



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

16 MAY

Thursday, 16 May 1996

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The Assembly met at 10.30 am.

(Quorum formed)

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

PETITION

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

By **Mr Hird**, from 49 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

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

National Soccer Centre

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the undersigned residents living in the Belconnen community totally support the proposed development and provision of much needed community sporting facilities by the Belconnen Soccer Club at the intersection of Owen Dixon and William Slim Drives in McKellar.

Your petitioners therefore request the Assembly to approve the above lease and development application as soon as possible.

Petition received.

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LEGISLATION (REPUBLICATION) BILL 1996

MR HUMPHRIES (Attorney-General) (10.33): Mr Speaker, I present the Legislation (Republication) Bill 1996, together with its explanatory memorandum.

Mr Moore: Is this the one that turns us into a republic?

MR HUMPHRIES: No.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

It has nothing to do with turning us into a republic, as Mr Moore has just suggested. Mr Speaker, the Legislation (Republication) Bill 1996 provides for the making of formal amendments of Acts and subordinate laws of the Territory in the course of republishing and for the republications to have an authorised status. Those amendments include textual amendments and alterations by way of format, layout or style, or any other presentational aspect in accordance with current legislative drafting practices.

The Bill's origins can be traced to a trip to Queensland in 1993 by the Scrutiny of Bills Committee, of which I was then a member. I noticed that the Queensland Parliament's legislative program seemed not to be sprinkled with the Statute Law Revision Bills which appear on our own program. I discovered that a Reprints Act in that State, in effect, delegated the task of technical amendments to legislation, allowing members to concentrate their parliamentary attention on matters of substance. Previously, amendments of the kind empowered by the Bill were required to be made formally in the ACT by Statute Law Revision Acts. This Bill will make the need for those Acts redundant.

The republications foreshadowed by the Bill form the basis of electronic databases inside and outside the Territory and on the Internet. The use of those databases will be enhanced by the improved quality of the republished laws and, of course, the level of access the citizens have to those laws. The effect of this Bill is to facilitate, through powers to be conferred on the Parliamentary Counsel, a less cumbersome means of statute law revision; avoid the cost of printing large Bills, which the Statute Law Revision Bills almost always are, effecting purely technical or formal changes for consideration by this house; speed up the revision and modernisation of legislation; and improve accessibility to, and the readability of, legislation through clearer language, shortening and simplification and improved style of presentation.

Mr Speaker, this fulfils an important obligation that the Government took to the last election to simplify access to legislation in the Territory and ensure that people are better placed to be able to understand quickly and readily what the law of the Territory might say and to have that law in a form and presentation which is understandable by citizens of the Territory at this time. I commend the Bill to the house.

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

WEAPONS REGULATIONS (AMENDMENT) - NO. 5 OF 1996
Motion for Disallowance

MS FOLLETT (10.36): Mr Speaker, I move:

That the Weapons Regulations (Amendment) which is regulation No. 5 of 1996, made under the *Weapons Act 1991*, relating to Paintball, be disallowed.

Mr Speaker, I am moving this motion, as I indicated some time ago that I would, and I am moving it at the first available opportunity, as Mr Humphries requested; but, overwhelmingly, I am moving it in order to challenge the culture of violence that seems to be gaining ground in our community. It is my view that the game of paintball is militaristic in its nature. It is an imitation of war, complete with warlike weapons and very often with warlike costumes. The objective of the game is to shoot at other players, in imitation of the killing and maiming which takes place in battle.

The only elements of battle that are missing in paintball and that are present in other wars are, first of all, the so-called justification for the war, whether it is ideological, territorial, religious, ethnic cleansing or whatever. Paintball does not have that kind of so-called justification behind it. Also missing, of course, is the killing capacity of the ammunition used in paintball, although I am advised that injuries can be inflicted by paintball pellets. I would like to remind members that there have been other very real wars and battles waged using ammunition that is supposed not to have a capacity to kill - for instance, rubber bullets, tear gas and so on. The use of those kinds of weapons has been very much a feature in the oppression of people right around the world.

I want to put to the Assembly a couple of arguments as to why we should not allow paintball in the Territory. The first and most simple argument, Mr Speaker, is that I believe that we must reduce all forms of violence whenever and wherever we can. It is not enough simply to mouth pious sentiments about violence. We must act as and when we can to ensure that violence does not become the popular culture of our Territory. The action that we take towards this objective will not always be universally popular.

I have heard Mr Humphries and others, Mr Speaker, expressing the view that the amount of violence in popular culture - for instance, in video and computer-based entertainment - should be reduced. I agree with this view. I assume that what underlies the view in other people's minds, as in mine, is the thought that repeated exposure to violence in entertainment, especially by impressionable young people, may inure them to the horror of the real thing, or, even worse, may predispose them to acts of violence. I do not know whether this theory has any support in research, but there is no doubt that the existence of violent videos and violent computer games adds to that culture of violence in our community and, in my view, is particularly questionable in relation to the emotional and social development of boys and young men.

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Mr Speaker, the reduction of violence in our community will require sacrifice by individuals and by groups in our community. The stringent anti-gun laws, which have the support of all in this Assembly and which we will be debating later today, will require sacrifices to be made by gun dealers, by sporting shooters, perhaps by the rural community, and also, as we now know, by all taxpayers, who will be called upon to fund the compensation arrangements. These sacrifices are essential, in my view, in the name of the greater safety of the whole community. Similarly, if paintball is to be disallowed in our community, there will be those who will be called upon to make a sacrifice. I believe that those sacrifices are worth while in the interest of breaking down the emerging culture of violence.

While I am on the subject of sacrifice, Mr Speaker, I do not know whether other members saw it, but I would like to mention that I was very touched and very encouraged to see on television a number of Tasmanian children giving up their toy guns and their water-pistols. I believe that those children understood that the symbolic gesture that they were making was also a protest against the popular culture of violence in the community. I think, Mr Speaker, that, if it is good enough for those children to make a very real sacrifice, it is good enough for the rest of us. In fact, Mr Speaker, I do not know how anybody could even contemplate, after the massacre at Port Arthur, the notion of a game which involves rampaging around the forests and shooting at people. I would have thought we would have put that kind of so-called entertainment behind us forever.

Mr Speaker, I would like to refer briefly to the regulation that Mr Humphries has introduced. I believe that it does indicate just how serious a matter the proposed introduction of paintball is. First of all, the weapons that are used in paintball are called weapons in this regulation, and special provisions have to be made for their introduction into the Territory. If it were not for the regulation put forward by Mr Humphries, those weapons would be prohibited. So we are talking about a serious piece of equipment. The regulation also involves a range of checks and balances - safeguards, if you will - in the game of paintball. For example, the weapons have to be stored in a secure manner that is approved by the Registrar of Weapons. The weapon can be used only on a paintball range. In other words, if it were to be used in the general community that would be an illegal act, and presumably because the paintball weapons do bear a close resemblance to real killing weapons that is an entirely reasonable provision.

There is also a provision in the regulation that no person under the age of 18 years is allowed to even have such a weapon in their possession, so we are dealing with a fairly serious piece of equipment. There is also a clause in the regulation which says:

- (1) The Minister may, by notice in the *Gazette*, authorise a body to operate a paint pellet range.
- (2) The Minister shall not authorise a body under subregulation (1) unless ...

Amongst those conditions is the condition that the Minister is satisfied that it is in the public interest to do so. I put it to the Assembly that it is not in the public interest for paintball to be allowed in our Territory. I believe that as a legislature we should be taking the lead, not just in talking about the need to reduce violence and to reduce violence in entertainment, but in doing something about it. I think the game of paintball is one example where we are actually able to do something about it.

I do not expect, Mr Speaker, that the disallowance of Mr Humphries's regulation would be universally popular. As I have said, I have no doubt that there are those in our community who would like to play paintball in the ACT, but I believe that if we are serious about reducing violence and stopping the development of a culture of violence we will act to disallow this regulation. I commend the motion to the Assembly.

MS HORODNY (10.44): I am very happy to support Ms Follett's motion. A number of us spoke on this issue when it was debated some weeks ago. I looked into this issue then and made several points about it. If anything, I suppose, in the last few weeks we have all had a chance to think yet again and even further and more deeply about violence than possibly people here have before. When we debated this some members tried to make the point that we already have videos and arcade games and they involve a level of violence already, so what is the problem with paintballing; it appears to be a harmless little game. I would like to see the worst of those videos and games banned as well, and I do not make any apology for that. We have seen time and time again that many of the horrors that have been committed in our society have resulted in police finding violent videos such as *Child's Play* that shows a doll coming to life and murdering people. We have seen a number of other videos and films that have been found in the homes of people who have committed acts of social violence and murders. Obviously, no-one is saying that these videos make people commit these murders or copy a murder as described in these films, but there is a very unhealthy connection between these videos and these unhealthy activities.

Mr Moore said on this issue last time that even our children can distinguish between the games that they play and reality. In fact, Mr Moore, not all children can distinguish between games and reality. It depends on what sort of environment the children and adults have been brought up in. Another violent video or another violent game for a child or adult who is already unhealthy and has violent tendencies can be one video or one arcade game too many. It is the argument of the straw that breaks the camel's back. We have seen that time and time again. Each video, each game, each unhealthy activity - I certainly put paintballing in that category - adds fuel to the fire for an individual who may already be unhealthy, unbalanced or unstable.

It is not just murder that we are talking about here; it is the acts of violence that are perpetrated in our society and in the home each and every day. Right here in Canberra we know that many hundreds of children and women, and some men, suffer from violence that is inflicted on them in the home. In my view, we already have too many tools of violence to enhance this sort of culture. Paintballing is yet another activity that falls into this category.

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Paintballing is even worse, I would say, than videos and arcade games because it is interactive. You are holding a gun. It is a gun that is a military weapon. You are wearing your modern camouflage gear. You are shooting people. I do not know what sort of message that sends to children. The weapon that you are using is a ball that contains paint. It seems like a very unhealthy game to me. You can say that it is harmless, just a bit of fun. For people who do have a balanced life and a happy and healthy life, perhaps this sort of activity forms just a very small component of the sorts of things that they do in their lives. Perhaps it is okay for those people. But, for people who do fester in this sort of activity and who live only for playing these sorts of games and watching unhealthy videos, I would say that it is another factor in increasing the amount of violence and unhealthy activity in our society.

I said in the debate that we had on this subject last time that other shires have banned this activity, and I think we need to look closely at why they did this. Other members in the Assembly, Mr Humphries particularly, pooh-poohed all of that. I think it would be a very good idea for Mr Humphries, as I said last time, to speak to those people and to get exact details of why they went to the extent of banning it in their shires when it was a very popular activity. Councillors in other shires, I understand, have also tried to ban it but unfortunately did not have the numbers in their local councils. I support Ms Follett's motion wholeheartedly. I would hope that other members in this Assembly, having had time to reconsider the issue of violence generally, will now support this motion.

MR HUMPHRIES (Attorney-General) (10.51): Mr Speaker, we had a debate on paintball fairly recently in the Assembly and I do not propose to make many comments. I want to make a couple of points that in some senses flow from the tragedy at Port Arthur. I think it behoves us as a community to look again at issues concerning the prevalence of violence in our community and to ask ourselves how we can work against what I think Ms Follett called a culture of violence in our community. I certainly believe that that needs to happen. I can say with some satisfaction that, to a large extent, it has happened as a result of the meeting of Police Ministers last Friday. There has been a major step taken towards winding back the prevalence of certain sorts of guns in the community. I do not pretend for a moment that that solves the problem. It clearly does not. There are many other issues to address.

The concern I have with the suggestion that we should outlaw paintball in this Territory is that there simply is not any empirical evidence about the impact of games of this kind in this circumstance. It may be that work can be done in an academic sense in the future on the issue of how people are influenced by representations of violence. We certainly can debate that once that evidence is available. But I am certainly not inclined to want to ban an activity because the supposition arises that it may result in some adverse impact on people's susceptibility to violence.

In the case of violent videos, this Government, as members would know, has been quite active in moving to take steps to restrict access to those videos, but this Government certainly does not support the banning of those videos. The Government merely has proposed that they be moved into a category where access is restricted and less likely to result in children seeing them. As members know, the regulations we have tabled for paintball exclude access by people under the age of 18 to this game.

Mr Speaker, I, for one, think that we need to look at ways in which violence permeates our community and ways in which violence is encouraged or accentuated by activities that we engage in, but I do not think that in that process we are much helped by a process of banning things. Mr Osborne has proposed legislation to cover or disguise the covers of magazines that portray an unfortunate image of women. Again, in principle, this Government supports that proposal because it is not about banning the magazines; it is about restricting access to them and making sure that people who should not be seeing them and do not want to see them should not have to see them. Similarly, Mr Speaker, nobody is being forced to play paintball. Even if this regulation is disallowed today, people will still have access to paintball on a fairly easy basis by merely crossing the border and going elsewhere to the surrounding region of New South Wales and playing it there.

When evidence is available, if it ever is, that paintball or games like it contribute to problems in our society, I will consider whether we need to proceed to ban it. Mr Speaker, I am sure that the evidence, if it were available, would go much further than simply games like paintball. It would extend to things like games in video parlours, and Ms Horodny made reference to that. We have all been to those places and seen the very realistic games that are available there. People can hold what look like guns and shoot characters emerging on the screen. It really is only a very small step from the game that is being proposed here. Again I acknowledge that there is an imagery about that which is unfortunate, but I really think it would be an enormously negative step for this parliament to consider banning such games.

It surprises me, frankly, that the Labor Opposition is taking this position on this matter, because on things like X-rated videos it has always, consistently, taken the line that people should be able to see and do what they please so long as they do not hurt other people.

Mr Berry: Not violence, though.

MR HUMPHRIES: The argument has been a general one about freedom of adults to engage in activities that they wish to engage in. I know that there are always qualifications to that; but, for the most part, I think that is an argument we should generally support.

Mr Berry: Next minute you are going to be saying that you are pro choice, Gary. Cut it out!

MR SPEAKER: Order!

MR HUMPHRIES: I wish I could laugh about abortion the way Mr Berry does, but I do not propose to do so in this debate.

Mr Berry: Yes, I laugh about your hypocrisy.

MR SPEAKER: Order! Mr Berry, would you kindly be quiet. Mr Humphries has the floor.

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MR HUMPHRIES: Mr Speaker, I am simply saying that I do not think a case has been made out for the banning of this sport, this recreation, in the ACT. Neither Ms Follett nor Ms Horodny has produced any evidence from academic sources about the impact of these sorts of games or games like them. Perhaps they have not looked for it. Perhaps it is not available. I think, Mr Speaker, with great respect, that it is dangerous for us to limit the freedom that citizens in this Territory have, unless we have strong evidence to suggest that it is appropriate to do so.

MR BERRY (10.57): Mr Speaker, I believe that it would demonstrate an appalling hypocrisy for this Assembly to support such a pro-violence activity in an environment where we have just moved with great speed to tighten up our gun laws in the wake of a tragedy which occurred in another State. We have always taken pride in demonstrating a leadership in the area of guns. In fact, the paintball guns would remain banned if it were not for the changes which have been proposed by the Government. These are guns which, without adequate protection, can cause an injury to anybody who happens to be a target.

Mr Speaker, it seems to me that you cannot say, on the one hand, that you would ban a particular weapon because somebody might use it - the evidence is that they are used in violent activities - and say, on the other hand, that a weapon or a simulated weapon, whatever you like to call it, will not be banned where, in fact, it is used in the practice of simulated killing. Those are the realities of the situation. These weapons, and they are regarded as weapons under the Weapons Act, are used in the practice of simulated killing. People in military-style uniforms racing around a simulated battlefield are shot down in a simulated exercise and they are declared dead.

I think the environment that we have now in Australia is not one where you approve these sorts of activities. I think the people of the ACT would welcome the banning of this activity. It would demonstrate to the rest of Australia that we really mean what we say. I, for one, would feel slightly ashamed if this week we pass stringent weapons legislation to ban weapons that will kill people and then, on the other hand, encourage people to go out and go through the exercise of a simulated killing. This is not like using a cap pistol; this is about hitting a target, making a mark on the target and declaring the person dead. Mr Speaker, it is not an activity that I would involve myself in. I have never involved myself in it because it would send the wrong message to people around me. It is not the message that I would send. Yes, there are some people out there who enjoy the sport of these sorts of things; but to them I say, "You are sending the wrong message to the rest of the community". As a legislator, I am prepared to make the stand to ensure that this game of simulated killing does not happen here in the ACT.

It surprises me somewhat that the Minister can rise to his feet here and make some comparison between these weapons and the simulated killing practice which occurs with their use and the freedom to watch X-rated videos. X-rated videos do not include this sort of violence. They do not include violence. They do not include simulated killing.

This is an entirely different practice and I am most disappointed that the Minister would try to draw those comparisons. I think it shows a lack of sensitivity to the issue. Many politicians who hitherto would not have sanctioned gun control in this country have been swept up in a wave of action to do something about the issue across this country. I repeat, Mr Speaker, that I think it would demonstrate an appalling hypocrisy to the community if we were to approve the changes which have been proposed by this Minister and this Government.

MR MOORE (11.02): Mr Speaker, when Mr Berry speaks the way he does about hypocrisy in terms of the Government, I think we have to be very careful not to confuse simple solutions to a very complicated set of issues. Quite a number of times in this house I have quoted from a report published in 1990, *Violence - Directions for Australia*, by the National Committee on Violence. You may see the worn-out tags on this copy of the report. I think it is appropriate for me to take this opportunity to quote from the conclusion on page 103. It states:

Although there are still gaps in our knowledge, we have begun to acquire substantial insights about the causes of violence in general, and about the distribution of violence across time and social space in Australia. This knowledge is of much more than mere intellectual interest, as it can serve as the basis for policy interventions which can lead to a reduction in violence.

I think that is the goal that we are talking about. I think everybody here would agree on that. The report continues:

However, for present purposes it is important to bear in mind that no single policy or program can be regarded as a panacea in dealing with violence in Australian society.

As the above review suggests, factors which contribute to violence in Australia are many and varied. Moreover, their influence occurs not in isolation but rather in interaction with numerous other forces.

Essentially, it is the Committee's view that the experiences of childhood and the influence of the family are paramount in determining whether or not an individual becomes violent in his or her behaviour. We acknowledge that biological and personality factors may predispose individuals to violence, but strong evidence suggests that in almost every case a loving and secure environment can overcome such predispositions. Likewise, although alcohol, the media, peers and school may all exert their influence, what children observe and learn in their homes - what they come to recognise as norms of behaviour - will largely determine their reaction to these influences.

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Of course, each child lives within a larger culture where factors such as economic and gender inequality may be realities they have to cope with on an individual basis as adults, and which may be sources of disillusion and frustration. Nevertheless, what is learned in the process of socialisation within the family can be both protection and a source of strength in coming to terms with or even altering these realities.

Strategies for the prevention of violence in Australia will be the subject of Part Three of this Report.

This is Part Two. Certainly, Part Three of this report makes it very clear, Mr Speaker, that the proposals that have been agreed to by the Police Ministers from all States and Territories are almost directly from this report. It goes on to say:

Many of the initiatives which the Committee recommends lie in the area of assistance to families, where, we believe, the greatest difference can be made, by engendering non-violent values in children and by helping to ensure that they are brought up in an atmosphere free from violence. Many of the recommendations made in the final Part of this Report therefore relate to measures such as education and support in parenting, which are designed to assist families. Other initiatives are linked to public values, and involve the large issues of gender role, unemployment and attitude change.

The Committee recognises that any intervention focussed on children is self-evidently a long-term proposition. At the same time it believes that there are many other initiatives which can be taken in the short term to reduce the level of violence in the community and which would not cost the earth, whilst making a significant practical impact. A number of recommendations have therefore been made in areas such as the control of alcohol, violence in the sporting arena, both by spectators and players, the control of firearms and the policies of police and others in the criminal justice system.

The Committee believes that a serious attempt to reduce the level of violence in our community requires attention to both long-term and short-term issues. The challenge is to find the most efficient and effective policies which will bring about the control and prevention of violent behaviour, whatever its cause.

Mr Speaker, I chose to read all of that conclusion because I believe that some on both sides of the house and both sides of this argument will take heart from it. It does illustrate the complexity of the issue that we are dealing with.

That committee, in talking about the issue of X-rated videos and other such material, had this comment to make - and there is a part of it I want to draw out:

The Committee deplores sexism and the denigration of women. It feels, however, that values such as these -

this is the part I want to draw out -

no less than other anti-social thoughts, are best combated not by censorship, but by criticism, censure and stigmatisation in the marketplace of ideas.

Even those who are supporting the Government position on this issue would say that there is still the marketplace of ideas in which we need to deal with this. In the conclusion of the final part on page 241 of this report the committee argued as follows:

By contrast, to allow history to unfold without any attempt at constructive intervention suggests a grim scenario: Australian youth are still relatively free of the anger, indeed the rage, harboured by many young people in Britain today. People who live in Australia's large cities are not besieged by beggars and defended by 24-hour security guards as are their counterparts in the United States. Unlike middle class and more affluent citizens of the third world, Australians are not yet prisoners in their own homes.

Mr Speaker, I quoted from the committee report in a few of those areas to illustrate the complexity of the issue that we are dealing with and the recognition by the committee that we are also trying to understand the role of control and the role of freedom. I believe that this Assembly, probably later today, will support the Government legislation to restrict freedom in terms of ownership of certain types of weapons; but at some time, Mr Speaker, we have to draw the line as to where we are going to restrict freedom. In this case I believe that there are very complicated and sensitive issues as to where that line should be drawn. The issue of paintball falls very close for me, and I believe for others, as to exactly where that line of freedom should be drawn.

I will continue, Mr Speaker, to oppose the sort of violence that is demonstrated in such games, but at this stage I will not support the motion that Ms Follett has put up to disallow the Government's approach. It is not a simple issue, as Mr Berry suggests. It does not involve issues of hypocrisy; rather, it is a matter of where we draw the line between freedom and control and where we believe that there are direct links to violence. There is no doubt, Mr Speaker, that the cultural and social issues behind violence are an important factor. That is the issue that has been raised quite eloquently, I believe, by Ms Follett. At the same time, nobody here today has presented any evidence to suggest a specific connection between this type of game and violence, any more than to suggest the evidence for a connection between the playing of rugby, for example, and violence. They are different.

I use an example, Mr Speaker, to illustrate that no evidence has been presented. We had Ms Horodny suggest that when people have committed violent crimes violent videos have been found in their homes. That may well be the case; but that does not logically lead us to say that violent videos cause that sort of crime, any more than the same logic would say that if you found in somebody's home, or a series of people's homes,

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a collection of antique surgical equipment or something else there is a connection; or, to illustrate the logic better, if there is Coca-Cola in those people's homes. There is not a causal finding in what Ms Horodny is saying. We need to be much more careful in how we deal with our logic in trying to illustrate the point.

That having been said, Mr Speaker, I conclude by saying that I understand the arguments that have been put by Ms Follett and people supporting her motion; but at this stage, although I recognise the logic of them, I believe that it is a case of where we draw the line.

MS TUCKER (11.13): I would like to address a few points that Mr Moore raised. He quoted from a report on violence in Australia that I am very familiar with. We in the Social Policy Committee have been looking at the issue of violence for a year and, indeed, it is a complex issue; but to try to argue that because it is a complex issue simplistic solutions are not appropriate is a logic that I cannot follow. A combination of solutions will address the issue of violence in our culture.

Paintball, for me, and for many people in the community, is like saying, "It is good fun to play with guns. Boys like to play with guns. That is fine. We approve of that. You can go and play with guns out there". You can argue that this is not going to be particularly obvious to the whole community; that it is a question of choice. We have had a lot of discussion about gender and violence in the last months as well as the last year. When young boys see advertisements for this activity of paintball, what is the underlying message that you are giving to those boys? It is, "Yep, boys like to play with guns and it is fun. You can do it there if you have the money".

There is another very strong argument that comes out all the time when you look at violence in the society, Mr Moore. Indeed, early experiences are very important, but part of the solution is providing a role model. It comes up in schools. It comes up in our parenting. We are told that we need to look at more parent support services because a lot of violent children are the result of a violent home. In schools we say that we need to see role models provided by teachers and by the system that are non-violent role models. As leaders of a region, as politicians, what is the role model we are setting here? We are saying, "Let us introduce a game which, as Mr Berry said, is about simulated killing". It is about boys putting on military garb and running around with guns and pretending to kill each other. That is the example that we are setting as politicians here. That is the role model we are setting. I ask you to think very seriously about what the culture is in our society that allows that and accepts that.

I was at a dinner last night with a lot of people who have worked in various countries around the world. One of the people had been working in Africa for some time and we were talking about culture and violence. In the particular country that this person had been in it was very acceptable to kill people. We were shocked to hear that. What we are saying here is that it is not okay to kill people and we are going to regulate gun laws; but it is okay basically, still, that boys particularly, and men, want to play with guns.

What I say, what most women in this society say, and what all the women in this place have said so far, except that we have not heard Mrs Carnell, is that that is extremely offensive. Women for a long time have been challenging this aspect of masculinity which is violent. There are many men in this community who are equally offended by it. I will feel very ashamed if in this place, right now, we end up supporting the introduction of paintball.

Mr Osborne has spoken before on this issue and was concerned that because we already have so many violent recreational activities it is difficult to single out this one. I said to him then, and I repeat it now, Mr Osborne, that we can challenge these other issues even though they are Federal issues. We have already lobbied Mr Humphries and he is happy to work with this other category, which is V for extreme violence. We need to ask, "Why do we need any kind of recreational activity which is classified as extremely violent?". That might be something we can address in the future.

Mr Moore demands evidence that this is offensive, or he wants evidence that there is a relationship. There may not be evidence at this point, but what we do have evidence of is that a great number of people in this community are offended by this continual supporting of violent activities. He argued that, if you went into a home and found antique surgical instruments, there would be some indication that that person - - -

Mr Moore: I was only illustrating logic.

MS TUCKER: Yes. I would argue that if you find extremely violent videos in anyone's home it is a good logical possibility that that person does not find that violence offensive because they have chosen to have it in their home. It would be interesting to see how many people in the community would not dream of having that big V violence in their home. You have to look at that side of the argument too. How many people here find it enjoyable to watch extreme violence?

Mr Moore: Go and look in the video shops and see how much violence is there. It is in almost every home, Kerrie.

MS TUCKER: If it is the case, as Mr Moore is interjecting, that lots of people in our community like to watch extreme violence for relaxation, then indeed we do need to question our society. Why not look at all these issues together?

By continuing to support these sorts of activities this Government is not providing the right kind of role model if we want to change our culture, if we want to say that the ACT is a place of peace. The ACT is a place where we want to not foster violence; so we have had the courage to make legislation which means that we have very tight gun laws, the tightest of anywhere in Australia, and we also do not condone activities such as paintball because they are grossly offensive.

MRS CARNELL (Chief Minister) (11.19): Mr Speaker, what we are talking about here is not the issue of violence, not the issue of setting role models; it is the issue of control. At times I have been very proud of my time in this Assembly and very proud of this Assembly. There have been times when I have not been proud of this Assembly.

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On the issue of control and, for that matter, the lack of it - in other words, the issue of encouraging freedom of individuals - I think that this Assembly has been second to none out of all the legislatures in Australia. We believe, right across this Assembly, or at least the majority of us do, that in our society adults have a right to live their lives the way they choose, as long as they do not force their standards on others, or as long as their actions do not impact upon others in an unfortunate way.

We have taken that view with regard to censorship. We have taken that view with regard to X-rated videos and laws with regard to homosexuality. Other houses of parliament simply have not taken that sort of approach. We have suggested, even if homosexuality might not be something that we personally feel very comfortable with at all, that consenting adults have every right to do what they may choose to do in their own homes, as long as it does not impact upon others. We have suggested that people over the age of 18 have a right to see X-rated videos in their own homes, as long as those X-rated videos are not available to children or are not pushed down the necks of people who do not want to see them.

Even when it comes to other activities, such as smoking, we believe strongly that people have a right to smoke - we have not banned smoking - but we have said that people do not have a right to smoke if it impacts upon other people. We have said that people under the age of 18 do not have a right to smoke. In other words, all the way through the approach that this Assembly has taken to the rights and the freedom of individuals, we have believed, or the majority of us have believed, strongly, that adults do have a right to determine what they may or may not do, inside the law, in their own leisure time, in their own homes, and what - let us be fair - they might perceive to be fun.

Paintball does not particularly appeal to me, but I think that the issue of violence is an interesting one. I think that including violence in the debate has been a bit of a furphy. Violence, according to the *Concise Oxford Dictionary* - I think we would all agree with this - is unlawful exercise of physical force; it is intense; it is passionate; it is furious; it is impetuous.

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

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

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

MRS CARNELL: Violence is about an aim to cause harm, an aim to cause pain, an aim to degrade. It is about physical or psychological thoughts. It is not that violence equals guns or violence equals anything else particularly. There can be violence in football, there can be violence in sport, there can be violence in the home; but all of those forms of violence are related to an aim or an intent to hurt, to maim, or in some way to degrade. Violent films are about all of those sorts of things.

Quite seriously, Mr Speaker, if a couple of adults choose to go out into the forest on a Saturday afternoon and shoot pellets of paint at each other and that is regarded somehow as an intent to harm, maim or degrade, or somehow cause the sort of impact upon our society that some in this Assembly today suggest, I would suggest that there are a lot of other things that we should be looking at first. There are a number of sports where, without doubt, the aim is to maim or degrade or to hurt. When people go into a scrum or a tackle they do not say to the other side, "There, there; I hope that you come out feeling as well as you did when you came in". We as a society, or as an Assembly, have not chosen to ban or to remove those sorts of activities from our society.

We are talking about a weapon that happens to shoot gelatine pellets with paints in them, and the assumption is that somehow this constitutes violence when there is no aim to hurt, to cause pain or to degrade. There is no unlawful exercise of physical force. There are none of those things that would tend to indicate violence. This motion seems to me to be a step over the line that Mr Moore spoke about. I do not like guns, Mr Speaker. I have no ambition to play such a game. But there are many people who obviously do not feel the same way, who do not feel that violence is associated with guns, and I do not believe that it is hypocritical to take this approach.

Our approach in this Assembly, consistently, on both sides of this house, has been that adults have a right to live their lives the way they choose, as long as they do not impact upon other people, as long as they do not attempt to force their own standards of living upon other people in our society and, of course, as long as they operate within the law. In this case I find it very difficult to understand how, taking into account that attitude on both sides of the house, we can then say that adults over the age of 18 - those under the age of 18 cannot do it - have no right to go out into the forest with some gelatine capsules of paint and play what is, let us be fair, a game. I do not like it, but I believe strongly in the freedom of individuals. I believe strongly, as this side of the house does, in the right of people to live their own lives.

MS FOLLETT (11.27), in reply: Mr Speaker, I would like to thank all members for their contributions to this debate; but I think it is only fair to say that Mr Moore and the speakers from the Government side have entirely missed the point, and, I suspect, deliberately so. I moved this motion, as I said right at the start, Mr Speaker, in order to challenge what is a developing culture of violence in our community. I have said on many occasions that I will challenge that culture of violence whenever and wherever I can.

