



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 JUNE 1996

Tuesday, 25 June 1996

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The Assembly met at 10.30 am.

(Quorum formed)

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

PETITION

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

By **Mr Hird**, from 21 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 Parliament that: the undersigned residents living in the Belconnen area can identify huge benefits to our community from the proposed project to introduce much needed community, sporting and other amenities by the Belconnen Soccer Club. This project is to be located in McKellar at Section 71, bounded by William Slim Drive and Owen Dixon Drive.

Your petitioners therefore request urgent attention by the Assembly to approve this lease and development application.

Petition received.

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RATES AND LAND TAX (AMENDMENT) BILL 1996

Debate resumed from 18 June 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (10.32): Mr Speaker, this Bill amends the Act to provide for 1994 unimproved values to be used in assessing 1996-97 and 1997-98 rates and land tax and for municipal rates for individual ratepayers for the 1996-97 financial year to increase in line with the forecast CPI increase of 3 per cent. The Opposition will be supporting this Bill in principle, but it should be said that we are not happy. What Mrs Carnell did in 1995-96 in freezing valuations at 1994 levels and increasing them by the CPI was consistent with her election promise. Regardless of what we thought of her election promise, it was consistent with her election promise.

This year it is hard to escape the conclusion that Mrs Carnell is effectively breaking her election promise. In her campaign document, Mrs Carnell said that she was going to cap any rate increases to the level of inflation while a comprehensive review of the ACT's land valuation system was conducted to determine a fairer way to levy rates. The 1995 system was designed for one year only, to allow the Government to find a better system through the review. It was an interim measure. We had high expectations of Mrs Carnell finding a better system. Mrs Carnell went through the process and had her review. Where is the better system, Mrs Carnell? There is not one. Mrs Carnell engaged three consultants to conduct the review - McCann and Associates, Coopers and Lybrand, and Mallesons Stephen Jaques.

Mrs Carnell: It was actually one consultant.

MR WHITECROSS: There were three people involved.

Mrs Carnell: There were three parts of one consultancy.

MR WHITECROSS: That is right; one consultancy.

Mr De Domenico: Get it right.

MR WHITECROSS: I said three consultants, one consultancy.

Mrs Carnell: Yes, one consultancy.

MR WHITECROSS: I said three consultants, Mrs Carnell. The consultants were engaged to investigate the idea of a flat fee component, which Mrs Carnell promptly rejected the moment the report hit her table. The report did not look at other options in regard to rates. What did this review cost the taxpayer? It cost \$72,000. What for? We do not disagree with Mrs Carnell's rejection of flat rate fees in rates. We think that a system based on valuations is a fairer system. Mrs Carnell commissioned the report, shelled out \$72,000 of taxpayers' money, and 12 months later she says, "I do not like that idea" and puts it on the shelf. Mrs Carnell told the *Canberra Times*, "Basically, we are throwing it out".

Mrs Carnell, in her speech when introducing this Bill, said that the Bill provides for land values to remain at 1994 values for the next two financial years. What she said next is the quintessential encapsulation of the decision-making powers of the Government. She said:

This will allow the Government time to undertake a full analysis of the review's recommendations and to consider possible changes to the rating system.

It takes one year to conduct a review and then two years to consider its recommendations. What an outrage! Mrs Carnell knows that she cannot make a decision. Mrs Carnell knows that she does not have a solution to this problem. She is trying to put off the evil day when she has to utter those famous words: "I was wrong before the 1995 election. There is not a magical solution to rates. I misrepresented the situation to the community. I created false expectations. I was wrong". Mrs Carnell does not want to have to do that, so she comes in here and tries to tell this house and the people of Canberra that it is going to take her two years to consider the recommendations of a consultancy which cost the taxpayers \$72,000. As far as I am concerned and as far as the Opposition is concerned, that is not good enough.

In the meantime, Mr Speaker, the Canberra community has been saddled with an interim rates system which, in our opinion, is inequitable. Individual property values provide the means of distributing the tax burden equitably among ratepayers. Capping rate increases in the way that Mrs Carnell has destroys the relationship between rate charges and land values and the concomitant notion of equity as between ratepayers in their ability to pay. Capping or pegging of rate liabilities to overcome large increases requires the owners of properties with little or no increases in value to pay a disproportionate share of rates. Indeed, properties with substantial falls in values are copping a highly disproportionate share of rates. Is Mrs Carnell capping rates to inflation because she knows that land valuations have fallen and she is unable to suck enough revenue out of the community? I do not know. Because of Mrs Carnell's financial mismanagement and mishandling of Health, she is meeting her revenue demands unfairly.

Mr Speaker, Mrs Carnell has painted herself into a corner on this matter. This Bill is a cop-out. We are entrenching a rates system which, with every passing year, becomes more inequitable in its imposition on Canberra residents. With every passing year, it creates a worse problem for Mrs Carnell to fix in the long term. All Mrs Carnell is doing is delaying the day when she will have to construct a rational basis for setting rates. Like Health, rates seemed so easy to Mrs Carnell in opposition, and in government she does not know what to do.

Mr Speaker, as I said, we are not opposing this Bill, even though we believe that Mrs Carnell's approach is unacceptable. The community deserves better from this Government than a non-decision on rates. In passing this Bill, we will give Mrs Carnell yet another year to get the rates system right. It is a year she should not need. It is a year she should not take, but because of her indecision it is a year she will have to take.

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Mr Speaker, we expect Mrs Carnell to return to the Assembly next year with a new rating system, with a proper rating system. In the detail stage, I will be moving an amendment to force Mrs Carnell to come back next year with a better system, because what Mrs Carnell has done here is unacceptable to the community and it should not be tolerated.

MR MOORE (10.40): Mr Speaker, this piece of legislation is a time bomb. Capping the rates increase at 3 per cent saw the Government through last year and may well see it through this year without running into major problems, but what will happen 10 years into the future if the Government continues with this process? I know they are not intending to continue it but I am raising this to illustrate the point. If the Government caps rates at 1994 valuations and continues to increase them by 3 per cent, then in 10 years' time the Government will be forced to say, "This is ridiculous". We would no longer have a rating system based on land values. After all, that is how our rating system works. It is based on land values as of 1994. Someone at some time in the future, perhaps in the year 2006, is going to have to say, "Sorry, people. We have to get back to our valuation system". Some individuals will have a 5,000 per cent increase in their rates; some individuals will have a 5,000 per cent decrease in their rates. The people who have the decrease will wonder why they had been spending so much money on rates over the years, and those who have the 5,000 per cent increase in their rates will be saying, "Why is it that we have suddenly got this ridiculous increase and how are we going to budget for a huge increase along those lines?". Mr Speaker, if that is the extreme of the scale, as we go along year by year the situation will worsen until it gets to the point I have described.

Why are we in this situation? It is because of the Carnell solution to a problem of preselection. Her party preselected a member of the Canberra Ratepayers Association, and that member of the Canberra Ratepayers Association ran not only a very strong campaign within the party on rates but also a campaign against her own party leader during the last election. Indeed, she was supported by the real estate lobby. Mr Speaker, this presented a problem for Mrs Carnell, and her solution was to say, "It is all right. We will guarantee to cap rate increases at 3 per cent in the first year while we do a wide-ranging review to find out the solution to this form of taxation". The report of the review has come down. In the Chief Minister's presentation speech for this legislation she suggested that the Government is not prepared to accept a number of the recommendations of the review because they could lead to big rate increases for ratepayers with property values at the lower end of the scale. Mr Speaker, I think most of us would find that comment by the Government to be socially just and equitable, but at the same time, in rejecting the findings of the review, the Government is now left with the choice of making decisions. They have had a rate review done. They chose the people to do it, and it was quite clear that the solution they were going to get would be a dry economic solution. Indeed, that is the one that they got.

The choice the Government has is to say, "How are we going to solve this problem?". The solution is not to keep putting it off by saying, "We will stick with the 1994 valuations and we will just add 3 per cent a year". That is a time bomb. It is fraught with disaster. It is another example of what Mr Berry referred to the other day as "back to the future". It is a system that, effectively, was rejected by Canberra some years ago when rating valuations were done every 10 years and at the end of the 10-year period

there were wild fluctuations in the rates people had to pay. The community outrage over that situation is the sort of community outrage that we can expect in the future. Even two years of the method that Mrs Carnell is talking about is going to cause a significant problem in the third or fourth years.

I know Mr Whitecross has flagged that he is going to introduce an amendment to the legislation that will limit this process to just this year. Personally, I do not think it goes far enough. I think the idea of the Government doing yet another year at 3 per cent is a cop-out that simply puts the problem off and will exacerbate it. It is not something that is just going to continue along and everybody is going to be happy with. It will exacerbate the problem. I say it is a cop-out because it is a failure on the part of the Government to face up to their responsibilities of making hard decisions on the best way to deal with rates. It is a decision that they simply have to make.

It is always awkward for members of the crossbenches who believe that it is appropriate to allow the Government to have their funding mechanisms when they see that what the Government is doing is clearly going to be of major disadvantage to the people of Canberra, that the Government is refusing to make hard decisions and that the Government is refusing to implement even their own promised policies, as Mr Whitecross pointed out. The temptation for us to vote against such legislation is, of course, quite great. In this case I will not be voting against it, because I believe that Mr Whitecross has at least suggested a solution that gives the Government another year to get their act together. The Government should be aware that this really is a totally unacceptable way of dealing with rates. It simply cannot go on. It is entirely unacceptable.

Mr Whitecross informed me of his amendment earlier today. I will be looking at it and listening to the debate on it. That perhaps provides a solution. At least it will allow the Government time to think about the mistake they are making - and it is a mistake this year as well - to take on the responsibility of government for which this Assembly appointed them and to come up with an appropriate system of revenue that does not have the element of a time bomb.

MRS CARNELL (Chief Minister and Treasurer) (10.48), in reply: Mr Speaker, I thank members for their support for the Bill, such as it is. Mr Speaker, I think the interesting question here is what is fair and what is not fair. Is the situation that we saw under the previous Government - where people ended up with 60 per cent increases in their rates one year, a 5 per cent decrease the next year and a 30 per cent increase the following year - fair? In fact, over a three-year period I think increases in residential rates were, on average, 30 per cent. Is that fair, Mr Speaker? Is it fair to have a system under which your residential rates depend on your commercial rates so that if the bottom falls out of the commercial sector then everybody in the residential sector, by the nature of the formula, has to pay more? Is that fair, Mr Speaker?

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Mr Moore: That is the solution you are supposed to have been looking for over the last 18 months.

MRS CARNELL: Yes, absolutely. The point I am making is that the system that we inherited was simply unfair. We had huge variations for residential ratepayers over any particular year. Fascinatingly, those rates were tied not only to the unimproved capital value of properties, they were tied to such things as what was happening in the commercial property market at the time. As we also know, the previous Government determined the macro-increase they needed in any one particular year. I think it was 5 per cent in the last Follett budget, and they basically just made the formula work underneath that 5 per cent. In other words, there was a multiplying factor that basically brought people's rates up to what the Government needed in macro terms. It is not all that dissimilar, except that what this approach does is ensure that people do not end up with 60 per cent increases over any particular year, do not end up with a 30 per cent increase in rates over a three-year period and do not have their residential rates tied specifically to what is happening in the commercial market.

Those in this place, Mr Moore included, have argued in the past that that system was simply unfair. It created a lack of confidence in the market. It created a situation where people could end up being priced out of their homes, and that was really what was happening. We have a unique situation in Canberra. A lot of elderly people, fixed income superannuants, have lived in their homes in the inner north and inner south of Canberra for many years. If we have a rating system that is totally reliant on, or totally tied to, unimproved capital value, we are going to price those people out of their homes as their areas become subject to redevelopment. People in three-bedroom ex-government houses can end up one block away from multimillion dollar redevelopments. What would that do to their rates? It would put them through the ceiling, simply because of the way unimproved capital values were sorted out. Is that fair, Mr Speaker? In our view, on this side of the house, it is not fair.

We do not want a situation where rates are not predictable. We do not want a situation where people open their rates bill every year in absolute fear and trepidation about whether they are going to be able to afford to stay in their homes for another year, particularly fixed income superannuants, older Canberrans. We want a situation that is not like that, and certainly it is not easy to find, Mr Speaker. As I said in my presentation speech, there are a number of options which we are currently looking at. They include using the improved capital value, having a percentage of our rates totally aligned to charges for services that we get, and so on.

This Government has certainly made it clear that we are still looking at the whole issue of coming up with a fairer rating system. This year the market is not growing. Unfortunately, it is fairly depressed and therefore prices are stagnant. We are not talking about a time when, as we have seen in the past, prices are going through the roof in some suburbs. The reality is that right now nothing much is happening in the market at all. That means that people in Canberra paying an extra 3 per cent on top of the average rates bill of about \$600 last year will pay an extra \$18 on average in the coming year. I believe that everybody, given an opportunity to plan ahead, is in a position to pay that. By contrast, if some people were to get 40 per cent increases, they simply may not be able to pay.

The Government has legislated for two years rather than one because people in Canberra are experiencing very difficult times. A lot of people are facing redundancies, and a lot of small businesses in this city are doing it very tough - and there are those who would like them to do it even tougher. A lot of people are really facing an enormous amount of insecurity. One of the fairest things that we could do was to give them some confidence about what was going to happen to their rates bills over the next two years. We thought that was a fair and just thing to do. If this Assembly chooses not to do that, that is up to the Assembly. That is fine. We did it not for any other reason whatsoever than to give people in a city that is going through an enormous amount of turmoil - an enormous number of people are really wondering what their future holds - some confidence at least about their homes.

If those opposite are interested in such things as fairness, equity and social justice, they would support that approach under the circumstances, but it would appear that they are interested only when it suits them. One thing is very sure, Mr Speaker: People like to be able to plan for major expenses in their lives such as their rates bills. We have given them an opportunity to do that. If this Assembly chooses to go down a different path, that is fine.

One thing we have to remind members of the Assembly of is that land prices are not varying dramatically at this stage. Certainly there is some reduction right across the board but, as we know, because of our approach to unimproved capital value, a couple of sales in one particular suburb can cause a huge skewing of the unimproved capital value of land.

I think even the previous Government looked at a rolling average approach to stop those sorts of things occurring. That is an approach that could be taken. The market is stagnant; therefore, nothing dramatic is happening to it, except maybe a slight slide. That is not an acceptable situation but it does mean that right at this moment there are not the sorts of problems that Mr Moore is talking about. There are not incredible increases in the price of land to cause the skewing, the huge inequity, that Mr Moore was talking about. That would occur if we had high levels of inflation and land prices were going up very quickly. That is not happening in the sort of market we have now. What Mr Moore said might have been right a few years ago. It certainly is not right in the current market.

This Government is still looking at the information we have and is getting more information on the sorts of approaches we can take in the future. I think it is also important for the Assembly to know that a large number of municipalities in Australia actually use the CPI as their standard way of rating. That is the way they work each year. Others use rentable value; others use improved capital value; others use unimproved capital value. Some use a mixture of all of the above. There is simply no standard way of doing it.

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It is a tax, as those members who have spoken have indicated. We as a government believe that any tax, any charge, any impost on the community, has to be based upon confidence, ability to pay and fairness. We believe that our approach achieves all of those things. We believe that it gives the people of Canberra an opportunity to plan ahead during difficult times. It certainly achieves the 3 per cent increase that this Government indicated that we would want in our rates and land tax this year. From my perspective, Mr Speaker, that makes it a good piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR WHITECROSS (Leader of the Opposition) (10.58): Mr Speaker, I move:

Page 2, lines 16 to 18 (inclusive), paragraph 4(d), proposed subsection 11A(4), omit the subsection, substitute the following subsection:

“(4) In this section -

‘special relevant date’ means 1 January 1995 or 1 January 1996.”.

Mr Speaker, I have indicated already in the in-principle debate my motivation for moving this amendment. The purpose of this amendment is to say to the Government, “This far and no further”. You went to the last election saying that you were going to fix the rating system. You went to the last election saying that you were going to come up with a new way of doing it. You have had a review at a cost of \$72,000 to the taxpayers. That took 12 months. We are giving you another 12 months to consider what you are going to do about it, but that is far enough. Next year, Mrs Carnell, we want a new rating system. We do not want a continuation of this nonsense position where indefinitely into the future we levy rates on the basis of what people’s values were on 1 January 1994. It is an absurd position, Mr Speaker. It is a position which this Assembly tolerated last year because Mrs Carnell said she was going to come up with a new proposition. It has been forced on us again this year because Mrs Carnell cannot make a decision, but we are not going to accept it again next year. We are telling Mrs Carnell now - and she has 12 months to think about it - that next year we want her to come back with a new rates system. We are not going to put up with another year of rates being charged on 1994 values.

Mrs Carnell gave us a lot of nonsense in her speech in reply to the in-principle debate. She put on a melodramatic performance about how people left, right and centre were all being kicked out of their homes as a result of the former rating system, about how all over Canberra people were opening their rates envelopes in June and saying, “We will have to sell up our house because we cannot afford to pay the rates”. What a load of nonsense! Fear of losing their home - that is what Mrs Carnell - - -

Ms Follett: That is exactly what she said.

MR WHITECROSS: That is exactly what she said. It is nonsense. Mr Speaker, for the record let us recall that pensioners get a 50 per cent rates concession. Rates deferral and hardship provisions are also available to people. Let us not have any nonsense about people having to sell their houses because they cannot pay the rates bill.

In response to the concerns which were raised under the previous Government about fluctuations in rates values, the previous Government came up with a new way of doing rates, using three-year averages. Mrs Carnell did not even try that system. She threw that system out before it was even tried. She said, "We have an even better system".

Mrs Carnell: Turn around and ask Rosemary what was wrong with it.

MR WHITECROSS: We announced it. We were going to do it, but these people threw out that system of three-year rolling averages, which would have evened out fluctuations, before it was even tried. Before it was even tried, Mrs Carnell threw it out. She said, "I have a better one. In the meantime we will have this interim measure. We know it is a bit messy basing rates on 1994 values, but we will do it for this year". We said that it was not a smart idea, but the Assembly went along with it. Mrs Carnell had a review in process. She has come back with nothing. We want her to come back next year with something.

Mrs Carnell, in her reply to the in-principle debate, argued against herself. She said that there are no dramatic movements in valuations so it does not make much difference. If indeed Mrs Carnell is right and there are no dramatic movements and it is not going to make much difference, why does she not now implement a sensible rating system, instead of continuing to use 1994 valuations? Mr Speaker, her worst argument was the one about fairness. What Mrs Carnell is doing is transparently unfair. Mr Speaker, in the last - - -

Mrs Carnell: Do you think 62 per cent increases in one year were fair?

MR WHITECROSS: Mrs Carnell, as I said, the Labor Government had already come up with a solution to that which you threw out before it was even tried.

Mrs Carnell: You had not even put it in place. You had been in power for four years, with 62 per cent increases in one year.

MR WHITECROSS: Who has the floor, Mr Speaker?

Mrs Carnell: You interjected the whole time during my speech.

MR SPEAKER: Order! The house will come to order. I would remind both sides of the chamber that all interjections are out of order.

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MR WHITECROSS: In the last two years Mrs Carnell has put up rates for Belconnen residents by 7.1 per cent. If she had been following the old system, rates in Belconnen would have gone down, on average, by 3.3 per cent. They would have gone down.

Mrs Carnell: They would not have gone down under you, because your multiplying factor would have taken them over. Your multiplying factor would have taken them over because of commercial rates.

MR WHITECROSS: Mr Speaker, under our system - - -

MR SPEAKER: Swing around and address the Chair, Mr Whitecross, thank you.

MR WHITECROSS: You should address Mrs Carnell.

MR SPEAKER: Order!

MR WHITECROSS: They would have gone down by 3.3 per cent, and Mrs Carnell could still have had a 7.1 per cent increase in the total rates take. In Belconnen rates should have gone down, on average, by 3.3 per cent. Instead, they have gone up by 7.1 per cent. That is the truth; that is the reality. What is the story in Gungahlin? In Gungahlin residents are paying 7.1 per cent more rates now than they were two years ago. If Mrs Carnell had used the rates system that was in place under the previous Labor Government, they would be paying 3.5 per cent less in rates, on average.

Mr Speaker, the fact is that there are people out there in the community who are paying less. In fact, based on the increases in residential values and the extra rates taken, Gungahlin residents, Tuggeranong residents, Belconnen residents, Weston Creek residents and Woden Valley residents, on average, are paying more than they should be because of Mrs Carnell's approach. So much for fairness. The fact is - - -

Mrs Carnell: Who is not paying more? Who is paying less? You have just said everybody in Canberra.

MR WHITECROSS: No, I have not said everyone in Canberra. Mr Speaker, the fact is that Mrs Carnell has imposed a rates system based on 1994 values, which means that people whose property values have fallen quite significantly are not going to be paying rates concomitant with the values of their properties. It is not a fair system. It is a system under which people in many parts of Canberra are paying too much in rates. My calculations are that in Nicholls people should have had a fall in rates of 7.2 per cent instead of an increase of 7.1 per cent. In Spence, where property values have fallen quite significantly, they probably should be paying 20 per cent less in rates. In fact, they are paying 7.1 per cent more. This is what we have seen under this Government.

Because of Mrs Carnell's inability to make a decision, because of Mrs Carnell's prevarication on this issue, because she does not have a solution to this problem, there are people all over Canberra paying too much in rates, getting an unfair share of the rates burden. Mrs Carnell is too gutless to come up with a new decision. She is too indecisive to come up with a new decision. She has spent \$72,000 of ratepayers' money already on a review which she says does not have the solution, and she does not have the solution.

She knows that everybody else is wrong. She knows that the previous Government was wrong. She knows that the previous Government's revised version was wrong. She knows that her own consultants are wrong.

Ms Follett: Lucinda was wrong.

MR WHITECROSS: Yes, Lucinda was wrong. She knows that everyone was wrong, but what she does not know is who is right. She cannot come up with a solution to this problem. This Assembly and this community are entitled to a solution to this problem. They are entitled to a rates system which will stand into the future. It is not good enough, as Mrs Carnell has proposed to this Assembly today, to have an interim rates system for three years because Mrs Carnell cannot figure out what to do about this problem. She must come back next year with a solution to this problem. That is why we are moving this amendment today.

MS HORODNY (11.08): The Greens agree with other members that there are a number of deficiencies in the formula that Mrs Carnell has chosen, and we think it is time that the Government sorted out an appropriate rating system for the ACT. This is the second year that rates have been capped to CPI, supposedly as a stop-gap measure. Last year we were told that capping rates to CPI was necessary while the review of the rating system was carried out, but this Bill allows this capping to go on for a further two financial years. Surely it cannot take two whole years for the Government to analyse the rates review. They have already had the report for a couple of months.

If we are going to have a system where rates are linked to improved capital values, then we should stick to that system, not go for capping rates to CPI for three years running. Mrs Carnell talked about equity, but using 1994 unimproved land values is inequitable in many ways, as people whose property values have gone down will be disadvantaged. The past two rate reviews strongly recommended that land values be determined annually. It is a big mistake not to keep the valuations up to date. We are going to get more people feeling antagonistic over local taxes if there is no consistency in the system and if there are sudden leaps because valuations are not undertaken regularly.

We agree that many of the recommendations of the review are inequitable, but we think we should look at separating out the garbage component of rates in a way that is not too regressive. Mr Speaker, garbage collection costs us over \$9m a year, and this does not even take into account the long-term costs of landfill. With a stated strategy of having no waste to landfill by 2010, it would be appropriate to build some incentives in to encourage households to reduce waste. We could provide some financial incentives to minimise waste as part of a garbage charge - a non-refillable insert, for example. We also think that the subsidies to embassies could be removed immediately. Mr Speaker, it is time the Government put in place an equitable, transparent and efficient rating system for the ACT, and we should not be forced to wait another two years for this.

MR MOORE (11.10): Mr Speaker, I indicated in the in-principle debate that I would be supporting this amendment. One thing that really comes through in this piece of legislation is the cowardice of the Government in this particular issue. As I mentioned in the in-principle debate, they are very conscious of the Canberra Ratepayers Association and the push for people to do something about rates.

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Indeed, there were problems with the rating system. Mind you, a lot of those problems, I believe, were to do with redevelopment in inner Canberra. A number of properties, because of their redevelopment potential, were sold for more than their genuine value. Therefore properties rated at an enhanced valuation, even if the owner of the lease had absolutely no intention of selling or developing. That certainly caused a problem in the rating system. I think that accounts for the vast majority of the significant increases that we talked about.

Mrs Carnell: Macarthur, 62 per cent.

MR MOORE: The Chief Minister interjects about Macarthur. In newer suburbs it has always been the case that in the first few years the values remain fairly constant, then they increase fairly significantly and then they plateau off. When you are dealing with new suburbs, there will always be that particular process. It may well be that your review ought to have actually looked at that issue and worked out exactly how to handle that plateau. Perhaps you could have used a formula that extended the overall rate payment over six or seven years, or four or five years, rather than one year.

Those sorts of issues we can understand and they can be dealt with, but the Government's response has been: "Oh, no. Instead of doing that we will just stick with our 1994 valuations. We will keep giving a 3 per cent rise". It is not possible for this Assembly to continue to allow you to do that. It is simply an act of cowardice on the part of the Government. It does not want to deal with rates, and putting off the problem will exacerbate the problem. If it was just putting off the problem until somebody else more competent could deal with it, until the Government changes, that would probably be acceptable. When it is actually exacerbating the problem, then the Assembly must be reluctant to allow it to proceed down this path.

