraph 8(5)(a) of the Act. I move:

> That the Assembly takes note of the papers.

Mr Speaker, the Annual Reports (Government Agencies) Act 1995 requires the issuing of a number of instruments specifying annual reporting requirements. These are non-disallowable instruments. I am tabling the following instruments which I have made under the designated sections of the legislation:

Section 4 - specifies public authorities for the purposes of the Act;

Section 5 - specifies the administrative unit which a public authority is responsible for reporting to;

Paragraph 6(2)(b) - specifies information for inclusion in the Commissioner for Public Administration's annual report;

Subsection 7(2) - specifies the form of and information to be included in chief executives' annual reports, as per the Chief Minister's Annual Reports Directions for 1995-96;

Subsections 8(2), (5), (6) and (7) - specifies the form of and information to be included in public authorities' annual reports, or information to be provided for inclusion in chief executives' annual reports, as per the Chief Minister's Annual Reports Directions for 1995-96;

Section 10 - directs that a public authority present a report in other than a financial year reporting period. This applies to the Canberra Institute of Technology, which reports on a calendar year basis; and

Subsection 11(1) - specifies the date for lodging of annual reports, or provision of information, for inclusion in chief executives' annual reports, by public authorities.

The Act requires that all annual reports be presented to the relevant Minister within 10 weeks after the end of the specified reporting period. For this reporting year this will be 8 September 1996. For the purposes of administrative tidiness and timeliness of reporting to the Assembly, and to ensure consistency in the tabling of reports, the directions require that all reports be tabled in the Legislative Assembly by a deadline of 26 September 1996. The Act also provides for the issuing of annual reporting directions.

I have now tabled the Chief Minister's Annual Reports Directions for 1995-96. These directions incorporate detail on the instruments, provide detail on the contextual framework for annual reporting, standard reporting requirements, specific content relating to performance reporting and publishing requirements. They also provide detailed information on other reporting requirements, including responses to Auditor-General's reports and detail required on contracts and consultancies.

The directions have been updated and refocused to ensure that there is consistency between planning, strategic and reporting documents and ensure full chief executive accountability and responsibility for the performance of each administrative unit under their control. The directions have been refocused to be interrelated with the financial management reforms currently being implemented. Agencies will restructure the program and subprogram structure as set out in 1995-96 Budget Paper No. 4 into the output class and outputs structure agreed by the Government. Annual reports will reflect this restructure and agencies will be required to report achievement against 1995-96 Budget Paper No. 4 performance information in this format. Annual reports will also reflect other elements, including a requirement to report against chief executive performance agreements. Annual reports will be consistent with the financial management reforms in terms of structure, terminology and format.

The directions have incorporated new legislative reporting requirements. This includes the Government Contractual Debts (Interest) Act 1994 and Public Interest Disclosure Act 1995. It has also included a shift to new Government initiatives, including the customer commitment program. Part B of the directions, which outlines reporting requirements for whole-of-government issues such as equal employment opportunity, occupational health and safety and consultancy management, has been revised and streamlined to provide more meaningful information, reflect Government priorities and provide cost-effective reporting.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General’s Report No. 2 of 1995 - Government Response

MRS CARNELL (Chief Minister) (3.29): For the information of members, I present the Government's response to Report No. 7 of the Standing Committee on Public Accounts, which was entitled “Review of the Auditor-General's Report No. 2, 1995 on Whistleblower Investigations Completed to 30 June 1995”. I move:

> That the Assembly takes note of the paper.

My thanks go to the committee for its inquiry into this matter. The committee's report examines the Auditor-General's investigation of two whistleblower disclosures made under the Public Sector Management Act 1994. As the Assembly would be aware, such disclosures are now dealt with under the Public Interest Disclosure Act 1994. I note with some satisfaction that the committee acknowledged that action either is planned or has been undertaken to address most of the concerns identified by the Auditor-General's report. Nonetheless, the committee has made three recommendations to the Government.

The first recommendation proposed an amendment to the Public Interest Disclosure Act 1994 to provide for the Auditor-General to be specifically referred to as a proper authority for the receipt and investigation of disclosures made under the Act. The Government agrees to this recommendation.

The committee's second recommendation was that the Government report to the Assembly on the measures taken by the Department of Urban Services and by ACT Fleet to ensure that the situations which arose in relation to this disclosure about alleged mismanagement of purchasing and hiring procedures for plant and equipment do not recur. Mr Speaker, I should point out that the incidents referred to in the disclosure occurred some four to five years ago. Since then, the ACT Fleet trust account has been established, which operates on a commercial basis, with the cost-effectiveness of decisions on hiring and purchasing of plant and equipment being paramount. Procedures covering the types of problems identified in the allegations have also been tightened to minimise the possibility of such occurrences in the future. These procedures will continue to operate under the new accounting arrangements being introduced as part of the service-wide financial reform process.

Mr Speaker, the committee's final recommendation seeks a report from the Government on the action taken to counsel those officers responsible for the mismanagement of four redundancies in the then Department of Health. The Government has decided, for practical reasons, not to proceed with formal counselling of the officers concerned. Bear in mind that the Auditor-General noted the level of ambiguity that existed at the time the officers responsible were processing voluntary redundancies. Since that time the same officers have remedied the process of their own volition, initiating and putting in place new arrangements that will ensure that redundancies are managed more efficiently in the future. In light of this, the Government is satisfied that formal counselling would now be inappropriate.

Mr Speaker, my thanks go to the committee for this report. I commend to the Assembly the Government's response to the report from the Standing Committee on Public Accounts, “Review of the Auditor-General's Report No. 2, 1995 on Whistleblower Investigations Completed to 30 June 1995”.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION
Paper

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present determination No. 24 of 1996, which was made pursuant to the Motor Omnibus Services Act 1955 and published in *Gazette* No. S51 of 26 March 1996.

BUDGET 1996-97 - TIMING
Ministerial Statement

MRS CARNELL (Chief Minister and Treasurer) (3.34): I seek leave of the Assembly to make a ministerial statement on the timing of the 1996-97 budget.

Leave granted.

MRS CARNELL: I wish to advise members that the timing for presentation of the budget for 1996-97 has been settled for 24 September 1996. In initially planning for the budget, it was hoped that we could introduce the Appropriation Bill prior to the commencement of the 1996-97 financial year. An original planning date was 25 June 1996. The continuing uncertainty in the lead-up to the Federal elections made this date more and more difficult to hold to. This difficulty was also compounded by the uncertainty of the timing of this year's Premiers Conference. The latest advice on the conference date is now mid-June, although this is still formally to be confirmed by the Prime Minister. I expect there to be quite major issues impacting on Commonwealth, State and Territory financial arrangements discussed at this conference, not the least being the untying of various specific purpose grants and so on.

During our community budget consultation meetings in February I foreshadowed that the budget may have to be put back from our original planning date to enable us to include the outcome of the Premiers Conference in budget planning and decision-making. A further issue which has made 25 June now impossible is the industrial bans on the Government's IT systems, particularly the Fiscal financial system. The Fiscal system has been down since 27 February. This leaves an enormous amount of transactions not recorded and reconciliations not undertaken. It will take considerable resources to re-establish an accurate position of the Territory's finances. I wish to record the Government's appreciation to many areas of the Public Service for their efforts in maintaining manual arrangements to cover urgent and unavoidable commitments over this time. I am hoping that the bans will be lifted quickly, but the backlog of financial transactions could take months to be fully cleared and reconciled. My advice is that there could be $130m-plus of these transactions.

The Government has decided to present the budget to the Assembly on 24 September 1996. I must stress, however, that the budget for 1996-97 will continue our three-year budget plan, and the strategies outlined in our 1995-96 budget have not changed. Mr Speaker, it is with some regret that the Government has changed the budget date; but, due to our sitting periods, as we would be aware, the only option for Estimates Committee meetings other than the July option was October. Once the June date slipped, the next date, without changing our sitting pattern, was the September date. We chose that date rather than attempt to change the sitting pattern, as I understand that many people plan their lives and their families around those dates. I present the following paper:

> Budget - 1996-97 - Timing - ministerial statement, 27 March 1996.

I move:

> That the Assembly takes note of the paper.

MR MOORE (3.38): Mr Speaker, I must say that this is a most disappointing statement. Rosemary Follett, as Chief Minister and Treasurer, was able, for the first time, to deliver a budget at a time which enabled us to consider and pass the Appropriation Bill before half the money had been spent. It seemed to me, Mr Speaker, that we were on target for delivery of the budget. I know that there are some serious ramifications for the budget that come out of the Premiers Conference. When you put back a budget, a whole series of things happen in terms of the Public Service and the way people relax and do not meet the goals that they have been asked to meet. We will be asked to pass a Supply Bill.

Mrs Carnell: No, you will not.

MR MOORE: We will not be asked to pass a Supply Bill?

Mrs Carnell: Hopefully not.

MR MOORE: We have an indication from the Chief Minister that we will not have to pass a Supply Bill.