I am not talking, as Mr Humphries appears to be, about empirical evidence that proves that paintball makes people kill each other. There is no such evidence. There never was, and I never claimed that there was. I think that Mr Humphries's arguments were a total furphy from that point of view. What I am talking about is the whole nature of our community, our society. I want to see a community and a society that is not brutalised by the casual and popular pursuit of a range of violent activities, including paintball.

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I include in those activities, as I said, violent videos, violent computer games, and violent arcade games. I wish to see the violence in all of those games reduced - not because they actually injure people, not because there is proof that people go out and hurt each other after playing them; but simply because I wish to live, and I know that many other people do as well, in a society which does not regard those forms of violence as in any way amusing or entertaining or worth while.

Mr Speaker, Mr Humphries made, I think, quite an error in his remarks when, in referring to the existence of violent videos and violent computer games, he said, "We do not ban them". Of course, they are banned. Many of them are banned. He has completely ignored the refused classification publications which form a very large part of the material which is looked at by the censor every year, every month, every week. A huge body of publications are banned because they are too violent. They are refused classification. They are illegal. I would have thought that Mr Humphries, as Attorney-General, would have been aware of that.

Mr Humphries also spoke about reducing access to this material, these entertainments, or reducing the violence in them. That may very well work in some cases, as in, say, video games and computer games, but it will not work for paintball. How are you going to reduce the violence in paintball? If you were to attempt to make it a completely non-violent sport, a sport where people do not say, "Bang, bang; you're dead", and really mean it, then you would have target shooting, clay pigeon shooting, or some other game. The sport is inherently violent in its nature. It is militaristic. As I said at the start, it is a simulation of war, it is a simulation of killing. I think it is incumbent on Mr Humphries, as the Attorney-General in a progressive Territory, to do a little bit more than look at it again, as he promised to do, presumably after there has been some disaster or some link between this game and actual killing. I think we need to do more than look at it again. As I said, I think we need to act whenever and wherever we can.

Mr Moore, the self-styled conscience of the Assembly, made comments that were 99.9 per cent totally irrelevant when he addressed this issue. One thing that he did say that I thought was worth while was when he quoted from the report on violence that there is no single policy or program that contributes to reducing the incidence of violence in our community. I agree with that statement. For that reason, as I have said before, I will address the issue whenever and wherever I can, on every occasion and on this occasion.

Mr Speaker, I think that the comments that Mr Moore made were designed to appeal, of course, to Mr Osborne's vote alone; nevertheless, I think there was something that is worth answering in the report that Mr Moore quoted from when he said that the major influence on the development of people in relation to violence is the family. I agree with that. I think it is self-evident that all children get their nurture, their socialisation, their cultural development, in the bosom of their family. Some families are terrible.

Some families do not deserve to have children, in my opinion, because of what they do to them. Some families abuse their children, fail to nurture them, fail to give them proper values, fail to give them a respect for the society they live in. Mr Speaker, there is no doubt that those children are very badly affected by living in families like that. Other families, of course, do the kind of job that I guess we would all like to think our families have done and raise upright, balanced and entirely respectable citizens.

There is one aspect of the paintball debate that I think does relate to the family. If we allow this game there will be children growing up watching daddy, and perhaps mummy, toddling off to paintball on a Saturday morning, wearing their combat fatigues, with a gun, and simulating killing, just as there are children now who, in their own homes, amongst their own family members, are watching and playing violent videos, violent computer games and so on - things which I would have thought any right thinking person would not allow children to see or to play with. Mr Speaker, I think that you cannot ignore the influence of paintball in the family situation. There is no doubt whatsoever that children will learn something about their parents' participation in such a game, and personally I deplore that. As I have said, I think it is up to us all to try to break down this popular culture of violence, even if it means being somewhat unpopular when we do so.

Mrs Carnell's comments, frankly, appalled me. What Mrs Carnell did was use exactly the same arguments as those being put today by the gun lobby on why they should retain their arms. She said that it is a matter of freedom of the adult, that we do not want to restrict people's freedom to go about their lives as they see fit. Mr Speaker, those kinds of arguments, I think, will be forever condemned as being the arguments put by people who wish to retain a freedom which they never had. The right of ownership of guns is not a freedom. In my view, it is not a freedom that our community should ever condone. It is not a freedom for people to wish to arm themselves. Surely, the only people who, with any logic, would wish to arm themselves are those who are under siege of some kind, far from being free. Mr Speaker, I was appalled that Mrs Carnell should mouth, in a different context, the very arguments being put forward by a group I regard as being totally irresponsible and totally anti-social. Mr Speaker, I think that the arguments put forward by the Government and by Mr Moore were extremely hollow.

Mrs Carnell concluded her remarks by saying that paintball does not involve the unlawful exercise of physical force. Well, except for Mr Humphries's regulation, that is exactly what it would involve. Mr Humphries has brought forward a regulation to allow that unlawful exercise of physical force, which is your definition of violence, and it is that very exercise of violence which I am seeking to put a stop to. Mr Speaker, I again commend the motion to the Assembly. I believe that if we do stop just this one game in the Territory we will have done a service to our community. There are other games that I would stop as well. I agree with Mrs Carnell on that. The only issue on which I think the AMA and I are of one voice is that we would both ban boxing; but we do not have a boxing Bill before us. We do have a paintball regulation, and I would commend to the Assembly the opportunity to deny yet another form of violence in our community.

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Question put:

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

The Assembly voted -

AYES, 8

NOES, 9

Mr Berry

Mrs Carnell

Ms Follett

Mr Cornwell

Ms Horodny

Mr De Domenico

Ms McRae

Mr Hird

Ms Reilly

Mr Humphries

Ms Tucker

Mr Kaine

Mr Whitecross

Mr Moore

Mr Wood

Mr Osborne

Mr Stefaniak

Question so resolved in the negative.

**ADDITIONAL ESTIMATES 1995-96 - SELECT COMMITTEE
Report on Appropriation Bill (No. 2) 1995-96 - Government Response**

Debate resumed from 14 May 1996, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

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

**PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 1 of 1995**

Debate resumed from 7 December 1995, on motion by **Ms Follett**:

That the report be noted.

MR MOORE (11.41): Mr Speaker, I was not quite ready for this; I did not think it was going to come up. This report made a series of recommendations with reference to passenger cars. I believe that the report asked for the Government to respond to a series of its recommendations by December 1995. The real issue is whether or not we are appropriately using government cars in the ACT. I understand that the Government has taken the attitude that a reduction in the use of cars can be achieved and should be achieved in line with the recommendations of the Auditor-General and the Public Accounts Committee, and I hope that that is exactly what will be achieved. At the same time, I think it is important for us to recognise that service within the Territory is what government is about and, if we get to the stage where we do not have enough vehicles to deliver service, we may well have increased our problem.

I remember that some years ago calls were always coming through to members of the Assembly about government cars that were inappropriately used and were seen in shopping centres and so on. In the vast majority of cases, those government cars were being used by community nurses and people such as that who, as part of their responsibility, would go and buy food and other items for elderly people they were nursing. Whilst we must keep an open attitude to what is going on with government cars, I believe that we must also make sure that they are used as efficiently as possible.

MRS CARNELL (Chief Minister) (11.44): I present the Government's response to the report, Mr Speaker.

Ms McRae: On a point of order, Mr Speaker: Are we now going to open a new debate on the Government response or is this finishing the debate on the motion that the report be noted?

MR SPEAKER: The debate will conclude when Ms Follett responds.

Ms McRae: Then why are we getting the Government's response, and are we going to have a motion that we accept it? I just want a point of order clarified, Mr Speaker. We have a motion before the Chair that the report be noted. We are now going to get a Government response, which I am sure members will want to debate. What happens is that, if we want to move that the Government's response be noted, we cannot because there is a motion before the Chair. If perchance we find a way to do that, then people have to seek leave to speak again if we leave it under the first question. I just want that clarified, Mr Speaker. I am happy to let proceedings go ahead now, but perhaps you could come back on that.

MRS CARNELL: On 21 June 1995, the Auditor-General presented his report No. 1, which provided the results of a review of the efficiency and economy of ACT Government passenger vehicle use, purchase and disposal. The report identified a number of future actions which had the potential to improve the efficiency and economy of passenger car use as well as the effectiveness of the procedures for the purchasing and disposal of passenger cars.

The Standing Committee on Public Accounts tabled its report No. 9 endorsing the Auditor-General's recommendations on 7 December 1995. The PAC concluded that, while responses from various Ministers and agencies indicated that action had been taken or was under way to address the matters raised in the Auditor-General's report, the pace and intensity of reform had not been sufficient. The committee also recommended that a number of reporting mechanisms be put in place to gauge progress, which I will address shortly.

Mr Speaker, the Government has given careful consideration to each of the recommendations of both the Auditor-General and the Public Accounts Committee and has provided a response to each recommendation. We are in agreement with the general thrust of both reports. Passenger vehicles are a resource which must be effectively and efficiently utilised if the Government is to deliver its programs. To this extent, a number of reforms have been introduced which should make clearer the exact nature of various

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policies regarding vehicle use and assist staff in utilising them fully. A draft vehicle management policy has been prepared, and this provides staff with very clear instructions on what is an acceptable use of a government vehicle. Record keeping procedures have been strengthened, and senior staff have been requested to regularly check vehicle running sheets to ensure that accurate and complete records are kept. Mr Speaker, accurate records will enable agencies to minimise their fringe benefits tax liability, thus reducing the overall costs to government.

We have also moved to strengthen the rules related to home garaging of vehicles. Agencies will be requested to reduce the incidence of home garaging by 10 per cent and to consider alternatives wherever possible. At present, cars may be home garaged only for one of two reasons - operational effectiveness and vehicle safety. While we believe it appropriate that approvals continue for these reasons, we have moved to change the arrangements for staff contributions. It is the Government's view that officers who home garage their vehicles, for whatever reason, should pay contributions based on the extent of the benefit that they receive in home garaging the vehicle. This contribution is not set at full cost recovery of the vehicle because the Government is also deriving a benefit from the vehicle being home garaged. Arrangements for the collection of these contributions will be the responsibility of the chief executive and will include such items as fuel and parking, which the home garaging officer would otherwise receive free of charge.

As part of the Government's commitment to addressing the Auditor-General's recommendations, all agencies have been requested to reduce their vehicle fleets. A target of 10 per cent has been set, and it is expected that this target will be reached by the end of the financial year. As part of the annual reporting process, agencies will be reporting on both their success against the target and their progress in implementing the recommendations of the Auditor-General.

Mr Speaker, as I mentioned earlier, the PAC has requested that a number of reporting mechanisms be introduced to ensure that action is taken on the Auditor-General's recommendations. The Government has the view that there is little value in constantly reporting on progress. Getting on and doing the work is what is required. I believe that the reporting framework in existence will provide the PAC with enough information to measure progress on implementing these reforms. While I understand the PAC's desire to ensure that the recommendations of the Auditor-General are implemented, the Government believes that its response will provide enough detail of progress to date and the annual reporting process will provide an update on progress. The Government believes that the measures being taken to decrease the number of passenger vehicles and to increase the efficiency of the fleet will go a long way towards meeting the recommendations of the Auditor-General and the PAC. Mr Speaker, I commend to the Assembly the Government's response to the PAC's report and the Auditor-General's report.

MR SPEAKER: Let me say, in response to Ms McRae's inquiry, that we can do it in one of two ways. Either of them - - -

Ms Follett: Yes; but we always do it the wrong way. That is the problem.

MR SPEAKER: Will you be quiet, please. I said that we can do it in one of two ways. We can now have a cognate debate upon the report of the committee and the Government's response. Alternatively, we will have two items on the notice paper. It is up to the Assembly; but I think the former way is probably more convenient. It is entirely up to the Assembly to decide how we do it.

Ms McRae: Thank you, Mr Speaker, for that clarification. The cognate debate was not allowed, or actually proposed, last time this happened. This is a new direction on your part. That is fine. I believe that it will be picked up in the Administration and Procedure Committee and in subsequent business meetings. Thank you for that clarification.

MR SPEAKER: Also, it being 30 minutes after the extended time for Assembly business, the debate is interrupted in accordance with standing order 77.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 7 of 1995

MR WOOD (11.52): I present Report No. 14 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 7, 1995 - ACTEW Benchmarked". I move:

That the report be noted.

Audit Report No. 7 was presented to the Assembly on 22 September. This audit is an evaluation of ACTEW's efficiency and economy in the management of its resources. The audit approach was to compare ACTEW with other organisations which undertake similar business in Australia, New Zealand, the UK and the United States, using benchmarking methodology known as data envelopment analysis, or DEA. In essence, the audit found that the most efficient area of ACTEW operations was sewage treatment. Electricity distribution was found to be very efficient in management of the quantity of resources, but less efficient in ensuring the least expensive mix of resources. Water supply operations were significantly less efficient, and sewerage reticulation was found to be the least efficient of ACTEW's operations.

The audit reported ACTEW's view that the DEA does not allow normal checking and balancing mechanisms to be reviewed and the corporation's concern that factors such as the choice of inputs, volatility of models, impacts of population density, declining water consumption, sewerage reticulation, labour productivity and service quality had not been properly accounted for in the DEA model. These concerns were addressed by the audit. Further, the committee sought comment from the Minister for Urban Services, who provided an action plan on the audit findings. The thrust of the Minister's response is outlined in the committee's report.

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The committee noted that the Government will establish an independent pricing regulation mechanism to take account of the Government's requirement that ACTEW demonstrate operational efficiencies in each of its business units. The committee accepts the audit as a valuable means of ensuring that ACTEW, as a public utility, strives to achieve optimal efficiency. This is the third audit reviewed by the committee in recent months bearing upon ACTEW's operations, the other reports being those dealing with the use of government passenger cars and non-salary entitlements of senior officers.

It lends strength to the committee's recommendations that the Government report to the Assembly on progress with the achievement of operational efficiencies in ACTEW and on the role and actions of the independent pricing regulator. We look to the efficiencies in ACTEW's operations to improve the delivery of services, to achieve better environmental outcomes and to pay higher respect to its community service obligations.

MS HORODNY (11.55): Mr Speaker, it should be noted that the Auditor-General's Report, "ACTEW Benchmarked", really addressed only the financial efficiency of ACTEW and not the efficiency of ACTEW in meeting its social and environmental obligations. The objective of the audit was to address "whether ACTEW is efficient and economical in the management of its resources". As such, the benchmarking methodology adopted by the auditor addressed only the first objective of the ACTEW Corporation, which is "to operate at least as efficiently as any comparable business". I would like to remind the Assembly that, on the initiative of the Greens, ACTEW was given other objectives when it was corporatised last year. These were to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates; and, where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development.

There is, therefore, a major deficiency in the Auditor-General's approach, in that, while it might be a very thorough analysis of the "allocative efficiency" of ACTEW, it is telling only half the story. It has, in fact, not matched this economic analysis with an assessment of the environmental and social impacts of this so-called efficiency. Let me illustrate the point for those members in the Assembly who adhere to an economic rationalist view of the world. The audit found that the sewage treatment area of ACTEW is the most efficient area of ACTEW operations; but this tells us nothing about the quality of the effluent flowing out of the Lower Molonglo Water Quality Control Centre and its impacts on the Murrumbidgee River downstream from the ACT. People living near the Burrinjuck Dam, who face regular outbreaks of blue-green algae, may have a very different view of ACTEW's efficiency. The efficiency of electricity distribution by ACTEW was measured; but this tells us nothing about what greenhouse gases have been emitted in the production of this electricity. Future generations, who will suffer the impacts of greenhouse-induced global warming, may look back at this time with a very different view about ACTEW's efforts to reduce its greenhouse gas emissions.

The audit examined ACTEW's water supply operations; but again this tells us nothing about the quality of the water that comes out of our taps and whether we are consuming our water supply at sustainable levels. Canberra residents of the future, who may be faced with the need to build another dam in the ACT, may have a very different view on how well ACTEW has been promoting the efficient use of water and of water recycling. Indeed, they have done a lot of good work in this area, but there is always more to do.

A narrow examination of economic efficiency, as undertaken by the Auditor-General in this case, does not pick up that some expenditures may not be strictly “efficient” because there is no obvious financial return to the corporation. But there could be large returns to the community as a whole. Providing discounts on bills to pensioners is not economically rational because it reduces revenue; but it is certainly demonstrating a caring attitude to those members of the community who are less well off. Spending money on encouraging the community to adopt energy and water efficiency measures may not be economically rational for ACTEW, as it reduces its revenue from selling these resources; but in the longer term there are environmental and economic benefits to the community as a whole from reducing resource use.

These points illustrate that there is a fundamental flaw in the current government accounting and auditing process, in that it is too narrowly focused on traditional economics and does not account for all the external environmental and social costs to the community. At this stage, all that the Greens can do is raise our broad concerns with the auditing process as used in this report; but I would like to flag that we will be raising this issue in more detail when there is debate on the Auditor-General Bill and the Financial Management Bill.

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

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

MS FOLLETT: I present Report No. 5 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

MS FOLLETT: Mr Speaker, Report No. 5 of 1996, which I have just presented, contains the committee's comments on one Bill. That Bill is the Weapons (Amendment) Bill (No. 2) 1996, which we will be debating later today. I can advise the Assembly that the committee had no difficulties with the Bill.

Sitting suspended from 12.01 to 2.30 pm

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STANDING ORDERS 54 AND 55
Statement by Speaker

MR SPEAKER: Members, before I call on questions without notice, I would just like to observe that the last two question times have been relatively unedifying - - -

Mr Wood: Who has got at you? You have been disciplined, have you?

MR SPEAKER: - - - for the noise and the untimely interjections, Mr Wood, spurious points of order and, in fact, in cases no points of order at all but just comment. I would remind all members of the provisions of standing orders 54 and 55:

Offensive words

54. A Member may not use offensive words against the Assembly or any Member thereof or against any member of the judiciary.

Personal reflections

55. All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

I would also remind members of the practice in the House of Representatives:

The practice of the House, based on that of the House of Commons, is that Members can only direct a charge against other Members or reflect upon their character or conduct upon a substantive motion which admits of a distinct vote of the House. Although a charge or reflection upon the character or conduct of a Member may be made by substantive motion, in expressing that charge or reflection a Member may not use unparliamentary words. This practice does not necessarily preclude the House from discussing the activities of any of its Members.

I would ask all members to be aware of those standing orders and general behaviour.

Mr Wood: The Government has changed policy since it took over those benches.

MR SPEAKER: And if you want to be the first person tossed out, Mr Wood, just keep that up.

QUESTIONS WITHOUT NOTICE

Rates System

MR WHITECROSS: Mr Speaker, my question without notice is addressed to the Chief Minister. Chief Minister, in August last year you engaged three consultants - McCann and Associates, Coopers and Lybrand, and Mallesons Stephen Jaques - to review the ACT rates system, including the option of a flat fee component. You rejected the consultants' report. To be precise, you told the *Canberra Times*, "Basically we are throwing it out". Instead, you decided to freeze land valuations at the 1994 levels for a further two years and to increase rates by the forecast CPI increase. I am not disagreeing with your decision to reject the consultants' proposed rating system; but why did you waste \$70,000 on the report which could come up with only one option, which you were not willing to accept? Given that you have already had a year to think about it, why were you not able to make an alternative decision about the future of the rates system? What do you expect will happen in the next two years which will make it easier to make a decision in two years' time about the long-term future of the rates system, given that you have been incapable of making a decision this year?

MRS CARNELL: Mr Whitecross, you are quite right: The ACT rating system report - the one that we promised the people of Canberra, the ACT community, that we would undertake - cost some \$72,000. It came up with a number of options. Some of those options, we believed, were quite sensible. But the basic result of taking on board their recommended approach would have meant going to a fifty-fifty split in terms of the way we levy rates. Fifty per cent of rates would be a flat fee based upon service delivery and the other 50 per cent would be based on unimproved capital value - which is the current basis for calculating ACT rates. Mr Speaker, if we used the fifty-fifty split approach put forward in that report, we believe that, in a time of some economic uncertainty in the ACT, it would create a situation where rates in some suburbs - and potentially some of the newer suburbs - would, or could, increase quite substantially.

A number of other ideas have been brought forward to the Government, one of which includes using improved capital value at least as some part of the formula. Taking into account the very definite need for the Canberra community to have some confidence at this stage and to know exactly what their financial requirements will be over the next couple of years, when no doubt things will be quite tight in the ACT, we believed that the CPI increase was a sensible way to go while we continue to look at such options as improved capital value and flat fees. A flat fee may not be 50 per cent, of course; it could be at some other level.

I think that a number of the recommendations, and certainly the work that the consultants did, have been very useful and will be very useful in looking at these other options over the next couple of years. I think it is very useful for the community to see really what options exist for rating systems. I can guarantee, though, Mr Speaker, that one of the things that this Government will not be doing is bringing on board a rating system that produces 60 per cent increases in one year in some circumstances, as the previous Government did, or, on average, 30 per cent increases over a three-year period. That sort of huge increase that we saw under the previous Government caused people - particularly those who were least able to pay - enormous hardship. We saw people on fixed incomes,

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in the inner north and inner south, who really could not afford to pay some of the huge increases that ended up occurring under the old system. That was an approach that we simply were not willing to take, Mr Speaker. So, we believed that, while we continued to look at such issues as improved capital value, it was very appropriate to give the people of Canberra the confidence of a 3 per cent increase this year and CPI again next year.

MR WHITECROSS: I have a supplementary question. Chief Minister, will you table today the current - that is, the 1996 - ACT land valuations suburb by suburb, as you made the 1995 figures available last year? Will you admit that you have painted yourself into a corner on the rates issue and have no idea of where to go?

MRS CARNELL: No, I will not agree with that. I know where to go. We want to give confidence to the people of Canberra. There is no doubt, Mr Speaker, that property valuations - - -

Mr Whitecross: Will you table them?

MR SPEAKER: Will you be quiet.

MRS CARNELL: Thank you, Mr Speaker. There is no doubt that property valuations in many suburbs have gone down. What would have happened under the previous Government's approach to that would be that the multiplying factor would have gone up quite substantially.

Mr Berry: Mr Speaker, on a point of order: I heard the member who asked Mrs Carnell the question ask her whether she would table the document.

Mr Hird: Excuse me, Mr Speaker - - -

MR SPEAKER: Order! What is the point of order?

Mr Berry: The one that is contained in this book.

MR SPEAKER: Which number?

Mr Berry: Standing order 118(a), which says that the answer shall be concise and confined to the subject matter of the question. The subject matter of the question was whether she would table the document.

MR SPEAKER: The Chief Minister has not yet finished her answer to the supplementary question.

MRS CARNELL: Mr Speaker, I was not aware that that was the total supplementary question. I understood that the supplementary question went on substantially from that comment, and that is what I am answering at this stage.

MR SPEAKER: And the Chief Minister may choose to answer the question as she sees fit.

Mr Berry: Indeed, Mr Speaker. Mr Speaker, would you order the Chief Minister to answer the question in accordance with 118(a) and answer the question whether or not she will table the document.

MRS CARNELL: The question went substantially further than that, and that is what I am answering, Mr Speaker.

MR SPEAKER: The Chief Minister is answering the question as she sees fit, and she has not finished answering.

MRS CARNELL: Mr Speaker, what I was speaking about was exactly what Mr Whitecross asked me about, and that is the valuations of properties in the ACT this year. I was making the point that, as we all know, on the whole valuations have gone down this year. What would have happened under the previous Government's approach to rates would have been that rates would not have gone down, as we know. The multiplying factor would have gone up. So, regardless of whether property values went down, rates on the whole did not go down, Mr Speaker, because the previous Government decided in the budget process, possibly appropriately, that what it wanted was an overall increase of X per cent. The last time Ms Follett put a budget together, I believe, that was 5 per cent. So, she determined that she wanted a 5 per cent increase across the board.

The way her rating system worked was that commercial and residential rates were balanced. The multiplying factor was determined to achieve the 5 per cent increase in rates across the board. Because she was using that sort of formula, what ended up happening was that in some suburbs we got 60 per cent increases and in some suburbs we did not get an increase at all. So, you got huge skews in the rating system. We do not believe that that approach is appropriate. We believe that it is much better to ensure that the people of Canberra know what their rates are going to be, and what they will be is 3 per cent on top of their last year's rating bill. Mr Speaker, for an average rating bill of, say, \$600, that will be an increase of \$18. Eighteen dollars is something that I believe most Canberrans can plan for. What they cannot plan for, Mr Speaker, is increases of 60 and 70 per cent, which resulted from the approach that the previous Government took. We believe that, in a time of economic insecurity, a time when people need confidence, this is the appropriate way to go. I certainly do not, in any way, walk away from the fact that property values in the ACT have decreased. You would be a moron not to know that, absolutely definitely.

Stromlo Exploratory Building

MR KAINE: Mr Speaker, through you, I put a question to the Chief Minister and Treasurer. Chief Minister, I understand that some assistance has been provided to the Australian National University for some work at Mount Stromlo Observatory, the nature of which I am not certain about. Can you say whether or not that is true? If so, what is the nature of the assistance being provided, and what benefit do you see to the community from making this kind of assistance available to the ANU?

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MRS CARNELL: Thank you very much, Mr Kaine. Mr Speaker, as all members would be aware, the Australian National University is celebrating its fiftieth anniversary. It is perhaps fitting, then, that this year the ANU began the construction of a visitors centre at Mount Stromlo, to be known as the Stromlo Exploratory Building. When completed, the complex will provide the opportunity for Canberrans and visitors alike to gain a better understanding of the remarkable work that is undertaken by astronomers at Mount Stromlo and Siding Spring observatories. It will be a far cry from the days when Stromlo was first built, back in 1923, and was known as the Commonwealth Solar Observatory. I urge those members who have not yet visited Mount Stromlo to take the opportunity to see first-hand some of the exciting and groundbreaking research that is going on right under our noses here in Canberra.

Last year, I was lucky enough to spend three hours on a clear night with astronomers working on the 74-inch telescope - one of the largest in the Southern Hemisphere - and also with the MACHO team using the 50-inch reflector. For the novices, MACHO stands for massive astronomical compact halo objects. I do not think, Mr Speaker, that is quite what the Village People had in mind, but that is what MACHO means now. The aim of the MACHO project is to identify the 90 per cent of the mass of the universe which is currently unseen, and it has been described as one of the greatest scientific experiments of the decade.

Mr Speaker, the construction of a visitors centre will also have significant benefits for the people of the ACT and our economy. It has the potential to boost tourism in the Territory, and it will also underpin the ACT's position internationally as a centre for technical excellence. It will give Canberrans and visitors a window to world-class research that is happening right here, right now, in the ACT. The cost of the Stromlo Exploratory Building is estimated at \$1.5m and represents a major capital works initiative for the ANU.

Mr Moore: And jobs.

MRS CARNELL: That is exactly right - and jobs. The ACT Government has recognised the importance of the project and the benefits it will bring to the Territory. To this end, Mr Speaker, I was pleased to advise Professor Jeremy Mould, the director of the Mount Stromlo Observatory, recently that - - -

Ms Follett: Mr Speaker, on a point of order: You have previously directed that answers be concise. What the Chief Minister is doing is presenting a ministerial statement. She has been reading from a lengthy document there, and I suggest that question time is not the place to do that.

Mr Hird: On the point of order, Mr Speaker: I would like to draw your attention to standing order 39. Those people over there do not understand standing orders. They tend to use them to obstruct and deny the Government the right to answer a question which they asked.

MR SPEAKER: I do not uphold Ms Follett's point of order.

Ms Follett: Surprise me!

MR SPEAKER: The Minister was asked a question, which she is answering comprehensively.

MRS CARNELL: Actually, quite quickly. We were pleased to be able to tell the Mount Stromlo Observatory that the ACT Government would contribute \$200,000 to the construction of the facility. As Mr Moore interjected earlier, what that will mean is jobs in construction; it will mean jobs when the centre is up and operating; and, of course, it will mean indirect jobs. That means extra tourists. That will mean people actually working out there in the community. It is this sort of use of ACT Government finances that I believe is appropriate to produce jobs in this city. It means that this Government is actually getting out there and doing things, Mr Speaker - something that the previous Government certainly did not do.

Rates System

MRS CARNELL: Mr Speaker, I just want to elaborate on the first question. By the way, I am very happy to give Mr Whitecross the copy. I thought I had made that clear. I am sorry; I do not have it today. But I certainly can get it for the Assembly. I was always happy to give it to them.

Ms Follett: Send for it.

MR SPEAKER: Will you stop waving your hands around.

Ms Follett: No, I will not.

VISITORS

MR SPEAKER: I would like to welcome to this question time a group from the University of the Third Age. I hope that you find the visit to your Assembly instructive.

QUESTIONS WITHOUT NOTICE

Very Fast Train Project

MR MOORE: Mr Speaker, to make question time even more instructive than usual, I am going to ask my question of Mr Trevor Kaine, as chair of the Economic Development and Tourism Committee. I have not given him notice of this question at all; but, Mr Speaker, we can expect - and I am sure that we will get - a good, thorough answer to my question. Mr Kaine, you have recently raised in the media the possibility of a further player in the very fast train stakes for Canberra. Can you explain why you have taken an interest in MagLev and whether you think that that particular train should replace Speedrail? What action are you taking, in your role as chair of the Economic Development and Tourism Committee, to ensure the best possible deal for the people of the ACT and, indeed, the people of Australia?

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MR KAINE: Mr Speaker, I thank Mr Moore for the question. I do not often get questions. Mr Moore and members of the committee will know that, from the time that I was Chief Minister, I have been a very strong supporter of a fast train system connecting Melbourne and Sydney and running through Canberra and all the other places in between. The reasons for that, I think, are quite obvious. More or less half the population of Australia at the moment lives within that area of the country. Such a rail system will have enormous impact, socially, economically and environmentally, for the next century and will bring enormous benefits to the people living here now and those who will live here in the future. It will simplify travel and make it easier for people in that area to commute. It will take the pressure off the two big cities and allow the population to spread. It will, in my view, bring enormous benefits in terms of investment, technological advances and, along with that, protection of the environment.

As you know, at the moment there is a committee examining the question of whether or not the fast rail system is a feasible proposition. More recently, there has been an announcement that a German company is interested in tendering with the magnetic levitation technology, as an alternative to the original fast train proposal. Mr Speaker, I was concerned that, in some responses from some quarters as expressed in the media, there was a negative reaction to this proposal. It was suggested that it was too little too late. It was suggested that it was new technology that had not yet been tested. It was even suggested on one occasion, on television, that their costings were not accurate. I do not believe that, given the national importance of this project, any proposal should be excluded from the feasibility study. The purpose of the feasibility study is to determine whether these proposals are feasible. That is the very reason why it was established. For such a new proposal to be shrugged off, on what I consider to be rather spurious grounds, would be unfortunate and may well result in a detriment, not just to the ACT's interests but to the national interests.