In some ways the Leader of the Opposition, in moving this amendment, is generous in saying, "Yes, we will give you another year to look at the rates review and come up with the management solutions that you said you were going to be able to come up with and then we can make sure that the whole rates issue is dealt with appropriately". Although I support the amendment, I think it is a generous move on the part of the Opposition, supported by most of the crossbenchers, if not all the crossbenchers. Mr Osborne may speak in a minute. The message to the Government is very clear. You are highly unlikely to get away with this next year.

MRS CARNELL (Chief Minister and Treasurer) (11.15): Mr Speaker, I have already made it clear that the reason we put two years in this Bill was to give confidence to members of the community in Canberra. We have always made it very clear that we are looking for a new rates system for Canberra. The Greens made it clear that they wanted a system under which there were not sudden leaps, to use the actual words that were used by Ms Horodny. We agree totally. That was the whole problem with the system under the previous Government. There were enormous leaps in particular suburbs. Macarthur went up by 62 per cent in one year, not at a time when the suburb was new. Under the previous Government's approach only a couple of sales were used in particular suburbs - they may have been in line or out of line with the way the suburb was generally trending - and you ended up with huge skewings of valuations in those suburbs.

Those are the sorts of things that need to be addressed. Mr Speaker, we would have liked these things to have been addressed a lot quicker than they have been. I would be the first to admit that. This is a major issue and a major change for the people of Canberra. We were not willing to make a rash decision overnight. We were not willing to jump into what might have been an easy solution - and a few were put to us. We wanted to have an approach that would last over a period of time, that would be fair, that would be equitable and that would not end up with the sudden leaps and the lack of predicability that the previous Government's approach produced.

Our approach is that it is important at this time to give the people of Canberra confidence. If this Assembly chooses for it not to be that way, that is fine too. We believe that this year the people of Canberra are in a position where they know exactly what rates that they will pay. They know exactly how to budget for the coming year. I think that is extraordinarily important during these very difficult times in Canberra. Again I thank the members of the Assembly for their support for this legislation, and I will be very pleased to come forward with a new ratings approach at some stage in the future.

Amendment agreed to.

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

Bill, as amended, agreed to.

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

[COGNATE BILL:

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

Debate resumed from 20 June 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Betting (Corporatisation) (Consequential Amendments) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR WOOD (11.18): The Opposition will oppose this Bill. I recall that in his speech the Deputy Chief Minister, Mr De Domenico, said that ACTTAB needed to be a dynamic, commercially viable, enterprising body. That is undeniably true. I am sure that all members and all in the community would agree with that. The TAB operates in a highly competitive environment and an environment that is increasingly competitive. Mr De Domenico read into his speech the range of competitors, from clubs to the new casino to interstate activities and the like.

It is certainly the case that the gambling dollar is being increasingly spread around and that ACTTAB has to be at the top end of the competitive field in order to meet that challenge. However, it seems to me that the Government claims that a simple conversion to a TOC from a statutory authority will bring miraculous change, miraculous results. Mr De Domenico made the same sort of claim with ACTEW. I have heard it before. It is a simple statement to make, but the basic fact is that it takes more than a name change and a change of structure, significant as it is, to ensure that ACTTAB is operating at the very best competitive level. The facts are that it is the calibre of the board and the quality of the staff that will tell us how good that body is, take that body into the future and ensure that it retains its place as a leading enterprise.

In the briefing I had - I thank the Minister for a top quality briefing - I was informed that ACTTAB is presently going quite well, thank you; all the signs are good. That was my view of the world anyway. It is going quite well at the moment. That is not a position that should just be maintained. If you just maintain the present level of enterprise, then you will fall behind as everybody else gets better.

ACTTAB has been through quite a number of changes in the period since self-government. Originally GALA, it changed under the then Chief Minister, Trevor Kaine, to a TOC. It then changed back to a statutory authority, and now it is proposed that it once again be a TOC. Along with the need for it to grow and to continue to be more enterprising, there are also benefits to be achieved from stability. If it is going well and all the signs are good, there is no reason at this time to change. Therefore, we will oppose the Bill. Mr Speaker, if the Bill passes through the in-principle stage, I will be proposing an amendment relating to a worker representative on the board.

Mr De Domenico: Even though you said that the calibre of the board was so important.

MR WOOD: That will enhance the calibre of the board. It is my advice that the amendment that has been sought has been substantially worked through in the Parliamentary Counsel's office. A telephone conversation five to 10 minutes ago indicated to me that it will probably be ready tomorrow, certainly by Thursday. If the Bill passes the in-principle stage, it would be my wish to adjourn the detail stage to later this week when, as I am sure the Assembly would want, we will be in a position to consider such amendments as are proposed.

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.23), in reply: Mr Speaker, I thank Mr Wood for his contribution. May I very quickly reiterate what Mr Wood said. I agree with him. ACTTAB is highly competitive and it needs to be increasingly competitive. Mr Wood said - I wrote it down - that one of the most important things we need to look at is the calibre of the board. Mr Wood, if there is one thing that members of this Assembly learnt from experience with ACTTAB, it is that the calibre of the board is most important. In fact, it is a crucial aspect of this legislation. It was the calibre of the board that brought ACTTAB into disrepute. The then Deputy Chief Minister, Mr Lamont, was forced overnight to sack the board because of the lack of expertise that the board had at the time of VITAB.

Mrs Carnell: They were nice people, but they did not know what they were doing.

MR DE DOMENICO: They were lovely people, Mr Wood. They were fantastic individuals, but in the very highly competitive multimillion dollar betting industry it is so crucial that the people the Government puts on boards of that nature have the relevant expertise notwithstanding what position they hold anywhere. They have to have incredible expertise in this industry in particular.

Mr Wood: No argument.

MR DE DOMENICO: I am glad that Mr Wood says that there is no argument about that. Mr Speaker, the Government believes that this is a balanced piece of legislation. It is vital for the ACT's future and deserving of the support of all Assembly members. These Bills, if adopted, will play a significant role in ensuring a viable return to the ACT community. If the status quo continues, there is every indication that this revenue source will not only decline but inevitably dry up. With the board operating along commercial lines, we have the opportunity to revitalise ACTTAB in association with its staff and management. There have been substantial consultations with ACTTAB staff about current and future employment arrangements. Discorporatisation is not about changing employment conditions. That would occur only when there was agreement between the parties and in the context of the industrial relations system.

This legislation is not about privatisation; it is about ensuring that commercial practices can be applied whilst ensuring that mechanisms for accountability to the Government and the community are maintained. It is not about having a stranglehold on a dynamic industry, as in the past. Inevitably, that leads to rash decisions to find pots of gold because of insufficient funds for infrastructure and survival.

Mr Speaker, ACTTAB has operated under several different corporate models - government agency, statutory authority and Territory-owned corporation. With the benefit of experience, Assembly members know that to achieve the perfect model is a difficult task. We have all made efforts to get the mix right. We believe that the mix in this legislation is in fact right. We accept that privatisation is not the right model. This legislation does not privatise ACTTAB. We accept that there has to be accountability to the ACT community and the Legislative Assembly. This legislation provides that accountability. We accept that staff need employment protection. We have consulted with staff, and this legislation provides that protection.

Mr Speaker, in summary, this legislation is about being realistic in ensuring that a major revenue provider to the ACT economy is maintained in a healthy state for its long-term viability and the prosperity of the people of the ACT. I would be very interested in seeing what amendment Mr Wood has to introduce to this house. I remind Mr Wood of his very own words - that the calibre of the board is the most important thing we should take into account when considering corporatisation of a multimillion dollar industry, specifically the betting industry. Mr Wood will know from experience in this Assembly how crucial it is to have people with the right expertise on that board.

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Mrs Carnell: He should ring Mr Lamont.

MR DE DOMENICO: Mrs Carnell's interjection makes a lot of sense. If Mr Wood is doubtful about the importance of the calibre of the board, he need only ring his former colleague Mr Lamont, and I am sure Mr Lamont will tell him how important it is. I look forward to having a look at Mr Wood's amendment and I look forward to the in-principle passage of this Bill by the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

MR WOOD (11.27): Mr Speaker, the Minister indicated that he would like to have a look at my amendments, so on that basis I move:

That the debate be adjourned.

Question resolved in the affirmative.

BETTING (CORPORATISATION) (CONSEQUENTIAL AMENDMENTS) BILL 1996

Debate resumed from 20 June 1996, on motion by **Mr De Domenico:**

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

PERSONAL EXPLANATION

MRS CARNELL (Chief Minister): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MRS CARNELL: Thank you. Mr Speaker, in order not to be accused of inadvertently misleading members of this Assembly, I would like to add information provided in answer to a question by Mr Whitecross last Wednesday regarding the cost of the executive conference held at Eagle Hawk in December 1995. I informed this Assembly last Wednesday that my understanding was that the cost of the conference had been \$5,000 and that that had been paid out of the Executive budget. Of course, it was paid out of the Executive budget, Mr Speaker - a budget that has been well managed and looks like coming in on track, unlike the Executive budget of the previous Government. This executive conference was to canvass fresh ideas and approaches to address the many issues facing this Government and was a most productive investment.

On Thursday Mr Berry asked a further question on this topic related to the cost of a facilitator involved in the conference. Further checks with my department revealed that the sum of \$4,300 was paid for the services of a facilitator over the - - -

Mr Berry: I raise a point of order, Mr Speaker. That is not a personal explanation; it is a statement from the Executive. It has nothing to do with a personal explanation. If Mrs Carnell wants to answer a question, or remedy an incorrect answer to a question or reorder a question, all she has to do is leap to her feet as the Chief Minister and seek leave. It is not a personal explanation.

MRS CARNELL: I sought leave, Mr Speaker. My understanding is that it is up to any Assembly member to make sure, at the first possible opportunity, that any information that could be misunderstood by this Assembly is made right.

MR SPEAKER: There is no point of order.

MRS CARNELL: Mr Speaker, further checks with my department revealed that the sum of \$4,300 was paid for the services of a facilitator over the three days of the conference. This was paid by the Chief Minister's Department, which looks like coming in well under budget this year, and was in addition to the \$5,100 which the conference cost from the Executive budget. No travel allowances or daily allowances were paid to Public Service staff or Government members. Mr Speaker, I understand that these details were circulated to members of the Assembly on Thursday evening or Friday morning last week, but in order for full details to be on the record I thought it was appropriate to make those clear in *Hansard* this morning.

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PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Statement on Civic Cultural Centre

MR MOORE: Mr Speaker, under standing order 246A, I seek to make a statement on behalf of the Planning and Environment Committee.

MR SPEAKER: Proceed.

MR MOORE: Mr Speaker, I would like to make a statement on the Civic Cultural Centre, and this statement is on behalf of the Standing Committee on Planning and Environment. The Planning and Environment Committee has been monitoring the progress of plans for a cultural centre in the North Building and is concerned about the small amount of progress that has occurred since the project was presented.

I am going to present a little bit of the history of how that has been going. The Planning and Environment Committee and its predecessor, the Planning, Development and Infrastructure Committee, have had a long history in the matter. In fact, the Planning, Development and Infrastructure Committee closely scrutinised proposals for a cultural centre in Civic in 1993 when considering allocation of the \$19m casino premium. I think it is worth considering what the committee said, Mr Speaker. It said that Civic Square should be pre-eminently a civic centre rather than just a theatre office facility, and a fundamental reappraisal of Civic Square was required. The Planning, Development and Infrastructure Committee recommended that the Playhouse Theatre be upgraded, using \$5m of the \$19m casino premium, and that a cultural and heritage facility be constructed, using \$7m of the casino premium, preferably in the North Building. The then Cultural Council recommended that the Government build a centralised cultural and heritage centre, the heritage component to respond to the needs of all sectors of the community and the cultural centre to provide a general exhibition area and regional gallery function. The then Government responded to the committee's recommendation as follows:

The Government agrees in principle ... The Government notes the committee's desire to provide for a broad range of functions in the cultural and heritage centre, including rehearsal and administrative space for various groups, a writers centre, the Australian Garden History Society and the National Trust. The extent to which such varied functions can be incorporated within the centre will depend on the detail work yet to be done, particularly the costings. The centre should serve primarily as a regional art gallery and heritage centre, and other functions will be accommodated to the extent possible within the total dollar allocation.

The Government agrees in principle that the centre should be in the Civic Square precinct ... The Square will be easily accessible from the city centre and will become a lively focus for the city. The exact siting of the new facility will be carried out as part of the detailed work yet to be undertaken. The Government notes the committee's preference for the North Building. Another possibility may be some part of Section 19 (other than the theatre complex).

I must say, Mr Speaker, that the Planning and Environment Committee has made the comment on a number of occasions that we do not believe that section 19 would be part of that possibility, but the whole idea was that the cultural centre be the one that was included. Mr Speaker, the Planning and Environment Committee looked at the issue again when considering the 1995-96 draft capital works program. I quote from paragraph 4.15 of its report:

The committee queried officials from the Arts area about why no financial allocation appeared for the cultural and heritage centre for North Building on London Circuit in Civic. Out of the blue, the committee's attention was directed to a media release by the Minister for Arts and Heritage (Mr Gary Humphries MLA) dated 9 September 1995 announcing that this building would no longer go ahead and that the Minister was seeking new sites. Apart from the fact that the Minister's announcement flies in the face of long-established government policy (which itself was based on the bipartisan recommendations of this committee's predecessor in 1993), the committee observes that there is no information in the papers about where the deletion of such a facility fits into a long term strategy for cultural development in the city - which apparently is still supported by the Minister.

We understood, Mr Speaker, that the Minister's concern was a financial one and that he was reconsidering that issue. I quote from paragraph 4.16:

The committee expresses its surprise and disappointment at this decision of the Minister. The committee observes that this major change in government policy was not identified in the Draft Capital Works Program nor was it stated by officials when they first came to the table.

In paragraph 4.17 we made this recommendation:

The committee recommends that the Minister for Arts provide the Assembly with a full explanation about the basis for his unilateral decision to relocate the proposed cultural and heritage centre from North Building in Civic to an unspecified site elsewhere in Canberra.

The Minister told the committee by letter dated last October that it was impractical to proceed with the North Building site due to \$5m relocation costs caused by moving public servants out of North Building. He stated that he had asked the Interim Board of Management for the Canberra Cultural Centre to consider alternatives to the site. In that letter Mr Humphries said:

I regret the substantial additional costs identified in an occupational health and safety study, commissioned by the previous Government to consider the impact on the remaining tenants of the proposed refurbishment and extension of the ground floor of North Building,

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made it impractical to proceed with this site. The capital cost of the project provided from the casino premium is \$7 million. The study identified a further potential \$5 million to use the North Building for the project. In the current budget context it would not have been responsible to proceed without considering alternative sites.

While I certainly intend to provide the necessary explanation to the Assembly as recommended in your report, I would also like to seek the advice of the Standing Committee on Planning and Environment on an alternative site.

Mr Speaker, the recommendation I then focused on was made at paragraph 4.7 in the 1996-97 draft capital works program, and we saw the Government's response to that in May this year. In May this year the Planning and Environment Committee decided to inform the Minister that it considered that the Ainslie Avenue precinct should be included in the overall planning of Civic Square. On 23 May 1996 the Chief Minister released preliminary and conceptual proposals for Civic Square. She suggested more grass, more trees, reduction of the size of the pond and improvements to the Ainslie Avenue area. She stated that the Government wanted to turn Civic Square from an austere formal public area into a place where people want to go. The Chief Minister asked for public comment on her proposals, with actual construction to commence early next year.

In fact, Mr Speaker, the committee learnt more details of the Chief Minister's idea at a public hearing on Friday, 7 June 1996 when senior Government officials briefed the committee at the Planning and Environment Committee's request. Mind you, Mr Speaker, the committee had made an unsuccessful request one week earlier for a briefing and we were told that the Government was not in a position to be able to brief us. In fact, it was that very same morning that the conceptual and preliminary proposals appeared in the *Canberra Times*. Whilst it would appear that the Chief Minister was not prepared to brief the committee, she was prepared to brief the *Canberra Times*, and the committee did not consider that particularly appropriate.

Mr Humphries: That was the same day you were briefed.

MR MOORE: Mr Humphries interjects that that was the same day of the briefing. No, in fact, it was not. We had requested a briefing the week earlier and we were told, "No, you cannot have a briefing because we are not ready". That very morning when we could not have the briefing was when it appeared in the *Canberra Times*. We were then briefed the week later.

Mr Humphries: Are you sure?

MR MOORE: I am absolutely positive. Mr Speaker, rather than dwell on that, I will say that we recognise that sometimes these things happen because of a lack of communication through the Government or in levels of bureaucracy. The point has been made and I think it can be left. I think it is something that the Government should take care with in the future, and that is why I have drawn it to your attention.

The committee was told that forward design funds have been committed and a design team has been established, with a concept design to be ready at the end of this month. It is still the case that all the committee has seen of this is what was published on 23 May in the *Canberra Times*, those conceptual studies.

Mr Speaker, it is now time to take stock of where we are up to. Taking all things into account, the PEC considers that the Government should establish a management authority to oversight the whole of the Civic Square work, linking all the present and proposed buildings into one management structure. I think that is the critical recommendation that comes out of this statement, Mr Speaker - that there should be a single management structure that deals with this whole area and all these issues in order to ensure that Civic Square is appropriately developed.

We also believe, Mr Speaker, that such a management structure should include representation from this Assembly. I believe that the appropriate person is you, Mr Speaker, or your nominee. Such a single management structure should be established as soon as possible to ensure that there is an integrated design. It is not just a matter of getting some design concepts up first and then having it considered later by this single management structure. It should be in place from the beginning. In some ways that would compare favourably to the way in which this Assembly in which we sit today was arranged. In the initial instance the group who had an interest in it was pulled together. It was involved in the conceptual issues from the beginning. Mr Speaker, I think most of us look forward to the idea of ensuring that these different and disparate sums of money ready to be spent on Civic Square can be spent in an integrated way, and the most effective way to do that is through that structure that we have suggested.

Mr Speaker, this Civic Square issue has a very long saga. There has always been interest by the Planning and Environment Committee and the Planning, Development and Infrastructure Committee because we recognise that the focus of this part of Civic as a cultural arts centre, which includes the sort of role that the Assembly plays as part of the cultural life of Canberra, is critical. That is why we believe that it must be dealt with in the most effective possible way.

This statement, Mr Speaker, is not designed to be critical of the Minister, but rather to suggest how we should be moving this issue forward. The critical comments that have been made over the previous six months or maybe even a year about the suggestion of that \$5m cost to vacate North Building while construction is proceeding still stand; but, generally, we know that the Minister was considering that. We believe it is appropriate now to take this issue forward. I hope that the Government will respond in the spirit in which this statement is made.

MR HUMPHRIES (Attorney-General, Minister for Arts and Heritage and Minister for the Environment, Land and Planning): Mr Speaker, I seek leave to make a statement on the subject that Mr Moore just raised.

Leave granted.

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MR HUMPHRIES: I thank members. Mr Speaker, there is no doubt that the cultural centre has been a very difficult issue, obviously not just for this Government but also for the previous Government which received the casino premium, as I recall, in about the early part of 1992. By the time it left office in the early part of 1995 it had not been able to make a decision to take forward the prospect of the cultural centre other than to establish a committee, which, with great respect, is a very easy decision to make but which leaves many of the harder decisions for others to make.

This Government has had to make those hard decisions. The hardest part of that process has been what Mr Moore has rightly identified as the additional cost of having a significant Public Service occupied building, which is the identified home for the cultural centre, needing to be vacated before it could be occupied as the cultural centre, or part occupied as the cultural centre for the Territory. Mr Speaker, regret it as much as we did, we could not avoid the fact that a price tag, a very considerable price tag - Mr Moore correctly identifies it as being up to \$5m on some estimates - was identified as the cost of having to vacate that site temporarily or permanently for the purpose of building the cultural centre there.

Notwithstanding those difficulties, the Government believes it is able to move quickly to make a decision about the appropriate home and future of the cultural centre and to announce that decision very soon. In the spirit of Mr Moore's comments, I can indicate that we hope to be able to brief the Planning and Environment Committee very soon, perhaps later this week, on the Government's preferred decision on the cultural centre. We also, as a matter of courtesy, intend to brief the members of the steering committee of the cultural centre itself who have worked very hard, I must say, to bring this decision to fruition and have realistically accepted that lateral solutions need to be explored, and that is much to their credit. I think the Government will be able to announce a decision which will please members of the Planning and Environment Committee, as articulated by the views of Mr Moore in this place this morning.

I might also say, Mr Speaker, that the Government also believes that in making a decision of this kind it can address what we saw as a very serious problem that the previous Government had overlooked in respect of the casino premium. The casino premium was received by the Territory some four years ago now - more than four years ago, I think - and the previous Government in effect put that money into Consolidated Revenue without especially earmarking it in some kind of trust. In effect it pocketed the interest from that casino premium and in a sense hived that off to Consolidated Revenue. This Government was critical of that decision when in opposition. I hope, Mr Speaker, that the decision we can announce in the very near future will address not just the future of the cultural centre, but also address that very serious issue of the lack of accounting for the interest earned on the \$19m by the previous Government.

CRIMES (AMENDMENT) BILL (NO. 2) 1996

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

That this Bill be agreed to in principle.

MS FOLLETT (11.49): Mr Speaker, the Opposition will be supporting this Bill, although not without some hesitation, at least on my part. The Bill will give legislative authority for the taking of samples of blood, saliva or hair, for example, for DNA testing in a rape case. At present, unless a person charged with an offence consents, there is apparently no legislative authority for the taking of such samples. In a New South Wales court, late in 1995, this action was ruled as unlawful. It seems very likely that the ACT courts will follow that ruling unless the current Bill is passed. New South Wales has amended its laws to make the taking of samples lawful. The Bill before us is intended, therefore, to mirror the arrangements now put in place in New South Wales to counteract the court ruling of late last year.

Mr Speaker, my hesitation over this Bill is related to civil liberties questions. The Bill provides that samples may be taken without consent. In other words, a procedure which is invasive may be carried out on the person who has not agreed to that procedure. Furthermore, the results of the procedure, the sample of blood or hair or saliva, may be used to charge and/or to convict that person of a crime. The civil liberties implications of both of these scenarios are immediately apparent and ought to be considered very carefully.

Perhaps in recognition of those implications, the Government's Bill provides additional protections and protocols to apply where a sample is to be obtained without consent. I commend these additional provisions. The first of these is that the sample procedures can be authorised only by a magistrate. This is a very sensible precaution and it provides some protection for a person suspected of a crime. The second provision is the protocol for protecting the privacy and the human dignity of people compelled to give a sample. This is a considerable advance, as I understand it, on the current arrangement. Mr Speaker, given the extreme importance of forensic evidence in the modern criminal justice system, I consider that the protections for a suspect which are contained in this Bill significantly address the civil liberties problems inherent in any scheme whereby samples are taken without consent.

There is a further minor issue to which I would like to draw the Assembly's attention, and it is a matter which has been reported on by the Scrutiny of Bills Committee. I refer to the fact that there is an element of retrospectivity in the Bill in that it will apply to people who are already on a charge or in custody. Mr Speaker, the committee draws attention to all instances of retrospectivity as a matter of correct procedure. In this particular case, I do not believe that the issue is of such significance as to warrant an amendment even if such an amendment were feasible.

Finally, Mr Speaker, I repeat that the Opposition will support the Bill, which, I understand, is an interim measure. I look forward to the eventual production of the now long awaited model criminal code which will deal with all aspects of forensic procedures.

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MR MOORE (11.52): Mr Speaker, in rising to support this Bill, rather than reiterate the sensible points that were made by Ms Follett, I would like to say that I concur with those. I congratulate the Government on the protocols they have put in place for the protection of the civil liberties of people and the respect they entail for individuals.

One of the interesting things about proposed new subsections 349ZX(6) and (7) is that, where the examination is carried out and a medical practitioner is assisted by another person, that person must be of the same sex. Of course, that does not apply to the medical practitioner. I spent quite a time trying to determine whether it should. At this stage I am prepared to accept the legislation as it is, but I believe that now, with such a wide range of people who are medical practitioners, a change which has occurred over the last 20 years or so, we are approaching the time when it will be appropriate for individuals to insist that the medical practitioner carrying out an examination is a person of the same sex as well.

I am aware of a number of people who believe it is appropriate that their own medical practitioner is of the same sex. As it so happens, I am not one of those people. My medical practitioner is a woman and I am very comfortable with that. However, the time is approaching rapidly, I think, when, as an Assembly, we should consider that protocol as applying to this sort of legislation. I leave the Minister to think over that for the time being because, when it is appropriate for us to change the protocol, we should not just do it to this particular piece of legislation but each time such protocols apply.

MR HUMPHRIES (Attorney-General) (11.54), in reply: Mr Speaker, I thank members of the Opposition and crossbench for their support for the legislation. I suppose it is right to express some concern about the thrust of legislation like this. What we are effectively doing is forcing people to surrender, albeit, very small components of their body tissue for the purposes of forensic analysis. That is a fairly serious step to take. Albeit that it had been assumed in the past that that power existed in the hands of the police, it is a fairly significant step to reaffirm this in legislation and to grant the power to police to be able to proceed to take such samples, albeit now with the clear imprimatur of a magistrate.

