



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 JUNE 1996

Tuesday, 18 June 1996

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

BLACK HAWK HELICOPTER TRAGEDY

MR STEFANIAK (Minister for Education and Training): Mr Speaker, I move:

That this house expresses its profound sympathy for the families of those service personnel killed in the Black Hawk helicopter tragedy in Queensland last week.

Mr Speaker, I and, I am sure, all members of this house were greatly saddened and, indeed, shocked at the tragic news that 15 members of the Special Air Service Regiment and three members of the Army Aviation Corps were killed in a helicopter disaster on training exercises at night in Queensland last week. I think we could all agree with our Governor-General, Sir William Deane, when he said at a memorial service:

It was with shock and sadness that I heard of the tragic accident at Townsville which caused such dreadful loss of life and injuries. My heart goes out to the bereaved families, to the friends and comrades of those who died, and to the injured. I pray for them, with you all, in their grief and distress.

In fact, Sir William was reading a letter from the Queen.

The Army, especially the SAS, is a very close-knit community. Whilst people accept risks involved in training - and these people are constantly training for war and training to protect the Australian community - and accept the occasional accident, an accident of this magnitude nevertheless sent shock waves through the nation and shock waves and grief through that very close-knit community, especially the families of those 15 SAS members from Perth who were killed. The SAS is a very close-knit community. The families see a lot of each other, and this tragedy would have had a great effect on members of those families. As well as the SAS members, three members of the Australian Army Aviation Corps also lost their lives in this tragic accident.

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Mr Speaker, it is very sad to see this happen. Whilst many military leaders indicate that you accept that this is part and parcel of the job, it can never take away from the grief and the shock when it does occur. Such training is essential and such training will continue. Of course, there will be a board of inquiry to determine exactly what happened, but I think we should all pause now and give our respect to these service personnel who died whilst on duty in the defence of their country. Mr Speaker, I think the traditional words "Lest we forget" are most appropriate here.

MR WHITECROSS (Leader of the Opposition): Mr Speaker, the Opposition wholeheartedly endorses the words of the condolence motion, and in rising to speak to this motion today on behalf of my Labor Party colleagues I extend our deepest sympathy to those families that have been forever changed by this most tragic of accidents. The collective pain felt throughout the Australian community has crossed all social and political divides, as was demonstrated at yesterday's national memorial service at St Christopher's Cathedral.

Mr Speaker, the loss of 18 young servicemen is a large blow to the defence community in particular, a large close-knit community in Canberra. In fact, Trooper Gerard Bampton was bred in Canberra and on the night of his birthday was preparing for the exercise that would take his life. A terrible price has been paid in serving the nation and the national interest. We all understand that military service is dangerous and that training accidents do occur, but this accident reminds us of just how dangerous military service is and what risks service men and women take in serving the nation not just in times of war but also in times of peace.

Mr Speaker, our thanks and thoughts should also go out to the members of the Queensland Ambulance Service, the staff at the Townsville General Hospital and the comrades of those involved in the accident who were first at the scene. They did what Australians always do in the face of adversity. They worked hard and they worked fearlessly to rescue friends and fellow Australians, and their service ought to be remembered and acknowledged as well.

Mr Speaker, it is important to learn from history. Unlike in the case of the *Voyager* disaster of 30 years ago, it is important that the victims of this tragedy be swiftly supported and compensated. We hope that the crash investigation team headed by Brigadier Bill Mellor, the Army's most experienced aviator, can quickly identify the cause of the crash, so that a similar incident can be avoided in the future. Mr Speaker, I conclude by again extending my sympathies and those of my colleagues to all affected by this tragedy. It is important that these young servicemen be remembered just as those before them who have fallen in peace or in war have been remembered.

MR KAINE: When young people join the military services of this country with the sole purpose of defending the country from external aggressors, they know that they are taking on what is a hazardous occupation; yet thousands of young people do it and many of them spend their lives in the service of their country in this kind of occupation. It is not quite like any other job. You do not go off to the office at 9 o'clock in the morning and come home at 5 o'clock in the afternoon. The greatest risk is not the risk of being run over by a motor vehicle or a bus on the way to work or going home. The hazards are of a different kind and are very real.

What we witnessed in the last couple of days was a group of young men doing what they were trained to do, knowing that what they were doing was risky. They were training because they knew that at some time in the future they may have to do that very thing in the defence of this country. They knew the risks. It does not help the outcome; but people in our defence services do these things willingly, and it is only when something like this occurs that the inherent danger in what they do comes home to those of us who do not engage in it. I think it is a sad thing that these people do these things day after day, year after year, and very often get no thanks whatsoever for it. It is not even acknowledged that what they do is hazardous, and it is rarely acknowledged that they do it in the interests of the community.

I think today we need to do more than simply acknowledge the loss of those fine young people and the impact of that on their families and on the community in which they have lived and worked. The trauma of that will not be quickly erased. I think it is time for us to recognise also that there are thousands of others doing similar things, not every day of their lives but frequently, as part of their training for the defence of this nation. I join in the sentiments of this motion and express my condolences to the bereaved families and friends of those who died and to those who survived but with considerable trauma; but we should also have a thought for all of those other young people who daily hazard their lives in a similar occupation.

Question resolved in the affirmative, members standing in their places.

PETITIONS

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

By **Mr Hird**, from 25 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

By **Mr Humphries**, from 1,104 residents, requesting that the Assembly approve the proposed four-week trial of a jet ski operation on the south arm of Lake Tuggeranong.

By **Mr Humphries**, from 236 residents, requesting that the Assembly not approve the proposed four-week trial of a jet ski operation on the south arm of Lake Tuggeranong.

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

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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.

Jet Ski Trial

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 it has been proposed to trial a jet-ski operation for 4 weeks on the South Arm of Lake Tuggeranong.

Your petitions therefore request the Assembly to: **approve** such a trial.

Jet Ski Trial

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 it has been proposed to trial a jet-ski operation for 4 weeks on the South Arm of Lake Tuggeranong.

Your petitions therefore request the Assembly to: **not approve** such a trial.

Petitions received.

RATES AND LAND TAX (AMENDMENT) BILL 1996

MRS CARNELL (Chief Minister and Treasurer) (10.42): Mr Speaker, I ask for leave to present the Rates and Land Tax (Amendment) Bill 1996.

Leave granted.

MRS CARNELL: I present the Rates and Land Tax (Amendment) Bill 1996 and its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Rates and Land Tax Act 1926. The Act provides for the imposition of municipal rates and land tax in the Australian Capital Territory. Mr Speaker, the changes proposed in this Bill give effect to the Government's undertaking to keep rates increases to a minimum while we examine options for levying and collecting rates and land taxes in the future. As you would be aware, the Government initiated a comprehensive review of the rating system. The review, which examined alternative methods of applying rates, including those used interstate and overseas, also provided for broad community consultation on the rating system. The Government is not prepared to accept a number of its recommendations, because they would lead to big rates increases for ratepayers whose property values are at the lower end of the scale.

Mr Speaker, the Bill provides for unimproved land values to remain at 1994 levels for the 1996-97 and 1997-98 financial years. During these two financial years both rates and land tax will be assessed using the 1994 property values. This will allow the Government time to undertake a full analysis of the review's recommendations and to consider possible changes to the rating system. Additionally, to avoid further unnecessary cost and inconvenience for property owners, the Bill also proposes that the obligation of the Commissioner for ACT Revenue to determine annual land revaluations in 1996 and 1997 be removed. This will avoid the need for the commissioner to obtain land valuations as of 1 January 1997, because 1994 property values will continue to be applied for the 1997-98 rating year. Obviously, this will have substantial savings for the ACT budget at a time when savings are very necessary.

Mr Speaker, the level of rates set in the Bill for 1996-97 will keep individual rates bills to the forecast 3 per cent movement in the consumer price index. This is a modest increase in rates charges and means that ratepayers in Canberra can plan their budget with certainty, knowing that their rates bill can be calculated simply by adding 3 per cent to last year's bill. A similar calculation can also be used to assess rates liability in 1997-98. Landowners who are required to pay land tax on their properties will benefit from existing rates used for assessment purposes being maintained during the 1996-97 and 1997-98 financial years. Mr Speaker, I ask that the Bill be agreed to in principle.

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

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GUNG AHLIN DEVELOPMENT AUTHORITY BILL 1996

MR DE DOMENICO (Minister for Urban Services) (10.46): I ask for leave to present the Gungahlin Development Authority Bill 1996.

Leave granted.

MR DE DOMENICO: Mr Speaker, I present the Gungahlin Development Authority Bill 1996 and its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill establishes the Gungahlin Development Authority and provides for its powers, functions and obligations. The establishment of the authority was foreshadowed during a process to vary the Territory Plan for the Gungahlin Town Centre and Gungahlin central area. The Territory Plan envisages that the Gungahlin Town Centre:

... will provide a focal point for the main employment, community facilities and services, higher density residential and commercial and retail development within Gungahlin and may be developed wholly or partly in a mixed use and integrated manner in the form of an urban village.

The implementation of the principles and policies of the Territory Plan variation for the Gungahlin Town Centre will mean a totally new concept of town centre development in Canberra and in Australia. The Government considers that the key to successfully implementing this complex and innovative concept is the establishment of the Gungahlin Development Authority.

The Gungahlin Development Authority Bill establishes the authority as a body corporate with its own common seal. It will be able to sue and be sued in its corporate name. The principal object of the authority is to ensure that the Gungahlin central area is developed in accordance with the principles and policies for that area set out in the Territory Plan in order to provide for the social and economic needs of the community.

The authority will act as an agent of the Territory for the provision, development and management of the land in the Gungahlin central area and will grant leases on behalf of the Executive. There is provision for the authority to undertake development in its own right or to enter into contracts or joint ventures for the town centre development.

Mr Speaker, the authority will be subject to the provisions of the Financial Management Act 1996, in particular Part 8, which deals with financial provisions relating to Territory authorities. These provisions include the responsibilities of chief executive officers, the operation of bank accounts, investments, borrowing, statements of intent and annual financial statements. The Gungahlin Development Authority Bill imposes even greater controls and accountability measures on the authority, with restrictions on the formation of companies or joint ventures, the tabling in the Assembly of the statement of intent and the preparation of quarterly reports. The authority will, of course, be required to prepare annual reports.

Mr Speaker, the Government intends that the authority fund its operations through revenue obtained from land sales within the Gungahlin development area. The Government's equity in the authority is the land provided for development, and the authority will be required to repay this equity with a return which takes into account the nature of the authority's operations. It is expected that the authority will need to borrow funds initially. The membership of the authority is to be on a similar basis to that of the existing Interim Gungahlin Development Board and will include a cross-section from the community, with two members to be from the general community while others are to have expertise in property development, retail, finance, urban planning and design, and skills relevant to the management and operations of the authority. Two members are to be senior ACT public servants. The chief executive officer is also to be a member of the authority.

Mr Speaker, the Legislative Assembly will have the opportunity to review the operations of the authority when the responsible Minister tables a report of a review of the Gungahlin Development Authority Act. Clause 42 of the Bill provides for this review, which is to take into account the effectiveness of the operations of the authority, the need for the continuation of the existence of the authority and the need for the continuation of the Act. Mr Speaker, the Government has a strong commitment to the Gungahlin community. We will ensure that the residents of Gungahlin enjoy the same amenity as others in Canberra do. The establishment of the Gungahlin Development Authority will ensure the development of a town centre which will be a benchmark for others seeking excellence in the provision of facilities for the community.

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

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**GUNG AHLIN DEVELOPMENT AUTHORITY
(CONSEQUENTIAL PROVISIONS) BILL 1996**

MR DE DOMENICO (Minister for Urban Services) (10.51): I ask for leave to present the Gungahlin Development Authority (Consequential Provisions) Bill 1996.

Leave granted.

MR DE DOMENICO: Mr Speaker, I present the Gungahlin Development Authority (Consequential Provisions) Bill and its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill accompanies the Gungahlin Development Authority Bill and amends the Buildings (Design and Siting) Act 1964, the Land (Planning and Environment) Act 1991 and the Public Service Management Act 1994. The intention of the amendments to the Buildings (Design and Siting) Act and the Land (Planning and Environment) Act is to ensure that the Gungahlin Development Authority is consulted on leasing, building or other development proposals within the Gungahlin central area regardless of whether the proposal is in the Gungahlin development area - that is, the area that is gazetted by the Minister under the provisions of the Gungahlin Development Authority Act as being the Gungahlin development area.

Mr Speaker, the Bill includes an additional amendment to the Land (Planning and Environment) Act which provides for the Executive to authorise the Gungahlin Development Authority to exercise its powers in accordance with Part V of the Land Act. This will enable the authority to grant leases on behalf of the Executive. The amendment to the Public Service Management Act 1994 is to exclude the Gungahlin Development Authority from the provisions of the Public Service Management Act. The Gungahlin Development Authority Bill provides that the chief executive officer, who is appointed by the Minister, and the staff of the authority are to be employed under contract.

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

EVIDENCE (CLOSED-CIRCUIT TELEVISION) (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General) (10.52): Mr Speaker, I ask for leave to present the Evidence (Closed-Circuit Television) (Amendment) Bill 1996.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Evidence (Closed-Circuit Television) (Amendment) Bill 1996 and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

The effect of this Bill will be to extend for a period of two years the capacity for complainants in sexual assault cases to give evidence in court by closed-circuit television. The original provision that this Bill seeks to extend operated for a period of 18 months to enable the Community Law Reform Committee, as part of its sexual assault reference, to evaluate the legislation and to focus on concerns that have been expressed, although not supported by any documentary evidence, that the victim appears remote to jury members when using closed-circuit television, thereby reducing the impact of the evidence. Others have made the reverse comment; that is, that closed-circuit television allows the jury a close-up view of the witness's face and therefore assists the jury in their assessment of the witness.

Until very recently there had not been any cases before the Supreme Court where closed-circuit television had been used by complainants in sexual assault cases. As a consequence, the evaluation anticipated with the enactment of the original provision has not yet been undertaken. I understand that in the near future closed-circuit television will be used by complainants in sexual assault matters in the Supreme Court. Indeed, members may recall that one such case occurred only last week. This Bill will enable that evaluation to occur by extending the original provision for a period of two years.

The research done by the ACT Community Law Reform Committee as part of its reference on sexual assault law and procedure indicated that the majority of sex offence victims have two main fears about the legal process. They are: being cross-examined and being in court in the presence of the accused. The Bill, during the period of its operation, will at least remove one of those fears and hopefully make the process of giving evidence generally less traumatic. The Bill continues an important initiative in improving the position of victims in the criminal justice system and, consequently, their willingness to access the criminal justice system to have crimes of sexual assault prosecuted. I commend the Bill to the Assembly.

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

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FREEDOM OF INFORMATION (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General) (10.55): Mr Speaker, I ask for leave to present the Freedom of Information (Amendment) Bill 1996.

Leave granted.

MR HUMPHRIES: I present the Freedom of Information (Amendment) Bill 1996 and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

The Freedom of Information Act 1989 gives members of the public an enforceable right of access, subject to specified exemptions, to documents in the possession of agencies and to official documents in the possession of Ministers. The Act is modelled on the Commonwealth's Freedom of Information Act 1982, which has just been the subject of a detailed review carried out jointly by the Australian Law Reform Commission and the Administrative Review Council. It is intended that a review of the Territory FOI Act also be conducted, building on the Commonwealth's investigation, and that consideration be given to a replacement Act covering freedom of information, privacy and management of government records. This exercise will take some considerable time to complete, due to its complexity and size. There are, however, several amendments which should, desirably, be made to the Act in the short term.

The Freedom of Information (Amendment) Bill 1996 will amend the Freedom of Information Act in three significant ways. First, the Bill will amend the requirements in relation to annual reporting to provide for responsible Ministers to report annually on the operations of the Freedom of Information Act in respect of themselves and their agencies. This new arrangement will reflect the fact that agencies have now assumed full and direct responsibility for the application of the Act to their operations, rather than the arrangement which previously existed of the Attorney-General's Department providing a centralised coordination and processing function. The Attorney-General will, however, be required to provide an overview of the operations of the Act in the previous year, which will be published in the annual report of the Attorney-General's Department.

Secondly, the Bill will bring within the coverage of the FOI Act Territory-owned corporations and their subsidiaries and will ensure that the act of corporatising a public body does not mean that that body ceases to be covered by the FOI Act. At present incorporated companies and associations are not agencies, although such bodies over which the Territory is in a position to exercise control may be brought under the Act by regulation. Making such bodies agencies for the purposes of the FOI Act would also bring them within the coverage of the Privacy Act 1988 of the Commonwealth.

ACTEW Corporation Ltd became an agency by specific amendment of the FOI Act. The effect of this Bill is that ACTEW Corporation Ltd, Totalcare Industries Ltd - the only other Territory-owned corporation at the present time - and any Territory-owned corporations created in the future and subsidiaries will be under the coverage of the FOI Act. The Legislative Assembly, of course, has before it the Betting (Corporatisation) (Consequential Amendments) Bill 1986, which, if passed, will make ACTTAB a Territory-owned corporation. It is, however, recognised that Territory-owned corporations and their subsidiaries should not be unduly disadvantaged in relation to their private sector counterparts and, to this end, these bodies will be exempt from the operation of the FOI Act in respect of documents relating to their competitive commercial activities. The Assembly recently passed the Ombudsman (Amendment) Act 1996, which, among other things, brought Territory-owned corporations and their subsidiaries within the jurisdiction of the Ombudsman.

Thirdly, the Bill will increase review rights in respect of some decisions in relation to the fees and charges payable. One of the recommendations of the Report into the Administration of the ACT Leasehold, the Stein report, was that the Act be amended to include a right of internal review in relation to a decision not to waive the application fee or a general decision in relation to charges as well as the specific amounts of charges to be imposed. The Bill will provide for internal review in respect of these decisions and will, in addition, provide the opportunity for a review by the Administrative Appeals Tribunal of internal review decisions which are unfavourable to a person.

