



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

26 JUNE 1996

**Wednesday, 26 June 1996**

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

### **PETITION**

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

By **Mr Hird**, from 26 residents, requesting that the lease and development application for community sporting facilities in McKellar be approved.

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

### **National Soccer Centre**

*The petition read as follows:*

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the undersigned residents living in the Belconnen community totally support the proposed development and provision of much needed community sporting facilities by the Belconnen Soccer Club initiated in 1985, at the intersection of Owen Dixon and William Slim Drives in McKellar.

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

Petition received.

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## ANIMAL WELFARE (AMENDMENT) BILL 1996

**MS HORODNY** (10.32): I present the Animal Welfare (Amendment) Bill 1996.

Title read by Clerk.

**MS HORODNY**: I move:

That this Bill be agreed to in principle.

Today, I am presenting two Bills. One is to amend the Animal Welfare Act, and one is to amend the Food Act. These Bills represent a package which will have the combined effect of banning, after a three-year phase-out period, the production and sale of eggs from hens kept under battery cage conditions. We are also proposing to establish a labelling scheme which will indicate on egg cartons the type of egg production used. These measures will have the effect of eventually outlawing what is currently a legally allowed way of keeping hens in the egg production industry but which, by any objective measure, is very cruel on the hens themselves. This issue addresses some fundamental principles about how we keep and treat animals, particularly animals kept for human consumption.

The food production industry is increasingly moving towards a system where the quality of animal lives is of minor importance relative to their role as food. With the expansion of intensive agricultural techniques in poultry farms, piggeries, cattle feedlots and the like, farm animals are being more and more forced into mechanised production systems that take little account of animals' natural behaviour and welfare. All the industry cares about is whether there are sufficient animals or animal products of the required size, weight, et cetera, at the lowest cost to meet consumer demands. How much pain and suffering the animals have to endure along the way is not their concern. The Greens believe that all animals deserve respect and a good quality of life. We believe that farm animals such as hens should not be exploited and abused in the production of food for human benefit, especially when there are more humane alternatives available. We believe that cruelty to animals is not acceptable in our society and that this principle should be applied equally across all types of animals. Imagine that your pet cat or dog had to live all of its life in a cage that was so small that the animal could not even stretch out; that it was forced to live all of its life crammed so close to other animals in a cage that it generated constant fights between the animals. It sounds dreadful; yet this is exactly how 95 per cent of hens live while producing eggs for our supermarkets and the food processing industry.

Modern intensive agricultural practices dictate that the vast majority of eggs come from hens raised in the very cruel battery cage system. While the Greens are concerned about all intensive agricultural systems, it is difficult to do much about it in the Legislative Assembly because of the fact that most of our food is imported. There is one glaring exception to this, however, where we can, should and must do something. In the ACT there is one battery hen farm, that is, Parkwood Eggs, on the western edge of Belconnen. It houses some 260,000 hens, that is, over a quarter of a million hens, in seven sheds and produces about 80 per cent of the eggs consumed in the ACT.

These sheds are crammed with battery cages. The hens live generally four to a cage, and each cage measures some 450 millimetres square. Each hen thus has a space significantly less than an A4 page in which to live out her life, with no space to spread her wings or to do the things that hens naturally do, like scratching the ground, perching and nesting.

Battery hens live a life of misery; there is no doubt about that. Male chicks do not even get to live, because they are useless for egg production, and are killed off soon after birth. Hens' beaks are partly removed to stop the pecking and cannibalism that arises from the hens being kept in such confined spaces. The hens are constantly required to stand on sloping wire mesh floors so that the eggs can roll out for collection. Because the cages are stacked on top of each other, the hen faeces from the upper cages falls on the birds below and eventually filters down to the ground. The hens suffer many health problems as a direct result of caging, and, exhausted after about a year or 18 months of egg production, are then slaughtered for stock cubes or pet food. The Greens believe it is time that this cruel system was stopped. We are, however, aware of the economic realities faced by egg producers and have tried to be as conciliatory as possible in establishing more humane alternatives to the battery cage system. The three-year phase-out will allow time for Parkwood Eggs and other farms which supply the ACT market to modify their production systems, with minimal cost.

The Bill will allow hens to be kept in a free range, barn or aviary system. While the free range system is the ideal, animal welfare groups generally accept that more intensive keeping of hens is still necessary to supply the large market for eggs and to minimise production costs. Eggs can be produced in an intensive system but without the cages, and that is the proposal that we are putting forward. The barn system allows hens to be kept in large sheds. There would be no cages, and the hens would be allowed to freely move around the shed and scratch around in deep litter on the floor. The aviary system extends this concept by providing multilevel benches, perches and nesting boxes within the shed, which allows hens to freely move from level to level. These systems are fairly intensive but still allow the hens to have a reasonable opportunity for natural behaviour and forming social groups. It is getting the hens out of prison but still in a confined shed.

We have already heard in the media that Parkwood Eggs claims that it will be forced to close because of this legislation, but this stance has to be seriously questioned. If Parkwood Eggs cannot change its business practices over a three-year period, then you have to wonder about its management capacity and its ability to be innovative. There would be no point in it moving over the border as it would still not be able to sell in the ACT eggs from battery hens. Parkwood Eggs currently enjoys a virtual monopoly in the ACT egg market. Perhaps it would be good to introduce some more competition into the ACT from other egg producers who are prepared to be innovative. The assertion has also been made that this legislation will cost jobs. In fact, the position is quite the opposite. More jobs will be created. More jobs will be created because the alternative egg production systems are more labour intensive; that is the whole point of the legislation. Egg prices may rise by around 2c per egg to cover the additional costs, but it must be remembered that the price of eggs from battery hens is artificially low because of the high level of neglect and suffering that the birds endure under the battery cage system. That is because there is not enough monitoring; there are not enough people looking after the hens. Essentially, that is where the cost saving is at the moment.

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The Animal Welfare (Amendment) Bill will also tighten up the animal welfare provisions by giving inspectors the power to make random walk-through inspections of commercial, research and educational facilities where animals are kept. Currently, inspectors have to give seven days' notice to the operators of these premises, which is not effective in catching out illegal and inappropriate behaviour. This would put animal welfare inspectors on a par with health inspectors who have the right to do random inspections of restaurants, cafes and fast food outlets. This Bill will also establish publicly accessible reporting procedures for inspections of premises to improve the transparency and accountability of the actions of the Animal Welfare Authority in ensuring that animals are not being mistreated in the ACT. Reports of inspections will be required to be freely available from the Animal Welfare Authority so that the public can be satisfied that it is doing its job properly.

In the case of prosecutions for animal welfare offences, the Bill will also remove the defence of adherence to a code of practice. We do not believe that industry codes of practice have much to do with animal welfare. Industry standards are about maximising production while doing the minimum required to keep the hens alive and producing eggs. The existing code of practice is vaguely worded and subject to differing interpretations, and that has been the cause of many of the problems to date. It is also completely inadequate by the most basic standards that are required for the treatment of other animals such as domestic pets.