However, I emphasise that it is most important, for the purposes of modern crime detection, that it be possible to take such samples. They are an integral part of the way in which cases are prepared against offenders, particularly for violent offences or for sexually violent offences. In these cases it is most important that that capacity exists. I am sure members would support reasonable measures on the part of police and the courts to be able to adduce evidence, or obtain evidence for adducing in the court, to properly convict those people who are guilty of such offences. I thank members for their support for the amendment and acknowledge their concern at the same time.

On the point raised by Mr Moore of same sex doctors conducting examinations, I acknowledge that this, in certain circumstances, could be a concern. Can I allay members' concerns by saying that in the vast majority of circumstances this ought not be a matter of concern to individuals involved in this procedure. Most of the procedures that would be covered by this legislation would be, in a sense, non-invasive or non-threatening to the privacy of the individual. The taking of a hair sample, a sample of saliva or a blood sample, for example, could be done without the accused person or person under examination having to take their clothes off, for example.

It is generally in cases where a sexual assault has been alleged that a more invasive kind of examination - invasive of the privacy of the person - needs to take place. In those circumstances, Mr Speaker, we are talking about examinations, most often, of alleged victims of a sexual assault, who will generally be female and who will generally be cooperating with the police in order for a particular examination to take place. It would be extremely rare, I would suggest to members of the Assembly, to have a situation where, for example, a female person needed to be examined by a doctor to take a body tissue sample in circumstances where invasion of privacy would necessarily be part of the process. That would be a very rare occurrence indeed. To the extent that such a situation ever arose, obviously this legislation would facilitate that, but with the protections that Ms Follett referred to, of respect for the privacy of the person concerned and the presence of certain people being of a kind which maximises the protection of that person's privacy.

Mr Speaker, I hope this is not legislation that is often required, but, on past practice, unfortunately, it will be needed from time to time, and I believe that the result will be an appropriate weapon in the armoury of our police to deal with serious offences, but one which I hope can be exercised without undue infringement of the individual's liberties in these circumstances.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**FIREARMS CONTROL SCHEME - AUSTRALASIAN
POLICE MINISTERS COUNCIL MEETING
Ministerial Statement**

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

That the Assembly takes note of the paper.

MS FOLLETT (11.59): Much of the impetus for the debate in this Assembly, at least, on this matter has gone now that the first stage of the weapons amendment legislation has been passed by the Assembly. There are a couple of points I would like to make about it, however. The first of those is that I have been quite literally appalled by the emerging debate over gun control that has been portrayed in the media since the Australasian Police Ministers Council meeting took place. It seems to me that, rather than the debate becoming more rational as information was shared amongst the community about the nature of amendment to gun control, it has actually got far more irrational, far more heated and, from my point of view, far more dangerous.

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Mr Speaker, I would like to commend the continued stance of the Prime Minister and, indeed, of the Deputy Prime Minister, Mr Fischer, for whom it must be particularly difficult to have to face hostile and ill-informed large meetings time after time. I want to reiterate that I believe that the proposal put forward by the Australasian Police Ministers Council meeting for a national scheme of gun control is the correct proposal for Australia at this time. I believe it does provide significant protection for the overwhelming majority of the community. I believe it is also the will of the overwhelming majority of the community to see that tough and stringent legislative approach taken to the possession and use of firearms in Australia.

I think it is very much to be regretted that much of the hysteria that is being whipped up by the gun lobby is based on false information. It seems to me that the gun lobby may well be taking advantage of at least some people who are not well informed and is trying to whip up a political force based around some perceived right to bear arms. There is no such right in Australia, and not, indeed, even in America. The fact is that in Australia people own and use firearms only under conditions authorised by the rest of the community through their parliaments, and that is as it ought to be.

It is my view that if people are not able to abide by the law in relation to firearms then they have no right to have them at all. One of the aspects of the debate that is developing appears to be a movement of civil disobedience, so-called - in fact, it is criminal disobedience if you ask me - in regard to gun laws. We have the so-called leaders of the gun lobby urging people to flout the law. This is a disgrace and I believe, Mr Speaker, that it can bring only further disrepute upon the gun lobby, and anybody who follows their advice runs the risk of quite severe criminal penalties.

Mr Speaker, I would like to say that I continue in my support for the outcome of this meeting, and I believe that would be the position of every member of this Assembly. I think it is very much to be regretted that there are some politicians who are prepared to whip up support for themselves personally based on the misinformed but obviously very strongly held views of some gun owners. We have seen that kind of political chicanery taking place now by members and former members of just about every political party, and I think it is a matter of extreme regret. It is my firm hope that, even if those people do base their continuing political career on the issue of so-called freedom to bear arms, there will be enough commonsense within their electorates and within our community that they will find their careers cut short at the next election.

Mr Speaker, as I said, I have been particularly impressed by Mr Tim Fischer's stand. He, being a member of the National Party and having a country-based constituency - indeed, his whole party has a country-based constituency - must feel a particular threat. Indeed, he has been particularly targeted by these so-called gun lobbyists. I only hope that he has the strength to continue to withstand that kind of pressure because the stance he is taking is the correct one in the interests of the whole nation.

MR KAINE (12.05): It is pleasing to see bipartisan support, at least in this Territory, for the approach which was taken by the Ministers and which has already been enacted into law in this Territory, even though other parliaments in other places in Australia are a bit slow to put the decisions into effect. For my part, I believe it is long overdue that laws of this kind should be enacted in Australia. I think for too long we have allowed

a lax approach to the acquisition, ownership and use of weapons, many of which are totally inappropriate in private ownership; yet we have allowed people to freely acquire them and freely use them. Always behind that is the threat that something like what happened at Port Arthur will happen, simply by virtue of the fact that these weapons are readily available to anybody who wants them.

We now see the backlash, as Ms Follett pointed out. People are putting this spurious argument that we Australians have a right to bear arms. There is no such right whatsoever in Australia. People bear arms only in accordance with a law, which, I suggest, until now, has been a little too lax. The spurious argument is that you are invading my civil rights because I cannot have a military-type automatic weapon to do with as I wish. It is not a question of civil rights; it is a question of licence. It is a spurious right which the majority of Australians have now indicated they do not support. The decisions made by the Ministers are correct and we have moved quickly in this parliament to put those decisions into effect. I would urge parliaments elsewhere in Australia to do the same, and to do so quickly and not allow a public debate to develop which brings up a significant opposition on spurious grounds.

I have heard some interesting comments. Again, Ms Follett has alluded to them. A prominent leader of the gun lobby said at a public meeting, "We are not going to be pushed around by the Government". Does this man not understand that once a law is in place he is obliged to observe that law? If he disobeys it - I think our Attorney-General made this point in debate earlier in connection with our legislation - he will pay the penalty that that law imposes.

I agree with Ms Follett that some of the statements that are being made by some of the leaders of the gun lobby are not only totally irresponsible but also amount to criminal acts. In my view, they are inciting people to commit criminal offences. It used to be that the parliaments of this country and the community were responsive to that kind of threat and people who made that kind of statement publicly were committing a criminal offence. They did not wait until they had actually incited the crime; the very fact that they were out there saying that these things were criminal offences was sufficient. We seem to have become very tolerant about that, just as we have about the use of weapons.

There is a lot of emotional response to the kind of appeal that says, "We have an inherent right to bear arms", which we do not, and, "This is an infringement of our civil rights", which it is not. A lot of people are persuaded to that countercampaign without knowing what they are talking about. I wonder how many people who have come out publicly in recent weeks and said, "Yes, we support this notion of the right to bear arms and this is an infringement of our civil rights" have actually seen what a military automatic weapon does to the human body? We saw an example of it, but most people have not actually seen the results; they have only read about the number of people killed and the number of people who received massive injuries and wounds in a few short minutes at Port Arthur.

People have no conception of the firepower inherent in modern automatic military weapons. These weapons are horrendous. They are meant to be. They are meant to fight wars with. If anybody thinks they are going to take one of these weapons and go out and shoot a rabbit, I have news for them. By the time they have fired two or three quick rounds at a rabbit there is nothing much left but fur. In fact, animals much larger

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than rabbits suffer the same fate, and human beings suffer the same fate. I suggest that people who argue, without knowing the facts, that somebody ought to have the right to be able to go and acquire a military-type automatic weapon and go and use it to shoot rabbits, or go and use it to shoot people, simply need to take the trouble to find out the kinds of weapons they are talking about. These are horrendous weapons. They are not meant for people to have in their closet to go and shoot rabbits with, or foxes, or kangaroos. In fact, they inflict massive damage on animals as big as elephants, rhinoceroses and the like. It is a spurious argument, and people are persuaded, I am afraid, by people who are long on rhetoric but, dare I say it, short on intelligence.

I support entirely the approach taken by the Ministers, which has now been enacted into law in this Territory. It was a sensible thing to do, and I believe that it reflects the majority of public opinion. We hear people out there saying, "There are millions of Australians who do not like this because they own weapons". I would like to see the real statistics. I know lots of people, and I have known through my life lots of people who have never owned a weapon, who do not want to own a weapon, who have never had one in their house and do not intend to. They, I believe, are the majority of Australians.

I have had weapons, and I have had them in my home, because at one stage, as part of my military service, I belonged to a rifle club. That was part of my service as a military officer and the need to remain proficient in the use of arms. Thinking back on it now, I was crazy to have the thing in the house. I did not really need it there but I used to take it home after I had been out shooting. In retrospect, I have to ask myself why I did, because it was a potential hazard and I should never have done it. At the time you do not think about that. I suggest that there are a lot of people not thinking about that now, and I think they need to.

Mr Speaker, it is great that an issue such as this can be dealt with with bipartisan support and that, at least in this parliament, we can move so rapidly to put into effect sensible decisions taken by sensible people in a national forum such as the Ministers council. I am astonished that parliaments elsewhere seem to be struggling with that dilemma. For me, it is no dilemma at all. I would urge them to move quickly. In fact, they have already procrastinated for far too long. I would urge those other parliaments in Australia to move now, quickly, to close this gap and get these weapons out of our system. We will never get them out entirely. It is true to say that there will always be people who will get access to these weapons irrespective of what laws you have imposed, but once you have the laws in place you have the power to deal with that. Without the law you have no power. The sooner we have the laws in place universally across Australia, the better this community will be; and it will put an end to these spurious arguments about what people think their rights are.

MR MOORE (12.14): Mr Speaker, the Australian debate on this issue has been very interesting. It seems to me that there have been numerous articles in the *Canberra Times* and other elements of the media which have presented the gun owning lobby as being, as I read in a letter to the editor, salt of the earth types and so on. The image that is being built up is one of very sensible people who are very keen to hold onto their automatic and semiautomatic weapons. I taught for quite some years in country schools.

I used firearms. I used them in my army service and, like Mr Kaine, have used probably a full range of weapons. I have also used weapons for hunting. I see absolutely no reason whatsoever for someone to require a semiautomatic weapon in Australia, let alone an automatic weapon.

What happens through this gun lobby is that we get, as often happens, a twist of the truth, a twist of the process, and it is often driven by people whose motives are not just about guns but are much broader. Indeed, Mr Speaker, I would like to quote from a letter that I got, and I presume other members got, from a Mr Tony Pitt who identifies himself as the National Chairman of The Australians. Surprise, surprise, it comes from Maryborough in Queensland, which seems to be the stomping ground of such people. Rather than give him the credit - I will not read through the letter, having identified him - I will just say that what underlies everything that he says is racism. It is the fear of the Asians. I will just quote little bits. The letter that he dated 14 May 1996 and that I received on 19 June has some of the most appalling statements in it that I have seen, such as:

People who have seen Asians in action have a fair idea how stupid and naive you and your mates are.

He is talking about we politicians. He describes the sorts of things that he says Asians do. He wrote:

... I suggest that you and your ... mates take a holiday in West New Guinea and then a holiday in Indonesia, not as politicians, not as Koala Bears - protected species, but as ordinary people. Don't confine yourself to the hotel in the tourist resort. Get out and see what the real world of Asia is like.

Then he describes an atrocity and implies that in some way this would be a result of the gun laws. The letter was addressed originally to Mr Russell Cooper, the Queensland Minister for Police.

Mr Speaker, I seek leave to table the letters I have because there may be a time when people who research this issue want to come back and see the real driving force behind this gun lobby instead of recognising the very sensible measure of taking what action we can to remove automatic and semiautomatic rifles or at least reduce their number.

Leave granted.

MR MOORE: Thank you, members. Mr Speaker, I say that it is a sensible measure, but no doubt there will be some form of black market that operates. I think we can expect at this stage to see such rifles identified. We already know that lots of people who have semiautomatic weapons and automatic weapons are lining up to hand them in. The fewer of these weapons that there are in the community, the better off we are. I think that in itself is a strong enough argument for us to support the ministerial agreement and to encourage our political colleagues in other States to follow the same sort of action that we have already carried through in Canberra.

MS TUCKER (12.19): The Greens are also very supportive, obviously, of the agreement reached at the Ministers meeting. As members are well aware, we believe that there should be stronger measures taken in gun law reform. It has been interesting, as other members have observed, to see the arguments that have come out in recent weeks about why people need to have a weapon or a firearm. One thing which other members probably have not mentioned and which I will mention is that I think there is a genuine element of fear in some people's minds when they claim the right to own a gun of some kind. Obviously, a sense of security would not justify ownership of those sorts of automatic weapons, although some people have tried to argue that, but I think it is something that we need to address as well.

In these discussions about firearms and weapons generally and the need to defend oneself, we cannot isolate the debate from the societal causes which make people feel that there is a growing threat to ordinary citizens' lives and safety in urban environments particularly. That is very clear in the United States where that right to defend oneself means that every 20 seconds, I think, someone is at the receiving end of a bullet. In Australia now we have a growing gap between rich and poor. We do see classes becoming more obvious and socially disadvantaged people. There are links between socially disadvantaged people and violence. That came out in our inquiry into violence in schools as well. That is why we have lobbied so strongly, and will continue to lobby so strongly, for very strong equity measures in our education system, because if we have any hope of equalising how people experience life in 1996 in Canberra it is going to be through schools and through other supportive mechanisms for parents and families as well. I would like to acknowledge that we must continue this debate. We must continue to look at why people feel violence occurs and why other people may feel it is necessary to own a weapon to protect themselves.

I raise again a matter that I raise whenever we discuss this issue. It is clear that people in Australia think the incident at Port Arthur was intolerable, and that is why we have had this very strong reaction, even though it has been watered down a little bit, or attempts are being made by a certain minority group, I believe, in Australia, the gun lobby, to water it down. There is a lot of violence occurring in homes in Australia regularly, and innocent people are being killed. That is why the Greens also always want to link this debate with the issue of the silent deaths which are occurring and which do not get that media coverage but are equally tragic. That is why, in the Social Policy Committee, we will be looking at how to make the availability of a lethal weapon a strong issue in this discussion. Of course, that can lead to questions about where people keep weapons of death, and whether or not it is appropriate to have a central storage location.

The statistics show quite clearly that availability of a lethal weapon is obviously a strong factor in a successful suicide or a murder; so it is an issue worth looking at. We also know that 80 per cent of gun deaths are suicides and the gap between the impulse to kill, if there is a gap - in other words, if you have to go and get the gun from somewhere - and the act could prevent some of those deaths. Equally, murders within

homes of women and children are often committed on impulse as well; although not always, I acknowledge. I think, in *Killing the beloved: homicide between adult sexual intimates*, Patricia Eastal has very clear statistics. There are some people who will hunt down their ex-wife or wife or whatever and children, but the majority of those sorts of killings will occur on impulse, and sometimes under the influence of alcohol or other drugs. So there is a really strong argument there, too, to try to make it harder to have access to that lethal weapon quite so quickly.

We will continue to have this discussion, I hope, as the Social Policy Committee looks at this issue, but I am very proud that this Assembly was so quick to respond to this ministerial meeting and that we came out as quickly as we did in support of it. It is a pleasure to work with all members here on this issue.

MR WOOD (12.24): Mr Speaker, I agree with the previous speaker. I note that the Premier of New South Wales was very proud to declare that his was the first State to introduce and pass such legislation. Notwithstanding the fact that he is a member of the same party as I am, I have to disagree with him. He should also incorporate into his terminology the definition of "Territory". It was this Territory that led Australia in the speed of getting that legislation through.

I want to comment on one aspect of the debate arising from the gun control issue. I have heard a few times from some who resist the changes the response: "The next thing is that they will be banning knives". That strikes a chord with me because I think there is a problem with knives. It is dangerous for a politician or for any person to come to judgments about how society changes, that there is so much more crime these days, or that this aspect of our life has increased, but it does seem to me that the use of knives is increasing. As I watch media reports of stabbings and the like, it seems there are more of them. The data may show otherwise. These matters may come to our notice more frequently than they did formerly, but I am concerned about some aspects of the use of knives.

It seems to me - again I emphasise the word "seems" - that there are more advertisements about knives. Swiss Army knives, for example, an eminently useful tool, are heavily advertised come Christmas time, and there are many more of them around. I recall an occasion in a court case in Canberra not so long ago, as I read the details in our local paper, of a defence being argued that a teenager carried a knife, which he had used in an attack in defence, or in reaction to comments, to peel fruit. It somehow did not ring true with me that a teenager would be using a knife to peel fruit. I think there is a greater propensity for some in our community, not just teenagers, or not necessarily teenagers, to have a knife on them than was the case in the past. I would think that any move to control the sale of knives would be extraordinarily difficult.

Mr De Domenico: And there are more.

MR WOOD: Well, maybe. I have been struck by the comments and I am concerned about that apparent increasing use of knives. I hope that, as people talk about changing mores in our society, we do not just focus on guns, but we look at other weapons that may be commonplace in society but can be used to the detriment of individuals.

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MR HUMPHRIES (Attorney-General and Minister for Police) (12.28), in reply: Mr Speaker, I will make a few brief comments in closing this debate. I repeat how gratified I am to have support from all members of this Assembly for the legislation which has been passed and for the thrust of the decision made by Ministers on 10 May. In that sense, the ACT is uniquely privileged in having such a strong and solid support base for this legislation. I suspect that some of my other colleagues around the table on 10 May would very much envy us because, clearly, the legislation has been difficult in other jurisdictions. Indeed, only one other jurisdiction has enacted legislation, which, as Mr Wood rightly pointed out, was pioneered by the ACT. I suspect that there will be some more traumas, wringing of hands, tears and so on before the legislation is uniformly in place around the country. I am travelling to Brisbane next week for a meeting of the Australian Police Ministers Council at which we hope to bed down some of the other details of the legislation, and I trust that other Ministers will retain the resolve that they showed last month in Canberra.

I have a couple of brief comments to make about some issues raised in this debate. Mr Kaine raised the argument that people are criminalised, so-called, by having this legislation imposed on them, and the feeling that comes through that people have an entitlement, a right, to bear these arms, and that by being forced to surrender them pursuant to the legislation the legislation "makes us criminals". I have heard that argument quite a few times and it is a misconception. It is probably a deliberate furphy, created by elements of the gun lobby, to suggest that this is all about stigmatising people who presently own guns. That argument makes as much sense as an argument 20 years ago that because we were requiring people to mandatorily wear seat belts we were implying that they were bad drivers. In fact, we are dealing with an evil which is probably not an evil that would be perpetrated by the vast majority. In fact, it certainly is not an evil that would be perpetrated by the vast majority of gun owners in this country, even those who own the high-powered weapons we have now banned. We are dealing with a problem for a small number of people whose capacity to inflict harm on our society is so much greater because those weapons exist in our society.

I have met a large number of gun owners in the last eight or nine weeks, Mr Speaker. I attended a "Meet the Minister" meeting the other day with a new member of my staff and he asked me what was likely to happen there. I said, "Well, sometimes the meetings can be fairly quiet, and we do not have too many people through the door. Sometimes they are busy". We arrived at the Ngunnawal neighbourhood centre and the building was literally surrounded by people. There must have been at least 100 people around the building, and it turned out that they were there to see me and complain about the gun laws that the Assembly had enacted. So many people were there, in fact, that a police car had been despatched for crowd control. In the course of the next three hours, Mr Speaker, I had a succession of people coming through the door and telling me how much they resented the fact that the Assembly was taking from them the theoretical right to use their guns.

There was an interesting thing about that exercise, Mr Speaker. I saw everybody who was there. As they came through the door I asked them why they individually needed an automatic or a semiautomatic weapon. What did they do with their weapons that required them to keep them? The interesting answer, Mr Speaker, in most cases was:

“Well, I do not actually have an automatic or a semiautomatic weapon”, or, “I used to use it but I do not use it any longer, and I have surrendered it”, or, “I know somebody who uses it but I do not have it myself”. In all those cases that I spoke to nobody ever presented me with a strong reason for having those weapons in a civil society. None of the people concerned were farmers. All of them were people who had various other sorts of urban-type jobs, urban-type occupations, and lived in an urban setting for the most part, but they all felt that there was some need to draw the line here.

The best reason that was advanced to me for needing a semiautomatic weapon was that one individual was in the habit of hunting wild pigs in, presumably, remote parts of the ACT - hopefully not in our national park because it is not allowed there. Occasionally in the forest, if you are hunting a wild pig, you can be confronted with, perhaps, a wounded boar with tusks and it may, in its rage, charge you. In those circumstances apparently it is handy to have a semiautomatic weapon to fire off a few rounds to stop this charging wild pig. I put it to the individual who cited that reason that in a civil society which had experienced atrocities like the one at Port Arthur it might actually be in the public interest that they have to eschew the privilege of hunting wild pigs, or take the risk when they hunt wild pigs that their weapon will not be enough to stop a wild pig. That individual conceded that perhaps that was an argument to think about further.

Mr Speaker, I think there has been much hysteria in this debate, much misinformation, and much deliberate falsification of what goes on; but I do not believe that any serious intellectual argument has been mounted yet for us not to enact the legislation that we have enacted, or for taking it further and putting in place, as we soon hope to do, our arm of a national scheme for registration of guns and gun owners which I think will protect the Australian community.

I finish with one final warning, Mr Speaker. I heard on the news this morning that the South Australian division of the Liberal Party had taken the exceptional step of refusing to allow a large number of people - I think the number of 500 was mentioned - to join the Liberal Party in South Australia. They were apparently part of what has been called a branch stack of the South Australian division of the Liberal Party.

Mr Wood: You do not know anything about that, do you?

MR HUMPHRIES: I know nothing about that for such purposes, Mr Wood.

Mr Hird: Or any purpose.

MR HUMPHRIES: Perhaps not. Mr Speaker, let me say, on a very serious note, that there is a real risk about the activities of some gun owners who are singularly determined to stop this legislation. I would say to all members of this place who belong to parties that they should exercise a little bit of care as they look at the way in which their party is operating in the immediate future. I have no doubt that some gun owners will attempt in other places what has been attempted in South Australia, and perhaps also in the ACT. Given that we are a small jurisdiction and that our parties are relatively smaller, it presents, perhaps, an easier target. If the people who turned up at that meeting

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at Ngunnawal community centre turned up at a party meeting, they would exercise considerable influence. I say to members in a very cautious tone that they should look to their own party's operation. I said when this legislation was introduced that it would not be an easy debate, that there would be a backlash, and that perhaps the backlash would be difficult to deal with. The backlash may not be the public kind of debate that we all expect but may be more insidious than that, and I hope that members take some precautions in that sense as we deal with the aftermath of the decision made on 10 May.

Question resolved in the affirmative.

GUNGAHLIN TOWN CENTRE Ministerial Statement

Debate resumed from 16 May 1996, on motion by **Mr De Domenico**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Retail Trading Hours

MR WHITECROSS: My question without notice is to Mr De Domenico in his capacity as the Minister responsible for business, so-called - - -

Mr Berry: Small business and smaller business.

MR WHITECROSS: Closing business. Mr De Domenico, in an interview on 2CN on Friday the 21st your leader, Mrs Carnell, said that the proposed trading hours legislation would not be set in stone. In fact, she said:

If it doesn't work, Liz, we'll change it. It's that simple.

Minister, do you not agree that throwing 300 people out of work, inconveniencing thousands of shoppers and potentially costing them 12 per cent more for their groceries is an unacceptably high price to pay for an experiment which your Chief Minister concedes may not even work?

MR HUMPHRIES: As the Minister who has charge of this within the Government at the moment, I will take that question. Let me say, first of all, that it would behove those opposite to discontinue misleading people about what it is that is proposed with this particular package of legislation. It may suit your purposes to rely on the hysteria which the Supermarket Institute is trying to generate about this proposal, to rely on the big businesses that are running this kind of campaign, but in doing so you also mislead the people of the ACT. The 306 jobs, to be precise, which are referred to, coincidentally, in the Opposition's and the Supermarket Institute's campaign are the total sum of those jobs offered in all of those supermarkets in the ACT.

Mrs Carnell: Casual and part time.

MR HUMPHRIES: Casual and part time, full time as well - - -

Mr Berry: Mr Speaker, I raise a point of order. I know that the Government is keen to hide the incompetence of - - -

MR SPEAKER: What is your point of order?

Mr Berry: Mr Humphries may have inadvertently misled the chamber when he said that he was the Minister who had carriage of this matter. Mr De Domenico introduced the Trading Hours Bill and surely has carriage of the matter, and he ought to have - - -

Mrs Carnell: Mr Speaker, Mr Humphries does have carriage of the matter.

MR SPEAKER: There is no point of order. Mr Humphries has carriage of the matter. The Chief Minister has indicated so. Please continue, Mr Humphries.