The opportunity has also been taken to include in the Bill some housekeeping amendments. In order for the proposed new reporting arrangements to operate in respect of the 1995-96 reporting period, the Bill should commence as soon as possible, and it is proposed that it be considered by the Assembly in these June sittings. Because of this expedited process, I would be happy to make officers of the Attorney-General's Department available to brief members of the Assembly who require information about aspects of the Bill. I commend the Bill to the Legislative Assembly.

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

CRIMES (AMENDMENT) BILL (NO. 2) 1996

MR HUMPHRIES (Attorney-General) (11.00): Mr Speaker, I ask for leave to present the Crimes (Amendment) Bill (No. 2) 1996.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Crimes (Amendment) Bill (No. 2) 1996 and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

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Mr Speaker, this Bill repeals and replaces section 349ZX of the Crimes Act 1900. The existing section is a simple provision which gives a police officer of or above the rank of sergeant the authority to ask a medical practitioner to conduct an examination of a person in lawful custody on a charge of committing an offence. It had always been thought, and one court case had decided, that the "examination" included the taking of a blood, saliva or hair sample - if necessary, without the consent of the person.

An example of the kind of situation when this might be necessary is when a person is charged with rape and refuses to provide a sample of blood which would be needed for the purpose of DNA testing. However, in 1995, in the case of *Fernando*, the New South Wales Court of Appeal held that the provision did not allow the taking of a blood sample without the consent of the person. As a consequence, the New South Wales Parliament has amended its Crimes Act to deal with this situation. It is likely that an ACT court would follow the New South Wales decision, as our legislation is based very closely on the New South Wales legislation, and this Bill aims to deal with that possibility.

This Bill primarily clarifies that a sample of blood, saliva or hair may be taken in the course of the examination by the medical practitioner. It also clarifies that taking the sample may be done without the consent of the person charged. The Bill, however, provides a number of new protections, and these follow the principles in the model forensic procedures Bill. I would like to give a little more detail about the model Bill, as I hope to introduce such a Bill, suitably adapted for the Territory situation, by early next year at the latest. The model Bill is a very detailed piece of legislation dealing with all aspects of forensic procedures. It was developed by the Model Criminal Code Officers Committee at the request of the Standing Committee of Attorneys-General. It was developed over a quite long period of time and involved extensive consultation throughout Australia. Most jurisdictions of the Standing Committee of Attorneys-General, including this Territory, gave in-principle endorsement to the model Bill in 1995 and, as I have mentioned, the Government has already approved preparation of the necessary legislation to implement that model Bill. As I have mentioned, finalisation of an ACT version of the model Bill is only a few months away, and the urgency of responding to the *Fernando* decision is such that the present Bill has been developed. This is the context in which I am bringing this Bill to the Assembly.

The most significant protection we have added is that an examination can now be authorised only by an order issued by a magistrate. The other major protections are that the examination must be carried out in circumstances of privacy and that the samples must be destroyed as soon as practicable after the conclusion of the proceedings relating to the offence and the exhaustion of any right of appeal. I believe that, with these amendments, we will deal with the more urgent situation in a way that achieves an appropriate balance between the needs of law enforcement and the rights of the person charged. I commend the Bill to the Assembly.

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

**FINANCIAL MANAGEMENT AND AUDIT
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1996**

Debate resumed from 23 May 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (11.05): Mr Speaker, in short, the Opposition will be supporting this Bill. It provides consequential arrangements subsequent to the passage of the Financial Management and Audit Act in the last sitting, and deals with such things as removing references in other Acts to the Audit Act 1989, allowing for the continued appointment of the current Auditor-General, and some other related matters.

MRS CARNELL (Chief Minister and Treasurer) (11.05), in reply: I thank the Assembly for their support for this legislation. It completes the package of financial management legislation, which is a major milestone for this Territory. I think the replacement of the Audit Act is something that everyone in this Assembly has supported.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

HOUSING ASSISTANCE (AMENDMENT) BILL 1996

Debate resumed from 23 May 1996, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MS REILLY (11.06): Mr Speaker, I think it is important to look at the amendments that the Minister has put up. These amendments, introduced so modestly by the Minister in the last sitting, are very important.

Mr Humphries: He is a modest guy.

MS REILLY: At times he makes a lot of noise about things and I would have thought that something as important as a change in the arrangements for housing in the ACT would have warranted a little more noise and a little more discussion with the community. He suggested in his introductory speech that the amendments in this Bill would just supply the necessary arrangements to allow the ACT to participate in the new housing agreement put up by the Commonwealth Government. Members should note that this is a new housing agreement. This is the first new housing agreement we have had for years. The one that we were working on, the 1990 agreement, to which the ACT is a signatory, came out of a 1984 agreement. It is quite a number of years since we have had a new housing agreement.

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We have had the principles that are set out in that housing agreement that we have been working on since self-government in 1989, so to start in 1996 with some changes is quite a landmark event. Obviously, it is not one that the Minister seemed to feel a need to discuss with a wide range of people; he did not see the need to discuss the Bill with the community. We should remember that housing is a vital and essential issue. It is one of the most important needs for all people. Having access to affordable housing is a very important part of this community, and it is an issue that we should keep in the forefront of our minds.

If you look at the way that we have managed housing in Australia, there is a very interesting history of public provision, particularly since World War II with the introduction of the Commonwealth-State housing agreements. They provided a number of different supports for people through rental assistance and to assist in purchasing. Home ownership has been one of the key indicators of Australian prosperity. Since the end of the Second World War we have gone from about 50 per cent of home ownership to 70 per cent, which makes us one of the highest home ownership countries in the world. This is something that we are justly proud of; but, if we do not keep an eye on it and ensure that people have access to housing, this will not continue. In fact, the figures are already showing that younger people are not coming into the home ownership market, because housing affordability is no longer so available to all. I think this is something that we need to keep in mind, and it is something that has not been mentioned to any great degree in these amendments.

The ACT also has an interesting history in relation to the provision of housing. Without a doubt, if you look at the way Canberra developed, it is a company town. The first provision was all public housing, obviously at different levels, depending on which part of the public service one worked in. The provision of housing acted as a way of attracting people to Canberra. Obviously, the Government built much of the older part of Canberra. Obviously, the direct provision has changed over the years, but the government still is an important part of housing provision in the ACT. We have about 12,500 units of housing here and we are the biggest landlord in the ACT. Ten per cent of the housing in the ACT is public housing, and I think this is a record that we can be justly proud of, and one that we need to maintain.

One of my concerns about this Bill and the amendments that are being proposed is that we are not spelling out some of our commitment to this housing. In fact, you could look at the amendments and the parts that they are removing from the Act, such as the Schedule, and suggest that we will have a mere skeleton of a Housing Assistance Act for the future. Housing is also an important part of our industry and an employment growth area in the ACT, and we will need to maintain it as well, for the same reasons. The Minister was very modest in his introduction of the Bill. There was no fanfare and there was no community consultation. Looking at some of the provisions of this Bill, one of the first things mentioned is that we no longer attach the housing agreement to the Act. The reason given in the explanatory memorandum is that it is no longer necessary, but I would suggest that it is. It forms an important part of what we are going to do in housing. The thing that it does do is spell out in more detail some of the provisions of the new housing agreement, some that have not been mentioned in the amendments that have been put up at this time.

If we disengage the Schedule from the Act as it now stands, this does allow the Minister more flexibility in action. He also has the opportunity to sign this agreement and does not have to come back to the Assembly for many days after he has signed it. In this case it would be well into the next financial year before the Assembly has the opportunity to see the new housing agreement. There is a draft agreement being circulated at the moment; but the Minister, in all his modesty, does not feel the need to circulate it to his Assembly colleagues. Upon request, I did receive a copy; but it was not offered. One wonders, then, Minister, whether you are actually ashamed of some parts of this new agreement. There is a great shift in some of the provisions, if you look at some of the basis upon which this agreement has been set up. In fact, there are many good things in the agreement.

Unfortunately, it has failed to properly address the most central issue of housing, which is housing affordability. Quite a number of studies have considered the central importance of housing affordability, the last one being the national housing strategy which looked at this issue in close detail in 1992 and put up a number of propositions to take account of this. It also set out quite explicitly what happens when people do not have access to affordable housing. People continue to live in poverty. If private rents take up 50 per cent or more of the family income, which is quite possible, problems arise. You have stress on families; you have overcrowding; you have people maintaining their houses so that they have a roof over their heads, but not being able to have any of the other amenities that you would expect in Australian society today. I think many people would have seen the broadcast on the weekend about migrants living in Australia and some of their problems with access to housing now. This may not be the case in the ACT; but, if we do not guard against it, it could be the ACT. In the previous agreement that this Bill is replacing, this was the primary principle that was addressed. It stated that the primary principle of the agreement was to ensure that every person in Australia had access to secure, adequate and appropriate housing, at a price within his or her capacity to pay, by seeking to alleviate housing-related poverty and to ensure that housing assistance, as far as possible, was delivered equitably to persons resident in different forms of housing tenure. There is not such a strong statement in the new agreement.

One of the other positive parts, and there are many positive parts, Minister, of the amendments that you are suggesting, is the insertion of an objects clause. It is good to see some statement of the commitment that your Government has to housing provision, and this is a very positive move; but it would have been useful if you had used the words that are in the draft agreement put out by the Commonwealth. There seems to be a reluctance to accept some of the words that are in there. Do you not agree with the agreement, even if you are going to sign it? In there they have been quite straightforward in suggesting the principles under which there should be housing assistance. It talks about assistance being responsive to the needs of the consumers. You will note that in the objects in this amendment Bill consumers do not rate a mention on their own. They are obviously implicit in all the amendments, but they are not mentioned on their own, and that would have been a very helpful thing to have in there.

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It also says that assistance is provided equitably. That is also a word that seems to have failed to make its way into these amendments. It says that assistance is provided on a non-discriminatory basis. That also is a very positive thing within the Commonwealth's statement, to which we assume the ACT will be a signatory. It would have been good if it had also been put into the objects of the amendments, because that would have given the opportunity for the community to see, and to have spelt out, what the Government's commitment is to housing provision in the ACT. The Commonwealth draft agreement goes on to set out other things that are essential, and some of these are considered within the objects that are in the Bill. There is a very broad statement in the proposed amendments which says:

... to maximise the opportunities for everyone in the Territory to have access to housing which is affordable, secure and appropriate to their needs;

I think it would have been helpful for all if this had been spelt out in a little more detail. Then we have statements about how you can have access. The next object is:

... to facilitate the provision of housing assistance for those most in need;

That is extremely commendable, and I would not suggest in any way that it should be changed; but it would have been useful to have a little more detail. It would have been useful to mention the consumers who are going to use the housing that is provided.

As part of the new system, there is no detail of some of the programs that are going to be done. I think there are some positive parts about giving the opportunity for more flexible provision at the State level. There is a statement there about further development of community housing, which is very pleasing. I understand that community housing people are pleased that it will be mentioned, but they are concerned about the fact that the Commonwealth is now untying provision to community housing. I am hopeful that the fact that community housing does rate a special mention in this amendment Bill is an indication that this ACT Government is still committed, and will continue to be committed, to community housing. This is important.

There is another group who also have needs for housing but have not been mentioned, and that is the homeless. If you consider the draft Bill, they are mentioned as a specific group that needs housing. It would have been good if the ACT Government could have felt that they could include them as a special group within this housing assistance. I am sure that the Government is committed to continuing to provide housing and to assist people who are homeless or who have trouble with finding adequate housing, but it comes back to explicitly making some of these statements. It also would have been useful to include outcome measures, which is also in the draft agreement. There seemed to be a reluctance to take account of what was in that draft agreement. Obviously, the strategic plans, put together through, I admit, much consultation, will have some of these outcomes that are going to be provided by the ACT Housing Trust and people providing housing in the ACT; but it would have been useful to have some mention of the sorts of outcome measures that the Government might be considering in working out what housing they are going to give to people who require it.

The Bill goes on to mention other changes that are consequential to being part of this new agreement. If you look at proposed new section 11A, it sets out how the Minister can sign the agreement, because we agree that it is a good thing; but there is the problem that he is not going to come back and show the Assembly what the new agreement is. I understand that this agreement is going to be for only 12 months at this point, in order to give the new Commonwealth Government time to work further on their policies. This could be a positive thing for the ACT as well because it could give this Government time to think about how they want to continue to provide housing here in the ACT. But it would be useful if the Minister felt that he had to confer more with his Assembly colleagues as to what the terms of this new agreement will be, if only to be able to present it so that we can look at it in detail and also be part of this process.

Moving on, section 15 of the principal Act talks about how rent is charged. This Bill maintains the general framework that is used, rather than spelling it out in any detail. Again, because this is an area which is so contentious at times, it would have been useful to have more understanding of the principles upon which this was based. I am informed that there has been no change in how rent is going to be worked out in terms of market rents. I also understand that "market rent" is not a term that is used within housing at this time, and it would have been useful if the current terminology was included in these amendments.

Part of the consequential arrangements that relate to the Financial Management Act is the changes to section 18 in relation to the financial arrangements. Obviously, it is important that this Bill is consistent with the Acts that are now in place, and the Financial Management Bill became an Act after the last sitting, and housing provision has some relationship with that. But, by having accounts as per the Financial Management Act - a positive part - we get rid of the commitment and the showing at this point of the different sorts of programs that are available; in other words, the provision for rental assistance and the provision for home purchase, which are two very important subprograms of housing provision. I think it would have been useful to show some commitment to this. It is good that we make it align with the Financial Management Act, but it would have been useful to have more detail about it.

The other interesting part about that is the bit that is tacked on and becomes new section 17A relating to children under 18. That section looks at financial management and how the accounts are kept within the Department of Housing. It is strange that we then tack on a little piece that deals with the commissioner's relationship with children under 18. I was assured that it was all right; it had to be there somewhere. I would have thought there would have been the possibility of putting that in a separate place so that you actually highlighted it more; that this was an important matter that needed to be arranged to ensure that the Commissioner for Housing can make an arrangement with children under 18. There is no need to change it at this point, because it is important that children under the age of 18 do have access to housing. Without a doubt, this is one of the very contentious issues within the housing field. It has never been worked out

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between any Commonwealth and State governments as to who has responsibility for children under 18 and over 16. This obviously is an area of great strife because quite a number of children have nowhere to live, both in the ACT and in the rest of Australia. It would be good if we could give more attention to this matter, rather than attaching a tacky little clause to another one for convenience.

I think this indicates some of the hastiness in the preparation of this amendment Bill, and I think that is quite sad. The attitude seems to be, "Let us put it up quickly. We have to sign by 1 July. We need to have access to this money. Let us get on with it", without the Government thinking through what a commitment to the provision of housing in the ACT is. Why do they not want to spell this out, I wonder. It would be useful if we knew some of the detail of what they are going to do. Without a doubt, the ACT cannot be left out of the signing of the draft agreement. This draft agreement seems to vary according to whom you are talking to, on which day, and whether it is going to be a one-year agreement or a three-year agreement. I understand that at the moment it is only a one-year agreement. I think this will be useful for the ACT Government in considering what their commitment is to the provision of housing. It will give time to the Government to be more up front about their commitment.

Government housing has a big role and is a major part of our budget. It is an essential service that we all need, and I think there needs to be more discussion and more consultation with the community than the Minister has done in this situation. His modesty, obviously, is commendable; but I think it would have been useful if on this issue he had been just a little more gregarious and had talked a little more to people about some of the provisions. There has been discussion of what is going to be in the agreement - there has been a quite broad discussion of that - but there is a difference between a broad discussion about a Commonwealth agreement and what will be in an ACT Act. I think it would have been useful to have more of that. As you know - you have talked about it yourselves - the transparency of the administrative process is very important, and in this instance it is not there.

The Minister has to sign this agreement by 1 July. The ACT has to be part of the new housing agreement because we have to continue our commitment and our role in the provision of housing to people in need in the ACT. We are going to be a participant in this agreement. It is important that we do not put up any barriers to our participation. If we took more account of some of the parts of this new agreement, I think this would guide us in some of the things we do. I would suggest that the Minister do that and not hide some of the parts of that agreement in the way that he is. I would suggest that we support this Bill as it is at this time, but note with some sadness some of the omissions and the lack of detail in the Bill.

MS TUCKER (11.26): The Greens will not be opposing this Bill, although I must say that I do have some reservations and uncertainties about the implications of the new arrangements for housing provision in the ACT. I understand that there is a move towards giving States more power in relation to the provision of housing, in line with recommendations of the Industry Commission report on public housing. There may well be some benefits from allowing the States greater flexibility in the delivery of housing; but there could well be some costs, particularly for people with the greatest need.

I have only just received the proposed new Commonwealth-State Housing Agreement and I look forward to receiving a briefing, but there are obviously some significant changes. There is a definite shift towards the market model of housing provision, and this is reflected in the objects. The Greens are also concerned that we do not see anywhere in this Bill a reference to energy conservation, which is alarming in the extreme because we have an opportunity here to set up some kind of model. You might have noticed that in the *Canberra Times* today there was an article about how inappropriate a lot of our housing still is for the climate and for the targets that we have set to reduce greenhouse gases, and a major part of that, of course, is always going to be conservation of energy. We have an opportunity to do that in any housing policy, and we will be hoping that that will be acted upon and improved upon.

I notice that in the objectives set in the Bill there is this statement:

... to promote the establishment of appropriate mechanisms and forums to allow input to housing policy by consumers, and potential consumers, of housing assistance and by representative non-government agencies involved in housing policy and provision;

So there is an opportunity there for more input from energy conservation groups to integrate those concerns into this policy.

It is useful to have the objects explicitly defined in the legislation. I think it is important to note, as Ms Reilly has, that there is quite a shift in the objectives. The existing agreement states that the primary principle of this agreement is to ensure that every person has access to secure, adequate and appropriate housing at a price within his or her capacity to pay. Under the new agreement, in the corresponding objects in this Bill, the first objective is "to maximise the opportunities for everyone in the Territory to have access to housing which is affordable, secure and appropriate to their needs". Access to appropriate and affordable housing is of the utmost importance in our community, and I hope that the new agreement will ensure access and equity as well as the promotion of greater diversity in housing in the ACT.

