



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 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.

PETITION

The Clerk: The following petition has 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.

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

National Soccer Centre

The petition read as follows:

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

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

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

Petition received.

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HEALTH AND COMMUNITY CARE SERVICES BILL 1996

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.32): I present the Health and Community Care Services Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present the Health and Community Care Services Bill 1996 and the Health and Community Care Services (Consequential Amendments) Bill 1996. These are relatively simple pieces of legislation, but they are fundamental to the future direction for health and community care in the ACT. They mark a new beginning, a new era for ACT health and community care. In a practical sense, these Bills will achieve two key objectives: First, they establish a Health and Community Care Service separate from the Department of Health and Community Care for the ACT from 1 July 1996; second, they establish a Health and Community Care Service Board to oversee the management and operations of the service.

Members of this house are well aware of the ongoing sagas involved in managing health and community care, meeting budgets, dealing with waiting lists and coping with public demand for services. These are issues that go back many years under various governments since self-government was granted. The very public focus on these issues has often tended to obscure the fact that the people of Canberra have what is generally a very fine health and community care service. They have access to services of high quality, staffed by highly dedicated and qualified professionals. I believe that it is about time that the ACT community and this Assembly as well got behind those dedicated professionals and supported them in the difficult job that they carry out. It is time for us as a community to deal maturely with the often inaccurate perceptions of our health and community care services, and this legislation gives us that opportunity.

This legislation, which is planned to come into effect from 1 July, heralds a new start, a new way forward for health and community care in the ACT. The legislation establishes a Health and Community Care Service and sets out the objectives, functions and powers of the service. The service is made up of the current Woden Valley Hospital and Community Division. Members should note that, while Woden Valley Hospital and Community Division are established as part of a single service to ensure integration and continuity of care for patients and clients, the two functions will be managed as separate entities. This is, first, because of the size of the task. Managing Woden Valley Hospital is a major challenge in itself.

Mr Berry: Double-counting.

MR SPEAKER: Order!

MRS CARNELL: You would know all about double-counting, Mr Berry - and, second, because of our desire to protect and build up our community service and not have our vital community resources channelled into the acute facilities.

The legislation also establishes the Health and Community Care Services Board, which will consist of up to seven members. They will be the chief executives of Woden Valley Hospital and ACT Community Care; a nominee of the University of Sydney, to reflect the importance that we place on the role of the Canberra Clinical School; and up to four other members. On passage of the legislation, the Government will call for expressions of interest in appointment to the board, with appointments to undergo the usual scrutiny through this house. However, my firm desire is for the board to have a strong management emphasis. These appointments will be on the basis of skills in areas such as business and public sector management and administration, financial management and legal skills.

Mr Berry: It is just blame shifting. Get somebody else to take the blame.

MR SPEAKER: Order! Mr Berry, you will have a chance to respond to this at some later date.

Mr Berry: I wanted to do it today, though.

MR SPEAKER: You certainly should not do it by interjection.

MRS CARNELL: The members may also have health and community care experience, although I do not see it as essential for all members to have such experience. I do not propose to appoint representatives of organisations, associations or advocacy groups. Such an arrangement would lead to a board made up of sectional interests, presenting difficulties about who should have representation and who should miss out, and would defeat the purpose of the legislation. Quite frankly, from my experience, I believe that the appointment of a board based on representation would suggest to the people of Canberra that we had simply learnt nothing from our mistakes in the past.

As members are aware, the major issues facing our health and community care services are management issues; and, in particular, I would mention budget management. This, then, will be the focus of the board and should be reflected in the make-up of the board. Members will be aware of various structures which have overlaid health and community care in the past, involving various commissions, authorities and boards. This structure differs from those of the past in that its primary function is to separate and clarify the roles and functions of the central office department from those of the providers of the service.

You will all be aware of the confusion that has occurred about who is responsible for what in health and community care, particularly when there is a budget blow-out. This legislation clearly defines the different roles and responsibilities of central office and of the Health and Community Care Service. In this way, we will improve accountability and transparency at all levels in the health and community care system for the use of public funds. In order for the expenditure of public money to be demonstrated as being both effective and in the community's best interests, this Government has committed itself

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to the introduction of a program of financial management reform. This includes the establishment of a purchaser-provider model which in health and community care establishes the central office as the purchaser on behalf of the Government and the community; and the Health and Community Care Service as the main provider.

There have been those who have balked at the notion of a purchaser-provider split, yet in reality it is a very simple concept. In every health system in the world, both public and private, there are purchasers and providers of services. These are logical functions and are performed in all service delivery systems. What we are aiming to do in the ACT is to formalise these quite separate roles, to remove uncertainty and to clarify accountabilities. This is an innovative arrangement which introduces into the ACT a new, more open and transparent way of planning and delivering services, and of accountability for the expenditure of funds. The use of purchasing contracts is important to all stakeholders - our clients, our patients, our customers, our suppliers, our staff, the ACT community in general and, I would have hoped, members of this Assembly. This is because, for the first time, they will clearly set out what stakeholders can expect to receive in return for the substantial public investment in health and community care. At the same time the purchaser, on behalf of the Government and the community, and the providers of those services are very clear about what outcomes and outputs they are to produce for the money invested. The purchasing arrangements represent a major shift in emphasis, from a focus on inputs to a focus on outputs and outcomes - on the actual benefits and gains to be made from the services provided.

Mr Speaker, this legislation does not affect the employment arrangements of staff. They will remain under the provisions of the Public Sector Management Act 1994. However, it does recognise their role as health professionals and that they are different to the Public Service heritage passed down to us from the Commonwealth. That Public Service heritage was designed around a clerical role for the vast bulk of Public Service staff, not around the 7-day-a-week, 24-hour-a-day life and death roles of our health professionals.

Mr Berry: Come on!

MR SPEAKER: Order!

MRS CARNELL: Mr Berry does not think that is true. Well, it is true. I believe that more than anything our health and community care professionals want certainty and security and that, through the creation of the service and the board, they can increase that certainty. This is because the board will assume the role of overseeing management of the health and community care services, acting as a buffer for staff and allowing our health and community care professionals to get on with their day-to-day responsibility - something that they desperately want to do.

The central office of the department will have responsibility for policy development, planning, population health and the purchasing of services to meet the health and community care needs of the ACT community. It will not be responsible for, nor will it be involved in, the day-to-day delivery of hospital and community care services.

This, therefore, will be a good outcome for staff and improve certainty and predictability in services. I also expect the board to be highly cost-effective and to more than pay its way through improvements in efficiency, effectiveness, quality and customer focus for our health and community care services.

As I said at the outset, this Bill will provide an opportunity for a new beginning for health and community care in the ACT. We are introducing a range of reforms to improve our services, including the recruitment of new chief executives and senior executives, new management arrangements, financial management reforms, purchaser-provider and adoption of casemix as both a management tool and a funding tool. It is an opportunity to improve the image, perception and realities of our health and community care services and it is one that I hope our staff, the ACT community and members of the Legislative Assembly grasp and pursue positively.

As a further sign of the reforms we are introducing and to mark this new start, from 1 July the Woden Valley Hospital will be renamed the Canberra Hospital. Woden Valley Hospital is a principal tertiary teaching hospital and is the major hospital for Canberra and south-eastern New South Wales. To reflect this status, the Government has agreed to a suggestion by many staff at the hospital that it should assume the title of the Canberra Hospital. It is no longer the hospital for the Woden Valley; rather, it is the Canberra hospital for the people of the ACT and the Canberra region. Again, it reflects the maturity of our health services and of the Canberra community in general. This legislation, therefore, is an important component of a major change in their health and community care process which is continuing under this Government and which should reap significant benefits for the community. I commend this Bill to the Assembly.

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

HEALTH AND COMMUNITY CARE SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1996

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.45): I present the Health and Community Care Services (Consequential Provisions) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: Mr Speaker, in my previous speech, I addressed the issues that are involved in this Bill. I move:

That this Bill be agreed to in principle.

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

TRADING HOURS BILL 1996

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.46): Mr Speaker, I present the Trading Hours Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

I take pleasure today in presenting to the Assembly the Trading Hours Bill 1996. Members would be aware of the difficulties experienced by various administrations over many years in coming to terms with the complexities and anomalies of the existing Trading Hours Act. The restrictive trading hours environment provided for in the existing Trading Hours Act gives a less than positive image of the ACT as an attraction for national and international tourism and as a place to do business. It is also at odds with changes in consumer purchasing patterns and improved technology and more efficient practices in the retail industry. The existing Act has also proven itself over many years to be extremely difficult to enforce, to the extent that no real attempt is now made to do so.

However, small business operators in the retail sector have consistently identified this de facto deregulated trading hours environment as one of the most significant issues affecting the viability of their businesses. This impact has been most strongly felt by small businesses in local shopping centres and by the communities that they serve. We recognised the difficulties that small businesses have been experiencing in Canberra, partly as a result of unclear, unworkable and unenforced trading hours legislation, and we gave a commitment to the ACT community to resolve the impasse. In retail parlance, I believe that we now have the goods.

To determine what the relevant issues were and develop appropriate strategies to address them, the Government initiated a review of trading hours and, through a social impact study, a review of the impact on consumers of trading hours and other retail considerations. The outcomes of these reviews enabled us to develop our retail policy, *Striking a Balance*. The trading hours review itself unequivocally identified extended trading hours of major supermarkets as the principal source of concern. Regulating trading hours for supermarkets in the existing town centres and Civic, as we are proposing in this Bill, is only one component of *Striking a Balance*. But it is one that is as vital as all of the other components in helping to reach an equitable solution for the community as a whole. *Striking a Balance* is about giving small business a stable retail environment, an environment in which they can begin to develop their business strategies with a greater degree of certainty and with a vision for better prospects and employment opportunities.

The Government's retail policy represents a pragmatic and integrated approach to what is a very complex issue. The policy provides targeted benefits. Small business retailers will benefit from deregulated trading hours, particularly those operating supermarkets in local and group centres. Consumers will continue to have access to convenience and weekly shopping facilities as well as the potential benefit of a more viable local shopping centre, enhanced through a wider range of permitted uses. Investors as well as consumers will also be advantaged by the Government's incentive plan to remit up to 50 per cent betterment for the redevelopment of local centres, in circumstances of declining viability.

Included in the Government's proposals is the helpShop program, which will provide business and other advisory services direct to small business operators in all local, group and town centres. A helpShop van will commence business in July and operate for an initial 12-month period. A local centres ideas competition has also been announced, which is to be funded by the private sector. To add more certainty to business decisions, the Government has introduced an evaluation check sheet for the applications dealing with major redevelopments. This will be a valuable guide to business and will also assist in streamlining Government planning decisions.

Mr Speaker, the Trading Hours Bill 1996, when enacted, will put the ACT at the forefront of trading hours deregulation in Australia. Whilst the Bill does seek to impose some restrictions on supermarket trading in town centres, these proposed restrictions have been kept to an absolute minimum whilst still enabling the broader policy goals of the retail policy to be met. This limited restriction on supermarket trading is the only restriction on trading hours proposed. In all other respects, a fully deregulated trading hours environment will apply, with retailers free to respond to changes in our community's shopping patterns.

This Bill will deregulate trading hours in the ACT to an extent that, to my knowledge, applies nowhere else in Australia and, as such, reflects this Government's ongoing objective of producing innovative policies to meet the present and future needs of the community.

Mr Osborne: Do you really believe this?

MR DE DOMENICO: I do. I will take on board that interjection from Mr Osborne. It seems to me that Mr Osborne agrees to limiting trading hours of certain bars and clubs in this town but does not want to take it a step further. Can I say also that this Government will continue to resist all this media hype that has been going on, because this Government will continue to make sure that, after the trucks from Woolworths, Coles and others come into town with groceries, they do not leave the ACT with bucketfuls of our money. I have great pleasure in commending the Bill to the Assembly.

MR SPEAKER: The question is: That this Bill be agreed to in principle. Everybody has been very keen to interject during the presentation speech. Is not anybody going to do something positive?

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MR WOOD (10.51): The Government has not done anything positive; they have done something rather negative. I move:

That the debate be adjourned.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Legal Assistance to Members

MR OSBORNE (10.52): Mr Speaker, I ask for leave of the Assembly to amend my notice of motion.

Leave granted.

MR OSBORNE: I move:

That the resolution of the Assembly of 20 February 1996, which referred the matter of the development of guidelines for the provision of legal assistance to Members to the Standing Committee on Legal Affairs for inquiry, be amended by omitting "by 30 June 1996".

Mr Speaker, I will be very brief. The Legal Affairs Committee has been looking into the matter of legal assistance to members. Initially, the consensus among committee members was that we would report back. We wrote to all the different parliaments around the country and it took a little bit of time to get responses from both the upper and lower houses. From all the correspondence we received, Mr Speaker, there are no formal guidelines in place anywhere around the country.

It was decided at our last meeting that perhaps the terms of reference we were given required that we look at setting some guidelines. We intend to continue writing to a number of people to have some further input. The suggested revised timeframe is on or before the first sitting day next year, which means that the committee can report as soon as the inquiry is complete. It has taken a little bit longer than expected; but, as you are aware, it is a very sensitive matter and we intend to provide the Assembly with a detailed report and perhaps some guidelines which can be put in place.

Mr Speaker, that basically is the reason for the motion. As I said, we have had some trouble in getting some responses, and we have not had a lot of positive response; so it will take some time to draw up the new guidelines.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Reference - Leasehold Administration

MR MOORE: Mr Speaker, under standing order 128, I fix the next day of sitting for moving the notice of motion standing in my name on the notice paper which seeks an extension of time for the Standing Committee on Planning and Environment inquiry into the Stein report and the Government response, and permission to report out of session.

ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE
Report on Inquiry into Nature-based Tourism

Debate resumed from 12 December 1995, on motion by **Mr Kaine:**

That the report be noted.

MS HORODNY (10.55): Mr Speaker, the conservation of nature is an issue that is very close, obviously, to the hearts of the Greens. I was, therefore, very interested to read this report, which discusses the possible expansion of tourist activity in the ACT's Namadgi National Park, the nature reserves and the forest areas around the ACT. There can be no doubt that the Namadgi National Park, the Tidbinbilla Nature Reserve, the Murrumbidgee River Corridor, the Canberra Nature Park and other smaller reserves are key natural assets of the ACT that should be treasured. Not only do they define the bush character of the ACT and provide recreational opportunities for Canberrans and tourists; they also are areas of significant ecological value in their own right.

This last point is what I want to emphasise today. Nature reserves are established for the primary purpose of conserving nature. Nature reserves have not been created for the primary benefit of the tourism industry. People understandably want to visit these areas to experience the beauty and the wonder of nature, and it is very important that people have this opportunity so that they can learn more about the importance of the natural environment; but this must be managed very well, so that the ecological values of the areas are protected from the adverse impacts of human visitation. I am pleased that the report has acknowledged this point in some of the recommendations. What I would like to do today is to put some priority on the recommendations to emphasise this point.

For me, recommendation 13 is the key and critical recommendation, and that is that the ACT Government maintain its commitment to preserve ACT national parks and nature reserves for the purpose of conservation. This commitment must come before anything else relating to the promotion of tourism in these places. The next most important recommendation is recommendation 1 - that the ACT Government finalise draft management plans for the Lower Molonglo, the Murrumbidgee Corridor and the Canberra Nature Park and Tidbinbilla, and update the management plan for Namadgi as a matter of urgency. It is quite scandalous that the ACT has only two management plans in place - one for Namadgi, prepared nine years ago, and one for Jerrabomberra.

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The Namadgi plan does not even cover the additional 25,000 hectares by which the park has grown over recent years. Tidbinbilla does not even have a draft management plan yet, even though it has been highlighted in the report as an area that could be suitable for tourism development.

These management plans must be completed before any consideration is given to expanding tourist activities in these reserves. It is only through finalising these management plans that the ecological integrity of the nature reserves can be assessed and steps put in place to maintain this integrity. It is only after this work is completed that recommendation 8 should be implemented, which is that a strategic plan for the development of nature-based tourism in the ACT national parks should be prepared, together with recommendation 14, which is that an assessment be made of the Territory's natural areas, including carrying capacities and market demand, to determine which sites should be targeted or could be targeted for increased visitation.

These initial recommendations must be implemented first, before further consideration can be given to most of the other recommendations relating to the development of specific tourism initiatives. Without an overall management structure for our nature reserves in which nature-based tourism activities can be planned, the ACT stands the risk of degrading the natural features of the ACT on which this type of tourism depends.