Mr Berry: I take a point of order, Mr Speaker. If Mr Humphries does have carriage of the matter, I wonder whether Mrs Carnell would mind tabling the administrative arrangements which gave rise to those changes, or is it just because she is embarrassed about the incompetent Mr De Domenico?

MR SPEAKER: There is no point of order. Resume your seat. Please continue, Mr Humphries.

An incident having occurred in the gallery -

MR SPEAKER: If there is another incident, I shall be obliged to take action. People are very welcome to come in here and listen to debate and the somewhat feisty question time but not to interrupt.

MR HUMPHRIES: As I said before, there is a clear attempt to misrepresent what is going on with this legislation. First of all, the figure of 306 jobs represents basically all the jobs in the supermarkets that we are talking about - not just a certain proportion of them but all of them. Mr Speaker, if the Government was proposing to close the supermarkets altogether, you could well understand an argument that said that 306 jobs

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were going to go, but the Government is not proposing to do that. The Government is not proposing to close those supermarkets, except for particular hours, generally in the evening, and in such a way that of all the supermarkets in the ACT which operate at the present time only five are going to have their hours significantly affected by this legislation.

There are about double that number of supermarkets in town centres at the present time, but many of them do not trade much, if at all, beyond the hours that the Government has now proposed in its legislation. A number of them have hours very similar to those proposed in the Government's legislation. Mr Speaker, I find it hard to accept an argument that says that we are going to lose many jobs in those supermarkets because in some cases one hour a week or one hour a day is being shaved off the operation of those supermarkets. It just does not follow.

Mr Speaker, I concede that there are five supermarkets in the Territory whose trading hours will be dramatically affected by this proposal. There are no bones about that. Potentially, after a particular point of the night some people will no longer have an opportunity to work at those particular supermarkets. However, Mr Speaker, as the Opposition itself has been quick to point out, trade at those supermarkets will be transferring to a very large extent from town centres to group centres. Those opposite have made that point already. They will be transferring from town centres to group centres, because they have said, "This policy will not work because people will not be going to the local centres". Where will they go?

Mr Whitecross: They will be inconvenienced.

MR HUMPHRIES: Oh, they will be inconvenienced. No, that is not the question, Mr Whitecross. Where will they go to shop? If Mr Whitecross gets his lines straight, which he probably cannot, he will realise that they will be going in large part - not wholly but in large part - to the group centres.

Mr Speaker, the petitions which have been run around this town in the last few days and which I have seen a copy of make no reference to the fact that those supermarkets in the group centres are unaffected by these changes. In fact, I have it on good authority that people have seen petitions in group centre supermarkets asking them to sign, saying, "Save our supermarket". What kind of dishonesty is that? The fact is that no group centre supermarkets are going to be affected by this policy except positively, except to pick up business which will move from the town centres. I have no doubt that those who own those group centre supermarkets will be considering expanding their trading hours to pick up the business which is coming from town centre supermarkets. Mr Speaker, what we will see when that happens is extra employment opportunities offered in the group centre supermarkets, because people still have to shop.

Mr Moore: What about the suburban supermarkets? It does not help any.

MR HUMPHRIES: Mr Speaker, in answer to that interjection by Mr Moore, I concede that some people will not move from their town centre supermarket to their group centre supermarket. Some people will not go there; some will go to their local centre supermarkets. That is the extent of benefit of this policy for local supermarkets. Mr Speaker, that is an important benefit.

I make no secret of the fact that this Government supports the concept of having a balance in our retail trading hierarchy. We want local shops, we want group shops, we want town centre shops, and we will support all of those players in the hierarchy; but we will not sacrifice the small shops, the small businesses, the local employers, the local businesses or the local jobs that come in small businesses in town, group and local centres. Mr Speaker, that is what this policy is all about.

MR WHITECROSS: Mr Speaker, my supplementary question is: Minister, given that the Supermarket Institute survey found that 93 per cent of Canberra residents did not want a reduction in town centre supermarket trading hours, and given that your policy will throw 300 people out of work, inconvenience thousands of shoppers and potentially cost them 12 per cent more for their groceries if they shop in a suburban centre, why are you persisting with this disruptive experiment which the Chief Minister concedes may not even work?

MR HUMPHRIES: Mr Speaker, the dishonesty of those opposite again needs to be highlighted. Where is - - -

Mr Berry: I raise a point of order, Mr Speaker. Mr Humphries clearly imputed that all of us were dishonest. I for one rise to a point of order and ask him to withdraw that unequivocally.

MR SPEAKER: Mr Berry, you well know that the rules of this house state that if a member accuses another member individually - - -

Mr Berry: Mr Speaker, may I draw your attention to the standing orders.

MR SPEAKER: Naturally, the member concerned would have to withdraw. But if a term is used collectively - and there are numbers of times when various references have been made to oppositions or governments being hypocrites or something of that nature - then we have always ruled that there is no point of order. I so rule. Would you like to quote me a standing order?

Mr Berry: I would like to quote you a standing order. It may in fact - - -

Mrs Carnell: It is not a personal reflection.

Mr Berry: Mrs Carnell, if you want to be Speaker, run for the job, but you will not get a reference from me. Mr Speaker, the standing order reads:

All imputations of improper motives - - -

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MR SPEAKER: Which standing order?

Mr Berry: Mr Speaker, I draw your attention to standing order 55. It reads:

All imputations of improper motives and all personal reflections on Members

-

the plural -

shall be considered highly disorderly.

I would ask you to call on Mr Humphries to withdraw that imputation.

MR HUMPHRIES: Mr Speaker, you ruled only last week on this very point of order. Mr Berry, in response to your rulings, as I recall, said that everyone on this side of the chamber was a liar, and he was not asked to withdraw. He cannot have it both ways. He cannot abuse the standing orders and then insist on them being enforced.

MR SPEAKER: I would have to uphold Mr Humphries's comments on this. We have an arrangement within this house, Mr Berry. I repeat that if you refer to people collectively - - -

Mr Berry: I can call them anything, as long as I include the lot?

MR SPEAKER: As long as it is decent. The fact of the matter, however, is that if Mr Humphries had referred to somebody individually then he would have been obliged to withdraw.

MR HUMPHRIES: Mr Berry's friends in the boardrooms of Sydney and Melbourne, and perhaps overseas, might enjoy his playing these little games on behalf of the corporate world, but this Government is concerned about issues closer to home. Mr Speaker, the allegation that 93 per cent of Canberrans do not want to move over from town centre to local centre or group centre trading is a gross misrepresentation. I challenge Mr Whitecross to table the survey he is referring to. Can you table the survey?

Mr Whitecross: I am not going to table it now. I do not have it with me.

MR HUMPHRIES: He does not have it. He is quoting from a survey that he does not have here and that I do not think he has actually ever seen. Have you seen the survey?

Mr Whitecross: Yes, I have.

MR HUMPHRIES: What were the questions posed? How many persons were approached?

MR SPEAKER: Order! Mr Humphries, just answer the supplementary question. We do not want a dialogue across the chamber, thank you.

MR HUMPHRIES: Fine, Mr Speaker. The fact is that there has been no stone unturned by the Supermarket Institute in the campaign that they are running to use whatever argument - fair or foul, fair or unfair - they can find. They have misrepresented the situation repeatedly and deliberately, and I would want to see the survey that they are referring to before I took anything on face value from those opposite.

Certainly, the question has been asked as to what extent people prefer to have shopping available and unrestricted trading hours. Of course, people will generally say, "Yes, we would like unrestricted trading hours". But the same people have also said, "We want to see the retail hierarchy of Canberra preserved. If we are coming home from the shops or from work, whatever it might be, late at night and we suddenly realise we do not have any milk in the house, we want to be able to go to our local corner store and buy on a small scale". Mr Speaker, of course, they cannot do it because under the policies in place until now - - -

Ms McRae: Which local shops do you go to? It is a stunt.

MR HUMPHRIES: My local shop is closed, Ms McRae. My local supermarket is closed.

Ms McRae: What time do you shop? Not at 6 o'clock.

MR HUMPHRIES: Mr Speaker, I shop at hours of the day when I can shop at group centres. That is where I shop, Ms McRae. I get to those group centres, and I shop at my local centre if I can get into it. People in this Territory want a choice of centres. We are not going to deny them that choice. Under this policy they will have that choice, but the choice will be whether they shop at a local centre, a group centre or a town centre at particular hours. All those three choices will be preserved. Without this policy there is a real risk that many citizens of this Territory will not have access to local centres at all.

Executive Budget

MR KAINE: Mr Speaker, through you, I put a question to the Chief Minister. Chief Minister, there has been a fair amount of talk lately in this Assembly about expenditure by the Executive, both this one and a previous one; but amongst all that talk there has not been, as far as I can - - -

Mr Berry: They are all on the pension, Trevor.

MR KAINE: I will come to him in a minute, Mr Speaker. As far as I can recall, there has not been a definitive statement on the matter from either side. There has been lots of innuendo and a great deal of unsubstantiated assertion, but I would like today to particularly hear a statement from Mrs Carnell on this issue. Chief Minister, can you advise the Assembly whether the Executive budget for this Government, unlike that of the previous Government, is on track for 1995-96? Can you give a definitive statement; and, Mr Speaker, could you ask the jack-in-the-box opposite to sit down so I can hear the answer?

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MRS CARNELL: I understand why those opposite do not want to hear the answer to this question.

Ms McRae: Because it is boring. Why don't you just table it?

MRS CARNELL: Actually it is interesting that Ms McRae thinks it is boring. She obviously thinks it is boring to overspend your budget substantially. I thank Mr Kaine for the question. I believe it is important that the costs that we incur in performing our duties as a government and as a ministry are subject to close scrutiny. I am very interested that those opposite do not think that is the case. I have certainly noticed that Mr Whitecross has been very keen to go on a bit lately about spending priorities, planning conferences and Ministers wasting money on themselves and so on.

Mr Speaker, I can advise the Assembly that we are forecasting a small underspend in the Executive budget of about one per cent in 1995-96. To me, and to my Ministers and to this Government, this is a very important achievement and a very symbolic achievement. We on this side of the house operate on the principle that if you cannot manage your own budget then how can you expect your departments and your agencies to manage theirs? It is also important to advise the Assembly that this Government will spend \$230,000 less this financial year.

Ms Follett: On a point of order, Mr Speaker: I would ask whether the Chief Minister is in fact the Minister for Health, the department which has had an over-\$14m blow-out.

MR SPEAKER: There is no point of order.

MRS CARNELL: Mr Speaker, I made it very clear that this Government, unlike those opposite, took that very seriously. It is important to advise this Assembly that this Government will spend about \$230,000 less this financial year on its Executive budget than the former Labor Ministry did in its final year in office. You cannot expect your agencies to make savings, to do what we expect them to do - that is, live within their budget - if we in the Executive are not willing to tighten our own belts. Quite simply, we spend 13 per cent less on our Ministry than those opposite did in their last year. I can understand why those opposite are very embarrassed about this. What we are talking about here, Mr Speaker, is money spent on themselves - nothing more, nothing less. You can contrast our approach with the approach taken by those opposite. In 1994-95 the Follett Government overspent - - -

Mr Berry: Rooms at the motel, food at the motel, booze at the motel.

MRS CARNELL: All handled within budget, Mr Speaker.

Mr Berry: Snouts in the trough.

MR SPEAKER: Order! The Chief Minister is answering the question.

MRS CARNELL: In 1994-95 the Follett Government overspent its Executive budget by an amount that represents, as I understand it, the worst ever blow-out by any agency or department in the history of self-government. Put simply, Labor Ministers overspent their own budget by \$475,000, or 38 per cent. There was a 38 per cent blow-out in their own budget. Mr Speaker, not only is our Executive budget forecast to come in on track - in fact, slightly below budget - but we were actually going to spend 13 per cent, or \$230,000, less than those opposite spent in their final year in government. For those opposite, that works out at 24 Eagle Hawks, on my calculations. It could also fund the sign interpreter service for the Deafness Resource Centre for three years - a service that those opposite refused to fund and now seem to demand that we do.

Mr Speaker, 38 per cent is an enormous blow-out in anybody's budget. It really does show a vast difference between that side of the house and this side of the house. We do not operate on the view that somehow there is a trough up there on the second floor that certainly those opposite had their snouts in, Mr Speaker. Over the last 15 months, since we have been in government, we have reduced expenditure on Executive vehicles, on hire cars and taxis, on meal claims and on hospitality.

Mr Berry: Mr Speaker, I wonder whether you could ask the Chief Minister, if she is going to read her answer, to read it quickly.

MR SPEAKER: Were you taking a point of order, Mr Berry, or just having a conversation with me?

Mr Berry: No, I just make a simple request.

MR SPEAKER: There is no point of order if that was your intention. Please continue, Mrs Carnell.

MRS CARNELL: Thank you very much, Mr Speaker.

Ms Follett: Mr Speaker, on that point of order: Standing orders do require that answers be concise.

MR SPEAKER: Yes.

Ms Follett: Mrs Carnell has been reading for some time now and she still has a number of pages to go. I think it is reasonable to ask that she be asked by you to draw her answer to a conclusion.

MR SPEAKER: Order! There is no point of order. On the question raised by Ms Follett, standing order 118(a) states that answers to a question without notice shall be concise and confined to the subject matter of the question. Certainly the latter is being carried out. I would think that the Chief Minister is being as concise as she can be in what is a reasonably complex answer to a detailed question. Please continue, Chief Minister.

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MRS CARNELL: Mr Speaker, I can understand how those opposite do not like the answer to this question. If you had a stopwatch on this, I think you would find that their interjections and their points of order have actually taken longer than the answer. I think that would be shown. In times of budget problems, I think it is really important that questions like this be brought up in this Assembly. It is an issue of how government is managed. The government of the day must be able to manage its own budget. For the Executive to spend \$475,000 over budget in the final year of those opposite - 38 per cent of their whole budget was blown - is a totally unacceptable situation. From Mr Whitecross's perspective, I think \$238,000 is the amount of money by which we spent less than they did. For very good reasons nobody believes that those opposite can manage this Territory or could bring in a budget on track if they tried.

Retail Trading Hours

MR MOORE: Mr Speaker, my question is directed to Mr Humphries as Minister for Planning. This is his opportunity to answer a question about shops. Minister, is it not the case that the real reason you have used retail hours as the control method for trying to protect suburban shops that you are looking after big business? Rather than restricting retail space, you are allowing development of more retail space in town centres, which will actually continue to damage small shopping centres far more than leaving retail hours unregulated would.

MR HUMPHRIES: It is relatively easy to face an argument when it is consistent, but when the argument goes all over the place it is very hard to work out. We are told that we are trying to help small business but we are not really. We are told now that it is more about helping big business. I am not quite sure how that follows. We are told that this is a policy which will not help small businesses at all because it will not affect any small businesses. Then we are told that Mrs Carnell is getting a personal benefit from it because she has an interest in a pharmacy at Red Hill. How those two things are consistent I do not know either. The point is that if you are going to run an argument try to be consistent about it in this chamber.

Now we have the argument that we are trying to help big business. That is a very strange argument. If ads like those that I have seen in the last few days in supermarkets and elsewhere are any indication, I do not think big business quite thinks that we are helping them by this process. It is a slightly strange argument, frankly.

Mr Moore: A different big business, Mr Humphries - the development industry retail space.

MR SPEAKER: Order! Mr Moore, you have asked your question.

MR HUMPHRIES: Let us take Mr Moore's argument at face value. Mr Moore obviously thinks that helping establish more retail space in town centres is somehow helping big business. It is true that the supermarkets which operate at those town centres, particularly at Woden and Tuggeranong, under a policy which allows them to go ahead - they do not have that yet, incidentally - will be able to expand their size and to reconfigure

within those shopping centres to get perhaps better access to their customers. That is true. To that extent, people from Coles and Woolworths can come and they can express gratitude for what I am doing for them. However, they are most unlikely to do that, I suspect.

You forget, however, that the other people who benefit from the expansion of town centres, particularly Woden Plaza, are the people who establish small shops in that town centre. All of those shops are likely to be small shops, whether they are individually owned shops or whether they are franchises of larger chains that operate around the country which are owned individually by franchisees. I am not sure how you can characterise, for example, what is proposed to happen at Woden Plaza as being in the interests of big business.

Mr Moore: I will explain it in my supplementary question.

MR HUMPHRIES: Mr Moore will no doubt have some bizarre explanation about that. We are about allowing town centres to expand, providing they can live within the restrictions we have placed on trading hours. I make no bones about the fact that I think it is the expansion in trading hours at supermarkets in town centres that has driven many smaller businesses in local centres into such desperate situations. Something like 15 supermarkets at local centres have closed in the last couple of years. Apparently those opposite, including Mr Moore, do not care about that. Apparently they are saying, "You are going under. It must be your own fault. You are obviously not going to survive in this market, so just go under. We do not care". That kind of callous disregard for the people who provide opportunities and business in this city is, I think, particularly regrettable. We do not have the same view on this side of the chamber. We want to do something to try to stem the tide of those things. In fact, I quote from the *Financial Review* of this morning. Talking about the issue of trading hours and the legislation which is now before the house, it stated:

This issue has fired passions in the small business community around Australia, but only the ACT has tried to find a legislative balance between the needs of small business, big business and the community.

Mr Speaker, that is exactly what we are trying to do.

MR MOORE: I have a supplementary question, Mr Speaker. Mr Humphries, if you recognise that quite a number of surveys have found that we are well overserved in terms of retail space and going up to 1.5 times Australian averages, why then is it that you are supporting small businesses such as Lend Lease by providing even more retail space at the expense of small shops in suburban centres?

MR HUMPHRIES: Mr Speaker, frankly, Mr Moore's assertions again have as much credibility in this area as do some of the wilder claims made by the Supermarket Institute. It is not true that we are generally overserved. I want to quote from a publication issued only last month by the Victorian Government which examines, among other things, the relative provision of retail floor space on a capital city basis. There was a survey of six cities: Sydney, Melbourne, Brisbane, Adelaide, Perth and Canberra. It lists the population of each of those places and the gross lettable area of each of those places,

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and it gives the gross lettable area per head of population. The city with the largest area per head of population is Perth, with 2.13 square metres per head of population. The smallest is Canberra, with 1.79 square metres per head of population. The turnover - - -

Mr Moore: Is that supermarkets or all retail space?

MR HUMPHRIES: This is general retail space. The turnover per - - -

Mrs Carnell: That is what he was talking about - general retail space.

MR HUMPHRIES: That is what he was talking about. He was talking about general retail space. He was not talking about supermarkets. You said general retail space, Mr Moore. The turnover per square metre was lowest in Brisbane, with \$2,931. The highest was in Canberra, with \$3,433 per square metre. What that would suggest, if those figures are accurate, is that - - -

Mr Moore: It depends how you interpret it.

MR HUMPHRIES: It is a question of how you interpret it. What that suggests is that we already have a high density of turnover per square metre and there is a capacity to expand in the ACT. That is essentially what the Ibecon study that was commissioned by the previous Government found. There was more or less a balance in the retail space generally across Canberra. The only area in which there was an oversupply of retail space was in large bulky goods like washing machines, furniture and so on. Mr Speaker, that was based on the position a year and a half or two years ago. Population growth is continuing. There is a case for some expansion of town centres to meet those additional needs. Mr Speaker, I make no apologies for the fact that we have done our homework and we think this policy is appropriate in those circumstances.

Retail Trading Hours

MR BERRY: My question is directed to the Minister for Business, Employment and Tourism as the Minister responsible for the introduction of the Trading Hours Bill 1996. Mr De Domenico, do you agree with the statement by Mr Humphries last week that no jobs will be lost by the forced early closure of the town centre supermarkets, because an equivalent number of jobs will be created in group centre supermarkets and suburban supermarkets? Mr Minister, what ACT analysis has been done which supports this claim?

Mrs Carnell: What analysis has been done that does not support it?

MR BERRY: What ACT analysis has been done which supports this claim? Is it not the truth that the whole disastrous policy was based on nothing more than a whim of your Cabinet colleagues, one of whom has an interest in the issue, and that your only motivation was that you thought you might pick up a few cheap votes from the small business sector?

MR HUMPHRIES: Mr Speaker, as usual - - -

Mr Berry: Mr Speaker, I draw your attention to standing order 114. My question was directed to the Minister responsible for the introduction of the Trading Hours Bill. If he does not want to answer it, Mr Speaker, he should decline.

Ms Follett: Or take it on notice.

Mr Berry: Or take it on notice.

MR HUMPHRIES: Mr Speaker, I have been designated as the Minister in the Government responsible for handling these questions.

Mr Wood: When was that, Mr Humphries?

MR HUMPHRIES: From six months ago.

MR SPEAKER: Order! *House of Representatives Practice* states at page 513 under the heading, "Direction of Questions":

A Minister may refuse to answer a question. He or she may also transfer a question to another Minister and it is not in order to question the reason for doing so.

Mr Berry: Mr Speaker, I suggest to you that those standing orders which you refer to relate to the house on the hill. The standing orders here are quite specific and leave no room for movement. Standing order 114 states:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

If I had wanted to ask Mr Humphries a question, I would have so directed it, Mr Speaker. I did not. I wished to ask my question of Mr De Domenico. If he is not competent to answer it, he should take it on notice. If he does not want to answer it, he should refuse.

Mrs Carnell: Mr Speaker, I have made it very clear that, officially, Mr Humphries is in a position to take these questions.

MR SPEAKER: Thank you, Chief Minister. On the point of order you have taken in relation to our standing order 114, Mr Berry, there is nothing in *House of Representatives Practice* I have just quoted that is inconsistent with standing order 114. Standing order 114, as you quoted, states:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

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However, under *House of Representatives Practice* page 513, that Minister may also transfer a question to another Minister and it is not in order to question the reason for doing so. There is no inconsistency.

Ms Follett: I would like to take a point of order, Mr Speaker.

Mr Berry: Hand in your money.

MR SPEAKER: Just a moment, please. Ms Follett is taking a point of order, Mr Berry.

Ms Follett: I am indeed, Mr Speaker. There are two issues that I would like to draw your attention to. The specific question asked by Mr Berry related to jobs. As I understand it, Mr De Domenico, in his ever-diminishing portfolio, still enjoys the role of Minister for Employment. Is that not correct - or would the Chief Minister like to correct that impression as well? Mr Speaker, the second matter I would like to draw your attention to is that Mr Berry's question specifically asked the Minister, Mr De Domenico, to comment on a matter raised by Mr Humphries. It is completely unacceptable to have Mr Humphries commenting on his own comments. Members must be permitted to ask questions of the relevant Minister - not the patsy over there but the relevant Minister, the bloke who is being paid to do this job - and they would have every right to expect an answer from that Minister, as does the Canberra community.

MR HUMPHRIES: May I address the point of order, Mr Speaker. Some time ago the Government established a process to consider issues to do with retailing - trading hours, allocation of retail space, expansion of town centres, and so on. I was the Minister given responsibility for all of those matters in global examination under the Government. Obviously, all Ministers were involved to a certain extent in preparing those issues, but I was the Minister given primary carriage of those matters.

Mr Moore: Why did you not table the legislation?

MR HUMPHRIES: With a task of that kind which is limited in time, there is no requirement that legislation should be transferred by administrative orders to different Ministers in order to fit in with that temporary arrangement. Mr Speaker, under the administrative orders Mr De Domenico has responsibility for the Trading Hours Act. He therefore introduced this legislation, but since the beginning of this process I have been the Minister who has been responsible, under the umbrella of the retailing policy, for the whole policy. Mr Speaker, it is entirely appropriate that the Government be able to answer the question with the person they consider the best person because of his familiarity with the subject and not be dictated to by those opposite as to who will answer the question.

Mr Berry: Mr Speaker - - -

MR SPEAKER: Enough is enough. Just a moment, please, Mr Berry. I wish to rule on Ms Follett's point of order. Firstly, the matter did relate to jobs, but it was in relation to the Trading Hours Ordinance, of which Mr Humphries has carriage, as the Chief Minister herself has indicated. Secondly, however, Mr Berry asked Mr De Domenico to comment upon some statements allegedly made, I understand, by Mr Humphries. However, that section of the question is out of order under standing order 117(c)(i), which states:

- (c) Questions shall not ask Ministers:
 - (i) for any expression of opinion;

That is exactly what you were seeking from Mr De Domenico in relation to Mr Humphries. If Mr Humphries would like to answer the rest of the question but not that section which is out of order, he is free to do so.

Mr Berry: Mr Speaker, I raise a point of order. I draw your attention again to the standing orders.

MR SPEAKER: Which one?

Mr Humphries: Mr Speaker, you have already ruled on this point of order.

MR SPEAKER: I have ruled on the point of order.

Mr Humphries: I ask you to threaten Mr Berry that if he does not respect your ruling you will name him.

MR SPEAKER: Mr Berry, do you have another point of order and, if so, which standing order are you referring to?

Mr Berry: I am referring to the same standing order, Mr Speaker - 114.

MR SPEAKER: I have already ruled on that.

Mr Berry: Mr Speaker, you have not heard it yet. It is another point of order in relation to the same standing order.

Ms Follett: Mr Speaker, may I clarify. I took the last point of order, not Mr Berry.

MR SPEAKER: I will hear Mr Berry on standing order 114. I think, Mr Berry, that you said it was another point of order relating to 114. Proceed.

Mr Berry: Mr Speaker, the option is with a member in this place when it comes to the raising of questions to be put to Ministers. If a member chooses to put a question to a particular Minister, that member has the option. If I had wished to ask Mr Humphries a question, Mr Speaker, I would have asked him. I suppose that this is a repeat of the point that I made earlier. The option is with me, not the Minister. If I had wanted to ask Mr Humphries a question, I would have asked him.