MR MOORE (11.29): Mr Speaker, in this legislation the objects of the Act are identified and I think they are, as Ms Reilly appropriately pointed out, worth looking at and worth understanding. I do not think anybody could really have any huge difficulty with the social justice that underlies the objects of the Act. For that reason, I would like to congratulate the Minister on bringing this agreement to the house. "To maximise the opportunities for everyone in the Territory to have access to housing which is affordable, secure and appropriate to their needs" is, in itself, a grand goal, Mr Speaker. It distinguishes, as I have a number of times in this house, although perhaps not in this Third Assembly, the difference between public housing and welfare housing, and I think it is a very important distinction that is worth making just one more time. When we use government housing to look after just those in need it soon becomes very clear that welfare housing becomes marginalised housing. It tends to go to the fringes of the suburban areas, and it tends to go into the less desirable areas within the ACT.

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Indeed, Mr Speaker, I believe that there may be a tendency to push us towards welfare housing as opposed to public housing. Public housing is the system we have now where there is public ownership of a wide range of housing. On many occasions - in fact, one could argue, in most cases - people become involved in public housing because of a welfare situation; but then, as they gain jobs, as they become more able to afford their housing, they pay full market rent. That in turn, of course, subsidises the other housing, which could be described as fulfilling the welfare need. This notion of public housing rather than just welfare housing means that there is public housing around us, as there is in almost all suburbs of the ACT. There is no question of people being marginalised. Most of us know whether or not a house is a government house. Is it public housing? Yes. Is it welfare housing? We do not know. It is quite appropriate that we do not know. So we have a situation where our neighbours who are in need are helped without at the same time being put in a situation where they are embarrassed in any way about being in government housing.

Mr Speaker, this area of concern is not one that comes out of the legislation, I believe, or the agreement that the Minister is currently tabling, but really one that comes out of the broader discussions that were referred to, certainly by Ms Tucker and Ms Reilly, and that are going on at the moment in terms of the Federal Government's agenda on housing, and is something about which we must be particularly wary. It may well be seen as a method of saving money. If it is just dry economics that you are looking at, be warned that it will not be a method of saving money.

In congratulating the Minister on this agreement, I think it is a perfect opportunity to make him wary of any further agreements. The reason it will be an expensive option in the long term, with some short-term savings, is that we will spend the money on other welfare and policing agencies. Where we see situations of welfare housing and people being marginalised, we invariably see a greater discrepancy between those who have and those who do not have. We invariably see greater social problems, and you only have to look to the United States to know that that is the case. At a meeting I had with the person in charge of drugs policy in the Clinton Administration, Dr Lee Brown, when I was in the United States a couple of years ago, we talked about the differences between the social structure in Canberra and the sorts of issues that he had to deal with. I described to him the public housing that we have here, and his response was that if they had that system throughout the United States he would be able to resign from his position.

Mr Speaker, these are real issues of social justice and social equity and the sort of society that all of us in this house have spoken about at different times in terms of our aspirations. Public housing is one of the ways that we can achieve an equity that assists in preventing social dislocation. Mr Speaker, we know that we are not living in an ideal world, and we are never going to have a 100 per cent success rate. There will be people who are socially dislocated, and Ms Reilly mentioned the homeless in her speech. However, we are doing far better than most, and I think that is something that we should be proud of and be careful not to undermine.

Mr Speaker, I will not read right through the objects of this Act as they are before members in the legislation. They make me feel that what the Minister has provided for us is a real sense of social location rather than dislocation, a real sense of social justice, and a real sense of community. That is what comes through this kind of agreement. It is very important that the Minister, in his discussions with the Federal Government as they seek to make changes to the housing situation, continue the approach he has brought to the Assembly now.

I know that you, Mr Speaker, in your role as Opposition spokesman in this area for a number of years, on many occasions raised issues, both in letters and in the Assembly, where people had not been dealt with fairly and sought to ensure, case by case, that public housing in the Territory was conducted appropriately. On many occasions I shared with you concerns about individuals. In this case I think it is appropriate for us to ensure that that concern for individuals goes right across the whole spectrum of housing and the housing agreements. That is why, Mr Speaker, I will be supporting this legislation.

MR HIRD (11.37): The purpose of the proposed amendments to the Housing Assistance Act 1987 is to give effect to the Commonwealth-State Housing Agreement, which is proposed - - -

Ms McRae: He is practising to be Minister.

MR SPEAKER: Order!

MR HIRD: Will you give me protection, Mr Speaker, from that rabble over there?

MR SPEAKER: Order! That is exactly what I am doing.

MR HIRD: Thank you very much, sir. The agreement is due to commence on 1 July this year. The Bill makes explicit the Government's objectives, both in signing this CSHA and in administering housing assistance in the ACT, by incorporating a statement of objectives in the legislation; overcomes some technical inconsistencies within sections 16 and 17 of the Act; and removes financial administration inconsistencies with the ACT financial management reforms. The current CSHA was appended to the Housing Assistance Act 1987 as a Schedule. This occurred prior to the ACT becoming a signatory to the CSHA, with the intention of reflecting the ACT's alignment with the principles of the CSHA. As the ACT now is a formal signatory to the CSHA and bound by the provisions of that agreement, the original purpose for the Schedule is redundant.

Clause 5 inserts a new section 3A in Part I of the principal Act, which states the objectives which the Minister is to consider in the administration of the principal Act. To enshrine these objectives in the main body of the legislation mirrors Federal legislation and emphasises the move towards housing assistance which is outcome focused and performance based. Clause 6, new Part IIA, relates to the availability for free public inspection of any new CSHAs, now that they are no longer to be included in that Schedule to the principal Act. Clause 7 amends section 15 of the principal Act to include

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a definition of “market rent”. The provision for rent rebates for those who cannot afford to pay market rents remains. The remaining amendments, Mr Speaker, rectify certain administrative and technical inconsistencies, including provisions relating to consistencies with ACT Government financial management reforms. I congratulate our Minister, Mr Stefaniak, and I commend the Bill to the Assembly.

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (11.39), in reply: I thank members for their comments. I want to mention a number of things. As Ms Reilly has correctly stated, housing has changed considerably in the ACT. Yes, we were very much a company town, and that is changing too. For example, back in 1950, I think, some 96 per cent of all housing in the ACT was owned by the Commonwealth. It was public housing. We are down now to some 12.8 per cent, but we do have a very large public housing stock. We are the largest landlord in the Territory and, with the exception of the Northern Territory, we have a much greater percentage of housing stock than any other State.

Mr Speaker, perhaps I should apologise to Ms Reilly for not ranting and raving more in relation to this Bill. I did not, so there we go. I am glad that she does concede, at least, that there has been broad discussion about the Commonwealth-State agreement in the community, and in the community affected by public housing especially. I think that is terribly important because, putting it at its best, the new agreement will certainly give a lot more flexibility to the State or Territory in terms of the provision of public housing and the Commonwealth becomes more the money supplier to make up the gap between what the market rent is and what the subsidised rent is for the tenants. That flexibility is important for the ACT especially in regard to such things as maintenance, because one of our biggest problems is maintaining our stock. A lot of our stock, some 50 per cent, is over 20 years old. Canberra is ageing, and a lot of the buildings are ageing. That certainly does apply to housing stock, so maintenance is always going to be a problem. Flexible delivery of housing services, and especially greater flexibility in such things as the provision of maintenance, I think, will be very important.

Ms Reilly was somewhat concerned about the objects, in that there are certain things that are not in this Bill. I think her concern can be allayed somewhat by the fact that this Bill is an amendment to a principal Act and, as Mr Moore has correctly pointed out, the objects are quite comprehensive. Objects, by their very nature, are meant to cover all relevant areas and necessarily have to be somewhat broad. When one goes through the objects - I do not propose to do so because they are there for all members to see - they are broad, but they certainly show the commitment of this Government and this Assembly, and I thank members, to those very important objects behind the provision of public housing. Probably one of the main objects is “to maximise the opportunities for everyone in the Territory to have access to housing which is affordable, secure and appropriate to their needs”. That applies to welfare housing and to other types of public housing. To an extent, I suppose, one could even tack that onto other types of housing as well.

A point raised by Ms Tucker related to energy conservation and the fact that that was not mentioned in the Bill. I think that is probably more a point of detail. As no doubt Ms Tucker would be aware, all new government housing in Canberra - despite economic difficulties, we try to provide as much new housing as we can, to ensure that our tenants are properly catered for - has to be built with this in mind. In fact, over the last 14 or 15 months as Minister I have had the pleasure of opening a number of new housing projects which have the latest in energy conservation. I think Ms Tucker and her colleague Ms Horodny have been to a couple of those openings and have inspected some of those new buildings, and have been, I would hope, fairly favourably impressed by the energy conservation shown.

Mr Moore quite correctly stressed the importance and the innate fairness and sensibility of the objects set out here, and I thank him for his comments. He also mentioned the need not to push people to the fringes. I think in Canberra we are very fortunate - and we are continuing this policy - in having public housing in the vast majority of suburbs. There are now new designs. They are not just things like the Radburn design, or the classic standard 1947 three-bedroom govie design. We now have different types of designs for the newer houses. Quite often it is very difficult to tell what is a public housing property and what is a private housing property. Our tenants are spread throughout the suburbs. We also have various alternative types of housing - some of the community housing is a good case in point here - also spread throughout the suburbs, and not necessarily on the fringes. I think that is testimony to the fact that public housing has been spread throughout Canberra in an attempt to avoid some of the problems in other parts of Australia and overseas where you do have public housing concentrated in a certain area and you risk such things as ghetto mentalities.

As well, in recent times, where there are large concentrations of people in public housing, such as in the flats, certain things have been done to improve the amenity of people. In terms of the ABC flats, improvements have been made there. The fact that there is a housing officer there to assist on a regular basis, that there are such things as guardian angels and that a significant refurbishment of gardens has taken place has led to a marked improvement in terms of lessening crime. People actually want to move there and there is a greater amenity of life for our tenants. Similarly, improvements in such places as Burnie Court have led to an improved quality of life for tenants in those larger areas. All of those things are crucially important in terms of public housing. So we do have a good mix of housing and types of housing, and a good mix throughout most of our suburbs.

Mr Speaker, at this stage in terms of the Commonwealth-State agreement the aim is that both the Commonwealth and the States are not disadvantaged in any way financially, and I think that is essential, especially speaking on behalf of the Territory. There is no way that we would want to be disadvantaged in any way. In terms of the new agreement, which is basically Brian Howe's option B with a few amendments, there is significant potential, if it is done properly, for public housing not only in the Territory but Australia-wide to really advance into the twenty-first century, with more flexibility for the States, significant input of moneys still from the Commonwealth, and the ability for improvements to be made as a result.

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I thank members for their support of the Bill. I also thank members for their comments and, in some instances, for suggestions that it could be a bit better. I commend the Bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.47 am to 2.30 pm

QUESTIONS WITHOUT NOTICE

Government Services - Interstate Users

MR WHITECROSS: My question is to the Chief Minister and Treasurer. I refer to the Chief Minister's pledge on Friday of last week that she will make New South Wales residents pay for the services they utilise in the ACT, such as those provided by our schools. Mrs Carnell, have you or your department quantified the cost of servicing New South Wales residents in the ACT? How does this compare to the Grants Commission's recommended allowance for these services? Have you communicated your specific concerns to Mr Howard and the Premier of New South Wales, Mr Bob Carr? Could you table any analysis which you have on this issue?

MRS CARNELL: Taking into account that it is Tuesday and that we ended up with the quite substantial reduction in ACT funding last Friday, full analysis has yet to be done. But what we do know is that there are 1,200 school students from New South Wales currently utilising ACT government schools; that is, at the school level. We are not talking about CIT or further education. The return that we get for those students is in line with national averages. The Commonwealth Grants Commission gives us national average figures to teach those children in ACT government schools. As we know, the cost of education in the ACT is substantially higher. In fact, the figures range between 20 and 30 per cent potentially higher.

Where the issue is of real concern is at the college level, where, as we know, the Commonwealth Grants Commission covers the ACT for only the national average retention rates within our school system. In a situation where our retention rates are very close to 100 per cent, in the college area anyway, and where the national average is in the 75 or 76 per cent range, it means that there is an extraordinarily big gap at the college level in terms of what New South Wales pays us and what it really costs us to look after students. Yes, I have spoken to Bob Carr about the issue; yes, I have spoken to the Prime Minister about the issue; and we are currently in the process of getting a full documentation drafted to Mr Carr in line with the comments that I made on Friday.

MR WHITECROSS: I have a supplementary question, Mr Speaker. I think Mrs Carnell might be getting confused between the issue of retention rates in ACT schools and the issue of New South Wales paying for students in ACT schools. Part of my question was: Can you table any analysis relating to the cost of servicing New South Wales students, compared to what the Grants Commission are paying us? There must be some analysis if you know that there are 1,200 students. Can you confirm that any attempt to directly charge New South Wales for ACT services provided to New South Wales residents may be of limited value and result only in a corresponding cut to general revenue grants?

MRS CARNELL: At this stage, the views of the departments are that the extra revenue to the ACT from Education directly could be in the vicinity of \$3m to \$4m. In Health the figure is about \$16m. The reason that the figure in Health is so much higher is that New South Wales has refused to pay the ACT any component for the amount of money that we have to put into capital to service the 25 to 30 per cent of patients that use our hospital system. Yes, I am certainly in a position right now to table the statistics with regard to Health. We are currently in the position of working up the figures with regard to Education.

There are also a number of other services that are provided to New South Wales residents in the area, such as community services, community care and so on. I think it is very interesting to hear that those people opposite believe that somehow this is not an appropriate way to go. I think they would find that residents of the ACT, taxpayers of the ACT, are no longer willing - - -

Opposition members interjected.

MR SPEAKER: Order!

Mr Hird: On a point of order, Mr Speaker: I draw your attention to standing orders 39 and 37. In particular, under standing order 37, I ask you to take control of this chamber.

MR SPEAKER: I was trying to do so when you interrupted.

Mr Hird: Keep that rabble quiet, sir.

MR SPEAKER: The Chief Minister is answering the question.

MRS CARNELL: Mr Speaker, I am surprised that those opposite seem to think the issue of charging both New South Wales and the Federal Government is something of a joke.

Opposition members interjected.

MR SPEAKER: Order! The Chief Minister has the floor.

MRS CARNELL: Those on this side of the house simply do not believe that the people of the ACT should any longer have to foot the bill for looking after people from New South Wales who pay their taxes to New South Wales.

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Ms McRae: They will put a toll on their roads next. What about a toll on the roads?

MR SPEAKER: Order, Ms McRae!

MRS CARNELL: Nor should we any longer be subsidising the Federal Government to utilise our city. Those opposite seem to think this is funny. The fact is that ACT taxpayers should not be subsidising either New South Wales or, for that matter, the Federal Government, and we will be doing everything in our power to ensure that that does not happen in the future.

Just as an illustration, because it still seems that those opposite believe that this approach is somewhat of a joke, we have in recent days taken on the New South Wales Government with regard to cross-border charges for patients who use ACT hospitals. In the past, the amount of money that the ACT Government has got has been virtually national average; in other words, 30 per cent below what it actually costs us to treat patients. We have managed, in this cross-border approach, after significant negotiations, to actually get about \$3m extra; so it does show that going down this path can produce real benefits to the ACT and to the taxpayer, and it simply is not a laughing matter.

Public Service - Workers Compensation Premiums

MR KAIN: Through you, Mr Speaker, I have a question of the Chief Minister and Treasurer. Chief Minister, it is my recollection that ever since self-government we have had some concerns about the level of workers compensation payments to Comcare; they seem to have risen year after year and seem to have been virtually out of control. This Government last year said that they were going to fix this. Chief Minister, on that basis, can you inform the Assembly whether the reforms that you have put in place have had any impact yet and whether or not the media reports this morning indicating considerable savings to the Territory are, in fact, true?

MRS CARNELL: Thank you very much, Mr Kaine. You point out quite rightly that workers compensation premiums have represented a substantial and growing cost to ACT taxpayers since self-government. Our Comcare premium in 1990-91 was about \$15m, increasing to \$21.4m in 1993-94 and to \$33.45m in the current financial year. Even allowing for the Commonwealth decision to create a separate ACT premium pool in 1994-95, the premium increase over the last four years has been almost 80 per cent - a substantial increase. That \$33.45m represents 5.2 per cent of our total wages bill. By contrast, other jurisdictions with similar responsibilities pay between 2.5 and 3 per cent of their wages bill in workers compensation premiums. To put that into perspective, \$33.45m is roughly equivalent to the entire sports, arts and emergency services budgets combined. It is a major drain upon our budget.

Stabilising the spiralling costs of workers compensation was a key priority for this Government when we took office last year; so I am delighted to be able to report to this Assembly that for the first time since self-government our Comcare premium will actually fall in 1996-97. Taking into account the fact that we budgeted for a \$3.5m increase and that we will also benefit from a discount for early payment, the total budget savings will be approximately \$4m. This is a dividend from better management. It is as simple as that. For a problem that for several years was put in the too-hard basket by those opposite, it shows that the benefits can be very real.

It is interesting over the years to have heard Mr Berry always speak about how he was the workers' friend. I do not think the 422 people who were on long-term compo when we came to government would believe that that was a friendly thing to do. I am absolutely confident that nobody wants to be on long-term compensation. I believe strongly, as I am sure everyone on this side of the house does, that compensation and rehabilitation are very important issues.

Mr Berry: No; I think you are a joke. You kicked them off workers compensation.

MRS CARNELL: Again, Mr Berry seems to believe that it is actually a funny issue, but for the people involved it is very real. We have made sure that all of the 422 cases now either have been resolved or have management plans in place - management plans that simply did not occur until this Government came to power. That means management plans to get people back into the work force or, alternatively, into some other form of quality of life that is appropriate for the particular person. I can guarantee to those opposite that nobody has been thrown off their Comcare benefits.

MR KAINÉ: I have a supplementary question, Mr Speaker. During the Chief Minister's response, I clearly heard Mr Berry say that the Chief Minister was a joke. Given that the Chief Minister has achieved savings of \$4m for the ACT taxpayer, does the Chief Minister agree that the joke seems to be on Mr Berry?

MRS CARNELL: It certainly does. A situation where Comcare premiums went up from \$15m to \$33m over a four-year period is simply not a joke. That is money that could have been spent on other issues; it could have been spent on health, education, community services - all those sorts of things that improve quality of life. What certainly does not improve quality of life is having people on Comcare benefits for 45 weeks plus.