Mrs Carnell: A financial management Bill, but not a Supply Bill, hopefully.

Mr Whitecross: She has renamed it.

MR MOORE: Indeed. She will rename it; but, speaking in terms of the current jargon, there will be a Bill that provides supply until we can consider the budget. I can understand why the Chief Minister would be particularly embarrassed by this. It seems to me, Mr Speaker, that it is an issue that members will need to discuss further. One of the reasons why some of us were supportive of the Chief Minister having extra time for the budget last year had to do with her suggesting that she wanted a three-year budget. She wanted a whole series of things and she needed more time. I was supportive of that and believed that that was appropriate.

Mrs Carnell: Michael, you cannot bring down a budget before you have had a Premiers Conference.

MR MOORE: I hear the Chief Minister interjecting constantly that we cannot do it because we do not know how much money we are going to get - - -

Mrs Carnell: Or how we are going to get it.

MR MOORE: Or how we are going to get it, until the Premiers Conference; but often, in terms of budgeting and in terms of other processes, we make projections. We do a whole series of things that are entirely appropriate.

Mrs Carnell: But you cannot put a budget together on projections when you do not know how much money you are going to get.

MR MOORE: When the Chief Minister stops interjecting I will get an opportunity to say that I will still keep an open mind on this; but I can tell you that I am singularly unimpressed by it. I think we should have mid-year budgets. That was something for which I congratulated the former Treasurer. She is the only person who has delivered that. It is the most sensible way to operate. In that way this Assembly, particularly through its Public Accounts Committee and its Estimates Committee, can keep an eye on what is going on within our departments and fulfil our responsibilities. This is a disappointment and I am sure that it is an issue that will be discussed between all members over the next little while.

MR WHITECROSS (Leader of the Opposition) (3.41): Mr Speaker, I have to agree with a lot of the remarks that Mr Moore just made in relation to this matter. I fully understand what Mrs Carnell was saying about it being difficult for her to operate in a situation where timings in relation to the budget have been changed by her Federal colleagues. That obviously has consequences for her own things. I fully understand that and I am sure that Mr Moore fully understands that.

What alarmed me in Mrs Carnell's remarks was her blithe assertion that the timing of the budget would mean that we would not have to rearrange any Assembly sittings and that everything else would go along just nicely. Mr Speaker, last year the Estimates Committee made specific comment about the tight timeframe in which we worked last year. Our timeframe was so tight that it bridged a sitting period. We were trying to scrutinise the budget while the sitting was going on, which was a most unsatisfactory arrangement. It effectively meant, in practice, as Estimates Committee members know, that we were curtailed in our ability to scrutinise the budget even though Mrs Carnell touted it as the budget for three years. I think the Estimates Committee was sceptical of that. Nevertheless, she touted it as a budget for three years; yet we were curtailed in our ability to scrutinise that budget because of the limited time we had available.

I do not think Mrs Carnell should take it for granted that the Assembly will just bow to her assertion that no changes are likely to occur in the sitting periods as a result of her change to the date of the budget. As Mr Moore rightly says, we will talk about this among ourselves and no doubt respond to it appropriately in the meantime.

Mrs Carnell: Why don’t we bring down a budget before the Premiers Conference?

MR WHITECROSS: Mr Speaker, Mrs Carnell cannot help making her smart alec remarks about how you cannot bring down a budget when you do not know what money you are getting from the Commonwealth. As I have said before, and as Mr Moore would acknowledge, that is the case. We all understand that that is the case. What I am saying is that there are other things that are important as well, like scrutiny by this parliament of Mrs Carnell's budget. She cannot expect that the scrutiny of her budget is going to be curtailed because her parliamentary colleagues have moved their budget date and she has moved her budget date. We will be talking about those matters and I am sure that they will be the subject of further discussion in this place in due course.

MR KAINE (3.44): Mr Speaker, oh how the uninformed rush in where the informed fear to tread. I think that Mr Whitecross just made a speech that he is going to live to regret because it is in *Hansard.* There will come a time when Mr Whitecross is going to regret his intemperate and ill-informed comments. Mr Moore, I have no doubt, had a good reason for saying what he did. I suggest that he is far more informed on the budgetary process than Mr Whitecross is; but Mr Whitecross has to jump on the bandwagon, and he is obviously talking about things of which he has no knowledge at all. He is the potential Treasurer of the Territory should this Government ever trip up and fall, or if it does not get elected next time and he is still the leader. He will be the Treasurer. All I can say is, “Ho hum”.

Mr Whitecross talks about the difficulties of scrutinising the budget when it is not brought down until September. Well, that has been the case for all but one year since we have had self-government, and we have managed it very well. The government of the day has never got off lightly because the Estimates Committee of the year has fudged it or has not done its job right. All I can suggest is that Mr Whitecross does not like working under any sort of pressure. He wants to be able to sit back for weeks on end, indulge himself, and go through the budget, all the nitty-gritty, when in fact the purpose is to examine the structure of the budget rather than its detail. I will be fascinated to watch the way that this new shadow Treasurer performs in the Estimates Committee under the same conditions that most of us have had to work under all our lives. It is nothing new at all. As I say, I think Mr Whitecross is demonstrating his lack of knowledge and his ineptitude. Maybe Mr Berry will be taking the job earlier than any of us can possibly conceive at the moment.

MS FOLLETT (3.46): I would like to make a couple of quick comments on this matter. I think it is entirely possible for the Government to produce its budget very much faster than the September date that Mrs Carnell has now given us. I have long held the view that governments ought to make every endeavour to bring down their budgets before the end of the financial year. There are good reasons for this. The first of those is to allow certainty in departments and agencies as to the extent of their budget funding and their program for the forthcoming year. The second reason is to fit in with our business community who budget on a financial year basis themselves and who, I think, benefit greatly from knowing, for instance, what the revenue regime from the Government will be for the forthcoming year. As for the many community groups who receive funding through the ACT budget, either directly or indirectly, an early budget obviously allows them much greater certainty in their own planning for the forthcoming year. So there is a large number of reasons why an early budget is very desirable.

I would also like to address a couple of issues that Mrs Carnell raised about how much detailed information one has at the time of framing a budget. The fact is that every budget so far in this Territory has been framed on the basis of assumptions and projections. That is a fact of life. Mr Speaker, if Mrs Carnell cared to check, the remnants of what used to be Treasury will have done a large amount of work on the forthcoming budget already. They will have done that on the basis of projections and of information that has come to them through the previous year.

Mrs Carnell: Not on untied grants.

MS FOLLETT: Mr Speaker, I think all ACT budgets to date have been framed without the detailed knowledge of the specific purpose payments from the Commonwealth that Mrs Carnell claims to be awaiting. In fact, over the years the variation in those specific purpose payments has been so small as to not warrant waiting for the detail before framing the budget. Perhaps Mrs Carnell, very worryingly, is flagging with us that the new Federal Government is going to do something very different by way of varying the amounts. If all they are going to do is to untie previously tied grants, I do not see why that would be a problem in itself. The precise quantum has not been a matter that any budget in this Territory has relied upon, and quite rightly.

A further matter, Mr Speaker, is that when you have early budgets you frame them and present them without having the final year outcome figures on your previous budget. Again, this has not proved to be a major difficulty in the past. I suspect that Mrs Carnell wants to put off that fateful day for reasons like her projected $10m-plus blow-out in the health budget and other embarrassing little glitches. She is giving herself a little more time to paper over the cracks, in other words.

Mr Speaker, I believe that there are good reasons for bringing down an early budget. I accept that a new Federal government might involve some level of delay in the Premiers Conference, but I do not see why the Premiers Conference should be put off to the point where the Territory could not have a budget before September, and late September at that. I believe that all States and Territories have been moving towards an early budget timetable. Given that all but one of them are political colleagues of the present Prime Minister, surely they could persuade him to hold the Premiers Conference within a reasonable timeframe. I regret, Mr Speaker, that the Territory will be having, by our standards, a very late budget, and I certainly hope that that will not continue to be the practice.

Question resolved in the affirmative.

WATERWAYS
Discussion of Matter of Public Importance

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

> The importance of protecting and enhancing the ACT's waterways, including our lakes, rivers and dams.

MS HORODNY (3.51): The matter of public importance that I wish to raise today is the importance of protecting and enhancing the ACT's waterways, including our lakes, rivers and dams. Recently we have heard of the many threats to our lakes which have been presented to the ACT community, blue-green algae being one of them, and other pollution, including siltation, and, of course, very recently, there was the issue of jet skis.

I would like to emphasise at the start that I hope that the jet ski issue has now been sunk, well and truly. Jet skis are not appropriate on any of our ACT lakes. Their use would endanger the safety of people who swim in and sail and paddle on those lakes, cause erosion and damage to the lake edges, interfere with aquatic and birdlife on the lake, generate unacceptable noise impacts on the surrounding areas, and pollute the environment from exhaust emissions and fuel discharges. It should be noted also that there are no licensing mechanisms in place for the operation of jet skis. We are greatly concerned that people under the age of 17 who could not get a licence to drive a car on the road can hop on a jet ski, or could under this proposal, without restriction and ride on the lake without any comprehensive training.