This legislation, if passed, will be groundbreaking for Australia, but there is interest from animal welfare groups right across the country to push for similar legislation in the States. There are also moves overseas to ban battery cages. Switzerland banned battery cages in 1992, and Sweden has made a commitment to ban cages by 1999. The ACT has the chance to lead Australia in its protection of both farm and domestic animals. I commend this Bill to the Assembly.

Debate (on motion by **Mrs Carnell**) adjourned.

### **FOOD (AMENDMENT) BILL 1996**

**MS HORODNY** (10.45): I present the Food (Amendment) Bill 1996.

Title read by Clerk.

**MS HORODNY**: I move:

That this Bill be agreed to in principle.

Mr Speaker, the Food (Amendment) Bill complements the Animal Welfare (Amendment) Bill by banning, after the three-year phase-in period, the sale of eggs produced by hens kept under battery cage conditions. Egg producers from outside the ACT who use the battery cage system will also have to modify their practices if they want to sell eggs in the ACT. Parkwood Eggs will thus not be disadvantaged, relative to other egg producers in the ACT market, in meeting the requirements of these Bills. An exception to this rule will be where eggs are used as ingredients in other food products sold in the ACT, as the source of the eggs, in this case, would be too difficult to monitor and police.

This Bill also establishes the immediate introduction of a labelling scheme for eggs sold in the ACT, whereby egg cartons will be required to have a conspicuous label which indicates the conditions under which the hens that produced the eggs are kept. These labels must also use one of four standard descriptions of these conditions so that there will be no misleading of the consumer. These descriptions are free range, barn, aviary or battery cage. Of course, the battery cage label would become redundant once this form of egg production is banned in the ACT, within three years.

Finally, members, this issue has often brought mirth in this house, particularly from members of the Liberal Party. I would just like to say that that seems to me to be a very callous attitude to the keeping of hens. I find it quite disturbing that people bleat about having compassion, concern and care, and yet that is not what we hear here on the floor. I believe this is a serious issue and there is no justification for this appalling type of treatment of innocent animals. Mahatma Gandhi was once asked by a journalist what he thought of Western civilisation. His reply was: "Yes, that would be a good idea". The question here is: Are we a civilised society or are we not? I believe we need to be. I commend this Bill to the Assembly.

Debate (on motion by **Mrs Carnell**) adjourned.

**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)  
(AMENDMENT) BILL 1996**

**MR BERRY** (10.48): Mr Speaker, I present the Long Service Leave (Building and Construction Industry) (Amendment) Bill 1996.

Title read by Clerk.

**MR BERRY**: I move:

That this Bill be agreed to in principle.

Mr Speaker, the Long Service Leave (Building and Construction Industry) Act 1981 recognises the special circumstances of workers in the building and construction industry - workers whose work takes them from one workplace to another as a natural course; workers who may spend from a few days to a few months, to a few years on one building site, depending on the size and complexity of the project. They may have periods in between projects where there is no work. They can have different employers on each project. For many years workers in this industry received no recognition of the transient nature of their work. Members may recall that there was quite extensive industrial unrest on this issue many years ago, before workers in the industry had their long service leave entitlements recognised and developed into a form of legislation which provided extra conditions for building workers.

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The Long Service Leave (Building and Construction Industry) Act 1981, to some extent at least, remedies this. It recognises the transient nature of their employment and provides a fund into which credit for workers can be paid. That fund is administered by a board. In this way, workers can, at each workplace, have credits registered so that although they may have technically had many different jobs over the years - and in other industries that would have resulted in workers not being entitled to workers compensation because of their having worked for many different employers - it is recognised by this Act that they are employed in one industry and can gain long service leave in the way that workers in other industries do.

This Bill that I am introducing today seeks to improve that long service leave provision. Currently, the Act provides for around three months' leave after 15 years service. This Bill seeks to provide for three months' leave after 10 years of service, which is the standard that applies, incidentally, for public sector workers in the ACT. But that should not be used as a comparison because the conditions which apply for workers in the construction industry are far different from those that apply in the public sector in the ACT and elsewhere. Workers in the construction industry are still caught up in the troughs and peaks of construction, which we are all aware of, and are also caught up in changes in industry from one employer to another and all the difficulties that go with it. The additional leave, in Labor's view, is a reasonable, new standard to apply to construction workers in light of the type of work that they carry out.

Before I presented this Bill, I checked on the assets of the Construction Industry Long Service Leave Board to establish whether the provisions of this Bill could be accommodated. I am happy to report that the fund currently has assets of \$34m, with a current long service leave liability of \$14.6m and a retained surplus of \$19.2m. The retained surplus has grown in the past year from \$18.8m to \$19.2m. Clearly, the fund is capable of dealing with the issue which is before it. It is not about to be an impost on employers; the money is there and it can be applied for this condition. Notwithstanding that, this piece of legislation recognises the special conditions which apply to construction workers, conditions which do not apply in many other industries. In my view, those special conditions entitle those workers to that extra increase in the standard of leave provision because of the particular nature of the work that they carry out. I commend this Bill to the Assembly and would urge members to support it in due course.

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



**CRIMES (AMENDMENT) BILL 1996**

[COGNATE BILL:

DOMESTIC VIOLENCE (AMENDMENT) BILL 1996]

Debate resumed from 27 March 1996, on motion by **Ms Follett**:

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 Domestic Violence (Amendment) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

**MR HUMPHRIES** (Attorney-General) (10.54): Mr Speaker, the Government is strongly supportive of provisions to be included in ACT legislation to deal with stalking. The Government has, through officers of my department, been working as members of the Model Criminal Code Officers Committee, MCCOC, to develop a stalking provision which would be uniform across all States and Territories. The need for and advantages of uniformity are obviously clear. People travel interstate and great distances to pursue and to flee from another. In these very unfortunate circumstances, the implementation of uniform legislation will ensure consistent criminal response across Australia to this distinct antisocial behaviour known generally as stalking. The officers developing the uniform provisions prepared the provisions in their own States or Territories where they exist - I think in most cases they do exist - and came up with what they believed to be the best balance between two very important principles. They are, on the one hand, the rights of people to feel safe from those who may want to intimidate them or do worse; and, on the other hand, the important criminal law principle that a person must intend to do the act which is the offence and the act must amount to more than trivial conduct or conduct that has no malicious intention.

While MCCOC was developing its non-fatal offences chapter in which the stalking provision lies, the ACT Community Law Reform Committee, in December, reported on a reference which it received in 1991 on domestic violence. The report included a recommendation for a stalking offence. The Bill, as tabled, is based on recommendations made by that committee. The question of uniformity, however, was not discussed in that report. This will be one of the issues to be raised by the Government in its forthcoming response to the report which I hope to be able to table soon. Nevertheless, it is both desirable and appropriate that the recommendations of the ACT Community Law Reform Committee be considered against the application of a model Criminal Code. It is very difficult to frame a satisfactory stalking offence - there is no doubt about that - which will maintain that balance which I have referred to already and which does not catch within it persons and conduct which were not intended to be caught. For those reasons, I will support Ms Follett's Bill. I support the belief that there ought to be anti-stalking legislation in the ACT, but I believe it does need to be amended to move it as close as possible to the work that is being done at the national level to create uniformity in anti-stalking legislation.