Another specific recommendation that I would like to comment on is recommendation 15, which is about the locations of accommodation venues for nature-based tourist activities. The report states that such venues should be restricted to the periphery of the Territory's national parks, but that other developments may be appropriate under specific circumstances. Let me be clear that the Greens do not support the building of hotels, motels, resorts, conference centres or any other tourist accommodation of this scale within the ACT nature reserves. I do not understand why Mr Humphries is laughing at this. It is a quite serious issue.

Mr Humphries: I am laughing at something Mr Osborne said, not what you said.

MS HORODNY: You should be paying attention, Mr Humphries. This is something that you need to deal with. There are so many examples in Australia and overseas of inappropriate tourist developments that have been allowed to dominate and degrade what were once unique natural environments, for the sake of making a short-term profit. Even the development of such resorts on the boundary of nature reserves can have a detrimental impact through increases in visitor numbers and the often visually dominating character of these types of developments.

Another major issue raised by this report is the introduction of user charges, as stated in recommendation 19. The Greens do not support the introduction of entry fees to Namadgi and Tidbinbilla or any other nature reserves in the ACT. While entry fees may be appropriate for some national parks which have high visitor rates and high management costs, we do not believe that there are sufficient grounds for imposing user fees in the ACT.

The conservation of areas of high ecological value is an action which benefits the whole community, not just those who visit the area on a particular day. It is, therefore, quite appropriate for the management of nature reserves to be funded from general revenue. There is also the very practical problem in the ACT that the costs involved in setting up an entry fee collection system in a place like Namadgi National Park, with its multiple entry points, may be more than the revenue gained. There is also the danger that, once an entry fee system is established as a major funding source for park management, there will be pressure generated to use the money collected to fund measures to encourage visitor numbers and thus increase revenue, and not to spend it on nature conservation.

In conclusion, let me say that the Government needs to accept that there is no quick and easy way to make money from the ACT's parks and reserves. Nature-based tourism in a limited form may be appropriate in our parks and reserves, but this should not be promoted at the expense of preserving our natural environment. I note that the Government has already tabled its response to this report and has agreed, or agreed in principle, to all of the committee's recommendations. I hope that the Government sticks to these agreements, and particularly adopts the priorities that I have just outlined.

I must express some cynicism, however, about Mr Humphries's bold assertion in his ministerial statement accompanying the response that this Government is committed to putting the environment first. If only the Government would actually put this into practice by, for example, putting more resources into the management of our nature reserves, supporting our initiative to establish environmental accounting in the ACT, establishing a stand-alone environment department rather than having environment functions scattered across the bureaucracy, speeding up the introduction of the long-promised integrated environment protection legislation, putting more effort into cleaning up contaminated sites and seriously implementing the ACT greenhouse strategy, then perhaps we could believe their commitment to the environment.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.05): Mr Speaker, I do not close the debate, or do I?

MR SPEAKER: No; Mr Kaine is to close the debate.

MR HUMPHRIES: Mr Kaine does, yes. I am not sure that I am entitled to speak again, but I thought that if I could not speak before the debate closes I would seek leave to do so. I can speak without leave? All right.

Mr Speaker, let me make a couple of comments in relation to what Ms Horodny has had to say. Let me disabuse her of the impression that caring for the environment is all about tokenistic acts like having a department with the word "environment" in its title or establishing bureaucratic structures supposedly dedicated towards protection of the environment. My view, Mr Speaker, is that what really matters is what you actually do out in the places where the environment is at risk, not what you do inside offices here in town. In that respect I stand by the statement that the Government does give priority to protection of the environment, and I believe that our record shows that quite clearly.

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The ACT has the highest proportion of its land dedicated to nature reserves and national parks of any jurisdiction in the country, by a country mile, and we have recently added to that quite significantly. We have added to that quite significantly in recent days by the creation of 500 hectares of reserve for native grassland in Gungahlin - a very significant addition to endangered habitat and also an important area of protection for a particular species that live in that particular form of temperate grassland.

Mr Speaker, on the question of integrated environment protection legislation, that is a matter which has been given priority under this Government and is being developed at this very point in time. It is a very easy ploy to say, "It has not happened yet; therefore, the Government must be dragging its feet on it", or whatever. That task was more or less begun under this Government. It is an extremely complex piece of legislation to bring together at least half-a-dozen pieces of existing legislation whose gestation and enactment goes back for at least a decade. To bring them all together into a single integrated piece of legislation is a very big task and, Mr Speaker, I believe that it has been given the priority it deserves to be able to get to a stage where it can be introduced, I hope, in the near future.

As far as greenhouse gases are concerned, Mr Speaker, I do not hesitate to tell the Assembly that the ACT has the most advanced position on greenhouse gases of any jurisdiction in this country, including the Commonwealth. Our position on those things, I believe, is exemplary. I accept that nothing we do is going to satisfy the Greens' agenda, but we have taken a strong position both on ozone depleting substances and on greenhouse gases. I believe that in both of those areas we lead the nation in terms of what we are doing. We are the only jurisdiction to have such an advanced system of energy rating for new housing. We have in place a program for government offices to reduce the level of - - -

Ms Tucker: You have cut \$12m out of public transport.

MR HUMPHRIES: Again we have the simple equation made by the Greens. I would ask her what she thinks it does for the environment to have buses that are half empty running through the streets of Canberra.

Ms Tucker: Reliable regular services.

Ms Horodny: You are supposed to get people onto those buses.

MR HUMPHRIES: I beg your pardon; that is a great exaggeration. Forget half empty; they are almost completely empty. In some cases they are completely empty. What does that do for the environment, Ms Horodny or Ms Tucker? It does nothing for the environment. Mr Speaker, it makes perfect sense to rationalise bus services where they are severely underpatronised, and that, of course, is a responsible act. Again there is a very simple mind-set on the part of the Greens.

We are being accused all the time of having a mind-set over here about profit and money and so on. I suggest to them that they have a few adjustments to make to their own mind-set. The mere fact that you save money in an area by doing things better, or at least differently, does not mean that you are not committed towards work in that area; that you are not committed towards protection of the environment; that your commitment in those areas is diminished because you do not spend as much money in those areas. That is a very simplistic approach which cannot be sustained if you look at it very closely. You can do better. In fact, every government since the beginning of self-government has had to do better, and I think "better" is an appropriate word. We have done better in most areas with less money.

We have not thrown the environment on the scrap heap because we have had to save money across the board in departments in which the environment has been located, including the Department of the Environment, Land and Planning, as it then was, and its predecessors. We have not threatened other actions in the area of government activity because we have needed to save money in those areas. I think that for the most part - there have been some exceptions, but for the most part - governments in this Territory since the beginning have been able to develop smarter, better ways of doing things. We certainly do not necessarily protect the environment or advance any other area of government activity merely because we retain large numbers of people in designated departments doing particular jobs.

Mr Speaker, I think that this Government response to the report of the Economic Development and Tourism Committee on the expansion of nature-based tourism in the Territory is a good response. Ms Horodny made the point in her remarks that those nature reserves are not primarily for the tourism industry, and that is true. She also said that the intrusion of people into those areas can be for the purpose of learning about the environment that we are seeking to preserve. I think I would depart slightly from her view on that subject. I do not think that we can say that those who wish to enter nature reserves and use the facilities there must do so only for the sake of learning about the environment, although that may be an incidental consequence of their presence in those areas. It also has to be for the purpose, I would suggest, of allowing people to engage in recreational activities in those areas.

Ms Horodny: What, jet skis?

MR HUMPHRIES: Not necessarily jet skis. There are all sorts of ways that people can enjoy themselves in national parks and nature reserves. I would suggest to you that most people who use them do so for recreational purposes, not because they are necessarily learning about particular botanical specimens in those parks or because they want to study water quality or anything of that kind. They are there, very often, for purely recreational purposes. I would suggest that a focus on those national parks and nature reserves purely as an educational resource is a slightly limited and unnecessarily restrictive view about the way in which they work. I would hope that there is no conflict. I think the Government would say that it commits itself to there being no conflict between recreational and educational purposes, but one use is not exclusive of the other.

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Ms Horodny also raised the question of entry fees into Namadgi National Park and Tidbinbilla. The Government has indicated that it is considering the question of how to produce more revenue in this area. We are doing so because we are confronted with a report commissioned by the previous Labor Government on the question of entry fees. We intend not to waste what, obviously, the previous Government saw as an opportunity to examine what can be done in that area by simply discarding that report without further consideration.

Ms Horodny said that it will be very difficult to charge entry fees for Namadgi National Park, and she is absolutely right. There are, I think, 19 entry points to Namadgi National Park. It would be almost impossible and quite uneconomic to post some kind of entry boxes at the entry points to the park. Tidbinbilla is another matter. I again appeal to the Greens not to say, as Ms Horodny suggested, that it is only where you have a high overhead that you have to meet that you should be charging entry fees. That is a purely reactive approach to the question of what to do in our national parks and our nature reserves.

There is the question of how we actually invest in those areas to upgrade the quality of what we are doing of an educational nature in those places. This Government, for one, stands committed to attempting to use resources that become available, whether they are through the Government coming upon extra pots of money, which is very unlikely, or through the charging of entry fees, to upgrade the quality of what we are able to do in those places.

To give you an example of that, the Commonwealth, before the last election, committed itself towards establishing an educational facility at Tidbinbilla Nature Reserve. That is a commitment from the Commonwealth Government that I greatly welcome and look forward to being able to help develop into a feasible facility for both residents of the ACT and those who will be coming to visit the Territory. We might need to invest some money into making that happen. I would hate to think that we would lose the benefit of that Commonwealth opportunity merely because we cannot find a few hundred thousand dollars of existing government funds to generate some matching commitment by the ACT Government. Perhaps we can invest money raised by entry fees to make something worth while happen inside the park which is supportable by all who are concerned about the environment.

I would ask the Greens not to close their minds to those sorts of options because, other than just maintaining what is there already, they can expand what is available there to generate opportunities and to further protect the environment. That is worth while in my view, Mr Speaker, and I would support that option being explored at least, rather than people saying, "No, it cannot be considered; it is off the agenda".

Ms Horodny: Where is the management plan?

MR HUMPHRIES: It is being developed.

MR KAINÉ (11.15), in reply: Mr Speaker, the committee initially took this inquiry on as a self-reference. We did so because we noted that a large amount of the Territory was reserved as nature reserves and national parks. We did not know how those resources were being maintained and we did not know the extent to which, if at all, they were being used. One could argue that, if the nation reserves huge tracts of land to remain in their natural state as a resource for the future, we should know that those resources will be there a thousand years from now or a hundred years from now to satisfy the purpose for which they were reserved in the first place. By the same token, if the resources are there to be enjoyed by future populations, then presumably they are there to be enjoyed by the current population as well. But are these resources being utilised? Are they being properly taken care of and maintained? What degradation is occurring? What, if anything, should be done to remedy any degradation? I think that our inquiry answered the broad questions.

In a comparative sense I believe that we have been very fortunate in the ACT because there has not been a huge degradation, by and large, of that natural asset, such as has occurred with some natural resources in other parts of the continent where they have been opened up for tourism, often without any precautions being taken to ensure the conservation of the resource that people are so anxious to go and see. We saw areas where restoration programs have had to be put in place. The ecology quite often is very fragile. It does not take long to destroy it, but it takes decades, sometimes, to restore it. I think we are quite fortunate in the ACT in that we saw no evidence of degradation such as has occurred in other places.

Having seen what the facts were, the report was written with the intention of bringing to the attention of members of this place and the community generally the fact that there is a huge resource out there, and it is a valuable resource. It should be made readily accessible to those people who wish to use it, but that access should be controlled in such a way that degradation does not occur. So the emphasis is on using the resource, but on controlling access, and that implies the existence of management plans that determine where access shall take place, what form of access will be permitted, and that access be controlled, perhaps in some cases by licensing.

It is clear, I think, from the acceptance of the report by both members of the Assembly and members of the Government that the review and the report were worth while. It is pretty clear that the committee's work is considered to have been worth while and that the recommendations are generally supported by the Assembly and by the Government. The Government's response, I think, is very encouraging, because they have rejected none of the recommendations. They have adopted them all, either totally or in principle. In-principle agreement generally relates to those areas where the Government believes that it is already doing something productive. Therefore, it is merely endorsing, if you like, the committee's recommendations because it has already recognised the need and is already doing something about it. I think that is very encouraging. I feel that the committee, in this case, at least, did take on a study that has some value.

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Its recommendations, I believe, are worth while. The fact that the Government has adopted them so readily and that the Minister, in his response to the report in this place, has undertaken to take those recommendations forward indicates that those resources are valued. They are treasured, and the Government is doing, and will be doing, everything in its power to preserve them. I do not think we can ask for much more than that, Mr Speaker.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Capital Works Program

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

That the report be noted.

MR OSBORNE (11.21): In continuing my comments about the Government's priority list for capital works, I would briefly like to mention three things. Firstly, I would like to reiterate my disappointment at the cutbacks in capital works that were announced because of the blow-out in the health budget, but that has been debated quite enough in this house. I would also like to mention - - -

Mr Moore: Never enough.

MR OSBORNE: Never enough, Mr Moore claims. I suppose not, when you think of the number of jobs that were lost because of that decision.

Mr Humphries: Rubbish!

MR OSBORNE: "Rubbish!", we hear from the man who is going to make 300 people lose their jobs by the stunt he has pulled on trading hours.

Mr Speaker, the two other things are traffic calming measures and the new Tuggeranong police station. I have to say, after looking at what the Government did at Learmonth Drive - they put in a couple of little, token speed humps and a little chicane there - it was a bit like what they are doing with trading hours. They think they are going to please everybody by pulling a little stunt. Really, there is another four kilometres of Learmonth Drive that they have not addressed. It is a bit like their view on trading hours. They do this little stunt. If they really were serious about helping local shops they would shut the group centres; they would have the guts to do that. But obviously they do not have that.

Mr Humphries: That is your recommendation, is it, Paul? Osborne wants group centres closed.

MR OSBORNE: I do not want them closed, Mr Humphries. I am saying that if you were as honest as you claim to be about protecting the small corner shops you would do something about the group centres. You are probably disappointed that you have fooled the Greens over there, because now it is going to get through. It will probably be the end of you.

MR SPEAKER: Order! Relevance, Mr Osborne. We are dealing with the report of the Standing Committee on Planning and Environment in relation to capital works.

MR OSBORNE: Mr Speaker, the two areas I want to speak about in relation to traffic calming measures are Learmonth Drive and Box Hill Avenue at Conder. The whole process of community consultation when these types of projects are being considered is largely ineffective. I suggest that this is something we should all look at as soon as possible. In respect of Box Hill Avenue - this is no criticism of Mr De Domenico - the Box Hill Avenue locals did not know what was going on much before the bulldozers arrived, because they did not read the public notices in the *Canberra Times*. I suppose that that is bad luck, but on something as significant as that perhaps we need to have a better system. Even the processes used at community meetings leave a lot to be desired, as an aggressive section of the neighbourhood can ridicule another into silence, as I believe was the case with Learmonth Drive. Now we are left with what I think has probably been a waste of \$90,000.

Finally, Mr Speaker, I would like to express my satisfaction that the police at the Tuggeranong police station are finally going to get out of the shoe box and that they will be working in a building that is more suited to their needs. I only hope that there is not another blow-out in the budget next year and that this is not cut back.

Mr Humphries: What budget?

MR OSBORNE: In the health budget. I just hope that the Government does not cut back on the capital works budget again next year and renege on its promise about the police station; but I do not think you are quite that silly, Mr Humphries. I am sure, Mr Speaker, that the new station which is to be built at Tuggeranong will help them to be more effective in their policing. However, I am a little disappointed that there is not to be a watch-house. I understand that that is the case in the new building. Am I correct?

Mr Humphries: I do not know.

MR OSBORNE: You do not know. I am told that there may not be a watch-house. The main reason I think there should be is that a lot of man-hours are wasted in taking people who have been arrested to Civic or to Belconnen. It takes a car off the road for anything up to two hours at a time, which is a very difficult system to work under.

Mr Humphries: But you have to have a monitoring system at the watch-house, which can also take a lot of resources.

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MR OSBORNE: I urge the Government to include a watch-house in this building, and perhaps get some more police as soon as possible.

Mr Humphries: Even more?

MR OSBORNE: Even more.

Ms McRae: We have to do something with all the unemployed in town.

MR OSBORNE: There are 300 people looking for a job. Mr Speaker, I would like to remind the Government once again that capital works are an important part of our local economy and not a game that we play at this time each year. People's livelihoods are at stake and it would do us as a parliament or the Liberal Party as a government no credit to lose sight of that fact.