So, for that reason, Mr Speaker, as chairman of the Economic Development and Tourism Committee, I have asked the people from both consortiums to brief the committee on their proposals so that we can be fully informed. I have asked Mr Moore whether he would be interested in this being a joint briefing with the Planning and Environment Committee, which Mr Moore has agreed is a good idea. There are, clearly, planning and environmental issues associated with this project. Those briefings will take place over the next two to three weeks. I would hope that all members of the Assembly would attend those briefings - first of all, to find out what this new proposal is, because I am completely uninformed about it, and so that we can make a judgment about that proposal.

At the same time - I believe that it is some years since I was updated on the Transrail system - I think that members should attend when the proponents of Speedrail come to give their briefing. I think it would be to the advantage of every member of this Assembly and the ACT community for every member of this Assembly to take the opportunity to be fully informed on both of these proposals so that, when the feasibility study is completed, we will be able to make a judgment about whether the feasibility study has been comprehensive and fair, and that all contenders have been given equal treatment.

MR MOORE: I have a supplementary question. Was that not a fantastic answer, Mr Speaker? Many of us could learn from that.

MR SPEAKER: No preambles, not even bouquets.

MR MOORE: The supplementary question, Mr Kaine, is this: Is it your intention that these briefings will be public briefings?

MR KAINE: Thank you, Mr Moore. Yes, indeed. It is the kind of subject that has such wide-ranging ramifications, not only for this community, as I said, but for the whole of Australia, that I think it would be worth while allowing all who are interested to attend those briefings so that they can be equally informed. The intention is that they will be public hearings and public briefings.

Capital Works Budget

MR WOOD: Mr Speaker, my question, as a member of this orderly and polite Opposition, is to Mr De Domenico. Minister, yesterday you said, "The Government is fast-tracking up to 32 projects", and you gave some examples, some of them quite spurious. Minister, what do you mean by fast-tracking? Are you proposing to commence projects ahead of their anticipated start dates, which is what most people would understand by that? Therefore, are you amending this year's budget and are you amending the budget for the next two years of your so-called three-year budget to provide the additional funds needed to bring work forward? Are you varying the requirements of public works to allow fast-tracking?

MR DE DOMENICO: I thank Mr Wood for his question, Mr Speaker. Yesterday, the Government put out a list of, I think, 12 projects currently totally committed to design, plus another 20 projects expected to have design commenced in 1995-96. Mr Speaker, in answer to Mr Wood's question, the Government will make sure that any projects that perhaps are not in line with the budget parameters that the Government has already set are fast-tracked one year ahead of time. Mr Wood, I do not know whether you have the list of projects referred to yesterday, but the Tuggeranong police station and the Conder Group Centre infrastructure, stage 2, come to mind. They are just two in Tuggeranong, for example. Others are postnatal facilities, a total of \$3m, and Gungahlin high school, \$17.16m. So, Mr Wood, if we need to change the processes to make sure that things are fast-tracked, we will do that, to make sure that we get optimum value for the money expended on public works.

MR WOOD: I have a supplementary question, Mr Speaker. At the outset of question time you delivered to us an entirely gratuitous lecture on how to behave in question time.

MR SPEAKER: No preamble. Are you discussing it with me or with the Minister? Ask your supplementary question.

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MR WOOD: It is difficult asking a supplementary question when the question has not been answered.

MR SPEAKER: In which case, sit down.

MR WOOD: No, Mr Speaker; I require a question. Let us do part of this. What funds are you going to advance? How are you going to change your one- or three-year budget to provide funds for this so-called fast-tracking? Or is it really just the case, as with the Acton-Kingston deal, that this is hyperbole to mislead the Assembly, the media and the community?

MR DE DOMENICO: Mr Speaker, I am happy to take that supplementary question, although it is late coming. Mr Wood continues, as do members opposite, to spell doom and gloom. On the one hand, yesterday, we were told that the Government had decided not to do anything about public works. Yesterday, the Government came back and said, "Hey, listen, we will fast-track some public works in order to get some employment going in this town".

Members interjected.

Mr Hird: I raise a point of order. Mr Speaker, I direct your attention to standing order 61, and Mr Wood in particular should be named under standing order 202. This side of the house will be only too happy to accommodate you, sir, and him.

MR SPEAKER: I uphold the point of order that members shall not interrupt another member when he or she is speaking. That is what standing order 61 is about.

MR DE DOMENICO: Mr Wood will also be aware that Mr Moore's committee came forward with some recommendations about the way we handle the processes of public works which we inherited from the previous Government. At least this Government had the guts and the gall to say to Mr Moore, "Yes, we accept most of the recommendations made".

Capital Works Budget

MR SPEAKER: I call Mr Hird.

Ms Follett: We had to wait a long time before he got to his feet, Mr Speaker. It is lucky you are short-sighted.

MR SPEAKER: You know that I call one from each side when I can.

Ms Follett: When it suits you.

MR SPEAKER: Everybody gets a question. This is absurd.

MR HIRD: I trust that the honourable lady, a former Chief Minister, is not reflecting upon the Speaker.

I would like to, if I may, Mr Speaker, direct a question to Mr Moore as chairman of the Planning and Environment Committee. Chairman, both you and your colleague, Mr Osborne, have gone to great lengths over the past two days to point the finger at the Government for what you call job losses resulting from the underspending by this Government on the 1995-96 capital works program. Specifically, you have used the formula of 15 jobs for every \$1m of the capital works program - - -

Mr Wood: The minimum. It is more than that.

MR HIRD: Mr Speaker, I ask you, under standing order 37, to protect me from that man across there.

MR SPEAKER: Order!

MR HIRD: Mr Moore, if we were to accept your argument, perhaps you could indicate to the house how many job losses - your own words - have resulted from the inability of this Government to proceed with the Acton demolition, due entirely to your desire to frustrate any progress on the Kingston foreshore land swap. The project has been allocated \$3m, Mr Moore, in the 1995-96 capital works program.

MR MOORE: Mr Speaker, I thank Mr Hird for giving me this opportunity. Indeed, I saw a press release today that was put out by Mr Berry, and he identified that we are not talking about just 15 jobs; they are 15 on-site jobs. Yesterday, we conceded that perhaps it is 12 jobs. Mr Berry also drew attention to the fact that there are off-site jobs. The figure that he used for off-site jobs - and I think it comes from the CFMEU - is another 30 jobs. But let us be conservative. Let us say that it is only half that number. Let us say that it is only 15 off-site jobs. At around 30, it means that the \$14m taken out of capital works by this Government to cover its recurrent costs in the hospital and health area will cost in the order of 500 jobs. So, I think we have been particularly conservative so far. With reference specifically - - -

Mr Kaine: On a point of order, Mr Speaker: Yesterday, we had a series of questions addressed to the chairmen of committees, and they were all answered quite extensively. I draw your attention, Mr Speaker, to *House of Representatives Practice*, where it is quite clear that the chairman of a committee should not make public announcements on behalf of the committee unless he has first consulted with the committee on what he is going to say. I tried to raise this objection yesterday, without success. Could I ask you to rule on whether the answer being given by Mr Moore is out of order on those grounds.

MR MOORE: Mr Speaker, to clarify the position and to ease Mr Kaine's mind, let me explain that I am addressing my comments to the third recommendation of the Standing Committee on Planning and Environment in our Report No. 10, on capital works. That is where we agreed to this particular position, which I am now elaborating on and making specific.

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MR SPEAKER: Mr Kaine is, nevertheless, correct when he says that you cannot speak on behalf of the committee itself. But proceed.

MR MOORE: Indeed, Mr Speaker. In my response on how we are dealing with this, I am only too delighted to answer the question from Mr Hird, and I hope that it would be at least as thorough as the answer that Mr Kaine provided for me on behalf of his committee. Mr Speaker, the \$3m that Mr Hird refers to in terms of Acton is a particularly different situation from the \$14m that was specifically taken out of capital works. The recommendation of our committee on capital works is to say, "Do not take the money out of capital works. When you are not doing a project, move it up in priority so that capital works money is spent on capital works and not spent to fill a hole in the recurrent budget". This is the problem I have, Mr Speaker: Trying to get this Government to understand that particular aspect. I appreciate Mr Hird giving me the opportunity to explain that. When we are talking about recurrent expenditure, it is not going specifically into that kind of job creation scheme, as capital works is. So, when money is moved from capital works to recurrent, we have this specific problem.

What we have in terms of the Acton Peninsula is a situation where, having recognised that that work was not going to go ahead, the Government should have brought out a second priority capital works program and put that ahead. There will always be times when issues of the environment, issues of planning and other issues will challenge a planned capital work. This indeed happened, Mr Speaker, as you will recall, with the development of the Gungahlin Town Centre. What we are talking about so far is inaction on the part of the Government, not only for the \$14m - now they are adding another \$3m. If you do that, at 30 jobs per \$1m, it is another 100-odd jobs. Mr Speaker, if Government members are going to stand up and say that they are interested in jobs, they also have to support those words with action.

MR HIRD: I will ask a supplementary question. It is easy to say those words. Mr Chairman, my supplementary question is: How many jobs? Is it a fact that there is approximately \$8m in the expected costs and in excess of 200 jobs, and they will be denied because of the inability of you as chairman - you can rub your hands together, Mr Moore.

Ms McRae: He has always supported it, like we have.

MR HIRD: What I suggest you do is give this parliament a commitment to support the Kingston foreshore project. And, by the way, Ms McRae, you are not running the show.

MR MOORE: Thank you, Mr Hird, for another opportunity. Mr Hird, I think I will have to try to speak slowly so that you can actually understand what I am saying. We are not talking about money that is no longer available for capital works. The committee, in fact, has recommended exactly the opposite. We have recommended that you make sure that capital works money is available for capital works, so that it stays there for jobs, Mr Hird - rather than the \$14m that your Chief Minister has taken away from jobs and indeed the \$3m to \$5m lack of revenue that I believe will be taken from capital works. I would be interested in clarification of that. Mr Speaker, Mr Hird has correctly identified that there are another 200 jobs on top of the other 500 that the Government puts at risk if it does not use this capital works money for capital works.

Stock Exchange Office

MS FOLLETT: My question without notice is to the Chief Minister. I refer to the Stock Exchange office that was opened recently in the National Capital Investment Centre, on which Mrs Carnell treated us all to one of her little comic routines on Tuesday. I ask: How much money has the Government put into that project, either in cash or in kind, and how much has it committed itself to paying in the future? How many jobs were created? How many of those jobs were filled by people who already worked in Canberra?

MRS CARNELL: Thank you very much. I think this is sour grapes, Mr Speaker. I think this is just a really bad case of sour grapes. Ms Follett just cannot cope with the fact that we managed to get the Australian Stock Exchange here in Canberra when she said time and again that it was absolutely impossible. The reality is that there have been jobs created; but, most importantly, with this project, it is a three-way - - -

Mr Wood: We wait to hear.

MRS CARNELL: Mr Speaker, I can yell louder if you need me to. I am very happy to do that.

MR SPEAKER: No; I would prefer you not to do that.

Mr Wood: Just answer the question.

MR SPEAKER: Order! You have asked your question, too, Mr Wood. Continue, Chief Minister.

MRS CARNELL: Thank you very much, Mr Speaker. The idea of this three-way partnership between CFM, the ASX and the ACT Government has a number of approaches. One, of course, is to stimulate business in the ACT and to give a message to business generally, including the stock market, that the ACT is a good place to do business. The other one is to make sure that good investment advice is available to ACT people, and to ACT Government employees particularly. We also believe strongly that it is by encouraging these sorts of businesses to Canberra that more businesses can - - -

Ms Follett: Mr Speaker, on a point of order: My question had two parts - how much money and how many jobs? We have yet to hear an answer coming anywhere near either of those questions.

MR SPEAKER: There is no point of order. Continue, Chief Minister.

Ms Follett: It is irrelevant, Mr Speaker.

MR SPEAKER: The Chief Minister is answering the question as she sees fit.

Ms Follett: No, she is not.

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MRS CARNELL: As I understand it, the contribution - - -

Mr Berry: Mr Speaker, on a point of order: The Chief Minister does not have the right to answer the question as she sees fit. Standing order 118 says that it “shall be concise and confined to the subject matter of the question”. The subject matter of the question is clear: How much money has the Government put into the project and how many jobs has it created?

MR SPEAKER: There is no point of order.

Ms Follett: You can go on saying that, but it will not make it true.

MR SPEAKER: Order! There is no point of order. “Confined to the subject matter of the question” is adequately covered by the Chief Minister's response. Continue, Chief Minister.

MRS CARNELL: Mr Speaker, I believe that the approach I have taken to this question is terribly appropriate. Obviously, those opposite do not believe that it is. As I said, it is a three-way partnership. CFM is contributing to the staffing, leasing and fit-out of the centre for three years. The ASX is providing the electronic share market board. It is also contributing to the staffing of the centre for at least six months. The ACT Government will advertise the centre within and outside the ACT, provide seminar facilities, disseminate CFM services and other products to ACT Government staff, and contribute to the centre's fit-out costs. That is it, Mr Speaker. So, the reality is that the ACT Government, if that is what - - -

Ms McRae: You do not know.

Mr Wood: Another non-answer.

MRS CARNELL: No; I just gave it very clearly. Our part of the three-way deal is to contribute to the fit-out. We are not paying for the staff, we are not paying for relocation, we are not paying for the share market board, and we are not paying for leasing and fit-out of the centre. What we are doing is making sure that ACT Government employees and others know about the sorts of services that can be provided from this centre. I am very happy to get the information on exactly how much of the fit-out costs was provided by the ACT Government; but it was fairly minor, Mr Speaker.

MS FOLLETT: Mr Speaker, having received no answer to the bulk of my question - Mrs Carnell was unable to point to any jobs created by this - I ask a supplementary question. Is it not the case that the Territory's benefits from this new resource are pretty much a pale shadow of what might have been achieved, and was achieved in Brisbane, where there were 50 new jobs created, because Mrs Carnell was simply not quick enough and not astute enough to act swiftly when the Stock Exchange was looking for somewhere to expand? In the words of the chairman of the Stock Exchange, “Wonderful opportunities for the ACT have therefore been completely lost”.

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

MR SPEAKER: I take it as a supplementary question, which I am sure the Chief Minister can answer, Mr Kaine.

MRS CARNELL: I am surprised that Ms Follett somehow believes that the centre over there is operating with no staff at all. Certainly, at this stage it is not a big office; there is no doubt about that. Ms Follett asked me quite specifically what the business benefits were to the ACT, or what the benefits were to the ACT. That is exactly what she asked. The benefits to the ACT - - -

Ms Follett: I raise a point of order, Mr Speaker. The Chief Minister must have completely misheard my first question. The question said: How much are we paying and how many jobs have been created? That was the beginning and end of it. I take it that that is why she did not answer either of those questions.

Mr Hird: Is that a point of order, Mr Speaker?

MR SPEAKER: There is no point of order. Continue, Chief Minister.

MRS CARNELL: Thank you very much. Mr Speaker, I think you will find that Ms Follett did indicate that she was interested in the benefits; possibly, she is not interested in the benefits to the ACT, and I am very surprised if that is the case. Obviously, the benefit for the ACT is to encourage share market deals to be conducted here in Canberra. As Ms Follett would be aware, that is a major revenue source for this Government. Ms Follett, as a former Treasurer, I hope, has not forgotten the amount of money that is generated via share transactions here in Canberra. Obviously, having an ASX board here does encourage share transactions, does encourage local people to buy shares as a method of investment. It is interesting that 42,000 Canberrans are shareholders - I think the second largest number of shareholders in Australia. I think that indicates that the people of Canberra are very interested in this form of investment and therefore are very keen. I have made it very clear - - -

Ms Follett: Mr Speaker, on a point of order: I will say again that my question went to how much it is costing the ACT and how many jobs have been created.

MR SPEAKER: What is the point of order?

Ms Follett: The point of relevance, Mr Speaker. I am sure that, with your knowledge of the standing orders, you can find the number.

MRS CARNELL: Mr Speaker, I have already said that I will find out for the Assembly the exact percentage of the centre's fit-out costs the ACT Government paid.

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Ms Follett: What about the jobs?

MRS CARNELL: I am very happy, if members of the Assembly want me to go over the road and do so - they could do so too - to count the number of people who are working over there.

Ms Follett: You do not know. There were not any.

MRS CARNELL: The issue, though, and the point I made in question time on Tuesday, is that this is great for business. It stimulates investment - - -

Mr Berry: On a point of order, Mr Speaker: The standing orders are pretty clear. Standing order 118(a) says that the answer "shall be concise and confined to the subject matter". The question has been clarified a number of times. Mr Speaker, I ask that you ask the member to sit down if she cannot answer the question.

MR SPEAKER: One of the reasons the Chief Minister is having difficulty answering the question is the constant interjections coming from the Opposition. I would suggest that you remain silent while she finishes.

MRS CARNELL: Thank you, Mr Speaker. As I said, I am very happy to go and find out how many people are being employed over the road, although anybody here could do that. The reality is that, although it is a small office at this stage, and we made that clear, it generates business and it generates revenue for the ACT Government. Most importantly, as I said on Tuesday, the major reason for it being a real benefit to Canberra is that it is the first time the ASX has ventured outside the major capitals. Canberra is first cab off the rank. Unlike those opposite, I think that is a real benefit to Canberra.

Cotter Catchment

MS HORODNY: My question to the Minister for Urban Services, Mr De Domenico, relates to the water supply operations of ACTEW. As you would be aware, Canberra's water comes primarily from the Corin and Bendora dams and, to a much less extent, from the Cotter Dam, all of these being in the Cotter catchment. Much of this catchment is within Namadgi National Park, and it has often been said that the quality of Canberra's water and the low costs of treating this water are due to the fact that it comes from a relatively pristine water catchment. Could the Minister, therefore, advise what financial or other contribution ACTEW makes to the costs of managing Namadgi National Park and to ensuring that there is no degradation of the water quality in the Cotter catchment, given that the management resources of the park are severely stretched and that ACTEW is relying on the park management to do its job properly in order for ACTEW to reduce its downstream water treatment costs?

MR DE DOMENICO: I thank Ms Horodny for her question. Mr Speaker, I do not have the precise details of what ACTEW does or does not do there, but I shall get that information as requested by Ms Horodny and let her know.

MS HORODNY: I ask a supplementary question that the Minister might like to take on notice as well. Given that ACTEW is now operating as a corporatised business enterprise - - -

Mr Humphries: Mr Speaker, I rise on a point of order. I would suggest, with respect, that Ms Horodny is asking a second question. A supplementary question must flow from the answer to the first question. If Ms Horodny wanted to ask a question about - - -

Mr Moore: If he did not know that, he might not know this either.

Mr Humphries: If Mr De Domenico had given some particular detail from which a question flowed, certainly a supplementary question would be justified; but Mr De Domenico has taken the whole question on notice. Therefore, there can be nothing else that Ms Horodny can ask - except, "I want some more information". In that case she should have asked that as part of the first question, not as part of a supplementary question.

MR SPEAKER: I will have to uphold that point of order.

School Boards

MS REILLY: Mr Speaker, my question is for the Minister for Education.

Mr Berry: You will not get anything out of him either.

MR SPEAKER: Order! I think Ms Reilly will be the judge of that.

MS REILLY: I have great hopes that he will answer the question. I am an optimist. I obviously have not had enough experience here. My question relates to the continuing industrial dispute with teachers and its consequences on schools. This dispute may not be as high profile as the non-collection of ACTION bus fares and the non-payment of parking fees, but the effects of this dispute are far more devastating. Bearing in mind the key role that school boards play in the school system, in circular 30/96 why have you acted to sack every school board and nominate the school principal to fill that role?

MR STEFANIAK: I thank the member for the question, Mr Speaker. I have been advised that a circular was sent out to principals telling them that they can act as school boards - that is, make decisions boards would make - because some boards cannot be constituted because teacher members are not going to board meetings. That is just one little result of industrial bans in the education system that is severely affecting our children's education. Already we have seen interschool sport, drama productions, camps and other things cancelled as a result of the bans. This is just one more thing that has occurred. I am hopeful, now that we seem at least to have a foot in the door in the Industrial Relations Commission, that the end to the bans might be in sight. Parents and students are getting thoroughly sick of them.

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MS REILLY: I ask a supplementary question. I hope that you are more concerned with a broader range of things than just the cancellation of sport. Given that school boards have finally won the right to form part of the selection panel that chooses a new principal, how will that very important function be performed now that you have sacked the school boards?

MR STEFANIAK: I think the member is really using the wrong word when she says "sacked". I have indicated what I am advised has happened. It goes back to the industrial bans. Here we have just another effect of the industrial bans. Ms Reilly might like to have a little chat to the Australian Education Union and see whether they would lift these bans so that things like this just do not happen.

Roadworks - Drakeford Drive

MR OSBORNE: My question is to the Minister for Urban Services, Mr De Domenico. Minister, you will recall that 12 months ago I asked you a question in relation to the state of Drakeford Drive and when it would be resealed. Without quoting *Hansard*, I recall that you said something along the lines that the problem with the road was due to it being sealed at the wrong time. You said that the road needed to be repaired in the hotter months. My question is this: Why is it that 12 months later Drakeford Drive has not yet been finished and that the lanes have not been marked? Drakeford Drive is one of the major thoroughfares, if not the major thoroughfare, in and out of Tuggeranong. Why is it that it has not been marked and is not finished, and why is it that your department has chosen to place so little importance on this project? Is the delay a result of the cutbacks that were announced yesterday in the Urban Services Department?

MR DE DOMENICO: I thank Mr Osborne for his question. The answer to the last part of his question is no. It has not been as a result of the so-called cutbacks in the urban services public works budget.

Mr Berry: So-called! Fourteen point two million adds up.

MR DE DOMENICO: It was Mr Osborne who asked the question, not Mr Berry, Mr Speaker. Mr Berry should be reminded of standing order 61. On my information, the only thing that has not been done is the marking of lanes. As someone who drives up and down that road at least twice every day, Mr Osborne, I am aware of the fact that it is nearly finished; that the road surface is a heck of a lot better than it was 12 months ago. I can assure you that when the lanes can be marked they will be. I will find out exactly when that is going to happen and I will let you know.

MR OSBORNE: I ask a supplementary question. Why has it taken so long to repair what is one of the major thoroughfares in and out of Tuggeranong? You were put on notice when you were asked about it 12 months ago. Why has it taken so long and why is it not finished yet? From memory, it was resealed only a couple of months ago. Why has it taken so long?

MR DE DOMENICO: Mr Osborne, my information is that unless it is done properly - in other words, unless the conditions are ideal for it to be done - the problems we had in the first instance will recur. If that happened, you would be the first one standing up suggesting - - -

Mr Berry: It is only the marking of it.

MR DE DOMENICO: You do not even know where Drakeford Drive is, Mr Berry; so do not interject. Mr Osborne, I would rather see the job done properly so that it does not have to be done a third time.

Mr Osborne: It will take 30 years, will it?

MR DE DOMENICO: Mr Osborne, I would rather that it take two years and be done properly than that it be done quickly just to satisfy one or two people in this place and have to be done again.

Kingston Foreshore

MS McRAE: My question is to the Chief Minister. Chief Minister, in relation to the material that has been provided to the Assembly so far about the Acton-Kingston land swap, there is no indication that the Commonwealth is taking any responsibility for the clean-up of the whole of the Kingston site. In the broad agreement that we were given yesterday we see:

The ACT Government anticipates that contamination, if present, is most likely to be related to the areas occupied by ACT Electricity and Water and AGPS. The Territory will be responsible for addressing this issue. The Commonwealth will provide advice on contamination associated with AGPS operations. If major contamination is identified, the Commonwealth and the Territory will negotiate responsibility for and costs of eradication.

Before you get too excited about the possible ambiguity in that, the last paragraph was clarified in the memo that you gave to us the day before, signed by Mr Townsend, in which this was further clarified and it was said:

The draft land swap agreement which was forwarded to the National Capital Planning Authority in May 1995 indicates that the Commonwealth will provide advice on any contamination associated with the AGPS operations. If major contamination is identified, the Commonwealth and the Territory will negotiate responsibility for any costs of eradication. I will keep you informed of any additional information about the extent of contamination on the AGPS site.

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I am quoting accurately. Furthermore, attached to a letter that Brian Howe sent to John Langmore on 9 August 1995 is the draft agreement. In that there is not a single word about clean-up of anything, including AGPS. Could you today please confirm that the thing that everybody has been talking about in relation to the clean-up of the whole of the Kingston foreshore site is in fact the AGPS site only?

MRS CARNELL: Mr Speaker, it would be really nice if we could actually get some facts on this issue on the table today. Cleaning up the land that belongs to the Commonwealth on the Acton Peninsula site is the responsibility of the Commonwealth.

Mr Berry: You mean Kingston, do you not?

MRS CARNELL: I am sorry; I mean the Kingston site. With regard to the Kingston site, Mr Speaker, the land that belongs to the Commonwealth - that is, national land - is the responsibility of the Commonwealth. That is quite categorical under the self-government Act, under section 51. The land that belongs to the ACT on the Kingston foreshore site is the responsibility of the ACT. Quite simply, that is how it stands at the moment.

With regard to the whole series of events that have happened with regard to this issue, as members of the Assembly will remember, Paul Keating's letter of 9 May 1995 stated quite categorically that the detailed aspects of the implementation of the agreement can be worked out at officer level. What was being worked out at officer level, Mr Speaker, of course, was issues such as contamination. In fact, the then head of the NCPA - the relevant Commonwealth body back in those days - who was Gary Prattley, clearly took that view. In fact, in a transcript, that I am sure those opposite have, of a 2CN morning show interview on 24 April 1995 - over 12 months ago - the show compere referred to me saying that, if there was contamination of the Commonwealth land on the Kingston foreshore, then the Commonwealth should clean it up. In response Mr Prattley said, "We are in the process now of setting up a mechanism to work through all of those issues jointly". In other words, negotiations on the issue of contamination would continue. To add to that, we obviously now have a new Government and that approach - - -

Mr Hird: Thank God.

MRS CARNELL: Yes, thank God. That approach was backed up by the Territories Minister, Warwick Smith, when he was interviewed on 2CN on 27 March this year. He said, "The Commonwealth will meet its responsibilities and there will be no doubts about that". In other words, the Commonwealth's responsibilities will be met. The Commonwealth's responsibilities, as I said, Mr Speaker, are clearly set out in the self-government Act. Comments have been made in this house constantly to the effect that supposedly I have said that the Commonwealth has made some sort of categorical agreement to clean up Kingston foreshore. The reality is that that is not the case; nor has the ACT Government given any commitment whatsoever to clean up Commonwealth land on the Kingston foreshore site.

There are obvious responsibilities here. Some of them are with the ACT Government; some of them are with the Commonwealth. The clean-up issue, when it can be determined what the clean-up needs to be, will be negotiated between the two bodies. Those opposite must realise that the Commonwealth land at Kingston is still Commonwealth land. Until it is gazetted, it is still national land. Of course, it will stay that way until we have the agreements that Paul Keating alluded to in his letter of last year and that many others have alluded to in many pieces of correspondence or interviews since.

The reality of the situation is, as many of the documents have suggested, that the Commonwealth has some requirements for clean-up - some very clear requirements under the self-government Act - and the ACT Government has some clear responsibilities too. Those responsibilities will be negotiated; but, first and foremost, Mr Speaker, we have to determine what, if any, contamination actually exists on the site, so that those negotiations can continue. That is the approach that we are taking right now. As the committee's response is now on the table in the Assembly, we can go ahead with the survey of contaminated sites.

That was something that we would have liked to go on with last year, but this Assembly required that no significant amounts of money should be spent on the Acton-Kingston land swap. We complied with that approach and did not go ahead with the full survey of contamination, until about a month ago. In absolute frustration that the committee had not reported, I wrote to Mr Moore asking him for the go-ahead to do at least the survey of contaminated sites. We are now going ahead with that. Mr Speaker, when we determine what it is that we are actually talking about, negotiations will continue - as was said in the broad agreement, as was said by the Prime Minister, as was indicated by the new Minister, Warwick Smith - to determine exactly who pays for the clean-up of the contamination. Of course - I say it again - at the end of the day, obviously whatever it costs to get the land to a stage where it can be sold will add a cost to the value of that land. Therefore, in the end, our percentage of the cost, if not all of it, will be passed on to the private sector.

MS McRAE: May I just clarify a point?

Mrs Carnell: Is it a supplementary question?

MS McRAE: Excuse me. I am talking to the Speaker. Mr Speaker, may I begin under standing order 46 just to clarify a very minor point that the Chief Minister made? She claimed that I - - -

Mr Humphries: Mr Speaker, I rise on a point of order. It has been traditional for standing order - - -

MS McRAE: No, it is directly after her misrepresentation of me. I am perfectly allowed - - -

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Mr Humphries: Mr Speaker, I think I was in the middle of a point of order.

MS McRAE: So was I.

MR SPEAKER: Order!

Mr Humphries: I thought you were making a standing order 46 explanation. Mr Speaker, is Ms McRae making a standing order 46 explanation or a point of order? I am not clear which.

MR SPEAKER: I understand that, having obtained leave from the Chair, you are in the middle of asking a supplementary question, Ms McRae.

MS McRAE: I was about to ask my supplementary question, but I wanted to clarify a point because the Chief Minister misquoted me, Mr Speaker. I will wait until the end if you wish.

MR SPEAKER: I do. Ask your supplementary question.

MS McRAE: My supplementary question is this: I am afraid, Chief Minister, all your information just verifies the beginning of what I wanted to ask. I will ask it again. Nothing you have said thus far has answered this question. Will you now table the actual information? What you said was that it was clear from the beginning that the Commonwealth was going to negotiate decontaminating the site. Nothing but nothing that we have received verifies that. What I am asking you is: Can you now table the confirmed offer from the Commonwealth, or do you agree that when you talk about Kingston you are really always talking about the contamination on the AGPS site? That is what every bit of documentation we have received thus far verifies.

MRS CARNELL: Mr Speaker, I am happy to answer that question again. The land that the Commonwealth currently owns on the Kingston foreshore is still the Commonwealth's. The reality is that it has not been gazetted across to the ACT. We would not accept a gazetting of the land across to the ACT until we had sorted it out. The Prime Minister says that the implementation of the agreement will all be sorted out at officer level. Gary Prattley said on radio in April last year that we were in the process of setting up a mechanism to work out these issues jointly. As Warwick Smith says, the Commonwealth will meet its responsibilities; there is no doubt about that. Under the self-government Act, Mr Speaker, the land on Kingston foreshore that is still the Commonwealth's is still the responsibility of the Commonwealth. Any contamination that is on that site is their responsibility. I think it is very important to quote again from Mr Prattley, who said:

... the fundamental approach [which was] adopted was for the exchange of "clean sites" and I would therefore expect that any necessary remediation would be carried out or otherwise factored into the exchange so that neither the ACT or the Commonwealth would be disadvantaged.