I think this Government should reject any proposal to lessen the current restrictions on the use of power boats on all ACT lakes. While the proposal for the jet ski operation on Lake Tuggeranong has been stopped, there is already some talk of a trial on Lake Ginninderra. Permission for a waterskiing competition on Lake Burley Griffin was not granted recently, for very sensible reasons. We obviously would oppose any jet ski proposal on any of our lakes. Jet ski use is not the only issue faced by our waterways. There is a range of other issues that I want to raise today regarding the threats to our water systems. Historically, Canberra's lakes and waterways were designed and managed to fulfil a range of functions - as central aesthetic features of Canberra's planning, as major recreational facilities for the Canberra community, both on water and in adjacent open space areas, and for conservation of river edge and aquatic ecosystems. Other functions are water supply and control of pollution and sediment from built-up areas entering the Murrumbidgee River. To date the activities on our lakes have been compatible. The introduction of motor craft is absolutely uncomplementary to the other activities that currently go on.

The Greens are pleased that the Territory Plan, despite all its inadequacies, has given special consideration to the management of the ACT's water resources. There is also the Water Pollution Act through which the Government can control the discharge of pollution into our waterways. The Territory Plan contains noble principles, such as that planning for land and water resources will be integrated on total catchment management principles, and planning will be guided by principles of ecological sustainability and exclude catchment land and water uses which impact on the sustainability of designated environmental and water use values. The Greens fully concur with these objectives. We are concerned, however, about how well the policies, regulations and associated guidelines developed by the ACT Government to give effect to these objectives are being implemented and enforced.

One of the significant problems that we are concerned about is that there are inadequate controls over the extraction of ground water in the ACT. We know that over 600 bores have been drilled in the ACT, and there are no restrictions on the amount of water that these bores use. Water quality in the Murrumbidgee River downstream from the Lower Molonglo Water Quality Control Centre to the Burrinjuck Reservoir is an ongoing problem in terms of regular outbreaks of algal blooms. There is a potential for tragic consequences from the regular outbreaks of blue-green algae in stormwater control ponds in Tuggeranong which are also used as recreational facilities by local residents.

There is leeching of pollution from landfill sites into the water system. For example, the old Pialligo tip currently leeches into the Jerrabomberra Wetlands, and that is stated in the State of the Environment Report. There is inadequate enforcement of water run-off controls from building sites in places like Gungahlin, and this leads to sediment build-up in Ginninderra Creek. There are irregular clean-outs of the gross pollutant traps that have been built across ACT streams, leading to the build-up of rubbish in those streams. There is a need for comprehensive strategies to prevent pesticides, fertilisers, oils and other chemicals from being flushed down the stormwater system from households and businesses. These are not just our concerns. The 1995 ACT State of the Environment Report highlighted a number of these problems, and many others. We are concerned about the lack of resources being committed by this Government to policing the regulations and guidelines that protect our waterways. Compare, for instance, the budget that the Commissioner for the Environment has, $212,000, with the budget of the Auditor-General, which is $722,000.

Other States have in place clearly identified and resourced environment protection authorities, or at least departments which deal with these issues. In the ACT we used to have a Department of the Environment, Land and Planning. Although there were problems there, at least it was clear which part of the bureaucracy dealt with environment matters. The Liberal Government has since abolished that department and the environment protection functions are now buried somewhere out of sight in the Department of Urban Services. This represents a significant downgrading of the importance of environmental protection within the ACT administration, and I have had discussions with Mr Humphries about this. The Greens believe that the Government should review the adequacy of the enforcement of existing policies, regulations and guidelines which impact on water quality in the ACT and downstream and report back to the Assembly on the outcome of this review.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.59): Mr Speaker, this is an interesting MPI. I think Ms Horodny spoke for about six minutes or so and she spent most of the time giving us the speech that she would have used for the jet ski debate had we had one this week. So, I probably cannot - - -

Mr Wood: I will spend all my time on that, let me tell you.

MR HUMPHRIES: Mr Wood is going to spend all his time on it, so I might as well spend some time on it as well. We might as well have a jet ski debate, since obviously everyone wants one. Mr Speaker, I want to speak also about improving and protecting water quality in the ACT; but let me say something about jet skis, first of all. I personally do not enjoy the fabulous capacity to foresee what is going to happen that Ms Horodny obviously does. She listed a number of things that she felt sure would flow from the use of jet skis on Canberra's lakes. What she had to say about pollution and noise pollution, the problems of people having their amenity compromised and things like that, may well have turned out to be true; but, Mr Speaker, with the present scenario, we will never know, because the capacity to see how an ACT specific trial might have operated in the context of one of our lakes has now gone. The question of what we do in future to consider such suggestions for use of those sorts of craft on our lakes is an issue which we are going to have to visit again.

I personally could foresee some potential problems with those craft on the lakes. I personally had some doubts about whether there would be a level of noise generated by those craft on the southern arm of Lake Tuggeranong which might have caused a loss of amenity to local residents. I think that in the case of the southern arm of Lake Tuggeranong the residents nearest to that area would have been residents on the other side of a major road, Drakeford Drive, which passes through the centre of Tuggeranong. I am not sure that there would have been a lot of noise impact on those residents greater than the noise of the road, but again I am speculating. I do not know; nor, with respect, does Ms Horodny, Mr Wood or anybody else who has taken part in this debate so far.

Mr Wood: I know. I know all right.

MR HUMPHRIES: Mr Wood does know, apparently. He has a crystal ball. Mr Speaker, it seems to me that we ought to consider the way in which we want to conduct such debates in future in the Territory. The proposition put to me very forcefully by Ms Horodny, and some other people as well, I might say, was that as Minister I should never have allowed this issue to get out of the bag. I should have contained this issue by saying, "No, no consideration will be given to the use of any motorised craft in the ACT".

Mr Wood: Absolutely. That is what you should have done.

MR HUMPHRIES: I should have said that proposals of that kind are out of the question, and that is the proposition, obviously, that Mr Wood puts to me. Mr Speaker, unlike Mr Wood, I believe that this is an issue which could have been, and ought to have been, put before the ACT population. It is one which they are quite mature enough to have had a full debate about. Indeed, I am supported in that by the view of the *Canberra Times,* which also suggested that it was time to have that kind of debate. The casualty in this process, the casualty in the decision that I made under pressure from members of this place and from members of the community about the jet skis, is the process to consider those sorts of issues again in the future in this kind of context.

I am really left in the position of having to say that my judgment is superior, or the Chief Planner's as well, to some extent. Effectively, the Government's judgment is the final arbiter, should it decide not to proceed with certain issues, of whether or not proposals like this are worth considering. I do not think, with respect, that Ms Horodny, and possibly Mr Wood, quite appreciate the damage that they do to a process of openness in government by saying that Ministers - - -

Ms Horodny: What about the damage to the lake, Gary? We are talking about enhancing the waterways. Enhancing is the issue here.

MR HUMPHRIES: The question, Ms Horodny, is not what damage would be done by the permanent use of those things on the lake. You know and I know, and Mr Wood knows, that in the climate in which this has gone to this stage the chance of it ever becoming a permanent feature of our lakes is probably pretty remote. The question is:

What damage would have been done by a four-week trial on the lake? That is the critical issue. Mr Speaker, none of the environmentalists I spoke to, none of the departmental officers I spoke to, none of the planners I spoke to, nobody I spoke to, was able to suggest, much less prove, that there was any likelihood at all of any permanent damage being done to anything by a four-week trial - no damage whatsoever. I defy those who claim otherwise to show me what possible damage of a permanent nature could ever have been done by - - -

Ms Horodny: The birdlife may not return.

MR HUMPHRIES: I am sorry; four weeks of that kind of thing happening on the lake would not have damaged the habitat of birdlife. I state that categorically. I do not believe that it would have been the case. With respect, no-one was able to bring forward any evidence that that was the case. The people advising me certainly did not believe that that was the case.

Mr Moore: How old is the lake? Five years?

MR HUMPHRIES: How old is the lake? It is about 10 years old. Mr Speaker, again, I think that we are being a little bit precious about this kind of debate. We do need to be able to have a mechanism for people to take part in that kind of debate. We do need that. It is part of an open, living Territory Plan that we have a mechanism for it to change. I will tell this Assembly my view. I do not believe that the Government, or even the Assembly, should be the sole arbiter of what changes to the Territory Plan are put forward.

Ms Horodny: But you are meant to be the Minister for the Environment.

MR HUMPHRIES: Indeed, I am; but I am not an all-wise Minister for the Environment, you will be shocked to learn. I am not the repository of all truth and knowledge, and I think, with great respect, that nobody in this place has that capacity.

Mr Moore: Come on, Gary!