There are only two or three main amendments which I wish to make to Ms Follett's Bill. I believe they are necessary to improve the Bill in relation to that balance that I have referred to. They also have the great advantage of being uniform with the proposed national uniform legislation. They enable us more precisely to define the character of stalking and differentiate it from existing criminal law offences. When we come to the detail stage of the Bill, I will be very happy to outline the intent of each of those amendments. I think I made the comment when the Bill was originally tabled that there are inherent dangers in looking at amendments in the law in advance of work at the national level on provisions that are designed to achieve uniformity. This is a continuing problem which the Assembly needs to be aware of. It is, of course, the Assembly's absolute right to amend the law of the Territory in any particular category or field. However, it has also been the trend in recent years by governments from both sides of politics to wish to advance the question of uniformity through national agreements. In reaching national agreements and in working towards national agreements, it sometimes is the case that commitments are made and expectations are raised that certain provisions will be adopted in a particular way in advance of agreement by the ACT Assembly or, for that matter, other parliaments on issues in which they would naturally have a strong interest and, indeed, a prerogative to make decisions.

I have discussed this matter already with members of the Scrutiny of Bills Committee as we explore some way of providing access by equivalent committees on scrutiny of legislation in this and other parliaments to the process of formulating national legislation. For example, if the nine Australian governments were together at a table and agreed that certain provisions should appear in, say, the Crimes Act and then subsequently governments were to take back that legislation to their own parliaments and discover that it offended either principles of practice in the way the particular parliament or parliaments did their work or scrutiny of Bill principles in the sense that they abridged the rights of citizens, contained unacceptable elements of retrospectivity or whatever, then there would be a serious problem in the governments being able to implement the decisions that they had made with other governments.

This is an ongoing issue of difficulty, and we are, I think, far from establishing a satisfactory formulation. I will say that, generally, it is undesirable that we move in advance of particular national agreements where those agreements are imminent. I will say that in the ACT's context we know that there is extensive work going on in the field of criminal law reform to establish a uniform national code. I must say that I would have preferred that legislation of this kind awaited the formulation and the adoption of that national code, or at least the presentation of that national code in its entirety to the Assembly. The non-fatal offences provisions have been advanced to the next stage only recently, and this will be a very important stepping stone towards establishing uniform provisions in this country on the important offences which hitherto have been in some respects very inconsistent between different jurisdictions in this country. That, of course, is the object of the exercise - to remove that inconsistency.

I will support, as I have indicated, the legislation that Ms Follett has put forward. I indicate that it is desirable not to take this course of action, however, on a regular basis. We ought, as a matter of course, to work on the assumption that, where national agreements are being prepared, they should be allowed to be prepared. We have had to

amend extensively these proposals in order to, as it were, bring in the national proposal slightly early. It is possible, of course, that when the national agreement is finally reached and provisions are dealt with they will be different from the ones that we are enacting today. That could happen in the course, easily, of the next 12 months, necessitating us to come back and amend these provisions further.

However, I am confident that provisions something like what has been put forward will be adopted nationally. Indeed, they are already in place in many respects in other jurisdictions. Therefore, I think we are not doing great harm to the principle by advancing the legislation at this point in time.

**MS REILLY (11.02):** I rise to speak in support of the amendments that have been put forward, and I do not think I can say strongly enough how important these amendments to the Crimes Act are. I am pleased that the other side supports the amendments, but I suppose I am surprised at their reluctance to do so because of the imminence of the national guidelines.

We should consider what stalking means and what it means to the victims. The victims are usually women. I suppose I want members to imagine what it would be like trying to live a life where you cannot enjoy the peace of your own home, when you cannot do the ordinary, everyday tasks in the community - going to work, doing ordinary things like going shopping - without someone spying on you or creating some problems in your going about those tasks. The simple, everyday things in life are stopped for the victims of stalking. For this reason, I think it is important that we introduce these changes as soon as possible. Yes, national regulations are important, but the point is that they can take many years to come to conclusion. I think we have a very obvious example of that in terms of gun control. Police Ministers had been meeting for years and years to decide what sorts of guns should be excluded, what should be banned, what should be allowed. It took a great tragedy in Tasmania before suddenly everyone could be galvanised into action. I think stalking has some similar parallels to that case.

The unfortunate thing about stalking and the perpetrators of this is that it is very difficult at times to actually define it. It is very difficult at times to find the evidence that supports it. You do not have, I suppose, the advantage or the luck of having evidence as you do in a tragedy where guns are used and you have an obvious victim; here you do not have the physical evidence of what has happened. This psychological intimidation, where there are no marks and no visible signs of what is going on, makes it even harder for the victim to get assistance and allows a perpetrator to continue the actions that they are taking. It is difficult for the victim, even in this day and age, even with all the evidence on domestic violence and violence within the home, to get support, including support from police. Even as recently as last month in Canberra when a woman went to the police for assistance she was basically told, "Don't worry, dear; just tell him to go away. He will listen to you". It is unfortunate, in this situation, that the woman has not been able to get any peace. She cannot attend her workplace, she cannot be at home without getting nuisance phone calls. This continues. We need this legislation to assist those people, usually women - often women who are on their own - who are being victimised by people who consider that they can invade another's personal space and any other space in the community that they want to use.

One other aspect of it - and I think it is an important part of why we need to continue to do it and to do it as soon as possible - is not to take the attitude that stalkers never take it any further; they do not go beyond making nuisance phone calls, sitting outside somebody's house, turning up in the workplace; they never actually touch the victims; it never leads to death and murder; when, in fact, you will find in a number of instances that is exactly what has happened. It has moved from small acts into the larger acts. Quite often you will find that women who are the victims of domestic violence end up as murder victims. The children have suffered many months and years of stalking. These people have suffered many years of having the perpetrator follow them or stand outside their house and do the other things that they do. It is not a matter of saying that this is a soft option. In fact, often these people, the victims, do end up murdered.

I think it is important that we put this into action as soon as possible; that we do not wait for the rest of Australia to take some action; that we take action and show that we are concerned about all members of our community; that we provide safety and security for people to live in the ACT; and that we provide safety and security for women, in particular, to be able to have lives that they can enjoy, that they can go about their business of ordinary, everyday living without intimidation. I ask that members support the amendments in this Bill.