MR DE DOMENICO (Minister for Urban Services) (11.27): I think I need to stand up and talk about some of the issues that Mr Osborne brought forward. He continues to talk about cutbacks in public works. As he said, that has been debated ad infinitum in the Assembly. I think Mr Osborne needs to recognise and acknowledge the fact that we took on board most of the recommendations - in fact, all of the recommendations - that Mr Moore's committee put forward. We agree with Mr Osborne that it is of concern, and has been for a long time now, that there have been cutbacks in public works. At least, I think, he ought to acknowledge that this Government intends to do something about it. It might take 12 months to do it, Mr Osborne, but we are not sitting around doing nothing.

Mr Osborne also talked about Learmonth Drive. Yes, there are some people in the community who thought that traffic calming measures in Learmonth Drive were the wrong way to go. But there are others, I have to say to Mr Osborne, who agree with what we did. It is the role of any government to make up its mind, based on the advice it gets in these areas from the traffic experts. I dare say that a lot of people have their own points of view as to what should be done and what should not be done; but we are only politicians, after all, and I intend to continue to take the advice I receive in terms of traffic measures when it makes good sense.

The same sort of thing applies to Box Hill Avenue in Conder, as Mr Osborne knows, and he did acknowledge the fact and he did not blame me for it. I live right round the corner and I think the roundabout at Box Hill Avenue is a beautiful roundabout. It is a magnificent roundabout. It is very safe. In fact, we have put a great big concrete wall around the one objector who, as I understand it, had all sorts of objections. At the end he had a safety objection. He was the only one left. We put up the wall to satisfy his safety objection and now he has other objections. I am afraid that you cannot please everybody all of the time. Once again, the best possible advice that the Government received was that that was the place to stick the roundabout. Perhaps some people do not like roundabouts. We know that some people do not like roundabouts; but, once again, that is where the roundabout is considered to be best located.

Mr Osborne also talked about community consultation. I am aware that the Tuggeranong Community Council was concerned about the fact that they were not consulted. I have not seen one member of that council who is a traffic expert, to be honest with you. We did consult them. It is just that we did not agree with their point of view. There is a difference between consulting and agreeing. The next time that someone on the Tuggeranong Community Council shows me their qualifications as an expert in traffic calming devices, I will sit down and perhaps listen a bit harder than I tend to listen now. Once again, there is a difference between consulting and agreeing with the people you consult with. Ultimately, it is governments that make the final decisions. I am suggesting once again that, if people are not satisfied with the decisions that governments make, from time to time they have access to the ballot box to express their dissatisfaction or satisfaction.

I agree with Mr Osborne that it is about time that we got a Tuggeranong police station. I can assure you, Mr Osborne, that as a member for Brindabella I will be doing all I can to make sure that the Government does not renege on its promise. I feel sure you will agree that this Government has not reneged on any of the promises it made prior to the last election. In summary, I agree that it is a pity that we cannot come forward with all of the capital works projects that we put forward in advance. We have taken on board all of the recommendations of Mr Moore's committee along those lines. We welcome those recommendations and I feel sure that the things we have in place will make sure that it does not happen again in the future.

MR MOORE (11.30), in reply: I thank members who spoke today and those who spoke previously in the debate. Mr Speaker, when a committee works on producing a report of this kind and there is a positive response from the Government, it is welcomed. One of the major issues that have come up through this process is to ensure that money that is put aside for capital works is actually spent on capital works; that the capital works budget does not become a slush fund which winds up backing up the Government's failure to carry through its budget. A slush fund, as I use the term, clearly is the money set aside in the Treasurer's Advance. That is the money set aside for unforeseen circumstances. We recognise that there will always be unforeseen budgetary circumstances, Mr Speaker; but if the Government feels that \$12m is not appropriate to cover the unforeseen circumstances it should go through the budget process and ask this Assembly for further money.

A series of changes have had an impact on capital works, including the financial management legislation that has passed through here, and we will see some differences. It will be interesting, Mr Speaker, for the committee to look at capital works next year in that light, and also to see what has been done in terms of capital works. I think we will see a greater role for the committee in looking back at what has been completed, what was done within time, and what projects have been put in place as the supplementary projects that the Government has agreed should be funded where some major project has not gone ahead.

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I think, Mr Speaker, that the effort put in by the committee to meet tight timeframes on this work was worth while. That was done in order to meet the timeframes for a mid-year budget. I still believe that we could well have had a mid-year budget in the same way that New South Wales did. It may have required some modification following the Premiers meeting, but the indications to me are that the outcomes of the Premiers Conference were able to be predicted at a reasonable enough level to still put the budget together in the middle of the year, as happened in New South Wales with a much more complicated set of accounts. Mr Speaker, I wondered whether it really was an excuse to take the pressure off getting the budget in on time in the way Ms Follett had been able to do and to let that standard go. I look forward to next year when the budget is on time, and I hope that we can go through the process of the capital works investigation in the same thorough way.

I hope that we will wind up with fewer recommendations. I suppose that in these committees that effectively do repeat work, such as the Estimates Committee and the capital works committee, we always hope, although we realise that it is idealistic, that we will get to the stage where we will not have to make any recommendations because everything will be the way it ought to be. Of course, that is somewhat idealistic, but we would expect to see improvements coming on year after year. Probably the best judgment of how well governments and the bureaucracy are responding to these issues is how substantive are the recommendations of the committee reports as we go on.

Question resolved in the affirmative.

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

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

That the report be noted.

MR WOOD (11.35): Mr Speaker, I notice that time is short. I do not think I will go beyond the allotted time. The committee was concerned about the speed of change and to ensure that government vehicles were used much more efficiently. We are still anxious for the Government to monitor the speed of change. As chair of the committee, I certainly am anxious for the Government to keep a close watch and ensure that change occurs. I do not think the number of vehicles in the fleet is going to be reduced without considerable pressure. There is a great deal of inertia to be overcome in securing this change. There will necessarily be a greater Government focus on the SES component of the vehicle fleet as a result of the Premiers Conference last week. The Government is going to have to continue that focus.

I want to flag that I will be suggesting to the committee that we look again at the Government's response to the use of the ACTEW fleet. I am not entirely satisfied with ACTEW's response and the Government's acceptance of that response in relation to their fleet. If the committee agrees, I will be wanting to take that matter somewhat further. This has been a long argument and a long process. I think there is still some work to be done before the government fleet is managed to the satisfaction of this Assembly and the community generally.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 7 of 1994 -
Government Response

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

That the Assembly takes note of the paper.

MR WOOD (11.37): Mr Speaker, I notice that the Government has agreed to all the recommendations of the committee. I am appreciative of that. The committee acknowledges it, and I am sure that progress will continue to be made in the good management of those areas.

Question resolved in the affirmative.

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

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

MS FOLLETT: I present Reports Nos 7 and 8 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the reports.

Leave granted.

MS FOLLETT: Report No. 7 of 1996, which I have just presented, was circulated when the Assembly was not sitting, on 4 June 1996, pursuant to the resolution of appointment of 9 March 1995. Report No. 8 of 1996 contains the committee's comments on one Bill. Mr Speaker, that Bill is the Evidence (Closed-Circuit Television) (Amendment) Bill, which is due for debate later today. The Assembly might note that the committee had no comment upon that Bill. I commend the reports to the Assembly.

SOCIAL POLICY - STANDING COMMITTEE
Inquiry into Use of Skateboards

MS TUCKER: I wish to inform the Assembly, pursuant to standing order 246A, that on 14 June 1996 the Standing Committee on Social Policy resolved to inquire into and report on the use of skateboards and in-line skates near shops, with particular reference to:

- (1) the needs of young people;
- (2) pedestrian safety issues; and
- (3) any related matter.

I drew this matter to the attention of the Social Policy Committee in response to Mr Hird's proposed amendment to the Traffic Act, which would have restricted the use of skateboards or in-line skates or rollerblades within 10 metres of shops. Mr Hird was quite happy to have this issue looked at within the committee, as was Ms Reilly, the other member of the committee.

I think this is an important opportunity to look at this issue with young people. While a previous committee in this place looked at similar sorts of issues, that committee looked only at Garema Place and no recommendations to change legislation came out of that. There was a recommendation that there be an education campaign. It would be interesting for our committee to evaluate how that campaign worked. Obviously, the need for education is ongoing. Although the education campaign occurred for a short time after that inquiry, obviously, we have a new generation of skateboard users now, so there is not much point in thinking that anything is happening for this particular group of people.

I think it is also a really good opportunity for the Social Policy Committee once again to include people who would not normally talk to Assembly committees. I have spoken to Mr Stefaniak about this. We are writing to all schools and colleges, inviting them to participate. We have suggested a number of ways. We have suggested discussing the subject as part of a civics program, holding a debate on the issue, discussing the matter in the students representative council or bringing a group of students to the Assembly to put their views to the committee. We also thought we could have a public hearing at a school, depending on the number of schools that were interested. It is definitely a good opportunity to help address the alienation from the political system that a lot of young people in our community feel. They obviously have to live with the consequences of our laws, but quite often feel that they do not have any real input into what those laws are. This will also be an opportunity for people who have concerns about the irresponsible use of skateboards, and no doubt we will be hearing from the Council on the Ageing and other groups who feel particularly vulnerable to the irresponsible use of skateboards.

I understand that Mrs Carnell said yesterday on the media that, if the skate rink in Civic was not successful, then the Government would consider legislation. This is not just about Civic; this is about all areas. Where there are shops there are problems. We applaud the building of the skate rink in the city. That was actually one of the recommendations from the original inquiry. I am sure that that will be useful. But the point is that we are not talking about just Civic; we are talking about right across the urban area. It will be an opportunity for young people to come up with suggestions about their right to this form of transport. It is regarded as transport for some young people, not just recreation. We look forward to the inquiry, and we hope that there is a lot of interest in it.

DAYS OF MEETING

MR HUMPHRIES (Attorney-General) (11.43): Mr Speaker, I move:

That the resolution of the Assembly of 23 November 1995 relating to the sitting pattern for 1996 be amended by omitting:

“November	12	13	14
	26	27	28
“December	3	4	5”

and substituting

“November	19	20	21
December	3	4	5
	10	11	12”.

Mr Speaker, the motion that I have moved is a straightforward one concerning the last three sitting weeks of this calendar year. Instead of beginning the sittings on 12 November and ending on 5 December, it is proposed that we put those sittings back by one week and begin on 19 November and conclude on 12 December. Members will note that a period of approximately six weeks in September and October was put aside for the Estimates Committee of the Assembly to work through the budget without having sittings of the Assembly intervene. The observation was made that the first two of those six or so clear weeks coincided with the school holidays. So as not to inconvenience either members of the Assembly or members of the staff of the Assembly who have family commitments, it was decided to extend that period of six weeks to allow for extra time. I understand that this meets the requirements of other members of the Assembly. I commend the motion.

Question resolved in the affirmative.

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

Debate resumed from 18 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (11.45): The Opposition is very pleased to be supporting this Bill. Mr Speaker, I might say on that subject that it gives me genuine pleasure that so much of the law reform agenda, which I regard as necessary in the Territory, appears to be common ground, at least between the major parties. It was during the very earliest days of self-government that the use of closed-circuit television was first trialled in the ACT for child witnesses before our courts. The ACT at that time was something of a pioneer in the use of closed-circuit television, and the idea has been taken up by other jurisdictions since that time.

The Bill that Mr Humphries has presented to us actually extends for a period of two years a trial of the use of closed-circuit television for sexual assault cases. Mr Speaker, I give my full support to this trial because I believe that it has the potential to substantially reduce the trauma that is suffered by sexual assault victims in taking their cases to court. I would echo the finding of the Community Law Reform Committee when they said that the two greatest fears of sexual assault victims were being cross-examined in court and having to confront the alleged assailant in court. I think that the use of the closed-circuit television arrangements for the victim to give evidence has a great deal of potential to reduce the trauma and to substantially address at least one of the issues raised by the Community Law Reform Committee.

Mr Speaker, over the years that I have been interested in the law as it relates to sexual assault, there have been a great many changes take place. We have seen, for instance, debate and changes occurring in regard to the use of what used to be called - I do not know whether it still is - a hand-up brief, an unsworn statement by the accused. We have also seen changes made in the admissibility of evidence relating to the victim's sexual history, and so on. I think that these changes have made for a much fairer hearing for victims of sexual assault. I believe that the capacity to give evidence via closed-circuit television also is a move to try to bring greater fairness for the victims in these sorts of trials.

Mr Speaker, the overwhelming majority of victims in sexual assault trials are women and, of course, children. I believe that we still have a long way to go before women and children are treated fully as equals before the law in this country. However, I think that this trial is a step in the right direction. I support it totally. Indeed, Mr Speaker, I hope that we see further evidence of this kind of law reform coming through from the Government. I commend the Government on going ahead with this trial and, as I say, I fully support the Bill.

MR MOORE (11.49): Mr Speaker, it is a pleasure to follow the rather eloquent speech of Ms Follett in dealing with this issue. I would like to lend my voice in support of all of the things she raised. Ms Follett mentioned that the law reform that has been part and parcel of the Assembly since its early days was an area of agreement between the major parties. I would like to add to that that, as my recollection serves me, all the reforms that have come through the Community Law Reform Committee have also had my support. I will continue to support appropriate rational reform that is about ensuring that people are empowered. That is part of the issue that we are dealing with here. Appearing before a court in any circumstances, for the vast majority of people, is a disempowering experience. To have been a victim of sexual assault and then to have the extra ordeal of appearing before a court is indeed a very difficult thing. It seems to me that it would be difficult enough, even with closed-circuit television, to deal with those sorts of issues and confront the questions that must be going through one's mind at the time. How can any of us know?

Mr Speaker, I am aware of a number of people who have been sexually assaulted and decided not to go through the judicial system. They decided that it would be less painful simply to avoid it. Under those circumstances, the perpetrator is let off. The greatest concern about that is that it may well be that such perpetrators believe that they can then continue in that sort of behaviour either with the same individual or with other people. Each move that we can make that still allows appropriate judicial process but in circumstances that are empowering or less disempowering for people is an important move. That is fundamentally what is behind this sort of legislation and why I support the introduction of this legislation. I congratulate the Minister for introducing it in a timely manner.

MR OSBORNE (11.52): I will be very brief. I would just like to follow on from what Ms Follett and Mr Moore have said. I remember a number of occasions whilst working in the police force when victims of sexual assault refused to go through the court process because they were afraid of having to face their attacker once again. I think that this legislation is long overdue. Sexual assault must be one of the most distressing forms of crime committed against a person. I think that any way we can make the process of going through the court easier is worth while. I will be supporting the Bill wholeheartedly.

MS TUCKER (11.53): The Greens will also be supporting this Bill. I agree with what everyone else has said. It is long overdue. There does need to be sensitivity to the revictimisation of people. This is a measure which addresses that to some degree, although cultural change right across the board in the police force still needs to be worked upon.

MR HUMPHRIES (Attorney-General) (11.53), in reply: Mr Speaker, I thank members of the Opposition and the crossbenches for their support for this legislation. As Ms Follett indicated, it is a matter of some pleasure that there should be consensus on these matters and that we can proceed, hopefully, to maintain consensus in the way in which we pioneer - we do to some extent pioneer - reforms in the law that facilitate the access to justice that has been the subject of so many reports in recent days.

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Of course, it is quite true that, without there being a form of giving evidence which is relatively accessible to people who fear giving evidence in court - chiefly those who are alleged victims of sexual assault - the question of access to justice is certainly compromised. I believe that we would all see great benefit in the pioneering of this trial and the successful conclusion of the trial.

It is a matter of some puzzlement to me why, after two years, there has been only one very recent case in which the opportunity has been taken to give evidence by closed-circuit television. I note that the legislation itself requires that the court shall order that evidence be given through this method where there is a victim of a sexual assault or a victim in another category similar to that and where there is equipment available for closed-circuit television evidence to be given. I understand that at least one, and probably two, of the Supreme Court courtrooms have that capacity, and there ought not to be a problem of that facility not being available for people to use to give evidence. There is a requirement, in addition, that the prescribed witness should prefer to give evidence in this way before the court orders that that occur.

It may be that there is some reluctance on the part of members of the public who are in this position to give evidence in this way. There may be some difficulty in persuading people in this position that they are better off or that there may be some advantage to them in giving evidence through closed-circuit television. I would be most concerned if there was any kind of institutional inertia about this particular development. I might take this matter up with members of my department to see whether there is any problem with people not using this particular avenue to give evidence that ought to be overcome in order that the trial can proceed and give us sufficient evidence to indicate whether it is a successful method of breaking the problem of giving evidence in difficult circumstances.