Mr Speaker, I have never said that there was an offer, ever. If Ms McRae would like to get up and quote from anywhere that I have said that there was an offer from the Commonwealth to clean up contaminated sites on Kingston, then I ask her to do it now. There is no indication, Mr Speaker, that I have ever suggested that there was an offer from the Commonwealth to pay for contamination on Kingston. What I have said time and time again is that it is subject to negotiation. The fact is that we have been making sure that we tell the truth on this issue. Ms McRae continues to make comments about a supposed offer that I have never spoken about. In fact, in the debate on Tuesday Ms McRae made two references to evidence that I had supposedly given to the Planning and Environment Committee on the - - -

Ms McRae: I did not say that it was you.

MRS CARNELL: I am sorry; you did. In fact, on two occasions Ms McRae made the comment that I appeared before the Planning and Environment Committee and gave certain evidence. The fact is that I have never appeared before the Planning and Environment Committee. It would seem that, if anybody is misleading this Assembly, Mr Speaker, it certainly is not I. I think it is extremely important to get some facts on the table. If Ms McRae is really interested in this issue she will, No. 1 - - -

Ms McRae: You could answer the question.

MRS CARNELL: I am asking you. I have never claimed for one moment that there was an offer from the Commonwealth. What I have said is that the Commonwealth - - -

Mr Wood: You have said that they will fix it. That is what you have said.

MRS CARNELL: What I have said is that the Commonwealth - on more than one occasion, right from Paul Keating's letter through to the broad agreement, through to comments made on radio by the acting head of the NCPA - had undertaken to enter into negotiations with the ACT on the issue of contamination when we knew what we were talking about. There is any amount of evidence that that is the case. I have never said - - -

Ms McRae: No, there is not. Table it.

MRS CARNELL: What I am saying, Ms McRae, is: You tell this Assembly when it was that I said that there was an offer. Then we might be able to enter into some agreement.

ACTION Services

MS TUCKER: My question is for Mr De Domenico. I gave him considerable notice of this question. This morning the bus I was going to take to work did not turn up. As it was in commuting time there was extreme congestion and a lot of very disgruntled passengers on the bus I eventually caught. I think you actually lost two passengers permanently as a result of it. Apparently, this has been happening far too often. My question is: How often have buses not turned up for set routes in the last three weeks, and what are the main reasons for this?

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MR DE DOMENICO: I thank Ms Tucker for her question and also for the notice she gave me of it. Ms Tucker, I am advised by ACTION that ACTION regularly achieves an operating level of 99.5 per cent across the board of scheduled services over a normal month of operating. Interchange records show that more than 99.9 per cent of services that operate run to schedule. While it is undesirable, quite obviously, that any services be cancelled, no public transport system can guarantee 100 per cent of scheduled services operating. Unforeseen circumstances such as accidents, breakdowns and unplanned operator absence due to sickness can cause cancellations, even with comprehensive backup systems in operation. ACTION operates a priority system designed to inconvenience a minimum number of passengers and aims to ensure that failures are not concentrated in any one area or any one service. School services, of course, are given priority, and ACTION operates 100 per cent of school services.

I am aware, Ms Tucker, that the service you are referring to is the 7.50 am from Watson. Is that the one you are referring to?

Ms Tucker: It was 382.

MR DE DOMENICO: From where to where?

Ms Tucker: From Watson to the city, but I think it starts from further along. I am not quite sure where it starts, but I pick it up at the Watson shops.

MR DE DOMENICO: You pick it up at the Watson shops at 10 to eight in the morning. I will try to find out why the 10 to eight from the Watson shops was late this morning and get back to you and let you know why.

MS TUCKER: I ask a supplementary question. It is really not particularly that I was not able to get here on time. This is a question about public transport and your continued apparent commitment to it. You have told me that the operating level is 99.5 per cent. I want to know how many buses have not turned up. You might be interested to know how many passengers you are consistently losing. You have taken \$12m out of the budget. If this is the consequence of that and you are losing passengers, how can you say that you have a commitment to public transport when people are dropping out, saying that they have to buy second cars because they cannot rely on public transport?

MR SPEAKER: This is no longer a supplementary question; it is a statement.

MS TUCKER: My question is: How can you justify a commitment to public transport when you are losing passengers so often?

MR DE DOMENICO: I thank Ms Tucker for her supplementary statement. Ms Tucker, when 99.5 per cent of scheduled services over a normal month of operations are coming in on time, I think you can say that there is a commitment to public transport and that it is being run properly. Ms Tucker, when ACTION is operating 100 per cent of school services, I think you can say that it is operating a quite good service.

Perhaps, instead of continually knocking the ACTION bus service, you should realise that, on the information available, ACTION regularly achieves an operating level of 99.5 per cent. I am extremely sorry that your bus was late this morning. I am extremely sorry that some buses may be late from time to time, Ms Tucker; but I am sure you will realise - - -

Ms Tucker: It was not late; it did not turn up at all.

MR DE DOMENICO: I am sure you realise, Ms Tucker, that in operating at a strike rate of 99.5 per cent ACTION is doing a quite good job.

Kingston Foreshore

MR BERRY: Mr Speaker, my question is to the Chief Minister, whom somebody described as Mrs Twenty Million, and it is in relation to the clean-up costs of the Kingston site. This morning on ABC radio you were reported as saying that you have never changed your position that the Commonwealth has undertaken to negotiate its share of the clean-up bill when the cost is known. I seek to table a copy of a transcript of that quote.

Leave granted.

MR BERRY: You also said that everybody has made these sorts of comments. I seek to table a copy of a transcript of that quote.

Leave granted.

MR BERRY: On 3 May last year you said in this house in relation to the clean-up of Kingston:

The private sector will do the building, will do the levelling of buildings that we do not need, and will do the decontamination of sites. Certainly, that comes with a cost, but whoever does it, under whatever circumstances, that is a cost to this development but not a cost to the ACT Government.

I do not think I need to table that, Mr Speaker. That is on page 146 of *Hansard* of 3 May 1995. As outlined yesterday by my colleague Roberta McRae, in the Planning and Environment Committee on 28 April last year, when asked by Mr Kaine in relation to the entire Kingston site, "Does the Commonwealth have any responsibility for assisting us to pay the costs?", your departmental officials said no. Not everybody is saying that, are they? Your officials said no. I seek leave to table a copy of page 25 of the *Hansard* of evidence given before that committee.

Leave granted.

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MR BERRY: Not everybody is saying what Mrs Carnell says that they are all saying. On Tuesday Mrs Carnell referred to an exchange of letters between the ACT and Commonwealth governments in relation to the decontamination of the Kingston site but at first refused to table them. On Wednesday you deliberately created the impression that you were tabling the letters that you had referred to on Tuesday; but it turns out that there is only a single letter of 8 May last year referring to a proposal from the ACT Government, and there has been no response from the Commonwealth. It is also apparent from the letter and proposal tabled that you are seeking negotiations only on the clean-up costs in relation to the AGPS site, and then only if there is major contamination. Chief Minister, will you now apologise to this Assembly for misleading it and, while you are at it, apologise to the community for misleading it with your statements both inside and outside this house?

MRS CARNELL: You cannot but get bored, can you, Mr Speaker? I will answer the question again, for the umpteenth time. Even in the answer to Ms McRae's question before, I made the point that I did make the comment, I think on 3 May last year - and we stand by it - that the cost of decontamination would be borne by the developer. Those opposite cannot understand that, if it costs a certain amount to get the land to a stage where it can be sold, then the costs of doing that will be borne at the end of the day by the developer. In the meantime, as I have already said - - -

Mr Berry: Mr Speaker, I have to go to standing order 118(a) again. Mrs Carnell should be concise and confine herself to the subject matter of the question. All we want to know is: Will you apologise to the Assembly for misleading it and, while you are at it, apologise to the community for misleading it with your statements both inside and outside the house? That is the substance of the question.

MR SPEAKER: There is no point of order. The answer to a question without notice shall be concise and confined to the subject matter of the question. Mrs Carnell is certainly confining herself to the subject matter of the question. As for being concise, she has a great long question to try to respond to.

MRS CARNELL: Mr Speaker, I started off by speaking about the issue of my statement on 3 May, which was actually mentioned in Mr Berry's question, if you remember, Mr Speaker. We will start again. That might be the best way to go. On the Kingston foreshore, right at this moment, there is ACT Government land and national land. The responsibility for clean-up of the national land is the Commonwealth's under section 51 of the self-government Act. The responsibility for clean-up of our land will be with the ACT Government, as would be the case in any circumstance. It seems that those opposite, no matter how often I make this comment, simply cannot get it through their thick skulls. I will quote from a minute from Gary Prattley, who is now the Chief Planner of the ACT Planning Authority but who at the time when most of this was happening was acting head of the National Capital Planning Authority, with whom we were obviously negotiating at that stage.

Ms McRae: Why do you not table it?

MRS CARNELL: I am very happy to, but I will read it into *Hansard* first. Under item 2 in this briefing note, with regard to contamination issues in relation to the Kingston site, it says:

While at that stage -

this is right back at the beginning -

there was no knowledge of contamination on the Kingston site it was anticipated that there could be potential for localised contamination given its previous use. This issue was certainly raised by Mr Townsend and I can confirm that my advice to him was that the fundamental approach being adopted was for the exchange of "clean sites" and I would therefore expect that any necessary remediation would be carried out or otherwise factored into the exchange so that neither the ACT or the Commonwealth would be disadvantaged.

He goes on to say:

I can confirm that I had several discussions with the Hon. Brian Howe, the then Deputy Prime Minister and Minister for Housing and Regional Development, which all confirmed that the approach should be consistent with that adopted elsewhere in Australia - that is that the Commonwealth would meet its obligations for remediation of contamination on any land that it was disposing of.

Mr Speaker, I think I have made this clear. In fact, I quoted the first paragraph earlier today, in my first answer. I am very happy to table this minute from Gary Prattley, now Chief Planner, if everybody wants that to have a look at Mr Prattley's recollections of what happened at that time.

Mr Speaker, I come back to the comments made by Mr Berry. Mr Berry has claimed that somehow I have misled this Assembly or misled the people of Canberra. I will accept his comment that maybe not everybody is saying that negotiations were happening right from the beginning. Mr Berry is not saying it. On that basis, I do accept that my comments on "everybody" were probably misleading, particularly to Mr Berry; but the reality is that in that particular radio interview the three people I actually quoted were Gary Prattley, the current Minister involved and, of course, the Prime Minister, who wrote the first letter which suggested that the details of the Kingston foreshore land swap would be subject to negotiation.

Mr Speaker, the only person who has misled this place is Ms McRae. Ms McRae, in saying, as I say again - - -

Mr Berry: I raise a point of order, Mr Speaker. The Chief Minister should withdraw that. The Chief Minister said that Ms McRae has misled this chamber. She should withdraw that immediately.

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Mr Humphries: Mr Speaker, I raise a point of order. In asking the question of the Chief Minister, Mr Berry said the words, which I think I quote exactly, "Will you apologise for having misled this Assembly?". He has made the very accusation of the Chief Minister which he now asks her to withdraw in respect of Ms McRae. He should either withdraw his question and apologise or adopt a consistent standard in this place himself.

MR SPEAKER: The Chief Minister has indicated that Ms McRae misled the Assembly, but she has not yet demonstrated how she did it. I cannot make a judgment on that until I hear about it. You cannot have it both ways.

Ms McRae: She cannot impugn my motives under any circumstances, Mr Speaker, and you know that as well as I do. The standing orders specifically preclude it.

MR SPEAKER: Sit down. I will name you if you do that again.

MRS CARNELL: Mr Speaker, I think that the issue being debated here right now is having the same rules for both sides of this house. Mr Berry said quite categorically in his question - - -

Mr Berry: Mr Speaker, I raised a point of order. I would ask you to rule on it. The Chief Minister has impugned Ms McRae. She said that Ms McRae had misled the chamber. I would ask you to order the Chief Minister to withdraw that.

MR SPEAKER: I can only order the Chief Minister to withdraw it if I also order you to withdraw your question.

Mr Berry: Mr Speaker, I raised a point of order. I ask you to rule on it.

MR SPEAKER: I did.

MRS CARNELL: Mr Speaker, I am happy to withdraw if Mr Berry withdraws his question.

Mr Berry: There can be no conditions on it, Mr Speaker. I will not withdraw my question. If Mrs Carnell feels that I have impugned her character, I will withdraw that; but she should withdraw the attack on Ms McRae unconditionally.

MR SPEAKER: Very well. Mr Berry has withdrawn.

MRS CARNELL: Mr Speaker, I am happy to quote from the *Hansard* that I was referring to. It is on page 77 of the uncorrected proof of the 14th - - -

Mr Berry: Mr Speaker, has she withdrawn it yet?

MRS CARNELL: I said that I was happy to withdraw, as long as he did.

Mr Berry: There can be no conditions on this, Mr Speaker.

MR SPEAKER: Mr Berry has withdrawn.

MRS CARNELL: I am happy to withdraw, Mr Speaker, and now I will just quote exactly what I am talking about. Ms McRae said on page 77 of the uncorrected proof *Hansard* of 14 May:

[That is] at clear odds with what you said to Mr Moore's committee on April 28.

That was that there was no commitment by the Commonwealth, which she had already spoken about. She then went on to say:

... on May 7 which flies in opposition to statements you made on May 3, 1995, on April 28 to committee.

She says on two occasions that I made comments to the committee along the lines that the Commonwealth had no obligation to clean up. I do not know what that is, Mr Speaker; but, whatever it is, it is not the truth. Is that a better way to put it?

Ms McRae: Mr Speaker, I raise a point of order. Mrs Carnell has raised a completely different issue to the question before her. I am now going to seek to make a personal explanation at the end. However, Mr Speaker, to choose to attack my integrity in this way now, I suggest, is out of order. There are processes by which Mrs Carnell can either seek to make a personal explanation or seek to move a motion against me, but I urge you to ask her to complete her question and to withdraw her imputation. Then I will be more than happy to make a personal explanation.

Mr Kaine: Mr Speaker, I invite your attention to standing order 202(e). I submit that the member opposite is guilty under that standing order, and there is an appropriate course of action that you can take.

MR SPEAKER: I would remind members that standing order 202(e) states that a member persistently and wilfully disregarding the authority of the Chair may be named by the Speaker. I am not going to say this again. I am making this point. Standing order 46 allows everybody to make a personal explanation if they feel that they have somehow had their integrity impugned. Ms McRae has indicated that she would like to make an explanation under standing order 46, and I am happy to accept that at the end of this question time. Chief Minister, after what she has said you may decide that you need to make one as well.

MRS CARNELL: Mr Speaker, I am happy to withdraw any comments that I have made that have impugned anybody's character. In fact, I believe that such comments are totally inappropriate in this house, but I believe that the same rules should exist on both sides of the Assembly. It is simply not acceptable for it not to be all right for me to make the same comment about Ms McRae that Mr Berry made about me. I would be very happy - - -

MR SPEAKER: Both have been withdrawn. Can we finish the answer?

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MRS CARNELL: Mr Speaker, I will finish very briefly. I think it is important to finish this answer by making it clear that neither the Commonwealth nor the ACT has given any guarantees about any decontamination of the Kingston site, since it simply would be foolish to do so until we know exactly what is there. However, the Commonwealth clearly has responsibility for Commonwealth land and the ACT clearly has responsibility for ACT land. The Commonwealth has recognised these responsibilities in discussions to date. They exist under legislation. As we now go down the path of having a proper look at contamination on the site, we will be able to enter into negotiations on how the clean-up, if there is a need for a clean-up, is continued.

MR BERRY: I have a supplementary question, Mr Speaker, that might assist Mrs Carnell in answering the question. Mrs Carnell said that she had never changed her position that the Commonwealth has undertaken to negotiate its share of the clean-up bill when the cost is known. That is untrue, Mr Speaker. Everybody has made these sorts of comments; that is untrue. All of these are untrue. There was an exchange of letters; that is untrue.

MR SPEAKER: Order! Would you mind asking your supplementary question without a preamble.

MR BERRY: Mr Speaker, Mrs Carnell's own code of conduct for her Ministers sets a standard for Ministers who mislead this Assembly. It says that the ultimate - - -

Mr De Domenico: Mr Speaker, I raise a point of order. I suggest that Mr Berry be invited to withdraw once again. He is impugning Mrs Carnell by saying that she is misleading the Assembly. Would Mr Berry kindly sit down, Mr Speaker?

MR SPEAKER: Mr Berry, would you withdraw those comments?

MR BERRY: I have not made any imputation, Mr Speaker. I am - - -

MR SPEAKER: You have. You have not even asked a supplementary question. All we have had so far is a diatribe.

MR BERRY: The supplementary question is: Mrs Carnell's code of conduct for Ministers sets a standard for Ministers who mislead the Assembly. It says that the ultimate sanction for a Minister who misleads is to resign or to be dismissed.

MR SPEAKER: Order! I rule the supplementary question totally out of order.

MR BERRY: On what grounds?

Mr Humphries: Mr Speaker, I rise on a point of order. Could I suggest that that is a little bit hasty? You really ought to allow the supplementary question but warn Mr Berry that if he chooses to ask a question about misleading the Assembly when he knows that he is not to make such a suggestion - - -

MR BERRY: Mr Speaker, I have lost interest, in the face of this rabble.

MR SPEAKER: Very well.

ACTION - School Services

MR MOORE: Mr Speaker - - -

MR SPEAKER: Order!

Mrs Carnell: Mr Speaker, I ask that - - -

MR MOORE: Mr Speaker, I believe that you have given me the call. Mr Speaker, I would like to ask a question of Mr De Domenico - - -

MR SPEAKER: Just a moment. I recognise the Chief Minister, Mr Moore.

MR MOORE: Mr Speaker, I draw your attention to the fact that you had actually called my name first, and I believe that it is appropriate for you to - - -

MR SPEAKER: I thought you were going to raise a point of order.

MR MOORE: No, I was not, Mr Speaker. I was standing. You called me. Clearly, I was on my feet before the Chief Minister, and that is what the standing orders provide.

MR SPEAKER: The standing orders simply state that all members rising may have a chance to ask a question.

Mrs Carnell: It is all right, if he wants to.

MR SPEAKER: The standing orders state:

Questions without notice shall not be concluded until all non-Executive Members rising have asked at least one question.

All members rising have asked at least one question. The Chief Minister has indicated to me that she magnanimously gives you the opportunity to ask the question.

MR MOORE: Mr Speaker, it has nothing to do with her magnanimity; it has to do with your need to follow standing order 44. Standing order 44 clearly states that when two or more members rise to speak the Speaker shall call on the member who rose first. It has nothing at all to do with their magnanimity, although I appreciate that.

My question is to Mr De Domenico, who I believe indicated to Ms Tucker just a short while ago that the school bus services run at 100 per cent. Mr De Domenico wrote to me on 8 May this year, after representations from me to him with reference to a school student who was left without a bus. His letter reads:

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Thank you for your representations of 2 April ... on behalf of a constituent concerning overcrowding on school bus route 43.

I was concerned to read that students are being left without transport, and I consequently had the matter investigated.

This is his 100 per cent school service. The letter goes on:

After surveying the run and checking patronage figures, ACTION has found that the service is consistently slightly overcrowded. ACTION is consequently investigating options for carrying some students on an alternative existing service.

That is, as I had pointed out to Mr De Domenico, instead of leaving this student standing on the footpath, in Mr De Domenico's 100 per cent service, while the bus driver drives by. The letter goes on:

As it will take some time for the options to be fully assessed, ACTION advised me that unfortunately no changes can be expected until term three at the earliest.

Mr Speaker, my question to Mr De Domenico is: Do you still wish to suggest to the Assembly that you have a 100 per cent service on your school services? I seek leave of the Assembly to table the letter.

Leave granted.

MR DE DOMENICO: I thank Mr Moore for his question. As I said, and as I repeat, I am advised by ACTION that school services are always given priority and ACTION operates 100 per cent of school services. Mr Moore would realise that some of those services may be slightly overcrowded from time to time. I suggest, Mr Moore, that that might be a good thing because it means that a lot more people are catching our buses. According to my advice, ACTION suggests that priority is given to school services and that ACTION operates 100 per cent of school services. Should that not be true, I will make sure that ACTION does not advise me in such a way in the future.

MR MOORE: I ask a supplementary question, Mr Speaker. My supplementary question is: Do you consider it a 100 per cent service when I have given you a specific example of a student who waited to travel from Dickson to Campbell High but the school bus simply drove by because it was overcrowded?

MR DE DOMENICO: Mr Speaker, sometimes, for safety reasons, it may be appropriate that a bus not stop and collect somebody. I will check it out again, Mr Moore, but 100 per cent school services is the advice I get from ACTION, and I have no reason to disbelieve the advice I have been given.

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

Rates System

MRS CARNELL: In response to a question asked at question time, I table the unimproved capital value statistics for 1996, which my staff have managed to put together.

Stock Exchange Office

MRS CARNELL: Mr Speaker, I have some more information about a question asked at question time, because I have an extraordinarily efficient staff. The fit-out costs that were attributed to the ACT Government were \$20,000. At this early stage of the centre there are three full-time jobs.

Ms Follett: Mr Speaker, I thank Mrs Carnell for the additional information, but I also asked how many of those people were already working in the ACT.

PERSONAL EXPLANATION

MS McRAE: Mr Speaker, I seek leave to make a personal explanation.

MR SPEAKER: A standing order 46 personal explanation?

MS McRAE: Yes.

MR SPEAKER: Proceed.

MS McRAE: I begin by saying thank you to Mrs Carnell for pointing out those errors in the uncorrected proof *Hansard*. I was going out of my way to clarify the issues at the time. I will examine the *Hansard* closely. I never once intended to slip that "you" in. If I have, I apologise unconditionally. I knew from the very beginning what I was talking about. What I was trying to get out of Mrs Carnell then, and what I am still trying to get, was clarification of this issue. I need to clarify this point as well. It began on this premise which I have repeated carefully from the very beginning, and I want to repeat it again. It has been clear - - -

Mrs Carnell: I raise a point of order, Mr Speaker. This is not a personal explanation any longer; it is a statement.

MR SPEAKER: We are now straying into the debating area.

MS McRAE: No, Mr Speaker. May I clarify? Mrs Carnell has quoted what I have quoted, and I just want to requote exactly the premise on which I began the debate.

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Mrs Carnell: It is not the premise that is the issue here; it is the actual words that she used. That is what the personal explanation is about. You may not stray into debate. That is simply outside standing orders.

MR SPEAKER: That is true.

Mr Berry: Mr Speaker, I add to that that standing order 46 is very clear. It states that, having obtained leave from the Chair - that has been given - a member may explain matters of a personal nature, obviously matters regarding the person.

Mrs Carnell: Only when they are of a personal nature. A member may not debate the issue.

MR SPEAKER: A member may not debate the issue.

MS McRAE: Mr Speaker, there were two points of order in which I sought to make a personal explanation, if I may remind you. When I stood up during question time before my supplementary question, I wanted to make a clarification at that point. Let me make it absolutely clear. I sought your leave under standing order 46 to clarify two things. The first thing I have clarified, and I am going back to the uncorrected proof *Hansard* to follow through. It was a day of great frustration, as I remember. I repeated my question about five times and, may I say, to date still have no answer.

The second point of clarification I wish to make is in relation to the way Mrs Carnell was quoting what I said about what she had and had not said about the land swap and the decontamination. I want to repeat that statement, if I may. It reads:

... it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

What I have been trying to clarify all these days revolves purely around that statement and that statement only. To whom? What has been clear? When? That statement gave the impression of a great deal more happening than has happened. That is the statement that I wanted to clarify under my point of order before, when I said that I would make a personal explanation at the end of question time and sat down. I know very well that Mrs Carnell was not in front of those committees. I think that is irrelevant to what I was talking about. I did make an error if I quoted the words as hers.

Mrs Carnell: Twice.

MS McRAE: I accept your interjection, Mrs Carnell. You do not have to tell me. That makes no difference to what I have been talking about. There was never an intent to impugn Mrs Carnell's motives. There was always an intent to make this statement clear. That is what this Opposition has been seeking. That is what I have been trying to do. I do believe that Mrs Carnell had one intent when she made this statement in her press release, and that is what we have been trying to clarify.

AUDITOR-GENERAL - REPORT NO. 6 OF 1996
Collection of Court Fines

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 6 of 1996 entitled "Collection of Court Fines".

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

That the Assembly authorises the publication of the Auditor-General's Report No. 6 of 1996.

GUNG AHLIN TOWN CENTRE
Ministerial Statement

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Gungahlin Town Centre.

Leave granted.

MR DE DOMENICO: Mr Speaker, Gungahlin is Canberra's newest and fastest growing district. Approximately 12,000 people live in the four suburbs that have been developed since the first occupation in Palmerston in 1992. The provision of facilities for the residents of Gungahlin has been a high priority of the Government. The last 12 months have seen the opening of the Palmerston neighbourhood shopping centre, the Nicholls public and Catholic primary schools and the Ngunnawal local shopping centre. Later this year, Mr Speaker, a medical centre will be opening. Next year the Government will be opening Ngunnawal Primary School and will commence construction of Nicholls High School.

The Gungahlin Town Centre will be the first town centre to be developed by an ACT government and it will be very different from anything previously developed in Canberra, or probably elsewhere in Australia. The Government has committed funds in this year's capital works program for the construction of the first stage of the entrance road to the Gungahlin Town Centre. An early community facility in the town centre will be a joint emergency services centre which will provide the Gungahlin community with police, firefighting, ambulance and rescue. The Gungahlin emergency services centre to be constructed in 1997-98 is a new concept which will eliminate duplication and enhance service delivery to the community.

The proposed development has been the subject of the most extensive community consultation on a town centre in Canberra. In finalising the plan for the Gungahlin Town Centre, the Government responded to concerns that the habitats of the endangered *Delma impar*, more commonly known as the legless lizard, and the *Synemon plana*,

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the golden sun moth, be preserved. Another significant consideration was the desire of the community for the town centre to provide a human focus and opportunity for the community development, social and cultural activities by all Gungahlin residents. The Government intends to deliver what the community wants.

Significantly, Mr Speaker, the development of Gungahlin provides the opportunity for all Canberrans to review the way town centres and community amenities are developed, not only to meet the needs of a growing population but also to enhance its lifestyle in a modern urban setting. The Gungahlin Town Centre is based on a non-mall model and will have the qualities of an urban village which has an integrated mix of land uses, including higher-density housing, retail, commercial and community facilities. It will not be the kind of town centre that is dominated by a large, single retail structure with a number of retail outlets within it.

The successful implementation of the plan for a town centre somewhat out of the ordinary requires an innovative method of guiding, fostering and administering the development process which is also capable of incorporating significant but appropriate community input. Mr Speaker, the Government intends to establish a Gungahlin Development Authority as canvassed in the background papers to the Territory Plan variation for the town centre and central area.

As a first step, we have established an interim Gungahlin Development Board. This board brings together a rare mix of private and public sector expertise, the like of which has not previously been involved in Canberra's development. The names of the board members are included in an attachment to this statement. The board is responsible for advising the Government on the operations of a permanent authority, the initial release of sites for stage one of the town centre, the general administration and implementation of development in the central area of Gungahlin, the continuing consultation with the public regarding the development of the central area, and the coordination of various agencies of government regarding the development of the central area.

Mr Speaker, since the Government convened the Interim Gungahlin Development Board in March this year, the board has made substantial progress towards the commencement of construction of the town centre. The board will call for expressions of interest for stage 1A of the town centre in late May or early June. The development is expected to comprise, at a minimum, a supermarket, a main street with specialty retail and commercial space on the ground floor, office commercial on the first floor, and residential on the second and third floors. Infrastructure such as roads and car parks will also be provided and community sites serviced. The first stage will be open by the end of 1997. In June the board will also call for expressions of interest for the club site, enclosed oval and associated recreational facilities to be located at the entrance to the town centre. It is hoped that the first of these facilities will also be open by the end of 1997.

As announced last week, on 8 May, the Government is currently considering the feasibility of relocating offices of the Department of Health and Community Care to Gungahlin Town Centre. As I mentioned before, you need a road before you can get a building, so we will do the road first, Mr Speaker. The Government is committed to expanding employment and business opportunities in town centres, and the placement of ACT Government offices in the Gungahlin Town Centre at this early stage of development would provide a major boost to the area.

In another first for town centre development, Mr Speaker, cultural planning is to be an integral part of the development of the Gungahlin central area. The interim board has recommended the establishment of an Interim Art Advisory Committee for Gungahlin. The role of this committee will be to advise the board on the implementation of a range of principles and policies for cultural planning. The aim is to actively stimulate the community to develop its own unique identity and to collaborate in public place-making.

The Government, therefore, has already made substantial progress towards delivering a town centre with facilities that will meet the community's wants and needs. The implementation process will continue when we introduce into the Assembly the enabling legislation for the permanent development authority. We propose to establish a statutory authority which will be responsible for carrying out the development of the Gungahlin central area in accordance with the principles and policies set out in the Territory Plan and the Territory's land release and retail policies. The authority, which will be primarily funded via revenue from land sales in the central area, will be required to perform its functions in accordance with prudent commercial principles. The strategies and objectives of the authority will be set out in a statement of corporate intent which will be tabled in the Assembly. Membership of the authority will be along similar lines to that of the interim board. We expect to advertise within the next couple of weeks for the position of chief executive officer.

The people of Gungahlin have already been closely involved in the development of their town centre and there are high expectations of the outcome. The Government is committed to ensuring that the proper focus is given to delivering a vital and vibrant centre which will set the standard for the Territory and for the rest of Australia. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

MR WOOD (4.14): I move:

That the debate be now adjourned.

I hope that we get around to talking about it soon because there are some big problems in that.

Question resolved in the affirmative.

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COMMERCIAL VEHICLES - PARKING IN RESIDENTIAL AREAS Ministerial Statement

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the parking of vehicles used for commercial purposes in residential areas.

Leave granted.

Mr Wood: You are going to do something constructive, are you? That will be a change.

MR DE DOMENICO: Mr Wood, you should sit back, relax and listen, which is what you did for five years when you were in government anyway. You sat back, you relaxed and you listened, but you did not do much more.

Mr Speaker, after more than 20 years of procrastination by former Federal and local governments, this Government has developed a practical and achievable set of rules for managing the parking of commercial vehicles in residential areas, after an extensive consultation process through community and transport industry representatives.

Mr Wood: Which you then ignored. You ignored it.

MR DE DOMENICO: Mr Wood, you should sit back, relax and listen. In April 1995, Mr Speaker, I established a working party, with representation from both industry and the community, to consider the parking on residential leases of heavy vehicles used for commercial purposes. A set of rules was prepared by the working party and agreement to these rules was reached by the majority of working party members. The transport industry representatives have agreed that the industry will absorb the additional costs of landscaping, construction of parking bays, fencing, noise barriers and garaging arrangements which may be required to preserve and enhance residential amenity.

The rules are a realistic compromise between the demands of a small but vocal minority of residents and the needs of the remainder of the Canberra community. There will be no blanket ban on the parking of heavy vehicles, and I am pleased to note that this view is supported by the ACT Labor Party. I also note that the Greens, with a complete disregard for the realities of life, believe that such a ban is a practical approach to the issue.