**MR MOORE (11.07):** Mr Speaker, I think it is important that we deal with this Bill as quickly as possible. I am certainly aware that there is legislation being prepared on a national basis so that it can be reflected in the legislation of the States and Territories, but this is something that Ms Follett has appropriately moved on. I certainly know that there are a number of people in the ACT who are waiting on this legislation. If the legislation that is adopted Australia-wide has some differences in it, then I think that would be the appropriate time to come back and look again at this legislation; but I think what we should be doing at the moment is moving on this legislation as quickly as possible. It gives me pleasure to support it in principle. I know that it does mean a great deal to a small number of people who are intimidated to such an extent that their life has effectively become a misery. I think it is appropriate for us to deal with this today, if at all possible.

**MS TUCKER (11.09):** The Greens will be supporting this legislation. Violence in any form, including non-physical violence, should not be condoned in any way in our society. Stalking is a very serious issue. At present the ACT is the only jurisdiction which does not have legislation with a criminal offence of stalking. Stalking is broadly defined by the Community Law Reform Committee report into domestic violence as conduct that is directed at a person with the intention of causing intimidation, harassment and/or fear. There are many incidents which could be regarded as stalking. It might be harassment over the phone; it might be following or loitering; it might be conducted by someone who is known to the victim or it could be by a complete stranger. As the report points out, there is no such thing as a stereotypical stalker. What is clear, however, is that it is a serious offence. As legislators, we should be making sure that we do whatever is within our powers to protect people from this sort of violence.

The Greens agree with the broad definition of stalking in Ms Follett's Bill. The underlying message is that it is a criminal offence to stalk or perform an intimidatory act against another person with the intent of causing apprehension or fear in the other person, or physical or mental harm. A number of specific acts are listed, ranging from interfering with property to telephoning or otherwise contacting another person. In this day and age of sophisticated communications technology, I think it is appropriate that we do not confine the intimidation only to telephone contact. Intimidation could occur through the Internet, for example; and, indeed, I have heard of cases of this occurring. While I am very pleased to support the legislation, I would like to say that this legislation alone is not enough and passing laws is not enough. The adequacy of police investigation is fundamental in terms of responding adequately to the victim and of the ultimate prosecution of any charge.

The Community Law Reform Committee report on domestic violence comments that a more focused police charging policy will increase the number of pleas of guilty and take the pressure off the victim. As I raised in question time a few months ago, the Government must seriously look at implementing the recommendations in this report. Here we have a complete package of measures to address domestic violence in the ACT, including an overall strategy. As the report points out, the ACT used to lead the way but is now behind developments in other Australian jurisdictions in terms of developing a multisystem response to domestic violence. The report highlights that policy initiatives and domestic violence programs are fragmented and that it is rare for one government agency to know what another is doing on the issue. This sort of comment makes one very wary about the outputs model being adopted by this Government, unless intersexual issues are explicitly recognised in that model. I am very pleased to announce that the Greens will be supporting this Bill, and I hope that this proactive stance is matched by commitment from the Government to ensure that resources will be put into making sure that any laws in this area work effectively to protect women from violence.

**MS FOLLETT** (11.12), in reply: I thank members for their support for what I regard as an essential measure to protect some members of our community from behaviour which ought to be criminal and under this Bill will now be criminal. Mr Speaker, I believe that stalking is not commonly understood throughout the broader community, but the many people who have come to me since I raised this issue have illustrated the real harm that stalking behaviour does to its victims. I have had perhaps a dozen or more people call on me, telephone me or write to me about their own individual experiences of stalking and their own powerlessness to change the behaviour of the stalker. Many of the people who have come to me are women, as you would expect, but not all of them. It is a fact, as Ms Tucker has said, that we cannot stereotype either the stalker or the victim.

The impact of stalking really can be quite brutal, quite horrendous, on the victim's life. I have had people come to me who have moved house, not just once, not just twice, but repeatedly to escape a stalker. It seems to me the supreme irony that a couple of those people have ended up in Canberra after a series of house moves only to find that there is not even legislation in Canberra that prohibits stalking. Some people, Mr Speaker, have virtually had their lives blighted by stalking. They are prisoners in their own homes. They are afraid to pick up the phone. They are afraid to go anywhere, including to their normal place of work, for fear of the behaviour of another person.

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In many instances, as I am sure people understand, stalking can lead to actual violence, and it is a quite common scenario for domestic violence, serious domestic violence, to be associated with previous incidents of stalking. So I think it is about time that the Assembly acted upon this matter.

We have had the benefit of an excellent report by the Community Law Reform Committee who consulted widely and over a long period, a couple of years, on what might be the best provisions for the ACT in protecting people from stalking. Mr Speaker, I realise that the Community Law Reform Committee is about to bring down the second part of its review of our suite of domestic violence protections, and I very much look forward to seeing their second report; but, as I say, I believe it is appropriate that we act swiftly upon their first report which dealt, amongst other things, with the offence of stalking and with the ACT's lack of legislation on the matter.

Mr Speaker, in closing the debate, I might just flag to members of the Assembly that I have had discussions with the Attorney-General and with officers of the Attorney-General's Department and we have negotiated agreement on the proposed amendments that the Attorney-General will be moving. I should say that most of the amendments, I think, are sensible and appropriate, but there are just a couple of issues where I want to amend or to follow on from what the Attorney-General is proposing to do. So, Mr Speaker, I want to make people aware that there is broad agreement between the Opposition and the Government on how we should proceed with the Bill. I accept totally the Attorney-General's point that this is a matter which eventually will be subject to national model legislation. However, I am also aware that that model could be quite some time away. This is a very broad-ranging review of legislation that is being conducted by the Standing Committee of Attorneys-General who have not been noted for their swift response in the past on any subject. They tend to be careful, cautious, thorough and all-embracing in their review, and I do not believe that we should wait for that model legislation in order to provide some measure of protection to people in the ACT.

I do regard the Bill that I have introduced as, in some ways, an interim measure, but I believe it is an appropriate interim measure because of the breadth of its coverage, because of the consultation that went into the production of this piece of legislation, and because I do not believe that the ACT should be without appropriate protection from stalking whilst we await the national model. I thank members for their support and I again commend the Bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail Stage**

Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (11.18): Mr Speaker, I seek leave to move my amendments together.

Leave granted.

**MR HUMPHRIES:** I move:

Page 2, lines 2 and 3, clause 4, proposed subsection 34A(1), omit “or perform an intimidatory act against”.

Page 2, line 4, clause 4, proposed paragraph 34A(1)(a), omit the paragraph, substitute the following paragraph:

“(a) apprehension or fear of serious harm in the other person or a third person; or”.

Page 2, line 5, clause 4, proposed paragraph 34A(1)(b), omit “physical or mental”, substitute “serious”.

Page 2, line 9, clause 4, proposed subsection 34A(1), penalty provision, subparagraph (a)(i), omit “or a condition of bail”.

Page 2, line 14, clause 4, proposed subsection 34A(2), omit “if he”, substitute “if, on at least 2 occasions, he”.

Page 2, line 17, clause 4, proposed paragraph 34A(2)(b), omit “or” (last occurring).