I welcome members' willingness to extend this trial for a period. I hope that that will allow us to get the evidence we need to make a decision about this kind of issue. It is a difficult issue. Giving evidence by closed-circuit television is not the simple and obvious choice that it might appear to be. There are real issues about how it affects the integrity of the process of divining what has happened in a particular case, and we need to see how it operates in practice. I hope that this extension will give us the means to do that over the next couple of years.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**BETTING (CORPORATISATION)
(CONSEQUENTIAL PROVISIONS) BILL 1996**

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

That this Bill be agreed to in principle.

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

**BETTING (CORPORATISATION)
(CONSEQUENTIAL AMENDMENTS) BILL 1996**

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

That this Bill be agreed to in principle.

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

ELECTRICITY (MISCELLANEOUS PROVISIONS) BILL 1996

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

That this Bill be agreed to in principle.

MR WOOD (11.59): The Opposition supports this Bill, and I expect that we will see its passage today. The Bill completes the process of transferring some authority from ACTEW to the Department of Urban Services, and we see that as quite appropriate. This validates decisions that were made earlier. The Bill also introduces a power to exempt kinds of electrical installation from the need for inspection. The Opposition supports this as well; but I want to sound a note of caution about it, because I recall the time when there was trouble in the building industry arising from some exemption from inspections. In a very few circumstances buildings were found to be deficient. Work had not been done properly, certain footings were not as they should be or other work was inadequate. Self-regulation at that time did not work 100 per cent effectively. Effectiveness may have been as high as 99 per cent, but still some people were disadvantaged in that their homes were found to be inadequate because of that failure.

My note of caution is that, should the same circumstances develop in respect of electrical work and if things are not done properly, fatalities and injuries can follow. There is a need for this to be monitored. We need to be confident that the small amount of inspection that may not occur does not cause problems. I am not anticipating problems; but, based on the record in another part of the building industry, I think there is a need for caution. I am sure that the Minister and the bureaucrats involved are pretty conscious of that.

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MR DE DOMENICO (Minister for Urban Services) (12.01), in reply: I thank Mr Wood and the Opposition for supporting the Bill. I agree with Mr Wood. The first thing I asked was, "What is going to happen if something goes wrong?". I recall the problems Mr Wood referred to. I think some concrete slabs were not built to specification. I can assure you that I will be closely monitoring the situation, Mr Wood, and making sure that we come down with a sledge-hammer, if we need to, if people do not comply with regulations. I agree that we need to monitor electrical installations very closely. I thank the Assembly for its support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.02 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Jobline - Employment of Consultant

MR WHITECROSS: Mr Speaker, my question without notice is to Mr De Domenico in his capacity as Minister for Business. Minister, I refer to your decision to defund Jobline and your subsequent decision to arrange bridging finance to keep Jobline operating for a few weeks while you contract a consultant from Bird Cameron, for a fee of \$5,000, to establish whether Jobline can be turned into a profit-making organisation. Minister, the ACT Treasury manual stipulates the procedures that must be followed when awarding contracts of up to \$5,000. The options for doing so include to "obtain competitive oral quotations; or written quotations if judged necessary by the officer selecting the method of purchase; or to purchase the goods or services available on existing contracts". Which of these, specifically, was followed when awarding the contract to Bird Cameron?

MR DE DOMENICO: I thank Mr Whitecross for his question. Mr Whitecross was bleating in the media about 2½ minutes after the initial meeting with Jobline. Mr Speaker, if people have patience and if they make themselves aware of the facts, usually things settle down differently from what people perceive first of all. In terms of the specific question Mr Whitecross asked me, he would also realise that there is a particular stipulation there that, if people have particular expertise in doing things, we are also able to consider that when awarding contracts. Mr Whitecross should be aware that the particular firm, Bird Cameron, has specific expertise in doing these sorts of things and is used by many similar organisations. We believe in always spending money wisely. We think that, if people have a particular expertise and we need to get a job done quickly, it is better to make use of that expertise, which we have done in this instance.

MR WHITECROSS: I ask a supplementary question. I take it from Mr De Domenico's answer that there was not a competitive oral quotation; that they just picked the consultant because of specific expertise. Mr Minister, are you aware that, after you had announced the consultancy, a Jobline executive rang the Bird Cameron consultant who had this special expertise you mentioned and the consultant replied that they knew nothing about this consultancy that had been awarded to them on the basis of their special expertise? Are you also aware, Minister, that the consultant remarked that maybe it had something to do with the message that Mrs Carnell had left on his answering machine, asking him to ring her urgently? Do you still assure the Assembly that the correct procedure was scrupulously followed when awarding this contract to Bird Cameron?

MR DE DOMENICO: The answer to the last question is yes. Secondly, after the first meeting with Jobline, the first thing they did was to go straight down to Mr Whitecross's office.

Ms McRae: So they should.

MR DE DOMENICO: There is Chicken Person coming in again. I am sorry; I mean Ms McRae. I withdraw "Chicken Person" and substitute "Ms McRae".

Once again, Mr Whitecross was bleating out in the media, "The world is going to end in five minutes' time because the Government refused to fund Jobline". The Government was prepared to put that offer on the table, Mr Speaker, before the people from Jobline - - -

Mr Berry: I raise a point of order. I think the question went something along the lines of "Can you assure the Assembly that you followed the proper procedures scrupulously?" and "Are you aware of what actually went on in relation to this matter?". It had nothing to do with the media campaign of - - -

MR SPEAKER: Order! Mr De Domenico is answering the question as he sees fit.

MR DE DOMENICO: Mr Speaker, I suggest that there is no point of order. Mr Berry might not like the answer that he is getting; but he is going to get it anyway. So he should sit back and take his medicine, as we all do from time to time.

Mr Speaker, in relation to Mr Whitecross's supplementary question, I am also advised that Mrs Carnell personally did not leave a message on anybody's answering machine. So, Mr Whitecross, once again, get your facts straight before you stand up here in this place and bleat away. We know that you are the ersatz Leader of the Opposition. You should turn around and get some messages from Ms Follett. Ms Follett, at least, when she came into this place as Leader of the Opposition, had her facts straight. Until you do get your facts straight, Mr Whitecross, you will get answers that you deserve.

Sharps Unit - Collection of Hypodermic Syringes

MR KAINE: Mr Speaker, through you, I put a question to the Chief Minister. Chief Minister, I presume that you have seen a media release put out yesterday by the current Leader of the Opposition and entitled "Sharps Unit told to ignore Civic Youth Centre". The release, in fact, calls on Mrs Carnell to reverse a policy decision, allegedly made by the sharps collection service, not to pick up discarded syringes from the youth centre. Chief Minister, has the Government made any such decision or issued such a directive?

MRS CARNELL: Thank you very much, Mr Kaine, for that question. Mr Speaker, the Opposition is making a bit of a habit of walking absolutely straight into an ambush. First, it was Mr Berry, the former Health Minister, who, to quote from a song by Peter Gabriel - somebody who, I am sure, many people here would know - does not remember, does not recall, and, in fact, does not remember anything at all. Today, it is the turn of Mr Whitecross, the ersatz Opposition Leader. I have in my hand a media release put out by Mr Whitecross, which is headed "Sharps Unit told to ignore Civic Youth Centre".

Mr De Domenico: Shame! Absolute shame!

MRS CARNELL: That is right. Shame! In his statement, Mr Whitecross shamelessly attacks public servants in the Sharps Unit of the Department of Urban Services, accusing them of refusing to collect discarded syringes that were found at the Civic Youth Centre. Mr Speaker, for the information of Mr Whitecross, the unit has always collected sharps from the centre in the past, and it continues to do so. In fact, it was there today, Mr Whitecross.

Members interjected.

MR SPEAKER: Order! This is an important question.

MRS CARNELL: There are no plans under this Government, and there have never been any plans, to stop this service. Let me say it again for the peanut gallery opposite. Read my lips, Mr Whitecross, if you can from this distance. The Sharps Unit have always collected discarded needles from the youth centre and will continue to do so. Mr Whitecross, did you bother to check your facts? Did you ring the Sharps Unit? Did you ring my office? Did you ring Mr De Domenico's office? Of course not, Mr Speaker.

I am advised that what the Sharps Unit actually wanted to talk to the people at the youth centre about yesterday was setting up procedures to minimise the risks posed by those objects. These arrangements included the possibility of training, Mr Whitecross - training for youth centre staff - in handling sharps and the provision of disposal containers, which would be collected regularly and emptied by the Sharps Unit - - -

Mr Kaine: On a point of order, Mr Speaker: There seems to be an interesting debate about this question going on on the other side of the house. Mr Whitecross has a view about this, but he is not prepared to listen to what the Chief Minister has to say. Can you ask them to remain quiet?

MR SPEAKER: I uphold Mr Kaine's point of order. This is an important question. It is a matter of concern in the community. I am well aware that interjections are sometimes attempted, to drown out whoever is speaking. I would ask members to listen quietly to the Chief Minister.

MRS CARNELL: As I said, Mr Speaker, these arrangements included the possibility of training staff at the youth centre - something Mr Whitecross had a go at - and the provision of special disposal containers which would regularly be collected and emptied by Sharps Unit staff. I imagine that Mr Whitecross believes that these suggestions by the Sharps Unit are nothing more than an absolutely disgraceful attempt to improve the general safety of staff at the centre and visitors, both young and old, who might want to go to the Griffin Centre. What a shock, Mr Speaker! Fancy wanting to make the environment safer for everybody there!

Mr Speaker, I am advised that the people at the youth centre, like Mr Whitecross, did not want to consider these suggestions and actually hung up on the Sharps Unit during the conversation yesterday. So, where does that leave Mr Whitecross, Mr Speaker? One would have to ask that question. I think it is important at this stage to quote from Mr Whitecross's media release of yesterday. He said:

There was no advice given to staff at the centre as to what they should do with the sharps they find, and no mention of training so that every member of the staff will know what to do with the sharps and how to dispose of them safely.

That is Mr Whitecross's media release, Mr Speaker. He went on to say:

Mrs Carnell must reverse this decision immediately, and make sure that nothing so irresponsible and plain dangerous happens again.

All I can say is, "Well, well, well, Mr Whitecross. Wrong again". If you had bothered to check your facts before you got stuck into public servants the way you did, you would have found that training options were discussed by the Sharps Unit. Needle receptacles were suggested. The discarded sharps have already been picked up. There never was any decision not to continue providing the service to the youth centre.

The only person who would stoop to the lowest level of political rhetoric is Mr Whitecross over there - Mr Whitecross, who was more than happy to get stuck into public servants who work hard, who are doing their job and who are attempting, of course, in this situation, to do it even better. Mr Whitecross is determined to get out there into the media and to accuse this Government of not giving a stuff about picking up discarded needles in the streets. The only person who has been irresponsible here, and plain dangerous, is Mr Whitecross. That kind of scaremongering

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is becoming a hallmark of leadership opposite. It reflects an immaturity, Mr Speaker, and a desperation to believe anything, to do anything and to say anything at all, without checking the facts. What Mr Whitecross has to do here is to start to check his facts before he gets stuck into public servants.

The staff of the Sharps Unit deserve an apology, Mr Speaker. Mind you, I do not expect an apology from Mr Whitecross, because I do not believe that Mr Whitecross has the guts to apologise. Yesterday he suggested that I was gutless. I think he should probably look a bit closer to home, Mr Speaker. I rest my case.

Carnell Government - Strategy Meeting

MR BERRY: Mr Speaker, no wonder the Government wants to have the afternoon off.

MR SPEAKER: Order! Ask your question, Mr Berry, or resume your seat.

MR BERRY: My question is to the Chief Minister. You began question time yesterday by assuring the house that there had been no cost to the ACT taxpayers for the strange little love-in - the strategy meeting.

Mrs Carnell: I said that I would check and get back to you.

MR BERRY: Mr Speaker, she said, "No; we all paid for it ourselves". I remember hearing her say that.

Mrs Carnell: No; I said that the Ministers paid for themselves.

MR BERRY: Okay; the Ministers paid for themselves. That was a slippery little move. Anyway, there were no costs for the full Cabinet, the most senior executives in the Public Service and the array of advisers. I suppose that we can be thankful that question time did not go on for much longer, otherwise the amount might have grown.

Mr De Domenico: Like your nose.

MR SPEAKER: Order!

MR BERRY: That is a dreadful imputation. You will recall that this was the meeting where all of the talent - this lot over here - sat around for a weekend, throwing up what Mrs Carnell described as ridiculous ideas, which were then meticulously edited into a final document. By the end of question time, the cost had risen to \$5,000. Chief Minister, does this amount - listen to it - include the fee, travel expenses and per diems of the facilitator at the meeting, who I understand is a Sydney lawyer? What were the total fees and other expenses paid to the facilitator? Were there any travel allowances paid to any person attending the meeting? If so, to whom, and how much?

MRS CARNELL: I will have to take that question on notice. Surprising as it may seem, if you wanted an answer to a question in that depth and detail, obviously you should have put it on notice, Mr Berry.

MR BERRY: By leave, Mr Speaker, I might ask to add some further inquiries.

MR SPEAKER: It is a supplementary question. Yes. We have already ruled that, even if the original question is not answered, it is still possible to ask a supplementary question. You are now asking a supplementary question, without preamble.

MR BERRY: Indeed, Mr Speaker. I know that you will pay close attention, and at the end of the day you will notice that there is no preamble. Mrs Carnell, will you, before the Assembly rises today, table full details of every charge, invoice and allowance in connection with this weekend that was paid for by the Government?

MRS CARNELL: We are very happy to table the information about the weekend that happened last December, Mr Speaker. In fact, I think what is really showing here - - -

Ms McRae: When you take a question on notice you do not need to give an answer, Mr Speaker.

MRS CARNELL: No, but I can. As much as you can ask a supplementary question, I can give an answer. I am very happy to get that sort of information, Mr Speaker. I think it is very obvious that those opposite never did anything like that, because their performance in government showed very well that they did not ever learn to work with their public sector.

Retail Trading Hours

MR MOORE: Mr Speaker, my question is to Mr De Domenico. Actually, I am never quite sure whether I should ask this question of Mr De Domenico, Mr Humphries or Mrs Carnell, because I am not quite sure who deals with the issue of shop hours. If they want to pass it around among themselves, that is fine. Minister, I refer to the stunt you performed when you introduced this trading hours legislation, designed to pull the wool over the eyes of small business in Canberra. Is it not the case that your trading hours policies are a cover-up to allow the development and expansion of retail space in Tuggeranong and Manuka and the one that your Chief Minister launched in Woden? In reality, you are not providing any real solution to small business, because what you are actually doing is protecting the interests of big business.

MR HUMPHRIES: Mr Speaker, I will take this question, since I have been responsible for this policy, to a large extent, up until now. The short answer is no. If anything, this policy could be described as the first real attempt by a government in the ACT to stand up for small business, after a long period in which small business had been neglected by successive governments in this place. Mr Speaker, it is obvious that, in running this line, people like Mr Moore and members of the Labor Party are doing the dirty work of large corporations - some of them multinational, most of them based outside the ACT -

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that operate those supermarkets. Coles is not locally owned. Woolworths is not locally owned. Most of these supermarkets are owned by people who have national interests outside the ACT, and every single cent of profit that they make goes outside the ACT as soon as it is made.

Mr Speaker, this Government makes no secret of and no apology for supporting local business and the maintenance of local profits in the local economy. We will continue to do so under this policy. This policy is going to deliver some results for small business. It is the first time that any government in this Territory has addressed the question and decided to make a decision that would benefit small business locally.

MR MOORE: I would like to ask a supplementary question, Mr Speaker. It is interesting that the question was flicked from the Bantam of the Opera across to Mr Humphries.

MR SPEAKER: No preamble. Ask your supplementary question.

MR MOORE: Indeed, Mr Speaker.

Mr Humphries: That was yesterday's joke, Michael.

MR MOORE: That is all right. I will keep it coming. If you were really genuine in trying to protect small business, in the way that you claim you are, would you not do one of two things - either cut the trading hours in the group centres as well or stop the expansion of retail space? Which of those are you going to do, Minister?

MR HUMPHRIES: Mr Speaker, the Government intends to ensure that people have two things under this policy. One is that they will have a real choice of shopping opportunities in the ACT. If they really like to shop in places like Coles, they can keep shopping in Coles, or in Woolworths or wherever it is they want to shop at. We will also make sure that they can shop at those places at retail hours that suit them. If they happen to like shopping at 11 o'clock at night at a Coles supermarket, they might not be able to shop at a Coles, say, in Woden, but they can shop at a Coles at Curtin, which has the same hours or longer hours, and they will be able to get the things they want at that supermarket. Mr Speaker, the reason that we have not gone further - - -

Members interjected.