Mr Speaker, the rules will prohibit a number of heavy vehicles from parking on residential leases. These include refrigeration trucks, semitrailer pantechnicons, stock trucks and all vehicles over 3.6 metres high. The number of other commercial vehicles allowed to park on a residential lease will also be restricted. Only one vehicle with a gross vehicle mass - GVM - over 3.75 tonnes will be permitted to park on a residential lease, only two smaller commercial vehicles will be permitted to park on a residential lease, and only one small commercial vehicle will be permitted to park at multiunit sites. Those residents who have complained in the past about several large trucks being parked on a residential lease will now see an improvement in residential amenity as we move to regulate the cowboys in the industry.

To improve conditions over time we have distinguished between existing and new operators. A new operator will be one who commences to park a heavy vehicle on a residential lease after the introduction of the legislation. Existing operators will be restricted to the operating hours of 5.30 am to midnight. New operators' hours will be further restricted from 6.00 am to 10.00 pm to further enhance residential amenity. Under this agreement, Mr Speaker, the hours of operation will be the same as those sought by the residents groups of the working party. I note that the Greens think this is a good idea too, but they are not willing to make any concessions to existing operators. Prior to the development of these rules there were absolutely no controls on the operating hours of commercial vehicles parking in residential areas.

The Government will also introduce strict siting controls on the parking of commercial vehicles. This will reduce visual impact in residential areas and so improve neighbourhood amenity. Where an existing operator cannot meet the new guidelines we will adopt a sensitive approach to the issue. We will encourage moves to improve amenity through landscaping and other means. In any process to approve the vehicle continuing to park their neighbours will be consulted. Neighbours will be able to appeal to the Administrative Appeals Tribunal if they are not satisfied with a decision. Fines will be imposed for non-compliance by operators with the rules. The rules are not intended to restrict households in cases where, for example, overnight parking associated with furniture removal or delivery may be required. The working party agreed that the rules will apply only to commercial vehicles which are parked on the same residential lease more than 12 times a year.

My department receives many complaints about large vehicles parked on the roads for extended periods of time, causing visibility problems for other road users. I will be amending the Motor Traffic Act 1936 to restrict the on-street parking of heavy vehicles to one hour in residential areas at any time throughout the day. The blanket ban being proposed by the Greens to all vehicles over 12 tonnes would place unreasonable restrictions on small business operators and would result in increased costs to the community. The people of Canberra, Mr Speaker, have a right to know where the Greens think that the Government is going to find \$15m to fund the construction of three truck parking areas, which will accommodate only 450 trucks. The ACT community cannot afford this kind of expenditure. While I am sympathetic to resident concerns about the truck operators who may not always do the right thing, this needs to be balanced against the many hundreds of truck drivers who are considerate and do not cause their neighbours any inconvenience whatsoever.

I am pleased that the Leader of the Opposition has agreed in media reports that a blanket ban is not acceptable because "it ignores circumstances in individual situations because ... a truck might be housed properly without bothering neighbours". Mr Whitecross went on to say:

In a situation where successive governments have allowed them to park in suburbs you can't turn around and change that overnight.

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In a recent media statement my colleague Mr Moore conceded that some residents do not mind a truck in their neighbourhood and that some drivers start up and leave quickly. A blanket ban for all vehicles over 12 tonnes GVM, as proposed by Ms Horodny, smacks of Mr Lamont's proposal, and we all know what the Canberra community thought about that at the last election.

I would like to briefly address Ms Horodny's claim that she can amend the Noise Control Act 1988 to cover the noise emitted from motor vehicles when entering and leaving their premises. These proposed amendments appear to be in direct conflict with national agreements and legislation models regarding vehicle noise and its place in law. The national road transport law will be regulating heavy vehicle noise, and the ACT Legislative Assembly cannot pass legislation which overrides or is in conflict with that law.

Mr Speaker, I have taken a realistic and sensible approach to an extremely difficult issue. There is not a blanket ban on commercial vehicles parking in residential areas. Those that park will be subject to strict parking arrangements, restricted operating hours, and a limit of one heavy or two light vehicles on a residential lease. These rules are the best compromise and support the majority findings of the working party established to address this issue. Amendments to the Motor Traffic Act 1936 to give effect to the rules are currently being drafted and will be tabled in the August sitting of the Assembly. I am tabling the document entitled "Rules for the Parking on Residential Leases of Vehicles used for Commercial Purposes", and I commend it to the Assembly.

Mr Speaker, I also alert the Assembly to a letter in this morning's *Canberra Times* by a member of the working party, a Mr Miller. Mr Miller quite wrongly suggests that the Government did not take on the recommendations of the working party. That is not true. The Government took on the recommendations of the working party holus-bolus. These are not the Government's recommendations - or they are now, or the Assembly's, hopefully; they are the recommendations that were reached after months and months of community and public consultation.

I say this too, Mr Speaker: Where were the Greens over the past 12 months? They were nowhere to be found. Ms Horodny goes on television from time to time making all sorts of accusations and suggesting all sorts of things that cannot be done. Realistically, I think these recommendations are a fine compromise on a very complex issue. I commend the words I hear from Mr Whitecross from time to time about there being no reason for blanket bans on anything. It will not work; it will never work. I think the more realistic approach of these rules I put forward ought to be commended by the Assembly. I present the following papers:

Commercial vehicles - Parking in residential areas - ministerial statement,
16 May 1996.

Rules for parking on residential leases of vehicles for commercial purposes.

I move:

That the Assembly takes note of the papers.

MS HORODNY (4.23): I would like to address this issue. Mr De Domenico, it does not seem to me that you have changed the status quo very much at all.

Mr De Domenico: That, surely, is your opinion, Ms Horodny.

MS HORODNY: It is my opinion. It is also the opinion of residents in the community who have been ringing me and writing to me asking for a better solution. I do not believe that this is a solution at all. You say that you have followed strictly the recommendations of the working group; but, again, I do not believe that that is the case at all.

Mr De Domenico: Were you there?

MS HORODNY: No, but I have spoken with people who are on that group and they have said that you have not taken on the recommendations of that committee. It seems that you are again leaving the issue to residents, and this has been the problem from the start. Instead of our community taking this issue on and we as legislators dealing with this problem once and for all, we are again throwing it out there to the community and saying, "Well, a neighbour can take it to the Administrative Appeals Tribunal, et cetera, et cetera, and you should go and talk to your neighbours".

It is very difficult, Mr De Domenico. People try to live in a situation of harmony and peace with their neighbours. It is very difficult to approach someone who feels that they have a right, as they do at the moment, to park their trucks wherever they like on their blocks. Yes, you are saying that you want the trucks to come off the front of the streets and you want them parked in the driveways. In some cases that will mean that the truck will be parked closer to someone's bedroom. I do not think this is well considered at all. You think you are solving one problem by taking them off the streets, where they are a nuisance indeed; but you could be accentuating the problem for the neighbour whose bedroom happens to be next to the driveway.

As for this whole issue of time, you are saying that existing operators can continue from 5.30 am until midnight. Are you aware, Mr De Domenico, that if someone is having a noisy party after 10 o'clock at night neighbours can call in the police and the police can go in and ask those people to turn down their music or whatever other noisy activity? You cannot operate a drill or any other heavy machinery from your home after 10 o'clock at night, but you are saying that it is okay for truck drivers to enter and leave their premises right up until midnight, making as much noise as they like and presumably working on those trucks at midnight. It does not seem that you have solved that problem at all. Again, it is business as usual.

You say that we are not willing to make concessions to existing operators. If you were really interested in improving this situation, why are you allowing new operators to continue in this fashion? Why are you allowing new operators, new businesses, to operate under these rules? Why not say, at least, that new operators who do not currently have the benefit of this system that we have in the ACT have to move immediately to parking in industrial areas? I do not understand why you are allowing the situation just to go on and allowing more and more businesses to park their trucks in residential areas.

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There is also an anomaly, Mr De Domenico. If you run a truck business from your home you are not allowed to park in your driveway or on the street. It is only if you are an employee or if you run your business from Fyshwick or one of the other industrial areas that you are allowed to park in your driveway or on the street. So there is a huge anomaly there already.

Mr De Domenico: That is not true.

MS HORODNY: That is absolutely true.

Mr De Domenico: No, it is not.

MS HORODNY: If you look at the Territory Plan you will find that that is absolutely true. In the motion that I put up yesterday one of the proposals that we are putting forward is that the Territory Plan be amended so that, under strict guidelines, some trucks can continue to park in residential areas, and they are trucks of between 3½ and 12 tonnes.

You talk about visual impact and how you are going to introduce strict siting controls. In all of these things that you say that you are going to do I have not heard how you are going to enforce any of these measures. We spoke to your bureaucrats yesterday. They came and gave us a run-down on this. I already knew what your proposal was from last week when you had the media conference. Nowhere have you said - indeed, your bureaucrats were not able to clarify it either - how you intend to enforce these things. Again you are asking neighbours to ring the police or to ring the Registrar of Motor Vehicles. It is not part of the job of the Registrar of Motor Vehicles to look at issues like landscaping and all these sorts of things. That clearly is a planning issue. You seem to be very confused about what issues come under planning laws and what issues come strictly under the Registrar of Motor Vehicles.

You are pitting neighbour against neighbour. Why do we have to continue to do this? Why are we asking whole neighbourhoods to provide security for trucks and to put up with the visual disturbance and the noise disturbance that these trucks cause? We are talking about huge, noisy, smelly and disturbing trucks that are continuing to be parked in our neighbourhoods. They are also dangerous, I might add. We are talking about huge trucks. I think you have not been responsible by making a whole lot of hoo-ha about nothing. What have you actually done? You have not changed anything. You are expecting the community and the neighbourhoods to bear the cost of this, instead of making a difficult political decision. That is very typical of you, Mr De Domenico.

You say that amending the Noise Control Act to cover the noise emitted from motor vehicles when entering and leaving premises would appear to be in direct conflict with national agreements and legislation models regarding motor vehicle noise and its place in the law. That again is not true, Mr De Domenico.

Mr De Domenico: It is true.

MS HORODNY: No.

Mr De Domenico: Unless you have finally got a degree in constitutional law.

MS HORODNY: Mr De Domenico, the fact is that the Noise Control Act can be amended. It is within our power in the ACT to do that.

Mr De Domenico: No, it is not, Ms Horodny, I suggest.

MS HORODNY: I am happy to debate this when you have done some more research on this issue. You are saying that the rules here are the best compromise and that they support the majority findings of the working party. Again, that is not true. The working party have themselves publicly stated that you have not taken on the concerns of that working party, and you certainly have not solved any of the problem. You certainly have not solved the truck parking problem at all, I am afraid. It is very disappointing. I hope that other members of this Assembly will come forward and try to solve this issue once and for all by supporting the motion that I have put forward.

MR WHITECROSS (Leader of the Opposition) (4.32): I agree with Ms Horodny that in many respects this is a very disappointing effort in addressing this issue. I do not agree with Ms Horodny about all her solutions, and I will come to that; but I do agree with her that it is a disappointing effort. I am drawn to respond now rather than later by the fact that Mr De Domenico has implied in his ministerial statement my wholehearted approval for his scheme.

Mr De Domenico: I just quoted what you said.

MR WHITECROSS: Yes, indeed you did, Mr De Domenico; but the implication was there. Mr Speaker, there are two areas, in particular, on which I think Mr De Domenico has failed in his approach to this, and they both go to areas of executive action - action which is within the power of the Minister and the Government but not really of the Assembly.

The first goes to the question of enforcement. Who is going to make the rules work? Mr Speaker, one of the big problems that is a recurring theme among residents who complain about truck parking - of course, not all residents complain - is the lack of commitment by government departments and agencies, particularly Lease Administration, to enforce existing law. It comes up again and again. Things which seem on their face to be clearly in breach of the law are allowed to continue without the residents being given any assistance at all to remedy the situation. It is left to the residents to run their own arguments in various courts to seek orders to remedy problems which, on their face, ought to have been handled by the department as part of its responsibility for administering the lease system in the ACT and ensuring that residential amenity is maintained. That is a concern. It is a concern, too, that that is an area which Mr De Domenico has not addressed.

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My concern in this regard is compounded by the fact that on ABC radio, when Mr De Domenico announced his new rules on truck parking, he went so far as to suggest that his department would not be going out of their way to enforce these rules but would be sitting back waiting for individual residents to complain. I do not think that is acceptable, quite frankly. In a situation where you are changing the rules, tightening up the rules, you must take charge of the responsibility for ensuring that the new rules are met and complied with. For Mr De Domenico to get off on the wrong foot on that, notwithstanding the fact that he is bringing out these new rules, and say that it will be up to residents to enforce the rules seems to me to be nonsensical. If Mr De Domenico thinks these rules are good rules and workable rules, he also should be telling his department to enforce them, and he should be supplying the resources to enforce them.

Mr Speaker, the other issue which shows up the weakness of Mr De Domenico's approach here is that, as Mr De Domenico rightly says, the current situation has existed for some time. The information I have is that the department, in its various guises, has been unsuccessfully wrestling with this problem for well over 20 years. That means that for well over 20 years these vehicles have been able to park in residential areas without hindrance from the department, and therefore a great deal of custom and practice and history has developed in relation to this matter. In that circumstance, and noting the widespread view in the community that it is not appropriate for heavy vehicles like this to be parked willy-nilly in the suburbs, I would have thought that there was some responsibility on the Government to provide alternative parking options. I accept Mr De Domenico's argument that that is an expensive option.

Mr De Domenico: On Mr Lamont's costings, not mine.

MR WHITECROSS: I accept that Mr Lamont may also have had those costings done. I am not doubting the costings; I accept that it may be expensive. This is something that the community has to weigh up. We are talking about an improvement in amenity in the suburbs, for which there is widespread support. I think it is appropriate, if the Government really wants to change a long-established practice, that it be willing to make some financial commitment to offering alternatives. I am sure that there are heavy vehicle operators out there who would be only too happy to park their vehicles somewhere else if they felt that they were going to be secure and that their very large investment in that machinery was not going to be put at risk. Mr Speaker, those two areas are areas where I think the Government could do more. As I have said, they are areas of executive action, not areas which are directly in the control of the legislature.

That brings me to the Greens' alternative views on this. We can debate this more fully when the Greens' motion comes on. It ought to be noted that one of the weaknesses of legislatures which is seldom acknowledged by people on the crossbenches is that not everything can be done by passing an Act of parliament. Some things have to be done through the executive arm of government, not through legislative power.

While it appears on the surface that a great deal might be achieved by going down the road that the Greens have proposed, it is a very blunt instrument. Legislation usually does turn out to be a very blunt instrument for solving a very complex problem. I think more could be done, and I think the capacity to do more is in the hands of the Government. I do not think that we make this difficult problem any easier by adopting the blunt instrument of banning which the Greens have canvassed, but we can debate that more when that motion comes up, Mr Speaker.

MR DE DOMENICO (Minister for Urban Services) (4.40), in reply: Mr Speaker, I thank Mr Whitecross and Ms Horodny for their contributions to this debate. I also compliment Mr Whitecross on his attempt to present a more balanced view of the topic. I would be pleased, by the way, to talk to Mr Whitecross and others in the Assembly who are interested in getting together to finally come up with a solution to a problem that, as Mr Whitecross correctly suggests, has been out there for 20 years.

I need to address some of the comments made, Mr Speaker. A particular comment that Ms Horodny continues to make out there in the public arena is that the Government did not take on board the recommendations of the working party. I say once again, Mr Speaker, that that is not true. Ms Horodny would know that there were six members of that working party, including Mr Meyer from the Planning Authority; Mr Gordon Davidson from Urban Services; Mr Bob Sutherland from the Weston Creek Community Council, representing the community; representatives of the Transport Workers Union; representatives of the trucking industry; and Mr Miller from RORE.

My recollection, the notes I have seen and the minutes of the meetings I have seen suggest to me that there was broadband agreement on all but two issues, and the only person out of the six who disagreed on those two issues was Mr Miller. How, then, could Ms Horodny suggest that after 12 months of community consultation, just because one person happens to disagree with a minute area, the Government does not take on board the recommendations of the working party? The Government does take on, will attempt to take on, the recommendations as agreed unanimously by the majority - that is five out of the six people.

My understanding is that Mr Miller initially agreed also but, on returning to the next meeting, after speaking to one or two, or perhaps three or four, members of RORE, was persuaded to change his mind, and after a couple of months, or two or three more months of consultation, the committee once again agreed. In particular, one of the two points of disagreement was that Mr Miller believed that existing operators should be restricted to between 6 o'clock and 10 o'clock. The other members of the working party suggested 5 o'clock in the morning. The Government suggested, and the committee agreed, in a majority, that it should be 5.30 am. I cannot see any better compromise between 5 o'clock and 6 o'clock than getting to the 5.30 situation. Mr Miller, as I said, initially agreed to that, but then came back and changed his mind. Those are the realities of life, for Ms Horodny's edification.

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Mr Whitecross, quite correctly, talked about enforcement. Mr Whitecross should know that it is not a problem for just the Department of Urban Services. That is why we had representation - I thank Mr Humphries for his involvement as well - from the Planning Authority. It is quite easy, in an executive way, Mr Whitecross. I can, with the stroke of a pen, stop trucks from being parked on streets. That is easy. But if they cannot park them on streets they will park them on nature strips, which is what happens now. Under these new rules and guidelines, once that happens, it is an offence, or it will be an offence should this Assembly agree to amending that legislation, the Land (Planning and Environment) Act. I agree that in the past we have been lax in not enforcing existing regulations; but I can assure you, Mr Whitecross, that if this Assembly agrees to amendments of the legislation that will happen from now on. That is why I am suggesting that these guidelines before us are stricter than what is currently happening.

Turning to the area of costs, once again Ms Horodny automatically said, "Let us establish some truck parking areas". As I recall, the cost is somewhere along these lines: If we were to build a secure truck parking area - the operative word being "secure" - to park 150 trucks, it would cost somewhere in the vicinity of \$5.8m. By the way, \$3m of the \$5.8m would be for paved truck parking areas. Ms Horodny also said, "We do not need paved areas. You can park them on grasslands around the place. There are plenty of grasslands". Ms Horodny, say, for example, that you currently live next-door to a grassed area but you do not have a truck parked next to you. What if the Government all of a sudden says, "We will allow trucks to be parked on grassed areas", and you have 150 - - -

Ms Horodny: Mr Speaker, I take a point of order. I never said that trucks could be parked on grassland.

MR SPEAKER: Order! You will have the opportunity, if you wish, under standing order 46 - - -

Ms Horodny: I have been misrepresented.

MR SPEAKER: You will have the opportunity to correct any misconception after Mr De Domenico has finished his comments.

MR DE DOMENICO: Mr Speaker, should I have misrepresented in any way, shape or form what Ms Horodny may or may not have said from time to time, because she tends to change her mind from time to time, I apologise profusely. I take it, Mr Speaker, that Ms Horodny would mean that either you can park them on concreted and paved land, or you can park them on non-paved land. If you park them on paved land it will cost \$5.8m. If you park them on unpaved land it will cost \$2.8m. The point I was trying to make, Mr Speaker, is that some of that unpaved land is next to residential areas. If someone happens to live next to that unpaved land where there are no trucks now and we allowed trucks to be parked there, they would be pretty upset, I dare say, especially when we are talking about \$5.8m to park 150 trucks.

I am advised, Mr Speaker, that there are over 1,159 trucks of over 12 tonnes registered in the ACT. I am also advised that ACT registered trucks of over 12 tonnes parked in residential areas number 600. They are the ones that are registered in the ACT. There are others domiciled here that are registered in the Northern Territory, or that have national registration because of national rules. So one could take perhaps another couple of hundred. Let us say, being conservative, as I am from time to time, that we need to build truck parks for 800 trucks. That, on my calculation, would cost us close to \$20m. I would also ask Ms Horodny to tell me from where she would expect the community to find the \$20m in order to build concrete-paved, secure truck parks. I would be very interested in knowing where the Greens would enable us to find that.

Mr Speaker, in summary and in conclusion, we have attempted to fix a problem as best we can, taking into account the views of as many people as possible, without, as Mr Whitecross correctly says, going in with a sledge-hammer and blanket banning everything that moves. The Government has taken on board holus-bolus, as I said, the recommendations of the working party. One person in that working party, who tends to change his mind from time to time, has agreed to everything but two areas of the deliberations of that working party.

Ms Horodny also suggested that we have done nothing at all. Ms Horodny would know that at the moment you can park a truck close to your neighbour's boundary. Under the new rule it cannot be within 1.5 metres of the fence and the set-back has to be 6 metres from the front of the block. Now you can park your truck on the footpath or on the nature strip, but under the new guidelines you cannot. It is an offence to do that. You cannot park it within 1.5 metres of the fence of any neighbour. In certain circumstances you also have to provide a clean and landscaped area before you can park your truck.

I suggest that Ms Horodny should read the advice and should have listened to the advice given by the bureaucrats. There will be registration of all trucks that need to be parked in residential sites. Audits will be done without complaints necessarily coming from neighbours, and those audits will be done not just by people in the motor traffic area but also by people from the Planning Authority. As I said at the beginning, Mr Speaker, this is not an issue involving just the Department of Urban Services; it is a complex issue also involving people in the Planning Authority.

Mr Speaker, okay; we might not have a perfect solution that suits all, especially members of this Assembly, I might say. I would welcome input, as long as it is rational and realistic, from any member of this Assembly, and I look forward to the debate when we present the legislation. I urge members, before they make up their minds, as people have tended to do after five minutes, to wait and see what the Government's legislation says when it comes into the house, instead of bagging things willy-nilly. As I said, I commend the statement to the house.

Question resolved in the affirmative.

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WEAPONS (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 14 May 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (4.49): Mr Speaker, as I have said both publicly and privately, the Opposition will be supporting this amendment to the Weapons Act put forward by Mr Humphries. The amendment has the effect of including some additional weapons in the schedule of prohibited weapons. Those weapons are a self-loading centre-fire rifle of a military type, a self-loading rifle, a self-loading or pump-action shotgun, and weapons that substantially duplicate those weapons and are capable of firing a projectile. In addition, the amendment brought forward by Mr Humphries makes some provision for the payment of compensation for weapons which were lawfully held prior to this legislation coming into effect but which will be made illegal or prohibited as a result of this legislation.

Mr Humphries said, in introducing the Bill, that it was the first step in implementing the agreements arrived at at the special firearms meeting of the Australasian Police Ministers Council held on 10 May. I support all of the provisions made at that meeting and I look forward to Mr Humphries bringing forward a later batch of amendments to the Weapons Act. I do not think it is any news to anyone in this Assembly that I am strongly in favour of our Territory having the most restrictive and most stringent weapons laws we can possibly devise. I believe that we have to consider the issue of community safety, and we ought to consider that issue in a bipartisan or multipartisan manner. I am very pleased to say that that has generally been the case in this Assembly.

I have been extremely alarmed, over the course of the past couple of days, to hear through the media increasing dissent being voiced against the special Police Ministers Council agreement. If anybody else was listening to the *AM* program on ABC radio this morning and heard some comments that were relayed from a meeting of gun lobbyists in Queensland - I think it was at Gympie - they would have been equally alarmed. The thrust of the comments that were being made was not just that there would be a campaign of disobedience against any increased gun legislation; one of the people present at that meeting actually threatened that blood would be spilt in order to defend his so-called right to bear arms. I believe that that kind of action and those kinds of statements ought to be condemned by every responsible elected representative, and I certainly do condemn them.

These gun lobbyists clearly have not got the message that things have been changed. A sea change has swept through the Australian community and people are no longer prepared to permit unfettered gun ownership or unfettered use of guns, and I believe that that is very much the will of the community. I think the gun lobbyists are as blinkered as they are intemperate in their approach to this whole issue at the moment. I believe that there is really only one solution to their attitude, and that is for the political arena to leave these gun lobbyists nowhere to turn. If all political parties, all representatives, were to say, "We are not interested in your views; we are interested in governing for the good and

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the safety of the whole community and we believe that your views do not have a legitimate place in public debate”, I think we would see, perhaps, a lessening of support for the gun lobbyists. The course of action they are taking is extremely dangerous, and I hope that it proves to be a bit of a flash in the pan.

I know that the gun lobbyists are basing their actions and their rhetoric on the American experience; but I think the attitudes, the history, the tradition and the culture in America are different from those in Australia, and it is my very real hope that this kind of lobbying activity will not gain political support anywhere in Australia. The gun lobbyists in the United States quite proudly state that they have changed the composition of Congress, that they have seen one elected representative after another lose their seats because they were in favour of increased gun legislation in the United States. We even saw overturned the ban on semiautomatic weapons in the United States, which had been implemented under the Clinton Administration early in its life, because of the political muscle of the gun lobby. I believe that the only answer to that kind of activity in Australia is to leave those people nowhere to go politically. I do hope that all parties in the Australian political landscape will have the courage to do just that and will not be tempted to get some support, a few cheap votes - cheap votes that may turn out to be very expensive indeed for the community - and go along with what the gun lobbyists are saying. That would be a disgrace. I think the attitude on guns in Australia has changed forever, and it is time the gun lobby woke up to that.

I have had a somewhat more temperate piece of correspondence from Mr Morris Tully, the president of the Sporting Shooters Association of Australia (ACT) Inc. Mr Tully has raised a possibility that I think deserves to be aired; but I do not think it is really achievable, at least in the short term. Mr Tully has said in his letter:

Dear Sir -

not a great start, but anyway -

The perceived problem with semi-automatic military-style rifles and shotguns (both semi-auto and pump) seems to be the magazine capacity. The ability of the user to fire multiple rounds without reloading seems to be the stated motivation for these firearms being banned.

I think he is right about that. Mr Tully then goes on to outline some suggested modifications for both the semiautomatic firearms and the .22 rim-fire semiautomatics and pump-action rifles. Briefly, the modifications involve altering the magazine block, in both cases, so that the rifles can shoot only a limited number of bullets rather than operate in their truly semiautomatic or automatic mode. This is a matter we really cannot act on at the moment. Mr Tully, in writing to me, has said:

We urge that you do not move precipitately in the ACT without considering this proposal.

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He asks that we delay any action to ban semiautomatic and pump-action rifles and firearms. I think Mr Tully is really asking a bit much. The fact of the matter is that these weapons are in our community at the moment and there is quite clearly a will for them to be prohibited. If Mr Tully wishes to take these issues further, I would suggest that he do so with the consultative body that generally looks at proposals for weapons and firearms in the ACT. I think that asking this Assembly to delay action is probably asking too much.

I believe that it is up to this Territory to remain at the forefront in our quest for a safer and less violent community, and remaining at the forefront involves legislating both appropriately and swiftly when we see the need. I believe that the action the Attorney-General has taken in this matter is appropriate. I was fortunate, together with the Greens, to be able to discuss with the Attorney-General the kind of approach he might take to that Police Ministers Council meeting. We were all agreed that there would be no backdown whatsoever from the ACT, that the present ACT legislation is the minimum standard we should expect for our community, and that the only initiatives Mr Humphries would agree to would be initiatives that added to the restrictions and the stringency of our gun legislation. I am very pleased to see that that was indeed the outcome, and I congratulate Mr Humphries on his stand. I know that the stand of the ACT and one or two other States was crucial to getting agreement at that meeting. I believe that the Territory has been well served by this Minister on this occasion, Mr Speaker.

As I said, Mr Speaker, the Opposition will support this legislation. Indeed, we will support any legislation that is aimed at increasing the safety of our community in the broad and restricts what are extremely dangerous weapons, weapons to which there can be said to be no right whatsoever. I heard those gun lobbyists talking about their freedom, saying that they would fight to maintain their freedom to bear arms. This is no such freedom. To call it a freedom is an illusion. There can be no freedom in a society where you need to bear arms. There is most certainly no freedom for the many people who are terrorised or injured or killed by these weapons on a daily basis, unfortunately. We support the legislation and look forward to the further package of amendments to be brought forward to give effect to the Police Ministers Council meeting.

MS TUCKER (5.00): Mr Speaker, the Greens are also happy to support this Bill, although we believe that we could be taking stronger measures. Weapons of war have no place in civilian life, and that is basically what these weapons that are going to be banned are. Weapons of war should have no place anywhere. However, right now we are focusing on civilian life and the recent disastrous massacre at Port Arthur. Weapons of any kind are a symbol of brutality and are grossly offensive to many people, particularly women. We do not see many women walking the streets with the gun lobby.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: 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 (NO. 2) 1996

Debate resumed.

MS TUCKER: For many of us, the idea that anyone would want to own an implement that has as its main function to cause death or injury to living things for recreational purposes is indeed very hard to understand. Of course, if the aim is to shoot at clay targets or in the course of rural work in the country, there is more justification for owning such implements. We claim to be a civilised society, and it is hard to understand why we have weapons of this nature in the suburbs, especially in the face of the terrible misuse and innocent human casualties.

What we see today in response to the massacre at Port Arthur is a proposal to give a greater degree of control for particularly dangerous weapons - dangerous in terms of their ability to kill many people quickly. We must also acknowledge, though, that this legislation will affect only 3,000 or so weapons in the ACT, leaving, out of a total of 18,000, approximately 15,000 in homes, and this is only the registered weapons. In Australia over a four-year period between 1989 and 1993, 260 women were killed in domestic violence incidents and one-third of those women were killed by firearms. The weapons used were more often .22 rifles or shotguns, not automatic or semiautomatic guns. Another worrying statistic is that approximately 80 per cent of gun deaths are suicides, and we do have a worryingly high suicide rate right throughout Australia as well as in the ACT. There is a great deal of evidence to suggest that, if guns were not available, some of these suicides might not happen, because they are often done on impulse under the influence of alcohol or other substances. If we are going to debate issues of gun-related violence, we have to acknowledge these other facts and look at tighter regulation across the board.

This matter has been discussed for a long time; I noted that in Mr Humphries's statement he referred to the political situation in Tasmania and the changes that have occurred there. I would like to acknowledge the work of our colleague Dr Bob Brown, who initiated a dangerous weapons Bill in 1987. It was not even allowed to be debated at that time; but its function was to regulate the purchase, possession and use, carrying, storage and sale of weapons. It would have prohibited the possession of automatics or semiautomatics. In 1990 another attempt was made by Dr Brown to prohibit semi- and fully-automatic weapons. That Bill was rejected. In 1995 Christine Milne attempted to

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improve a Bill that had been successfully put up in 1991 by the Police Minister, Michael Weldon, regulating the use and possession of guns. Christine Milne's objective was to pass authority for the regulation of prohibited guns from the Police Minister to the Commissioner of Police because the Police Minister had failed to use the power to outlaw automatic or semiautomatic weapons. That Bill was also rejected.