Page 2, lines 19 and 20, clause 4, proposed subsection 34A(3), omit from and including “(3) For the purposes” to and including “he or she -”.

Page 2, lines 21 to 27, clause 4, proposed paragraphs 34A(3)(a) to (e) (inclusive), omit (a), (b), (c), (d) and (e), substitute (d), (e), (f), (g), (h) respectively.

Page 2, line 29, clause 4, proposed section 34A, add the following subsections:

“(3) In a prosecution for an offence under subsection (1), it is not necessary to prove that the person stalked or a third person, as the case may be, apprehended or feared serious harm.

“(4) In this section -

“harm” means physical harm, harm to mental health, or disease, whether permanent or temporary;

“harm to mental health” includes psychological harm but does not include distress, grief, shock, fear or similar emotions;

“physical harm” includes unconsciousness, pain, disfigurement and any physical contact that might reasonably be objected to in the circumstances, whether or not there was an awareness of that contact at the time.”.

Mr Speaker, first of all, I would like to table the explanatory memorandum to the Government amendments, which are basically intact, although, as Ms Follett indicated, there has been some agreement between us on some changes to facilitate some accommodation of Ms Follett's concerns as well as the Government's concerns about the amendments. I will briefly run through what the amendments are designed to achieve. The Crimes (Amendment) Bill poses some problems for prosecutors in that it creates two quite distinct modes of committing the same offence which will have to be at least particularised and may have to be done as separate counts. There is, in Ms Follett's Bill, an offence of stalking and a separate offence of intimidatory behaviour, or something to that effect. Proposed subsection 34A(1) should have one mode of committing the offence, and intimidatory conduct should be amalgamated with the stalking conduct. Such a simplification has significant practical benefits in the charging process, and in reality is only a technical amendment.

For the sake of consistency in application, proposed paragraph 34A(1)(a) is an amendment to make reference to a third person, as in 34A(1)(b). This recognises that acts may be directed at persons other than the victim when intended to cause fear in the victim, including, for example, a dependant, relative, friend, employer or associate of the victim. The Bill, as introduced, covers every random act of following a person, including union picketing, et cetera. A stalking offence should be a serious offence covering serious cases. Therefore, the reference in proposed paragraphs 34A(1)(a) and (b) should be to serious harm rather than just harm. Non-serious harm and some other behaviour would be properly covered by other legislation, which may include



the offensive behaviour offence in the Crimes Act, and the provisions in the Magistrates Court Act which cover harassment and offensive behaviour. Mental health legislation may also be appropriate in some cases. A definition of harm is included rather than the use of the words “mental” and “physical”, although, as Ms Follett has indicated, some amendment to that definition of harm has been proposed.

The inclusion of a breach of a condition of police or court bail in the penalty provision of the Bill with five years’ imprisonment as introduced is, I think, too severe and should be omitted. The result of this amendment would be to retain a maximum penalty of two years’ imprisonment. The Bill would operate to cover isolated incidents which may be innocent, or prove difficult for the purposes of prosecution. Stalking should relate to a course of conduct. Subsection 34A(2) is amended to include a requirement of at least two occasions. A new subsection is proposed which clarifies that the prosecution need to prove that the person stalked, or a third person, apprehended or feared serious harm. The principle at work in this subsection is that the liability for threatening or intimidatory behaviour should not depend on the strength of mind of the victim selected.

Mr Speaker, I think those amendments, as modified, in turn, by Ms Follett, should make the legislation not only appropriate and consistent, but also closer to what has been produced, and is likely to be produced, by the ministerial council standing committee process which will generate legislation in the ACT which is consistent with legislation all over the country. A person will be committing an offence in the same circumstances wherever it might take place in the country. That, of course, is highly appropriate, particularly where, as I think Ms Follett indicated, victims may flee one jurisdiction and potentially be pursued by somebody into another jurisdiction.

**MS FOLLETT (11.23):** As I said before, there has been some discussion and negotiation between Mr Humphries and me over the amendments which he is proposing, and I accept the broad thrust of much of his proposal. Mr Speaker, a great deal of the amendments that Mr Humphries is moving are pretty technical, pretty much drafting matters, and I bow to the expertise in his department on that matter. In particular, I accept the point that we should not create two separate offences of stalking or intimidatory acts. I think it is a quite good point that has been raised by Mr Humphries - that stalking is, in fact, an intimidatory act, and we can leave it at stalking without adding further words. However, Mr Speaker, I will flag that I do want to include the notion of intimidation in the definition of stalking, and I will be moving an amendment to my own Bill, therefore, which is consequent on the passage of Mr Humphries’s amendments. As for the remainder of Mr Humphries’s amendments, I also accept that stalking represents a repeated pattern of behaviour and it is, therefore, appropriate to define it as having occurred on at least two occasions. I think that, for all of the victims of stalking that I have come across, the stalking has been repeated on many, many occasions. It has been repeated on a daily basis over quite a period of time. I do not believe that the amendment that Mr Humphries is moving will make any appreciable difference to the administration of this law when it becomes law.

Mr Speaker, as I say, I am happy to accept Mr Humphries’s amendments for the most part. The proposals that I will be moving as a consequence of Mr Humphries’s amendments really are refinements that we have come to agree on as a result of our negotiations. I move the following amendment to Mr Humphries’s amendment:

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Page 2, line 29, clause 4, under the definition of “harm to mental health”, omit the words “but does not include distress, grief, shock, fear or similar emotions”.

My reason for moving that, Mr Speaker, is that it is my view that psychological harm could include any of those emotions, and those emotions repeated over and over again can constitute damage to mental health or psychological harm, so I do not want those emotions eliminated from the assessment of the harm caused by stalking. I accept Mr Humphries’s point that we are dealing here with serious harm to people, but I think serious harm could well be caused by repeated fear, by constant fear, by constant distress. It is certainly a cause for harm to people’s lives. It denies them sleep. It denies them enjoyment of their normal lifestyle. It can cause them economic harm by them having to move jobs, by having to move house, and so on. So I believe that we should not define out emotions like distress, grief, shock, fear and so on as components of harm to mental health. I commend my amendment to Mr Humphries’s amendment to the Assembly.

Amendment (**Ms Follett’s**) agreed to.

Amendments (**Mr Humphries’s**), as amended, agreed to.

**MS FOLLETT** (11.28), by leave: I move:

Page 2, line 28, clause 4, proposed new paragraph 31A(3)(e), insert the word “intimidation,” between the words “to” and “harassment”.

Mr Speaker, as I said before, I accept fully Mr Humphries’s view that we should not create two offences, one of stalking and one of intimidatory acts. The amendments which have now been passed by the Assembly as a consequence of Mr Humphries drawing the matter to attention mean that the definition of stalking as it appears in the Bill does not include any notion of intimidation. I believe it is appropriate that our definition include intimidation. I am therefore moving that the word “intimidation” should be included in the definition of stalking so that it now reads that a person shall be taken to stalk another person if he or she “engages in conduct amounting to intimidation, harassment or molestation of the other person”. I think it is pretty much self-explanatory, Mr Speaker, and I commend it to members.