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MR SPEAKER: That is the same point of order that I ruled on earlier. There is no point of order.

MR HUMPHRIES: It appears that those opposite want to ask the questions but not to hear the answers. Mr Speaker, the question, if I can recall back that far, was: What evidence do we have that suggests that jobs will be created in the group centres or local centres to offset those that are lost in town centres? There are two bases to the answer I want to offer. First of all, as at the 1991-92 census there were approximately 126 grocery shops and supermarkets, including the large supermarkets, in the ACT. These shops employed some 3,368 people. In the past five years or so about 23 small grocery shops or supermarkets have gone bust in this Territory. Assuming that the numbers have been proportionate to the number of - - -

Mr Berry: You cannot assume that.

MR HUMPHRIES: It is no better basis for assuming that a job is going to be gained than your assumptions on how many jobs are going to be lost, Mr Berry, so I put it forward as at least something that is vaguely empirical. The fact is that in that time, using that ratio, the number of jobs lost in those centres has been something in the order of 600. Mr Speaker, those of us who have bothered to look at what has gone on in local supermarkets in neighbourhood centres in this city would not doubt that figure of 600 jobs, not for one instant. We have all seen local centres in this city devastated by a number of factors, including competition from other places. I believe that 600 jobs is a quite accurate figure to work from. However, let us just put that to one side. Let us take a more empirical basis for the evidence that Mr Berry seeks. In today's *Financial Review* there was also an article about the impact of longer trading hours on local trading. It quotes Dr Robert Baker, a senior lecturer in the Department of Geography and Planning at the University of New England in Armidale. He says:

Studies show that a substantial extension of trading hours allow supermarkets to increase their trade areas, but a lot of traditional strip shopping centres suffer. In some of those centres, there are about 20 per cent vacant shops.

We need our supermarkets, but if they set the hours to suit themselves I do not think that they will benefit the community.

I think that those views are accurate. It is views like that on which the Government has based its decision.

MR BERRY: I have a supplementary question for the Minister who is riding shotgun for the incompetent Minister responsible.

MR SPEAKER: You have a supplementary question without preamble. That is what you have.

MR BERRY: I am just trying to explain how I am going to get this question to the Minister riding shotgun here.

MR SPEAKER: Never mind about that.

MR BERRY: Mr Minister, whilst you are keen to ride shotgun for Mr De Domenico - - -

MR SPEAKER: Question, please, without preamble.

MR BERRY: I am just trying to explain where he missed the point, Mr Speaker. I asked the question: What ACT analysis was made? You apparently missed that very important point. I asked you what had been done in respect of that. Is it the truth that there never was an ACT analysis? Is it the truth that you have set yourself in train and you are not going to move, that you do not care how many jobs are going to go and that your attitude to these jobs is the very same as that of the Minister for whom you are riding shotgun - "So what?".

MR HUMPHRIES: First of all, let me say that if you have - - -

Mr De Domenico: It is called being a smart banana.

Mr Berry: Answer the questions yourself.

MR HUMPHRIES: Patience, Mr Berry. Patience is a great quality. You should aim for it. First of all, I will eschew the obvious question: Why will Mr Berry not table his proof that there are 306 job losses, as claimed by the Supermarket Institute? My proof is based on a local study, a study that your own Government commissioned and that reported in March 1995. Ms Follett looks puzzled. What are we talking about? We are talking about the Ibecon study, the study that you people commissioned to find out what was going on with the expansion of town centres, particularly in terms of growth in supermarkets and in other retailing in those places.

Mr De Domenico: Mr Wood remembers.

MR HUMPHRIES: Mr Wood perhaps remembers. I quote from page 1 of the executive summary of the report of that study:

The Region currently has an oversupply in the provision of shop floorspace in the bulk retail categories, and is in approximate balance in all other categories of shops. Population and real growth in spending per capita will soon result in shop floor space deficiencies, mostly in the outer new growth suburbs.

It goes on to reflect the fact that the growth of supermarkets, particularly in the town centres, has a serious impact on the way in which local centres trade. There is also some evidence based on the views of organisations which have been working in this area for some time, including the Small Business Council, whose vice-president this morning said:

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The institute allegations of 306 job losses as a result of the legislation sounded hollow when put beside the more than 1,000 jobs that have gone in small businesses since the ACT Trading Hours Act began to be widely disregarded in 1992.

I do not think you need retail studies to be able to prove that local centres in this city are suffering badly. This Government does not need to be goaded further by the reality of those centres being in trouble to act on that question. Clearly, we have taken a bigger step than any previous government has taken. Clearly, those opposite have not got the guts to admit that they were going to abandon those small centres to their fate and do the bidding of their big business friends in Sydney and Melbourne. We are not prepared to take that kind of cavalier approach towards the local businesses of this town and, Mr Speaker, we stand proudly behind our policy.

Retail Market - Takeovers

MS HORODNY: My question is directed to the Minister for the Environment, Land and Planning, Mr Humphries, and relates to the increasing concentration of ownership in the ACT retail market, where Woolworths, Coles and Franklins now control 75 per cent of retail turnover in the ACT after Woolworths' recent takeover of seven Cannons supermarkets. I am particularly concerned about the Mawson shops, where the Cannons supermarket was closed down because there is already a Woolworths supermarket there. Could you tell me, Minister, whether any staff retained their jobs when Woolworths bought out Cannons supermarket at Mawson and closed that supermarket?

MR HUMPHRIES: The information that Ms Horodny requires, ironically, comes to me via the Australian Institute of Supermarkets. Nonetheless, although I would not quote much else they said, I would certainly quote this on this occasion, because I have no reason to believe it is not true. The institute apparently has advised that all Cannons staff were retained at existing stores - there might have been other stores but this was certainly at Cannons stores - when Woolworths bought out Cannons Supermarkets. I make no secret of the fact that I was deeply unhappy with the fact that Woolworths did buy out Cannons. I think it is good in any retail market to have a range of players. Cannons was a major local player in the marketplace. Even if you think Woolworths or Coles or whatever is the bee's knees in terms of retailing, it is good to have somebody else of roughly the same size in the marketplace providing competition. I am unhappy about that fact. Mr Speaker, there are limits to how much government can do to prevent those kinds of monopolising trends in the marketplace.

MS HORODNY: I ask a supplementary question. Mr Humphries, do you know how many jobs have been lost from the reported closure of about 14 other ACT supermarkets in the last 18 months?

MR HUMPHRIES: Mr Speaker, the number of jobs lost from the reported closure of 14 other ACT supermarkets is obviously something I cannot possibly tell you right now, and presumably it would be difficult even to take the question on notice, given that these things very often have not been ascertained. Certainly, there are estimates that have ranged from 600 to 1,000 jobs lost in this Territory in the last four years or so from redundancies because of small business closure. I cannot tell this Assembly - - -

Mr Berry: There are 2,500 more unemployed because of Mrs Carnell.

MR SPEAKER: Order! Mr Humphries is answering Mr Horodny's question.

MR HUMPHRIES: Why do you think those sorts of jobs are disappearing, Mr Berry? It is because of the policy that you pursued. I cannot believe this. Those opposite have criticised us for the loss of jobs and yet they say, "Do not affect the trading hours of the large supermarkets. We do not care about the small supermarkets who have lost employment, who have lost jobs, in the last four or five years". Have you not noticed that? Where do you live? Do you not ever drive past your local neighbourhood shops? Have you not noticed what has happened to those local shops? Do you think it is in the interests of anybody in this Territory that those jobs and those shops should disappear? Of course it is not.

Ms McRae: Nothing you are doing is going to help, Mr Humphries. I would give up. Nothing you are doing will help.

MR SPEAKER: Order! Mr Humphries is answering Ms Horodny's question. Other members will have the chance to ask questions themselves.

MR HUMPHRIES: At least we are trying. At least we care enough about what is happening in those local centres to act in this area. If those opposite do not give a damn, that is their lookout, not mine.

Retail Trading Hours

MS FOLLETT: My question is directed to Mr De Domenico as the Minister responsible for business. I ask the Minister whether he is aware that the Hyndes report, a report which was commissioned for you and presented to you in relation to the problems faced by small suburban supermarkets, actually said:

It would be quite wrong to suggest that competition from the Town Centres is the only source of the problem.

Minister, what analysis have you done which proves that forcing the town centre supermarkets to close early will prevent marginal supermarkets from failing?

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MR HUMPHRIES: Mr Speaker, as Minister who has carriage of this matter in the place, I am not going to have this point - - -

Mr Berry: Mr Speaker, he nearly got up then. Why don't you let him get up, Mr Humphries?

MR SPEAKER: If you do not sit down, you may very well be out.

MR HUMPHRIES: The selective quoting here is just breathtaking. Those opposite quote Mr Hyndes with approval but overlook the fact that Mr Hyndes actually recommended restriction of trading hours in supermarkets and in fact went even further than this Government has gone in recommending that group centres also be restricted. That is what he recommended. You cannot quote the bits of Mr Hyndes that you approve of and then attack the bits that you do not approve of. Mr Speaker, we accept that trading hours are not the only reason that supermarkets or shops generally in local centres have suffered in recent days. There are lots of other factors.

Mr Speaker, let me give the facts. Local centres particularly have been under severe pressure for a number of years. However, coinciding with the relaxation of trading hours in 1992, there has been a precipitous decline in the viability of a large number of local centres in this town. In fact, there has been a large number of closures of business - I think I quoted 126 before - in the last little while. It is not mere coincidence that that has happened in the last four years, coinciding with the relaxation of trading hours. The other factors that Mr Hyndes was referring to - things like the increased mobility of women, more people with two jobs, more likelihood of people moving to other supermarkets, and so on - have not happened just in the last four years. They are factors that have been progressively affecting the local market strongly for the last 10 years at least, probably the last 20. It is the change in trading hours in the last four years that has had the big impact. Mr Speaker, that is the basis of our decision.

Retail Trading Hours

MR OSBORNE: My question is to the Deputy Chief Minister, Mr De Domenico. Could you inform this Assembly just what your ministerial responsibilities are?

MR DE DOMENICO: I am delighted, Mr Osborne. In fact, they are so varied - - -

Mr Berry: He has to read them off his business card. He does not know.

MR DE DOMENICO: I actually can pick them up from my business card. I am glad for the interjections. I have been listening to the interjections, Mr Speaker, most of which of course I will not acknowledge. I am Minister for Urban Services, Minister for Industrial Relations, Minister for Regulatory Reform and Minister for Business, Employment and Tourism. I have heard Mr Whitecross and others use the word "coward". I suggest that if Mr Whitecross wants to know what the word "coward" means let him put up his leadership when all six members of the ACT caucus are available instead of squibbing out and doing it when there were only five there. Ms Follett knows exactly what I mean.

MR OSBORNE: That was the perfect answer, Mr Speaker.

MR SPEAKER: Do you have a supplementary question, Mr Osborne?

MR OSBORNE: My supplementary questions is: As Minister for Employment, something which you have just acknowledged, what do you say to the 300-plus people who will be unemployed because of this stunt your Government is pulling? Do not be a coward and hide down there and get someone else to answer.

MR SPEAKER: Order! There shall be no preamble, but there shall be no additions to supplementary questions either.

MR DE DOMENICO: Mr Speaker, I am quite delighted that Mr Osborne asked that supplementary question. If Mr Osborne can tell me what survey he is looking at that tells him that there are going to be 320 people unemployed, I would be delighted to see that survey. In answer to that question, Mr Speaker, I do not believe that there will be 320 people unemployed because of the Government's decision.

Mr Osborne: Mr Speaker, I raise a point of order. Under standing order 118(a), I would like the answer to be concise and confined to the subject matter. I asked him, "What do you say" - he had the opportunity - "to the 300-plus people who will be out of a job because of the cowardly stunt that you have pulled?".

MR SPEAKER: Order! There is no point of order. The question has been answered. Please resume your seat, Mr Osborne.

Academy of Sport - Olympic Representatives

MR HIRD: Mr Speaker, if you ever want big business to be small business, give it to that lot opposite. My question is to the Minister for Sport and Recreation, Mr Stefaniak. Minister, the ACT Academy of Sport has been developing programs for ACT athletes for a number of years and has more recently been assisted by a one per cent levy on returns from gaming machines within the Territory. Can the Minister advise the parliament how the academy programs have now translated into ACT athletes representing Australia at next month's Atlanta Olympics?

MR STEFANIAK: I thank Mr Hird for the question. It has been an incredibly successful program, Mr Speaker. At this stage the representation of ACT athletes assisted by the ACT Academy of Sport is really outstanding. There are currently 17 athletes from eight sports confirmed in the Olympic team for Atlanta and there are two prospective additional members from athletics and gymnastics. This equates to just over 4 per cent of the team being from the ACT, and we of course have only 1.6 per cent of the national population. It is an outstanding effort both by those athletes and of course by the Academy of Sport and the staff on the programs there.

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The athletes named on the team so far are Sally McDermid and Joanne Brown in the softball team; Bruce Hick, Craig Jones, Kay Hick, Karina Weiland, Angela Holbeck and Stuart McRae in the rowing squad; Simon Baker in athletics; Myfanwy Matthews in archery; Brendan Todd in yachting; Narelle Hill and Brian Power in judo; Lisa and Trini Powell in the women's hockey squad; Alex Johnson in modern pentathlon; and Susan Hobson in athletics.

When it is considered that there was only one ACT Academy of Sport athlete in the 1992 Barcelona Olympic team, the impact and the effectiveness of the programs of the academy over the last four years can, by any account, be judged to have been extremely significant. It is interesting to note that the athletes selected have graduated both from the intensive training centre programs in sports such as hockey, rowing and softball and from the individual sponsorship program in sports such as archery, yachting and modern pentathlon. I think Canberrans can be very proud that the investment the ACT Government has made in the academy programs is really returning dividends and that we can confidently expect an even greater representation in Sydney in 2000.

Specifically, Mr Hird mentions the one per cent levy this Government has put on returns from gaming machines. That is certainly something the clubs are to be commended for. The athletes are trying to put something back into the clubs as well. That has shown incredible dividends in the year or so it has been operating.

As well as the academy-supported athletes, there are of course other Canberra-based athletes in the team, particularly a number based at the Australian Institute of Sport. We are also very well represented in the Paralympic team for 1996 which will compete in Atlanta following the summer Olympic Games. Our 11 ACT-based athletes in the Paralympic team are Damien Burroughs, Peter Dowling, John Eden, Lisa Llorens, Sharon Rackham and Frances Stanley in athletics, Richard Nicholson in powerlifting, Garry Crocker in rugby, James Nomarhas in shooting, and Gemma Dashwood and Judith Young in swimming. It should also be noted that a considerable number of ACT-based support staff are also part of the teams. The majority of these people are employed at the Australian Institute of Sport, and at last count there were some 26 Canberrans selected as part of the summer Olympic team as coaches, sports scientists, medical specialists and administrative support staff. On behalf of the ACT Government and, I am sure, all members of this Assembly and the broader ACT community, I would certainly wish all our Canberra athletes and officials every success in Atlanta, and we certainly look forward with confidence to them performing with distinction.

Retail Trading Hours

MS REILLY: My question is to Mr De Domenico as he is the Minister responsible for the introduction of the Trading Hours Bill.

Mr Moore: As shown on the notice paper.

MS REILLY: I checked the notice paper to ensure that when I spoke I was actually reporting it as it is in the notice paper.

Mr Moore: It is No. 13.

MS REILLY: It is No. 13, with a star. Mr De Domenico, what analysis has been done to ascertain how many people there are for whom the town centres are the local shops? What are the consequences of forcing these stores to close early and what will the consequences be for these people, who must number tens of thousands and many of whom live where they do because they need to access a major supermarket late at night?

MR HUMPHRIES: Mr Speaker, as the Minister responsible for the policy in this area, let me say that I do not know when Ms Reilly arrived in the Assembly, but she may have come after the delivery of the social impact study which this Government commissioned and which was a very important tool in reaching our decision about the way in which we should be protecting local centres as part of the entire Canberra retail hierarchy. That made it very clear - not in a quantified sense, in the sense of the percentage of people in Canberra who use local shops - that significant numbers of Canberrans use local shops and, what is more, that a significant number of the people who use local shops are able to use only local shops because of access difficulties. People like the elderly, women without motor vehicles - - -

Ms McRae: What about the people who live near the Woden Town Centre?

MR HUMPHRIES: You might not care about these people, Ms McRae, but we do. People like the elderly, people with young children and without access to cars, and the handicapped are the people - - -

Ms McRae: What about the elderly who live near the Woden Town Centre?

MR HUMPHRIES: They will not have access to the town centre.

MR SPEAKER: Ignore Ms McRae. She will eventually ask a question, I hope, instead of interjecting all the time.

MR HUMPHRIES: Mr Speaker, it really shows a tremendously callous and uncaring approach by those opposite. Let them eat cake. If they cannot shop at their local centre, they can go to their local town centre. For many people that just is not an option.

Ms McRae: And for some people that is the only option.

MR HUMPHRIES: Mr Speaker, that is very rarely the case.

Mr Kaine: I raise a point of order, Mr Speaker. From the time that the Minister started answering this question, Ms McRae has carried on a constant discussion. Can you please ask her to be quiet and let the Minister answer the question?

MR SPEAKER: I have, and I will ask her again. She will have an opportunity to ask a question shortly. I call Mr Humphries to answer Ms Reilly's question.

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MR HUMPHRIES: Mr Speaker, there is a fairly fundamental misconception in the question that has been asked, and that is that we are making a choice between whether people shop in a local centre or whether they shop in a town centre. That is not the distinction we are talking about. If this policy is not pursued, then there will not be local centres in the future, because the present policy settings in this town are driving those businesses out of business. You do not need me to tell you that. You need not take my word for that fact. Look at what has happened. Ms Reilly, you live in Weston Creek. You know what has happened to local centres around Weston Creek in recent times. You know the number of supermarkets that have closed around that area. You have spoken to those people and you know what small businesses - - -

Ms Reilly: But these new rules are not going to help those local supermarkets. Cooleman Court, which you use, is still open.

MR HUMPHRIES: Mr Speaker, I suggest that Ms Reilly go and talk to some of those small businesses and ask them what they think about a policy which gives them a chance by restricting access to the local centres, particularly as far as trading hours are concerned. I doorknocked every one of those local centres before the last ACT election. I spoke to every business in those local centres in Weston Creek. Mr Speaker, at least a third of those people said that what they saw as killing them was the unrestricted trading hours available in the local town and group centres. It was access to unrestricted trading hours in other centres that they saw as hurting them. You cannot claim on the one hand that this policy will make no difference and then go and front the people in those centres and say to them, "We are going to oppose this policy because it will not help you". They do not believe that, Ms Reilly. You go and talk to them and sell that twaddle to them and see what they say.

MS REILLY: Mr Speaker, I have a supplementary question. I asked about town centres. The Minister who is answering the questions today may like to look around the town centres and see the people - - -

MR SPEAKER: Question, Ms Reilly; no preamble. You know that. I know everybody tries to crib, but there is no preamble for a supplementary question.

MS REILLY: A number of people live permanently around the town centres in the ACT. They use those town centres as their local shopping centres. What are those people going to do when you close their local shops?

MR HUMPHRIES: What planet have you been living on, Ms Reilly? Those supermarkets in the town centres you are talking about will be open for 85 hours a week. Can people not find time to shop there in those 85 hours? We are not talking about midnight to 6 am or anything like that; we are talking about standard trading hours of 85 hours a week. Do not say to me that you are concerned that the people who live near the town centres have nowhere to shop. They have places to shop and they have plenty of time to shop. Mr Speaker, the other thing which is surprising in the approach taken by those opposite is that they seem to pretend that what we are doing here is placing exceptional restrictions on town centre trading in this city. I draw members' attention to the situation in other cities in this country and, indeed, other places around the world.

Ms McRae: We do not live in other cities; we live here.

MR HUMPHRIES: Indeed we do. Under the policy which the Government has introduced into this chamber, we will still have the most unrestricted trading hours regime of any place in Australia - the most unrestricted trading hours regime of any jurisdiction in Australia bar none. For a national or international comparison, have a look at the chart in today's *Financial Review* and see where we fall relative to other places. Look at New South Wales, which is referred to on that chart. Our hours are even greater than those of New South Wales. Mr Speaker, with the possible exception of the United States of America, we already lead the world in trading hours in this country, and particularly in this city, and we will still lead Australia in access to shops at hours that suit people. Mr Speaker, I do not think there is any argument about that. If you doubt that, go and check what is happening in other cities in this country. We have nothing to apologise for by comparison with other places. People, even those who live near town centres, will be able to shop extensively for 85 hours a week. Mr Speaker, that is pretty good.

Retail Trading Hours

MR WOOD: Mr Speaker, my question is to the Chief Minister. Chief Minister, noting that Mr De Domenico introduced the trading hours legislation, responsibility for which you have now taken from him, and noting that Mr De Domenico had and continues to have no role in the continuing industrial disputes, why are you continuing to pay him a full ministerial salary?

MRS CARNELL: Mr Speaker, if those opposite do not actually believe that such things as urban services are full ministerial responsibilities, then they simply do not know much about urban services. The business portfolio is a big portfolio, and so on. We on this side of the house believe that a number of issues, such as the shopping centre policy, extend across a number of portfolios. The reality is that I could have taken responsibility for that issue, or Mr De Domenico or Mr Humphries could have taken it, because there are areas of each one of our portfolios. In fact, from a departmental perspective, the work was handled out of my department. Some of the work was done in Mr De Domenico's and some in Mr Humphries's, but for consistency it was appropriate for one of us to determine to take the running on it rather than have three people running in different directions.

Those opposite and Mr Moore, you would think, would know that the issue of small shopping centres generally has a very strong planning connotation. It is essential for this city that we do not allow local shopping centres to close. If we do allow them to close, it will affect local schools, elderly people, disadvantaged people and such things as our bus services. The ramifications would be very wide, Mr Speaker. We understood that when we put this policy together, because we had done three separate surveys on the social ramifications, the length of trading hours, the amount of shopping space and so on. As Chief Minister, I determined that it was appropriate for one Minister to look after the whole policy so that we would have a consolidated and consistent approach.

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Those opposite and others would realise that Mr Humphries actually launched this policy. Mr Humphries has had carriage of it since we took over government - before we had our last reshuffle, in fact. Mr Humphries has total control over this, and has had the whole way through. We believe that probably the most important part of this whole issue is planning, making sure that our city works, both socially and functionally, in the future. We believe that local shopping centres are very much part of that.

MR WOOD: I ask a supplementary question, Mr Speaker. The Chief Minister said that because this was handled across several portfolios she gave it to one Minister. Does that mean that, when we take up the debate on the trading hours legislation, Mr Humphries will have the full carriage of it?

MRS CARNELL: Mr Speaker, I am sure that Mr Humphries will speak on the issue, as will Mr De Domenico and I. In the debate on a Bill it is normal for a number of different Ministers to speak. It seems that those opposite have forgotten that the trading hours part of this policy is a very small part of the total. In fact, when you look at the policy as a whole, you see the planning parts, the helpShop approach and new approaches to planning for local centres. All of those sorts of things bring this policy together to give local centres a real chance for the future. Those opposite who seem to think trading hours are the only part of this policy simply have not read it, which would be normal for them. We are talking about the livelihood of many Canberrans. In this question time many people have spoken about the supposed 300 casual and part-time staff the Supermarket Institute believe will lose their jobs. What about the 700-plus people, many of them full-time workers, who have lost their jobs over the last few years? What about the people who have lost their homes, the people who have lost their total investment in this city? The fact is that the people on this side of the house simply will not turn our back on those people in the interests of big business. It is that simple.

School Without Walls

MS McRAE: My question is for the Minister for Education, and this is a question that I would like Mr Stefaniak to actually answer. Can the Minister explain why he is conducting a secretive and rapid review of the School Without Walls? Is it because the school is to be closed?

MR STEFANIAK: I thank the member for the question. I am certainly happy to answer that one, Ms McRae. Firstly, you called it a secretive review. I do not think there is anything particularly secretive about it. I and senior officers of my department will be talking - in fact, they may already have done so - to the chair of the board of SWOW about the possibility of changes in the situation at the school. Mr Speaker, the board of SWOW has not formally met this year. Guess why? It is due to the industrial bans put in place by the AEU. A report is being worked upon which will make some recommendations about the best way to meet the educational needs of all the students at SWOW. SWOW was established primarily for students in their post-compulsory years, in

the 1970s in response to conditions and needs at the time. At the time we had just become the ACT education system. I am certainly well aware of there being students at SWOW in 1974, because I actually gave a lift to one. I picked up a student who was hitchhiking and who, I might add, has done very well in later life. In 1974, if Ms McRae can remember that far back, we did not have secondary colleges. It was a very different educational system then. We had Years 7 to 12 at the high school level.

There are changes in the composition of the student body which require increased accountability from schools dealing with younger students. Let us just have a look at the way it has changed. In the old days, when it started, SWOW was for those kids in Year 11 and Year 12 especially who did not fit into the more conventional style of schooling. There was a real need for that. The total number of students in July last year was 56. In May this year the number was 46. The number of students in compulsory schooling years last year was 20. In May this year it was 32. Mr Speaker, that is a significant increase in students in Years 7, 8, 9 and 10, and that, I believe, is important.