MR HUMPHRIES: I am sorry, Michael, I beg your pardon; with the exception, of course, of Mr Moore.

Mr Wood: Speak for yourself.

MR HUMPHRIES: I was. Mr Speaker, I am left in the position - this is what is being urged on me - of having to say, "Do I decide whether this sort of thing is capable of being considered, or do I put it out into the forum of the public?". What we did not have in this debate was a clear explanation from even some of the critics of this suggestion of jet skis of the process that a proposal to change the Territory Plan has to go through to be successful. I would much rather go through some of those ordeals that people on those Japanese humour programs go through, where they are put through all kinds of tortures involving hot water and being dragged in front of running bulls and things, than to try to put forward a suggestion to change the Territory Plan. It really is a very difficult proposition.

I think there were some in this debate who, quite unfairly, fed the view that a proposal to have a trial on the lake would necessarily have led, through the thin end of the wedge argument, to it being allowed on the lake; that once they have had a trial, once they have been there for four weeks, they will be there forever. That kind of debate is quite destructive because, in fact, our Territory Plan is very difficult to change. If it is going to be that difficult to change, it ought at least be fairly easy to put an argument in at one end, because we know that it is going to have to face a lot of obstacles before it comes out the other end, if it ever does. Ms Horodny was not here when we debated the Territory Plan and the Land (Planning and Environment) Act back in 1991, or whenever it was. That was a very long and tortuous debate, almost as tortuous as getting variations to the Territory Plan through. I believe, Mr Speaker, very firmly, that we should be facilitating in this place a process to allow people to put things through that treadmill, if you like, however difficult it might be to get something out the other end.

The element of a trial as part of that process is not necessarily part of every proposal to vary the Territory Plan, and that, I admit, was a process that I believed ought to be part of this process of consideration of a variation. I think there is all too much speculation and entirely unfounded debate that goes on about these sorts of things which you cannot test unless you actually see what you are talking about. At a meeting in Tuggeranong that I attended Mr Wood made a suggestion that a trial was illegal. I can assure him quite firmly that that is not the case that the advisers in the Planning Authority have put to me. It therefore fell to us to decide what we do with these sorts of things in that circumstance.

I say to members that in the future I certainly will look with very much more caution on proposals to amend the Territory Plan that are urged upon me from members of the community; ones that suggest changes that have not been considered or have not been put forward for a period of time. I would say to members that that leaves a certain gap in our administration of the planning system because we do need to ensure that that system is an open system, that it is amenable to change, that it is capable of being interacted with by the community. The way some of us responded to that proposal did not assist that process.

Mr Speaker, turning to the question of water quality, maintenance of a high level of water quality for the ACT's waterways is extremely important. This Government affirms its commitment not just to maintaining the present level of quality in ACT waterways but also to improving that quality.

Mr Wood: You are not spending any money on it. Outside of ACTEW, you are not spending any money on it.

MR HUMPHRIES: Again, that is not true. That is simply not true, Mr Wood. You have no idea what you are talking about.

Mr Wood: You had better give us a ministerial statement on it one day.

MR HUMPHRIES: You have been stripped of the planning portfolio and you have been stripped of the environment portfolio. I suggest that you do a bit of homework on this. If you look at the budget papers you will see that there are measures going on which directly touch on that issue. The first and most important of those is the production of integrated environment protection legislation, for the first time in this Territory, to give us - - -

Mr Wood: It is a long time coming. It was set up under my administration.

MR HUMPHRIES: I realise that you would have done it. If only you had had three more months you would have been there, Mr Wood. I realise that. Unfortunately, you were not, and it has fallen to us to do this. We have talked about it for the first time, and we are putting it in place for the first time. It is on our legislative program for the first time.

Mr Wood: When do we see it?

MR HUMPHRIES: We will see it before this Government ends its term, in this term of the Assembly. We will see it. We will not see just the draft; we will see the legislation in place. I am confident. That is quite important because up until today we have a discreet range of measures which are available to governments in this place to regulate the quality of water, and other things, which are not integrated, which are different in their operation, and which do not facilitate a strong, across-the-board and cogent attack on people or things that breach those high standards we set for ourselves in the Territory. We want to improve that mechanism for protection. That is why we are putting forward that legislation.

We also have other proposals specifically for protection of the ACT's water quality and waterways. Ms Horodny made some points in her comments about the lack of protection in certain specific areas, such as run-off from building sites in the ACT and so on. I certainly concede the need for us to improve the quality across the board in our response to these sorts of problems, but I do say that the ACT does have a very high level of protection for water quality already. I do not pretend that that is any reason to rest on our laurels, but I do argue that it is a very good reason for us to be prepared to build on that base rather than pretend that we are in a mess and we have to start to fix a problem which has been out of control. That is not the case. Let me make the point, if I make no other in this debate, that we do have a very high quality of water monitoring and water control in this Territory, which would compare very favourably with most other parts of this country. I dare say that it would compare favourably with any other part of this country.

Ms Horodny: Have you looked at Ginninderra Creek lately?

MR HUMPHRIES: Even in Ginninderra Creek. I think we have the best set of protections. Rather than run them down, which, with respect, was what Ms Horodny was doing, we should be prepared to build on those. We do that in a number of ways. This Government is committed, for example, towards further work on integrating its activities with the Murray-Darling Basin Commission. We want to introduce legislation,

as I have mentioned, to provide protections across the board. We need to build up standards of protection which are based not just on a maintenance of present levels but on improvement over a period of time. We are in the process of implementing controls over things like the amount of water taken from private bores across the Territory. What Ms Horodny has suggested is already in train and I am confident that it will be done in the near future.

We need, overall, to build up a level of community support and understanding for what we are trying to do in this area to build up that level of protection. Things like Water Watch are already very successful in building that. Our grants program has been designed towards that kind of raised level of community protection in that process. I think it is a very positive process. I look forward to working with people like Ms Horodny and others in this process to make sure that we maintain that level of protection at very high levels and we build on it in the future.

MR WOOD (4.14): Madam Deputy Speaker, I am pleased to support this matter of public importance raised by the Greens which seeks to protect our waterways. My support is consistent with my actions as Minister. Contrary to the approach now taken by the current Minister, I took every opportunity to protect not just our waterways but our environment generally. Mr Humphries admonished me that I did not complete, in our last three months, our integrated environment strategy and the legislation that would carry through that protection. Then he went on to tell me that it ought to be in place within two years, so his timeframe is very slow.

This is a broad motion; but it has, in my view, no doubt a genesis in the dispute over jet skis on Lake Tuggeranong. The Minister should have said “No” instantly and emphatically when that proposal came to him. Today, as he did at a meeting in Tuggeranong, he falls back on the argument of process. “Allow the process”, he says. That is not a bad argument, I might say. It is one I used many times when people challenged what I did as Minister. I said, “We are going through this process. I am not making the decision. The process will deliver a result”. But there are limits to the decisions that the Minister should allow to go through that process.

I believe that the ACT community, over a long period, has established as a prime interest the protection of our environment. There is no question in this community that we want a peaceful city, a pollution-free city; one where we can enjoy our recreation without the noise, among the other problems, that the Tuggeranong proposal would have presented. The community has made that absolutely clear over a very long time. I might not always agree with the National Capital Planning Authority; but at the same time that the Minister would have said, “Let us have a trial”, the NCPA said “No” to a five-day powerboat event on Lake Burley Griffin, where it has the authority.

Mr Moore: They are very different, though, are they not?

MR WOOD: It was five days, which would not take too long to add up if we took what is happening down at Tuggeranong. Yes, they are different, but the principle is the same. I think that Mr Humphries’s starting point should have been, “I am protecting this local environment”.

I had a number of approaches in the time that I was Minister to allow power craft other than electric or steam on our lakes, and each time I said "No" because that "No" was absolutely in accord with what the ACT community has said over a long period. Any time there is a proposal for a powerboat event on Lake Burley Griffin, even for one day or one afternoon, there is an outcry. I think tolerance is given to allow waterskiing on Lake Burley Griffin on one day a year. The evidence is clear over many years, and I am surprised that the Minister has not heard that.

In relation to this issue, I subscribe somewhat - I do not usually do this - to a conspiracy theory. I do not think it was ever intended that jet skis would go on Lake Tuggeranong. The proposal just did not add up. The area set aside was altogether too small. You could not have any reasonable amount of activity in that area. The costs did not seem to me to add up. They were happy to charge up to $40 for a quarter of an hour and there were six jet skis. I could not see, in my admittedly fairly brief costing of the project, that it was going to make money. I believe that it was an attempt to get powerboats onto our waterways. That is what it was about. I would not be surprised if there was a knowledge that this application would fail and that the proponent would say, "Okay, folks, be nice to us; we have to have it somewhere. Can we go onto the Cotter", as I have heard the proponent now saying, "or Googong?", and that appears to be eminently reasonable. I do not think it was ever a serious proposal. It was never going to work. It is as simple as that. So why was it done?