Health Services - Interstate Users

MR BERRY: My question is directed to the Chief Minister in her capacity as Minister for Health and Community Care. Will the Chief Minister explain how she intends to change the Medicare agreement in order that higher charges can be made against other States, particularly New South Wales, whose residents use our health system?

MRS CARNELL: It has already been done. The reality is that this year we have come to an agreement with New South Wales for New South Wales not to pay us national averages. In fact, New South Wales is paying us, I think, \$3,145 per patient instead of the \$2,400 that was paid under your Government. It is simply a matter of negotiation,

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Mr Berry; it is simply a matter of sitting down with New South Wales and working out a position that is equitable to all concerned. The amount that was budgeted for in the ACT budget, along the lines that those opposite took - and that was just national averages - was just over \$21m. As it turns out, we have managed to convince New South Wales to pay us just over \$24m.

MR BERRY: I have a supplementary question, Mr Speaker. Does the Chief Minister seriously believe that, following the Federal Liberals' cut to State funding, Mr Carr would hand over the \$16m which you are talking about and which is marvellously close to the \$14.2m which you have lost in Health? Do you think he would do that just to supplement your budget flop? Do you also think he would hand over \$16m to somebody who has just completed a year in which 2,000 patients in our hospital system have not had the operations that they were supposed to have?

MRS CARNELL: Mr Berry brought up another issue in his supplementary question that I feel absolutely compelled to answer. He suggested that somehow this Government had seen a 2,000-patient fall in the number of operations that had been done over the last 12 months. After I have finished answering this supplementary question, Mr Berry is going to wish that he had never, ever, had the health portfolio. Quite seriously, I am about to lift the lid on a scandal that he created and one that he will have to live with for the rest of his time as an MLA.

Several weeks ago Mr Berry issued a media release headed "Operations fall by 2,000 at Woden Valley Hospital under Carnell". In order to explain this matter properly, Mr Speaker, I am going to table in the Assembly Mr Berry's press release. Let me quote from the first paragraph of this release:

In her first year as Health Minister Mrs Carnell failed to match last year's performance with over two thousand less operations being carried out at Woden Valley Hospital, Deputy Labor Leader and Labor Health spokesperson Wayne Berry said today.

Put simply, Mr Berry claimed that Woden Valley Hospital had carried out 2,095 fewer operations between March 1995 and February 1996, compared with the corresponding period 12 months earlier. Mr Berry demanded to know why, if there were 2,000 fewer operations, waiting lists had decreased, and whether Calvary Hospital would have to carry out 2,600 additional operations to equal last year's total. He has hounded journalists just about every day since. Today, Mr Berry, you are going to get the answer to that question. Most disturbingly, I suspect that you already know the answer to that question.

Through its monthly information bulletins, Woden Valley Hospital has, in fact, reported a decline of 2,091 procedures from March 1995 to February 1996, compared with the same period 12 months earlier. At first look, it looks like Mr Berry was right. So I sought an explanation from the Department of Health and Community Care about those figures; and guess what I found out? For every month from November 1993 to December 1994, that is, 13 months under the Labor Government, the number of day theatre procedures was double-counted under the heading "Main Theatre Procedures".

What this means is that the number of main theatre procedures reported in the Woden Valley Hospital bulletins for the years 1993-94 and 1994-95 is incorrect. In fact, it is more than incorrect; it is misleading. What it actually means is that, for six months while Mr Berry was Health Minister and for a further seven months under Labor, the total number of operations was artificially inflated by an absolutely massive number. In fact, the total comes to 3,749 phantom operations - 3,749 phantom operations that were supposedly performed under Labor, under Mr Berry.

These operations, of course, were never performed. The most damning fact is that Mr Berry must have known; he simply must have known. He was the responsible Health Minister; he was the Minister responsible. Day after day Mr Berry comes to this place; he gets on television; he gets on the phone and accuses me of misleading this Assembly and the community about the performance of our hospital system; and then he blames me alone for the problems that the Government is grappling with. Today, Mr Berry, you have a problem of your own. You misled this Assembly while you were Health Minister, and your Government misled the people of the Territory into believing that there were 3,749 additional operations carried out at Woden - - -

Mr Berry: On a point of order, Mr Speaker: Mrs Carnell then claimed that I misled this chamber when I was Health Minister. She must withdraw that immediately.

Mr Humphries: Mr Speaker, on the point of order - - -

Mr Berry: Mr Speaker, I have raised the point of order. She must withdraw that immediately.

Mr Humphries: Mr Speaker, I am responding to the point of order. It is open to a member either to withdraw the comment that someone misled or to move a substantive motion in relation to the matter. Mrs Carnell is perfectly capable of backing up what she says in this place, and I am very happy if Mr Berry would like her to move the substantive motion on that subject now; but I think it would be better for Mrs Carnell to finish her answer and then, if necessary, move a motion.

Mr Berry: She has to withdraw it.

MR SPEAKER: There are two choices, as Mr Humphries has correctly pointed out.

Mr Berry: Mr Speaker, there are not two choices. There is one choice. She has made a claim that I have misled. She must withdraw that. If she chooses later to move a substantive motion, that is a matter we will deal with then.

MRS CARNELL: Mr Speaker, I am willing to change the words to "the figures certainly indicate that Mr Berry has misled this Assembly".

Mr Berry: No, Mr Speaker; she must withdraw the allegation that she has made on the record.

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MRS CARNELL: Mr Speaker, I will change it to say that the figures would certainly indicate that Mr Berry has misled this Assembly. I am very happy to table the figures.

MR SPEAKER: No; Mr Berry wants you to withdraw the statement.

Mr Berry: You have to withdraw it.

MRS CARNELL: I am happy to withdraw the statement that I made - that Mr Berry misled the Assembly.

MR SPEAKER: And now you want to table the papers?

MRS CARNELL: I am very happy to table the papers which indicate that Mr Berry misled this Assembly.

Mr Berry: Mr Speaker, she cannot impute that I have misled this Assembly, without moving the motion.

MRS CARNELL: Mr Speaker, I am willing to withdraw that and say that the figures certainly do not tally with the figures that Mr Berry indicated to this Assembly were true - if that helps those opposite. These 3,749 operations simply do not exist. They are phantom procedures. The then Minister, Mr Berry, was responsible for a cover-up that possibly makes VITAB look even half decent, although that would be pretty difficult.

Let me quote another paragraph of Mr Berry's media release of 24 May:

In her budget speech Mrs Carnell promised that with an additional allocation of \$2m, an extra 600 operations would be performed.

He goes on to say:

And what did we get? Over 2,000 fewer operations at Woden Valley Hospital.

Wrong, Mr Berry; wrong! In fact, after the double-counting of day theatre procedures in 1993 and 1994 under the Labor Government has been removed, total surgery has actually increased, Mr Berry, by 1,362 procedures, or more than 9 per cent, from March 1994 to February 1996, compared with the performance over the same period 12 months earlier. In simple language, Mr Berry, under this Government there have been 1,362 more operations at Woden Valley Hospital than there were over a similar period under the Labor Government. We do not have an extra 600 operations, Mr Berry; we have an extra 1,362, by your own figures. I am happy to table the current information. I have already done so. What it shows is more operations, fewer people on the waiting lists and increased admissions, Mr Berry, under this Government. Mr Berry was the Health Minister until April 1994.

Mr Berry: Mr Speaker, may I raise a point of order at this point? One other question I did raise in the supplementary question - this will have to go down as the longest answer to a supplementary question ever - was that Mrs Carnell might answer how she expects to get Mr Carr to give her \$16m to subsidise her \$14.2m overrun.

MR SPEAKER: The Chief Minister is answering the question.

MRS CARNELL: Mr Speaker, I was actually getting to that.

MR SPEAKER: I am sure that you were, Chief Minister.

MRS CARNELL: Mr Berry continues to accuse this Government of seeing fewer patients, doing fewer operations, and the fact is that we have done 1,300 extra operations. Mr Berry cooked the books when he was Health Minister. One could say that either he cooked the books or he did not know what was going on, either of which would tend to indicate a censure motion, Mr Speaker.

Mr Berry: Mr Speaker - - -

MRS CARNELL: I will withdraw "cooked the books". With regard to the \$16m and why the New South Wales Government would even contemplate paying that to the ACT Government, that is actually the figure that would correlate to the amount of money that ACT taxpayers have to pay in capital costs to service the 25 to 30 per cent of New South Wales patients using our hospital system. In other words, if you have a situation where between a quarter and a third of your patients come from somewhere else, it means beds; it means equipment; it means all the bits and pieces that go to looking after those patients.

The interesting thing is that those beds and that equipment will need to be provided wherever those patients happen to go. If they happen to go to a New South Wales hospital - say, to a Sydney hospital - then, similarly, New South Wales will have to provide the capital cost. The capital cost was one of the issues that we asked be looked at in our recent negotiations with New South Wales. The current Federal Health Minister has indicated that he believes that New South Wales should cover the capital cost to the ACT and that negotiations should continue on the issue.

Library Services

MS HORODNY: My question is to the Minister for Urban Services and is in relation to the library services review. Minister, this review proposes splitting the provision of library services into purchaser and provider; a reduction in the total number of staff for the provider of 13 full-time equivalents; and a substantial reduction in full-time positions on the purchaser side once changes put forward in this review are implemented. Can the Minister tell me just how many jobs, in total, will be lost and what is the justification for cuts in the number of staff, particularly inside the libraries and particularly as we often have reports that some libraries are having difficulty coping with demand, with the present staffing levels?

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MR DE DOMENICO: I thank Ms Horodny for her question. Let me say, through you, Mr Speaker, that Ms Horodny would realise that the review is just that - a review that was out for community consultation. In direct response to her allegations about jobs and the number of jobs, let me say that the review concludes that staff numbers are high. There is no doubt about that; the review is a public document. Agreed staffing levels throughout the review have been maintained for most of the past year, so that there have been no jobs lost over the past year, Ms Horodny. If the review's recommendations to restructure opening hours are adopted - and I am saying "if they are adopted" - the Government will not slash any jobs; it is a commitment that the Government has given and will continue to give. Any reduction in staff numbers will happen only through natural attrition or voluntary redundancies over a period of time as recommendations are adopted. The review has found that the amount of money spent on the library service budget, by the way, is adequate; however, too much is spent on keeping the libraries open for the span of hours and not enough is spent on materials and information and technology. In direct answer to Ms Horodny's question, there will be no involuntary redundancies in ACT libraries.

Budget Management

MS FOLLETT: My question to Mrs Carnell, in her capacity as Treasurer, relates again to Mrs Carnell's public statements about the outcome of the Premiers Conference. I ask Mrs Carnell: Is it not a fact that it has actually been your own mismanagement through actions like the health budget blow-out of more than \$14m; the mishandling of the industrial dispute, which has cost us over \$5m; your waiving of stamp duty to CRA, which has cost us over \$10m - - -

Mr Humphries: Rubbish!

MS FOLLETT: Is it not a fact that it has been your mismanagement that has actually cost the community far more than the recent decision by the Howard Government to cut funding to the States and Territories?

MRS CARNELL: I think Mr Humphries is right: What a load of rubbish! It is interesting that those opposite continue to believe that, in Health, seeing more patients and reducing waiting lists is somehow something that we should not be proud of. The fact is that we are proud of it. We fully agree that we have to get the health budget under control, but at least when we overspent our health budget we did it for reduced waiting lists and more patients - unlike those opposite, who also blew their health budget and did it for no extra patients and a doubling of the waiting lists.

Ms Follett: Mr Speaker, on a point of order: I would refer Mrs Carnell to the issue of relevance. I have outlined policies of this Government which cost \$29m, one of which was health, and asked the question: Do not those examples of mismanagement cost this Territory far more than Mr Howard's cut to our general revenue grant? She has only to say yes, and I am happy.

MR SPEAKER: You are answering the question as you see fit, Chief Minister.

MRS CARNELL: Thank you very much, Mr Speaker. I was actually addressing the \$14.2m that Ms Follett, by her very words, has suggested was straight mismanagement. I fully agree that having a health budget that blows out by that much is not acceptable, but I do not agree at all that seeing more patients and reducing waiting lists is mismanagement. That is directly what caused at least a percentage of that overrun.

Ms Follett mentions the industrial dispute as supposed mismanagement. What we have managed to do now is reach agreement with all but one of the unions, and reach agreement within our budget parameters - unlike those opposite, who reached agreement with at least two obvious unions outside their budget and without any capacity to pay for the increases; without the increases factored into their forward estimates and with, seriously, no capacity at all to pay. I think a situation where we now have enterprise bargains with all but one union, that we can afford to pay inside our budget parameters, is actually a good step and is actually a bit of a win for the people of Canberra. It means that they will not have to pay significantly higher taxes to pay for wage increases that we simply could not have afforded. What we have managed to do is come up with wage increases that are fair but that are affordable. I do not think that is mismanagement. I think that is a good outcome for everybody.

Ms Follett mentions, as her third issue, the CRA issue. That was debated at length in this place, and I think we showed quite categorically that, if we had not allowed CRA to go down the path that they did, they simply would not have done anything. In fact, in no other State have CRA paid stamp duty on transactions that were involved in changes in company structure. In other words, the actual shares were not transferred from one company to another. It was all to do with a merger. The only States in which CRA has actually gone down that path are the ones in which CRA was given an exemption. It shows categorically that we could never have got the money - end of deal.

Mr Berry: You gave the money away.

MRS CARNELL: The money never existed.

Members interjected.

MR SPEAKER: Order! The Chief Minister has the floor.

MRS CARNELL: In fact, it was categorically shown because it is true that Ms Follett did not back the deal when CRA put it to her. What did they do? Nothing.

MS FOLLETT: I have a supplementary question, Mr Speaker. I have heard Mrs Carnell on the media indicating that she is going to have to be looking at cutting services as a result of the Premiers Conference outcome.

MR SPEAKER: Ask your supplementary question without a preamble.

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MS FOLLETT: I ask Mrs Carnell: What assurance will she give to the community that they, in fact, will not face further unnecessary cuts in services as a result of her mismanagement?

MRS CARNELL: I can give an absolute undertaking that there will not be any unnecessary cuts in services.

Electricity Prices

MR OSBORNE: My question is to the Minister for Urban Services, Mr De Domenico. Minister, on 28 February this year I asked you a question about price increases within ACTEW, and more specifically I asked you about the pricing tribunal that you agreed to set up as a result of my amendment to your Bill. Minister, this question is not about the process of setting up a tribunal, as I did have a good briefing from John Turner and the department a number of weeks ago. I understand that the mechanisms have been put in place and the tribunal will be operational shortly. However, in response to the question that I asked you on 28 February, you said:

Can I also say, in answer to Mr Osborne's question, that any increases at all in ACTEW prices will be determined by the tribunal that Mr Osborne's amendment put into the Bill.

My question, Minister, is: Is this still the case? If so, how was ACTEW able to announce a price rise of 3 per cent for water and sewerage last week, given what you said in this chamber about the pricing tribunal and the fact that it has not yet been set up?

MR DE DOMENICO: I thank Mr Osborne for his question. Even Mr Osborne would probably agree that ACTEW's 1996-97 prices are good news for consumers. The new prices represent, in fact, a decrease in real terms from those charged in 1995-96. Members might laugh, but the fact is that the prices announced represent a decrease in real terms from the prices of 1995-96. These charges mean that consumers' bills for 1996-97 will decrease in real terms.

There are three main reasons why ACTEW has been able to determine such favourable pricing. The first one is the success of the Government's decision to corporatise ACTEW. I applaud the Assembly for voting accordingly.

Mr Osborne: Mr Speaker, I asked Mr De Domenico how it was that ACTEW was able to announce a price rise of 3 per cent, when it appeared that the pricing tribunal had not been set up; and, given what Mr De Domenico had said, that is the answer that I want.

MR SPEAKER: Whether or not you get it is a matter for the Minister, I suppose.

MR DE DOMENICO: Mr Speaker, thank you; I will continue with my answer. The first reason for such favourable pricing was the success of the Government's decision to corporatise ACTEW. The second reason was lower electricity purchase prices arising from the corporation's participation in the New South Wales electricity market.

The third reason was Canberra residents' support for the implementation of the water futures strategy. The 1996-97 prices also provided the right starting point for the introduction of independent oversight of ACTEW's prices.

In direct answer, again, to Mr Osborne's question, we approached the commissioner, whose name I will be announcing next week, and he has given us the okay to say, "Yes, it is okay to increase the water and sewerage prices by less than the CPI increase".

Mr Osborne: Did he have to give you the okay before you agreed to appoint him?

Mr Moore: There is no tribunal; there is no commissioner.

MR SPEAKER: Order! Just answer Mr Osborne's question, as you see fit, Minister.

MR DE DOMENICO: Thank you, Mr Speaker; I intend to do so. I will not take on the interjections by the people opposite, who do not know what they are talking about.

MR SPEAKER: Indeed; just ignore the interjections.

MR DE DOMENICO: Thank you. Therefore, Mr Osborne, I repeat that these charges mean that consumers' bills for 1996-97 will decrease because the increase in water and sewerage prices is below the CPI increase.

MR OSBORNE: Sprung, Tony, sprung! Am I to take it from your answer, Minister, that the tribunal has been set up and that this tribunal was briefed about this price rise? Is that what you just said?

MR DE DOMENICO: No. The answer to that, Mr Osborne, is that the commissioner - - -

Mr Osborne: Yes or no?

MR DE DOMENICO: It is not as simple as yes or no. You might think everything is simplistic, Mr Osborne, but everything is not simplistic. The commissioner, whose name will be announced next week - - -

Mr Osborne: On a point of order, Mr Speaker: I might clarify for the Minister something which I read from *Hansard*, but I will read it again. He said:

Can I also say, in answer to Mr Osborne's question, that any increases at all in ACTEW prices will be determined by the tribunal that Mr Osborne's amendment put into the Bill.

Mr Kaine: Mr Speaker, are we in the middle of a debate, or is the Minister answering a question?