I think it is very important that the ACT retain options for students to have access to alternative educational structures and processes. That is what SWOW is all about, Ms McRae. The issue is whether the need is greater at high school age or college age and how best to meet this need. There is also a question - and this is hardly about closing the place - about providing perhaps a similar opportunity on the south side of Canberra as well. That has been talked about for a while. Relocation of SWOW from where it is at present to Dickson College is an option that will be looked at as part of this review. Students in the compulsory years of schooling will have the opportunity to access genuine alternative education. That is very important. An alternative learning environment for students will be maintained. Mr Speaker, the precise form will depend on the outcomes of the review and report.

MS McRAE: I ask a supplementary question. First of all, I would like the Minister to tell me when it will be closed, but if the ministerial advisory committee on education is looking at the future of colleges why is SWOW not one of the issues being talked about there rather than being the subject of a special review? Is it not the fact that you want to close the school?

MR STEFANIAK: It is painfully obvious. Whilst one of the issues being looked at is a relocation, I do not think that equates to a closing. There is obviously a need for this type of educational facility being provided. If Ms McRae had listened to my earlier answer, she would know that I said that part of what will be looked at is whether the program can perhaps be expanded in another part of Canberra as well.

Health Centres

MS TUCKER: My question is for Mrs Carnell as Minister for Health. Mrs Carnell, 10 months ago the salaried GPs were removed from health centres. Can you inform members how many doctors are now employed in health centres? How many, if any, are 100 per cent bulk-billing and how many, if there are any employed, are bulk-billing only health care card holders?

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MRS CARNELL: Thank you very much, Ms Tucker. Ms Tucker would be aware that the ACT Government has advertised quite widely for bulk-billing GPs to come into our health centres. I understand that there are a number of expressions of interest at this stage. As I have not had a briefing in the last couple of weeks, I am not confident on just how those expressions of interest are going. I will certainly find out for Ms Tucker and get back to her on that one, but we are certainly looking for doctors to fill those positions. As I said, we do have expressions of interest from some doctors, and we will be encouraging them to take up the positions.

MS TUCKER: I ask a supplementary question. Could you answer the first part of the question as well, which was: What is the current status? How many doctors are there working in the health centres and what is their billing approach?

MRS CARNELL: Mr Speaker, I am very happy to take that request for detailed information on notice.

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

PERSONAL EXPLANATION

MR WHITECROSS (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR WHITECROSS: Mr Speaker, in answering the question I asked Mr De Domenico today Mr Humphries suggested that I had misled the house when I said that 300 supermarket jobs would be lost because of the Government's proposed trading hours change, and that 306 was actually the total number of jobs in those five supermarkets. Mr Speaker, I want to explain that that is incorrect. In fact, there are 1,470 people employed at those five supermarkets and 306 is the number who will lose their jobs as a result of the trading hours change.

DISCHARGE OF ORDER OF THE DAY

MR BERRY: I seek leave to move a motion to discharge order of the day No. 13, Executive business, relating to the Trading Hours Bill 1996. I take it I have leave.

Mr Humphries: No. You did not give us any notice of it so we are not giving you leave.

Leave not granted.

Suspension of Standing Orders

MR BERRY (3.53): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mr Berry from moving a motion to discharge order of the day No. 13, Executive business, relating to the Trading Hours Bill 1996.

This motion arises, Mr Speaker, out of the comprehensive doing over of Mr De Domenico in relation to the Trading Hours Bill 1996 by his own colleagues. In the course of question time questions were put repeatedly to the Minister responsible for the Trading Hours Bill, according to the notice paper, that is, and he declined to answer them. Mr Speaker, Mr Humphries took on all of these questions. It is therefore clear that Mr De Domenico is not the Minister responsible for the Trading Hours Bill. Any Minister who introduces a Bill into this place ought to be brave enough to put himself in front of the members in this place and subject himself to questioning about that Bill before it is debated in this place.

Mr Speaker, this Minister obviously is not responsible for this Bill and I think that is a powerful argument for discharging the Bill from the paper. If the Government chooses to reintroduce it they ought to reintroduce it by way of a Minister who is prepared to answer questions about it in its entirety. Mr Speaker, if you do not like my speech in support of this motion, I wish you had been listening to Mrs Carnell's speech a minute ago in relation to the matter when she gave, effectively, a speech in support of my motion.

Mr Kaine: I take a point of order, Mr Speaker. I am not sure what Mr Berry is debating but I understood that his motion was for the suspension of standing orders. I think he is ranging far beyond the reasons why we should consider suspending standing orders. He is into a much wider debate. I suggest that you call him to order and that he address his remarks to the question before the house.

MR SPEAKER: Thank you, Mr Kaine. I uphold the point of order. Mr Berry, I think you have explained adequately what you are - - -

MR BERRY: Perhaps, Mr Speaker, I have been a little overzealous in my explanation to the members opposite.

MR SPEAKER: I am sure you are, but then you normally are.

MR BERRY: It takes more work than one is used to.

MR SPEAKER: I think you have explained your reasons.

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MR BERRY: Mr Speaker, I have explained the reason why I wish to discharge the Trading Hours Bill. It is self-evident why one would have to suspend the standing orders, because members opposite refused me leave to do it by leave. It is hardly something that warrants a five-minute debate.

MR SPEAKER: No, it does not.

MR BERRY: Mr Speaker, in the course of debate about this issue one is entitled - dare I challenge your view for a brief moment - to talk about the issue which will be the subject of a motion following a successful suspension of standing orders. At this point I would like to draw the attention of my Green colleagues in this place to the issue which is at large. We have a situation here where a democratically elected organisation is entitled, in a Westminster-style government, to question Ministers responsible for individual pieces of legislation.

Mr Kaine: I raise a point of order, Mr Speaker. I believe this matter has nothing to do with the suspension of standing orders, and I suggest that you call the member to order.

MR SPEAKER: Thank you. I uphold the point of order. Mr Berry, you have made the case. You have explained it.

MR BERRY: May I have the opportunity, Mr Speaker, to speak to the point of order?

MR SPEAKER: You may speak to the point of order if you so wish.

MR BERRY: Thank you. Mr Speaker, I am in the process now of trying to convince my colleagues on the crossbenches to vote for the motion to suspend standing orders. Some of them need convincing.

MR SPEAKER: Order! Mr Berry, sit down. You have made the point, Mr Berry. Resume your seat.

Mr Osborne: A very good point, too.

MR SPEAKER: Yes, it may very well be, but he has made the point. We are not, in fact, debating the issue of the suspension of standing orders; we are now debating the substantive motion. I would ask you, therefore, to resume your seat, Mr Berry, if you are going to continue in that vein.

MR BERRY: Mr Speaker, it is extremely important and in the interests of Westminster-style government that this Ministry opposite subject itself to proper questioning by members of this Assembly. We are prevented from doing so if the Minister responsible for this piece of legislation will not respond to questions.

Mr Kaine: I take a point of order, Mr Speaker. Whether or not the Ministry submits itself to questioning is irrelevant to the suspension of standing orders that Mr Berry is seeking. I again remind you that he is out of order.

MR SPEAKER: I uphold the point of order.

MR MOORE (3.59): Mr Speaker, speaking to the motion for the suspension of standing orders, I think it would provide us with the opportunity to hold this Minister accountable. What happened in question time is that members missed the ability, time after time, to hold a Minister accountable for the legislation for which he is clearly responsible. Order of the day No. 13 clearly identifies who is responsible, Mr Speaker. I think members should read it carefully. It says:

Trading Hours Bill 1996: (*Minister for Business, Employment
and Tourism*) ...

That Minister, Mr Speaker, has not been held accountable through question time. He has avoided the questions asked. He has been protected by the Chief Minister, and he has been protected by Mr Humphries. He has not put his head up to answer any substantive questions on the legislation that he has in front of him. The suspension of standing orders would give us the opportunity to debate whether he should be allowed to keep his legislation on the notice paper when he is not prepared to take questions on it.

MR KAINÉ (4.00): I oppose the motion to suspend standing orders. The matter before the house during question time was not the legislation that is the subject of this motion. Who answered questions on what matter during question time is totally irrelevant to the fact that this Bill is on the agenda and will come up for debate in due course. I suspect that Mr Berry wants to get it off the agenda, not because he has any question about who answers questions in connection with it, but because he wants to get it off the agenda full stop.

Mr Moore: I raise a point of order, Mr Speaker. Mr Kaine took point of order after point of order that Mr Berry should stick to the motion to suspend standing orders, and now he is drifting away from it himself.

MR SPEAKER: I uphold the point of order, Mr Kaine.

MR KAINÉ: If I listen to Mr Berry enough it rubs off and I do digress a bit. The fact is, Mr Speaker, that Mr Berry has made no case for suspending the standing orders, and his reference to this piece of legislation has nothing whatsoever to do with what happened during question time. The two matters are totally unrelated. I do not support his motion

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to suspend the standing orders. The Government's legislation is before the house and it must be debated. That would allow Mr Berry and Mr Moore to do just what they are trying to stop now - to subject Ministers to examination on the legislation. To remove it from the agenda now would be irresponsible, and I do not support it.

MR OSBORNE (4.02): I have to say that I will be supporting Mr Berry in what he is trying to achieve here. What we saw today was the most disgraceful, cowardly, piece of ministerial responsibility I have ever seen.

Mr Moore: Dodgy.

MR OSBORNE: Dodgy. If Mr De Domenico claims he is not responsible for this piece of legislation, then we should debate why it is that his name is on the motion paper. It is disgraceful and very cowardly, Tony. You would not stand up and answer the questions.

Mr Stefaniak: I take a point of order, Mr Speaker. I think the term "cowardly" is highly unparliamentary.

MR SPEAKER: Mr Osborne, your reference to being cowardly was directed at Mr De Domenico as an individual. I believe that you should reconsider your comment.

MR OSBORNE: How can I reconsider it when it is the truth, Mr Speaker?

MR SPEAKER: No, Mr Osborne. Withdraw please. We have been through this before, Mr Osborne.

MR OSBORNE: I will withdraw that. I do not want to hurt poor little Mr De Domenico's feelings.

Mr De Domenico: No, you do not hurt me, mate. You hurt yourself.

MR SPEAKER: Order! Mr De Domenico, do not add to it.

MR OSBORNE: They are all cowardly. It was a cowardly display from the whole Government in protecting poor little Tony there from some harsh questions.

MR SPEAKER: That is better. You must learn the standing orders, Mr Osborne.

MR HUMPHRIES (Attorney-General) (4.03): Mr Speaker, I rise to oppose the motion for the suspension of standing orders. This is a stunt by Mr Berry.

Mr Osborne: Don't you talk of stunts.

Mr Moore: Stunt. Stunt from Mr Stuntphries.

MR SPEAKER: Order!

Mr Moore: Somebody has outstunted you.

MR HUMPHRIES: Yes, Mr Moore heard correctly. It is a stunt. Mr Speaker, I think it is most unfortunate. I ask members to step back for one instant and look at the question that we are trying to deal with here. The suggestion is that the Assembly should step in and rearrange the Government's handling of legislation, which is its own prerogative. The Government has determined that administrative orders should be gazetted, and Mrs Carnell did that some time ago. Under that arrangement, Mr De Domenico was responsible for the Trading Hours Act. Having done that, however, Mrs Carnell also, as Chief Minister, determined that there should be a review of a range of issues affecting retailing in the Territory, of which retail trading hours and the legislation are only one element. Mr Speaker, the decision was made that one Minister, namely me, should take carriage of the package of issues and should handle that matter on the floor of the Assembly. Let me pose an example to members.

Mr Berry: I take a point of order, Mr Speaker. I think Mr Humphries may well be throttled by your ruling in relation to relevance to the motion to suspend standing orders.

MR SPEAKER: Thank you. Mr Humphries, be conscious, please, of that.

MR HUMPHRIES: Mr Speaker, let me cite an example of what is being suggested here. Supposing members of this place, for whatever reason - - -

Mr Berry: I raised a point of order.

MR SPEAKER: Yes, and I will uphold the point of order in regard to all members. We are discussing the suspension of standing orders. We are not discussing the substantive motion which may or may not follow.

MR HUMPHRIES: Mr Speaker, I oppose the suspension of standing orders because it is a grave affront to the Government's right to handle the business that it brings before this house in the appropriate way. If members opposite did not like the fact that the task of handling this matter was divided between a number of Ministers, with respect, they have no recourse other than presumably to throw out the whole Government. The fact is that we have the right to organise business as we see fit in the Government. If it is the decision of the Government that elements should be handled by a particular Minister and that he or she has carriage of that matter on the floor of the Assembly, it is the right of the

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Government to do that. Previous governments, including the Follett Government, did exactly the same thing and referred issues between Ministers on different bases. Euthanasia is a very good example. Where was their spokesman on health on euthanasia issues when it came to the debate? He was put to one side.

Mr Speaker, I also remind members that although Mr Wood is the shadow Minister for economic development and Ms McRae is the shadow Minister for planning, and undoubtedly there are elements of both those things in this package, it is - - -

Mr Berry: It is not relevant, Mr Speaker. He should be ordered to sit down.

MR SPEAKER: Order!

Mr Berry: He should be sat down immediately.

MR SPEAKER: No, I am sorry; I do not uphold the point of order. The point at issue here for the suspension of standing orders is the fact that some other Minister's name appears on the notice paper as having carriage of this particular legislation. Mr Humphries, I suspect, is drawing attention to other anomalies. Is that correct?

MR HUMPHRIES: That is right.

MR SPEAKER: Then it is relevant.

MR HUMPHRIES: Despite the fact that other shadow Ministers have responsibility, it is Mr Whitecross who has handled this issue almost exclusively for the Opposition in the course of this debate in the public media.

Ms Follett: Mr Speaker, I raise a point of order. I suggest strongly to you that Mr Humphries is straying into the substance of the issue and that the motion before us is to suspend standing orders to allow that issue to be debated. I feel very strongly that Mr Humphries is attempting to forestall that entire debate in a way that other members have been prevented, quite correctly, by your rulings, from doing.

MR SPEAKER: Yes, and I would draw Mr Humphries's attention to that fact.

MR HUMPHRIES: Thank you, Mr Speaker. Mr Speaker, I oppose the suspension of standing orders because it is the Government's business how it handles those matters. If a member has carriage of a matter that member has to account to the Assembly for the handling of that matter, and I have done so on the floor of this chamber and elsewhere. Members opposite have no more entitlement to demand answers of somebody else on this subject, of Mr Hird, for example, than they have to ask anybody else that they happen to choose on this front bench. Mr Speaker, it is the Government's decision how it handles those matters. We have made our policy as a whole accountable to this Assembly. We have discussed and answered every element of our policy. We should be allowed to continue on that basis.

MR SPEAKER: Order! The time for debate has concluded.

Question put:

That the motion (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Ms Follett
Ms McRae
Mr Moore
Mr Osborne
Ms Reilly
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Inquiry into Voluntary Parent Contribution Scheme -
Revised Government Response

MR STEFANIAK (Minister for Education and Training) (4.11): Pursuant to order of the Assembly of 18 April, I present the revised Government response to Report No. 11 of the Standing Committee on Public Accounts entitled "Voluntary Parent Contribution Scheme in the ACT School System". I move:

That the Assembly takes note of the paper.

I am tabling this report several days late, and for that I apologise. I thank members for allowing the extension. Additional time was required to work through a wide range of possible options to address the Assembly's concerns about voluntary parent contributions to schools.

At the very heart of this whole debate about voluntary contributions lies the issue of equity. What the Assembly has communicated to the Government is that it really wants to assist those schools with the students most in need. I believe that we all endorse the proposition that all children should have equal access to quality education programs. I will speak later, Mr Temporary Deputy Speaker, about the extensive equity-type funding already allocated by the Government to address educational disadvantage. However, before I discuss equity funding in greater detail, I would like to sketch in a little background.

On the surface, the concept of voluntary contributions has an appealing simplicity, but, in the full reality of school operations and financing, the picture is really quite complex. Each school and its parents and citizens association has its own approach to raising the funds. Every school spends its money in different ways to provide an even greater range of interesting educational opportunities. It is easy to say that, but I want to emphasise, Mr Temporary Deputy Speaker, that this difference between schools is a very important reality in the ACT. When we discuss voluntary contributions, or any other aspect of schooling for that matter, we must keep that difference in the front of our minds. It is a quite complex business indeed. The main reason for this is that, in the ACT, we celebrate the autonomy of our schools. We believe that our schools have the capacity to manage their own affairs within the broad parameters set by government. It is a normal and sensible thing, Mr Temporary Deputy Speaker, for schools to seek to improve their learning and teaching environment, and to seek funds from parents to achieve this. These funds permit schools to respond with greater flexibility to the needs of their students. The mix of activities on which voluntary contributions might be spent is varied and complex.

What is much more important is that the way schools, students and parents go about raising these funds is also varied and complex. How they raise their funds depends on the traditions and circumstances at each school, and the prevailing views of the people making the decisions there. For example, many schools have a tax deductible library fund; others run fetes or hold the dreaded lamington drive or other fundraising activities. Some schools collect a general voluntary contribution but seek additional contributions for specific events, such as excursions, or for consumable materials in certain elective subjects.

I am sure that most people in this Assembly already have some knowledge of how schools raise money. This is not new to them. But I would encourage them to keep this real set of differences in mind when we are considering the how, when, where and why of schools asking parents to give more money to further enhance their children's education. School communities do differ in their willingness and ability to make voluntary contributions. The Government encourages parents to contribute to their children's education. However, the Government would not direct parents to make such contributions. They are, as the name implies, entirely voluntary. We should be careful that our actions in this place do not unintentionally discourage parents from making contributions, nor schools from undertaking fundraising.

However, earlier this year, a survey by the Council of P and C Associations showed that some schools and colleges had not been making the voluntary nature of parent voluntary contributions explicit. Principals have been directed to review their literature and practices to remedy this shortcoming. The Government is concerned to ensure that students are not discriminated against because their parents have chosen not to make the voluntary contribution. I have directed that appropriate measures be taken to ensure that any discriminatory practices are removed. I have also asked that the policy statement on voluntary contributions be reviewed to remove any ambiguity.

Mr Temporary Deputy Speaker, I now turn to equity-type funding. I am announcing the introduction of a schools equity fund which will assist those schools serving communities identified as being most relatively disadvantaged in socioeconomic terms. This schools equity fund will operate from the beginning of next year and will address those equity needs referred to in the Public Accounts Committee report. Different schools receive different levels of funding according to the needs of their students. This year the ACT Government has allocated over \$34m to ensure that students are not educationally disadvantaged. Over \$30m of this is from ACT funds. The balance is funded by the Commonwealth. These are targeted funds, funds additional to the regular allocation of funds to schools. The funds are targeted to those schools with children with the greatest needs.

This equity-type funding is allocated to meet the special needs of a wide range of students. This includes approximately \$4.6m for English as a second language, \$19m for students with disabilities in both mainstream and special settings, \$5m for learning assistance and reading recovery, \$3.6m for student counselling and behavioural management, and \$700,000 for Aboriginal and Torres Strait Islander education, along with other programs. One program particularly worthy of mention is the means-tested junior secondary bursary scheme. This program presently provides around \$360,000 to assist students from low income families to complete their compulsory schooling. It must be agreed that, out of a total annual education budget of over \$200m, \$34m is a very significant amount to direct towards students with special needs of one kind or another. As I mentioned earlier, Mr Temporary Deputy Speaker, these funds are distributed on equity grounds. They are spent on a wide range of programs and in different ways to meet those needs.

This Government, as have previous governments, allocates millions of dollars annually to address in a very specific way the learning needs of more than 12,000 children every year. That is the number of kids we are talking about. Where and when possible, schools with the highest levels of needs are assisted. For example, when extra computers have become available for distribution to schools, as they did several months ago when I handed out about 180 free ones, the needs of schools are taken into account when priorities for distribution are set. The schools who need them the most get them. We know that ACT students have access to good learning environments. However, we recognise that, despite our very best efforts, and despite the wide range of equity programs, some students still slip through the net. To track these students, we are developing measures to report on student achievement in literacy and numeracy.

Mr Temporary Deputy Speaker, I want to turn now to the schools equity fund. This fund is being introduced in response to the concerns expressed in the PAC report, and by some members of the community, about equity issues in schools. The key objective of the schools equity fund is to redress socioeconomic disadvantage and to improve student outcomes in schools serving a community identified as being relatively disadvantaged. Resources for the fund will be provided from savings made from within the existing government schooling budget. The ACT schools equity fund will be applied in conjunction with the Commonwealth contribution of approximately \$55,000 under the former disadvantaged schools component of the national equity program for schools in the ACT. I am advised that this funding will continue. This will provide a total of \$110,000 available annually for distribution for equity purposes.

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The schools equity fund will target schools with the greatest need. The money will be used to assist as many schools as possible, and details of the fund will be released later in the year. Our objective is, as always, to improve opportunities for students and to improve student outcomes in disadvantaged schools. The schools serving communities defined as being relatively disadvantaged will be identified according to Australian Bureau of Statistics socioeconomic indexes. There are five indexes that can be applied to ACT schools. They are based on census data. These indexes summarise information from a variety of underlying social and economic variables including educational attainment, occupation, family income and family expenditure. These ABS indexes are currently used within the ACT to target Commonwealth funding through the disadvantaged schools component. This funding, until now, has been available to only two ACT schools in a given three-year period. These indexes are the most reliable means of identifying socioeconomic status for targeting funding. They provide a good starting point for further refining of measures of relative disadvantage.

The Government, Mr Temporary Deputy Speaker, has responded to the concerns of the Assembly. We have taken steps to tighten up the administration of voluntary contributions. We emphasise the voluntary nature of contributions; we require schools to inform parents explicitly of this fact; and we will be watchful in eliminating any remaining discriminatory practices. Three “best practice” letters about voluntary contributions have been made available to school principals as exemplars to be used when writing to parents about voluntary contributions. The first letter is for use in primary schools, the second in high schools, and the third in secondary colleges. This will be followed up in a routine way to remind principals and school board chairs of the importance of stressing the voluntary nature of contributions. Schools will also be reminded in the same way that they should be most explicit in explaining to parents what voluntary contributions will be for. As I think the committee recognised at its hearings, and it has become painfully obvious, I think, to everyone, if you tell people what you need money for, if you tell them what it is going to be used for, you generally get a pretty good response. Available evidence indicates that the schools who do that best tend to get a very good response from parents.

Mr Temporary Deputy Speaker, the Government will continue to support schools which seek to raise additional income from voluntary contributions by encouraging parents to make these contributions where they can. However, recognising that some school communities do experience a degree of disadvantage, we will establish the schools equity fund from 1997 to assist those schools. As can be seen from the report, Mr Temporary Deputy Speaker, we will also continue to monitor, assess and take further action as a result of follow-up action we will be taking with schools, the P and C associations and the school boards in relation to points raised throughout the report. Mr Temporary Deputy Speaker, I commend to the Assembly the Government response to the report entitled “Voluntary Parent Contribution Scheme in the ACT School System”.

MS McRAE (4.23): At long last. At last the Government has finally done some work. What a pity that it had to take a sending back of the report to get the beginning, the glimmer, of some sense on this issue.

I will raise a few concerns that I still have about the Government's response to the PAC report. The ABS figures and the new sort of measure of socioeconomic good and bad are important, but one note of caution I would like to put in is to somehow build in the equation for the out-of-area kids, because for a lot of our schools there is a very high level of enrolment from out of area. Whilst I am sure that the Minister's people will think of that, I would like to see some measure of that considered more thoroughly because it does not necessarily always correlate. We also really need to know how that relates to parental contribution because it is our suspicion that, even in a low income area with a lot of out-of-area parents, they are very keen to contribute. The correlation of where children live and where they go to school does not always add up to the maximum benefit for the school. As Mr Stefaniak indicates, it is certainly something that the Government has given some thought to, and I will be very interested to see how that translates when the equity fund comes into operation. I must say that it seems like a very small fund, but I guess we will test that only in the process of its use. For 100 schools, \$55,000 does not add up to a lot, but we will see what it is that the schools require and how it comes out. I must say that at least it is a beginning and some recognition of the real equity issues that exist in our system and that came to light.

The Government sort of pointed out that they were going to do more work on recommendations 13, 14 and 15, and I must say that I will be very interested to see the work that is going to be done. They are the sorts of questions that are getting to the very heart of just what is a good educational experience for our children. I take Mr Stefaniak's point that the diversity within our system is very valuable, and it is not something that the Government will want to interfere with, or impose a standard set of experiences for every school. However, this seems to really invite almost a benchmarking exercise of what is good, what is bad, how much should be done, how much should not, and what is the best practice. It is almost a guide to schools about some of the variations.

Of course, I am quite familiar with the fact that school principals meet regularly and, pretty well across the system, people do have a reasonable idea of the variation; but I would be very interested to see, at the end of this work, whether we could have, without pointing fingers at different schools or trying to put any school up or down, some perhaps more focused discussion of what the best practices are, how we can enrich a child's experience, and not necessarily just throw money at it. I hope that, at the end of the further work that is going to be done with that, some very helpful and informative extra work is going to come. I must say that I am very pleased to see that that is very definitely on the agenda. Parents do really need to know what the range of compulsory learning activities are, what are out of areas, and what the range of choices are. For the most part, our eight key learning areas cover that, but the variation within the eight key learning areas does mean that it is difficult to get a handle on what best practice is.