“Why did Port Arthur have to happen?”, we wonder. In New South Wales, in May 1994, the Health Department commissioned a State-wide survey. To the question “Do you agree or disagree that in towns all guns should be stored in secure places away from home, for example, at a police station?”, 70 per cent said yes. What has to happen before the quiet and less obvious but just as deadly and horrific individual or family group shootings which regularly occur reach our consciousness enough for us to enact strong regulation in this area of weapon ownership as well? In Australia, guns will most likely kill a woman or a child every fortnight over the coming year and about nine others will die every week as a result of a gun-related suicide. A further one person per fortnight will die as a result of a gun-related accident. Over four years, about 90 people were killed by guns in domestic violence incidents.

While I reiterate our endorsement for this legislation the Government is bringing forward, it is unfortunate that only one in 10 gun-related homicides involves semiautomatic or automatic weapons. In other words, these new gun laws are only a step in the right direction of gun law reform. I have suggested to Mr Humphries that he could look at a couple of ways to tighten up what he has proposed, and he has expressed some interest in them. For example, in regard to relicensing after a maximum of five years, safety training could be given each time a licence is renewed. Sometimes through familiarity or people not using guns, very often these factors can be forgotten. It is always useful, when dealing with a gun, to be reminded of the dangers and of the need for extreme caution and for safety precautions always to be taken. There is a long way to go, and I can assure members of this Assembly that the Greens will actively pursue the issue of tightening up gun laws in the Territory for the remainder of our time here.

MR STEFANIAK (Minister for Education and Training) (5.07): Mr Speaker, as someone who assisted the then Attorney-General, Bernard Collaery, back in about 1990 to bring in our legislation, which certainly up until now has been the strongest in the country, I would like to say a few words. Firstly, I commend my colleague the Attorney-General and Police Minister, and indeed all the Australian States and the Prime Minister, on what is really a very historic moment in terms of gun control in Australia. It was a result which I do not think a lot of people could possibly have expected, even after the tragedy in Port Arthur. That has really moved this nation, and a lot of good has come out of that tragic event.

I was horrified personally by it, naturally, more so because my wife and I were down there only a couple of weeks beforehand and those scenes brought it back to me rather vividly. One of the shot survivors of the Port Arthur massacre was a lady who conducted us around on the ghost tour, and I thought, “Gee, that could have been us, that could have been absolutely anyone”. The sorts of images that came to my mind obviously came to the minds of many people throughout Australia. Very promptly, my colleague and his colleagues Australia-wide have taken steps to rectify the situation.

I just want to say a few things in relation to some comments that have been made in the media and to my colleague, me and other members of the Assembly by people in the gun lobby. Ms Follett quite correctly referred to the nonsense of the freedom to bear arms. This is something that comes out of the gun lobby in the United States, and I think it relates to a misconstrued idea of the freedom to bear arms which went back to their militia in the eighteenth century. It had nothing to do with civilians. It was a ridiculous sort of misconception, I think, by that particular lobby, and it is even crazier in Australia. Whilst having the potential to go down the American track, we have quite clearly turned away from that. We see the tragedy that unfolds every day in the United States as a result of misconceived notions such as that.

There were other things that I thought were rather pathetic when I read them in the paper - comments such as, "If you take away all these arms, what are we going to do if we are invaded?". That is why we have an army; that is why we have a navy; that is why we have an air force. Those people are properly trained. To a lesser extent, I suppose that is why we have a police force. Those are the proper authorities to bear these types of weapons. If anyone needs to have that brought home, I recall a couple of years ago, during the transition in South Africa, a carload of cowboys going off to one of the black African homelands, as they then were, and being absolutely routed by one trained soldier. I think that shows what a nonsense it is to say that civilians carrying these sorts of arms can do anything other than get themselves very severely hurt, in terms of defending their country. There is a place for that, and the proper people to defend your country are members of the armed services. I think those are crazy and invalid arguments.

One thing that has been put up in a number of circles and has been very clearly addressed by my colleague Mr Humphries and his colleagues and by the Prime Minister is adequate compensation. We need a stick in the form of legislation; certainly, in the other States many of these weapons are underground, so you do not know how many there are. Compensation, hopefully, will bring a meaningful surrender of a lot of these semiautomatic weapons, and I was pleased to see that issue being addressed.

The numbers in the ACT are relatively low and they are documented because, even before this Assembly was in business, we had each weapon as well as the shooter licensed, unlike a lot of the other States in the Commonwealth. So, whilst we know that the numbers here are relatively low, I think the matter of compensation is terribly important, especially in those States where only the shooter is licensed and not the individual weapon. I commend my colleague Mr Humphries and, indeed, all members of the Assembly, for the promptness with which this historic piece of legislation will pass.

MR WOOD (5.12): Mr Speaker, this is momentous legislation, and it needs to be. This is legislation which takes as large a step as I have seen in changing a culture, the culture that allows people to believe that they may have firearms and use them as they wish, that they may kill things as they wish. It is a very difficult job to change a culture. As I follow the national debate on this issue, it seems to me that some gun owners are acknowledging that the change needs to be made. I hope that they all do. Obviously, that is not going to be easy to achieve; we will see how far it goes with the success or otherwise of the surrender of weapons.

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I believe that this legislation, enacted around Australia, is the most appropriate memorial to those 35 people who died in Tasmania. It will be a memorial also to the hundreds of people who have died, even in recent years, as a result of firearms, not always in so dreadful a fashion, although death by a firearm is dreadful if it is just one person. It is still the case that, over a period, more people will die with a single shot from a weapon that is capable of only a single shot at a time, and we should not get away from that. On that basis, I believe that there are further steps yet to be taken to change this culture that has had people believe that they can retain weapons. Often forcibly, not every nation has this culture, and I think that over time we must move to that position where such weapons of violence are not a part of the local furniture. It is the case that it will take time, and I hope that Ministers, governments and representatives of the people do not stop at this point but look more and more to future steps to get such weapons out of the hands of people. We must do that as a memorial to those 35 people who died in Tasmania and to the hundreds of people who die over a period.

MR MOORE (5.15): Mr Speaker, I want to begin my speech in support of this legislation by taking the opportunity to congratulate Mr Humphries and the other Ministers for Justice and also the leadership of Mr John Howard and Mr Bob Carr in their landmark decision on Friday, 10 May. This decision, although not offering the complete answer to the problem of violence in our society, is a momentous start. I believe that it will have a profound impact on the psyche of Australians, who now have the opportunity to get a positive outcome from an horrendous experience.

Having said that, I believe the issue of gun control to be only part of the solution to a problem - the problem of violence in our community. Although, like many in this country, I was rocked to the foundations by the Port Arthur massacre, I want to take the opportunity to remind members that double the number of people shot at Port Arthur are killed every year in their own homes. There are no nationwide church services for them, no one-minute silences. They barely even get noticed. Many are women and children killed because of a relationship breakdown. Reducing the number of guns in our community is a priority, but so too is a good hard look at the other triggers - and I make the pun deliberately.

In 1990, Professor Duncan Chappell, as chair of the National Committee on Violence, produced a report that I quoted from earlier today, *Violence - Directions for Australia*, which came up with 48 recommendations that, had they been implemented in 1990, may well have averted the sort of tragedy we witnessed two weeks ago. In fact, the current Police Commissioner, Mick Palmer, was a member of that committee. It would be an indictment of all of us here if we did not take heed of this report and the things it urged us to do six years ago, which we ought to have done. Sometimes in our society we have in place suggestions for appropriate actions to be taken, and it is only when a catalyst is provided that we actually take those actions.

Some of the recommendations included non-violent conflict resolution strategies as an integral part of school and other educational programs; instruction in schools in human relationships, including gender roles and parenting responsibilities - I add that this should also encompass education on the creation and maintenance of relationships, so that having a partner, or having children, is not confused in any way with ownership; parenting education to be available to all prospective and current parents; effective training

programs for parental management to help parents deal with aggressive behaviour in children; and establishing a telephone hotline for parents to call for support and advice. Dr Duncan Chappell, now Professor Chappell, added that among those strategies adopted that have been successful are the marketing of low-alcohol beer, more responsible retailing of alcohol, and moves to reduce violence in sport.

Until we come to grips with the underlying socialisation of violent behaviour, as well as taking guns out of homes, many more women and children will be slaughtered in their own homes or outside courthouses, as witnessed recently. I understand that Ms Tucker will be moving to self-refer the issue of the further steps to be taken in terms of removing guns from homes, and I think her Social Policy Committee will have an important challenge to see what we can achieve in Canberra once we have managed to achieve the national agreement that was made by those Ministers. It is important that that agreement be fulfilled first.

We have made a choice in Australia not to follow the United States on a mindless path of neglect of the safety of our people in this country by taking the step to remove from our society automatic and semiautomatic weapons; but we are following the path of the United States when it comes to the killings in our homes with rifles. The domestic violence reports from the US read like reports from a war zone. Between 1967 and 1973, 39,000 American soldiers were killed in the Vietnam War. During the same period, over 17,500 women and children were killed by their violent fathers and partners. As a result of popular outcry, the war in Vietnam was halted. The war against women and children continues, it seems, not only in America but also in Australia. Many of the women killed in Australia have domestic violence protection orders. Unfortunately, the ACT has not a proud record of arresting order offenders. According to the Domestic Violence Crisis Service, the ACT can boast the highest percentage - 35.6 per cent - of "no action taken" by police in Australia. The next highest is Tasmania, with a 28.7 per cent rate of "no arrest" for order offenders.

We cannot sit back complacently and say that we have solved the problem by taking away automatic weapons or by saying that it could not happen in Australia. In Australia between 1989 and 1990 and between 1992 and 1993, 532 women were killed, with just under 50 per cent killed in domestic violence incidents. Of those 260 women, one-third, or 86, were killed by firearms. At this stage I do not have the figure for how many children were killed in this period by firearms, but I suspect that it is a figure we would find alarming. I think we would find even one person alarming under those circumstances.

The people of Australia have been saying loud and clear since Port Arthur that they do not want this to happen again, and they are prepared for parliamentarians to take strong action on the issue. The decision last Friday showed Australia what political will can achieve when our motivation is high. I urge everyone to make plans at this time to have a good, hard look at the problem of violence in our community and to come up with real action such as that agreed at the Justice Ministers meeting. Indeed, I look forward next week to the Social Policy Committee report on violence in our schools. The time will come very shortly, I am sure, when we will find a way to get guns out of homes. We need to provide for ways of doing that and to take the community with us. We need to educate our young on how to resolve conflict in non-violent ways.

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We especially need to socialise our young men and young women in healthy ways that help redefine power. If young men in particular are controlled by fear, through bullying, by violence - and that certainly has happened in schools, particularly in the sort of all-male schools where I was educated for most of my school life - then young boys in particular, young men, are going to have contempt for those who do not fear them and who cannot threaten them. Control is achieved through fear and one learns to control by fear. How many killings, I wonder, have occurred because someone felt powerless and disenfranchised, with no capacity to deal with this powerlessness except by adopting the tools of fear and violence? Unless young men and young women are taught to redefine their own power in different and constructive ways, violence will continue.

It is all there in the report of the National Committee on Violence. The statistics, meanwhile, keep increasing. Do we have to wait until this statistic is overwhelming before we take action, as we did in Port Arthur? I think not, and, having heard members speak twice today on such issues, I believe that there is genuine concern across this Assembly for dealing with the socialisation of the causes and with the causes of violence. No doubt we will continue to disagree about where to draw the line and we will continue to disagree, to a certain extent, about some of the specifics; but I think we should use this overwhelming situation of agreement to try to progress the issue further.

Again, I congratulate Mr Humphries and his State counterparts for taking such an appropriate, courageous and timely step in the right direction. I raise these issues because I see it as a healthy start, with a long way to go before we can say that we have minimised the harm to our very best potential in society.

MR WHITECROSS (Leader of the Opposition) (5.24): Mr Speaker, I also rise to applaud this legislation and the national approach that underpins it. It shows the success and the benefits of working together for national agreement. Often national approaches are criticised and there is a tendency to push for more parochial solutions to problems; but I think this legislation demonstrates the benefits of a national approach and, indeed, the benefits of bipartisanship. We are all familiar with the circumstances that have elevated our sights in relation to this matter.

This legislation is good news for the ACT in particular. It is good news because it involves a further strengthening of our own laws, but it is also good news because it involves other States introducing laws more in line with the laws that have always applied in the ACT, which have limited the availability of some of these semiautomatic weapons. The more widely these laws apply, the more effective they will be, and it is good news for the ACT that other States are now going to pass these kinds of laws, because that will affect the efficacy of our own laws.

Mr Speaker, a key ingredient of these laws is the issue of compensation. As Mr Stefaniak rightly said, when you change the rules, you have to be willing to compensate people who are affected by that change in the rules. You cannot have a situation where people can possess these weapons in a law-abiding way one minute and then ban them and expect those people to bear the full cost of that decision. I think it is a mature and sensible

approach that has been taken by the combined governments in agreeing that it is necessary to compensate owners of these weapons for handing them in. That not only provides an incentive to hand them in, but also recognises that an imposition has been made on these people, and I think that is an appropriate course of action.

I would hope that, reciprocating that recognition, the owners of these guns will recognise their obligations under the law as law-abiding citizens and will be handing in their weapons. That is the spirit in which this has been approached, and I think it is a spirit that should be reciprocated. I get very alarmed when I hear some of the more extreme elements of the gun lobby encouraging gun owners not to hand in prohibited weapons. That is an approach we should all deplore, and I think we would all welcome more responsible voices in the gun lobby encouraging a more responsible and law-abiding approach to this matter.

The issue of violence, as other speakers today have said, will not be addressed just by this action. There is a lot more to do. Various issues surrounding this have been mentioned by Mr Moore and others, both in this debate and in the debate earlier today. Indeed, it is our concern with the culture of violence that led the Labor Party to oppose the introduction of yet another violent game into the ACT community. We have to learn alternative modes of dispute resolution. We have to teach our children alternative modes of dispute resolution. We cannot pretend that one act such as the one we are addressing today will solve these problems. We have to look beyond that and, in doing that, adopt a realistic and commonsense approach.

Mr Stefaniak addressed one of the furphies about gun ownership and the defence of Australia. Another furphy that has recently been aired in the local papers is the issue of self-defence - that, somehow or other, owning guns is a good idea because you would be able to shoot a potential attacker. This is a widely perpetrated myth in the United States, and it is concerning to see the myth starting to be perpetrated in the ACT. It is simply not true. American figures when you look at gun-related deaths show that, for every attacker who is killed by a person using a firearm in self-defence, 130 people are killed by firearms for other reasons. So, for every person killed in self-defence while in the process of committing a felony, 130 people are killed by guns for other reasons, including 60-odd suicides, 60-odd murders of family and friends, and six by accident; that is, six people are killed by accident with firearms for every person who is shot in self-defence. It does not make much of the self-defence argument.

While I am at it, another statistic from America, where this self-defence argument rages so widely, is that, if you have a gun in your home for self-defence, it is three times more likely that a member of your family or a close acquaintance will be killed. So, on this argument about grabbing the knife out of the knife block and all these other things, the reality is that, if you have a gun in your home in America, it is three times more likely that a member of your family or a close personal friend will be killed. That is not a very reassuring statistic for the people who argue that there are good reasons for owning guns for self-defence and similar reasons.

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There are legitimate reasons for owning guns and we have to continue to recognise that. Our law today deals with some very powerful weapons. The view is widely held, and it has now been agreed, that there is no reason why people should be holding them, except in a very few limited cases which I understand from Mr Humphries he does not expect to apply in the ACT. We should all support this legislation, not just today by voting for it, but also by acknowledging the spirit of the legislation. I hope that people in the wider community will also continue to support not just the letter of the legislation banning this or that particular weapon but also the spirit underlying that, to make sure that the legislation is as effective as possible in addressing the community safety issues that gave rise to its creation.

MR HUMPHRIES (Attorney-General) (5.32), in reply: Mr Speaker, I want to thank members of this place for their support for this legislation and the package it represents. I want to thank them not just for the support they have given around the chamber today but also for the very clear support they gave before the meeting held last Friday at which this agreement was reached. It was, I think, extremely important to be able, in a minority government situation, to go to that meeting and confidently state what the ACT would accept or not accept with respect to the changes in gun laws, knowing that in bringing such a package back to the ACT Assembly I would receive support for doing so. I thank members for giving strength to my arm on that occasion and for the support they have again shown for today's legislation.

Mr Wood described this Bill as an enormous step, and indeed it is. In my speech in regard to the package of last Friday, I mentioned that gun reform in Australia has been a little like a man who has taken two or three tentative steps in recent days and then suddenly sprinted 100 metres. That is how far we have gone. Indeed, I would suggest that even one month ago a debate on legislation as draconian as this, and as draconian as the other elements of this package yet to come forward, would have been simply unthinkable. Members of this Assembly would not have accepted the changes coming forward, at least in some quarters of this chamber.

Ms Follett: Your side, maybe.

MR HUMPHRIES: Perhaps so, but it is a measure of the great tribute we wish to pay to the memories of those people who were killed at Port Arthur that we are all prepared to accept, unanimously, I believe, the recommendations of that group.

I, like Ms Follett, heard the comments made at Gympie last night, and I must say that I was disturbed by those sentiments. It emphasised to me that we have a very long road to go down before we have put to bed the changes that that meeting on Friday foreshadowed. I think the comments made at Gympie were no flash in the pan. They are likely to represent a very serious response to that package, and I say to members that almost certainly there will be time when we will look out those doors and see groups of people, perhaps large groups of people, protesting about the concept of removing the right to bear certain guns and requirements to register and to store guns in certain ways. Those people may be very vocal and very influential, or appear to be so, in some communities around Australia. I hope and I trust that that is not the case in the ACT.

Mr Speaker, I must say also that the campaign that has been waged by the gun lobby over the last few days has not done its cause any great good. I am not sure to what extent members around the chamber have received correspondence from members of the gun lobby, but I certainly have received a great deal - a stack about this high has now been run up in my office. I think it is also worth recording that the sentiments expressed in a great many of those letters and faxes have in many ways undermined the case they sought to make. The points of view, the comments, in many cases were extreme and, I think, unrepresentative of the mainstream of Australian society, particularly in the wake of Port Arthur. One comment sticks in my mind. One person from Queensland - perhaps that is not so surprising - wrote, "God, guns and guts made this country. I intend to fight for all three". Comments of that kind were, unfortunately, quite common.

I might say, though, that I am not sure that those sorts of sentiments were typical of gun owners generally in this country. It is my expectation that the vast majority of people who, for whatever reason, own guns will obey these laws fully and, what is more, understand the spirit behind them and the reason we need to take the step of enacting them around the country at this time. I believe that we will see substantial compliance with the changes this package brings about.

Ms Follett made the point that she has always been proud that the ACT has had the toughest gun laws in the country. So have I, and I believe that nothing will change as a result of the fact that this legislation is coming forward as part of a package. I emphasise that the things that I indicated on Tuesday were agreed at the Ministers meeting were minimum standards, and States are free to go beyond those standards, if they wish. Indeed, in the ACT's case we most certainly will do so. To give one very small example, it was agreed by Ministers that a person who had a conviction for an offence involving violence in the preceding five years would not have a good ground to obtain a licence or, if they had obtained a licence, would have that licence cancelled and their weapons seized. In the ACT we already have a provision that requires that period to be eight years. I have no problem at all in leaving those provisions as they stand, rather than moving down to that national agreement. I think it is quite likely that the end result of this exercise will be that the ACT retains the toughest gun laws in the country, but with much more companionship at that level of toughness than we have had in the past.

I note the comments made by Ms Tucker about the fact that there are a great many more guns outside the scope of this legislation, at least in terms of those guns that are now being prohibited. I should emphasise a couple of things, however. The level of control on those guns that are still permitted to be held by individuals will be much more extensive than it has been in the past. The requirements for obtaining a gun licence, for continuing to hold one, for storage of guns, for training, for possession of those guns, and a whole series of issues will be much tougher than they were before. I think it is also important, when we look at the fact that there are still many guns outside the scope of this package, to bear in mind that we have taken a very large step in even banning the guns that have been affected by this package.

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Across this country, hundreds of thousands of guns will be handed in pursuant to the compensation package and the amnesty issued at the same time. The cost to the Australian community of paying the market cost of those guns will range, on various estimates, between \$300m and \$600m - an enormous sum of money. I suggest, with respect, that, if somehow we had resolved to have all guns taken in at this point in time, the cost would be colossal, running into billions of dollars. I am simply saying that, while it is true that we have not affected most guns by having them brought in, requiring them to be handed in, we have affected every gun owned in the community in some way or another, and we have taken a step of enormous consequence.

As I said at the outset, I want to thank members who will be supporting this legislation today. I also want particularly to thank officers of my department, who have been working very hard to achieve delivery of this package in a very short space of time. I know that officers of the Attorney-General's Department, including the Parliamentary Counsel's Office, worked over the weekend to get the legislation in on Tuesday, and they have been committed all the way to that exercise. I thank them for their commitment and their effort. I also again thank members of this place for supporting this legislation.

I will take the step of asking that a vote be recorded on this matter. Other parliaments are yet to pass legislation of this kind, and I believe that it will be salutary to be able to show other parliaments that in this place - a parliament consisting of Labor and Liberal members, Independents and Greens - there was no hesitation in supporting the package as it stood in its entirety; and I believe that that will be the case. I note that Mr Kaine is absent; I am certain that I can say on his behalf that he would have been very willing to stand up today and cast his vote for this package. Whoever is paired with Mr Kaine is freed of their pair for the purposes of this vote, I am authorised to declare. I thank members once again for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

MR SPEAKER: I understand that it is the wish of the Assembly that there be a call of the Assembly on the question: That this Bill be agreed to. I understand that all members who can be present are present.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 15

NOES, 0

Mr Berry	Ms McRae
Mrs Carnell	Mr Moore
Mr Cornwell	Ms Reilly
Mr De Domenico	Mr Stefaniak
Ms Follett	Ms Tucker
Mr Hird	Mr Whitecross
Ms Horodny	Mr Wood
Mr Humphries	

Question so resolved in the affirmative.

Mr Moore: Mr Speaker, for the record, I indicate to members that my Independent colleague, Mr Osborne, had certainly indicated to me and Mr Humphries, and I think to other members, that he also supported this legislation. I think it is important that the unanimous tone of this is recorded in *Hansard*, so I would like to add that to the record.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Retirement of Serjeant-at-Arms

MR SPEAKER: Members, today marks the last sitting day that our Serjeant-at-Arms, Keith Johnson, will be on duty. Keith will be leaving the Assembly from the close of business tomorrow and that will end seven years of very capable and conscientious service to the Legislative Assembly. Keith has been Serjeant-at-Arms from the inception of the Legislative Assembly and, indeed, as certain members will recall, he was Serjeant-at-Arms for the ACT House of Assembly from 1980 to 1986.

Keith was born in Sydney and in January 1969 moved to the Australian Capital Territory, where he was employed by the Commonwealth Office of Education and Science. In 1970 he commenced duties with the Department of the Interior, where he remained until 1975, before undertaking duties for short periods with the Department of Health and the Attorney-General's Department. The year 1976 found him back with the Department of Territories in ACTION.

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In 1980 Keith joined the staff of the House of Assembly as administration officer and as Serjeant-at-Arms. He was employed in this capacity until a prorogation of the House of Assembly in 1986. He then returned to the Department of the Capital Territory and undertook placements with the Department of Administrative Services and the Australian Taxation Office, before taking up duties in the Housing Trust in 1988.

In February 1989, Keith became Serjeant-at-Arms in the Assembly Secretariat, and it is in this position that most of us have got to know him. I, and no doubt other members, have been impressed with the courteous manner in which Keith has undertaken his duties, his ability and professionalism, and his sense of duty. He has had a long and distinguished career serving the Territory in particular. On behalf of all members, I pass on to Keith and his wife, Margaret, our very best wishes for the future.

Kingston Foreshore

MS McRAE (5.48): Mr Speaker, I want to put on the record today my extreme disappointment at the way the Chief Minister has responded to questioning on the detail in relation to the treatment of the Kingston site. Let me outline why we consider this to be of such importance. Firstly, Mrs Carnell's comment was at odds with other publicly available information. This information was in the form of public announcements, press releases, exchanges of letters and information in *Hansard* before an Assembly committee. It was the basis of information we all shared, and her public comment was at direct odds with that.

We wanted all that verified. It is quite correct for Assembly members to ask questions to verify matters that seem to be at odds one with another in terms of public statements that are made by our leaders, particularly by our Chief Minister. I, for one, had not heard Mr Prattley's interview on the radio. It was simply that - an interview. It was not anything on any public record we were given. It was not information that was then passed on to the Planning and Environment Committee. The interview was on 24 April; the Planning and Environment Committee met on 28 April, and it was not information that was then reported or repeated to that committee. So, whilst Mr Prattley clearly was giving a public impression that there was some talk about the contamination on the Kingston site, according to Mrs Carnell's account of it today, there was nothing on a further public record which was then offered to Mr Prattley and others to make comment before the Planning and Environment Committee. There have been differences of opinion, of interpretation, about publicly available information.

Every bit of evidence that was available to me and to others related to the private sector paying for the clean-up of the Kingston site, and in answers to questions in the house, both to me and to Ms Tucker, that was the information we were provided with. Now, there is no problem with that. It is quite accurate and true information. We have no problem with that, except that there was never any mention made at that point either about the Commonwealth's ongoing role and, lo and behold, the new discovery of the self-government Act and its implication for that information. We were simply told categorically that the private sector would pay.

This side has great concern about that; it is not as easy as saying that the private sector will pay. The implication is that it is income forgone by the Territory in the form of land being given over in exchange for a clean-up. When the day comes, we may well approve of that; but it is not as simple as saying that the private sector will pay and therefore there is no cost to the Territory. There is a cost to the Territory, and now we find out that it is being considered and the Commonwealth may well consider further what it does about it. We were not told that on the day when I asked the questions.

There is a lot at stake here. Mrs Carnell wants to blame the Opposition for holding up Mr Moore's committee. We are somehow all at fault, but particularly us, because Mr Moore has taken a year to bring down a report. I think it is absolutely important to understand why these things have taken so long: We are simply not getting the full range of information that we as members of this legislature have an absolute responsibility to find out. It is our responsibility to ensure that every decision is made on fully-given, open detail, not on the whim of someone who happens to make the decision.

There is not one person on this side of the house who does not want to see the Kingston site redeveloped. We are all for the redevelopment of the Kingston site, but we do not want to see all of us agreeing to be steamrolled into a dud deal. The questions I have been asking are fair and could have been dealt with in good faith and with goodwill. May I say that we do not find it very pleasing to find a memo written today as the only evidence of the fact that Commonwealth compensation was likely. We take Mr Prattley at his word. Unfortunately, there was no other public information that backed that up, and that was why we were following through with the questions. He is now an ACT officer, but the ACT has not been given public and open information. I am sure that Mr Prattley was right. I am sure that they did have discussions, but the point is that there was nothing on the public record. The application of the self-government Act was never before mentioned, and there were plenty of opportunities for that. We want to see the Kingston site go ahead, we want to see it flourish, but we want to see it done on a fair and equitable basis.

Retirement of Serjeant-at-Arms

MR WHITECROSS (5.53): Mr Speaker, I rise to put on the record my congratulations to Keith Johnson and my best wishes for his future. I first met Keith as an adviser in the Assembly, in the then Speaker's office, and in that capacity had quite a bit to do with him as he went about the day-to-day business of administering the Assembly, particularly at the time when we were working on the very difficult task of completing this building and getting the Legislative Assembly across here from ACTAC while also trying to conduct the business of parliament and of government. Throughout that time I found Keith Johnson to be a very cooperative and helpful person, someone who thought ahead and came up with good solutions to problems, and who was generally on about making this Assembly as effective and prestigious an institution as possible and as comfortable a place in which to work as possible. I must say, Mr Speaker, that that experience has continued since I have been a member. I am sure that I will miss his involvement as a member of the staff of the Secretariat, and I wish him all the best for the future.

Retirement of Serjeant-at-Arms

MR HIRD (5.55): Mr Speaker, I would like to speak on the same note. It saddens me to hear that Keith is now leaving us. I first met the Serjeant-at-Arms, Keith Johnson, in the then House of Assembly in 1980. He was then the administration officer. He became the Serjeant-at-Arms at a later time, and was Serjeant-at-Arms in late 1982, when, as you would recall, Mr Speaker, the second House of Assembly moved from having a President to having a Speaker. On a number of occasions during my term as Speaker, the Serjeant-at-Arms assisted the Speaker in delivering noisy members from the chamber to the foyer. I recall one former member of this place and former member of the then House of Assembly, Mr Paul Whalan - a very colourful member indeed.

I also would like to say that Mr Johnson has two downsides, one might say. Firstly, he supports North Sydney and, secondly, I understand, he runs with the hare - whoever that might be - but we all have our little hang-ups.

Mr Moore: I would be careful on that one, Harold.

MR HIRD: I have no idea who he is; I am reliably informed. It is sad that Keith is leaving, but I know that all members and staff have seen him make a significant contribution to the new parliament and to the then advisory body, the first and second House of Assembly. He left this building, but then came back to support you, Mr Speaker, and your predecessors as Speaker.

I recall very clearly that we decided at an appropriate time to put the crest of the ACT on the cup and saucer. The Serjeant-at-Arms went off with his colleagues and had the crest put on the cup and saucer, and I had the honour of receiving the first cup and saucer bearing that crest. Now the Serjeant is leaving us; he is retiring. We wish him well, with his family. I would like in a moment to ask for leave of the house to give back that cup and saucer, so that he can sit under a palm tree, sip tea or coffee or other beverages and think of us and the duty we do for the greater community. On that note, I ask for leave of the house to call Mr Johnson forward and present him with the cup and saucer he gave me some years ago.

Retirement of Serjeant-at-Arms

MR MOORE (5.59): Mr Speaker, since 1989 I have observed a change of Clerk and a change of Deputy Clerk, but it seems that the Serjeant-at-Arms just kept going. It will be quite strange for those of us who have been in this Assembly since its inception in May 1989 - we have just started our eighth year, I believe - to work with a new Serjeant-at-Arms. It was interesting, Mr Speaker, to hear your comments and those of Mr Hird and Mr Whitecross, with which I concur; but I did hear an interjection from the backbench earlier, when Mr Wood made a comment about a Harley. I am sure that the Serjeant-at-Arms would like to have that corrected on the record. In fact, the Serjeant-at-Arms's great delight is actually a Honda Goldwing. For the uninitiated that may not be important, but I am sure that for the Serjeant-at-Arms it is something he would like to see straight on the record.

I am going to miss, I am sure, the likeable way the Serjeant-at-Arms dealt with us. I can remember how polite he was when I was asked by the Speaker to leave the Assembly following a vote of the Assembly on the matter of standing order 202(e), I believe it was, on an occasion or two. You will notice, Mr Speaker, that I have become much more careful, and perhaps that is a result of the kind coaching from the Serjeant-at-Arms, which he would provide for all members.