**MR OSBORNE** (11.29): I will be very brief. I would like to express my support, especially of this amendment, because I think that stalking, more than anything, is about intimidating the other person. Only yesterday I had a meeting in my office, as did Mr Moore, I think. Ms Follett spoke to the same person, who I was quite surprised to realise was being stalked by someone you would not think would be a stalker. I support Ms Follett’s Bill and I wholeheartedly support this amendment because, as I said, I think it is all about intimidation. I would like to offer my support.

**MR MOORE** (11.30): I think there is another element, too, Mr Speaker, about this type of amendment. Somebody who is terribly in love with somebody, or somebody who has effectively become obsessed with somebody else, sometimes gives the mythological impression that the person just has so much love, and this type of stalking can be addressed in that kind of frame. Occasionally I read a book or a story that goes along these lines, and sometimes the line is used in films. I think it is very important to understand that that kind of dressing-up of this type of obsessive behaviour that does have an impact on people is about intimidation. That is why I am strongly supportive of including intimidation in this, because there is a slight difference in tone between intimidation and harassment. Whilst the two run parallel, I think it is important that we make very clear that the whole issue of stalking is about harassment, intimidation and so on. Therefore I think it is appropriate that we include this amendment.

**MR HUMPHRIES** (Attorney-General) (11.31): Mr Speaker, I rise to support the amendment that Ms Follett has moved but I want to make clear something which Mr Moore just said which might potentially be misinterpreted. Mr Moore was talking about someone who, through an infatuation, follows somebody else and makes that person's life a misery, but in fact is motivated by a strong sense of love for that person and simply wants to be near them. As I read Ms Follett's legislation, that behaviour would not constitute an offence because it is essential under proposed subsection 34A(1) that a person shall not stalk or perform an intimidatory act against another person with intent to cause apprehension or fear in the other person, or physical or mental harm. If someone is purely infatuated and does not understand the word "no" but has no desire to cause apprehension or fear, there is no question that that person would be committing an offence, as I read this legislation. I thought I should make that clear in case it were interpreted by a court that we were, by including the word "intimidation" in subsection (2), in some way negating subsection (1), which I think puts that qualification on it.

**MR MOORE** (11.33): I take that point that Mr Humphries is making. Basically, it is the role of the court to look at and interpret how people are acting, and to what extent they, personally, intend to intimidate. Somebody can always say, "Well, I was just in love. I was not trying to intimidate anybody at all, so, therefore, there was no intention". I believe that the court will interpret to what extent there was an intention or not. Also, the very existence of this law means that people can be warned about that action on the first instance. They can be told that this is intimidating and if they do it again, a second time, it is actually intimidating. I accept Mr Humphries's point and I think it is something that the courts will sort out. The stalking legislation itself creates an understanding of just what is intimidating and what is not intimidating, and I think that is one of the great benefits of having legislation like this. I hope that this sort of legislation will have widespread public discussion so that people who are involved in stalking will realise what they are doing, and realise just how intimidating it is for somebody who is on the receiving end.

Amendment agreed to.

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

Bill, as amended, agreed to.

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## DOMESTIC VIOLENCE (AMENDMENT) BILL 1996

Debate resumed from 27 March 1996, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

### Detail Stage

Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (11.35): Mr Speaker, I wanted to have a detail stage debate in order to indicate that there is one point that needs to be taken up. The effect of Ms Follett's amendment of this legislation is to increase the penalty for a breach of section 27 of the Domestic Violence Act so that a person who is breaching a protection order in committing an act of stalking is punishable, in the case of a first offence, by two years' imprisonment; or, in the case of another offence, by five years' imprisonment.

**Mr Moore**: When the person breaks a court order.

**MR HUMPHRIES**: When the person breaks a court order. I think that is correct, yes. There is a mirror provision to section 27 of the Domestic Violence Act in the Magistrates Court Act 1930 which says, as it now stands, that a maximum penalty of six months' imprisonment is provided for a breach of a restraining order, or an interim restraining order. It would seem to me, Mr Speaker, that we ought to have a reflection of the increase in penalty in the Domestic Violence Act also in the Magistrates Court Act. However, that is not possible today. I merely indicate to the Assembly that I will give instructions to my department to move quickly to ensure that the decision we make today in passing this legislation, as I am sure we will, will be reflected quickly in amendments to the Magistrates Court Act to pick up the same point in that legislation.

Bill, as a whole, agreed to.

Bill agreed to.

## NORTH CANBERRA - B1 PLANNING ZONE

**MS TUCKER (11.37):** I move:

That this Assembly calls on the Government to direct the ACT Planning Authority to:

- (1) immediately abolish the B1 planning zone in inner North Canberra; and
- (2) institute a process of local area planning, with the full participation of the relevant Local Area Planning Advisory Committees, to identify the appropriate siting, scale and character of medium density development for this area that takes into account the need to encourage the ecological, social and economic sustainability of the city, and the varied character, environment, services and amenity across the area.

The Greens are putting forward this motion because it is about time that something is done to correct a major problem with the Territory Plan that has been the subject of strong controversy within North Canberra ever since the Territory Plan was first proposed in 1991. The B1 zone allows three-storey medium-density housing in a wide strip along either side of Northbourne Avenue up to Dickson, and from the edge of Sullivans Creek in the west across to Limestone Avenue and Majura Avenue in the east. It is a huge area. On rough calculations, it is three times the size of the redevelopment area in Kingston.

The B1 planning guidelines which describe the types of housing redevelopments that can be built in the area apply one set of rules across the area, with no variation to take into account the differing features of the five suburbs of Turner, O'Connor, Lyneham, Dickson and Braddon that are affected by this zone. This will only produce a bland monoculture of crowded three-storey flats right through North Canberra. There are already examples in Torrens Street, Braddon, of what could happen. A whole street block has been converted to a massive complex of three-storey flats with little open space, bad solar orientation, and no variety in the types of dwellings offered. There are more examples of the same being built further north in Braddon, for example, in Ijong Street. In Turner there are currently two major redevelopment proposals near Turner Primary School; one, in Condamine Street, originally of over 50 units on three house blocks; and one, by the ANU in Hartley Street and Towns Crescent, originally for over 100 units on nine house blocks. The local area planning advisory committee for that area and the Turner Residents Association have both rejected the scale of these developments and want the numbers of units reduced by at least half. If it was not for the recent downturn in the housing market, the local community would be confronted with many more similar proposals.