MR SPEAKER: Order! Mr Humphries has the floor. Unless there is order, some members might end up on an early shopping expedition this afternoon.

MR HUMPHRIES: They all have the answers, have they not, Mr Speaker? They all know the answers; but let me tell you, Mr Speaker, that if we had restricted access to group centres as well, as suggested by Mr Moore - which is a strange suggestion from someone who said that we have gone too far even in cutting back the town centres - then we would have denied access to the places where people can get

reasonable one-stop shopping at affordable prices. Mr Speaker, I have seen the outrageously untrue press release put out by Mr Whitecross - I suppose that that is a redundancy and unnecessary - or a release by Mr Whitecross suggesting that an average Canberra family would pay \$13 more by having to shop outside the town centres.

Mr Speaker, the ACT Government has also done its own little survey, which found that the cheaper supermarkets are in a combination of local and group centres in this place. But I do not expect members opposite to believe the Government survey. I know that you do not believe what the Government says. So forget the Government survey. Ignore that. You will forgive us if we ignore your survey as well. I would ask you to take the word of Ros Kelly. Do you remember her? Do you remember her Price Watch surveys? Mr Speaker, every month, Mrs Kelly, the late lamented member for Canberra, would issue a Price Watch survey of the cheapest supermarkets in Canberra. As far as I can tell, the last one that she issued was the one that was published in the *Canberra Times* on 30 November 1994. What did she say was the cheapest supermarket in Canberra? Not - - -

Mr Moore: On a point of order, Mr Speaker: It has to be relevant. The supplementary question was about retail space and whether the Government is going to close group centres.

MR HUMPHRIES: Mr Speaker, the supplementary question was about why we are not restricting access to group centres. The reason why we are not restricting access to group centres is that the cheapest supermarket, according to Ros Kelly, at that time in 1994, was Jewel at Kaleen, in a group centre. A number of the cheaper supermarkets around Canberra, under the present survey done by the Government and under Ros Kelly, were group centre supermarkets. Mr Speaker, that is why we have not restricted access to those supermarkets.

Petrol Prices

MS FOLLETT: I have a question for Mr Humphries, who I see has gone to my hairdresser. I could have warned him about that. My question is to Mr Humphries in his capacity as Minister for Consumer Affairs, Mr Speaker. This is a serious issue. Minister, why are you continuing to take no action whatsoever to protect Canberra motorists from the continued and unwarranted price increases for petrol, even in the face of the NRMA's findings that Canberra prices rose a further 2c a litre in June - a month in which wholesale prices actually fell - and that Canberra prices are now more than 10c a litre higher than Melbourne prices? Mr Speaker, I would ask for leave to table the NRMA's statement on that matter.

Leave granted.

MR HUMPHRIES: Mr Speaker, I thank Ms Follett for her question and for her advice about sources of hairdressing services. I have to say that I am surprised that Ms Follett does not ask me about why we have done nothing about the weather lately. It has been rather cool in the Territory lately, and we have not done anything at all about the weather.

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I must say that I am sure that the next question will be about that subject. Petrol prices are not quite as difficult to control as the weather, but not a great deal more amenable to control by government. I say that confidently, because at least two successive governments in the Territory have attempted to reduce petrol prices and have been singularly and totally unsuccessful in doing so.

Mr Berry: Labor pulled them down.

MR HUMPHRIES: Mr Berry says that Labor brought them down. Mr Speaker, where are the lower prices today pursuant to the policies that Labor introduced? Their engine for bringing lower petrol prices to the ACT was the introduction of an independent like Burmah. Burmah is still there. Drive down Wentworth Avenue at Kingston and you will see that Burmah is still there. It is still trading. But Burmah does not deliver lower prices than its competitors these days. It does not do it, because it has decided that it is going to follow the rest of the market. I have written to Burmah and asked them, "Are you going to set a trend? Are you going to lower prices, as you were supposed to do, or are you going to set a standard?". They have written back to me and said, "No. We are not interested in setting a standard. We will follow the market".

Mr Speaker, with respect, if Ms Follett seriously believes that we should take her word for her desire to see lower prices, I think she should ask herself why her Government was unable to deliver a sustainable policy for lower petrol prices. Mr Speaker, I have seen releases from those opposite, accusing the Government of maintaining higher petrol prices, when the wholesale price has risen, not just in the ACT, but across the country. We were blamed for a 5c a litre increase in the price of petrol across the country. Mr Speaker, if ever there was a case of attacking the victim, that is an example of it. I do not pretend, as the previous Government pretended, that there are magical levers and buttons that I can just press to bring down the price of petrol.

The only device that could possibly achieve that in the ACT is price control legislation - which, in fact, is in place and could be applied if those opposite or we on this side of the chamber believed that price control was the answer to lowering petrol prices in the ACT. I think the answer is that it is very rarely, if ever, the case that such control is required or is appropriate. I think even the former Government would accept that. Although they legislated to that effect about 12 months before leaving office, they never used that legislation. Mr Speaker, any government that steps in and regulates prices is taking a very serious and very dangerous step. So, in the absence of that, I say to Ms Follett, "We know that you have a supplementary question there in your hot little hand. Get up here and tell us in the supplementary question how you would bring down petrol prices in the ACT".

MS FOLLETT: To answer briefly, Mr Speaker: I would get back into government. Under Labor they came down. I do have a supplementary question; the Minister is quite correct.

Mr Humphries: What is the answer to the question I asked?

MS FOLLETT: The answer is that I would get back into government, Mr Humphries. Thank you. Petrol prices came down when we were in government. They went straight back up when the pressure was on. I would ask: Is the Minister relaxed and comfortable, as he appears to be, with the situation where every Canberra motorist, whether private or business, is actually paying - and this is a very conservative figure - \$260 per car, per year, more for petrol than their counterparts in other cities?

MR HUMPHRIES: No; of course I am not comfortable with that fact. But I say to you again: Do not just shout across the chamber. Do something about it. You tell us what you can do that has not already been attempted. Mr Speaker, this Government has a number of planks of its policy already in place, which I believe are going to have a long-term benefit for motorists and the price that they pay at the bowser. We have banned the practice of multisite franchising, pending the outcome of an ACCC inquiry which is presently going on and pointing out, I might say, a number of practices which are quite damaging to the competitors of the marketplace. That is a very appropriate step, and we are one of the few jurisdictions to have taken that step to protect motorists while that inquiry is going on. I might say that there was considerable Labor opposition at the early stages of that legislation coming down. We are also putting in place a policy to lower the premiums paid for those who enter the marketplace in the ACT.

Members will recall that the working party on petrol prices that the Opposition itself produced some years ago indicated that the reason we were paying more at the bowser was that it was costing so much more, because of rationing, to get into those sites in the first place. When you pay five million bucks for two service stations in Tuggeranong, as you did a few years ago, it is inevitable that you are going to need a lot of money going through the bowser to recover the cost of that investment. Bringing that down is another important plank. At the behest of people like Mr Berry, Mr Hird and others, I have also met with small petrol station owners or operators in this town and with the major oil companies. I have made it perfectly clear to the latter that I will not be releasing existing service station sites for redevelopment as housing or anything else, unless it is absolutely clear that they cannot be sustained as petrol stations. That is a step which no previous government has bothered to take, and we are going to be taking that step to make sure that the maximum level of competition is available.

Mr Speaker, I make no apologies for or bones about those steps. They are difficult steps to take. They are interventionist steps for a Liberal government, particularly, to be taking; but we defend that because we are going to work hard at reducing those long-term elements which are keeping up petrol prices in the ACT.

Copyright Law

MR OSBORNE: Mr Speaker, my question is to the Minister for stunts, Mr Stuntphries - I am sorry; the Attorney-General. I received from a constituent a letter concerning copyright law, which I passed on to the Attorney-General. The letter is from the Australasian Performing Right Association, generally known as APRA, and it states:

Please be aware

If you use radio, TV, tapes, CDs, film or a live band in your business you must hold a current APRA licence. Without a licence you are in breach of the Commonwealth Copyright Act of 1968.

The letter goes on to explain how a licence can be granted. Is this the true position of the law in the ACT, and what should constituents who receive this type of letter do?

MR HUMPHRIES: Mr Speaker, I thank Mr Osborne for the question and for his notice of the question. It is, I think, a quite startling revelation for most people to realise that, when they switch on their radio or watch television, they can quite literally be using the copyright of somebody else, particularly where the benefit of that radio or television is reaching people other than those who own that television or radio. People are quite surprised to discover that, in doing so, they are using the copyright of another person and, in fact, under the law of Australia, can be liable to pay for the privilege of having used that copyright.

The letter that Mr Osborne's constituent received, which he has kindly given me a copy of, does indicate quite clearly that the Australasian Performing Right Association is following through, particularly on small businesses, and larger businesses as well, to insist that if they use such things as radios, TVs, CDs, films or even live bands during the conduct of their business they are liable for the use of that copyright of those artists' work and have to pay for it.

This, Mr Speaker, is not a decision by the ACT Government; it is a provision of the copyright law imposed by the Commonwealth of Australia. Those laws are quite extensive. Already, Australian governments, including the ACT Government, have had to form an agreement with the Australasian Performing Right Association to provide for the payment of, effectively, a copyright fee for the use of things like televisions in our hospitals, radios in public buildings, the muzak in our lifts, and so on. All those things have to be paid for, and under a formula the ACT is paying for them.

Unfortunately, even small businesses are liable for the same charges and fees, and, under the Copyright Act 1968, can be asked to pay for those services. The arrangements are such that the Australasian Performing Right Association, on behalf of copyright holders, is entitled to seek the payment of copyright fees, and then it distributes those fees to its members by way of a sort of subscription or dividend to them. It has already successfully taken the Commonwealth Bank and a number of gymnasias to court for breaches of those

copyright laws and has won, I understand, in those cases. So, my advice to Mr Osborne's constituent is, unfortunately, that he should discuss the situation with a legal adviser and get independent legal advice on the subject; that technically there is an entitlement by bodies like APRA to demand some compensation or some copyright fees; and that legal advice will ascertain the extent to which that obligation should be met through a payment of some kind.

Petrol Prices

MS McRAE: My question is to Mr Humphries in his capacity as Minister for Consumer Affairs. The report released last month by Charles Sturt University on rural petrol pricing states:

The experience of the ACT in introducing Burmah as an independent retailer demonstrates the effectiveness of independent retailers in lowering retail petrol prices in regional areas.

So, contrary to your claims, Mr Humphries, it does seem that Burmah had a positive effect on the market. My question is: Why have you taken no action whatsoever and, indeed, undone much of Labor's efforts to introduce independent petrol retailers - - -

Mr Humphries: How have we done that?

MS McRAE: This is the question I am asking you. Why have you taken no action whatsoever and, indeed, undone much of Labor's efforts to introduce independent petrol retailers, ensuring that oil companies can rip off Canberra consumers to their hearts' content? In fact, what is it that you have done to facilitate the introduction of an independent retailer in Belconnen, to the site that was allocated to an independent retailer?

MR HUMPHRIES: Mr Speaker, those people opposite perpetuate these untruths about the Government's policy on petrol. Ms McRae, I would invite you in your supplementary question to tell me how it is that we have undone anything at all of the former Government's policy? Interject, if you like. What have we undone? What was in place before that we have taken away? She talks to Mr Berry, rather than answering the question, because, Mr Speaker, the answer is - - -

Ms McRae: I am happy to answer the question, Mr Speaker, but I did think I was the shadow Minister, not the Minister.

MR HUMPHRIES: No; please. I would be very grateful if she did. I pose the question. Mr Speaker, there is no answer to the question, because the Government has not undone any features or elements.

Ms McRae: You are the Minister.

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MR HUMPHRIES: I can tell you the answer to the question. There is nothing that the Government - - -

Ms McRae: Because you have done nothing.

MR HUMPHRIES: Mr Speaker, we have done nothing. We have done nothing to remove the policy that those people had in place. If we have done something, then let Ms McRae tell me what it is. Mr Speaker, Burmah is still there. Burmah still has its preferential arrangement, as far as placement in the Canberra market is concerned. We have not undone that. Members will recall that in 1994 the former ACT Government tried to release three further sites for the admission of independents. The first auction had to be abandoned because nobody came. Nobody turned up. Nobody was interested in bidding in the ACT marketplace.

Ms McRae: Yes, they did.

MR HUMPHRIES: No, they did not. You check your facts, Ms McRae. No-one turned up. There had to be a second auction. People were virtually dragged in and told, "Please, please, come and bid at our auction. We will give you these really cheap sites. Please come along". At that stage, only two of the three sites that were on offer were even bid for successfully to the threshold price. There were two sites bid for, one in Belconnen - - -

Mr Wood: You did not proceed with it. You undid it.

MR HUMPHRIES: No. Listen, Mr Wood. Be patient. There was one in Belconnen and one at Hume. Two sites were released. They were both to be offered to Gull Petroleum of Western Australia. Mr Speaker, the fact remains that, after several meetings with Gull Petroleum, the ACT Government remains very willing and open for Gull to take up the option of those sites. I have met on at least three occasions with the principals of Gull, as has the Chief Minister, and have said to them, "If you want to come in on the terms originally offered, be our guests". Mr Speaker, this Government has not reversed one iota of that policy. It remains the case, and I await the interest of those people in those sites. Why have they not taken up those sites? The reason, Mr Speaker, is this: The Canberra petrol market is very tight indeed. We are not seeing large amounts of profit being made by retailers in this marketplace. That is the fundamental point forgotten by those opposite. Those opposite, in their policy in respect of Burmah before, characterised local ACT retailers - small businesses, for the most part - as rapacious profiteers. But they were not. The profit margins of ACT retailers are very small indeed.

Ms Follett: Oh, poor Shell, poor Caltex!

MR HUMPHRIES: Look at the compassion of those opposite. I am not talking about Caltex, Shell or BP. I am talking about Bloggs, Smith and Jones and other people like that who actually run these sites as independent franchisees or as licensed operators of some other description. They are the people I am talking about. Those people were hit hard by your policy. We have said to the market generally, "If you want to have other independents, fine; come into the marketplace"; but, Mr Speaker, they have not come in, because the profit margins are very small indeed. That is why Gull is not here today.

They are trying to work out how they can make a profit in the ACT marketplace. The myth - the lie - perpetuated by those opposite is that somehow there is huge profiteering going on in the ACT marketplace which government can crack down on. There is not, and the answers to the problems of higher prices are much more complex than that.

MS McRAE: Mr Speaker, I have a supplementary question. Minister, is it not really the case that it is your slavish support of oil companies and the systematic closing down of suburban petrol stations - - -

MR SPEAKER: Order! No preamble. Ask the question.

MS McRAE: This is all part of the question. Is it not the systematic closing down of the suburban petrol stations in favour of the larger regional stations that is the cause of the problem we have?

MR HUMPHRIES: Mr Speaker, how pig ignorant can you get? Ms McRae has had to find a supplementary question, so she has asked some stupid question. What service stations have we closed down, Ms McRae? Name one.

Ms McRae: Mr Speaker, am I allowed to answer these questions? Is this a new trend in question time?

MR SPEAKER: No.

Ms McRae: I am quite happy to take the floor, Mr Speaker. I do think he is transgressing standing orders.

MR SPEAKER: Sit down, Ms McRae.

MR HUMPHRIES: Mr Speaker, Ms McRae is usually very willing to interject on other speakers in this place.

MR SPEAKER: Do not provoke her, Mr Humphries.

MR HUMPHRIES: I now invite her to interject - just one name, just a suburb. Speak up. I cannot hear you, Ms McRae. No, Mr Speaker, there are not - - -

Ms McRae: I would hate to be discourteous to you, Mr Speaker, so I will keep very quiet.

MR HUMPHRIES: Mr Speaker, those opposite should stop peddling the lie that they, in fact, have some magic solution to lower petrol prices which somehow this Government is not - - -

Mr Berry: Mr Speaker, Mr Humphries made the clear imputation that people on this side of the house were liars, and he should withdraw it. The phrase "should stop peddling the lie", I think, suggests that people are liars.

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MR SPEAKER: Mr Berry, we have had this matter discussed on previous occasions. If Mr Humphries had referred to a member specifically as a liar, he would have had to withdraw, although I think it highly unlikely that he would have done it in the first place. A general comment - - -

Mr Berry: I yield.

MR SPEAKER: Thank you. We have had this matter out before. There is no point of order.

MR HUMPHRIES: Mr Speaker, I invite those opposite to go straight, to tell us what it is that we have changed about the existing policy - - -

Ms McRae: So, you are saying that Charles Sturt University is a liar, are you? Very good, Mr Humphries!