MR SPEAKER: Exactly. There is no point of order, Mr Osborne. The Minister is well aware of the question that you have asked. Have you finished your answer, Mr De Domenico?

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MR DE DOMENICO: Thank you, Mr Speaker. Mr Osborne has been briefed about the fact that - - -

Mr Moore: You did not say anything about the CPI, Tony.

MR SPEAKER: Order!

MR DE DOMENICO: Am I answering Mr Osborne or Mr Moore, or whom?

MR SPEAKER: You are answering Mr Osborne.

MR DE DOMENICO: The Government will next week be announcing and tabling in this Assembly the regulations that Mr Osborne was briefed about, by the way. We will also be announcing the name of the person that will be nominated as commissioner. We have consulted with particular people, and I will not mention names until next week, when we announce formally who the persons are. As I said, and I repeat, there has been no increase in real terms in water prices this year. There has been a decrease in real terms.

Wild Dogs

MR MOORE: My question is to Mr Humphries as the Minister for the Environment, Land and Planning. Mr Humphries, during the last 12 months, rural landholders in the Naas, Booroomba and Bullen Range areas, in particular, have reported substantial sheep losses due to wild dog attacks. These landholders claim that dogs have emerged particularly from Namadgi National Park. Will the Minister ensure that the dog trapper who has been trapping wild dogs will be kept on in a full-time capacity by your Government for at least 12 months to deal with this problem, or will you continue to allow the problem to grow?

MR HUMPHRIES: I thank Mr Moore for that question because it is timely to record what is transpiring in this area. For some time now the ACT has employed a wild dog trapper whose job it has been to attempt to reduce the incidence of wild dogs, and particularly to avoid the stock losses which result from those dogs' activities. I must say at the outset that the success of that trapper has varied very widely according to, apparently, the environment in which these dogs have been roaming in parts of the ACT. Until recently, there was a significant and demonstrable effect of having that trapper at work particularly in those parts of the ACT above the Namadgi National Park. However, in recent days it became clear that the effectiveness of that operation was rather limited, particularly in the most recent period.

I will give you some figures. During 1995, the number of dog attacks reported by lessees increased fairly dramatically. Between 21 April 1995 and 17 March 1996, a total of 40 dogs were trapped. That compares with a total of just 10 dogs in the whole of 1994. The average cost during that period April 1995 to March 1996 was about \$375 per dog, or about \$15,000 in total for the contract with a dog trapper. In the most recent period,

there appears to have been a significant reduction in the effectiveness of the dog trapper. Between 18 March and 12 April this year, with the trapper on a full-time contract, there were just seven dogs trapped during that period, at an average cost of \$285 per dog.

It was the Government's view that there needed to be a reassessment of just what was happening with the use of that trapper, for the purpose of producing an effective attack on the wild dogs roaming in those parts of the Territory. It appeared to me and to officers of the Parks and Conservation Service that an average cost of \$285 per dog was not cost-effective and that we needed to consider either alternative ways of reducing the dog population or approaching the issue on the basis of a greater share of responsibility for dealing with this problem being placed in the hands of those leaseholders in that part of the Territory in whose interests it is that those dogs be trapped. I am, in fact, meeting with some of those leaseholders this afternoon, after the Assembly rises, to discuss with them their concerns. I have already agreed that a three-month extension of the trapper's agreement with the ACT be arranged so that it is possible for us to review what is going on. But it is my view that we have to face up to the question of whether or not this is an effective contract.

There are alternative ways of trapping those dogs. My office was approached the other day by one enterprising person who said that he had a very effective call that he could use that would actually attract dogs and then he used a bow and arrow to kill them. We do not know whether alternatives of that kind are quite what we are looking for, but we do believe that there needs to be some examination of what alternatives there are. I think members would agree that trapping dogs at a cost of \$285 per dog probably is not cost-effective and there needs to be an exploration of what alternatives there are. That will happen over the next three months as we extend that licence for that particular trapper.

MR MOORE: I have a supplementary question, Mr Speaker. Minister, is it correct to say that before you have developed any long-term strategies to deal with the wild dogs, particularly in Namadgi National Park, you are going to withdraw the funding of the method that is currently working, even if not to your satisfaction?

MR HUMPHRIES: No. I think the Government will continue the present arrangements as they stand for that three-month period, while we assess whether there are alternative ways that - - -

Mr Moore: Are you going to try to develop some long-term strategies?

MR HUMPHRIES: We have to develop those strategies in this period. We cannot do that without there being some assessment of alternatives. There are alternatives such as aerial baiting, which is being used in other parts of Australia, and direct trapping. This particular trapper uses a wire trap that catches the dogs by the legs, and then he comes back afterwards and destroys them. There are other methods which are biological in nature. We are prepared to look at all those things. But, frankly, the present arrangements are not effective and deserve to be considered in this period of review to make sure that we have the best and most effective way of dealing with those dogs.

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Public Sector - Job Cuts

MR WOOD: My question is to the Chief Minister. Chief Minister, I refer to your exclusive, extraordinary, unprecedented special meeting last Wednesday evening with the Prime Minister concerning Treasurer Costello's ill-conceived moves to change State and Territory government sales tax. I note your conclusion that you got no undertakings of any special deals whatsoever. Did the Prime Minister acknowledge the devastating effect on the ACT of his Public Service job cuts? Did the Prime Minister express any compassion for the ACT families who will lose their jobs? What did he say to you?

Mr Hird: "How are you going, Kate?"

MRS CARNELL: No; there was no hello. It was not an unprecedented meeting. In fact, before the Premiers Conference last year I had a similar meeting with Paul Keating. I think it is probably one of those things that here in the ACT we are lucky to have an opportunity to meet with the Prime Minister that potentially may not occur for Premiers of the smaller States or the other Chief Minister.

I explained at length and in depth - and it took about an hour to do it - the absolutely dreadful position that the ACT finds itself in. I explained to him the problems that we have with jobs generally. I explained to him the problem that we have with revenue. I showed him graphs of what is happening to ACT revenue and to ACT jobs. Those opposite seem uninterested in actually knowing the answer; but I think that, if there is one issue that should be of real concern to everybody here, it is the issue that we are talking about now. I showed him that until last November 6,600 jobs had been created in the ACT since we took office. I then showed him that, in the months since the calling of the Federal election and the months since the coalition was elected, the number of jobs created has significantly reduced. Probably about 5,000 are no longer on the books. We are certainly still 1,000 ahead of where we started. Even so, the trend is very worrying.

I also showed him what is happening to unemployment as a figure, a situation where it - - -

Mr Wood: On a point of order, Mr Speaker - - -

MRS CARNELL: I am sorry; I thought that was the question you asked.

Mr Wood: That is not the question I asked. I asked what you got from the Prime Minister; not what you said to him.

MRS CARNELL: You said, "What did you say to him?"

Mr Wood: What he said to you.

MR SPEAKER: Order! There is no point of order. The Chief Minister is answering the question.

MRS CARNELL: Mr Speaker, I think Mr Wood, if he has a look at *Hansard*, will find that he said, "What did you say?". I am very happy to tell him exactly what I said.

MR SPEAKER: I think it is difficult for the Chief Minister to explain what she may have got if she has not explained what she was explaining to the Prime Minister in this respect.

MRS CARNELL: I showed the Prime Minister what is happening to unemployment rates in the ACT and that we are now virtually in line with national averages, with potentially another 6,000-plus redundancies supposedly on the Federal Government's books in the ACT.

Mr Wood: Mr Speaker, I raise a further point of order. I do not think it is acceptable for this Chief Minister or any Minister to distort the question and turn the question around to what they want to say. I did not ask what she said; I asked what the Prime Minister said. I think it is bad for this Assembly if the Chief Minister deliberately turns it around to something else.

MR SPEAKER: There is no point of order.

MRS CARNELL: I am very happy to answer the next part of the question. I think Mr Wood will find that he did ask, "What did you say?". I did explain the whole situation that we are facing in the ACT now. The Prime Minister expressed concern. He said that he understood that the ACT had some very special needs. He said that there would be no special deals for any States whatsoever. He said that the reason that there would be no special deals was the \$8 billion black hole that he inherited from the previous Labor Government and that the Federal Government believe that they simply have to plug if we are to ensure that this country is competitive. I am in no way defending the Federal Government's view with regard to redundancies in Canberra. I think the approach that they have taken with regard to redundancies in the ACT will cause enormous problems for our city. I made that extremely clear to the Prime Minister.

MR WOOD: I have a supplementary question, Mr Speaker. The Chief Minister once again falls back on excuses - - -

MR SPEAKER: No preamble.

MR WOOD: The Chief Minister once again falls back on excuses, Mr Speaker. I do not like the new rules that you bring into this Assembly now that you are in government.

MR SPEAKER: Sit down, Mr Wood. Mr Wood, you are out of order. Withdraw that remark.

MR WOOD: I will withdraw that remark so that I can ask my supplementary question. Chief Minister, given that you have had two entirely unsuccessful meetings with the Prime Minister in which you have achieved precisely nothing, would you be surprised now if the ACT community concluded that your arranging of the meetings was nothing but a publicity stunt to conceal the fact that you have been unable to win any concessions from your political colleagues for whom you campaigned so vigorously?

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MRS CARNELL: Unfortunately, the person who drafted Mr Wood's supplementary question may not have known that the meeting which I had last week with the Prime Minister was not subject to any media release whatsoever. In fact, we did not even put a press release out. As a publicity stunt, it is a bit of a worry to go down the path of a publicity stunt that you do not actually make public. For all of my faults, those opposite have suggested that publicity is not one of them. If we were planning to make it a publicity stunt, I am confident that we would have bothered telling the media about it.

The issues involved here are not just for the ACT. Those opposite would be very well aware that right now the New South Wales Government, not exactly a Liberal government, are going through exactly the same problems as the ACT. They are looking for \$900m over the next three years as a result of the Beazley black hole. They are looking at all sorts of taxation options. In fact, last week they were talking about a poll tax of \$100 per household. I can guarantee that this Government will not be looking at poll taxes.

Speed Cameras

MR HIRD: My question is addressed to the Minister for Police, Mr Humphries. I refer the Minister to a statement made last week by Rosemary Follett about speed cameras. I wonder whether the Minister could tell the parliament whether Ms Follett was right when she said on ABC radio last Friday that the money was provided in the 1994 budget for a trial speed camera.

MR HUMPHRIES: I heard Ms Follett say last week that money was provided in the 1994 budget for speed cameras. In fact, I heard her say on the radio:

If my memory serves me correctly, and it usually does, we had actually funded in the 1994 budget at least a trial of these cameras.

That being the case, and being a great believer in Ms Follett's memory, I called the officials and asked them why this budget decision in 1994 was not implemented. They said, "But, Minister, there was no such budget decision in 1994". I said, "No, no, no". I said, "Yes, there was. Ms Follett, who has a very good memory, said that she remembered it; and she was the Chief Minister at the time". They said, "No, Mr Minister; there was a budget decision in 1993 to allocate \$35,000 for the purchase of a speed camera". I said, "Why was it not implemented? Why was there not a trial after this decision by the Government? Why are you guys frustrating the previous Government's decision?". I was told that Mr Connolly, the Minister responsible in her Government, in fact, canned the idea.

Ms Follett: On advice from the police.

MR HUMPHRIES: Indeed; on advice from the police. Ms Follett said on ABC radio last Friday:

My understanding is that the then Police Minister, Terry Connolly, wanted that whole approach, Elizabeth, because I think that is something new for Canberra and we need to make sure that the community does accept it for the safety measure that it is.

I said to the officials, "You cannot be right. Ms Follett clearly remembers having had that program authorised to go ahead for a speed camera trial. She told us on the radio just last Friday". They politely pointed out the facts, which were: A decision was made to put that purchase of a speed camera in the 1993 budget. However, on 11 February 1994 the Department of Urban Services and the Australian Federal Police took a proposal to Mr Connolly to can the speed camera idea. For the \$35,000 that they would pay for one speed camera, the Australian Federal Police could buy six laser speed detection devices - the commonly known and seen laser guns. Mr Connolly agreed to the proposal on that day.

Let us look at the advantages of those lasers over cameras; advantages which Mr Connolly obviously saw but Ms Follett did not. First of all, the cost is very greatly different. You can buy six laser guns; you can buy only one camera for the same amount. The laser guns are versatile. They are easy to move and to use and are very mobile. The cost to use them is also very greatly different. It costs up to \$75 to print photographs in relation to one offence. Lasers cost nothing to process. Cameras require supervision. You do not leave a camera unattended. They are always accompanied by a police officer. It is just as easy to use a laser gun if you are going to have a police officer there anyway.

Let me put on the record very clearly that the Government is happy to consider all the recommendations from the Jamieson Foley study and will be doing so having due regard to other sources of advice as well. But traffic specialists in the ACT Government and the Australian Federal Police do not see speed cameras as a panacea in regard to speed problems.

Ms Follett: That is because they have changed their minds, Gary. They did at one stage; believe me.

MR HUMPHRIES: Ms Follett says that they have changed their minds.

Ms Follett: They do not dream up these schemes.

MR HUMPHRIES: Be careful. We already have one ex-Minister who has had his reputation shattered by certain allegations. He has a bit of a deterioration in the old grey cells. The advice to me is that the Australian Federal Police and officers in Urban Services have been fairly consistent in their advice that speed cameras and red-light cameras present a number of problems and should be examined very carefully by any government before they are agreed to, which is precisely what I said last week when I launched the Jamieson Foley study.

Ms Follett: But you said that you did not want them, Gary.

MR HUMPHRIES: No, I did not.

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Ms Follett: Yes, you did.

MR HUMPHRIES: No, I did not say that. My words were, "I would need considerable persuasion before I would accept that those cameras ought to be adopted" - not that I did not want them; not that they were not going to happen. I said that I would need considerable persuasion.

The irony of that position is that I was persuaded to that point of view by Terry Connolly, the former Police Minister in Ms Follett's own Government. A couple of years ago, I was about to put out the very release which Ms Follett put out last week. I took the precaution, the sensible precaution I would have thought, of talking to the Police Minister's office and was persuaded by Mr Connolly that, in fact, there was a real problem with red-light cameras and speed cameras. What a pity Mr Connolly is not still around, because he might be able to talk with Ms Follett and perhaps give her a few pointers on this subject as well.

We will be looking with considerable care at all of these issues. Red-light cameras, I might point out, are in some circumstances likely to actually cause accidents rather than prevent them. In fact, the police also advise me that, although there are the occasional accidents at intersections in Canberra where people travel through a red light and hit a car travelling through on a green light, that number of accidents is quite small and has not figured significantly in the accidents that have caused damage or loss of life. I think we also need to look at the cost. To equip the top 20 intersections in the ACT with red-light cameras would cost something over \$1m - a very large cost to have to meet. We are right to say that we would need persuasion to pick up those things. What a pity Ms Follett could not be consistent between her old life as Chief Minister and her new life as a member of the backbench.

Housing Trust - Evictions

MS McRAE: My question is to Mr Stefaniak in his capacity as Minister for Housing. Minister, I refer you to an article in the *Canberra Times* of 14 June under the headline "ACT magistrate slated for not ordering two evictions". The case revolved around the decision of the Commissioner for Housing to use the New South Wales Landlord and Tenant Act 1899 to evict two tenants, rather than the much more liberal 1949 Landlord and Tenant Act which allows magistrates far wider discretion to decline to order evictions on grounds such as hardship. Minister, on 11 March 1996 the Attorney-General gazetted a declaration that the Housing Trust should be specifically excluded from the Landlord and Tenant Act 1949. Why was this done? What reason does the Government have for wishing to exempt itself from the 1949 Act, which applies to all other landlords in the ACT? Is it the official policy of the Government to exempt itself from laws which allow for clients of the Government to be treated with compassion and decency?

MR STEFANIAK: I thank the member for the question. I think, Ms McRae, you will find that the exemption which the Attorney issued in March 1996 related to an inability by Housing to successfully evict anyone. There was a backlog of cases in January and February, I recall, as a result of a decision which should have been gazetted by the Commonwealth but which had not actually been signed by the Commonwealth Minister.

In other words, there was an administrative hiccup there, something that should have gone through under the Commonwealth. I cannot quite recall the exact year. Everyone had assumed that it had occurred, until such time as it was found not to have occurred, I think, by the solicitors acting for one of the tenants. I believe that it could have been the Welfare Rights and Legal Centre who picked up that particular point. Accordingly, it was impossible for anyone to be evicted under that particular Act. My colleague Mr Humphries looked at that. After we both looked at that, he issued that particular gazettal to ensure that the Government had the ability to proceed with evictions.

MS McRAE: Mr Stefaniak, the decision to exclude Housing Trust tenants was made because the 1949 Act was, in fact, much more compassionate. You have asked them now to rely on a much harsher, old New South Wales Act. That decision was made either under your specific instructions or with your knowledge. Why did you not direct the commissioner to use the 1949 Act rather than this old Dickensian law from another State? Are you saying that, because there are compassionate provisions in the 1949 Act, they have to go back to 1899?

MR SPEAKER: Order! The supplementary question has been asked.

MR STEFANIAK: It is quite clear that the ACT Housing Trust, that is, the plaintiff in these matters, can use the 1899 Act or now, as a result of what my colleague did, the 1949 Act. The fact is, Ms McRae, that we could not use the 1949 Act because it had not been properly gazetted; hence my colleague's action in March this year by way of gazettal to enable us to utilise that Act. As a result, I understand that a whole new process was available. There was a considerable backlog because of that technical hitch which was discovered in one of the cases. The solicitors for the defendant actually picked up the fact that the Commonwealth had not made that gazettal. That is the reason.

Methane Gas

MS TUCKER: My question is directed to the Minister for Urban Services. My question is: What actions are being taken to address the problem of methane gas being emitted by Canberra's landfills as the organic waste in them decomposes? I am sure that you are aware that methane is a major greenhouse gas. I understand that your department has been negotiating with a company called EDL to commercially establish a system for tapping this gas and using it in gas-fired electricity generators at the landfill sites, the electricity from which can then be fed into the electricity grid. I understand, however, that the project is being held up because ACTEW is refusing to accept a reasonable price for this electricity that would allow EDL to cover its costs. Could you explain why ACTEW is acting so negatively towards this proposal, which represents a major initiative to reduce greenhouse gas emissions from waste in the ACT?