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Of course, what parents want above all is some guarantee that there will be an equivalence of resources across the system. The Government pointed out that they had increased their per school granting for discretionary funding. I think part of the complaints that we were hearing through the inquiry was that there is a variation in the quality of equipment, the range of equipment, and the age of the equipment that is available to schoolteachers. I would hope, as a result of the further work that the Government does as we start to delve a little further, that perhaps some flexibility can apply, and that some of the schools that feel that they are really working against all odds in terms of equipping their schools well will be dealt with beyond the equity fund and with a little more sensitivity by the central advisory body. Mr Stefaniak points out that it is very much an advisory and supportive body which has put many schools onto good leasing programs and other management programs. In many cases I think it just has to be granted that some schools have had a much more difficult time in offering the range of basic equipment that has now become standard. So, a bit of flexibility in that area, I think, would be very useful.

I think what comes out of this overall is that we are not moving to reduce the dependence on voluntary school contributions and that the Government, and presumably now the community at large, has accepted that parent contributions are - well, I hesitate to say it - a necessary part. Unfortunately that seems to be the case. I would like to see this Government take the lead next year and offer a wider range of support for schools in the terms of workshops about what yields the best type of result in terms of fundraising. I am well aware that the Education Union has already done this work. It would not take very much to draw on what they have done and assist schools. Like the much heralded help team that is going out to our small shops, perhaps we could use a similar model with a help team within the schools authority, or even a voluntary group drawn from the P and C associations, for fundraising.

Something I mentioned when I first talked about the response to the PAC inquiry is a recognition that the physical locations of some schools make it almost impossible for them to draw on anything other than the immediate school community for extra funds; whereas other schools, purely by nature of their location, and, of course, with good entrepreneurial activity too, do better. Even with the best will in the world, Latham Primary School is a long way from everybody else, and nobody drives past Latham Primary School except people who live in Latham. On the other hand, people who go past Telopea Park School are on a thoroughfare and come from a lot of different places; so the capacity to draw extras to a fete, to a fundraising concert or to other activities is very great. Whilst this is not a major factor that affects fundraising, I think it is something that we ought to recognise, and in some way offer support and assistance for innovative ideas or collaborative ideas for schools that find themselves in general socioeconomic regions of low socioeconomic input, or just physically placed in an area that makes it very difficult for them to draw on extra funds.

I must say that this report is a great improvement on what we saw before. I think it is now an issue well and truly on the mainstream agenda for the future of schooling in the ACT. The expenses that face our schools - Mr Stefaniak is only beginning to realise - in terms of fitting out IT properly is something that will face any government, and this at least is a beginning. The cabling has been accelerated a little and coordinated, and the provision of computers has been improved. That is clearly the way of the future.

We have to find a cost-effective way to ensure that every child has equal access to information technology and information technology training. This report goes some way to recognising the rights of all students to a free choice of educational subjects and options regardless of their capacity to pay, but rightly points out the difficulties that face some schools, some communities and some parents in meeting those costs. It comes some way in trying to deal with those. I will be very interested to see the ongoing work that is being heralded by this new response.

MR MOORE (4.31): I am delighted that the Assembly sent this matter back to the Government and asked them to rethink the issue. After having just had a very brief reading of the response and having heard the Minister's speech, certainly some positive things have come out of it. I think the development that we see of best practice letters on voluntary contribution is an important issue. I think Ms Tucker recently quoted in this Assembly from a letter which had gone out to parents in terms of the voluntary contributions and which was entirely inappropriate. I also think the establishment of a schools equity fund is something on which the Government needs to be congratulated. I think those two components of this response are indeed an interesting start.

I also notice the Government's response in terms of information technology and advice that further research is going on in that area. We have a great responsibility in our schools, Mr Temporary Deputy Speaker, to ensure that our children are au fait with information technology and that some students are not given great advantage over others. From a personal perspective, I know that my children are particularly comfortable with information technology. They are so comfortable that when we were linked to the Internet only a short while ago they immediately were able to go and search it without any effort whatsoever. But we have computers in our house, and have had since they were old enough to use them. There are many children in this Territory who do not have that kind of exposure and must have it through the school system.

Mr Temporary Deputy Speaker, I think it is an important step forward that the Government has responded positively to those prime elements of Report No. 11 of the Standing Committee on Public Accounts. We were most concerned about the equity issue. That was taken into account first of all with the primary response of the Government. It is something that, no matter who is in government, we are going to have to keep an eye on so as to ensure that there is general equity.

It is education that provides the fundamental issue of social equity. It allows individuals, rather than just their families, some opportunity to advance themselves. It is about enhancing individuals to the farthest possible extent and ensuring that education outcomes are equitable right across the spectrum. Mr Temporary Deputy Speaker, I think this is an important first step in as far as I have been able to read the report, and I look forward to going through the rest of it more thoroughly. It is appropriate to congratulate the Minister on a much more positive response than the first time round.

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

SUBORDINATE LEGISLATION

Papers

MR HUMPHRIES (Attorney-General): Mr Temporary Deputy Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, instruments of appointment and regulations.

The schedule read as follows:

Motor Traffic Act - Motor Vehicle (Third Party Insurance) Regulations
(Amendment) - No. 9 of 1996 (S123, dated 19 June 1996).

National Exhibition Centre Trust Act - Instruments of appointment to the
National Exhibition Centre Trust -

No. 93 of 1996 (S120, dated 18 June 1996).

No. 94 of 1996 (S120, dated 18 June 1996).

Public Place Names Act - Determinations of street nomenclature in the
Divisions of -

Ngunnawal - No. 96 of 1996 (S122, dated 19 June 1996).

Bruce - No. 97 of 1996 (S122, dated 19 June 1996).

Public Trustee Act - Instrument of appointment to the Public Trustee
Investment Board - No. 98 of 1996 (S126, dated 21 June 1996).

Veterinary Surgeons Act - Determination of fees - No. 92 of 1996 (S118,
dated 14 June 1996).

PAPER

MR HUMPHRIES (Attorney-General): For the information of members, I present the Treasurer's Monthly Financial Statement for the year to date ending 31 May 1996, which was circulated to members when the Assembly was not sitting.

HOSPITAL IN THE HOME - PILOT PROGRAM
Ministerial Statement and Paper

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.35): Mr Temporary Deputy Speaker, I seek leave of the Assembly to make a ministerial statement on the hospital in the home program.

Leave granted.

MRS CARNELL: I am pleased to announce that the ACT community will soon have access to a pilot ACT hospital in the home program, which will enhance the provision of focused acute nursing and allied health care for patients in community settings, usually their own home. The program will be similar to hospital in the home programs established elsewhere in Australia over the last few years. The program will target patients experiencing an acute episode of illness and those recovering during the early post-operative period who, without the support of the program, would remain in hospital. Patient conditions that have been successfully targeted by hospital in the home programs in other States include medical conditions and orthopaedic, plastic, vascular and general surgery.

The hospital in the home program aims to improve the quality of care for particular groups of clients, reduce the average length of stay in hospital, increase the number of surgical admissions and decrease the waiting list. The program will offer continuity of care from hospital to home and encourage patients to be actively involved in their own care. The hospital in the home program will be formed partly by amalgamating resources and funding from three separate existing programs funded under the Medicare incentive program. The amalgamation of these programs will allow the development of a more comprehensive program with increased hours of service delivery. The program will also be able to provide care for patients with a greater variety of medical conditions. Amalgamation of the programs will improve the efficiency of this type of service by streamlining the coordination and administration of the programs and avoiding duplication.

The services provided by the amalgamated programs will be maintained and the categories of patients from Calvary and Woden Valley hospitals will be included in the expanded program. The types of patients previously included on the programs which are to be amalgamated are those having had orthopaedic surgery procedures, including total knee or hip replacements and fractured neck of femur. Post-general surgery patients will include patients following breast, plastic and abdominal surgery. Medical patients included on the programs have included those requiring intravenous antibiotics.

While maintaining the existing range of services, the program in the early stages will specifically target post-surgical clients. The surgical services team at Woden Valley Hospital will manage the program. A committee is providing advice on the types of patients most suitable for expanding the pilot program during the implementation phase.

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Professor Donald MacLellan, Professor of Surgery at the Canberra Clinical School, and Kimberley Pierce, the Assistant Director of Nursing for Surgical Services, in partnership with Community Care, are enthusiastic about the implementation of the pilot program, as it provides another opportunity to identify clinical practices and new technologies which can deliver optimal patient outcomes.

Evaluation of Medicare incentive programs identified that \$3 was saved for every \$2 that the Commonwealth allocated. That has to be very good use of money. Evaluations of the hospital in the home programs in Victoria show that, on average, 2.68 days are saved per patient admission. Again, that is a very impressive outcome. Analysis of productivity increases as a result of similar programs in New South Wales has shown that it is possible to shorten waiting lists, increase throughput and improve patient outcomes as long as resources are put into home-based acute care.

Complications and readmission rates are more dependent on technical problems with procedures than on the level of support in the home. Linkages will be established between the hospital in the home program, general practitioners, community-based nursing and allied health services, medical specialists in consulting rooms and the accident and emergency departments to accept referrals and to avoid unnecessary admissions to acute hospital beds for specifically targeted care.

Patients will make an informed consent to care under the policies of the pilot program. In circumstances where patients have complex care needs or are not in a position to make an informed consent, the agreement of carers or advocates will be sought prior to admission to the program.

Evaluation is an essential part of the pilot program. The pilot program will be continuously monitored and a comprehensive evaluation conducted in the second year of operation. The committee which is providing advice for the implementation of the program will examine options for a cost-effective evaluation of the program.

Hospital in the home programs in other States have been shown to have benefits for patients and carers as well as to facilitate more effective utilisation of hospital beds. The expected outcome of the hospital in the home program in the ACT is the development of a customer focused model of care which enables improved continuity, integration and coordination of acute and community services.

The hospital in the home program will commence in July this year and will operate as a pilot program for two years. The hospital in the home program is an example of this Government's commitment to the development and improvement of health care in the ACT. This program is very important to the general future of health in this country and I think it is very important to know that the focus will always be on the patient. I move:

That the Assembly takes note of the paper.

MR BERRY (4.42): When it comes to the general principle, one would be hard pressed to argue that a person is not better off in their own home than being in hospital. The problem is: At what point do they go? A look at the background here in the ACT and at the timeliness or otherwise of the introduction of this policy, I think, would raise a few questions. Firstly, we have a health system that is \$14.2m behind, arguably, operating on fewer patients.

Mrs Carnell: No, not arguably; 1,000 more.

MR BERRY: Arguably, operating on fewer patients. We have hounded Mrs Carnell's bureaucrats for proof of her claims, which is yet to come.

Mrs Carnell: Since when were you able to hound bureaucrats, Mr Berry?

MR BERRY: We have spoken to people in relation to this and we have not received the proof. The management of the hospital system and the move to push patients out early would raise some questions out there in the community, and rightly so. If I had Mrs Carnell managing my health system, I would be worried too. So, against that background, we have some concerns.

This paper seems to target older people. That, to me, is a worry. I am not, at this point, satisfied that the hospital in the home program will be received that well out there in the community. In the early stages of these programs, I suspect that much care will be taken with the type of patient who is sent home early. I wonder, though, whether that same care will continue in due course, as the pressure goes on to save the dollars to which Mrs Carnell referred in her ministerial statement. She placed much emphasis upon \$3 being saved for every \$2 that the Commonwealth allocated. She said that it was very important. It seemed to me that the whole speech had as its basis the need to save money.

Mrs Carnell: You started off by saying that we were spending too much on health.

MR BERRY: Out of control expenditure. Mr Speaker, when you see those savings interests of the Government being expressed in such terms, I suppose you would not be surprised, given the Government's poor performance in managing its budget thus far. I see that Mrs Carnell uses evaluations in Victoria as a plus for her policy. I am not sure that the Victorians are that happy about it. The main aim of the claim that followed on from that was the reduction of the time spent by patients in the hospital.

I now go to the issue of what might have prevented the Government's enthusiasm for this policy; and that is an important election promise that Mrs Carnell made before the last election. Who will forget her continual promise - her repeated promise - of 50 extra beds? She said, "We will provide 50 extra beds and we will get \$30m worth of savings out of the hospital system". She came in here and talked about how every \$1m she spent on things like the Booz Allen consultancy would save \$8m, on my recollection - and we have been sliding backwards ever since.

Mr Humphries: Yes, sure.

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MR BERRY: We have slid backwards ever since. Mr Humphries interjects, “Yes, sure”, which is a rather feeble defence when you consider the facts. Mr Speaker, in the first place, if Mrs Carnell says that something will happen, we have all learnt to understand that it may not. In principle, this program is a good idea, if the right sorts of patients are taken home early, if they receive the right sort of care and if they are comfortable with it. I note that Mrs Carnell says that this will be against a background of informed consent. I trust that that will be the major emphasis of the policy; but I know that in some of these early discharge programs, depending on how many people are in the hospital, staff tend to encourage people to leave earlier, if there are lots of people in the hospital and lots of people wanting to get into the hospital, than they do if there are empty beds.

Mrs Carnell: You do not know what you are talking about.

MR BERRY: Mr Speaker, I think Mrs Carnell said that I would not know what I was talking about. Mrs Carnell is kidding herself. I started off the first early discharge program in the Territory. If she wants to open her mouth about who knows what about anything, she is talking to the right fellow, because I do know a bit about these things, having had responsibility for them in the past. I do not trust the Liberals on the delivery of health care, and neither does the community.

Mr Humphries: That is why they elected us.

MR BERRY: Mr Humphries interjects, “That is why they elected us”. The community did not elect them to government. They needed the help of others.

Mr De Domenico: What percentage of the vote did you get?

MR BERRY: Mr De Domenico has just made an interjection. He would not answer questions in question time, but he wants to interject when other people are making a contribution to the debate.

MR SPEAKER: Order! Relevance, Mr Berry.

MR BERRY: It would be far better if Mr De Domenico answered the questions that are put to him and kept quiet when other people are speaking. Mr Speaker, this is a pilot program that is to be supported in principle, but to be concerned about by the community, given the background of the Liberals’ management of health in this place.

MR HUMPHRIES (Attorney-General) (4.49): Mr Speaker, I would like to make a little comment - and, of course, Mr Berry leaves, as he always does. He throws out a few venomous words and then he runs away because he does not like to hear his arguments being torn apart. I understand. Bye-bye, Mr Berry. Mr Speaker, I think, whereas Mr Berry is entitled to have a go at the Government, as he invariably does - apparently, we can do nothing right in the area of health - it is unfortunate that he uses the vehicle of the hospital in the home program to make that kind of attack. This program is a significant one, both for reducing the costs of running the health system - we make no bones about that - and for providing people with acute care in an appropriate setting.

People do not always like to be, or want to be, in a hospital. They do not always respond well to the environment of a hospital. Devices that we can employ to give people the option of treatment of a specialised nature outside a hospital setting has to be good news for a great many people in this community for whom the very thought of going to a hospital could be absolutely terrifying. So, Mr Speaker, it is a little unfortunate that Mr Berry's broadside is aimed at Mrs Carnell and the Government's handling of health. In fact, I think it casts some aspersions on those people within the hospital system who have been working hard in the last few months to get this hospital in the home program under way.

Mr Berry says that we are sliding backwards. Mr Berry seems to ignore the available evidence about this matter, particularly the evidence available on the very tests that he, himself, used to feel were important tests of the success or failure of the hospital system - namely, things like throughput and particularly hospital waiting lists. Under Mrs Carnell, under the Liberal Government, those waiting lists have fallen - not a lot, I concede, not as much as we would like, but they have fallen. If that is, in Mr Berry's language, sliding backwards, then I look forward to our sliding backwards a lot more and a lot more quickly in the coming months.

Mr Speaker, before the Opposition gets too carried away about attacking the cost-saving elements of a program for early discharge, let me remind members that it was Mr Berry in 1989 who introduced the first early discharge program - namely, the mid-call program - and that that program has been successful in offering many women the opportunity of getting out of hospital earlier than they would otherwise be able to and the chance to recuperate in their own homes. So, Mr Speaker, I have to say that I think the attack has been most ill founded. This is a very important program. We should acknowledge and give credit for the successes and achievements of the system where it makes them, and this is certainly a case where it has made those sorts of achievements.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.52), in reply: Mr Speaker, in an area like this, I thought we would have ended up with some sort of bipartisan approach to an initiative that is being taken all over this country and that was started under the previous Government. But, no, Mr Berry could not do that, not even for just 10 minutes or so. Mr Berry made comments about the blow-out in the health budget. This side of the Assembly has made it very clear that we do not find that situation acceptable, and that is the reason why we are looking at ways of being able to maintain improved patient care for less money. Shock, horror! What a good idea! That is one of the things that this approach is about - how we provide better patient care, in more appropriate surroundings, in a more cost-effective way. That would appear to me to be one of the things that health management is all about.

Mr Berry made some comments about the general state of health at the moment. Mr Berry might be interested to know that, on the figures that are available, to the end of April, in the ACT we have done, I think, 13,382 surgical operations, compared with 12,340 - over 1,000 more - for the same period - - -

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Ms Follett: You are double-counting.

MRS CARNELL: No; you were double-counting. We are counting everything once. On top of that, to the end of April, the waiting list has decreased by 270. That is a 6 per cent reduction since this Government came to office. I think that is something that we should be very proud of, Mr Speaker, and we certainly are. In fact, it shows that there is a staggering 23 per cent increase in main theatre surgery over that for the same time last year. That is a huge increase.

Certainly, the budget is still a problem; but we are seeing more patients, we are bringing down waiting lists and, as well as that, we are introducing, I think, very exciting new programs - programs that will ensure that, I suppose, the division that has existed between critical care and care in the home will be broken down in the future. It will mean that the continuity of care for patients when they leave hospital and go into their homes will be guaranteed. It will better integrate our hospital and our community services, with a focus on the patient, not on the service, Mr Speaker. We think, on this side of the house, that is absolutely essential. And, Mr Speaker, that is what our Bill that we will debate later this week, which brings together community services and the hospital under one statutory authority, will do as well. We must stop focusing in health on the services that exist and start focusing on the patient.

Question resolved in the affirmative.

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

MS FOLLETT: I present Report No. 9 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

MS FOLLETT: Mr Speaker, Report No. 9 of 1996, which I have just presented, contains the committee's comments on nine Bills, 20 pieces of subordinate legislation and four Government responses. Mr Speaker, there are two matters which I would like to draw to the Assembly's attention. The first is that one of the Bills on which the committee is reporting today is the Gungahlin Development Authority Bill, which is a matter due to be debated later this week in the Assembly. I regret to say that that piece of legislation bears some mark of rather hasty drafting, and I would commend it to the responsible Minister's attention for possible amendment later this week. I would also like to comment, Mr Speaker, that the report I have just tabled contains a number of responses from the Attorney-General to previous reports of the Scrutiny of Bills Committee. As I say in the report, Mr Speaker, the Attorney-General's responses were invariably helpful, and I thank him for them. I commend the report to the Assembly.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Inquiry - Auditor-General's Report No. 5 of 1996 -
Management of Former Sheep Dip Sites

MR WOOD (4.57): Mr Speaker, I seek leave to move a motion to refer Auditor-General's Report No. 5 of 1996 to the Standing Committee on Planning and Environment and to make a brief statement.

Leave granted.

MR WOOD: Mr Speaker, I move:

That, notwithstanding the resolution of 9 March 1995 relating to the terms of reference of the Standing Committee on Public Accounts, Auditor-General's Report No. 5 of 1996 entitled "Management of Former Sheep Dip Sites" be referred to the Standing Committee on Planning and Environment for examination and report.

Mr Speaker, in part, the Auditor-General's report comments on matters that arose during my administration. Obviously, in the discussion of that, I should withdraw from the committee. However, I would point out that the other two members of that committee are also members of Mr Moore's Planning and Environment Committee. Mr Moore wrote to me, asking for a joint look at that Auditor-General's report. I have suggested instead that the matter be simply referred to his committee. I think that is an appropriate way to go through that process. Both committees have considered this and have agreed to that process.

Question resolved in the affirmative.

REFUGEE WEEK

MR KAINE (4.59): Mr Speaker, I seek leave to move a motion relating to Refugee Week.

Leave granted.

MR KAINE: I move:

That the Assembly supports Refugee Week and notes the contribution that refugees have made to the ACT community.

Mr Speaker, members will know that this week is Refugee Week in the ACT. Refugee Week consists of a number of activities that have been put together to remember the tribulations of refugees to this country and to celebrate their achievements since they have arrived here. The week began yesterday morning, when the Chief Minister launched the week. Members will know that there was a reception here at the Assembly last night.

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There are activities listed for every day of this week, until Saturday. I would urge members to attend as many of those functions as they can so that the people who are represented during Refugee Week recognise that we do understand who they are, what they are and what their problems are.

Mr Speaker, the objectives of Refugee Week have been spelt out. I will not read them all, but there are three of them that I believe are relevant to this community. They are:

To acquaint the community with work being carried out to promote the well-being of refugees and the contribution made by refugees in Australian society.

To keep before all Australians the need for maintaining and improving assistance for refugees, both around the world and in Australia.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

REFUGEE WEEK

Debate resumed.

MR KAINE: A third objective is:

To encourage all Australians, through community education, to welcome and assist in settling refugees in this country.

Those are only three of a number of aims and objectives for Refugee Week. Refugee Week, of course, is not new. It is not old either. The first Refugee Week was recognised in Australia in 1986, beginning in Sydney. Since then it has become a national event, becoming national in 1988, and it has been celebrated every year since then. So, it is important recognition of some of those migrants that have come to Australia under circumstances that are less than happy ones. Refugee Week is sponsored by Austcare and the Refugee Council of Australia. I think we should recognise the work that they do in mounting this week each year.

Mr Speaker, the experience of being a refugee is something that is fresh in the minds of many Canberrans, although, for many of us, the notion is quite remote. There are very few native-born Australians who have any conception of what it means to be a refugee. It is regrettable that, even in our small community, we have a considerable number of people for whom a first-hand experience of trauma has led to their attempting to make a new life in this country. Shortly after World War II, some of those people began arriving here from northern Europe and southern Europe - principally, however, from Europe.

In the years since then, we have seen refugees coming from many countries. We have had them from Vietnam after the communist takeover there. More recently, we have seen people fleeing from the horrors of war-torn Bosnia. Along the way, we have had refugees from places like Chile, Iran, El Salvador and Afghanistan. So, we have had people from many countries throughout the world who have sought refuge in this country. The sad thing is that the number of refugees throughout the world is growing. It has been increasing steadily from about 11 million in 1986, when the first Refugee Week was celebrated here, to about 15 million in 1990 and 23 million in 1995. What that means is that there are more refugees in the world than there are people living in this country. That is a staggering figure when you think about it. Stressed in another way, one in every 115 people have been forced to flee their homes at some stage in their lives. You can imagine what trauma there would be in this country if you looked around your own neighbourhood and you knew that one in every 115 of your neighbours had had to flee their homes because of war deprivation or deprivation of civil liberties - the many reasons why people throughout the rest of the world are forced to flee their homeland and seek somewhere else to live. I think it is something that we in this country need to dwell on.

Refugee Week provides an opportunity to raise community awareness about the complex issues facing refugees and displaced people in the world. It is sometimes hard to imagine what it is like to be a refugee - because we have no experience of it - to leave everything that you have grown up with, everything that you are familiar with, all of your personal property, your circle of friends and your culture and to pack up what few bags you can carry and take them away with you to another country, particularly when that departure is often the result of some extremely traumatic personal experience, including in many cases personal torture, but certainly the deprivation of civil liberties and the destruction of everything that you own.

It is difficult for some of us to make the connection between our own personal experiences and those of the refugees who have gone through that experience and have come to this country. The theme of Refugee Week this year is, in fact, to help make the connection. There is an invitation to all Australians to help make the connection with refugees by encouraging individuals and communities to reflect on the many global situations that give rise to refugee situations and the many complex issues that relate to the repatriation and rehabilitation of refugees. It is also a celebration of the contribution that refugees have made to Australian society in particular.

On that latter question, Mr Speaker, it is interesting that people who come from such diverse backgrounds, under such traumatic circumstances, often arriving in this country with nothing, do not just give up. Their contribution to this country has been enormous. I must make the distinction between migrants, of whom there have been millions,

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and refugees, who, fortunately, number somewhat less than that but who are not an inconsiderable number. For example, in the five years between July 1991 and June 1996, a total of 670 refugee and humanitarian program entrants to Australia have, in fact, settled in this city. It is not a lot of people; but, when you look at that in the context of a population of 300,000, it does constitute, in real terms, a lot of people and a lot of suffering. Yet those people come to this country, they come to this community and they make an enormous contribution.

Their first contribution, as with all other migrants, is that they bring their culture with them, and their culture is assimilated into ours. I think anybody who has observed the progress of Australia, as a nation and as a society, over the last 50 or 60 years has to be struck by the richness of the society now compared with what it was 50 or 60 years ago. Some of us are old enough to remember that; others amongst us are not. I certainly remember what Australia was like in the 1930s and the 1940s. It was an interesting country; but it had some rough edges. The arrival of these people in Australia has had a major impact on our culture and has enriched us, I believe, enormously.

But their contribution is more than simply a cultural enrichment of this country. Everywhere you look in Canberra, you see people who have only recently, in relative terms, arrived in this country, whether as refugees or simply as migrants. You find them in every field of endeavour. You have only to look at the telephone book to see the change. I can remember when the telephone book consisted of Browns, Smiths, Joneses, MacDonalds, Campbells, O'Neills and O'Learys, and there were not many others. They were all Anglo-Saxon names. And that is in my lifetime. It is rather different today, is it not?