MR HUMPHRIES: No. I am saying that, if they said that Burmah's introduction was - - -

Ms McRae: Yes, and the NRMA. Good one, Mr Humphries!

MR HUMPHRIES: Mr Speaker, the NRMA did not make any comment at all about the causes of higher petrol prices. I read their release. What they said was that the prices had gone up, and they blamed oil companies. They did not blame the ACT Government; they blamed oil companies. I spoke to Mr Gaukroger about it. You are saying that they were blaming us. They were not. Do not say that the NRMA is part of your little cabal of untruths; it is not. Mr Speaker, I say again: If those opposite can show where we have undone some of their policy, then they should come back to this place and tell us about it. If they cannot do that, then they should not peddle the lie that somehow there has been a change of policy, because there has not been.

Sharps Unit - Collection of Hypodermic Syringes

MR HIRD: Mr Speaker, I am concerned at recent statements made by this week's Leader of the Opposition. I direct my question to the Minister for Urban Services, Mr De Domenico. Could the Minister outline for the benefit of the parliament, the valuable work being undertaken by the sharps area of his department in relation to the collection of hypodermic syringes in public places?

Mr Berry: Mr Speaker, I think that question has been fully answered.

Mr De Domenico: No, it has not. It is not the same question.

Ms Follett: It is very similar.

MR SPEAKER: It is not the same question. I recall that Mr Hird asked about the value of the work done.

MR DE DOMENICO: Mr Speaker, I thank the member for what is today, obviously, a particularly topical point and a topical question. Before I answer the member's question, I would like to make an unusual request. The unusual request, Mr Speaker, is that Mr Whitecross, in particular, actually listen to the answer. He may learn something.

MR SPEAKER: Order! There are many standing orders, but I think that is beyond them.

MR DE DOMENICO: Mr Speaker, since 1988 the Government has operated a 24-hour sharps collection service for the collection and safe removal of hypodermic syringes left in public places. The system operates by way of a telephone hotline by which trained officers can be contacted to come and collect and remove dangerous objects such as used needles.

Mr Berry: They can train you to do your own, apparently.

MR DE DOMENICO: You sit down and listen, too, because you might learn something as well; and you can pass it on to him, if you talk to one another.

In the last 12 months officers of the sharps squad have collected 8,544 sharps in Canberra. It is a very concerning problem. Mr Speaker, it is clearly a sad indictment on the society we live in that drug use is so prevalent. However, this figure also demonstrates the valuable job that these few public servants do for the local community. Mr Speaker, the damage that these potentially deadly instruments could be inflicting, if it were not for the Sharps Unit initiative, does not bear thinking about.

As well as providing a collection service, Mr Speaker, the Sharps Unit assists organisations by giving them information on training in safe collection procedures so that these organisations can themselves ensure that their property is safe from syringes. Many organisations in Canberra and outside the ACT have been trained by the sharps service staff - notably, the ANU grounds staff, ACTION, schools, the Smith Family, the recyclers, BFI, contract cleaning companies, several licensed clubs, and the list goes on and on. The Government also provides medical users of sharps with information on safe disposal and drop-off centres for containers of sharps; and, as a more recent initiative, many public toilets have been fitted with proper disposal chutes. If people go and have a look at the loos at Tuggeranong Park, Manuka and other places, they will see the benefits of that.

Mr Speaker, I am sure that all members - perhaps not all members, but at least those members who think before they shoot from the hip - would agree that the job done by the sharps collection service is a valuable one for the community. It is most certainly a difficult and, I am sure, at times dangerous job, but one that is done well. The people who carry out this community service are perhaps not those who expect to be singled out for praise. However, I am sure that they did not expect to be singled out in the way they were by Mr Whitecross this morning.

Mr Whitecross heard some scuttlebutt,

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and in typical style thought it was a good opportunity to get his name in print again so that someone else might know who he is. He did not bother to check the facts with my office or the sharps people - or anybody else, I dare say. He was not worried about the reputations of the people involved. He did not care about the impact on the community of this sort of scaremongering. He just shot from the hip. That is all he did. Quite frankly, Mr Speaker, it is becoming a tiresome scenario. More concerned with his image and political point-scoring, the parliamentary leader of today - or tomorrow perhaps - of the CFMEU has again not let the truth get in the way of a good story.

I am advised, Mr Whitecross, that the truth is - listen; this is the truth - that, although not technically authorised to collect from leased premises, the sharps collectors continue to use their commonsense and provide services to places like the youth centre.

Mr Berry: They do now, as of today.

MR DE DOMENICO: They have been doing it every day, Mr Berry. I am advised that, in a conversation with, I believe, the manager of the youth centre yesterday, a sharps collector suggested the provision of appropriate disposal containers for the toilet at the centre, as there is clearly a problem with needles being left on the floor for the sharps officers to collect. At this point the manager of the youth centre hung up on the sharps collector. Since that conversation occurred, sharps personnel have been back to the youth centre and collected more syringes, and they will continue to do so whilst there remains a problem, although I understand that there is already a worker at the centre trained in syringe disposal and that the appropriate equipment, including disposal containers, has been made available.

Mr Whitecross, these are the facts of the matter. Your inexperience as leader and as a member of this Assembly is no excuse for this morning's personal attack on public servants doing a good job in difficult circumstances. Mr Whitecross, as a politician I expect these sorts of attacks from the Opposition, although as of this week I understand that Ministers are no longer responsible for the actions of their department. Is that right, Mr Berry? You should know about that. However, Mr Whitecross, under the circumstances, I believe that the only decent thing left for you to do is to publicly apologise to the sharps collectors and learn from the experience.

Finally, Mr Speaker, this is not the first time for this quasi-Leader of the Opposition here, this shiver looking for a spine to crawl up, this bloke over here. Who can ever forget what Mr Whitecross had to say last year? He said:

The responsible Minister, Police and Emergency Services Minister Gary Humphries, has a lot to explain. He should also give his police officers some instruction in basic community relations - either that or lessons in how to transfer telephone calls.

Mr Whitecross was wrong when he attacked the police, Mr Whitecross was wrong when he attacked public servants, and the Labor Party was wrong for electing him as leader.

Greenhouse Strategy

MS HORODNY: My question is directed to the Minister for the Environment, Land and Planning, Mr Humphries. Mr Humphries, this morning you made some wondrous claims about how good the ACT's greenhouse strategy is. May I therefore draw your attention to the 1994 and 1995 ACT State of the Environment Reports, which make some comments on this strategy. In particular, the 1994 report included a recommendation that the Commissioner for the Environment be provided with a report of strategies adopted and their quantitative impact each year in order to monitor progress and compliance with the ACT greenhouse strategy. The Government agreed to this recommendation and said that it would also begin revising the greenhouse strategy in 1995-96. However, the 1995 State of the Environment Report noted that an annual progress report on the greenhouse strategy had not been received from the Government and I understand that the commissioner still has not received any report from you. Could you please explain why the Government has not met its commitment to provide annual progress reports on the implementation of its greenhouse strategy and does not appear to be undertaking any review of the strategy as promised?

MR HUMPHRIES: Mr Speaker, as usual, Ms Horodny has got her facts wrong. First of all, the claim that she was making before was that the Government did not have any greenhouse strategy. That is quite untrue. As I indicated this morning, both the previous Government and this Government have worked very hard to develop strategies on greenhouse. I do not pretend that we have invented our strategy. We inherited one from the previous Government which we have continued without significant modification. We believe that that strategy is an appropriate one. The ACT produces probably less than one per cent of the total greenhouse gas emissions in this country, which might be, and probably is, considered to be a very low contribution overall compared with other jurisdictions; but we accept that we need to be doing the best we can to reduce even further the levels that we are contributing to.

There are a number of things I could run through - I ran through them this morning - that the ACT is doing to reduce greenhouse gas emissions. There are things like implementation of the eco-workplace program, the house energy rating scheme that Mr Wood was responsible for, the bicycle strategy, and extracting methane gas from ACT landfill, which Mr De Domenico referred to yesterday. Mr Speaker, as I have said, we have taken those policies and we have continued them. We continue to build on them. We believe that we are making an important contribution to the way in which greenhouse gases are being reduced in this city as well as in this country. Members will know - probably the Greens do not know - that the Commonwealth is in the process of conducting a kind of inventory of greenhouse gas emissions to work out the total contributions being made by various places in Australia. The ACT, if it wished, could undertake separate work to determine its own contribution. I think that would be unnecessary and unproductive.

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Ms Horodny: Mr Speaker, I asked about annual progress reports and I asked about review of the strategy. Could you ask Mr Humphries to answer the question?

MR SPEAKER: There is no point of order. The Minister is answering the question as he sees fit.

MR HUMPHRIES: In fact, there were a number of things you raised in your question, Ms Horodny, and I am answering all those issues. I do not believe that we should be separately undertaking a progress report of the kind that indicates the level of emissions that we are producing in the ACT, because that work is being rolled into work being done by the Commonwealth. I do not see any great value in our doing that separately for emission levels. If we had lots of money, I would be very happy to go off and do that work separately and duplicate what the Commonwealth is doing; but we do not have lots of money. It is important for us to use the resources appropriately, to get the best targeted effect in terms of environmental activity. I happen to think that we should do it that way. In terms of other issues raised by the Commissioner for the Environment, the Government's response to the last State of the Environment Report is due shortly. In fact, it is on my desk at the moment. I can assure members that there will be an appropriate response as suggested by the Commissioner for the Environment.

MS HORODNY: I ask a supplementary question, Mr Speaker. Can you tell us, Mr Humphries, how close the ACT is to meeting the target contained in the ACT greenhouse strategy?

MR HUMPHRIES: Mr Speaker, as I have made clear, there are not particularly explicit targets set in that strategy. I do not believe that they say - and I will check this - that you will produce a certain number of tonnes of greenhouse gas emissions by a certain year. There are certainly targets overall for Australia. You have already had something to say about the national targets, as I recall. I need to check to make sure that there are not any local targets set; but, as far as I am aware, there are not any local targets set. To the extent that that is the case, we will be working with the targets that we set through a process like that which the Commonwealth is now engaged in, which will identify levels of greenhouse gas emissions across the country and target the reduction of those on a jurisdiction-by-jurisdiction basis.

Building Industry

MR WOOD: That was a good question, Ms Horodny. Mr Speaker, my question is to the happy-looking gentleman over there, Mr De Domenico, the Minister for Business, Employment and Tourism. Minister, I note your determination to talk up confidence in the ACT's economy and I support that, but I am also seeking a more direct and effective response. By that I do not mean "shifting" timetables so that projects already approved can actually be ready at the designated time, which is what you did recently. I refer today to the figures released yesterday by the Australian Bureau of Statistics which reveal

a further disastrous fall in the number of home starts in Canberra in the March quarter of this year. I expect that you have seen those. I will tell you the figures. A total of 406 new home building projects began, compared with 740 for the previous quarter, and that was not a very high level in itself. Minister, what positive steps will you take to restore confidence in the ACT, without any sleight of hand, and to provide leadership to the private sector? What initiatives, rather than talk or as well as talk, will you take?

MR DE DOMENICO: I thank Mr Wood for his question. It perhaps should have been a dorothy dixer. Mr Wood would know that what the previous Government did in order to try to get the coffers full of money was release land. That was easily done. They released as much land as they could and put the money in the bank. Of course, under those circumstances, there is more supply than there is demand and prices go down. That is a simple business fundamental. Flood the market with land, bring the prices down and you get money into the coffers quick smart to try to fill in the black holes. We know what Labor governments of all persuasions, State and Territory, do with budgets. The best way to get a Labor government into a small business is to give them a big business and tell them to take it from there. That is what they tend to do.

Mr Wood, what does this Government do in contrast to that? First of all, we limit the supply of land until the prices can come back and peg up a little bit more. This year there will be a \$600,000 threshold on payroll tax; next year it will be \$800,000. There will be \$5m through CanTrade and \$1.8m for the new tourist information centre, and so on and so forth. The Red Tape Task Force has done what was promised and is starting to deliver right now. Next month there will be a small business summit to get business together. What have we done? We have saved millions of dollars in Comcare premiums.

Mrs Carnell: Millions on patients.

MR DE DOMENICO: We see more patients in hospitals. That is what we do, Mr Wood, across the board. You were there last night, Mr Wood, and you would have noticed that the business community is very confident in the ACT. Sure, they are going on a downturn right now, as businesses are all over the country. Mr Wood, we have done more in 18 months to make sure that small business employs people here in the ACT than you did in five years. In fact, Mr Wood, you did the opposite to us. You did the simplistic things that suited your agenda. You wanted money in the coffers. You flooded the market with land and made sure that land prices went down. There was a flood of land on the market. That is what you did. We constrain that, Mr Wood. We will continue to provide the atmosphere so that the private sector can continue to employ more people.

MR WOOD: I ask a supplementary question, Mr Speaker. I point out to the Minister that home starts went up at the national level, but they went down here. He did not hear the past president of that body last night saying how some businesses will close in Canberra as a result of current policies. He just forgot that.

MR SPEAKER: Ask your question, Mr Wood.

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MR WOOD: Let me ask my supplementary question, having made that statement.

MR SPEAKER: Please do.

MR WOOD: Minister, there are now 2,500 more people unemployed than there were when you came into office. How many of those would you expect to be building workers in the home building industry, and how many more do you expect to go onto that list in the near future?

MR DE DOMENICO: I thank Mr Wood for his supplementary question. What Mr Wood did not note is that 1,000 more jobs have been created in 18 months by this Government than were created by his Government. That is another fact that he forgot. Last night I did hear that some small businesses in the ACT will close. Yes, that is true. More will open; more will grow. I have to tell you that it is very likely that more will come into this place because of initiatives like increasing the threshold on payroll tax, which you could have done but did not.

Ms McRae: The threshold does not help small business, Mr De Domenico.

MR DE DOMENICO: Ms McRae, what you know about small business you could fit in a ring of calamari. You know zilch. You should not talk about small business. The only thing you know about a small business is how to make it go broke. Mr Wood, this Government has a very healthy record of helping business in this community. We will continue to help business in this community. If you do not believe us, go out there and ask the very people you sat next to last night.

Education - Voluntary Parent Contribution Scheme

MS TUCKER: My question is for Mr Stefaniak, the Minister for Education. It is about voluntary parent contributions. I have just been looking again at your response to recommendation 3 of the report of the Public Accounts Committee. It states:

Voluntary parent contributions are not part of the school funding base. The Government has consistently emphasised that, while it encourages parents to make contributions to their schools, such contributions are voluntary and represent discretionary funding.

Mr Humphries: Mr Speaker, I rise on a point of order. The revised Government response to that committee report is on the notice paper as an item for future debate, and I think that Ms Tucker might be anticipating that debate by asking this question.

MS TUCKER: Can I ask a question generally about voluntary contributions? I can do without the preamble, if you like. I will just ask the question about the contributions. I wanted to remind the Government of what they have said. I have here another interesting document that I would like to read. One of the schools of Mr Stefaniak's department has said quite clearly:

This school cannot operate to a satisfactory level without substantial input by parents ... These will allow the school to satisfy the budget requirements ... which only address basic matters. If you prefer not to pay levies associated with elective subjects that your child studies, you may purchase the consumable items such as wood, metal, flour, foodstuffs, photographic materials and art supplies yourself.

My question is: Can he explain why there appears to be a difference of opinion about the discretionary nature of voluntary contributions, and what steps is the Minister taking to monitor how schools are addressing this issue?

MR STEFANIAK: I thank Ms Tucker for the question. As members are aware, the Government's revised response on voluntary contributions will be brought down next week. That will include, no doubt, a response to the committee's recommendation 3. I think Ms Tucker might recall a number of things I have said already in relation to this particular issue, which dates back to about May or June of last year, when a directive went out from the department indicating that the contributions were voluntary and stressing the need for school communities to inform parents of what the contributions were going towards, as a means of ensuring that parents knew what was expected of them, what benefit the school and their child would receive from these contributions, which are important to schools, and therefore what they could expect if they made the contribution. Ms Tucker, you will recall also that the P and C were somewhat concerned about some schools which were not using the word "voluntary", were not stressing that and had issued a number of notes to parents themselves which seemed to go counter to what the general policy was. Those, I understand, have been spoken to by the department, and steps are being taken in relation to that.

One of the issues you raise is that the contributions are very important to schools. Despite the fact that your committee might have thought initially that voluntary contributions were something schools could do without, the vast majority of parents and the vast majority of school boards and P and Cs are keen to see voluntary contributions continue. They realise that in these economically difficult times it is impossible for the Government to provide absolutely everything and that those contributions form an additional source of useful income for schools. Some of the other issues which were raised by your committee back in March are indeed being addressed by the Government and by the department in our response which will be brought down next week.