MR DE DOMENICO: I thank Ms Tucker for her question. It is true, as Ms Tucker said, that the Department of Urban Services is looking at the generation of electricity through methane gas that is available at the tips. No, I am not aware of ACTEW's involvement in and their concern about pricing. However, I will find that out, Ms Tucker, and come back to you with an answer.

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MS TUCKER: If ACTEW are looking at this, would you agree that they should be obliged to pursue alternative electricity sources that are less polluting than coal-fired electricity, as part of meeting their legislative corporate objectives of being socially responsible and promoting ecologically sustainable development?

MR DE DOMENICO: As I said, I will take Ms Tucker's question on notice. But, in terms of whether I agree that ACTEW should do something based on whether they are involved, there are three hypothetical questions. Should ACTEW be involved? That is up to ACTEW. If ACTEW believe that it is commercially viable for them to generate electricity from methane gas, I am sure that they would do so. However, I will get the details, Ms Tucker, and I will come back to you with a detailed answer.

Sign Interpreter Service - Funding

MS REILLY: My question is to the Chief Minister. Chief Minister, have you withdrawn funding to the temporary sign language interpreter service? Are you aware that the service will be forced to close its doors tomorrow? Are you aware of the consequences of this mean-spirited action on the deaf and hearing impaired? Will you immediately restore funding for this service which is of such vital importance to the deaf?

MRS CARNELL: Thank you very much, Ms Reilly, for that question. Certainly, there has been a lot of correspondence floating around from the ACT Deafness Resource Centre about funding for the sign interpreter service generally. On 7 February 1996, a meeting was held with representatives from the Department of Health and Community Care and the ACT Deafness Resource Centre to discuss their proposed submissions. The first was for a research project to look at the need for a sign interpreter service in the ACT. The costings that they put on that were some \$10,433.76. The second was for the establishment of the sign interpreter service, which came with a recurrent funding requirement of \$86,246.

It was agreed that the aged and disability section of Purchasing and Development would fund the research project for \$10,443.76, and the cheque was forwarded to them. Presently, there are no recurrent moneys available to actually fund the interpreter service itself, that is, the \$86,246. Remember, Mr Speaker, that this proposal is not about slashing at all. The service never existed. That is the story, as I understand it. In fact, the Government, in February, funded the study to look at the need for the service. We are now going to have to look, in the budget context, to see how we can find \$86,246 and whether we can find that for the service itself. There are simply no recurrent moneys available in this financial year for that service.

The ACT Deafness Resource Centre itself receives \$23,208 in recurrent funding from the disability services grants to employ a part-time community support worker. There may be some ability within the ACT Deafness Resource Centre program to utilise some of the DSG money, that is, the \$23,000, to establish an ACT sign interpreter service, at least in the short term. There are also a number of migrant interpreter services currently

operating within the ACT; but, unfortunately, none of those have any capacity for a sign interpreter service. There is an opportunity for the ACT Deafness Resource Centre, the Health Migrant Unit and the Translating and Interpreting Service, that is, the TIS, to discuss the feasibility of establishing a sign interpreter service as part of their service provision and fund this service from existing moneys.

The Department of Health and Community Care is at present moving towards a new funding system which will take effect from 1 July 1996. Funding rounds will no longer be part of that approach. In fact, many here in the Assembly are aware of the new approach that has been taken in Health. The new system will consist of a comprehensive mechanism for determining needs, planning for service provision and establishing purchasing priorities. This system will replace the old system of competing submissions. In addition, in place of service agreements, organisations will contract with the department - the purchaser - to provide services.

Ms McRae: What a load of codswallop!

MRS CARNELL: It is interesting that Ms McRae is saying, "What codswallop!". The whole point of this exercise is that it will allow us to prioritise services such as the sign interpreter service. Remember that it was a service that was not funded by the previous Government. I think they should be a little quiet and certainly not "holier than thou" on this one.

MR SPEAKER: They should certainly be quiet, yes.

MRS CARNELL: Certainly, Mr Speaker. Officers from my department are spending a lot of time on this issue, to work out ways in which there might be a capacity to set up such a service in the ACT. Similar services exist in other places. Again, it is a priorities issue.

Ms McRae: Yes, priority 5210.

MR SPEAKER: Order!

MRS CARNELL: Ms McRae obviously believes that there are other services that are currently being funded that could be defunded to fund this service. I would be extremely happy for Ms McRae to approach me and tell me which ones she thinks should go. But, certainly, in the budget context, we will be looking at this service. We do see it as having a great deal of benefit to the community generally. But, as I expect everybody, except those opposite, knows, the funds are tight. It is a matter of priorities, and we will be looking at it.

MS REILLY: Obviously, my question was too complicated. It was obviously difficult to find the answer to it. But I ask the Chief Minister: You talked about the survey, which I understand cost \$10,443.76. It is good to know the detail of that expenditure. You suggested that they would be looking at the priority that would be given to setting up this service. Could you tell us the results of that survey? What was the recommendation from that survey about the service?

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MRS CARNELL: Fairly obviously, we would not be looking at ways to fund the service if the report to determine whether there was a need for it had said that there was not. There is, without any doubt, a need for a service - - -

Ms McRae: Well, fund it.

MRS CARNELL: Just fund it. It is a pity that those opposite certainly did not take that advice when they were in government. I may have indicated to the Assembly that the report from the Deafness Resource Centre on the needs assessment of a sign interpreter service was actually back. I am informed that the final report has yet to be received by the department.

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

PERSONAL EXPLANATIONS

MR BERRY: I seek leave to make a personal explanation pursuant to standing order 46.

MR SPEAKER: You may do so.

MR BERRY: In the wake of Mrs Carnell's failed attempts to impugn both Mr Connolly and me, which you, thankfully, prevented, Mr Speaker, in relation to information that may or may not have been provided to us by the ACT Health administration, I would like to make the Assembly aware that I have phoned and written to the head of ACT Health and demanded an immediate briefing on how ACT Health officials may have misled former Labor Ministers.

Mrs Carnell: Mr Speaker, on a point of order: The previous Minister may have forgotten that Ministers do have responsibility for everything that happens while they are Ministers. To indicate for one moment that departmental officials may have misled anybody is highly improper.

MR SPEAKER: Order! We had a discussion about the word "misled" some little time ago.

MR BERRY: This is not in relation to members; we are talking about people outside the chamber. "May have misled former Labor Ministers", I said. There is nothing improper in that. Even if I had said that they had misled former Labor Ministers, which I did not because that has not been proven yet, Mr Speaker, I would be perfectly able to say that pursuant to the standing orders. Mr Speaker, I have sought an immediate briefing in relation to that matter.

Mr Hird: You have been caught out, Wayne.

MR SPEAKER: Order!

MR BERRY: No, mate; I have not been caught out at all. Mr Speaker, I have also indicated that I expect that that briefing should occur before the close of business today. I expect also - I trust even - that Mrs Carnell would not stand in the way of that briefing occurring with immediate effect.

Mrs Carnell: Mr Speaker, I think this is out of order, because it is not a personal explanation.

MR BERRY: Mr Speaker, I have leave.

MR SPEAKER: You have leave to explain matters of a personal nature.

MR BERRY: It is pretty personal.

MR SPEAKER: But such matters may not be debated.

MR BERRY: Indeed, and I am not debating a thing; I am telling the Assembly what has occurred in relation to those attempts - failed attempts, I might add - to impugn Mr Connolly and me.

Furthermore, in relation to another matter, Mrs Carnell also tried to create the impression that, as Health Minister, I had been censured in this place once before. That, of course, is untrue.

Mrs Carnell: When did I say that?

MR BERRY: Check the *Hansard* tomorrow. Mr Speaker, if I am incorrect, I will withdraw that.

Mr Kaine: On a point of order, Mr Speaker: I accept Mr Berry's right to make a personal explanation. That does not appear to me to be what he is doing. First of all, he has asked for a public inquiry. Now he is on some other tack that has nothing to do with a personal explanation in terms of what the Chief Minister said. I think you need to pull him into line and bring him to order.

MR SPEAKER: Order! I would remind members that standing order 46 says:

Having obtained leave from the Chair -

which Mr Berry has done -

a Member may explain matters of a personal nature, although there is no question before the Assembly; but such matters may not be debated.

MR BERRY: Indeed.

MR SPEAKER: You are getting very close to debating some of these things.

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MR BERRY: I am sorry, Mr Speaker; if I may explain, debate is a matter of competition between two debaters. I am making a personal statement. The people who are trying to debate it are the ones opposite.

MR SPEAKER: You are making a personal explanation. Be very careful that you do not end up debating the subject.

MR BERRY: Indeed; and I am being very careful. Mrs Carnell also tried to create the impression that I regarded workers compensation as - I think I can quote it accurately - "a funny issue".

Mrs Carnell: You were the one who was laughing.

MR BERRY: Mrs Carnell interjects that I was laughing or smiling. I was not smiling; I was laughing at Mrs Carnell because she is a joke on the subject. I am well known as holding this issue of workers compensation in high regard. For Mrs Carnell to make those sorts of claims is completely outrageous. In relation to the issue of workers compensation, I was merely attempting to point out that Mrs Carnell ought not brag about taking 100 people - - -

MR SPEAKER: Order! You are now debating the issue. I will not allow that course to be followed.

MR BERRY: No, I am - - -

MR SPEAKER: You have put forward your personal explanation on the matter; you are now debating the issue when you start to talk about - - -

MR BERRY: I do not regard the issue as a funny issue. I have grave concerns for people who, as was explained by the Chief Minister, have had their workers compensation resolved, which in some cases means that they have had their workers compensation benefits stopped. That is a matter of grave concern.

MR SPEAKER: Order! You are now debating the issue.

Mr De Domenico: On a point of order, Mr Speaker: Mr Berry has continued to debate the issue.

MR BERRY: Thank you, Mr Speaker.

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, I seek leave to make a personal explanation. I think I said in question time that no person has had their workers compensation benefits cut off, unless, of course, they have been deemed by Comcare to be ready to go back to work.

Mr Speaker, there is one other issue. Mr Berry asked for a briefing on the issue of his double-counting - the issue of the 3,700 phantom operations. I am very happy for Mr Berry to have a briefing on the double-counting that happened while he was Minister and, of course, responsible; that is fine.

ECOWISE SERVICES LTD AND ECOWISE ENVIRONMENTAL LTD

Papers

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (3.48): Mr Speaker, for the information of members, I present the memorandum and articles of association of both Ecowise Services Ltd and Ecowise Environmental Ltd, and I move:

That the Assembly takes note of the papers.

Mr Speaker, I am pleased to table information about the first two subsidiaries to be established by ACTEW Corporation. This is the initial step in separating ACTEW's businesses so that the corporation can seek new and profitable business opportunities. The corporation is establishing two subsidiary companies - Ecowise Services Ltd and Ecowise Environmental Ltd. This will enable ACTEW to provide and market a number of electrical and other environmental services to the Government and the private sector. Ecowise Services Ltd will provide products and services in electricity, electronics, communications, and energy management. Ecowise Environmental Ltd will provide hydrology, hydrography, environmental services and scientific and laboratory services.

Corporation law requires five or more subscribers to establish a public company. The subscribers to these subsidiaries were ACTEW Corporation and four of its directors. After incorporation of the subscribers, the shares currently held by the directors will be transferred to the ownership of ACTEW Corporation. These companies will give ACTEW the scope to build on its excellent environmental and energy management work. The company structure will also provide a framework for ACTEW to effectively market these products and further enhance the corporation's reputation as an innovator and leader in providing energy-related services. In accordance with the Territory Owned Corporations Act 1990, I have presented to the Assembly the memorandum and articles of association for Ecowise Services Ltd and Ecowise Environmental Ltd.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION

Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a declaration, determinations, instruments of appointment, management standards, regulations and a variation. I also present a notice of commencement.

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The schedule read as follows:

Agents Act - Appointments to the Agents Board of the ACT -

No. 80 of 1996 (S116, dated 7 June 1996).

No. 81 of 1996 (S116, dated 7 June 1996).

No. 82 of 1996 (S116, dated 7 June 1996).

No. 83 of 1996 (S116, dated 7 June 1996).

Ambulance Service Levy Act - Determination of prescribed rate for ambulance levy - No. 71 of 1996 (S96, dated 22 May 1996).

Bookmakers Act - Determinations of -

Directions for the operation of a sports betting venue - No. 74 of 1996 (S106, dated 31 May 1996).

Events to be a sports betting event - No. 75 of 1996 (S106, dated 31 May 1996).

Business Franchise (Tobacco and Petroleum Products) Act - Determinations of value of tobacco sold or purchased -

No. 72 of 1996 (S103, dated 31 May 1996).

No. 73 of 1996 (S103, dated 31 May 1996).

Dangerous Goods Act - Dangerous Goods (Exemption) Regulations (Amendment) - No. 7 of 1996 (S98, dated 24 May 1996).

Fair Trading (Amendment) Act - Notice of commencement (10 May 1996) of section 4 (S85, dated 9 May 1996).

Housing Assistance Act - Variation to Public Rental Housing Assistance Program - No. 76 of 1996 (S107, dated 31 May 1996).

Land (Planning and Environment) Act - Determination of criteria for the direct grants of Crown leases - No. 78 of 1996 (S111, dated 6 June 1996).

Nature Conservation Act - Declaration of special protection status species declared as endangered - No. 77 of 1996 (S109, dated 3 June 1996).

Public Place Names Act - Determination of street nomenclature in the Division of Ngunnawal - No. 79 of 1996 (S112, dated 6 June 1996).

Public Sector Management Act - Management Standards - No. 10 of 1996 (S105, dated 3 June 1996).

Various Acts under which relevant Regulations are in force - Regulations
Revision (Penalties) Regulations - No. 8 of 1996 (S108, dated
6 June 1996) -

Bushfire Act.
Fire Brigade Act.
Machinery Act.
Meat Act.
Motor Omnibus Services Act.
Occupational Health and Safety Act.
Plant Diseases Act.
Public Health Act.
Public Parks Act.
Rabbit Destruction Act.
Weapons Act.

MONTHLY FINANCIAL STATEMENTS

Papers

MR HUMPHRIES (Attorney-General): For the information of members, I present the Treasurer's monthly financial statements for the year to date ended 30 April 1996 - these ones are accurate, by the way, Mr Speaker - which were circulated to members when the Assembly was not sitting.

PREMIERS CONFERENCE, AUSTRALIAN LOAN COUNCIL AND COUNCIL OF AUSTRALIAN GOVERNMENTS

Ministerial Statement

MRS CARNELL (Chief Minister): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Premiers Conference, the Australian Loan Council and the meeting of the Council of Australian Governments held on 13 and 14 June 1996.

Leave granted.

MRS CARNELL: Mr Speaker, this year's Premiers Conference was conducted in a climate of severe fiscal restraint by the Commonwealth as it attempts to redress the \$8 billion budget gap. It meant that the ACT, along with other States and Territories, was always going to face a tough fight. In the lead-up to the Premiers Conference, I met with the Prime Minister to argue the ACT's case for additional special revenue assistance in 1996-97, based on a number of factors, including the severe economic impact on the ACT of Commonwealth policies, including major cutbacks to the Australian Public Service; substantial adjustment by the ACT towards State-type funding - for example, Commonwealth general purpose payments to the ACT since self-government have been cut by 49 per cent in real terms; special circumstances of the ACT that are not taken into account by the Grants Commission's assessment; and the failure of New South Wales to pay for services consumed by its residents in the ACT.

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Although I received a fair hearing, the Prime Minister made it quite clear that he was not prepared to support any application for special revenue assistance. I was not happy with the outcome and reinforced the ACT's arguments at the conference. Nonetheless, I was successful in convincing the Prime Minister to review the Commonwealth's decision to charge the ACT \$27.6m for an outstanding claim relating to ACT forests not settled at the time of self-government. Additionally, the Prime Minister suggested that I should raise with the Federal Treasurer the issue of extending the Territory's transitional funding arrangements, due to expire next year. I have written to the Treasurer asking that this be included in the 1997 terms of reference for the Commonwealth Grants Commission. The position adopted by the Commonwealth has effectively put an end to all States' future claims for special revenue assistance.

I turn to the actual conference itself. Members would be aware of the media reports surrounding the prolonged negotiations regarding the Commonwealth's offer to the States and Territories. It is important to note from the outset that the Federal Government's plan was to claw back \$1.2 billion in sales tax from States and local governments. However, States and Territories were of the view that the sales tax proposal would ultimately raise as much as \$1.6 billion. Approximately one-half of this was required to fund the real per capita guarantee of the previous Labor Government. The other half was to assist the Commonwealth in addressing its budgetary position. This sales tax impost would have been an ongoing and growing tax grab from the States and Territories. The cost to the ACT would have been between \$20m and \$40m every year forever. It is now history that the States and Territories said no - and very definitely no, Mr Speaker. Instead, the States and Territories were able to extract from the Commonwealth a "reasonable" outcome, while recognising the Commonwealth's fiscal problems.

The main points of the agreement are as follows. The Commonwealth will levy sales tax on executive fleets at all tiers of government, which is expected to raise approximately \$100m. The impact on the ACT is estimated to be approximately \$700,000. States and Territories will contribute approximately \$1.6 billion to the Commonwealth over three years - \$619m in 1996-97, \$640m in 1997-98 and \$300m in the final year, 1998-99, with the burden distributed on an equal per capita basis. The impact on the ACT is around \$10.4m, \$10.8m and \$5m respectively.

The Commonwealth agreed that these payments will need to be reviewed annually at further Premiers Conferences in light of the Commonwealth's own fiscal position. Most importantly, during this time the real per capita guarantee applying to the pool of financial assistance will continue to operate. In addition, the schedule of competition payments agreed at last year's meeting will be maintained. States and Territories went into the Premiers Conference not knowing what lay in store for the future of specific purpose funding arrangements. We left the conference with an undertaking that specific purpose payments to the States and the Territories will be reduced by no more than 3 per cent in the coming Federal budget. Three per cent of total SPPs currently being paid to the ACT is approximately \$5m.