The contribution Keith Johnson has made to this house is one that often is not obvious or seen by the public or by many people, but each member who has been through here knows about the contribution he has made, and part of that is the way the tone of the Assembly is set. There have certainly been times, Mr Speaker, when the tone of the Assembly has reached a pretty low ebb over the last seven or eight years; but the positive side coming through that always seemed to be the cool, calm Keith Johnson. I would like personally to thank him for his time and to join with you, Mr Speaker, in congratulating him. Thank you, Keith.

Retirement of Serjeant-at-Arms

MR BERRY (6.01): I would like to say a few words about Keith and my association with him, but before I do I would like to say to Roberta: Do not be too worried; Keith is my real running mate. We have travelled a few miles together - more miles than anybody else in this place. Truly, the association has been a good one, mostly because from the beginning of self-government in 1989, when we first became associated with Keith, we always got the best treatment, the most professional treatment and the most courteous treatment. The treatment you receive in opposition, I have to say, because of Keith's attention to duty, I think, has had a bit of an edge on the sort of treatment you got in government. There has been at least one good side of opposition, and that is the treatment we have had from the Secretariat under Keith Johnson's leadership. My staff have had nothing but good words to say about Keith over the years we have dealt with him, and my office has always performed more efficiently as a result of his efforts. In due course, Keith and I will bump into each other around the traps, I am sure. One thing that I think will go down with some pleasure is that Keith is one of the few people who will go out of this place having received so many accolades. Good luck, Keith, good luck, Margaret; I hope that all goes well for you.

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Retirement of Serjeant-at-Arms

MR HUMPHRIES (Attorney-General) (6.04), in reply: Can I close the debate, Mr Speaker, by saying that I always understood that one of the chief functions of a Serjeant-at-Arms was to physically assist in the expulsion from the chamber of members who had been miscreants against the standing orders. I do not think the Serjeant-at-Arms ever had to physically remove anyone from the chamber; he shakes his head. Perhaps you could name someone now, Mr Speaker, to give him that satisfaction before he goes.

MR SPEAKER: I could name all 17!

Question resolved in the affirmative.

Assembly adjourned at 6.04 pm until Tuesday, 21 May 1996, at 10.30 am

ANSWERS TO QUESTIONS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 179

Housing Trust Tenant - Dispute with Government Agencies

MR WOOD - asked the Minister for Housing -

- (1) What is the estimated cost over the last three years of all aspects (eg FOI, legal advice, AAT appearances, staff time) arising from the dispute between Mr L Munday and ACT Housing and other ACT Government agencies.

MR STEFANIAK - The answer to the Member's question is as follows -

- (1) The estimated cost of processing FOI requests, obtaining legal advice, preparing reports for AAT and attending hearings, staff time etc and preparing documents for the Privacy Commission Review is \$95,067 made up as follows:

	\$
ACT Housing	67,160
Government Solicitors Office	9,528
Department of Health	4,980
Attorney-General's Department	<u>13,399</u>
Total	<u>95,067</u>

16 May 1996

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 181

Motor Sport Council - Chairman

Ms McRae - asked the minister for Sport and Recreation - is the Chairman of the ACT Motor Sports Council In. paid a salary or any form of allowance from the Government; if so, what amount?

Mr Stefaniak - the answer to the Member's question is as follows:

The Chairman of the ACT Motorsport Council is not paid a salary, or any form of allowance by the ACT Government. Grants have been made to the ACT Motorsport Council Inc. from the ACT Sport and Recreation Development Grant Program for assistance in meeting the Council's operational costs.

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 182

Motor Sport Council - Grants

Ms McRae: asked the Minister for Sport and Recreation - In relation to the allocation of sporting grants as at (a) 30 November 1994 and (b) 30 November 1995 has the ACT Motor Sports Council Inc, been the recipient of a sport grant or grants; if so (1) how many; (ii) what dates did they receive the grant or grants; (iii) for what purpose was the grant or grants used; and (iv) what form of evaluation or monitoring is involved in this process.

Mr Stefaniak - the answer to the Member's question is as follows:

The ACT Sport and Recreation Development Grant Program are allocated on a calendar year basis. Grants allocated to the ACT Motor Sport Council Inc. were:

(a) 1994

- (I) One
- (ii) Cheque for \$7,000 issued on 10/3/94
- (iii) Operational Assistance
- (iv) Normal grant acquittal requirements.

(b) 1995

- (I) Two
- (ii) Cheques for \$7,000 and \$3,000 were issued on 23/2/95 and 26/5/95 respectively
- (iii) Both grants for Operational Assistance
- (iv) Normal grant acquittal requirements.

16 May 1996

MINISTER FOR BUSINESS, EMPLOYMENT AND TOURISM

QUESTION NO 191

Jobline - Funding

Mr Berry - asked the Minister for Business, Employment and Tourism - In relation to Jobline

- (1) What Government funding did Jobline receive in 1993/94, 1994/95 and 1995/96.
- (2) Will the Government take action to ensure that Jobline does not close and leave Canberrans with fewer services?

Mr De Domenico - the answer to the Member's question is as follows:

- (1) Jobline has received funding over the last three years as follows:

1993/94	\$65,000
1994/95	\$140,000
1995/96	\$140,000.

- (2) The position as regards the funding of labour market programs needs to be made clear. The Follett Labor Government provided additional funding for labour market programs in the 1993/94 and 1994/95 Budgets, but this funding ceased at the end of June 1995. Only \$1.62m was shown in the Forward Estimates for labour market programs.

In bringing down its 1995/96 Budget the Carnell Government maintained labour market funding at close to the Forward Estimates amount for 1995/96. This meant very difficult decisions about which organisations would receive assistance.

Funding for Jobline was to cease at 31 December 1995. However additional funding was found to enable them to continue until 30 June 1996.

Given the difficult Budget situation and the three-year Budget cycle no guarantees beyond this date can be given. Jobline have been advised that the question of any future funding will be considered in the next Budget.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 193

Schools and Colleges - Receipts and Payments

MS McRAE - asked the Minister for Education and Training on notice on 27 March 1996:

- (1) What was the amount of money spent by each (a) school and (b) college in the calendar year 1995, on all expenses other than teacher's salaries.
- (2) How much (a) was allocated by your Department; (b) came from other sources; and (c) what were the other sources.

MR STEFANIAK - the answer to Ms McRae's question is:

- (1) Money spent by each college and school is detailed at Attachment A. Not all colleges and schools have provided advice due to the industrial bans. Payments by colleges and schools do not include either teaching/non-teaching salaries or school operating costs for which payment is made by central office.

In 1995, payment by Central Office for college/school non-salary operating costs totalled \$32.2m. These costs included stationery, utilities, rates, cleaning, communications, repairs and maintenance, plant and equipment, special needs transport, furniture, computing and Comcare premiums.

- (2) Attachment A details sources of receipts by school into departmental, external, other and transitory. The external funding is from DEET paid to the schools as grants for special purposes. Other sources of funding include various fund raising including voluntary contributions and subject levies as well as interest. Transitory payments, which are predominantly for excursions, are held in trust by schools.

16 May 1996

Schools

ATTACHMENT A

Question on Notice - Payments by Schools in 1995 calendar year

COLLEGES	Payments 1995	Dept.	External	Receipts Other	Transitory	Total
Copland	301 697	76 315	0	89 790	99 802	265 907
Dickson	342 395	92 777	1 200	111 010	99 437	304 424
Erindale						
Hawker	468 843	162 400	1 050	118 387	214 330	496 167
Lake Ginninderra	429 896	118 409	0	146 669	142 094	407 172
Lake Tuggeranong	529 347	119 300	461	149 139	267 825	536 725
Narrabundah	526 539	129 259	9 416	207 819	192 465	538 959
Phillip	386 026	107 067	0	165 746	109 495	382 308
Stirling	267 029	93 886	0	88 875	73 617	256 378
HIGH SCHOOLS						
Alfred Deakin	367 117	79 122	0	122 334	165 060	366 516
Belconnen	438 048	110 677	1 446	108 360	198 565	419 048
Calwell	368 153	109 500	0	84 687	149 627	343 814
Campbell	348 463	116 023	0	76 471	162 279	354 773
Canberra	339 640	108 561	6 290	83 367	155 182	353 400
Caroline Chisholm	317 285	108 681	2 000	87 067	132 386	330 134
Charnwood	147 176	30 345	1 400	15 583	62 821	110 149
Ginninderra	344 208	81 237	0	52 948	210 392	344 577
Kalceen	439 372	96 520	0	71 821	211 849	380 190
Kambah						
Lyneham	440 202	111 794	225	107 477	174 345	393 841
Melba	245 538	90 700	1 200	58 713	95 914	246 527
Melrose	317 166	99 667	6 276	76 771	199 238	381 952
Wanniassa	295 641	110 204	900	97 106	113 353	321 563
Stromlo	507 505	114 128	2 950	167 644	205 397	490 119

Schools

PRIMARY SCHOOLS	Payments 1995	Dept.	External	Receipts Other	Transitory	
Ainslie	119 224	43 410	95	24 507	52 967	120 979
Aranda	144 912	40 910	250	34 740	62 791	138 691
Arawang	114 878	50 793	0	10 624	56 858	118 275
Bonython	77 379	38 036	0	5 392	40 627	84 055
Calwell	122 863	47 967	0	37 565	42 959	128 491
Campbell						
Chapman	121 558	39 617	0	23 144	62 142	124 903
Charles Conder	143 414	75 104	500	14 662	47 261	137 527
Charnwood	81 753	30 788	4 280	11 970	38 643	85 681
Chisholm	115 993	55 861	429	25 774	54 403	136 467
Cook	35 404	20 517	0	2 412	18 470	41 399
Curtin	107 863	33 946	300	27 883	25 558	87 687
Duffy	85 604	30 631	0	25 392	28 776	84 799
Evatt	100 032	39 489	0	11 821	50 086	101 396
Fadden	157 136	55 323	500	34 180	67 274	157 277
Farrer						
Florey						
Flynn	101 311	34 881	0	16 936	52 243	104 060
Forrest	160 334	49 452	0	33 801	89 090	172 343
Fraser	87 395	30 996	0	8 222	41 355	80 573
Garren	127 980	46 845	0	24 644	64 082	135 571
Gilmore	156 676	64 885	0	34 712	60 076	159 673
Giralang	102 851	90 924	0	16 011	55 902	162 837
Gordon	162 954	84 114	6 500	24 107	33 581	148 302
Gowrie	149 745	42 873	0	42 202	44 718	129 793
Hall	68 450	23 755	0	8 649	14 012	46 416
Hawker						
Higgins	80 677	34 390	4 500	16 071	30 937	85 898
Holt						
Hughes	110 957	49 727	19 034	20 771	42 656	132 188
Isabella Plains	109 742	50 519	0	35 484	25 372	111 375
Jervis Bay	32 422	19 460	0	4 158	8 603	32 221
Kaleen	121 849	59 582	0	14 913	54 306	128 801
Latham						
Lyneham						
Lyons	46 878	16 078	4 200	15 587	4 956	40 821
Macgregor						
Macquarie	65 638	24 194	0	15 853	23 620	63 667
Majura	76 696	37 965	0	6 300	27 421	71 686
Maribymong	77 601	25 562	0	50 159		75 721
Mawson	65 226	28 146	0	14 967	17 729	60 842
MeIrose	69 027	22 549	0	3 981	34 033	60 563
Miles Franklin	137 449	34 905	0	42 480	57 821	135 206
Monash	146 184	54 345	3 298	36 174	48 232	142 049
Mt Neighbour						
Mt Rogers Community	126 007	49 441	4 200	12 556	50 406	116 603
Narrabundah	81 188	23 187	25 113	5 054	22 028	75 382
North Ainslie	154 597	40 682	40 946	24 914	47 032	153 574
Palmerston	300 964	148 092	0	55 227	55 321	258 640
Red Hill	146 941	51 128	1 323	10 367	53 734	116 552

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Schools

PRIMARY SCHOOLS	Payments 1995	Dept.	External	Receipts Other	Transitory	
Richardson	90 086	42 695	500	26 541	27 078	96 814
Rivett	58 709	22 151	0	10 687	21 597	54 435
Southern Cross	88 279	33 546	0	7 776	40 299	81 621
Taylor	77 968	29 519	300	50 123	30 432	110 374
Tharwa	23 975	13 431	0	12 465	4 271	30 167
Theodore	155 606	37 329	0	121 690	66 024	225 043
Torrens	107 159	42 114	0	30 949	51 236	124 299
Turner	150 241	81 265	0	21 996	56 722	159 983
Urambie	93 136	35 076	2 744	7 983	46 841	92 644
Uriarra	12 135	12 098	0	965	1 682	14 745
Village Creek	144 084	41 580	22 399	29 972	50 264	144 215
Wanniassa	149 967	47 553	4 200	34 539	65 521	151 813
Wanniassa Hills	104 988	20 499	0	33 061	29 037	82 597
Weetangerra	101 387	68 135	0	41 516	36 233	145 884
Weston	72 190	27 475	0	11 811	32 798	72 084
Yarralumla	90 734	29 844	0	18 864	40 266	88 974
COMBINED SCHOOLS						
Co-operative School	25 489	8 368	0	271	16 440	25 079
School Without Walls	25 192	14 774	0	6 797	2 541	24 112
Telopea Park	613 830	141 031	5 816	152 877	314 250	613 974
Birrigai	284 849	14 600	0	218 110	-	232 710
Dairy Flat						
SIEC BRADDON	57 239	31 544	21 375	262	5 882	53 181
SPECIAL SCHOOLS						
Cranleigh Special	39 449	24 672	0	10 192	3 107	37 971
Koomarri Special	101 106	44 674	300	10 932	42 826	98 732
Malkara Special	65 336	26 179	1 000	13 144	30 900	71 223
Woden Special	65 540	40 461	0	6 657	19 184	66 302

RECEIPTS

Department includes recurrent Grant and Minor Maintenance and where applicable Curriculum Development, Establishment and Capital Grants

External Monies supplied by DEET and paid to the schools as grants

Other Monies collected by schools for Voluntary Contributions

Transitory Monies collected for camps, excursions and text book deposits.

Information missing is due to incomplete data and industrial bans

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 196

Telecommunications Towers

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

- (1) What applications, if any, have been made regarding the positioning of communications towers within the ACT.
- (2) What is the proposed location of the tower, or extension of a tower, in each case.
- (3) Will the Minister be acting to protect our hilltops.

Mr Humphries - the answer to the members question is as follows:

- (1) There are currently no applications with the ACT Planning Authority for any mobile telecommunications facility.
- (2) There are no proposals.
- (3) The Government is well aware of the community's concerns about these facilities. On 18 January 1996 the then Federal Minister for Housing and Regional Development, Mr Brian Howe MP, certified Draft Amendment No 18 to the National Capital Plan which incorporates the ACT Telecommunications Plan. This Plan was prepared jointly with the ACT Planning Authority and includes requirements for ACT Government approvals where the land is not designated under the National Capital Plan.

The Government appreciates the need to protect hilltops in Canberra. However, there has been, and there may be in the future, a need to site a mobile telecommunication facility in an elevated location to achieve its area coverage. In such cases the joint use of existing facilities has been encouraged and will be in the future.

The ACT Planning Authority has been ensuring that applications received in 1995 were consistent with the plan's requirements during its preparation.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 197**

Citizenship Ceremonies - Mementos

MR BERRY - Asked the Chief Minister upon notice on 16 April 1996:

Has the longstanding custom of providing to participants in citizenship ceremonies a modest memento of their taking out Australian citizenship been discontinued: if so

- (a) what led to this decision; and
- (b) will you move to reinstate the custom.

MRS CARNELL - The answer to the Member's question is as follows:

The custom of providing a gift to participants at citizenship ceremonies in the ACT was discontinued in August 1995.

- (a) Several factors led to this decision:
 - (i) the giving of an Australian native plant posed problems of:
 - being resource intensive to arrange;
 - being subject to the possibility of losing condition or being inconvenient to recipients who do not have a garden;
 - (ii) the giving of a champagne glass posed different issues:
 - being culturally inappropriate; and
 - not being locally made (most recently the stock was made in France).
- (b) From the June 1996 ceremony I intend to give each candidate a locally made lapel badge featuring the ACT flag to mark the occasion of the granting of citizenship. All children have continued to receive a poster and all candidates the booklet *Australia's Constitution* from the Department of Immigration and Multicultural Affairs.

MINISTER FOR INDUSTRIAL RELATIONS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 199

Construction Industry Training Fund

Mr Berry asked the Minister for Industrial Relations:

- (1) How much money has been transferred to the Construction Industry Training Fund pursuant to the Long Service Leave (Building and Construction Industry) Act 1981 in each of the three monthly transfers required by the Act since you took office.
- (2) What allocations have occurred in this period.
- (3) Are there any applications/proposals for allocations which have yet to be finalised; if so (a) to whom and (b) for how much.
- (4) Have all allocations been recommended by the ACT Regional Building and Construction Industry Training Council Inc prior to application of money from the Fund by you; if not what were the reasons for acting without the recommendation(s) of the Council.

Mr De Domenico: The answer to the Member's question is as follows:

(1) Levy Collection Period	Date Transferred	Amount \$
1/1/95 to 31/3/95	13/4/95	38,111.30
1/4/95 to 30/6/95	6/7/95	37,407.16
1/7/95 to 30/9/95	12/10/95	20,562.77
1/10/95 to 31/12/95	11/1/96	22,423.91
1/1/96 to 31/3/96	11/4/96	27,902.34
	Total	146,407.48

(2) Paid to	Date of Approval	Amount \$
B&C Training Council	1/1/95	19,800.00 (a)
B&C Training Council	29/6/95	30,800.00
Utilities Training Council	27/10/95	67,500.00 (b)
B&C Training Council	22/12/95	17,700.00
B&C Training Council	29/2/96	40,200.00
B&C Training Council	17/4/96	11,550.00 (c)
	Total	187,550.00

- (a) Included even though it falls outside the period of office of the current Government as it is within the first quarter collection period for 1995;

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- (b) The Utilities Training Council proposal was approved by the Building and Construction Industry Training Council before lodgement with the Minister for approval;
- (c) Falls outside the levy collection periods set out in the answer to question (1) but is an approval made during the period of office of the current Government.
- (3) One proposal is currently before me for consideration. It is from the Master Builders Association for establishment of an on-site skill centre to be run by MBA Group Training Inc. The amount sought is \$300,000 to be paid in instalments over a 12 month period.
- (4) All allocations for funding as set out in answer to question (2) have been recommended by the ACT Building and Construction Industry Training Council prior to my approval being granted. I am shortly to seek the advice of the Training Council in relation to the MBA proposal.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 200**

Flags - Distribution and Hire

MR BERRY - Asked the Chief Minister upon notice on 16 April 1996:

In relation to the ACT flag -

1. How many flags have been distributed (a) since you took office; and (b) to whom.
2. Is there any charge for these flags; if so, what is the charge;
3. What mechanisms are in place for individuals or groups with little or no resources to borrow flags instead of purchasing them.

MRS CARNELL - The answer to the Member's question is as follows:

1. (a) Fifty-six ACT flags have been distributed by the Chief Minister's Department since this Government took office.

(b) The list of recipients is attached. You will note that some flags have been hired out; some distributed on loan; and some distributed on permanent loan - that is there is no expectation that they will be returned and they have been provided in the form of a gift.

2. Since August 1995 there has been a fee of \$10.00 for the hire of an ACT flag. The administrative arrangements to collect the fee were put in place in September 1995.

3. On occasions where the flag is requested for charitable purposes or for events where the ACT is promoted by the presence of the flag, there is discretion for application to be made to waive the fee.

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HIRE OF ACT FLAG

<u>DATE</u>	<u>NAME OF ORGANISATION</u>	<u>No of flags hired</u>	<u>Cost</u>
4/1/96	Yowani Travelling Bowlers	1	\$10.00
5/1/96	ACT Young Liberals	2	\$20.00
19/1/96	Order of Australia	1	\$10.00
20/2/96	Royal National Capital Agricultural Society	4	\$40.00
29/3/96	ACT Cricket	1	\$10.00

ACT FLAG LOANED TO ORGANISATIONS

<u>DATE</u>	<u>NAME OF ORGANISATION</u>	<u>No OF FLAGS LOANED</u>
9/3/95	Canberra Festival	6
9/3/95	ACT Housing & Community Services	1
9/3/95	Casino Canberra	1
7/4/95	Muscular Dystrophy Assoc	1
10/4/95	ACT Inline Hockey Assoc	1
1/5/95	Monier PGH Holdings Safety Awards Representative Team	1
5/5/95	National Primary School Swimming Championships	1
15/5/95	Barbershop Harmony Club of Canberra	1
16/6/95	ACT Netball - Launceston & Perth	2
3/7/95	ACT Netball U19 Rep side	1
19/7/95	AFP (ACT Region)	1
27/7/95	Barbershop Harmony Club of Canberra	1
3/8/95	Mr Gary Humphries, MLA for ACT Forests	1
25/8/95	ACT Legislative Assembly	1
5/9/95	ACT Legislative Assembly (Conference Cook Islands)	1
27/9/95	Canberra Classics Softball Assoc.	1
28/9/95	Zonta Club of Canberra	1
28/9/95	ACT Ice Hockey Assoc	1
12/10/95	Barbershop Harmony Club of Canberra	1
12/10/95	DUS (Conference)	1
29/1/96	Albert Hall	1

FLAGS ON PERMANENT LOAN

ORGANISATION	No OF FLAGS	DATE
Hospitality Unit Chief Minister' Department	1	3/4/95
ACT Women's Hockey Assoc	1	12/4/95
ACT Minibike Club Inc.	1	19/5/95
ACT Monaro District Golf Assoc.	1	2/6/95
Canberra Cruising Yacht Club	1	9/6/95
Deputy Chief Minister gift for visiting Aboriginal group	1	15/6/95
Mountain View Hostel	1	16/6/95
Dep't Education & Training (for Belconnen schools)	1	16/6/95
Saint Andrews Village	1	14/7/95
8th Field Survey Section	1	1/8/95
Belconnen Bowling Club	1	4/9/95
Periodic Detention Centre Symonston	1	5/9/95
Variety Club of Australia	1	7/9/95
Rotary Club of Cobden	1	19/9/95
Baffle Creek Boat Club	1	23/10/95
AFS student to Finland	1	15/11/95
Illawarra Folk Club Inc.	1	18/11/95
Exchange student to Rome	1	30/11/95
West Port Macquarie Bowling Club	1	11/1/96
Exchange student to Belgium	1	12/1/96

16 May 1996

**MINISTER FOR HEALTH AND COMMUNITY CARE
LEGISLATIVE ASSEMBLY QUESTION
Question No. 201**

Health Grants

Mr Berry - asked the Minister for Health and Community Care upon notice on 16 April 1996.

In relation to Health Grants -

- (1) How much money was allocated to Health Grants in (a) 1994-95 and (b) 1995-96.
- (2) Which groups (a) received the funding in each of those years; and (b) how much did they receive.

Mrs Carnell - the answer to the Member's question is:

HEALTH GRANTS

CLIENT	1994/95 \$	1995/96 \$
Abortion Counselling Service	32 000	13 667
ACT Cancer Society Inc	43 000	43 000 and 12 500
ACT Hepatitis C Support Group	N/A	5 000
ACT Hospice Palliative Care Society Inc.	43 000	30 000
The ACT ME/CFS Society	N/A	5 000
Arthritis Foundation (ACT)	15 000	35 219
Australian Cardiacs Association	6 000	6 000
Canberra and Queanbeyan Attention Deficit Disorder Support Group	2 000	5 000
Canberra Women's Health Centre	17 500	20 000
Childbirth Education Association	2 000	N/A
Diabetes Association of the ACT Inc	92 000	80 000
Epilepsy Association (ACT) Inc	N/A	24 820
EXPAND Inc (See Self Help for PND)	N/A	2 000
Family Planning Association ACT Inc	100 000	114 825
GROW ACT	9 500 Plus Commonwealth funding 1 508	13 500 Plus Commonwealth funding 2 263

CLIENT	1994/95 \$	1995/96 \$
Inanna Inc	108 000	75 000
Kidsafe- the Child Accident Prevention Foundation	N/A	20 000
Mental Health Foundation ACT	50 000	N/A
Mental Health Resource (ACT) Inc	N/A	60 000
Multiple Sclerosis Society	N/A	16 000
Noah's Ark Canberra Inc	17 500	8.7500
Nursing Mother's Association of Australia ACT	8 500	10 000
O'Connor Family Centre Inc	N/A	5 000
Post Natal Depression Support Group (ACT) Inc	4 500	2 000
Pregnancy Advisory Service (FPA)	50 000	17 500
Pregnancy Support Service (ACT) Inc	9 000	9 000
Psychiatric Rehabilitation Service	75 600	58 000
Richmond Fellowship of the ACT Inc	66 300	75 000
Self-Help for Postnatal Depression (now EXPAND)	4 500	N/A
Torture Rehabilitation and Network Service ACT Inc	48 000	48 000
Woden Community Service Inc	10 000	15 500
TOTAL	\$795 908	\$832 544

16 May 1996

ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 202

New South Wales Prisons

Ms Follett - Asked the Attorney General:

- 1) At the present time, how many Canberra - based offenders are serving sentences in New South Wales Prisons?
- 2) What impact will the proposed restructure of the New South Wales prison system have on the ACT corrections system?

Mr Humphries - The answers to the member's questions to the Attorney General are as follows:

- 1) As at 31 March 1996, there were 88 prisoners (five being Federal prisoners) in NSW prisons. These are broken down as per attachment A:
- 2) Advice is being sought from the Commissioner of NSW Corrective Services, as to what impact, if any, there will be on the ACT correctional system due to proposed restructuring in NSW Corrections. No formal response is available at this stage.

ATTACHMENT A

ACT CORRECTIVE SERVICES

ATTACHMENT ONE			
PRISONER BREAKDOWN			
Facility	Address	Number	Gender
BATHURST	Cnr Browning St and Blackmore Avenue, Bathurst	2	MALE
COOMA	1 Vale Street, Cooma	4	MALE
EMU PLAINS	Old Bathurst Road, Emu Plains	2	FEMALE
GOULBURN	Maud Street, Goulburn	29	MALE
GLEN INNES	Gwyder Highway, Glen Innes	3	MALE
GRAFTON	170 Hoof Street, Grafton	1	MALE
JUNEE	Junee	12	MALE
LONG BAY HOSPITAL	Matrville	2	MALE
LITHGOW	Lithgow	2	MALE
MAITLAND	John Street, East Maitland	5	MALE
MANNUS	Mannus	8	MALE
MALAWAH	Holker Street, Ermington	1	FEMALE
NORMA PARKER CENTRE	1 Fleet Street, North Parramatta	1	FEMALE
OBERON	Via Shooters Hill road, Oberon	2	MALE
RICHMOND	Richmond	2	MALE
SILVERWATER	Holker Street, Ermington	5	MALE
LONG BAY TRAINING CENTRE	Matrville	1	MALE
WINDSOR	Windsor	1	MALE
FEDERAL PRISONERS	Various	5	MALE

SERVING THE PEOPLE OF THE ACT

16 May 1996

ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 203

Community Service Orders

Ms Follett - Asked the Attorney General:

During the calendar year 1995:

1) How many convicted offenders:

- (a) were sentenced to Community Service Orders (CSO's); and
- (b) What were the offences for which they were sentenced.

2) Of those CSO's which should have been completed during 1995:

- (a) How many were actually completed; and
- (b) For those not completed, what were the reasons.

Mr Humphries - The answers to the member's questions to the Attorney General are as follows:

1) (a) 232 Community Service Orders were ordered by the courts.

(b) The following are the offences for which offenders were sentenced:

- . Break and enter
- . Burglary
- . Theft
- . Drive car whilst licence suspended
- . Possession of drugs
- . Dealing in drugs
- . Prescribed concentration of alcohol

2) (a) Of those Community Service Orders which should have been completed during 1994/95, 138 or 80% were completed.

(b) Of the 20% not completed, breach action was initiated due to non-compliance with the terms of the Order or due to medical reasons preventing the offender from fulfilling the Order requirements.

NOTE: Information is not available in a "calendar" year format, due to data retrieval and collection methods. The above reflects 1994/95 financial year statistics.

MINISTER FOR EDUCATION AND TRAINING**LEGISLATIVE ASSEMBLY QUESTION****QUESTION NUMBER 205****Children with Disabilities - Enrolment Statistics**

MS McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

How many children were -

- (1) Enrolled in (a) special schools including Malkara, Woden, Cranleigh, Hartley St and Koomarri; (b) learning centres; (c) JACs; (d) the autism centre.
- (2) In need of (a) specialist deaf unit support; (b) specialist sight impaired support; (c) an integration program in primary schools; and (d) an integration program in secondary schools for each year since 1989.

MR STEFANIAK - the answer to Ms McRae's question is:

The available information in respect of questions 1 and 2 is provided in the table below:

ENROLMENTS OF STUDENTS WITH DISABILITIES

Date	Sp Sch	JA/LC	Autism	HIU*	ITHI**	ITVI^	IPP	IPS
1989	476		4				*	*
1990	473		8				*	*
1991	478		7		86		*	*
1992	489	586	11	17	110	45	7	-
1993	465	542	10	17	105	59	13	-
1994	468	599	8	18	135	50	17	2
1995	458	628	10	21	129	38	25	2
1996	446	617	8	23	162	46	28	3

* HIU - Hearing Impaired Units

** ITHI - Service from Itinerant Teachers of the Hearing Impaired

^ ITVI - Service from Itinerant Teachers of the Visually Impaired

* The Pilot Integration Program did not begin until 1992

IPP - Integration Program (Primary)

IPS - Integration Program (Secondary)

Data about the number of students with disabilities integrated in mainstream with little or no supplementary support has not been collected previously. In 1996 there are approximately 470 students with disabilities in this category.

16 May 1996

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 206

Children with Disabilities - Outside School Hours Programs

MS McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

- (1) How many children with disabilities in the ACT access Commonwealth funded integration services have been integrated into appropriate after school hours programs.
- (2) What sort of support have they received.
- (3) How many hours of support have they been given.
- (4) What happens to children who cannot be integrated.

MR STEFANIAK - the answer to Ms McRae's question is:

- (1) As the ACT Government does not administer the funding for integration support to after school hours programs, the statistical information requested is not available to me.
- (2) The Commonwealth funded integration teams provide support workers to assist outside school hours care services integrate children with disabilities into funded outside school hours care services. Generally services only receive additional support and staff training during an initial settling in period. Some integration teams are also able to offer services access to an equipment resource library.
- (3) See (1) above.
- (4) Children with disabilities are able to be integrated into outside school hours care programs provided that the child's needs can be met and licence standards maintained without compromising the service's duty of care to all children in the program. A child with very high additional needs may not be able to be placed in an outside school hours care program without additional staffing or changes to the physical environment.

This gap in services for children with high support needs has been identified as an important issue in the child care reform agenda of the Australian Council of Australian Governments and will be addressed in this process.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 207

Children with Disabilities - Part-time Students

Ms McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

In relation to your answer to question on notice No. 146 -

- (1) What happens to children with disabilities who only attend special school for a limited time, eg half days.
- (2) What support is offered for care for the rest of the compulsory school time.