I am also bemused, and confused as well, about the support clearly given, though not full on, by the Liberal Party. The president of the party in that area seemed to be supporting at least a trial, and it was against the whole tactic of this Minister in the time that he has been Minister. Mr Humphries has not taken any decision in 15 months that is likely to attract criticism. He has told people, "Go and talk to Mr Moore; go and talk to Mr Wood. If you get agreement we might run this". He has set out not to create controversy. Yet, he took on this proposal and said, "Let us have a trial". That surprised me. It was out of character with the Minister. These facts, to me, all add up. I think a refusal was expected and now the campaign is coming in to say, "Well, let us go out to Googong or somewhere on the Cotter. Let us use one of our lakes". Of course, it is no more suitable to use those than it is to use Lake Tuggeranong. Perhaps it is less suitable because the other areas hold our drinking water supply. My argument would be the same. It is "No" to Lake Tuggeranong, as would be expected, and it is "No" to use on our other waterways.

Various individuals and various bodies have made approaches over the years. The Minister might come back one day and tell me how many claims have been made to use these other waters for power craft. Each time the answer to them has been "No", and that must be the answer again on this occasion. We will protect Lake Tuggeranong, but we will also protect from power craft every other waterway that exists in the ACT. Let us protect them all. Let us make it very clear that we will not allow those power craft, and I exclude the two types that I mentioned before. We will protect our waterways from those power craft. I think the Minister should take the lead in doing that, and I think it is disgraceful that he has not done so to date.

MR KAINE (4.22): It seems to me, from what has been said so far, that Ms Horodny should have entitled this debate “No jet skis on Lake Tuggeranong”, because that is what it seems to have focused on. However, I am taking her matter of public importance in the broader context, which is what I hope she had in mind when she put it on the agenda. During her remarks at the beginning, Ms Horodny spoke about things like pollution of our water, the things that get washed into it and things like that, which, if taken at face value, would lead me to conclude that she believes that the controls over the quality of water and the quality of our environment in Canberra have somehow failed. I do not believe that for a minute.

Mr Humphries made the point that we are a 300,000-odd community inland city and the pollution that we pass on to people downstream, down the river system and the like, is absolutely minimal. Once or twice a year, perhaps, the system breaks down for one reason or another, but it is very quickly rectified. It is absurd to suggest that our environment is being destroyed or even seriously degraded because of lack of control. In fact, within the broad strategy of this Government, there is in place a very wide range of very specific initiatives aimed at ensuring the protection of our waterways, and they are not entirely the product of this Government. This Government has been in power for only a year. These things are a product of a series of governments over a long period. I would have thought that Mr Wood, for example, might have claimed credit for some parts of the infrastructure that is in place to protect our environment and our waterways, and they are very effective, in my view, in doing it.

Let us look, for example, at stormwater controls. Ms Horodny does not want to listen. She is critical, but she does not want to listen to what the true situation is. Canberra has, in fact, a well-developed system of urban lakes, ponds, gross pollutant traps and floodways specifically designed to intercept and retain pollutants which are transported into our stormwater run-off system. About 80 per cent of the ACT urban area is protected by these stormwater controls, and new urban lakes and ponds are established before any new land development begins. How you could argue, then, that the Government is somehow remiss in not preventing these pollutants from getting into the main waterways of Australia is beyond me.

The major point source discharges into our waterways system are regulated by licence, and detailed compliance is required for a wide range of different substances that might find their way into the system. The most significant waste discharge licence issued is for the major sewage treatment in the ACT, the Lower Molonglo Water Quality Control Centre, which ensures a very high level of effluent control. Indeed, there is nothing like it anywhere else in Australia. The Government runs an inspectorial service which works with business and the general community specifically to identify ways to prevent harmful chemicals like fertilisers and heavy metals from entering the stormwater system.

Ms Horodny made some comment about blue-green algae. The ACT algal action plan documents the actions that the Government is taking to minimise and to manage blue-green algal blooms in the ACT. The plan also stresses the importance of community action to minimise pollution which may lead to algal blooms. The Government can do what it likes, but if 300,000 people choose to wash all their waste down the stormwater system it cannot stop them. It can only try to educate people and try to control it.

Along with that algal action plan, a brochure titled "What are Blue-Green Algae?" was issued. It identified simple but effective means by which members of the public can contribute to minimising the risk of blue-green algal blooms occurring in our urban lakes, such as simply ensuring that soil and lawn clippings do not enter the system. But, in fact, even if there were a bit of blue-green algae on our lake system, that is what they were created for - to stop that running into the Murrumbidgee-Murray-Darling system. If we get a bit of blue-green algae because some of these pollutants are finding their way into the system, you can assume that those lakes, pollutant traps and the like are doing what they were designed to do, and we catch it fairly quickly and correct it.

Another aspect of our environmental control is that of our water supply. The Cotter River catchment within the Namadgi National Park is managed to ensure that Canberra is able to draw high-quality water from the Bendora and Corin dams for domestic consumption. The Murrumbidgee River corridor acts as a buffer as well as protecting this major river as it passes through the ACT on its way down to the major system. Much of the Molonglo River corridor is managed and protected similarly to the protection afforded to the Murrumbidgee River corridor.

Madam Deputy Speaker, this year the Government has provided $125,000 for land care and $100,000 for community vegetation management projects. It may not be much, but the strategies pursued through this expenditure achieve reduced soil run-off, more stable stream banks and greater vegetation cover to act as a filter for surface water. It might not be enough for Ms Horodny, but it is as much as can be accounted for in our budget. This Government, unlike its predecessor, will tackle the serious problem of willows which are choking some of our rivers and streams, such as parts of Ginninderra Creek. The recently released ACT weeds strategy will focus weed control efforts on the areas and weeds of greatest concern in our environment.

Madam Deputy Speaker, Lake Ginninderra, Lake Tuggeranong and the Molonglo River above Lake Burley Griffin are managed under the Lakes Act by the Parks and Conservation Service. This Act provides for the sound management of these bodies of water, including the control of boating and other recreational uses, as well as any commercial uses. On the question of jet skis, I think that matter came up, as it should. It was dealt with by due democratic process. For anybody to be standing here today and bitching and complaining because the Minister dared to entertain it, I think, is an indictment of the people who make that criticism. They are not prepared to have an idea put up and debated. It was put up. It was debated. It was dealt with in a democratic process, which is the purpose of the Lakes Act, specifically.

Fishing is an important use by some people of our lakes and rivers in the ACT. This Government is preparing a fish stocking policy to promote recreational angling through fish monitoring and restocking programs. Protection and conservation of native fish is an important consideration. Occasional incidents such as we witnessed recently of some ducks dying in Kambah are regrettable, but at the same time they do force people to recognise the damage that they do through some of their thoughtless actions and some of the procedures that they adopt. It cannot be said that the Government does not respond when something like that occurs. I believe that they do.

One of our bigger concerns in the ACT is ACTEW and, despite assertions by some, environment management forms a great deal of ACTEW's day-to-day operations in all branches. It is not merely an add-on activity; it is part of their management activity. The ACTEW Corporation has an environment management plan up to the year 2000, and each year, under that plan, it establishes an environment action program. They are well aware of their responsibility. They are conscious of it and they plan and manage it.

Madam Deputy Speaker, I think the things that I have described are sufficient to show that this Government, as were previous governments, to give them their due, is well aware of the need to maintain our environment, to protect our waterways, and to take positive action to prevent degradation and pollution. As I said before, I do not believe that Ms Horodny or anybody else can assert that the Government is not entirely conscious of its responsibility and that it is not doing anything to deal with it. I believe that the ACT Parks and Conservation Service, incidentally, who play a significant role in caring for our waterways, are managing those facilities well. I think the excellent quality of the water in our waterways is a true reflection of the way in which the Parks and Conservation Service people manage this resource. I cannot accept that the comprehensive strategy and program in place for maintaining and enhancing our waterways warrants any degree of criticism at all. I think that the Government can honestly claim that they well understand the importance of protecting and enhancing the ACT's waterways, including our lakes, rivers and dams, and they are doing a great deal to ensure it.

MR MOORE (4.33): It is actually a pleasure to stand up and support the intention of this matter of public importance, and that is to recognise “The importance of protecting and enhancing the ACT's waterways, including our lakes, rivers and dams”. How could I do anything else? How could anybody do anything else? The statement is such a broad motherhood one that we would not have any choice. One of the interesting things is that Ms Horodny comes into this Assembly and almost suggests that now that the Greens are here we are going to have to begin to protect our waterways. Some of us who are sitting in this chamber today were doing some things about this long before the Greens were conceived of as a party in the ACT. That does not mean that there are not more things to do. Of course there are. There will always be things to do to improve the quality of our waterways and to enhance our waterways, lakes, rivers and dams. But we have been doing things, Madam Deputy Speaker, some of us in our role on our environment committees, which I have worked on for the last five or six years, and some of us in a range of other roles.