The major decision agreed at the Australian Loan Council related to the acceptance of each jurisdiction's nominated 1996-97 Loan Council allocation. Such acceptance is subject to Loan Council consideration of the implications for macro-economic policy of the aggregate of all jurisdictions' LCAs and Loan Council judgments about the acceptability and sustainability of the fiscal strategy implicit in the jurisdictions' nominated LCAs. The ACT's allocation was agreed at \$90m and remains at a sustainable level.

In summary, my interstate colleagues and I successfully rejected an ongoing and growing tax impost on States and Territories, in return for short-term contributions to assist the Federal Government to overcome the budgetary problems left by the previous Labor administration. The bottom line for the ACT is that we will receive less in Commonwealth grants than this year and less than forecast in our forward estimates. General revenue assistance in 1996-97 will be \$9.1m less than this year - a reduction of 5.7 per cent in real terms. This is \$4.6m, or 1.7 per cent, above the forward estimate for 1996-97 but is subject to an agreed forestry repayment. In addition, we must contribute \$10.4m to the Commonwealth, plus sales tax of around \$700,000, and we face a reduction in specific purpose payments of in the order of \$5m a year. I am still awaiting confirmation from the Commonwealth of the specific purpose payments programs to be reviewed.

I am examining ways to address this unexpected reduction, and I will be looking to New South Wales and the Commonwealth to adequately compensate the Territory for services they receive. I have already alerted the Federal Minister for Territories to my intention to pursue the implementation of an ACT Government parking regime on Commonwealth property in the Territory. Having said this, I must also examine actions taken by other States and Territories, particularly New South Wales, to redress the outcome of the conference.

Following the Premiers Conference, the Council of Australian Governments had a number of important and complex matters to consider. These included gun control, housing reform, health and community services, treaties, gas reform, the Trans-Tasman Mutual Recognition Arrangement and Northern Territory statehood. I am pleased to announce that the meeting of heads of government endorsed in full the resolutions on gun control made by the Police Ministers on 10 May 1996. I was particularly pleased to be able to provide the council with a progress report on implementation of the reforms in the ACT. Mr Speaker, we are the only jurisdiction to have enacted revised gun laws so far.

Leaders also reaffirmed their commitment to reforms in public housing. These reforms include a fundamental shift in the roles and responsibilities in the provision of housing assistance involving the Commonwealth accepting responsibility for income support and housing affordability and the States and Territories taking responsibility for the management and delivery of public housing services. The Commonwealth has undertaken to develop a detailed reform package for further consideration by States and Territories. This package will be based on a number of agreed objectives and principles. A progress report on the housing reforms will be provided to the next COAG meeting.

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Mr Speaker, I am pleased to announce that the heads of government agreed to broad directions for reform of health and community services and an approach to implementation. A paper setting out details of this approach and recommending directions for future action was endorsed by the council. It was agreed that there is an urgent need to shift the focus of health and community services programs to people through a partnership between the Commonwealth and the States. A new system will need to be built which retains the benefit of universal access to basic health services through Medicare and provides quality care responsive to people's needs; preventive health initiatives; cost-effective care with better value for taxpayers' dollars; and more clearly defined Commonwealth, State and Territory roles and responsibilities.

Key elements agreed by the council include working towards arrangements which place all health and related community services under the umbrella of a single multilateral agreement, with bilateral agreements covering funding and outcome measures for all relevant services. These arrangements will be developed on the basis that they provide improved outcomes for people, do not place government outlays in jeopardy and are consistent with Medicare principles. Consolidation and rationalisation of a number of existing arrangements, including consideration of the transfer of responsibility for managing aged care programs to the States and Territories, was agreed.

A range of options to consolidate specific purpose payments will be considered. They include combining specific purpose payments in either the Medicare agreements or bilateral agreements - for example, public health - with arrangements to specify access and measures of output and outcome; and conversion of current specific purpose payments into "broadband" grants, with bilateral agreements defining broad objectives and specifying access, outputs and outcomes for functional areas. While the reform agenda deals with government-funded health and community services, work will also be undertaken on the ongoing role of private sector funding, which currently accounts for one-third of all health expenditure. Mr Speaker, I would also like to assure members that appropriate consultation with consumers and the industry will take place before any final decisions are taken by the council. As Health Minister, I welcome these reforms and have been involved in negotiations at the Health Ministers forum on all of them.

Mr Speaker, in relation to treaties, the council agreed to the establishment of a Treaties Council which will comprise the Prime Minister, as chair, and all the Premiers and Chief Ministers. The Treaties Council will have an advisory function and will consider treaties of particular interest to States and Territories. It is planned that the Treaties Council will meet as an adjunct to COAG, and its first meeting will take place in conjunction with the COAG meeting planned for later this year. I am confident that the Treaties Council will improve the consultation process between the Commonwealth and the States and Territories and will provide the States and Territories with a real voice in treaty negotiations in the future.

The council also noted a progress report from the Gas Reform Task Force. Mr Speaker, there has been considerable progress towards meeting the commitments for gas reform set at COAG's February 1994 meeting and, while there are still some outstanding issues, the reforms are progressing well. Substantial progress has been made towards agreement of a uniform national access framework, and a timetable for finalisation of the framework was agreed at the meeting. Agreement has also been reached on some of the main access

principles to underpin the draft access code, and the council agreed that the access code should apply to distribution systems as well as transmission pipelines. It is planned that the Commonwealth Minister for Resources and Energy will convene a meeting of the State and Territory Energy Ministers to settle on the means of regulation which will maximise competition and facilitate investment in the gas industry.

Mr Speaker, I am pleased to announce that the Trans-Tasman Mutual Recognition Arrangement was signed at the meeting, with the New Zealand High Commissioner to Australia present at the signing ceremony. The arrangement provides for goods acceptable for sale in Australia to be sold in New Zealand, and vice versa. It also provides for persons registered to practise an occupation in Australia to practise an equivalent occupation in New Zealand, and vice versa. The arrangement will come into operation as early as possible in 1997, following the passage of the necessary legislation in the Commonwealth, States, Territories and New Zealand. I believe that the Trans-Tasman Mutual Recognition Arrangement will be mutually beneficial to Australia and New Zealand, and it is expected to enhance the international competitiveness of Australian and New Zealand enterprises.

Finally, Mr Speaker, a report on Northern Territory statehood was received from the Chief Minister of the Northern Territory. This report included progress made on the issue since the April 1995 meeting of COAG. The Commonwealth has indicated its willingness to facilitate statehood for the Northern Territory according to a negotiated timetable and through a truly cooperative federal partnership. It was agreed at COAG that the issue of statehood for the Northern Territory will be taken forward primarily in bilateral discussions between the Commonwealth and the Northern Territory. However, the States and the ACT will be consulted on issues affecting them or in which they express an interest.

Overall, the meeting of heads of government produced real progress on reforms as well as clearly setting the boundaries between States and Territories and the Commonwealth. We will continue to work together with other jurisdictions to progress reform and improve outcomes for the ACT community. The next meeting of the council is planned to be in Brisbane in November this year. I present the following paper:

Premiers Conference, Australian Loan Council and the Meeting of the Council of Australian Governments - ministerial statement, 18 June 1996.

I move:

That the Assembly takes note of the paper.

MR WHITECROSS (Leader of the Opposition) (4.08): Mr Speaker, we have just heard the most extraordinary and pathetic defence of the outrageous approach that the Commonwealth has taken to the funding of the States and Territories.

Mrs Carnell: I did not defend it, not even one bit. I think it is hopeless.

MR WHITECROSS: We shall see, Mrs Carnell.

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Mr De Domenico: No; we saw. We have already heard the speech.

MR WHITECROSS: Mr Speaker, when Mrs Carnell was speaking, the only people I heard talking were Mr Kaine and Mr De Domenico. I still hear only Mr De Domenico.

MR SPEAKER: Mr Whitecross, I uphold your request for silence. Mrs Carnell was heard in silence, although there was extraneous conversation going on all over the chamber. Continue.

MR WHITECROSS: Thank you, Mr Speaker. Mr Speaker, it was a fairly limp apology for what the Commonwealth imposed on the ACT. It is a bubble which it is necessary for us to burst if we are to get a proper understanding of what is going on here.

Mrs Carnell started off by wheeling out the nonsense about the \$8 billion budget black hole long after the Commonwealth gave up on the black hole. Long after they admitted that it was based on a false set of numbers, long after new numbers which show that there is not an \$8 billion budget gap came out, this Government is still wheeling out the tired old argument about a budget black hole, to excuse the Commonwealth's decision to reduce funding to the States. What an extraordinary effort! Mrs Carnell admittedly has a hard job excusing the Commonwealth. This is a really unnecessary and unprecedented attack on public expenditure. Even Peter Costello is not making any secret of the fact that he just wants to cut \$8 billion. He is not worried about whether there really is a budget hole or not. He just wants to cut \$8 billion. Mr Speaker, Mrs Carnell would do well to update her rhetoric on this, because Mr Costello is about small government, about not providing government services; he is not about plugging a mythical budget black hole.

Mrs Carnell also included in her statement this absolutely amazing defence of what the Commonwealth did in seeking to reduce grants to the States:

Approximately one-half of this was required to fund the real per capita guarantee of the previous Labor Government.

In other words, the bad previous Labor Government promised to guarantee real per capita funds to the States and the poor Liberal Government had to reduce our funds in order to fund the real per capita guarantee. What sort of nonsense is that? The Federal Government has cut our allocation and Mrs Carnell is trying to say that this was a necessary thing; that this was required because the previous Labor Government had made a perfectly sensible guarantee to the States and Territories on real per capita funding.

Mrs Carnell: But then they could not fund it.

MR WHITECROSS: Mrs Carnell says that they could not fund it, once again defending her Liberal colleagues' decision to reduce funding. It is indeed a very lame attempt by Mrs Carnell to defend the indefensible - a reduction to the States and Territories and the tearing up of an agreement made last year.

Of course, Mr Costello also tried to tear up another agreement - the agreement about competition policy - when he tried to impose sales tax on government entities while not imposing the same sales taxes on non-government entities with which they were competing; but that is another story.

Mr De Domenico: The private sector already pays sales tax.

MR WHITECROSS: No, they do not - not all of them.

Mr De Domenico: Yes, they do.

MR WHITECROSS: No, they do not.

Mr De Domenico: Ask them.

MR WHITECROSS: I know now, Mr De Domenico, why you are not the Treasurer.

Mr De Domenico: The charities do not pay sales tax.

MR WHITECROSS: Mr Speaker, it is a good thing that the Commonwealth were persuaded not to go down their sales tax path to the extent that they intended, because it was indeed a bad policy. The Liberal State and Territory Premiers and Chief Ministers had to make a big sacrifice in order to persuade the Commonwealth to renege on that position. The loss of revenue to the ACT is therefore significant - something which is completely at odds with the messages the Liberal Party were conveying to this community and the Australian community as a whole before the last election about their style of government and what they would achieve in government. That dishonesty is a matter of record, and its impact on the ACT is a serious matter. Mr Speaker, the ACT will be hit hard by these losses of revenue. There are some quite significant amounts. I am interested that Mrs Carnell is now saying that the reduction in special purpose grants is \$5m. That is up on the figures I had previously seen. I also notice that she is no longer saying that education will be exempt. I am looking forward to some clarification of that matter.

Mr Speaker, the decisions from the Premiers Conference will affect the Government's three-year budget. The effect will be all the greater, given the state that Mrs Carnell's three-year budget is in already due to her mismanagement. We have already seen significant blow-outs in her health budget. We have seen her cancel capital works to pay for them. She has put capital works on hold, putting off problems till next year. We have seen her sell off the fleet to pay for this year's budget deficit, leaving a hole in the second and third years of her three-year budget. We have seen significant shortfalls in revenue - as yet unexplained shortfalls in tobacco franchise fees - - -

Mr De Domenico: People are smoking less.

MR WHITECROSS: Mrs Carnell did not seem to think so.

Mrs Carnell: It would be pretty hard to believe.

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MR WHITECROSS: You can coach Mr De Domenico on this afterwards. Mr Speaker, we have seen very significant revenue problems. How will Mrs Carnell plug the budget problem that she had before Howard and Costello got into the act, and how much worse is that problem now that Howard and Costello have added an extra \$10m to \$20m, depending on which set of numbers you are looking at, to the ACT's budget problems? I look forward to seeing some real answers as to how the ACT Government intends to do this.

While Mrs Carnell's report is long on explanation of what happened at the Premiers Conference, it provides no information on her proposed directions to deal with these problems. Mr Speaker, in dealing with them, Mrs Carnell must take a serious look at her priorities. She has already shown an inclination to eat into basic community services, health centres, Jobline - - -

Mr De Domenico: Jobline?

MR WHITECROSS: Jobline. There is a range of other community services which the ordinary members of the community require and use. They are basic community services; not luxuries, by any stretch of the imagination. Mrs Carnell has been cutting those things, in spite of the fact that she inherited a very good financial position. This was supported not just by the Evatt Foundation but also by the rating agencies, who have consistently said that our financial position was a very good one.

Mrs Carnell: All that means is that our debt is not too bad. You know that.

MR WHITECROSS: Mrs Carnell, what it shows is that our financial position is a long way from what you have been claiming it is. Mr Speaker, we all remember Mrs Carnell last year talking about the mythical \$120m budget hole. Like Mr Costello's \$8 billion hole, it turned out to be a nasty publicity stunt designed to warn the community to some budget cuts and to justify cuts to services in line with the Liberals' agenda of small government and fewer community services. In fact, we all recall Mrs Carnell being quoted before the last election as saying that it was not the role of government to provide services. Mrs Carnell has since demonstrated her commitment to that policy position. It will be interesting to see where she goes.

Since the Premiers Conference Mrs Carnell has had only two real approaches to dealing with her problem. She said, "We are going to charge the Commonwealth for lots of things. We are going to charge them for parking". She talked about that in her statement today. She talked about FID on business enterprises and charging the Commonwealth to register its cars, but when she had a meeting with the Prime Minister to talk about the special problems the ACT faces - and she explained this in question time today - the Prime Minister said, "Yes, we acknowledge that the ACT faces special problems, but we are not going to do anything about it. Bad luck". Mrs Carnell tries to tell the Canberra community that she is going to get some extra money out of the Commonwealth through these taxes and charges, but all the indications coming out of the Commonwealth are that they are not interested. Unless the Commonwealth agrees,

they are not going to happen. Mr Speaker, how much confidence can the community place in Mrs Carnell on this matter? It is quite clear that this is just another diversion to take the minds of the community off the real problem, which is Mrs Carnell's mismanagement of her budget over the last 12 months, which will put her in a difficult position in the coming 12 months.

Mrs Carnell also waxed eloquent about how she was going to make New South Wales pay, about how she was going to tear up the Medicare agreement and charge Bob Carr lots of extra money for treating New South Wales patients in our health system. She was going to charge Mr Carr for teaching New South Wales kids in our schools. Once again, this is no more than political puff from Mrs Carnell. She knows that there is a Medicare agreement that provides for specified payments.

Mrs Carnell: We do not have specified payments between the States. They are negotiated between the States.

MR WHITECROSS: Determined by the Commonwealth. She knows that the Grants Commission already takes account of the fact that New South Wales residents use services in the ACT and that any attempt to directly charge New South Wales will only lead to adjustments by the Grants Commission. She knows that New South Wales are likely to say, "If you have a problem, go to the Grants Commission", and are unlikely to enter into a deal which has them paying for Mrs Carnell's budget problems.

Mrs Carnell enters into perilous waters when she tries to argue that New South Wales should be paying lots of additional costs, without contemplating the range of costs that Mr Carr might ask her to pay in relation to services New South Wales provides, not least of which is Mr Humphries's beloved helicopter. The ACT is contributing \$100,000 to that and the New South Wales Government is contributing \$1.1m.

Mrs Carnell: That is right - because it is a service for the whole region.

MR WHITECROSS: That is right; it is a service to the whole region. Nearly 50 per cent of the people in the region actually live in the ACT. Mrs Carnell needs to be careful. I am sure she knows that she is not going to get very far with this and I am sure she knows that it is going to resolve itself into a stalemate; but in the meantime she creates the impression, the illusion, in the community that she has a solution to this problem when she has not. The problem is Mrs Carnell's budget mismanagement. The problem is that Mrs Carnell enters the new financial year with a range of problems of her own making - deferred expenditure which she will have to pay for next year, budget blow-outs in health which she has to somehow claw back, the sale of assets which she will not be able to sell again but which she was budgeting to sell in future years, and declines in revenue which will undermine her budget position and which her officials so far have no explanation for.

MR SPEAKER: Order! The member's time has expired.

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MRS CARNELL (Chief Minister) (4.23), in reply: Mr Speaker, I am very interested and very disappointed in the comments that Mr Whitecross made. I made no attempt to justify or to defend the Federal coalition's approach to the budget cuts that they put on the ACT. I think I was very factual about what they did and why they did it. Certainly, the "why" is very real. The budget problems that they have are extremely real; there is no doubt about that. For anybody from any party in this place to hop up and down and say that any Federal government has shown any particular benevolence to the ACT since self-government is a joke. The fact is that our general purpose funding from the Federal Government has been reduced by 49 per cent since self-government, all under Labor governments.

Federal governments seem to have very little time to worry too much about the future direction of the ACT, which really means that in debates like this, and many other debates we have in this place, we should be looking at solutions rather than trying to determine whom to blame. The fact is that Federal governments, whether the previous Labor Government or the current coalition Government, seem very unwilling to listen to the problems that the ACT has. Many of the problems were inherited with self-government. The health system and the education system are substantially more expensive to run, with absolutely no undertaking or understanding from the Commonwealth Grants Commission or, for that matter, the Federal Government. The Commonwealth Grants Commission's view on funding retention rates in our school system is not a new problem. It has been with us since self-government.

I think it is unfortunate that Mr Whitecross should take the approach that he did in his speech. We are in an extremely serious situation, and I think I made that very clear. It is going to be extraordinarily difficult for my Government to bring in its budgets over the next two years; but, interestingly, if anybody is ever silly enough to elect those opposite it will be similarly difficult for them to do so. We really must be looking at approaches that are in the interests of the community rather than in the interests of short-term political point-scoring. Members opposite may say that the coalition Government is somehow worse than the previous Labor Government, but the fact is that both have been pretty rotten. The Federal Labor Government had reduced funding to the ACT by some 50 per cent since self-government and it seems that that approach is going to be continued by the current Government.