Since the B1 zone was announced there have been reports of considerable buying up of property in the area by speculators, just waiting for the right time to put forward their own plans for redevelopment. (*Quorum formed*) A new expression has arisen in Canberra about this type of redevelopment. People are complaining about the Kingstonisation of their suburb. I have no intention here of denigrating the residents

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of Kingston, as the type of housing available there is quite suitable for a certain segment of the population; but what has happened in Kingston represents the model of what could happen throughout North Canberra, and we as an Assembly have to be very clear as to whether this is what we want to happen. What we have now in Kingston is a uniformity of housing type based on three-storey flats. The streets are crowded with cars; few of the units face north; they are not designed with children in mind. There is little open space, either public or private. Developers have built up to the maximum that is allowed under the guidelines, regardless of whether this is appropriate for the particular site. Most of the original houses which would be more suitable for families have gone. The change in housing type has generated a significant change in the demographics in the suburb. Families have moved out and childless singles and couples have moved in.

The Greens are not opposed to residential redevelopment in North Canberra. It is more a question of how it is done and what the end result will be. We recognise and have some sympathy for the reasons why the B1 zone was first proposed, which was to restore population levels in North Canberra, renew the ageing housing stock in the area, slow down the greenfields suburban expansion in Gungahlin and facilitate the servicing of this area with public transport down Northbourne Avenue. We also recognise that medium-density housing suits a significant proportion of the population, particularly younger people without children, and that single detached houses are not necessarily the type of housing that they would prefer. It is questionable, however, whether the B1 zone, as currently constituted, will adequately achieve these aims, and whether such issues as the massive disruption to existing residents and the massive change to the urban environment have been adequately taken into account. We do not want planning in this area to be driven by speculative developers without concern for the broader community interest.

Instead of the standardisation of housing engendered by the B1 zone, the Greens want the Planning Authority to initiate a local area planning process in conjunction with the LAPACs and the community to determine the most appropriate location, scale and character of this redevelopment so that it closely matches changing social demands for housing and promotes the ecological sustainability of Canberra. The local area planning process also has to integrate the proposed new housing with transport linkages, public transport, roads, pedestrian paths and cycleways, and also examine the adequacy of public open space provision in the area.

What we are asking the Government to do is to basically start again with the planning of the B1 area. For example, it may indeed be appropriate for high-density housing to be constructed beside Northbourne Avenue, but such housing may not be appropriate in the middle of the suburb or on the bank of Sullivans Creek. Three-storey flats may be appropriate for some people, but what about encouraging other forms of medium-density housing such as terraces and courtyard housing which are more suitable for families with children? There also need to be mechanisms to ensure that people on low incomes can afford to live in this area. The Liberal Government and the Labor Government before it have not responded adequately to the concerns of the community about the B1 zone.

The Lansdown review of residential redevelopment released in 1994 examined the issue of the B1 zone and recommended that the B1 zone be reduced in size and that planning guidelines for specific areas be introduced. The Liberal Government did not act on this recommendation but set in place a limited moratorium on three-storey development, since removed, and set up the LAPACs, the local area planning advisory committees, for the area.

The LAPACs were asked to produce awareness guidelines for their area. I have been present at several LAPAC meetings where this process was in place and I have to say that I really do give credit to the people on those LAPACs for the energy and commitment they have put into this really quite overwhelming task. I also give credit to the Government, who are not here to hear it, for once for being reasonably responsive to concerns that have been raised about the processes in the LAPACs. They did bring in independent facilitators to assist in the awareness guidelines. I still think the process was lacking and we need to go a lot further in developing local area plans. Leaving it with the LAPACs is a crude attempt, in a way, by the Government to encourage local area planning. Instead of getting the ACT Planning Authority involved as much as they should, they have asked a group of underresourced and unqualified volunteers to do the job, so it is no surprise that they have struggled to produce these guidelines. This really is a job for the Planning Authority, working with the community. I just gave you credit, Mr Humphries, but you missed it.

**Mr Humphries:** I did hear it.

**MS TUCKER:** Oh, did you? Good.

**Mr Humphries:** I also heard the bagging beforehand.

**MS TUCKER:** Okay. That is good, so it is balanced. As usual, the Greens are balanced. The ACT Planning Authority is currently reviewing the B1 guidelines, but we are very concerned that the review is not really addressing the existence of the B1 zone and is only tinkering with the detail of the guidelines. The Government needs to do more than this. There needs to be a fully-fledged local area planning process, as we have suggested in our motion.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.47): Mr Speaker, I appreciate Ms Tucker's attempt to provide some balance in her comments, but I have to say that I do not think the motion she has put forward is a balanced motion, and I have to indicate that I am not prepared to support it. I have to say also that I think the problem - - -

**Mr Moore:** Mr Speaker, I draw attention to the state of the house.

*A quorum not being present, and the bells being rung -*

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**Ms McRae:** Is the Government on strike today?

**Mr Moore:** We have not seen too many Government members in here, Gary.

**MR HUMPHRIES:** There are two Government members and two Opposition members here so it is pretty well balanced, I think. Don't you, Ms McRae?

**MR SPEAKER:** It is not the Government's responsibility to provide a quorum. It is the Assembly's. I have said that repeatedly.

*(Quorum formed)*

**MR HUMPHRIES:** Mr Speaker, I think some members of this place should go and look at the Federal Parliament and see how often quorums are present while debates go on there. They would be rather - - -

**Mr Moore:** Wait till they get a minority government and then go and watch. Have a look at the Senate, Gary.

**MR HUMPHRIES:** The Senate is no different. I have worked in the Senate. It is no different, I tell you. Mr Speaker, let me continue my remarks, now that there are more people to hear, by saying that I think the problem in this area is that, with great respect to the Greens, they do not understand the way in which - - -

**Ms Tucker:** Oh, not that line again.

**MR HUMPHRIES:** This is a claim often made about us. We are often told that we do not understand something. With great respect, if there is an area that the Greens do not understand in this place I think it is the nature of the planning system and the way the Territory Plan, particularly, works. B1 is, essentially, a zone created along that critical spine along Northbourne Avenue to acknowledge the fact that it is a different part of Canberra from other areas of the city and deserves different planning treatment. It seems to me completely untenable to argue - I do not think Ms Tucker actually mounted the argument - that there is a case against having a different special treatment for that sensitive part of the city. It would be like saying that we should have the same planning requirements applying to areas immediately adjacent to Lake Burley Griffin as to areas in the middle of Florey or Wanniasa. The argument is just patent nonsense. B1 is separately zoned and has its own guidelines because it is an area of clear planning and environmental significance. It ought, logically, to have its own guidelines. Those guidelines and the zone itself were established as part of the Territory Plan back in 1991, or whenever it was, against a background of community concerns about housing diversity, access to transport and services, the ecological and financial implications of greenfields land subdivision as the only method of land supply, and housing supply. There was a desire to see, at least on the part of the planners, a separate treatment of that area of Canberra in order to promote important values as part of the Territory Plan and its process.



Ms Tucker raises concerns about the effect of the B1 guidelines. I would suggest to her, with great respect, that it is better for her to initiate some process or support some process to change what is in those guidelines than to say simply that we abolish B1.

**Ms Tucker:** Local area plans. That is the idea.

**MR HUMPHRIES:** With respect, what Ms Tucker's motion says is:

That this Assembly calls on the Government to direct the ACT Planning Authority to:

- (1) immediately abolish the B1 planning zone in inner North Canberra.