Even to read the telephone book is an experience. There are all those new names from so many different parts of the world. Those people are working and living in this community. It does not matter whether you are talking about the Public Service, whether you are talking about commerce, whether you are talking about business, particularly small business - in any activity that is carried on in this city you find people who have arrived in this country only recently, many of them traumatised people who have had to come to find a new life for themselves. They work diligently and they make their contribution to this society, both economically and in any other way that you care to imagine. It is my strong personal belief, Mr Speaker, that these people have enriched our community enormously. They make their contribution. We have to understand that they do not come without their scars and their bruises, and we have an obligation, as a community, to make their landing a little softer, if we can, and to make their transition to being useful, productive citizens of this country as painless as possible.

It is through organisations, many of which we have in this Territory, like the Multicultural Council and all the subordinate ethnic groups that constitute that body, and through activities like Refugee Week, that we can make natural-born Australians aware of these problems; and that we can make sure that they understand that these people are not just ordinary people, but are special people, and that they deserve special attention. I commend my motion to all members of this Assembly.

MS REILLY (5.11): I rise to speak in support of the motion, Mr Speaker. I think that, as Australians, we can be proud of our record in supporting refugees - both refugees that have come to Australia, particularly since the Second World War, as Mr Kaine has discussed, and also refugees who are still living overseas. I think we should recognise the valuable contribution that those people who have come to Australia have made to the Australian community and the additions they have made to the richness of Australia's life. It is very important to acknowledge their contribution to our cultural lives, through the arts and architecture, and to the intellectual life of Australia.

I did not have the advantage of living through the 1930s and 1940s in Australia; but, if you read any history of Australia you will realise that there was a certain blandness and dullness in Australia at that time, as we xenophobically kept a lot of people out of the country. I think it has been to the advantage of all of us to be part of the wave of both immigration and the taking in of refugees that has occurred since the Second World War. I grew up in Queensland in the 1950s, and I remember that there were still a number of camps where refugees were living, waiting for allocation of proper housing. I think we can be proud of what we have done to assist those people to become part of the Australian community.

We also need to recognise and acknowledge how fortunate we are to live in a country like Australia. Being an island continent, we have been lucky not to have been invaded. Since the invasion of 1788, there has been no further invasion of Australia. It is very hard to comprehend what it is like living in other countries of the world and what people's lives are like, when there have been wars going on for years, when there have been famines going on for years, and when there has been no opportunity to settle, to have any sort of stability in their lives, or to pursue the practices that they want to. Australia is lucky. We have political freedom. We have freedom of speech. We have the opportunity to vote. We have the opportunity to participate in democratic practices such as in this Assembly. Even question time is an opportunity for people to speak out. We also have the opportunity in Australia to exercise religious freedom - to follow the religion we like - and to lead, for the most part, the lifestyles that we want to.

I think, as a nation, we have welcomed these refugees and we have recognised our responsibilities in this field to ensure that these people are maintained and helped to work here. We also need to recognise the assistance that we give refugees within their own countries or the places where they have been forced to live. It is a very important part of Australia's responsibility to the world that we do not just provide assistance to people when they arrive in Australia, but that we provide a lot of assistance to people who are continuing to live within their own countries or within their own communities. One of the things that I think we should be proud of is our overseas aid program.

We need to continue to bring this to the attention of the Federal Government and remind it of its responsibilities, both within Australia and within the world, to continue that overseas aid and not to make the cuts that have been discussed. If we stop providing assistance to people overseas, the refugees will be the ones who suffer. We may not notice any loss of services or any changes in Australia; but the people who are assisted through those programs will notice the change. For amazingly small sums of money, a lot of people can be assisted. It is not only the fact that it is assisting the refugees; we also benefit through the assistance we provide overseas. Really, when you look at it,

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our overseas aid program is very small, and the thought of cutting it further is horrifying. It would not do Australia's reputation any good at all if we cut that program, if we cut overseas aid, if we cut our assistance to refugees. I hope that we will all bring it to the attention of our Federal colleagues and remind them of Australia's responsibilities to the rest of the world.

One of the positive parts of having things like Refugee Week is that it put the focus on the plight of refugees. It is an opportunity to educate and inform people in Australia of the realities of the day-to-day lives of people living in camps, living in areas where they may not choose to live, having to put up day after day with the grinding poverty, the lack of access to services, even the lack of basic things such as water and shelter. I think it is important that this week focuses on things like that; that it focuses on the needs of those people who are not in our sight, who do not live in Australia. We still have a responsibility to assist those people in some way or another.

The unfortunate part is that, as a people in the world, we cannot seem to stop the various internal strifes that go on or stop the various wars. The number of refugees continues to increase and the number of people who are on the move - in other words, trying to find a place to live where they can be safe and secure - continues to rise. I think, as Australians, we have a responsibility, because we are rich enough - both in sheer money terms and in political terms, through our freedoms - to assist these people. There are various ways in which we can do that. Obviously, one way is by giving donations of various types. But, as a government, it is also possible for us to provide assistance to those people. Obviously, with the program that Mr Kaine read out, there are opportunities for people to be part of Refugee Week and to provide assistance to those refugees who are overseas. It is also an acknowledgment of the people who live in the ACT who have joined this community after coming from various places.

As an example of this, I would just like to mention Mr Victor Marillanca from the Chilean community, who this week is giving his twentieth anniversary broadcast on 2XX. Throughout all the years since he came to Australia, having escaped from political torture in Chile, he has been maintaining the links and maintaining the flow of information to other Spanish-speaking people, particularly Chileans, in the ACT region. I think he is to be congratulated for the work that he has done. It is a recognition that you leave a country, but you cannot leave everything that you grew up with. You cannot leave your own culture. He has settled in Australia and has participated in the Australian community; but he still maintains those links. I think that is an important example of what can be done and what we should encourage within the community in the ACT.

In conclusion, Mr Speaker, I would like to support the motion and acknowledge the valuable contribution made by refugees to the ACT community and to Australia as a whole, as they enrich the whole of our community through their participation.

MR STEFANIAK (Minister for Education and Training) (5.19): Mr Speaker, I listened with interest to what both Mr Kaine and Ms Reilly said. Ms Reilly indicated that there is a large number of refugees in the world. I recall seeing some figures which indicated that the number of refugees in the world is much greater than the Australian population. That is a rather horrifying statistic. I think it is very appropriate that Mr Kaine moved this motion this week, because refugees and migrants generally have

contributed so much to our community. I suppose that I would not be here if it were not for a refugee, Mr Speaker. My father was in the first big batch of refugees after the war. He was a refugee because of what occurred in eastern Europe during the war, and he felt that he could not return to his country. He and his brother, Kasik, were in England and Scotland after the war. Kasik returned because he was, I think, a sergeant in the Polish Army. My father was a lieutenant. The Katyn Forest executions had occurred in 1940, where the Soviet Union had executed some 14,000 Polish Army officers. Consequently, a large number of former Polish Army officers who were in Britain did not return for fear of being executed. They were, in fact, refugees, because the Soviet Union had taken Poland into its sphere of influence and under its domination after World War II. So, a considerable number of refugees came out to Australia then.

Mr Kaine mentioned Australia of the 1930s and 1940s. Whilst I do not think any of us here were around then to experience that, I always recall the story my mother told me about when she announced to her family that she was marrying a Pole. That was not something that was done very much in those days because we were very much an Anglo-Saxon, Anglo-Celtic community. When my mother accepted my father's proposal - I cannot remember who proposed to whom there, but it was back in 1950 - she told her family. One of the members of her family was her sister-in-law Dolly - Dolly Blake now. Dolly came from Coolamon. Uncle Dick married Dolly after World War I. She was the prettiest girl in Coolamon. Dolly, when told that my mother was marrying a Pole, said, "Which Mr Pole is that?". She had no real concept of the situation. But that was very typical of the times.

It is interesting to look, firstly, at the very good record Australia has in terms of refugees and just taking in people generally from overseas. I think the Chifley Government should be congratulated - indeed, Arthur Calwell richly deserves to receive the kudos - for that first great wave of post-war immigration. So many of those people were refugees. It is a proud tradition that has been continued by successive governments of all political persuasions.

Ms Reilly mentioned Victor. I have met Victor on many occasions. He was a refugee from a right-wing fascist dictatorship in Chile. There were further refugees in the late 1970s. There were refugees from a left-wing totalitarian regime, escaping from what was formerly South Vietnam. Many of those people - the boat people - came out to Australia then. A lot of countries did not want them. But Australia, at that time under Malcolm Fraser, a Liberal Prime Minister, had a very proud record in terms of those refugees. It continued with successive governments into the 1980s and 1990s. Australia still takes many refugees. We have an excellent record in terms of our attitude to taking displaced and oppressed people from overseas and welcoming them into our home and our hearts. They certainly have responded as excellent citizens. As Mr Kaine has so correctly said, they have greatly enriched this nation.

In the ACT, we have just a local government, but - I think I speak for both sides of the house here - we are pleased to do what we can to assist refugees. Indeed, a lot of assistance is given, in cash, in kind and in other forms of support, to the Ethnic Communities Council and its offshoots. It does a lot of work with new migrants and new refugees. A more recent program that springs to mind is Transact, which helps

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refugees traumatised by torture. That has provided a valuable service. In a recent funding program for which I had to sign off some things, I signed off that one with great pleasure, because it is another example of just how we, as a community, can help refugees and those at the end of the scale who have been severely traumatised by their experiences in their former countries as a result of very nasty and often very inhumane treatment by the authorities in those countries. We, as a community, I think, have a very good and enviable record, not just as a nation, but also as a local community.

Ms Reilly talked about assistance that we give overseas. In recent years, Australia has been involved in a large number of peacekeeping operations. I think people would remember, in very recent times, the small deployment of medical staff that we sent into Rwanda, into some awful situations there, where there was ethnic violence and people running around madly killing thousands of people. Our small force there made excellent efforts in terms of assisting the sick, the maimed and the wounded. Also, we made a very significant contribution in Cambodia, in supervising the elections there. The general consensus was that the Australian Army contingent there was the best out of all contingents, and it certainly won the hearts and minds of all the people it assisted there. Many of those people were very much refugees within their own country. Some came to Australia; but very many of them were simply refugees within their own countries who had left their areas and their homes because of the various civil wars and internal strife occurring in those countries.

So, overall, Mr Speaker, we certainly have a very proud record which dates back certainly to the end of World War II. It is very timely that we think about Refugee Week. Mr Kaine has brought forward an excellent motion, which is certainly worthy of the support of everyone in this Assembly, and no doubt it will get that.

MS FOLLETT (5.26): Mr Speaker, I want to speak very briefly on this matter. I am conscious that my speech will be following some very fine speeches indeed. Obviously, I will be supporting the motion that has been put forward by Mr Kaine. I want to take a slightly different tack from the other speakers on this matter. The first thing that I want to say is that I have met many refugees over the course of my life, and I have been struck on almost every occasion by what a triumph of the human spirit it is that people survive the most horrendous experiences of war, of civil unrest, of famine, of natural disasters and of the most brutal forms of persecution imaginable, and, still, those people are prepared to come to a new country, to settle, to raise families and to make a positive and a very creative contribution to their new society. That really is, in my opinion, a triumph of the human spirit.

Mr Speaker, I think we must always bear in mind that the situation for refugees has not always been as open or as welcoming as it appears to be at present as far as Australia is concerned. I refer to the Australian community itself as much as to any other element. It is the case that, when I was growing up, when I was very young, the term "reffos" was a generalised term of abuse for anybody from a non-English-speaking background. At the time that I was growing up, in primary school and even in high school, there was a large influx of migrants and refugees, during the 1950s and the early 1960s, in the immediate period following the Second World War, as Mr Stefaniak has indicated. Those migrants did not receive fair treatment; there is no doubt whatsoever in my mind about that.

Apart from terms of abuse like “reffos”, “new Australians” and a range of other epithets, those people were supremely disadvantaged - at least in the community which I grew up in, which was Canberra - by virtue of the fact that they did not have good English and there were very few programs, if any, to assist them to develop English. They were disadvantaged in the education system. They were disadvantaged in the job market. There was blatant discrimination against employing people with “a funny name”. It is only in recent years that we have seen Australia turn into a more tolerant society - a society that is open to diversity and that prides itself on its multiculturalism. I think we should be very proud of the progress that we have made, as a society, in our treatment of people from diverse cultural backgrounds; but we should never lose sight of the fact that we were not always so praiseworthy and that we must always be conscious of the need to ensure that we have the right programs, the right education and the right opportunities for people to continue to embrace that cultural diversity.

Mr Speaker, I believe that it is time that Australia took in more refugees. We are a wealthy nation that can well afford to do more than other nations in terms of offering a home to people who are living in war-torn areas of the world or who are suffering persecution of the most brutal kind. I believe that the Federal Government needs to address the issue of how many refugees Australia should take. I also think we should keep in mind constantly the need to provide specific programs to assist refugees to overcome their disadvantage, which is massive, and to provide every opportunity for them to take a full and equal place in the community which they have now made their own.

Many refugees, for instance, have suffered the most appalling torture as part of their persecution. Most migrants to Australia and most people in our community will never require counselling for torture and that kind of trauma; but refugees do. It is an expensive service, because it must be conducted one-on-one, and it must be extended usually to the whole of the family that is involved. But there is, in my opinion, the greatest imperative for any caring government to continue to fund that torture rehabilitation service to the maximum extent that is required.

Many other refugees are, in effect, stateless persons. They have fled their own country without papers; they have no rights of return there, except often under pain of death, under pain of imprisonment or under pain of continued persecution and repression. So, many of them are, in effect, stateless persons. This was certainly the case with the refugees from China following the Tiananmen Square massacre. They came here with nothing. They were students here, and they had no rights and no prospect of return to China because of their stance in the democracy movement. So, Mr Speaker, it is essential, for those people to take an equal part in our society, that they be provided with the usual things that so many of us take for granted; for instance, the means to travel. To travel freely to other countries, they need a passport. Most of them do not have one. The provision we make for refugees to take out citizenship, to get passports to be able to move freely as do the rest of us, is another area where the Federal Government has to be ever-vigilant. There can be no cutting back on those kinds of programs without denying some very needy people the full human rights that the rest of us take for granted.

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So, I commend Mr Kaine for his motion on Refugee Week. It is a matter that we could probably debate for the duration of the week without too much trouble, because there are so many issues to be covered. But I hope that governments, both local and Federal, will bear in mind those couple of points that I have made.

MS TUCKER (5.33): I would like to speak briefly on the motion. It is a good discussion to have, and, being Refugee Week, it is particularly appropriate, although I have to say that it comes at a time when services to refugees in this country appear to be under threat. We note that the Federal Liberal Government is talking of decreasing the availability of legal representation for potential refugees, making it harder for them to argue their need for asylum. In Canberra we are seeing a loss of language training for people from non-English-speaking backgrounds, some of whom will be refugees and some of whom cannot hope to build a new life without learning the language of their adopted country.

I have been speaking to some of these people, and I would like to read just a couple of letters. I asked a question about this issue of Mr Stefaniak last week. It was: What has happened to the students at CIT? He thought it was a hypothetical question. I hope, indeed, that it was and that he does not have to address this issue. But what we have right now is 300 students, who thought they were going to start another English course in July, who now do not know what is happening and who have been told by a bureaucrat that they should not enrol because there will be no certainty about the availability of that course until after the budget. So they have to wait. For example, one of the letters reads:

I am a student at CIT Reid ... I am writing to you because I am very worried about my English classes. I have been told I might not have a chance to study English after July because the Government will not pay for the classes. I am migrant from overseas and came in these country to leave all rest of my life. I wish to be make my life good for myself and for my new country too. I wish to find job and work successfully, but without more English knowledge, I think it is impossible. I am sure that you and this country too want and looking for good workers with self-confidence and independence but without English it is too hard.

There is a series of letters, basically expressing the same sentiment - which is a great desire to work and a great desire to be constructive in their new country. Once again, we have the issue of equity in society, which I keep referring to in debates. Today, it arose in the gun debate. Once again, we have a problem in society where we see now that there is a group forming - another "other" group - that is causing concern. This is so often connected with social disadvantage of some kind. We welcome these people into our country; but it is an insult to welcome them in and not support them in the ways that are necessary to help them become part of this community.

So, I hope, after hearing what Mr Stefaniak and other members of his Government have said today, that I will see a strong reaction from Senator Vanstone in her attempts to find efficiencies in education so that these 300 students do not just arrive at a resource centre which has a few English classes that are run by volunteers. I do not say that it should be our responsibility, but it obviously is if the Federal Government is going to just pull out. We have citizens of Canberra who want to be a constructive part of our society, and we really do have to take responsibility for them.

I would agree with other speakers about the diversity of the people who have come to our country from overseas, including those who have come as refugees, and the constructive influence that so many of them have had. As other speakers have already mentioned so well, they have had extremely traumatic experiences in their home countries, but they have had the courage to come here and start again. I support the valuable and important work of Transact. I know of one girl in this town who saw her whole family raped and thrown off a boat when they were coming here. She was living by herself in Canberra, in a strange country, with no family. If there had not been someone there to support her, how she would have coped is really not worth thinking about.

I think all members here really support the support services for these people and recognise the value of welcoming them to our country; but I hope that I will see that support in real terms. I hope that, if we continue to see cuts in the Federal Government, members will lobby very vocally and publicly to change that Government's stance so that citizens of the ACT who have come from these sorts of backgrounds are properly supported.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Glass Milk Bottles

MR MOORE (5.39): Mr Speaker, this evening I would like to raise a fundamental issue about the environment and remind members of the three Rs - reduce, reuse, recycle. I suggest to members that a most important issue to look at in this respect, before we come to recycling, is reducing the reusing. One of the best examples we have of this in Canberra is the use of glass milk bottles. Indeed, Mr Speaker, we have heard the Liberal Government promising to keep bottles going, as Kate Carnell said on the Liz Jackson show on Friday, 21 June, "as long as is humanly possible". Of course, the rest of us wonder what exactly is meant by "humanly possible". What we really need is a commitment to the environment and a commitment to glass milk bottles.

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As far as I am concerned, Mr Speaker, before the milk bottles go, perhaps the current ACT Milk Authority should go. If we do not have in place the right people who can ensure not only that we have the milk bottles but also that we have an enhanced system of encouraging people to buy milk in bottles, which is an environmentally friendly method of packaging milk, then I think we should find people who are prepared to do this. My understanding is that the decision that was made within the Milk Authority was not known by either Mrs Carnell or Mr De Domenico. Indeed, if they did not know, then perhaps it is the Milk Authority that needs to be recycled. Who knows how those people might be reused? We might even use the opportunity to reduce them.

The current Milk Authority does not seem to understand this issue. I know that Mr De Domenico made a great effort to ensure that a new bottling machine was installed in Canberra, and expenditure was spent in that way. Nobody can take away from him the credit for the effort that was put into that. He certainly consulted me, and I know that he consulted other members quite regularly on that. For some reason, the message does not seem to have got through to the current Milk Authority that there are no committees to see whether or not we need bottles. We do need bottles. It is something that is already there. Their role is to work out how to maintain the number of milk bottles used, how to ensure that it is done safely, and how to ensure, preferably, an increase in the use of milk bottles within the ACT.

We already know that regional areas of New South Wales and South Australia are investigating how they can reintroduce milk bottles into their areas. Canberra has been one of the few places that have committed themselves to this kind of protection of the environment. That is how it should remain, particularly for conservation reasons. Also, Mr Speaker, it is quite clear that many people actually like to have their milk in bottles. There is a whole series of reasons for that, not the least of which is that this is the only way in which you can actually get ordinary pasteurised fresh milk - the milk with the cream on the top of the bottle, where you have to shake the bottle. You have to beat the kids to the bottle; otherwise, they will have taken the cream off the top first. I speak from personal experience.

Mr Speaker, this is an important issue. I think it needs to be said very clearly that until now I have supported the approach that the Minister has taken; but the Milk Authority has to be told that this is not a matter of if, or perhaps when - that their responsibility is how to ensure that they keep the milk bottles coming to people in Canberra.

Glass Milk Bottles

MS FOLLETT (5.43): Mr Speaker, I would like to follow on from the comments that Mr Moore has made about the continuation or otherwise of the selling of milk in recycled glass bottles. Through you, Mr Speaker, I would say to the Minister that what I would like to see is an independent and scientifically reliable study of the merits of glass containers for milk versus other containers. My reason for that is twofold. First of all, Mr Speaker, I believe that we need to examine this matter on the ground of public health. I have certainly seen material that indicates to me that milk in glass containers can deteriorate quite rapidly, particularly if it is left in the sun. We also know from constant anecdotal evidence that it is possible for milk in glass bottles to become contaminated. We have seen that contamination today in the form of shards of glass in the bottom of the bottle. We have also, in the past, seen other forms of contamination. Snails come to mind. Dirt and other things have been found in glass milk bottles in the ACT. So, I would like some reliable evidence to be offered to me about the consumer product safety aspects of various containers for milk.

The other issue that I would like a definitive examination of is the environmental impact of the use of recycled glass bottles versus other forms of containers. Mr Speaker, I am aware that, in terms of the glass containers, there is an enormous amount of energy and resources expended in efforts to keep those bottles useable and clean. There are, for instance, huge quantities of hot water and detergent used to clean the bottles. There is a huge quantity of electricity used in producing that hot water and that detergent. I think we have to consider whether the environmental argument for glass bottles, which appears to be attractive - I accept that - is as robust as it might be. As I understand it, the bottles are used only about 11 times and are then consigned to the scrap heap. I think we need to know whether that recycling effort is, in fact, better than the use of some other form of container. With modern advances in the use of recyclable materials, I do not believe that it is not possible to produce a cardboard container - or even a plastic container - that is readily recycled. So, I would like to see some sort of environmental audit done on the various forms of containers, and I would like to see the results of that audit.

As a former member of the Milk Authority, Mr Speaker, I am very much aware of people's often-stated fondness and preference for their milk in glass containers. But I can inform the Minister that I have never bought my milk in glass containers. It is for the simple reason that I did not want it sitting outside where anyone or anything could get at it, including dogs, magpies and thieving people. So, Mr Speaker, I think we have to get past the simplistic and perhaps nostalgic arguments that have been put forward for glass containers. There is no doubt in my mind that, if we are to continue with selling milk in glass containers, there is a price that the community will be asked to pay for that, quite apart from the environmental cost. We will clearly need to maintain, or perhaps to acquire, some very sophisticated machinery, and it may well be that the arguments do not hold water - or milk either. If the Minister is looking to make some sort of a constructive input to this whole debate, then I would recommend that kind of public health and environmental audit to him. I, for one, would be very pleased to see the results.

Glass Milk Bottles

MR DE DOMENICO (Minister for Urban Services) (5.48): Mr Speaker, I wholeheartedly and passionately endorse what Ms Follett has just said. At the same time, I have a nostalgic yearning to support Mr Moore. But I think Ms Follett put it very realistically. We need, once and for all, to look very hard at the environmental and economic costs and to have independent and scientifically reliable studies to tell us exactly what are the pros and cons of milk being sold in bottles. I can recall in my Victorian days, when milk was provided free to schoolkids, drinking the half-pint bottles. We used to have bets with each other as to who could drink the most of that stuff. Honestly, it was vile sometimes, because it was left in the sun for two or three hours. It tasted horrible. I am blown if I know why we did not get sicker than we usually did.

Ms Follett made some good points. It has been said to me that milk in a glass bottle deteriorates if the glass bottle is left in the sun. Logically, one would think it would. It is more readily able to be got at by dogs, cats, magpies and people as well. The thing that gives me the most concern about glass milk bottles is the aspect of public safety. It has been said to me time and time again that slivers of glass have been discovered in the bottom of milk bottles. I have always said that this Government will continue as far as possible to provide milk in bottles. However, if there is any evidence shown to me that public safety is affected, the Government will take them off the market. We cannot just hope that everything will be all right; we have to be assured, in terms of the quality control of the product being sold, for a start, that there are no glass slivers in the bottom of the bottles. If we are a responsible government, we have to make sure that the product we provide to the consumer is the best quality product.

So, I hear what Ms Follett is saying, and I have a strong inclination to agree with it. In fact, I have told Canberra Milk that, if there is any more evidence of faults in machines that mean that we continue to get people complaining about glass in the bottom of milk bottles, we will make sure that the consumer is not given the opportunity to buy milk in glass bottles. However, let me reply to what Mr Moore said. Earlier this year the Government spent \$250,000 to get a new milk bottling machine across from Wollongong to here - not a new one but a second-hand one - because the condition of ours was deemed to be the reason why we continued to get glass in the bottom of the bottles. I have been assured that that is no longer happening. However, as I said, if it continues to happen, we will look very closely at the current situation.

Ms Follett was right; the problem is not just the glass that we find. An enormous amount of energy, money and time is spent in actually rewashing these bottles every time they are used. Some people say that yes milk in a bottle tastes different from milk in a carton. I suggest to them that sometimes it may be because it has some detergent in it, and of course it is going to taste different.

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So, once again, community safety is a thing that is paramount in my mind. I have gone to great lengths to satisfy the whims of this Assembly, from the point of view of being nostalgic -some people might say “simplistic”, but let us be kind and say “nostalgic”. I will continue to do that; but let me also say to this Assembly that the bottom line will be public safety and making sure that the consumer out there is guaranteed of getting a quality product.

Question resolved in the affirmative.

Assembly adjourned at 5.51 pm