Ms Horodny mentioned the issue - she has mentioned it to me a number of times recently - of invasive plants and feral animals. Before the ACT Greens were even formed I was chair of a committee that looked into that issue and brought down a report on what should be done about it at that time. Since that time we have had more information available to us.

Mr Humphries: A very good report, too.

MR MOORE: Mr Humphries interjects, “A good report”. Indeed, and there was a response that was appropriate from the Government at the time, and it is continued by the current Government. Of course, we can still continue to do more things about it within the budgetary context and with others.

What is the state of our waterways? We have heard from Mr Humphries and we have heard from Mr Kaine, who generally presented the Government line. Of course, there is an independent line. It was Mr Wood who established the position of Commissioner for the Environment, and he examined this very issue. What did he conclude? I quote from page 71 of his report:

> In a number of areas of water planning and management the ACT is at the forefront of international practice.

We can take some pride in that. Members of this Assembly, on whatever side, can take some pride in their involvement in getting to this stage, and this community, as a whole, for the last 20 or 30 years, can take some pride in getting to that stage. That does not mean to say that we cannot do more, and I think that is the import of what Ms Horodny is saying. The report continues:

> We believe this is necessary for the largest Australian inland city - and one that lies within the already stressed Murray-Darling Basin. The integration of land and water planning is well developed in the ACT and must be kept that way.
>
> However, the loads of nutrients and suspended solids into ACT and downstream waters are close to, and at times exceed, sustainable levels.

There is a real challenge for us. The independent environmental ombudsman, our Commissioner for the Environment, is telling us that there is a particular area that we need to watch and we need to take action on. I think that is the sort of thing Ms Horodny would like raised in today's debate, apart from that relatively minor issue of jet skis that already has been dealt with. The report continues:

> Given the likely population growth in the ACT and the rapid development of areas upstream of the Territory, increased degradation may occur unless we take further action.

Let us also look into the future and be prepared to take action. The commissioner went on to say:

> Continued vigilance is required in reducing all pollution sources, but given the outstanding performance now being achieved by ACTEW at the LMWQCC, it is clear that further major reduction in pollution loads must come from improved land management throughout the catchment. Within the ACT this will involve applying the best management practices for rural lands and ensuring that development controls on urban areas are enforced to a greater extent than at present.

There is a further series of conclusions. I think it is even more important than reports from the Commissioner for the Environment - that report will be examined in detail by the Planning and Environment Committee, as was announced at our previous sitting - that we look at ideas and recommendations for further action from the Commissioner for the Environment provided on page 70. I will list, first of all, the headings of those. They are trade waste legislation, ground water monitoring, protection of ground water and remediation of contaminated ground water, pest species, riparian vegetation, water quantity management and water quality management. They are the fundamental issues about which we can do something concrete. It is not as though we are working in some vacuum and saying, "What actions do we now take to protect and enhance our city's waterways?". Some actions have been suggested and some guidance has been provided by the Commissioner for the Environment, which the Planning and Environment Committee of this Assembly will now be assessing to see just how the Government's response goes and what effort the Government is putting into responding on these issues, or, if you like, to ensure that the Government does respond to the suggestions. These practices have been in place, Mr Speaker, and will continue to be in place.

We look at trade waste legislation covering toxic materials, including waste from research and education laboratories, that are discharged into the sewer. There are things that we have to monitor and double-check. Ground water monitoring is particularly important now that we have looked at how we monitor contaminated sites, and how the contaminated sites might go into ground water. The Commissioner for the Environment mentions sheep dips. There is also contamination of places like Kingston, which is now so close to our waterways. Although a lot of that contamination may well have occurred before the lake was filled, it is still a matter of concern.

Protection of ground water and remediation of contaminated ground water are also important issues, and programs need to be established to deal with this problem. The challenge is there in front of us. The Commissioner for the Environment challenges us to improve our capacity to assess and respond quickly to the introduction of pest plants and animal species into ACT bodies of water. Most of us already are aware of the major devastation caused by the introduction of carp into Australian waterways. There are other examples, not to mention pest species in terms of plants. In some ways, that integrates with the commissioner's next point about riparian vegetation on the edges of rivers and waterways. We may talk, for example, of basic plants such as willows and so forth that fit into that category. We know that work has been done in conjunction with the community along Ginninderra Creek, and important work it is.

Mr Speaker, we then talk about water quantity management and water quality management. Those issues cover not just the quantity of water that we use for domestic purposes but also the amount of ground water that is used. These are important issues in terms of whether we establish new dams or whether we can maintain our living standards with the water capacity that we have currently. I must say, Mr Speaker, that I often wonder about the kinds of issues that are raised. I believe that throughout a number of drought periods the lowest we have ever gone is about 85 per cent of capacity in our reservoirs. I believe that the Cotter, which Ms Horodny mentioned, has not been used as a back-up dam for something like the last 20 years, or maybe even longer, because we need to pump that water rather than to allow gravity feed.

Finally, water quality management in the Molonglo River and the Murrumbidgee River is an issue of great importance. We need to continue to monitor that as well. The Commissioner for the Environment suggests that water quality management needs closer attention downstream from Scrivener Dam. There is a whole range of invasive plants in that area, willows being the most dominant, I think. It also includes pyracanthas, African box and all that sort of thing. Mr Speaker, it seems to me that nobody in this Assembly could take Ms Horodny to task for putting up for discussion the importance of protecting and enhancing ACT waterways, including our lakes, rivers and dams. Of course it is important, but do not imply that we have not been doing anything. Everybody in this Assembly has been involved already in ensuring that we are doing things, but there are more things to do. That is quite true. That is the issue that I think we need to take on board, and that is why it was an important issue to debate today.

MR SPEAKER: Order! The discussion is concluded.

WEAPONS (AMENDMENT) BILL 1995
Suspension of Standing Orders

Motion (by **Mr Humphries**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing orders be suspended as would prevent a motion being moved to rescind the resolution of the Assembly of 26 March 1996 relating to the agreement in principle of the Weapons (Amendment) Bill 1995 and to reconsider the motion - That this Bill be agreed to in principle - forthwith.

Rescission and Reconsideration of Resolution

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

> That:
>
> (1) the resolution of the Assembly of 26 March 1996 relating to the agreement in principle of the Weapons (Amendment) Bill 1995 be rescinded; and
>
> (2) the motion - That this Bill be agreed to in principle - be reconsidered forthwith.

In-Principle Stage

Debate resumed from 26 March 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (4.44): Mr Speaker, Labor will be supporting this Bill brought forward by the Attorney-General. I express my thanks to the Attorney-General and to the staff of his department who provided me with a very comprehensive briefing on the provisions of this Bill. It is a Bill that did give me considerable concern when I first saw the provisions contained within it, because it makes a number of changes to the Weapons Act and I believe that those changes need to be very carefully considered.

Mr Speaker, I would like to put on the record the fact that I believe that our community ought to have the most stringent and restrictive weapons legislation that it is humanly possible to have. I also consider that that kind of stringent and restrictive approach ought to be echoed at a national level. It is very much to be regretted that other States and Territories do not have anything like the protections that we have in the Territory in regard to the ownership or the use of weapons. Mr Speaker, I trust that consideration of uniform and strong gun control laws will continue. I know that it has been a matter that has been taken up in various ministerial councils. I trust that there will still be a concerted effort towards making national laws which, far from being a lowest common denominator effort, actually do reflect some of the very strong approaches to this matter that have been taken in our Territory.

There are, as I said, a number of provisions in Mr Humphries's Bill, and I might address just some of them in order to put the point of view that Labor has taken on it. One of the provisions concerns a change in the classification of silencers from "prohibited" to "dangerous". This was an issue that very much concerned me, as I was most unwilling to see any weakening of control over the use of silencers in our legislative regime. Mr Speaker, Mr Humphries has circulated an amendment which, I take it, he will be introducing in the detail stage of the debate. Mr Humphries's amendment does overcome many of my concerns, because it makes it very clear that the new provision relating to silencers relates to the use of silencers by only a very narrow range of organisations - in particular, the RSPCA, the CSIRO and other such specialised scientific organisations. The reason for the use of silencers in those circumstances is, of course, for the humane culling of animals. I really would have to agree that the use of silencers in those circumstances could well provide for less suffering, less terror, on the part of the animals. So I support it. But, in general terms, I would never want to see silencers become routine or commonplace in our community, and I trust that that will not ever happen.

The Bill also introduces a new clause that says that veterinary surgeons are no longer exempt from having to apply for a dangerous weapons permit. This is a provision that I support wholeheartedly. I can see no reason why vets would be treated differently from any other class of person applying for a dangerous weapons permit. Indeed, to insist that they go through the same process reinforces the need for the very strictest controls on weapons in our community. There are also some new factors which are to be taken into account when the registrar is considering an application for a weapons licence.

The new factors include the physical and mental condition of the applicant. I understand, Mr Speaker, that the registrar may request medical certificates if he judges that it is necessary to satisfy himself of the mental and physical fitness of a person to hold a weapons licence. My own view is that, if this additional test actually cuts down on the number of permits that are issued, then it is well worthy of support.