Mr Speaker, Mr Whitecross made some comments about the real per capita guarantee. Again I accept that Mr Whitecross has not been in this place for very long and obviously does not have any background in this area. On that basis, it is probably a good idea that he speak to Ms Follett prior to making statements in this area. The real per capita guarantee was first agreed in 1994, not in 1995. The then Labor Government agreed with the States that this would be an absolute commitment - "Cross our hearts and hope to die", said the Federal Labor Government - if the States were willing to give up the specific capital grants, which were part of our funding formula at that stage. The States and Territories, with a degree of concern - and Ms Follett was Chief Minister at that stage, so she could have told you - agreed even though I think it meant some \$30m or so to the ACT. There were some swings and roundabouts there.

What happened last year, Mr Speaker? We had already agreed as States and Territories to give up something, to give up the specific purpose grants; and then last year, lo and behold, we were going to get the real per capita guarantee only if we signed the competition policy agreement. Of course, this year, under a totally different government, we are going to get the real per capita guarantee only if we pay a certain amount of money to the Commonwealth to plug up their budget hole. It just strikes me that they are both pretty rotten, Mr Speaker. It would appear that the number of times the States have to pay for the real per capita guarantee is really just a matter of for how many years we have to go to Premiers Conferences.

There is certainly no doubt that the Premiers and the Chief Ministers were pretty upset and not happy about the approach that was taken by the Federal Government. Equally, we were not happy last year, and I am sure Ms Follett would say that we were not happy the year before that either. It is simply an ongoing problem for Canberra. That does not mean that we should sit back and accept it. It means that we have to get in there and fight. That is what we on this side of the house are attempting to do. We are attempting to say to the Commonwealth, "Hey, you cannot live in this city and not pay your own way". I am fascinated that those opposite somehow think that that is a joke. There are a number of areas in which the ACT Government does have a capacity to charge the Commonwealth, and we will be finding every single one of them, Mr Speaker, because for too long people in Canberra have had to foot the bill for a Commonwealth government that does not seem to understand the very special needs of the ACT.

Question resolved in the affirmative.

CHILDREN'S SERVICES ACT - OFFICIAL VISITOR'S REPORT 1994-95 Paper

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

That the Assembly takes note of the paper.

MS REILLY (4.30): I would like to say at the outset that, obviously, the provision of custodial care for juveniles is a difficult issue. The provision of quality services for these young people is not easy to achieve, and I think we must recognise that. But we also need to recognise that these are young people who have got into difficulties for a number of reasons, and we need to ensure that we give enough energy, funds and resources to resolve the problems that they have. It is no good trying to pretend that they will not happen again if we do not give those resources.

Coming to the report by the Official Visitor, let us consider that. This is a quite special report because next Sunday it will have its first anniversary from when it was first presented. Not until now have we been able to discuss it properly. I am not quite sure of the reason why it took so long for it to receive the light of day through being presented to this house. It took nearly nine months to reach that stage.

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I am also finding it difficult to comment on this report in any detail because I have been unable to visit any of the facilities about which the Official Visitor is reporting. I have requested many times, over a number of weeks, a briefing on children's services in the ACT and a visit to the Quamby centre. I thought it would be useful to see the facilities there first-hand. If you look at the report you note that the Official Visitor raised a number of issues to do with the physical nature of those facilities. There seemed to be a great reluctance to enable me to visit these facilities. This leads one to ask a question. Why? What is happening within the children's services in the ACT, and in particular at Quamby, that there is no way of finding out what is going on? So, Minister, what are you hiding?

However, going to the report, we need to look at the number of issues raised by the Official Visitor. In relation to the report and the work done by the Official Visitor, Bill Aldcroft, I would like to commend his commitment and diligence in undertaking the duties outlined in this report. This report that he provided is both thorough and considered, and I think it should have been treated with due respect and tabled more quickly.

That aside, we need to look at some of the issues which he has raised in the report. He notes that the staff of these facilities cooperate fully with him in his role as Official Visitor, and I think that is commendable. He also notes that he has not received any serious complaints from parents, children or the staff, and that is another positive point about it. He does point out that it is very hard for the staff to maintain their morale in the trying conditions under which they have to work. I understand that the Minister has taken some action with regard to the Kaleen House Youth Shelter and things are not the same as was outlined in the report that Mr Aldcroft provided. I would ask whether this was a response to the Official Visitor's report, even though you did not want to release that report when it first came out.

However, Quamby appears to be a different situation, going on the report, which is the only thing I can go on, and the Official Visitor has raised some serious issues. I think we need to look at some of those. I am hoping that you will be able to tell us that they have all been resolved and the year in between has seen great changes. I am sure that you could also claim, "Some of this happened under a previous government, so it is not my business". I hope that you will not do that, because I think it is important, in view of the nature of those facilities and the people who use them, that these issues are taken and dealt with as soon as possible.

The Official Visitor talks about the need for young people - I understand that most of them are about 17 - to receive "physical and recreational training during the period of exercise". This comes from the UN resolution, section 22.2. He also notes that the plans to build a gymnasium have been scrapped, so there is very little area in which these young people can do any exercise. I would suggest that young men - I think they are mainly men of 17 - need the opportunity to get rid of some of that energy and aggression that they have in full capacity in about that age group. But maybe you can tell me that circumstances have changed in the last 12 months. Maybe it is no longer the case that

during winter, which covers quite a number of months in the ACT, there is no place where young people can do various activities, except inside, and that the community room that is there has acoustic problems. It is very difficult for anyone to have any quiet space. Also, all the different activities - conversation, television, playing pool - take place in the one large room. I cannot imagine that that allows for any interactions of any meaning.

This report by the Official Visitor would suggest that Quamby's physical facilities are not up to standard. I would suggest that they are nowhere near the standards expected by the UN. However, some of these issues have been raised. I noted in the article in the *Canberra Times* of last Saturday, in Cheryl Vardon's farewell interview, that she mentioned some of the issues in relation to education and work programs at Quamby. They sounded extremely useful. I hope that this is an example of some of the changes that have happened at Quamby. I would have liked at this time to have the opportunity to give you some insight into the state of these facilities and the conditions which people who are in custody are experiencing, but I have not yet seen the facilities or had the opportunity to get this first-hand information. I am sure that we will be able to find ways of addressing that.

Mr Speaker, to return to the report itself, it is not entirely complimentary of what is going on in our juvenile facilities at the moment and it raises some important and serious issues about children in care, particularly those in Quamby. I hope that the Minister has some good news for me and is able to inform the Assembly that the matters have been rectified. I look forward to finding out what is actually happening in these areas of children's services in the ACT.

MR STEFANIAK (Minister for Education and Training and Minister for Children's and Youth Services) (4.37), in reply: I am delighted to advise Ms Reilly - I will go into more detail shortly - that a large number of points raised by the Official Visitor have been taken into account by this Government. Further, Ms Reilly, I understood that you had had briefings, and if you need to visit Quamby or want to visit Quamby I will make arrangements in relation to that. I was under the impression that you had had some briefings or that briefings had been arranged. If you leave that with me I will ensure that you get briefings and also the chance to visit the establishment.

Mr Speaker, I would like to begin by thanking the Official Visitor for his service to Quamby and to the community, and also to assure the Assembly that his services are highly valued by the Government. Mr Bill Aldcroft has provided the services for some time now. He also has provided a number of other services to young people and adult prisoners and adult defendants in the courts. During my most recent stint in private practice I had cause to deal with Mr Aldcroft on a number of occasions in relation to persons who were charged with offences, and I always found him most supportive and very competent in his role at the courts in assisting those persons and their families. It is a role he takes seriously, and he also takes seriously his role as Official Visitor. I have had a number of discussions with him. His services are highly valued, as is his experience, and he has some good ideas which the Government has been able to action. Obviously, we cannot action every idea, but some major improvements have been made.

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Where possible, the department has moved quickly to address the areas of concerns. I will deal, firstly, with the Kaleen Youth Centre. Mr Aldcroft noted that the centre required a major restructuring and that, Mr Speaker, is exactly what has been done. The Official Visitor was particularly concerned about the lack of any structured program in operation at the centre which would prevent young people from leaving and returning to the centre whenever they pleased. The contracting out of the Kaleen Youth Centre to the Richmond Fellowship last year - it started in November - has led to the provision of high-quality, useful programs for the young residents, and a veritable transformation in the way the centre is managed. The reports I get back in relation to that are that that is going very well indeed.

Immediately the fellowship took over the centre in November a comprehensive day program at their Pialligo facilities was put into place. All residents of the centre who are not presently working or at school spend the day at Pialligo undertaking a range of living skills and educational activities. These activities are designed to prepare young people for work or to reintegrate them into mainstream education. I am sure that the Assembly will agree with me, Mr Speaker, when I say that outsourcing of the Kaleen Youth Centre has been a triumph for all those concerned with its operation. Residents are now engaged in a highly useful program in the stable environment that the Richmond Fellowship is able to provide and are learning skills that will, hopefully, obviate their need for this sort of accommodation in the future.

At Quamby, Mr Speaker, the winds of change are also blowing with a refreshing vigour. Ms Reilly was correct in pointing to Ms Vardon's farewell article in the *Canberra Times*, as she has been intimately involved in improvements there. I will come to one particular area there which is really showing a lot of benefits to the young people concerned. Mr Speaker, programs have been enhanced to provide meaningful activities for residents of all age groups, including the older youth mentioned in the Official Visitor's report. A new teacher has been appointed at a senior level, a Level 2 teacher, and he has organised close contacts with schools and the CIT so that work completed in the Quamby school program can be recognised as a qualification or a part qualification upon the resident's release. Residents, when they are released, are given a portfolio of what they have done at the centre in terms of the educational program. This recognition gives real value to the work that residents are doing, Mr Speaker, and makes a return to either school or the workplace that much simpler.

In relation to the security issues raised, I am pleased to report that the Government is currently considering proposals in terms of enhancing those. Work has occurred in relation to enhancing some aspects of the centre already. Those works are such things as security mesh on windows and reinforcement of doors. That has been done to improve the security of the residential units. Also, a gate in the fence, allowing access to facilities on the old Quamby site mentioned in the report, will be provided in the future. Unfortunately, the gymnasium that was mentioned by Ms Reilly and by Mr Aldcroft is not economically feasible at this stage. However, a number of the physical activities of the residents there are being addressed. There is a gym there and there is a very high participation rate in the sports fitness program run within the school program. There is organised football, touch football and soccer available to residents if they wish to compete.

As well, Mr Speaker, last year there were a number of other programs, which I gave some community groups grants for, and which, on the feedback I got, went very well. There was a fitness program which the Police-Citizens Youth Clubs use, I understand, for the residents, and there was also a highly effective band program which ran, I think, for 12 weeks. It was basically teaching residents how to be roadies. There was some music tuition in that. It was run by a community group and there was a very good response from the residents. They seemed to really enjoy it and get a lot of benefit out of it. Those programs are there to complement the educational programs that have been put in place and improved upon.

Mr Speaker, before turning to some of the other points the Official Visitor raised, I should say that, in regard to the personal portfolios, the first statement of results was presented to residents there by the Director of the Student Support Service on 29 March 1996. Students have become motivated to participate as value and recognition is being placed on the portfolio and the statement of results. The Department of Education and Training has negotiated with the CIT for Quamby to be a provider of the CAGE - Certificate of Adult General Education - program for the 18-week Year 10 certificate. Students receive full credits for units completed if they seek entry to CIT after their Quamby placement. The department has funded the costs associated with the CAGE program.

I think these types of programs, good supervision and good rehabilitation programs, are the very best approaches one can take in these youth detention centres. They are something that Mr Aldcroft was very keen on. He made a number of points ranging from how you deal with the most difficult young persons in custody to what sorts of programs most of those kids really needed rather than just having them sitting around doing nothing. He was very keen on proper educational programs and I think he will be pleased with the improvements that those programs have brought.

He also mentions in the report, Mr Speaker, something about breaches of the rules. In relation to breaches of the rules, I have instructed the department to the effect that all breaches of the law must receive police attention, as is appropriate. I also have had reason more recently, Mr Speaker, to meet with Quamby staff, who put forward some further very good ideas for improvements. I have since put those forward to the department for consideration and, where appropriate, action. I must say, Mr Speaker, that I was quite inspired to find staff who had such a sense of dedication to duty and such a sense of dedication to their charges there, and a real desire to help out and seek improvements. I am sure that that sort of attitude bodes very well for the future of Quamby as a whole.

Mr Speaker, once again I thank the Official Visitor for his valuable services. I assure this Assembly that the facilities for at-risk children and youth in the Territory continue to be managed in a most able and solicitous manner. As can be seen, a number of very important points raised in the Official Visitor's report for the year 1994-95 have been taken into account and action has been taken. There certainly is more work to do; but at least a very good start has been made, and some of the educational programs, especially, are starting to show some real benefit for the young people at the centre.

Question resolved in the affirmative.

18 June 1996

ENERGY MINISTERS MEETING
Ministerial Statement

Debate resumed from 15 May 1996, on motion by **Mr De Domenico**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

TAXIS AND HIRE CARS - DIRECTIONS
Ministerial Statement

Debate resumed from 18 April 1996, on motion by **Mr De Domenico**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

ADJOURNMENT

Motion (by **Mr De Domenico**) proposed:

That the Assembly do now adjourn.

Bicycle Helmets

MR HUMPHRIES (Attorney-General) (4.48): Mr Speaker, in the adjournment debate I want to refer briefly to bicycle helmets - an issue that has crossed the minds of many of us in recent years with debate about legislation to require bicycle helmets to be worn by Canberra cyclists. Members will have engaged in some debates and correspondence with the Cyclists' Rights Action Group and others who have argued that the decision to require the wearing of helmets was inappropriate. I thought it would be useful, Mr Speaker, to read a brief letter to me from Mr John Dainer, ACT Coroner, about a particular recent inquest that he conducted. I quote from the letter:

Re: Inquest into the death of Lina Marie Cohen

I conducted an Inquest into the death of the abovenamed 22 year old cyclist on 4th June, 1996, and, under Section 58(2) of the Coroners Act, wish to bring to your attention a matter related to public safety arising out of the evidence.

On 19th February, 1996 the deceased had been riding a bicycle across Northbourne Avenue at a set of pedestrian traffic lights, and against the red light. She was struck by a south-bound car being driven by a learner-driver. Traffic conditions were heavy at the time.

Several witnesses said that the deceased, after waiting with others, suddenly started to ride across the road into the path of oncoming traffic. The driver of the car which hit her was travelling at about 60 Kph, i.e. 10 Kphs below the speed limit, and had almost no chance of avoiding the cycle.

The deceased's head hit the windscreen of the car, and she died of severe closed head injuries on 19th February, 1996. She owned a bicycle helmet, but for reasons unknown, was not wearing it at the time of the accident.

Two experienced Police accident investigators, Sgt Weise and Const. Allen, gave evidence that, in their opinion, the wearing of a bicycle helmet by the deceased may have reduced the severity of the head injuries sustained by her to the extent that they may have been non-fatal. They also expressed the view that wearing a helmet would not have increased the severity of the impact. I agree with those comments.

In view of current community interest in this area of road safety, as reflected recently in the correspondence section of "*The Canberra Times*", I believe that this case may be of relevance in supporting the Traffic Act requirement that cyclists wear helmets.

Mr Speaker, I think those are timely words, and I commend them to the house.

Education - Voluntary Parent Contribution Scheme

MR STEFANIAK (Minister for Education and Training) (4.51): Mr Speaker, I seek the indulgence of the Assembly - I have spoken to Ms McRae and Mr Moore about this - in relation to the Government's response to the report of the Standing Committee on Public Accounts on voluntary parental contributions. A number of points have caused certain parts of the Government's response to be redone. I will not be able to present the response this Thursday, but I will be able to table it on 26 June. I seek leave of the Assembly to enable me now to table that response on 26 June.

18 June 1996

Education - Voluntary Parent Contribution Scheme

MS McRAE (4.52): I simply want to put on record that we agree to Mr Stefaniak postponing that report. There was no formal mechanism for Mr Stefaniak to move a motion; he simply wanted to inform the Assembly. Given that that is the situation, I will put on record that we do agree to Mr Stefaniak delaying his report until Tuesday.

Jobline

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (4.53), in reply: It gives me pleasure to report to the Assembly that Jobline - Mr Whitecross spoke about this before but is not here now - has decided today to accept an assistance package the Government offered the agency at yesterday's meeting. Several weeks ago the Government advised Jobline that its funding for this year could not be continued. After much frustration from Jobline with that decision, and, might I say, some public procrastinations as well, the Government arranged a further meeting with the employment agency which was held yesterday. An assistance package comprising \$20,000 was put to Jobline at that meeting, to enable Jobline to develop a business plan and explore options for becoming self-supporting rather than reliant on annual government grants.

The offer made to Jobline involves a three-stage assistance package: Firstly, \$5,000 for the development of a five-year business plan that would look at funding options from both commercial channels and government assistance; and, secondly, funding of \$15,000 to enable Jobline to continue operating while an independent review of its operations is conducted. The review would cover the last three years of Jobline's business operation, with a view to establishing both the effectiveness of the Jobline program to the ACT community and its long-term business viability. Finally, it involves assistance to the Jobline board of management through the appointment of people with business expertise to oversee the ongoing functions of Jobline.

The Government made it quite clear to Jobline last year that it had to look beyond current funding arrangements to ensure the agency's long-term survival. I am pleased that conciliation has successfully resulted in Jobline accepting the Government's offer of assistance, and I am confident that it will be able to continue its important work in the community - that of serving the needs of Canberra's unemployed. It would have been irresponsible for the Government not to take this approach, because there are many other organisations all doing a fine job in trying to place people into employment, and they are not recipients of government assistance. I can see that Jobline will continue to grow and prosper and be self-supporting, which is what it should be, and I am delighted that it has accepted the Government's offer.

Question resolved in the affirmative.

Assembly adjourned at 4.53 pm