Mr STEFANIAK- the answer to Ms McRae's question is:

- (1) Students with disabilities who are eligible for full-time attendance at special schools do so unless exceptional circumstances, such as severe emotional, behavioural or medical conditions are evident. In these cases, negotiations take place between schools, families, departmental staff and relevant community support services to determine appropriate alternative arrangements.
- (2) If a student with a disability is to have only part-time school attendance, negotiations take place as outlined in (1). Alternative arrangements are devised and agreed upon by parents and relevant community support services.

16 May 1996

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 208

Children with Disabilities - Summer Programs

MS McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

In relation to your response to question on notice No. 140 when you said the average cost per student accessing community programs in 1996 summer holidays exclusive of transport cost was \$292 -

- (1) What is the average cost per day for a child without a disability.
- (2) Will the responses to questionnaires distributed to parents accessing these programs be made public.
- (3) When are consultations for the 1996-97 summer programs to begin.

MR STEFANIAK - The answer to Ms McRae's question is:

- (1) The average cost of holiday programs in community organisations for children without disabilities ranges from \$17 - \$22 per day. Fee relief is available for parents on low incomes. The department does not support students without disabilities who access these programs on a user pays basis.
- (2) I have a copy of the evaluation of the Summer Holiday Program and a copy has been provided to Dr Andrews for consideration within the Review of Special Education services in the ACT. It is available from my department on request and will be released more generally at the conclusion of the Review of Special Education.
- (3) This issue is being considered within the context of the Review of Special Education and formal consultation will occur after Dr Andrews' report in June this year.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 209

Students with Disabilities - Planning

MS McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

In your response to question on notice No. 144 in which you said "At the system level, planning for students with disabilities is carried out by Central Office of my Department."

- (1) How (a) is this planning done; and (b) are resources allocated each year.
- (2) What contingency plans are there to cope with, for instance, 10 children with disabilities who have transferred into the ACT.
- (3) Does the Department know how many children with disabilities are due to start school in 1997; if yes, how many; if no, why not.

MR STEFANIAK - the answer to Ms McRae's question is:

- (1) (a) Planning for resource allocation currently occurs following in-school review panels where the progress of individual students is evaluated in a parent/school meeting. These meetings take place during term three and projections are made for resource allocation for the following year.
- (1)(b) Funding for students with disabilities in the ACT is finite and resources are allocated in all special education settings, as in all regular schools, on student enrolments at February census. Supplementary support is submission based and schools can submit claims as a need arises but are encouraged to plan ahead and apply in term four for the following school year. A limited number of places have been available each year for participation on the Integration Program. Places on the Program have been allocated following a formal process involving application, observation and selection panel discussion.
- (2) Resourcing children with disabilities depends very much on the nature of the disability and different mechanisms apply to determine levels of support. Generally, given the finite level of funding for students with disabilities, new demands on the programs offered would result in a reallocation of resources.
- (3) There are currently approximately 60 students in early intervention programs who will be eligible for mainstream placements but exact numbers moving into special education programs in primary school will not be known until the parent/school meetings have been completed in term three.

The projected number of children with disabilities starting school in 1997 will be available in September. Actual enrolments will be confirmed at February census.

16 May 1996

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 210

Special Education Services - Review

MS MCRAE - asked the Minister for Education and Training on notice on 16 April 1996:

In relation to the Review of Special Education mentioned in response to question on notice No. 143 -

- (1) Who is doing the Review.
- (2) What are the terms of reference.
- (3) Are out of school hours programs included.

MR STEFANIAK - the answer to Ms McRae's question is:

- (1) The review is being carried out by Dr Robert Andrews, a private consultant from Robert J Andrews and Associates in Queensland. The review is being conducted under the direction of a steering committee and informed by a reference group (see attached).
- (2) The terms of reference for the review are:
 - (a) To undertake an evaluation of the effectiveness of special education programs for students with disabilities in ACT government schools within the context of a cohesive service provision based on inclusive school practices;
 - (b) To provide advice on the options for changing the resourcing model of allocation for special education programs for students with disabilities to a needs based model within current budgetary constraints;
 - (c) To make recommendations for the future directions for improved service delivery for a cohesive service based on inclusive school practices.
- (3) The Summer School Program for Students with Disabilities which is the out of school hours program for school students with disabilities run by my department will be considered within the context of the Review.

Attachment A

Steering Committee for the Review of Special Education

Allan Hird	Director, School Programs Branch (Chair)
Robert Andrews	Consultant
Louise Blue	Manager, Student Support Services Section
Jill Farrelly	A/Director Children's and Youth Services Bureau
Helga McPhie	Manager, Focus Programs
Cate Thompson	Parent Advocacy Group

Reference Committee for the Review of Special Education

Allan Hird	Director, School Programs Branch (Chair)
Robert Andrews	Consultant
Louise Blue	Manager, Student Support Services Section
Ingrid Cevallos	Child Health and Development Service
Claire Clark	Community representative
Karen Connaughton	Parent representative
Liz Cox	Primary Principals' Association
David Ellis	High School Principals' Association
Jill Farrelly	A/Director Children's and Youth Services Bureau
Marcia Kingston	DEETYA
Nancy Macdonald	Australian Association of Special Education- ACT Branch
Fiona McGregor	AEU-ACT Branch
Helga McPhie	Manager, Focus Programs
Sally Pateman	Community and Public Sector Union
Wally Perfect	Early Intervention Association
Karen Realph	ACT Council of Parents and Citizens' Association
Rod Roberts	Community representative
Tony Shaddock	University of Canberra
Joan Suckling	ACT Disability Aged and Carer Advisory Service Inc
Cate Thompson	Parent Advocacy Group
Andrew Todd	Community representative
Peter Wheeler	Secondary College Principals' Association
Lynne Woolridge	Special Schools Principals' representative

16 May 1996

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 211

Children with Disabilities - Outside School Hours Programs

MS McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

- (1) Who decides whether a child with a disability is given extra assistance to attend an after school hours program.
- (2) How is the decision made to withdraw support after a child has been attending a centre.
- (3) What happens to children who are either not accepted in programs in the first place, or after a period of time rejected.

MR STEFANIAK - the answer to Ms McRae's question is:

- (1) Funded outside school hours care services can request support to integrate a child with disabilities from the Commonwealth funded Integration Team in their area. The Integration Team will then assess the level of initial and ongoing support required to integrate the child. However, in practice, the level of support given to services is also dependant upon the availability of funding resources.
- (2) Integration teams are funded by the Commonwealth to provide support workers whose role is to train and support staff in services to integrate children with disabilities, not to provide ongoing "hands-on" support. Generally, after an initial settling in period the Integration Team will withdraw their support. The length of the support varies according to the level of additional support required by individual children.
- (3) Children with disabilities are able to be integrated into outside school hours care programs provided that the child's needs can be met and licence standards maintained without compromising the service's duty of care to all children in the program. A child with very high additional needs requiring one-to-one support may not be able to be placed in an outside school hours care program without additional staffing or some changes being made to the physical fit-out of the premises.

This gap in services for children with high support needs has been identified as an important issue to be addressed in the child care reform agenda of the Council of Australian Governments.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 212

Children with Disabilities - Dependants of ACT Public Servants

MS McRAE - asked the Minister for Education and Training on notice on 16 April 1996:

- (1) How many places has the Government funded for outside school care for employees' adolescents and children with disabilities.
- (2) Which three services provide priority of access to ACT employees.
- (3) Has any evaluation of the service yet taken place.
- (4) What plans are in place for children who are in care when the program finishes in June 1997.

MR STEFANIAK - the answer to Ms McRae's question is:

The ACT Employer Child Care Support Initiative was funded as a three year pilot program beginning in June 1994.

- (1) The Government has made funding contributions to three community-based services to secure priority of access for approximately ten adolescents requiring work-related after school and vacation care.

Funding contributions have also been made to five Regional Community Associations to supplement existing Commonwealth support. These Community Associations use the funding contributions to assist Outside School Hours Care Programs to integrate approximately twenty school age children with disabilities requiring work-related child care .

- (2) The three services providing priority of access to ACT Government employees requiring work-related outside school hours care for adolescents with disabilities are - Belconnen Youth Centre, Woden Community Centre and Erindale Leisure Centre.
- (3) All services receiving funding contributions from the ACT Government Employer Supported Child Care Program are required to provide regular reports to assist with ongoing monitoring of the individual programs. To date there has not been an overall evaluation of the Program, however this will be done prior to its completion in June 1997.
- (4) The evaluation of the Employer Supported Child Care Program will include recommendations which will consider the needs of children who are currently in the program.

16 May 1996

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 213

Children with Disabilities - College Students

MS McRAE- asked the Minister for Education and Training on notice on 17 April 1996

- (1) How many students in the ACT who had completed high school were there with (a) high; (b) low or (c) medium support needs for each year since 1989.
- (2) How many were enrolled in college.

MR STEFANIAK- the answer to Ms McRae's question is:

- (1) Students with disabilities in ACT government school settings are resourced on an individual needs basis and not classified into particular categories. Information and figures on this are not readily available as the units for students with disabilities at Phillip College and Dickson College did not begin until 1991 and 1995 respectively.
- (2) The Phillip College Unit for students with disabilities was established as a pilot project in 1991. That unit is staffed to provide places for 30 students and has been at full capacity since 1991. The program at Dickson College began in 1995 with 13 students initially, and 22 students as the year progressed. In 1996 there are 30 students enrolled.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 214

Children with Disabilities - Student Statistics

MS MCRAE- asked the Minister for Education and Training on notice on 17 April 1996:

How many compulsory school age students with disabilities were there in the ACT with (a) high; (b) medium; or (c) low support needs for each year since 1989.

MR STEFANIAK- the answer to Ms McRae's question is:

Students with disabilities in ACT government settings are resourced on an individual basis and not according to the categories- high, medium or low support needs. Information as to the number of students accessing the range of options in the ACT is included in the table below.

Students with Disabilities-Compulsory School Age- by Setting (1989-1996)

Date	Sp Sch IPS ^{oo}	JA/LC#	AU##	HIU*	ITHI**	ITVI [^]	IPP ^o	
1989	476		4			.	.	
1990	473		8			.	.	
1991	478		7	86		.	.	
1992	489	586	11	17	110	45	7	-
1993	465	542	10	17	105	59	13	-
1994	468	599	8	18	135	50	17	2
1995	458	628	10	21	129	38	25	2
1996	446	617	8	23	162	46	28	3

JAC/LC - Junior Assessment Class/ Learning Centre

AU - Autistic Unit

* HIU - Hearing Impaired Units

** ITHI - Itinerant Teachers of the Hearing Impaired

[^] ITVI - Itinerant Teachers of the Visually Impaired

^o IPP - Integration Program- Primary

^{oo} IPS - Integration Program- Secondary

. The Pilot Integration Program did not begin until 1992

16 May 1996

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 215

Health and Community Care Portfolio - Contracts

Mr Berry - Asked the Minister for Health and Community Care upon notice on 17 April 1996

(1) In relation to five contracts listed on page 220 of Gazette No. 13, dated 3 April 1996, purchase reference numbers 11388 (3 contracts), and 10001 and 10005 - For each of these contracts what is (a) to be supplied under the contract, and (b) the period that the contract is to be in effect.

MRS CARNELL - the answer to the Member's question is:

(1) Under purchase reference number 11388, Booz Allen & Hamilton, Consultants in Health Management, provided the Government with diagnostic services.

(a) The cost of the first contract was for reimbursable expenses associated with the original consultancy previously gazetted. The second contract under reference number 11388, included the diagnostic and consultancy fees for Calvary Hospital and included expenses. The third contract under the same reference number is for services provided for implementation of the recommendations of the original Consultancy.

(b) The period of effect for the first contract was 5 June 1995 to 28 July 1995. The second contract for Calvary Hospital was in effect from 21 August 1995 to 15 September 1995. The third contract for Implementation was from 18 September 1995 through to 22 December 1995. This contract did not include reimbursable expenses.

Contracts 10001 and 10005 for MBTI and APTECH Australia were:

(a) for management development services provided to the senior managers of the Department of Health and Community Care so they could support staff through the change process and implement an organisational structure to support the purchaser/provider model.

(b) These contracts included reimbursable expenses. The contracts were in effect from 20 June 1995 to Monday 20 January 1996.

**MINISTER FOR HEALTH AND COMMUNITY CARE
LEGISLATIVE ASSEMBLY QUESTION 216**

Jindalee Nursing Home - Sale Contract

Mr Berry - asked the Minister for Health and Community Care upon notice on 17 April 1996
In relation to Jindalee Nursing Home-

- (1) When the home was privatised were there any specific guide-lines for quality of care agreed between the Government and the new proprietors; if so, what are they.
- (2) Did the Government require the new proprietors to maintain the quality and nutritional value of food provided to residents; if so, how is this requirement being monitored.

MRS CARNELL - the answer to the Member's questions are:

- (1) The Contract for the sale of Upper Jindalee Nursing Home Section 8.1 (c) states "The Buyer covenants that it will comply with those standards determined by the Commonwealth Minister for Human Services and Health under Section 45D of the *National Health Act 1953*".

Section 45D of the *National Health Act 1953* states "The Minister may, by written notice, determine standards to be observed in the provision of nursing home care in approved nursing homes".

The standards referred to in Section 45D are known as Outcome Standards. Outcome Standards is the tool used by the Commonwealth to monitor and assess the care provided by nursing homes.

When Jindalee was a Government program, the monitoring and assessment guide-lines of the Outcome Standards were applied by the Commonwealth. The Government did not have its own monitoring function.

The Commonwealth has continued its role in monitoring and assessing Upper Jindalee against the Outcome Standards.

- (2) The Contract for the sale of Upper Jindalee Nursing Home Section 8.1 (c) states "The Buyer covenants that it will comply with those standards determined by the Commonwealth Minister for Human Services and Health under Section 45D of the *National Health Act 1953*".

Objective 1, Standard 1.4 states "all residents must have good food and enough to drink". The Commonwealth has continued its role in monitoring and assessing Upper Jindalee against the Outcome Standards.

16 May 1996

ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 218

Belconnen Remand Centre

Ms Follett - Asked the Attorney General - In relation to the Belconnen Remand Centre -

- (1) How many people were detained at the Centre on 15 April 1996.
- (2) What is the usual staff requirement for this number of detainees.
- (3) What care provisions are made for detainees at the Centre who have a psychiatric illness.

Mr Humphries - The answers to the Member's questions are as follows:

- (1) Forty-one
- (2) Ten for a morning shift (7 am - 3 pm)
Ten for an evening shift (3 pm - 11 pm)
Four for a night shift (11 pm - 7 am)
- (3) Access to mental health, including psychiatric, services for people detained at the Belconnen Remand Centre is provided in a manner as similar as possible as that available in the community.

Shortly following arrival at the Centre, all detainees are seen by a general practitioner. When it comes to the attention of this doctor that the detainee is, or may be, in need of psychiatric or other mental health services, a referral to the Forensic Service within Mental Health Services is made. Usually, a psychologist from that Service conducts an assessment and, where appropriate, refers the detainee for psychiatric assessment and treatment.

Where a detainee has been in receipt of psychiatric care prior to reception at the Remand Centre, the Centre's doctor and/or Mental Health Services staff liaise with the treating specialist to ensure continuity of treatment occurs. A decision about who becomes the primary provider of psychiatric treatment for the detainee is made on a case by case basis and in consultation with the detainee.

Where urgent psychiatric services are required, contact is made with Mental Health Services or the 24 hour Mental Health Crisis Team by senior Remand Centre staff. Where hospitalisation of a detainee is required, transport and security whilst in hospital is provided by Remand Centre staff.

In addition to the above, there are six special care units at the Remand Centre staff. These were purpose-built in the early 1990's to ensure that detainees suffering from psychiatric disabilities and other behavioural problems are provided with appropriate treatment and care and have access to specialist psychiatric and psychological and associated services.

16 May 1996

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No 219

Woden Valley Hospital - Redevelopment Project

Mr Berry - asked the Minister for Health and Community Care upon notice on 18 April 1996:

In relation to the ACT Public Hospitals Redevelopment Project, the refurbishment of ward 11A and associated core areas for health professional services which has been deleted from the Redevelopment Project at the direction of the Hospital Executive and the provision of Geriatric Services, including inpatient ward location and the delivery of health professional services to the Geriatric, Rehabilitation and Orthopaedic wards which are being reviewed -

- (1) What (a) are the reasons for this review and its terms of reference; (b) considerations which led to this review; (c) changes in delivery of health professional services to the Geriatric, Rehabilitation and Orthopaedic wards are under consideration; (d) is the impact on the floor space and ward allocations at Woden Valley Hospital; and (e) is the cost impact on the project.
- (2) When will this review be completed.
- (3) Which individuals and organisations are being consulted as part of this review.

Mrs Carnell - the answer to the Member's question is:

The integration of the completion of the Hospital's Redevelopment Project and the Building 3 Refurbishment Project was discussed late in 1995.

Hospital Management has recently endorsed a process to plan the long term use of Building 3, to develop the functional plan for the building and to involve the users in the detailed design of designated areas. This change reflects change in contemporary thinking from centralized to decentralized health professional departments.

A Functional Planning Group will make recommendations to Hospital Management on the service delivery issues associated with Building 3, including but not limited to (a) the services to be delivered within Building 3, (b) future utilisation and function of Level 1, (c) future utilisation and function of Ward 12A and (d) allocation of space/functional areas.

Four working parties will also be established to develop and approve design briefs, preliminary sketch plans and final sketch plans. These working parties will be looking at Ward 11A, Ward 12B, Ward 12A and Level 1.

- (1) (a) There is no review. The Medical Directors of Geriatrics and Rehabilitation have been addressing models of patient care.

- (b) See (a)
 - (c) See (a). Orthopaedic Services are not included.
 - (d) The impact on floor space and ward allocations is not known until current discussions by working parties and the Functional Planning Group are complete.
 - (e) There is no anticipated net increase to the cost of the Hospital Redevelopment Project.
- (2) It is anticipated that the working parties will function for a number of months and that work of the Functional Planning Group will be complete by the end of 1996.
- (3) The heads of all staff groups working in the areas under consideration are involved in the working parties and/or the Functional Planning Group.

16 May 1996

**MINISTER FOR HEALTH AND COMMUNITY CARE
LEGISLATIVE ASSEMBLY QUESTION
Question No 220**

Woden Valley Hospital - Private Practice Accounts

Mr Berry - asked the Minister for Health and Community Care upon notice on 18 April 1996

In response to question on notice No. 190 in relation to the Private Practice Fund you identified that funds are paid into the Private Practice Official Account (PPOA), payments are made from that account to contributors and to the hospital for facilities fees. The balance of the fund is transferred to the Private Practice Hospital Account (PPHA) at the end of the financial year -

- (1) How often are payments made to contributors.
- (2) Are those payments made in response to accounts submitted or by some other arrangement; if so, what is that arrangement.
- (3) What taxation arrangements are in place for the accounts in relation to money held in each account, payments made from the PPOA to contributors, transfers from the PPOA to the PPHA and payments from the PPHA.
- (4) What is the structure and membership of the Private Practice Committee and the Private Practice Research Committee.
- (5) Which individuals/projects have received funding over the last three years.
- (6) Under which category of identified expenditure (Conference/Travel or Equipment/Research) have the payments to the Clinical School (6 research positions at \$300,000 per annum for three years and 1 Chair at \$150,000 for five years) been categorised.

Mrs Carnell - the answer to the Member's question is:

- (1) Bonus payments are made to contributors on a quarterly basis.
- (2) Quarterly bonus payments to contributors are made automatically.
- (3) Payments made to and from the PPOA are donations to the hospital and as such are tax exempt. Quarterly bonus payments to contributors are taxed as a part of their income. Payments from the PPHA are tax exempt and are restricted to those purposes approved by the Private Practice Executive. The taxation validity of the scheme has been assessed by consultants in the past. There have been no queries on the running of the Private Practice Fund by the Taxation Department.
- (4) The Private Practice Committee comprises three elected members of private practice contributors and a representative of the hospital.

The Private Practice Research Committee comprises selected representatives of researchers in the hospital, the Clinical School, the Private Practice Committee Executive and the hospital.

- (5) It is considered that it would be too resource intensive to provide a full listing of all individuals and projects which have received funding over the last three years. Also, in some instances, the release of this information could potentially breach the privacy of those receiving grants.
- (6) The Private Practice Fund has agreed to fund the salary of one researcher for each Clinical Chair of the Clinical School. Currently there are four researchers who have been funded by the Private Practice Fund for Clinical School chair. These payments come from the research expenditure. The Chair identified and agreed to being funded by the Private Practice Fund is the Chair of Paediatrics. This is currently being advertised and will be filled in 1997.

16 May 1996

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No 221

Woden Valley Hospital - Adolescent Area

Mr Berry - asked the Minister for Health and Community Care upon notice on 18 April 1996.

In relation to the promised adolescent ward at Woden Valley Hospital -

- (1) Is it operational yet; if not, when will it be.
- (2) Where within the hospital will it be located.
- (3) Will it deal with all adolescents or only specific groups; if so, which groups.
- (4) What are (a) the criteria for admission and (b) age restrictions.
- (5) How many beds/places are/will be available.
- (6) Are these new beds or are they taken from elsewhere; if so, where.
- (7) What categories of staff will be rostered on to the ward, and how many in each category.

Mrs Carnell - the answer to the Member's question is:

- (1) The adolescent area will be available in July 1996.
- (2) The adolescent area will be located on level 5, building 1 at Woden Valley Hospital.
- (3) The adolescent area will be available to patients in all specialties, excluding maternity, at the discretion of the admitting medical practitioner.
- (4) (a) The adolescent area will be available to patients of an appropriate age in all specialties. There may be some adolescent patients who will be cared for in an adult specialty ward due to medical need, eg mental health, maternity and some oncology patients.

(b) Depending on the maturity of the patient, the age of patients in the adolescent area will generally be between 12 and 18 years. Some patients with particular conditions may be admitted up to age 21.
- (5) Initially a maximum of six beds will be available.
- (6) These are additional beds. Utilisation by specialty will be closely monitored.

- (7) The adolescent area will be predominantly staffed by Registered Nurses who primarily have a paediatric or adolescent nursing background. The number of staff will depend on the number and acuity of patients to be cared for.

16 May 1996

Brief

MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 222

Housing Trust Properties - Braddon Purchases

MR MOORE - asked the Minister for Housing -

In relation to a number of housing redevelopments in Torrens Street, Braddon in recent times -
What percentage of units are owned by ACT Housing.

MR STEFANIAK - The answer to the Member's question is as follows -

Since 1994, ACT Housing has been involved with four such redevelopments in Torrens Street.
The percentage holdings in these redevelopments are as follows:

- Block 24 Section 22 Braddon, a joint venture between ACT Housing and a private developer. Yield 85 units, 8.5% of the units purchased by ACT Housing.
- Block 7 Section 58 Braddon by ACT Housing for 4 Aged Persons' Units, 100% owned by ACT Housing.
- Block 25 Section 22 of Braddon was redeveloped by a private developer. 58 units constructed. ACT Housing purchased 3 units or 5.17% of the development.
- Block 1 Section 16 of Braddon redeveloped privately, 10 units were constructed. ACT Housing purchased 1 unit, or 10%

ACT DEPARTMENT
OF URBAN SERVICES

Quality housing for all Canberrans

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 223**

Acton Peninsula - Child Care Centre

MR MOORE - Asked the Chief Minister upon notice on 18 April 1996:

In relation to the Southside Community Service Childcare Centre -

- (1) Have you clarified the rights of the Centre to continue with their lease on Acton Peninsula.
- (2) What (a) is the Government's obligation; and (b) compensation will need to be paid.

MRS CARNELL - The answer to the Member's question is as follows:

- (1) No lease has been granted over the site in question. Southside Community Services Inc has an occupancy agreement with the Government for its use of the Acton Peninsula site. The Government has, however, clarified the rights of both parties in relation to that agreement.
- (2) (a) The Government recognises the right of Southside Community Services Inc, the managers of the Acton Child Care Centre, to remain on the Acton Peninsula site until the expiry of the occupancy agreement in September 1997.

(b) There is no pre-determined compensation payable to Southside Community Services Inc in relation to the Acton Child Care Centre. If the Centre had to be vacated before the expiry of the current occupancy agreement, the terms on which such vacation was achieved would be a matter for negotiation with Southside Community Services.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION 224

ACTEW - Community Service Obligations

MR WOOD: asked the Minister for Urban Services --

- (1) Who is responsible for defining ACTEW's community service obligations.
- (2) When will these obligations be publicly notified.
- (3) Who will be responsible for their monitoring and enforcement.
- (4) What will be the role of the Essential Services Committee.

Mr De Domenico -- the answer to the Member's question is as follows:

- (1) The ACT Government already funds the major community service obligations of ACTEW's operations relating to pensioner rebates for electricity, water and sewerage.

The process for defining, costing and agreeing further community service obligations delivered by ACTEW Corporation will occur as part of both the Government's Budget process, and consideration of ACTEW Corporation's Statement of Corporate Intent. In these parallel processes, the same principles which apply to on-Budget government agencies as outlined in the Government's guidelines on funding and costing CSO's will form the basis of the process. The final outcomes will be agreed by the voting shareholders, after consulting with ACTEW Corporation's Board.

The independent pricing mechanism, which is to be established by 1 October 1996 will also provide an independent assessment of the service charges for ACTEW's monopoly activities, which will include consideration of some community service obligations related to pricing issues.

- (2) It is expected that consideration of further obligations will be incorporated in the Budget process and will be included in ACTEW Corporation's Statement of Corporate Intent. As it may not be possible to initially define and address all CSO's, I anticipate that it will take more than a year to publicly notify these additional obligations.
- (3) The accountability framework in the *Territory Owned Corporations Act 1990* will provide the Government with the basis for monitoring and enforcement. This process involves periodic reporting by the Corporation to the voting shareholders.

The independent pricing arrangements will also provide for independent scrutiny of this process in relation to pricing and community service obligations.

- (4) The Essential Services Review Committee will continue its role as described by legislation. ie. consider and decide applications from persons who have or are experiencing financial hardship and who are likely to be directly affected by the withdrawal of electricity or water. Funding for the committee was transferred from ACTEW Corporation to the Department of Urban Services following corporatisation. This arrangement has improved the independence of the Committee.

16 May 1996

**MINISTER FOR THE ENVIRONMENT, LAND AND
PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 225**

Rugby League Park, Braddon

Ms McRae - asked the Minister for the Environment, Land and Planning - In relation to the status of the lease at Rugby League Park, Braddon

- (1) The Status of the Lease;
- (2) Has the lease been sub-divided ?
- (3) Has a variation of the lease purpose been sought ?

Mr Humphries - the answer to the member's question is as follows:

- (1) Rugby League Park (Northbourne Oval) is currently leased to ACT Rugby League Inc. In 1984 the lessee agreed to transfer the lease over to the ACT Leagues Club Limited however while the transfer was registered at the Registrar-General's Office it was never approved by the Minister and is not recognised as a legal transfer.

The ACT Leagues Club Limited believes it has a claim to the lease and this claim is currently being pursued in the Supreme Court.

- (2) The block has not, to date, been sub-divided. However, talks have been held with the lessee and other interested parties on this matter.
- (3) No application has been sought to vary the lease purpose. Once again talks have been held with parties having an interest in the site with a view to a variation of purpose.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 228

School Enrolment Statistics

MS McRAE - asked the Minister for Education and Training on notice on 18 April 1996:

Will you provide the enrolments at each preschool, school and college as of 30 April 1996.

MR STEFANIAK - the answer to Ms McRae's question is:

Enrolments at each preschool are contained in the attached Government Preschool Statistics bulletin from the February 1996 Preschool Census.

Enrolments at each school and college are contained in the attached Government Schools Statistics bulletin from the February 1996 Government Schools Census.

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APPENDIX 1: Incorporated in Hansard on 14 May 1996 at page 1211.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 18 APRIL 1996

Funds Raised by P & C Councils

MS McRAE - asked the Minister for Education and Training:

Minister, can you explain why in the response that I received on a question on notice in regard to the amount of money raised by the P & C Councils, the response was:

P & C Associations operate as separate legal entities being formed as incorporated associations in accordance with the Association Incorporated Act 1991. P & C Associations maintain separate financial records which are not available to the department. As a result, is not possible to provide the requested information.

Can you explain why I received this answer when in the submission by the department to the Public Accounts Committee that they were given a full attachment, it was Attachment 9 of the submission, headed "Collection rates of voluntary contributions and transitory funds", and details were given of the amounts raised by the voluntary contributions between 1982 and 1994.

Can you explain the difference?

MR STEFANIAK - the answer to Ms McRae's question is:

The Department's submission to the Public Accounts Committee inquiring into voluntary parent contributions pointed out that it dealt only with voluntary contributions collected directly by schools. At page 3 of that submission voluntary contributions collected by P & C Associations on behalf of schools are specifically excluded.

My answer to the question on notice (Number 164) about money collected by P & C Associations is correct. P & C Associations are separate legal entities and maintain separate financial records. Such funds do not become public monies until they are passed to the schools as either donations or equipment.

Contrary to the assertion by Ms McRae, in the debate of 18 April 1996 I did not mislead the Assembly.

16 May 1996

APPENDIX 2: Incorporated in Hansard on 14 May 1996 at page 1221.

Ms Follett : How many detainees have lost their jobs as a result of that directive? And how many of the detainees who have lost their jobs were also reliant on the now cancelled “free issue”?

Mr Humphries - The answer to Ms Follett's question is as follows:-

This question and the answer provided below follow on from an answer I gave to a question without notice from Ms Follett in the Legislative Assembly during question time on 18 April 1996. Whilst I answered most of Ms Follett's question I took the above portion of the question on notice.

A detainee held at the Belconnen Remand Centre is provided with all his or her daily requirements - accommodation, food, clothing, basic toiletries, access to medical and other services as required, laundry, access to recreation opportunities and so on.

A detainee requires access to money only if they have special requirements which are not normally provided for by ACT Corrective Services, for example, chocolates/sweets, tobacco, special toiletries and so on, or where they indicate a preference to access an alternative to services provided to them at the facility, for example seeing a doctor of their choice as opposed to the medical officer provided by the Centre.

While the opportunities are limited, there are some small jobs which are available to detainees at the Centre and which will allow them to earn some income. Access to these jobs is not fixed and is negotiated on a daily basis with the detainees held in custody at the time. Priority to these jobs has and will continue to be given to detainees with minimal or nil funds, in preference to those who have ample funds being held in trust for them at the Centre.

No detainee at the Remand Centre has actually lost a job as by definition, no one detainee permanently “own” a job. However, through the review process, the management of the facility are attempting to ensure that the type and availability of jobs is targeted to those most in need of the income.

I should point out that in extreme situations, based on application from a detainee and subject to stringent criteria of need, funds of up to \$10.00 can still be made available. However, the automatic access to “free issue” by all detainees, irrespective of their financial status, has been cancelled.