One of the major provisions in the Bill, Mr Speaker, is the new procedures for licensing security personnel in relation to visiting foreign dignitaries. I must admit that again I had grave concerns about this provision in the Bill. Up until now, of course, there was no way in the ACT that a weapons permit could be issued to the security personnel of foreign dignitaries or, indeed, to the foreign dignitaries themselves, simply because they could not meet the provisions of our Weapons Act. It is therefore the case that, whilst the Commonwealth may have made arrangements for weapons to be brought into the Territory by foreign dignitaries' parties, there was a certain amount of turning of a blind eye to the strict letter of the law in relation to those guns in the Territory. On balance, I think, Mr Speaker, it is better to have some rules than to have none at all, particularly when we knew that the law was, in effect, being broken. So, the new provisions in the Bill which do establish a protocol actually fill a vacuum. Whilst, as I have said, I am loath to be seen to be permitting additional weapons in the Territory, I do think it is better to have some rules and to ensure that there is at least some regulation of the activity by visiting foreign dignitaries. So, we will be supporting that particular provision. I am aware that the Commonwealth and in particular the AFP's international area have been fully consulted on this provision in the Bill. I understand that they are satisfied with the arrangement and indeed are quite pleased to see that some arrangement is being made. So, it probably is a sensible action for the Government to take.

A further provision in the Bill, Mr Speaker, is to create a new category of "inoperable weapons licence". This is a special arrangement, as you might imagine, for collectors items, for weapons which are no longer considered to be operable and which presumably nobody has any intention of using as weapons. What will occur there is that the registrar will be issuing guidelines on how to render these weapons inoperable. Those guidelines have been developed in conjunction with the AFP's ballistics area, and it is my understanding that a certificate will have to be issued for every weapon that is so licensed. I think this is a realistic arrangement, Mr Speaker. It will at least allow the registrar to keep tabs on these kinds of weapons, which, I would guess, are often not licensed at all at the present time. However, there is a danger here that a weapon even though rendered inoperable can be used to threaten. I think it is a serious matter that there ought to be no proliferation of such weapons in our community. There certainly ought not to be any risk taken with the ownership or use of those weapons.

The Bill goes on to ban additional weapons, Mr Speaker, including semiautomatic weapons. Semiautomatic weapons were dealt with some time ago, but under the Consumer Affairs Act rather than under the Weapons Act. It seems to me to be only commonsense to bring them into the Weapons Act purview. So, obviously, I would support the move of semiautomatic weapons bans from the Consumer Affairs Act to the Weapons Act. The additional weapons that are banned include some real mystery items,

as far as I am concerned. I have no idea what some of them are - and I must say that I am not particularly keen to find out. Some of the more common weapons that are banned include things like butterfly knives, blowguns, ballistic knives and certain martial arts weapons and also modified clothing or other accessories that could be used to conceal or disguise weapons. Some crossbows are banned as well. Again, Mr Speaker, I am satisfied that there has been proper consultation on this aspect of the Bill. I understand that the Australian Federal Police and the martial arts community have been consulted, and I accept that there is widespread support for these additional provisions. As I say, I am not sure what some of the weapons are. So, to some extent, we are having to take Mr Humphries's word for it; but on this occasion I am prepared to do that.

The Bill also makes provision for the introduction of photographic weapons licences at some time in the future, although that course of action is not envisaged at the moment. Mr Speaker, I think that it is an issue that ought to be seriously considered. Our regime relies very heavily on the licensing of individuals, and it seems to me that anything we can do to tighten up the identification of those individuals ought to be supported. With the rapid advances in computing technology, information science and so on, identification is becoming a very difficult issue to continue to police. It seems to me that we ought to at least try to keep up with the current state of play in regard to a matter as important and as serious as the licensing of weapons. However, Mr Speaker, I understand that there are some administrative difficulties there, and of course some costs as well. I trust that the Minister will continue to pursue that matter as resources allow.

Overall, though, Mr Speaker, if I could just conclude, Labor will be supporting the Bill. It gives me no pleasure whatsoever to support those provisions which appear to be something of a weakening of our current weapons regime. However, I am convinced that where that has occurred it is well justified. I am also consoled by the fact that the Attorney-General's amendments actually ban a whole raft of other weapons and tighten up procedures in some other areas, particularly in relation to silencers. So, I again thank Mr Humphries's officers for their briefing, and I hope that, if there are similar matters that come before the Assembly, I will be able to again avail myself of that kind of opportunity to discuss the legislation that is before us. I think that there are many instances - and this is one of them - where a bipartisan or multipartisan approach is by far the best. We do not ever want to see a debate developing in the ACT over the so-called rights of people to bear arms and all that nonsense. It is a very serious matter of community safety, and I think we should put those sorts of matters well above politics.

MR MOORE (4.57): The gun lobby's approach, Mr Speaker - which goes something like “It is not guns that kill people; it is people who use guns that kill people” - is something that I would like to try to put to rest in the ACT, following the same line that Rosemary Follett has used, that this issue is about community safety. It does not take much effort to sit back and look at the statistics of violent crime that come out of places where guns are freely available compared to places where guns are not freely available. Of course, the same thing applies, to a lesser extent, to other weapons. It is the ACT, Mr Speaker, that has indeed led the way in many ways in terms of restrictive gun legislation. As we seek to have more and more legislation across Australia that is consistent between States, there is a risk - I think this is the point that has been

concerning Ms Follett and it certainly concerns me - that we may be tempted to loosen our gun laws in order to bring other States closer to us. I do not think it is a good enough reason. I think that we should serve as a beacon in this area and show that you can have restrictive gun laws and that those gun laws have a positive effect on society rather than the negative effect that some people would suggest.

Mr Speaker, we do have the advantage of having a very small rural community in the ACT that the other States do not have, and it is an advantage that we should use as a way of ensuring that the legislation we have in this area is amongst the most restrictive in the world. What we have shown is that it is possible for some people to use guns in a sporting way under our legislative regime, but it can still be particularly restrictive. We recognise that people use guns within a sporting regime as far as the Olympics are concerned. In fact, Australia has always been at the forefront of shooters as far as using guns in that sporting environment is concerned.

I think there are methods that we can look at beyond the legislation before us now where we can be even more restrictive but still facilitate that situation. I look forward to the day when such weapons are kept on premises of the sporting clubs and not in homes. There is a whole series of things. I think we can slowly move, step by step, towards ensuring restrictive legislation that does make available to people who wish to pursue those sports, under certain circumstances, these sorts of - - -

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5.00 pm, I propose the question:

> That the Assembly do now adjourn.

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

Question resolved in the negative.

WEAPONS (AMENDMENT) BILL 1995

Debate resumed.

MR MOORE: Mr Speaker, I will conclude by saying that I would like to support in particular the comments made by Ms Follett as well as the comments made by the Attorney-General. In the vast majority of parts of this legislation, overall, I believe that this legislation does tighten up our gun legislation - our weapons legislation, I should say, because it goes beyond guns - and I think that it is appropriate that it should do so.

MR HUMPHRIES (Attorney-General) (5.01), in reply: Mr Speaker, I want to thank members for their support for this legislation. Amending weapons legislation is never easy. There are always those in the community who would argue that the tightening of access to guns results in people who wish to use guns other than in terms of that restricted regime going outside the law in order to continue their ownership or use of guns. Let me say at the outset that there is some validity to that argument. With each tightening of weapons legislation there are some who, for whatever reason, choose to keep weapons outside that regime and who illegally keep or use weapons in those circumstances. But it is not my view, Mr Speaker, that that phenomenon should prevent the ACT from continuing to set a very clear standard for the maintenance of gun ownership, and, as I think Mr Moore indicated, it should be at the forefront in Australia of efforts to ensure that weapons are kept out of the community and are strictly and tightly controlled.

I think we have achieved a fairly high degree of control. I think that degree is appropriate, and I look forward to being able to entice other Australian jurisdictions to reflect those standards adopted in the ACT in their own jurisdictions. Indeed, there have been discussions - I suspect that they will now be given more urgency because of events in Scotland and elsewhere - that will lead, I think, to at least an effort on the part of jurisdictions to achieve higher levels of gun control. That will again be led by the ACT, because we do have already a standard such that in most areas, I think, other jurisdictions would have to say that we have set a standard worthy of emulation. The multipartisan nature of our approach towards gun ownership and gun control which was referred to - *(Quorum formed)*

Mr Speaker, we could not possibly have this debate without the Greens, so we have called them in. For the benefit of our new arrivals, the Assembly is debating the Weapons (Amendment) Bill and I am indicating that I greatly appreciate and thank members for the multipartisan support they have given to this Bill and, indeed, not just to this Bill, but to the whole approach that we have adopted over a number of years in respect of gun control. We need to maintain that. I fully agree with Ms Follett that we should never have a debate, if we can avoid it, in this place, with fingers accusingly pointed across the chamber and saying, “You are soft on gun control” or “You are too draconian”. I think that the level of support we have engendered in this place on those issues is commendable because it sends a clear signal to the community that we expect those standards to be maintained and we will work towards building on them and increasing their acceptability in the community and bringing into the fold some of those people that I referred to at the outset of my remarks who do not believe that gun control is appropriate and who choose to operate or own guns outside that framework.