MS TUCKER: I ask a supplementary question. The question was: Can you explain the difference in views about whether it is discretionary or not? You did not answer that. My supplementary question is: Can you assure members that all students in the ACT public school system have the same educational opportunities within school curricula regardless of their parents' income?

MR STEFANIAK: I thought that was an absolute tenet of our school system, Mr Speaker. We have a very good school system. Whilst all schools vary in what they offer - many schools are very proud of offering things different to other schools - I think every child in our education system has an excellent opportunity to do well, is nurtured and, effectively, does have the same opportunity. Schools might have different subjects and do things slightly differently, and that is seen by many people as a strength in

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our system; but certainly we have a very good system. It is recognised as such nationwide. It is recognised by the parents, by students and indeed by the teachers. It is recognised as one of the best, if not the best, in the country. Each child certainly has an excellent opportunity to excel in our system and can get a lot of assistance on the way through if in fact they experience difficulties.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Retail Trading Hours

MR BERRY (3.38): Mr Speaker, during the course of question time, I think, Mr Humphries went to great pains to dig out a press announcement which had as its origin the Hon. Ros Kelly. He was drawing attention to which was the cheapest shop in 1994. Well, he was a bit out of date again. All he had to do was read the *Chronicles* this week.

Mr Humphries: But that is your survey.

MR BERRY: It is far more relevant, of course. He would not want to use that survey because it blows his argument right out of the water. The nonsense of this trading hours policy is demonstrated in the prices which apply in the shopping centres throughout the ACT. At Franklins in the town centre at Belconnen it was \$81.76 for a given basket of goods and at Jewel's in Kaleen it was \$90.59. Mr Speaker, it is very clear from that survey that the town centres are providing shoppers with cheaper prices. The figures which Mr Humphries used were presented by our former Labor colleague, the Hon. Ros Kelly.

Mrs Carnell: I am very pleased that you are out there batting for those multinationals.

MR BERRY: Mr Speaker, we have Mrs Carnell over here, who has her fingerprints all over this trading hours policy that the Government has put forward. It seeks to look after small shopping centres, it supposes. Guess who has an interest in small shopping centres? Mr Speaker, it is a policy which has caused a great deal of disquiet out there in the community, and many people will be affected by it.

Mr Humphries: You have stoked it up nicely, too.

MR BERRY: Mr Humphries has been his usual brave self. He has taken the dump, the hospital pass. He is the patsy to peddle this crazy policy. Mrs Carnell and Mr De Domenico are lying low on this one. Mr De Domenico, the deregulator, and - - -

Mr Moore: Except that he has now introduced the legislation, so it is a bit harder.

MR BERRY: Yes. He has to take the heat now. Mr Speaker, the clear situation is that those town centres, where 300 people will lose their jobs as a result of this Government's policies, provide a cheaper service to the community. This, of course, affects a whole range of people out there in the community who are not so well off. There does not seem to be any compassion for those people showing in this Government's deliberations on the shopping hours issue. Indeed, Mr Speaker, the Government has come up with a policy which is unworkable. It will not help small businesses, and it will not help employment in this Territory. Let us not forget, as my colleague Mr Wood mentioned a little while ago, that 2,500 more people have been added to the unemployment list since Mrs Carnell became Chief Minister, and this is going to add another 300.

Mr Humphries: Rubbish!

MR BERRY: You are going to boost it from 2,500 to 2,800 and beyond. You have the whole economy on the brink, and unemployment in a spiral upwards.

Mr Humphries: You are swallowing the propaganda of Coles, Woolworths and the big businesses in Sydney and Melbourne.

MR BERRY: Now you are going to make sure that the people out there who gain from those cheaper prices at those town centres are going to lose out again. I cannot help your silly policies. I cannot help them at all. I cannot help it that you have been the patsy in this, Mr Humphries. Now that Mr De Domenico has introduced the legislation, let him take the heat. There is nothing in it for you - not a thing.

Mr Humphries: I am not a coward, Mr Berry.

MR BERRY: No, but you are usually pretty sensible when it comes to taking the dump. I would run for my life, if I were you.

Retail Trading Hours

MRS CARNELL (Chief Minister) (3.43): Mr Speaker, I would like to comment on what Mr Berry just said. Mr Berry, I think very inappropriately, made some comment about my fingerprints being all over this because I have an interest in a small shopping centre. Therefore, by inference, I have something to gain by this. He then went on to say that small businesses cannot possibly benefit by this and small shopping centres cannot possibly gain any benefit. Mr Speaker, I think that really sums up the whole argument opposite. In one breath he is saying that I have something to gain because I am in a small

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shopping centre, and on the other hand small shopping centres cannot possibly gain from this policy. Mr Speaker, you have to really seriously ask about an argument of that ilk. I think Mr Berry should accept that it does benefit small businesses or, alternatively, withdraw his comment about my involvement in a small business.

MR SPEAKER: I shall be happy to examine the *Hansard*, Chief Minister.

MRS CARNELL: Thank you very much, Mr Speaker.

Sharps Unit - Collection of Hypodermic Syringes

MR WHITECROSS (Leader of the Opposition) (3.44): Mr Speaker, in question time today the Government, obviously feeling badly after the flogging they got yesterday, devoted - - -

Mr De Domenico: It was like being smacked on the wrist with a moist tram ticket.

MR SPEAKER: Order!

Mr Berry: It was for you, because you keep your head down. The rest of them had to bear that.

MR SPEAKER: Order!

MR WHITECROSS: Thank you, Mr Speaker. It must be a full-time job keeping Mr De Domenico under control.

Mr De Domenico: It is a full-time job keeping you as leader, mate. They cannot decide.

MR SPEAKER: Order!

MR WHITECROSS: I rest my case. Mr Speaker - - -

Mr De Domenico: Just apologise. Do the gutsy thing and apologise.

MR SPEAKER: Order! Mr Whitecross has the floor.

MR WHITECROSS: Mr Speaker, the Government wasted both of their dorothy dixers at question time trying to extricate themselves from their embarrassment yesterday about the decision by the Sharps Unit yesterday not to collect syringes from the Civic Youth Centre. The impression was created in question time today by Mrs Carnell and Mr De Domenico that the Sharps Unit had contacted the centre to offer them training and bins as a replacement for their previous collection service and, in the process of making this generous offer, were surprised to find the centre manager hanging up in their ear. That is the story, Mr Speaker, that they told us in question time.

Mr Speaker, I rose to say that I have confirmed again the information about what happened yesterday.

Mrs Carnell: Did you ring the sharps hotline and ask?

MR WHITECROSS: Listen, Mrs Carnell, because you will learn. Mrs Carnell has a habit of trying to go on the front foot to short-pitched deliveries, and it is not a good idea. Mr Speaker, the story is this. The centre rang the Sharps Unit yesterday to have three syringes picked up - a practice which had been going on for some time. The officer said no, that they did not pick up from private buildings. They were told, "We are not a private building; we lease it from the Government". "We do not pick up from you either", was the reply. Mr Speaker, the conversation terminated normally, given the distress that you might expect in this situation. No mention was made of training or anything else.

Mrs Carnell: Did you ring the sharps hotline?

MR WHITECROSS: Keep listening, Mrs Carnell. This morning the Sharps Unit called the Civic Youth Centre to say that the officer should not have said what she said. They then turned up at the Civic Youth Centre with four bins, tongs and gloves - equipment which had never previously been supplied to the Civic Youth Centre, except when it was a needle exchange - and also reoffered the service of picking up sharps, notwithstanding that they were also offering the bins, tongs and gloves. Mr Speaker, Mr De Domenico and Mrs Carnell came into this place today with their dorothy dixers and attempted to turn their embarrassment over a change in policy - perhaps not by them; perhaps by their department - into an attack on me. The fact is, Mr Speaker, that the Sharps Unit did refuse yesterday. The Sharps Unit this morning did admit that what the officer had said yesterday was incorrect and it has remade the offer to collect sharps.

The Government have engaged this week, twice now, in a policy of going onto the front foot to a short-pitched delivery. Yesterday Mrs Carnell tried to go on the front foot when she got caught out with her bodge operations figures and blamed Mr Berry for them. Today Mrs Carnell and Mr De Domenico tried to attack me for bringing to their attention a failure of their department to provide a service which had always been provided. Mr Speaker, Mrs Carnell and Mr De Domenico would do better to look to the administration of their departments and ensure that they follow Government policy, and not attack the Opposition for bringing their failures to their attention.

Retail Trading Hours

MR MOORE (3.50): Mr Speaker, I thought I would use the opportunity of the adjournment debate to add a little more to the stunt put on by the Liberals over trading hours. I have in my hands at the moment a page from the Trading Hours in the Australian Capital Territory report by ACIL Australia for the Economic Development Division of the Chief Minister's Department in April 1991. I quote from page 48, paragraph 4.12:

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Mr Tony de Domenico is President of the Canberra Chamber of Commerce. The Chamber has around 300 members, about half of them retailers.

Remember, Mr Speaker, that we are talking about 1991. The report continues:

Mr de Domenico said the Chamber of Commerce favours deregulation of trading hours. He referred to the stream of cars travelling from Canberra to Queanbeyan on Canberra Day (which WIN Television had filmed) as evidence of the sales local businesses are losing under the present arrangements.

Deregulation of the Trading Hours Act would be a useful first step, Mr de Domenico said. But given the Trading Hours Act is not now policed, the main obstacle to freer hours are labour awards, he argued. He wondered if the Government's Industrial Relations Advisory Council (located in the Chief Minister's Department) might take a keener interest in the issue and seek more flexible arrangements.

The report says that he then spent some time talking about what they needed to do in terms of agreements and penalty rate structures and so on. It goes on to say:

He argued that the innovative approach of Mr Ron Rabey, a retailer with outlets in Belconnen, Woden, Tuggeranong and Civic, is also an object lesson.

The report then says:

For a different view of the situation, Mr de Domenico recommended a discussion with Ms Kate Carnell, a local pharmacist, also on the Chamber's Board. Like Mr de Domenico, Ms Carnell was a speaker at the BOMA forum at the Lakeside Hotel on 5 March 1991 (a record is on Departmental file). There were insufficient resources during this study to permit a discussion with Ms Carnell.

The implications now, Mr Speaker, of there being insufficient resources in 1991 to talk to that lowly pharmacist over there in Red Hill are interesting. The reality, Mr Speaker, is that the Government have done neither one thing nor the other. What they have put up to deal with this issue of trading hours will not deliver. It is simply a sop to small business which will give them nothing. Mr Speaker, if the Government are serious about it they have really two choices.

I should digress a little, Mr Speaker, and say that there are, of course, some very positive aspects within the report *Striking a Balance*, and those are the sorts of things that we are talking about in terms of business education and some issues like that. I do not think anybody is questioning those, although one has to ask: At what point do we prop up small business in this way? In the end, when it comes to the crunch, the reality is that the

Government have pretended that they are doing something about small business, when the truth is that they are trying to avoid dealing with the fundamental issue, and the fundamental issue is about retail space. Mr Speaker, before I finish, I seek leave to table the document that I quoted from.

Leave granted.

Retail Trading Hours : Sharps Unit - Collection of Hypodermic Syringes

MR HUMPHRIES (Attorney-General) (3.54), in reply: Mr Speaker, to close the debate, and it has been a debate, let me say, first of all, that Mr Moore is quite right to suggest that there has been a change of view by both Mr De Domenico and Mrs Carnell, although in the case of Mr De Domenico, at least, as a representative of an organisation rather than as an individual, he was expected to represent the views of his members. It may or may not be the case that you always present your own personal point of view at the same time as presenting the views of your members, but let us assume that that is the case.

Mr Moore: He can even change his mind.

MR HUMPHRIES: Mr De Domenico makes no bones of the fact that he has changed his mind, as has Mrs Carnell. Mr Speaker, both of those Ministers made it very clear at an early stage of Cabinet deliberations that they had previously argued for unrestricted trading hours, and they both indicated that they had a change of mind as a result of the end product that the Government agreed to through this process. I might say, Mr Speaker, that Mr Moore is not in a very good position to be pointing the finger on this subject, because Mr Moore himself has had a change of heart about trading hours, and over a shorter period of time than Mrs Carnell and Mr De Domenico.

Mr Moore: No, I have not.

MR HUMPHRIES: Yes, you have. I ask Mr Moore to go back and have a look at the question of liquor trading hours as recommended in the report of, I think, the Social Policy Committee of which he was a member. He endorsed a unanimous report, back in about 1992, when it was recommended that there should be restrictions on the trading hours of licensed premises.

Mr Moore: Who supported your trial?

MR HUMPHRIES: I know that it is embarrassing. I am sorry; I have to bring these facts to the fore. It is all right. There is almost nobody listening. There is just the ABC. They will not tell anybody. Their lips are sealed, I can tell. Mr Moore said, back in 1992, as I recall, "We cannot allow people to trade endlessly all through the night because it is damaging the market".

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Mr Osborne: Just admit that it is a stunt.

MR HUMPHRIES: It was a stunt. Indeed, it was a stunt. It was a stunt back then, Mr Speaker. Mr Moore has had the good grace to come back here and admit that he has changed his mind.

Mr Moore: Yes, but I changed it back again.

MR HUMPHRIES: You can change it back if you like. We can all change our mind if we want to. We are all entitled to change our mind at least once, and on this subject, Mr Speaker, it seems that a few people have changed their mind.

I want to turn now to the subject of the rather disgraceful little affair with the sharps that Mr De Domenico and Mrs Carnell drew attention to earlier today. Mr Speaker, the fact is that there are two versions of events in this matter. I would ask Mr Whitecross, who has abandoned the chamber, and Mr Berry, who is here, to indicate, if they can, why they believe a particular person over somebody else. Mr Speaker, I am left with the very tempting position of having nobody else in the chamber and I can say all sorts of things.

MR SPEAKER: I am listening very carefully, Mr Humphries.

MR HUMPHRIES: Thank you, Mr Speaker.

Mr Moore: I raise a point of order, Mr Speaker. I believe that there has been a reflection on the Chair, Mr Speaker. Mr Humphries just said that there is nobody else in the chamber. Surely that would be a reflection on the Chair.

MR SPEAKER: There is no point of order, Mr Moore.

MR HUMPHRIES: I thank the departing Mr Moore for his observation. Mr Speaker, I ask Mr Whitecross how he knows that the version given to him by the youth centre is preferred over the version of other public servants at the Sharps Unit who have a very different account of what occurred in that telephone conversation. The implication of what Mr Whitecross has said is that members of staff at the Sharps Unit have been telling lies. That is a very serious allegation to make, and I suggest that Mr Whitecross ought to do the honourable thing. If he does not feel that he can apologise to the house for what he said, for the lies that he has told, I suggest that he should ring the Sharps Unit and ask them for their version of what happened. When he does so, he might get a different version of events and would be in a position to be able to correct his position on the floor of the house.

Mr Berry: I raise a point of order, Mr Speaker. Mr Humphries clearly impugned the character of the Leader of the Opposition and said that he told lies. He should be ordered to withdraw that immediately.

MR SPEAKER: Will you withdraw it?

MR HUMPHRIES: Mr Speaker, if Mr Berry was here to hear me say that, then I must - - -

Mr Berry: Just in time.

MR HUMPHRIES: I, of course, withdraw, since he was here to hear me say it.

Question resolved in the affirmative.

Assembly adjourned at 3.58 pm until Tuesday, 25 June 1996, at 10.30 am

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ANSWERS TO QUESTIONS
MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NUMBER 226
Kippax Task Force Report

Ms McRae - Asked the Minister for the Environment, Land and Planning - In relation to the Kippax Task Force Report - Will you provide details on the level of support either by way of staff, or funds you have allocated, to ensure each of the recommendations of the Report is implemented.

Mr Humphries - The answer to the Member's question to the Minister for the Environment, Land and Planning is as follows:

- The Precinct Management program, which is a co-ordinated and participative approach to public place management, can provide the mechanism to deliver most of the actions within the two themes of the report, Improved Amenity and Safe Environment.
- A Precinct Community Committee will be established in Kippax in September of this year. A staff of three persons currently support seven existing Precinct Community Committees.
- The Precinct Management program will provide the Kippax community (and other Precinct Community Committees established in 1996-97) with access to a rolling program of as yet unconfirmed future forward design and capital works funding which is subject to the usual capital works bidding processes.
- In relation to the call for a Master Plan to be developed for Kippax, planning resources do not permit priority to be given to this task. However the ACT Planning Authority can provide advice on any design and layout proposals that might be developed by the Precinct Community Committee.
- Some of the Task Force recommendations are the responsibility of the traders operating at the Kippax Group Centre, and we would expect the local business people to respond to actions such as a marketing strategy and logo, or a survey to test the viability of diversifying retail and business options at the Group Centre. If local traders do commission such a survey, the Bureau of Business, Arts, Sports and Tourism have agreed to provide advice to them as required for this task.
- I understand that the Kippax Task Force has already had discussions with the Belconnen Youth Centre, and that youth activities are likely to be commenced at Kippax when a suitable venue is found.
- The need for a multi-purpose community facility is to be investigated by the Children's Youth and Family Services Bureau.