I think it is untrue to characterise any of this as a weakening of the current regime. It is certainly a weakening in some areas to accommodate the realities of gun use. It is a strengthening in other areas. I might say that everything in this package is more or less supported by even the gun-owning community of the ACT - sporting shooters and so on - and that has been achieved through the process of the Weapons Control Advisory Committee, which has been used to involve people like the Sporting Shooters Association in the process of discussing these changes.

I said that most of the provisions are supported. I think it is true to say that the ban on semiautomatic weapons exchange and sale is not supported. I should put that clearly on the record. It is, from that point of view, the most contentious provision in this legislation; but it is, let me say, in fact, no change at all. As was mentioned in the course of the debate, this is merely a restatement of an existing ban imposed through the Consumer Affairs Act. We would all accept, I think, that weapons control should not be engineered through the Consumer Affairs Act. It should be engineered through the Weapons Act, and that is why it is being transmigrated into this piece of legislation.

We are also working on the question of photographic licences. I think it is appropriate to move down that path, if we can. There are two Australian jurisdictions, I think, which presently have them. There is obviously a trade in weapons - some of it an illegal trade - and we can better control that if we have photographic licences. I think we can move down that path. One issue for us in the ACT, of course, is cost. A smaller regime with fewer gun owners obviously results in a higher per unit cost, but that need not be an obstacle to doing this. Mr Speaker, in other jurisdictions the Liberal Party might be perceived to be less inclined to want to control ownership of weapons. As I say, I think it is commendable that, for whatever reason, we have all been able to agree on the approach to take in this place, and I hope that we will be able to build on that in the future as other issues in this area emerge and we move towards uniformity, if we can get it, on high standards, with other places in Australia.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (5.09): Mr Speaker, I present a supplementary explanatory memorandum. I ask for leave to move together amendments 1 and 2 circulated in my name.

Leave granted.

MR HUMPHRIES: I move:

> Page 4, line 8, clause 5 -
>
> Paragraph (f), omit “and” (last occurring).

Proposed new paragraph (fa), after proposed paragraph (f), insert the following proposed new paragraph:

"(**fa**) by inserting after subsection (4) the following subsection:

'(4A) Notwithstanding subsection (1), a natural person is not to be taken to have an approved reason for requiring a dangerous weapon that is a silencer unless the person is a person to whom paragraph (1)(ha) or (na) applies.'.".

Mr Speaker, these amendments deal with the question of silencers, making it clear, as I think Ms Follett referred to in the course of her remarks, that they should be carried only by employees or by persons engaged by the RSPCA or the CSIRO, prescribed research bodies or veterinary surgeons, for very specific uses. They are not intended to enable other aficionados of the silencer to have access to them. These uses are appropriate, and I commend those amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

CENSORSHIP AGREEMENT
Papers

Debate resumed from 14 December 1995, on motion by **Mr Humphries**:

That the Assembly takes note of the papers.

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

BOXING CONTROL (AMENDMENT) BILL 1995

Debate resumed from 14 December 1995, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MS McRAE (5.11): It is with regret that I say that we do actually support this Bill. I would much rather be in the position of leading the vanguard on banning this stuff; but at the moment the community does not seem to want to ban it. So, in the spirit of the previous Boxing Control (Amendment) Bill, as it was put up - that it is better to control it and control it efficiently than to try to ban something that quite clearly still has a level of

community support - this side of the house will actually support these amendments, recognising that they are just making the administrative arrangements a little simpler and not actually changing the essence of the control that the Bill tried to provide in the first place. So, with those regrets, our support is there.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Nigerian Letter

MS FOLLETT (5.12): Mr Speaker, I would like to draw to the Assembly's attention a matter which I find perplexing and not a little bit sinister, perhaps. I refer to a letter that has been received by one member of our business community in the ACT. The letter purports to be from a Nigerian project supervisor, who is attempting to use Australian business bank accounts to obtain payment for work done for the Nigerian National Petroleum Corporation, the NNPC. Mr Speaker, the letter reads in part:

> A brief explanation of how this fund emanated is as follow: We, at the NNPC assisted a foreign contractor to secure and execute the supply of monax axial turbine polypropylene plants, system optimization and reconstruction works for Kaduna and Warri refineries respectively. For our assistance, we irrevocably agreed with the contractor that we shall be entitled to 10% of the total contract value as our commission. To take care of our percentage and commission, the contract was purposely over invoiced to the tune of US$30.2 million. The contract has long been completed and commissioned and 90% of the contract amount paid to the contractor with a completion certificate issued to the effect.
>
> At present, the sum of US$30.2 million is floating in the suspense account of the NNPC with the Central Bank of Nigeria. To conclude this lucrative business, your co-operation will be highly required.

> To enable us to process payment approvals, we shall need your bank particulars including bank name and address, account number, telephone, fax/telex numbers. We have agreed that once the fund is remitted into your account, you will have 25%, thereof, 70% is for us, while 5% is for any expenses that may be incurred by both parties in the process of remitting this fund into your account.

Mr Osborne: Where do I sign?

MR SPEAKER: Order! Do not get excited yet.

MS FOLLETT: It may well be attractive to Mr Osborne, but I do want to sound a word of warning, Mr Speaker. The letter goes on:

> On receipt of your positive response, we shall commence immediately.

It goes on:

> Contact me immediately only on the above number ... You are required to keep this transaction absolutely confidential and seal of pact.

I do not know what that means. Mr Speaker, the letter also requests:

> ... we would need your personal assurance that your Government would not sit on the money when it goes into your account.

Mr Speaker, I think that this is a scam, and I hope that nobody has fallen for it. I cannot imagine anybody having fallen for it. I believe that the matter has been referred to the Federal Police for investigation. It appears on the surface to be an attempt to obtain banking details - for what purpose we do not know; but I am prepared to put money on the fact that the purpose would not be so that our Nigerian friends can, in fact, deposit money into our bank accounts for us. Mr Speaker, I would like to table the letter and also the envelope which, as members can see, is postmarked from Lagos, Nigeria.

Leave granted.

Canberra Festival

MR WOOD (5.16): Mr Speaker, I want to speak about something entirely different - the Canberra Festival. Sky Fire, balloons, good food and wine, a street parade and entertainment in Canberra's parks have long been the traditional hallmarks of the Canberra Festival, the celebration of Canberra's birthday. This year there were over 40 events, most of them using local talent and resources, but performing to a much larger audience than just Canberra residents. The Canberra Festival is developing as a major drawcard which brings tourists and their money into the region.

I attended a number of events. The balloons at 6.30 in the morning are a sight worth getting up for, even if it is cold and, on the day, too windy, and even if, like me, you prefer to stay on the ground, Chief Minister, and admire the spectacle, though I am going up at some stage. I have been in most forms of airborne travel. At lunchtime I found it pleasant to wander through Glebe Park, perusing the craft stalls and sampling the food available from the CIT cafe. The Outdoor Art Show is always well patronised by a wide variety of people admiring the output of local artists. Groups of schoolchildren were wandering the park, pausing to watch the clown show. Even younger children with their parents enjoyed the ACTEW maze and the jumping castle.

I did miss the band performances by our primary, high school and college bands, which are usually a wonderful feature of entertainment in Glebe Park. The Government's inability to end the industrial dispute between it and the teachers is causing many students, parents and teachers anguish, as the usual out-of-school-hours activities such as bands and choirs were cancelled. I also attended Dante's *Inferno*, like many others making two trips, when the first performance was cancelled due to high winds. The second night I, along with many others, learnt from the experience of the first night and went even earlier and with even more coats and the like. It was truly spectacular, both for the audience and for the hundreds of performers. The music, the use of fire, the costumes, the processions and the dances were magnificent, and my congratulations go to all involved. I know that there were many other popular events - the revamped Food and Wine Festival, Sky Fire, ACT Alive, Beating the Retreat, *Trial by Jury*, art and craft exhibitions, concerts and dances, antiques, flowers and exotic plants.

I congratulate the people involved in the Canberra Festival on another job well done and I particularly congratulate them on their willingness to look at new ideas and revamp old favourites - the subject of a discussion I had with them on a number of occasions in earlier years. The Canberra Festival retains its allure by doing things a little differently every year and by introducing new attractions to replace those that may be getting a little tired. I look forward to next year's festival, to revisiting old favourites and to discovering new and innovative attractions.

Nigerian Letter

MR KAINE (5.19): Mr Speaker, I will be quite brief. I just wanted to tell Ms Follett that, if she can get a list of names of the people who answered that letter, have I got a deal for her!

Question resolved in the affirmative.

Assembly adjourned at 5.19 pm