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- The creation of a police shop front cannot be justified as AFP data do not highlight a major problem in Kippax. Random patrols are conducted, and any complaints are addressed within existing police resources.
- The Kippax Health Centre is currently under-occupied, but every effort is being made by the Department of Health and Community Care to increase the number of tenants delivering compatible health and community services.
- The ACT Government is acting on the Action Report recommendations where it can. In particular, the Kippax Community Committee to be formed later this year will provide a crucial process for bringing people together to work on the issues raised by the consultations in the area.
- More generally, the ACT Government has recently endorsed a formal response to the Consultation and Action report. The Report was tabled in the Assembly on 19 June 1996.

**MINISTER FOR THE ENVIRONMENT, LAND AND
PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 231**

Lease Variation Application - Dickson

Mr Moore - asked the Minister for the Environment, Land and Planning - In relation to the application to vary the lease for the ABC Site in Dickson.

- (1) Is there a current application to vary the lease for the ABC site in Dickson for commercial offices.
- (2) If so, was the application lodged 3 years ago.
- (3) Why is the application still current and not a deemed refusal.
- (4) The Land (Planning and Environment) Act 1991 requires both the agreement of the applicant and the Minister to extend the period for consideration of an application before it becomes a deemed refusal. (a) Has the Minister given his approval; (b) if so, what were his reasons in extending the period; and (c) what are the reasons for not revoking the Minister's agreement.
- (5) In giving approval to extend the period for a consideration of the application, was consideration only given to the interests and wishes of the lessee and not the Territory or its citizenry? For example, was consideration given that extending the period for consideration of the application to an indefinite period would deny citizens the ability to successfully apply for an order that the lease be complied with.
- (6) Is it true that this type of lease variation application could be speculation by the lessee to pay the lowest amount possible for the additional land use rights to the cost of ACT Revenue? That is, the lessee would have the choice to pay either the "betterment" that applied when the application was lodged, or make a new application and pay the charge that would apply when the fresh application was lodged, or make a new application and pay the charge that would apply when the fresh application was submitted.

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- (7) Can the Minister give an assurance -
 - (a) that this type of speculative lease variation application be refused;
 - (b) that all open ended extensions of applications to vary leases be revoked;
 - (c) that the Minister's agreement to extend the statutory period for consideration of applications for lease variations only be given for good reasons and in any case not extend beyond six months from the original application.
- (8) Will you also give an assurance that he will not further erode the town centre development strategy of the ACT and undermine the development of the Gungahlin town centre in particular, by approving lease variations that will provide more offices in Dickson.

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

- (1) Yes, an application to vary the lease over Block 1 Section 1 Dickson is currently being considered by the Department of Urban Services and the ACT Planning Authority.
- (2) The application was lodged on 9 September 1993 and amended on 3 October 1995.
- (3) Due to a need to seek further information and clarify application of the then new Territory Plan, the delegated officer approved an extension of the prescribed time under section 233 of the Land (Planning and Environment) Act 1991 and Regulation 22(7) of the Land (Planning and Environment) Regulations.
- (4) Yes. The implementation of the Territory Plan, the need for detailed information to enable assessment against the Plan and the need to determine if a mandatory Preliminary Assessment would be required are the reasons for these extensions. These are legitimate steps in the process for my delegate to consider where further information is necessary. On the evidence available, I do not believe there is a reason to revoke the extensions of time.
- (5) The needs of the Territory as well as the lessee have been considered in granting the extensions. I am not aware of any breach of the current lease conditions and therefore the need for the issue of an Order does not arise. Nevertheless, should there be a breach my Department or any citizen may apply to the Registrar of the Land and Planning Appeals Board for an Order at any time and irrespective of the status of a development application.
- (6) No. Betterment would be assessed at the time the variation is approved, if approved. There have been no commitments given to the lessee that betterment would be assessed under policies applying in 1993 and no remission applied. The amount payable would be determined in accordance with current policies and legislation, not policies at the time of lodgement.

- (7) (a) No. Section 231 of the Land (Planning and Environment) Act 1991 sets out the matters the Minister's delegate must consider before approving or refusing to approve an application. The assumption of an application being speculative in any way is not a matter for consideration.
- (b) All extensions of time are granted for a determined period. However, that period can be further extended under certain circumstances.
- (c) Extensions of time are not granted without good reason. Although every effort is made not to extend the time beyond six months from the date of lodgement, circumstances may not always allow that time frame to be met. Regulation 22(7) recognises this fact and allows the prescribed time to be extended without limitation.
- (8) The Territory Plan provides for strategic development of offices along public transport corridors including Northbourne Avenue. A Northbourne Avenue Strategy Study is underway at present, reviewing the mix of land uses currently allowed along the Avenue. It is analysing the social, economic, traffic and urban design implications of continuing development under the current land use zones, and the possible benefits of changes to those zones. In particular, it is reviewing the possibilities of increasing the viability and attractiveness of public transport along this route.

The study has involved all of the current occupants of the area and the residents of adjoining suburbs through the Local Area Planning Advisory Committees. Its conclusions will be discussed with these groups and be the subject of a wider public consultation process.

Any application will be considered in accordance with the outcome of that Study and the policies and objectives of the Territory Plan. Particular consideration is given to the environmental aspect of large developments.

ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 232

Belconnen Remand Centre

Ms Follett - Asked the Attorney General:

In relation to the Belconnen Remand Centre - For each of the past twelve months:

- 1) What was the average number of detainees at the Centre; and
- 2) What was the status of those detainees, specifically, how many were:
 - a) awaiting trial;
 - b) awaiting sentence; and
 - c) other status (please identify)

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

- 1) The average number of detainees on any one day at the Belconnen Remand Centre over the last 12 months (April 1995 - March 1996) was **27**.
- 2) In relation to question 2 concerning the status of detainees, the statistics held by the Belconnen Remand Centre and relating to this question, only enable us to determine whether a person is remanded by the Supreme Court or by the Magistrates Court.

Therefore figures relating to the Magistrates Court indicate that the detainee is awaiting a determination of guilt or innocence, the imposition of a sentence, or to appear before the Supreme Court on appeal.

Figures relating to the Supreme Court indicate that a detainee is awaiting trial, sentence, or other decision regarding an appeal against a Magistrate Court decision. With this in mind, the status of detainees over the last twelve months, was as follows:

- a) and b)
- An average of approximately **22** detainees per day, were remanded by the Magistrates Court;
 - An average of approximately **5** detainees per day, were remanded by the Supreme Court; and

c) An average of approximately **0.03** detainees per day were held in custody at the facility for other reasons ie. illegal entrants being held on behalf of the Department of Immigration and Multicultural Affairs, and (on one occasion in the last month) a sentenced offender awaiting transportation to NSW.

Data collection systems are now being amended to allow the 'trial / sentence' status of detainees to be kept.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 233

Service Station Sites - Lease Conditions

Ms Horodny asked the Minister for the Environment, Land and Planning

- (1) Are there any conditions placed on the lessees of petrol station sites in the ACT, in their lease purpose clause or otherwise, regarding any consequences that might arise to their lease if the petrol station ceases operating for more than one year.
- (2) What conditions are placed on the lessees of petrol station sites which cease operating regarding the removal of the underground storage tanks and assessing and remediating any contamination of the site and surrounding land from petrol seepage.

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

- (1) There are standard provisions in the Crown lease for a service station. The Government may terminate the lease if the lessee has failed to use the site for a period of 12 months, if they have not paid land rent, or if they have breached one of the clauses relating to environmental protection. Termination is subject to appeal by the lessee to the Land and Planning Appeals Board.

The lease provides also for surrender and the payment of compensation for improvements should the lessee decide to cease operating a service station.

In either event, the Government would prefer to preserve elements of competition within the retail petrol industry. The Government has put the oil industry on notice that conversion of sites to uses other than petrol retailing will not be supported if such conversion is not in the interest of a competitive industry. Should we find that a site is no longer viable, we would negotiate with the oil company lessees to allow redevelopment for uses compatible with local community needs. This strategy would avoid the deleterious effect of fenced off sites and boarded up buildings.

Oil companies are urged to discuss their proposals with the Government and be more open.

(2) The question of any contamination is addressed by the Department of Urban Services at the time the lease is varied, during the variation process under the Land Act. If the lease is transferred to a lessee who is to continue operating a service station the Department advises the seller to disclose to the buyer the potential for contamination. Additionally, if information is requested the buyer is advised of any known contamination and is also advised to carry out any investigations necessary, he or she may consider necessary (caveat emptor).

With a lease variation, the lessee provides a report to the Department of Urban Services demonstrating that the contamination has been assessed in accordance with New South Wales guidelines for assessing petrol station sites. Any lease variation is not approved until this condition has been met to the full satisfaction of the Department.

The Government would impose a similar requirement on sites that may be surrendered and would seek to recover the cost of decontamination where the lease over a site is terminated.

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**MINISTER FOR THE ENVIRONMENT, LAND AND
PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 234**

Unleased Land - Deakin

Ms Horodny - to ask the Minister for the Environment, Land and Planning - In relation to the open space on the northern side on the corner of Strickland Crescent and Denison Street in Deakin.

- (1) Has this public land been transferred into private hands, and if so, what process was followed regarding the issuing and sale of a private lease over this land.
- (2) Is there currently an application before the ACT Planning Authority regarding the development of this site. If so, what is the nature of the proposed development and what appeal rights are available for objecting to this application.

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

- (1) The unleased Territory land, part Block 90 Section 37 Deakin has been subject to an application under the *Land (Planning and Environment) Act 1991*. The applicant sought to vary the boundary of Block 23 Section 37 Deakin to take in part of Block 90. It has been processed and, on 25 March 1996, the applicant was advised that the application had been successful subject to conditions.

Objections were received during the public consultation process. Under the Act these objections were treated as comments and taken into consideration in reaching a decision on the application. The Department is currently awaiting advice from the Australian Valuation Office on whether there is added value arising from the variation and therefore whether betterment is payable by the lessee.

- (2) To date, the ACT Planning Authority has not received an application to develop this site. When plans are lodged for a Design and Siting approval, they will be assessed for compliance with the standards of the Territory Plan and the requirements of the lease. If they do comply it may not be necessary to publicly notify the application and appeal rights would not be available to third parties.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 238

School Boards - Principal Selection Panels

MR WOOD - asked the Minister for Education and Training on notice on 23 May 1996

Given that school boards have won the right to representation on the selection panel that chooses a new principal, how will that very important function be filled now that the operations of school boards have been suspended.

MR STEFANIAK - The answer to Mr Wood's question is:

Selection committees for merit selection of Principals in ACT Department of Education and Training schools currently have the following composition:

- . a representative of the School Board
- . the Director for the school district
- . a jointly selected Principal representative (PASS Principal)
- . a jointly selected Executive Teacher (PASS Officer)

Although the operations of school boards in some schools have been temporarily disrupted, a representative from the school board will continue on Principal's selection panels in the usual manner.

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MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No 239

Woden Valley Hospital - Treatment of Neck Injury

Mr Berry - asked the Minister for Health and Community Care on notice on 22 May 1996

- (1) What action have you taken over the recent report of misdiagnosis of a broken neck at Woden Valley Hospital.
- (2) Considering that this incident and revelation that dogs have been treated at our major public hospital have had a negative impact on public confidence in our health system, what steps have you put in place to not only improve the quality but also to restore that public confidence.

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

- (1) The incident reported in the press over an alleged misdiagnosis of a broken neck at Woden Valley Hospital has been reviewed extensively by the Orthopaedic Department.
- (2) It is not possible to assert that either of these incidents have had a significant negative impact on public confidence in our health system. Positive comments regarding care at the hospital significantly outweigh the negative comments or the incidents reported in the press.

MINISTER FOR ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 240

Environment and Conservation Consultative Committee

Ms Horodny - asked the Minister for the Environment, Land and Planning:

What changes have occurred to the Environment and Conservation Consultative Committee?

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

The Environment and Conservation Consultative Committee (ECCC) was a non statutory advisory committee whose term expired in December 1995.

That Committee is being replaced by the new ACT Environment Advisory Committee (EAC).

The EAC will have a new structure with a peak committee comprising eight members with particular expertise. The Committee will be served by two sub-committees.

The EAC will put an increased emphasis on longer range strategic matters and a more technical and science-based perspective when providing advice to government. At present, it is proposed that sub-committees will be established to focus on landcare and nature conservation matters.

Appointments of EAC members is awaiting Cabinet endorsement.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 241

Conservator of Flora and Fauna

Ms Horodny - asked the Minister for the Environment, Land and Planning:

What are the increased powers of the Conservator?

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

Amendments to the Nature Conservation Act 1980 were introduced on 22 June 1995.

I believe Ms Horodny's question relates particularly to Part V of the *Nature Conservation Act 1980*, Conservation Directions.

Amendments were made to this part of the Act to enable the Conservator of Flora and Fauna to determine, by instrument, criteria for the purposes of issuing a direction in relation to the protection or conservation of native animals, native plants and native timber on occupied land or in relation to the treatment of a diseased native animal or plant.

These provisions were introduced to remove the previous initial step of the Conservator issuing advice, and, if the advice was not followed within a reasonable time, to provide directions for compliance.

The amendment was effected because the process of first advising and then directing was considered protracted, and because 'reasonable time' was open to subjective interpretation that could have resulted in opportunities for essential conservation measures being lost or deliberately avoided.

Essentially, the Conservator has not been given additional powers under the Act. The amendments have, however, made the exercise of the Conservator's powers more timely, practical and effective.

It is important to note that the determination of criteria is a disallowable instrument and so mechanisms are in place to ensure the criteria to be used by the Conservator are fair and reasonable.

Amendments were also made which doubled the penalties for failing to comply with a direction.

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MINISTER FOR THE ENVIRONMENT LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 242

Property Management Agreements

Ms Horodny - asked the Minister for the Environment, Land and Planning -

When and how will Property Management Agreements be introduced?

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

Under the Land (Planning and Environment) Act 1991, conditions may be attached to the grant of a lease. Current policy requires a Property Management Agreement to be in place before a lease is granted over land managed for rural or agricultural purposes.

The purpose of a Property Management Agreement is to provide a clear understanding between the lessee and the Government about how future management actions will impact on native flora and fauna and soil and water quality. The aim is to achieve sustainable land management.

Most rural leases will expire in 2006 and new leases of varying terms have been offered to existing rural lessees. Property Management Agreements are required before a new lease is granted, and the new lease notes this requirement.

When an existing lease is transferred from one lessee to another, such as in the course of a property sale, a Property Management Agreement is required. As the lease itself is not altered, the PMA does not form an enforceable part of the lease.

MINISTER FOR ENVIRONMENT LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 243

Noise Pollution - Barton Highway

Ms Horodny - asked the Minister for the Environment, Land and Planning

What noise abatement measures have been instituted or will be instituted along the Barton Highway.

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

Noise measurements have been taken at the house in Kaleen which is considered to be most adversely effected by traffic noise from the Barton Highway. These measurements provided were within the planning guideline value. On this basis no immediate noise abatement works are proposed for properties adjacent to the Barton Highway.

It is expected that traffic on the Barton Highway will increase to an extent which will cause the planning guideline value to be exceeded at some time in the future. Noise levels are being monitored to allow noise abatement measures to be programmed for implementation at the appropriate time.

Draft Noise Management Guidelines, currently being circulated by the ACT Planning Authority for comment, propose that the threshold for noise levels be reduced, but this would only apply to new dwellings, not existing ones. These planning guidelines are consistent with other national and international guidelines.

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APPENDIX 1: Incorporated in Hansard on 19 June 1996 at page 1915.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE 23 MAY 1996

Fees for Basic Literacy and Numeracy Courses

MR MOORE - asked the Minister for Education and Training

Is the Minister aware of discussions within the Canberra Institute of Technology considering charging for basic literacy and numeracy courses?

Would the Minister assure this Assembly for the sake of social justice the basic literacy and numeracy courses will not be subject to fees?

MR STEFANIAK - the answer to Mr Moore's question is:

. Following a decision of the ACT Government in 1992, the basic literacy and numeracy course offered by CIT has been exempt from fees. There is no intention of changing this exemption.