**Ms Tucker:** But I explained in my speech that it would move on from there.

**MR HUMPHRIES:** That is not what the motion says. The motion says you want to abolish the B1 zone and then put in place some different process for considering that area of Canberra. Surely it is inherent in that process that you retain the B1 zone and you look, if you want to, at changing the way in which policies and guidelines for that area of Canberra are being carried through. That ought to be the incumbent responsibility on someone who is serious about dealing with these issues.

The Territory Plan was formulated after an extensive period of public consultation which I think has been unparalleled in the history of self-government. It was undoubtedly the single most consulted about document that has been produced and passed by this Assembly. It took two years of intensive work. Admittedly, Mr Speaker, many people had elements of dissatisfaction about parts of the plan. I have no doubt about that. I would not pretend for an instant that, even when the plan was passed, everyone was universally happy about it. Clearly they were not. But the plan itself was an attempt to reconcile and conciliate the needs of different sectors of the community. In aiming for that it was broadly accepted by the community as a device to achieve those broad aims. Although there were elements of dissatisfaction, although there were elements where people felt that other things could have been done, for the most part the Territory Plan represented a very significant achievement in community acceptance of the way in which we structured our Territory. I am also advised that there were relatively few comments during that consultation on the undesirability of having the B1 zone.

Again, the focus of what Ms Tucker ought to be saying and perhaps is saying, in a way, is that B1 itself is not the problem; it is how we are dealing with B1 guidelines, and we ought to have a different process for working through B1 guidelines. Mr Speaker, in saying that I think Ms Tucker is on slightly stronger ground, but in doing so she fails to acknowledge the work that has already gone on in respect of the B1 zone and the rest of North Canberra through the local area planning advisory committee process. The local area planning advisory committees have been involved in the last nine months or so in the process of working through awareness guidelines.

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**Ms Tucker:** You were not listening to my speech. I acknowledged all that.

**MR HUMPHRIES:** I know you did. I heard you say that. They have been involved in a process, therefore, of local area planning. Local area planning is what, of course, LAPACs are all about.

**Ms Tucker:** Awareness guidelines are not necessarily - - -

**MR HUMPHRIES:** Awareness guidelines and local area planning are two sides of the same coin. They have also been involved in identifying, through that process, appropriate "siting, scale and character of medium-density development for this area" - I am reading from your motion, Ms Tucker - "that takes into account the need to encourage the ecological, social and economic sustainability of the city, and the varied character, environment, services and amenities across the area". In a sense, what I am saying is that the second part of your motion is precisely what is going on at the moment.

Only last night there was a joint meeting with all the LAPACs of North Canberra to hear a presentation on the draft revision of the B1 guidelines. I am not sure whether Ms Tucker made reference to this fact, but the Government is in the process at the moment of revising the B1 guidelines. The touchstone for that revision, naturally enough, will be the people who live there. One vehicle for consultation with the people who live there are the LAPACs representing the people of that area and, of course, directly talking to the people concerned as well. Mr Speaker, at that joint meeting the draft revision was discussed. It was pointed out that the revision was based on the community value statements that are being prepared, the so-called awareness guidelines - another name for the same thing - and that specific comments on the B1 guidelines by the LAPACs were welcome, and indeed had been partly incorporated already into the process. I am told that there was a very useful discussion about those things and, in fact, that there was some broad support for the changes proposed to the B1 guidelines.

Mr Speaker, I think that is a process that is appropriate. It does not hand to the LAPACs or to the community associations, residents groups in those areas, the complete responsibility for revising those guidelines. There is a partnership between the Planning Authority and those sorts of bodies and the Government, and I suppose the Assembly as well because we ultimately have to approve changes to the Territory Plan. I believe that that process is appropriate and worth while, and is appropriate and worth while based on the B1 zone. I would say to Ms Tucker: To the extent that you support that process, your motion is unnecessary; and to the extent that your motion goes beyond that, and it certainly does in part 1 in proposing the abolition of the B1 planning zone, I would say that it is unnecessary and, in fact, is inappropriate.

We clearly have to handle that part of Canberra differently from other parts of the city. Mr Speaker, there is an awareness, I think, by the LAPACs, certainly in the discussions I have had with them, of the need to treat that area of Canberra differently. Indeed, one of the LAPACs said to me in an informal meeting that I had with them that they believe that B1 could be the basis for managing the level of high-density growth that is clearly bearing down on that part of Canberra at the moment. The LAPAC proposed to me, informally, that there be a focus on that kind of development within the B1 zone because they saw it as a way of taking pressure off other parts of the city,

off North Canberra particularly, that were experiencing unwelcome levels of attention by people who wanted to engage in that kind of high-density development. Mr Speaker, we have different views about that. That may or may not be a good thing, but the point is that these were ideas that they were putting on the table for my attention and for the Planning Authority's attention, and for the interest of their own constituents, so to speak. It is an appropriate process and it is based on B1. It is based on the B1 zone.

I do not want to go back and tell them that the Assembly has instructed me and the Planning Authority to abolish the B1 planning zone, which was part of the process of extensive community consultation to be placed in the Territory Plan in the first place, in favour of local area planning, which they are already doing, based on some different geographical definition. That is unnecessary and it sends, I think, a signal to those people in the community that, whereas they are working on certain rules, suddenly everything has changed; the Assembly has stepped in and changed the guidelines for this kind of approach and they should not continue with that. It creates great uncertainty.

I appreciate that there is considerable community concern about things happening in B1. It has been expressed in this place. Mr Moore, I know, had concerns about levels of office development within B1. Those are issues we have to face up to. But that does not mean that we need to abolish the concept of B1. B1 is a planning designation which we need because, clearly, that part of Canberra is different from others. I would urge members of the Assembly not to be sucked into thinking that we solve the problems of North Canberra's planning issues simply by removing the designation of B1.

**MS McRAE** (12.02): Mr Humphries, you have convinced me. We will not be supporting this motion. We do not think it is necessary. We believe that the B1 zone was well discussed at the time that it was first promoted. We believe that the LAPACs are keeping a close eye on it. We believe that that area of Canberra does need to be treated differently, and we believe that the process that is put down, firstly, by the Territory Plan, by the consultative processes now in hand and by the further refinements that you are foreshadowing, is serving the best interests of Canberra. We will not support this motion.

**MR MOORE** (12.03): It gives me pleasure to rise to speak in support of this motion. Mr Speaker, some of the issues Mr Humphries raised are certainly worth thoughtful appraisal. The thrust of his argument was: "Yes, we should support the B1 area, keep that in place while we consider what is wrong with it and what are the problems, and then modify the area to ensure that we meet the needs of the area in terms of its redevelopment". Mr Speaker, I have argued in this Assembly for a long time, and also supported arguments when the Territory Plan was being developed, that the real difficulty we were facing was a lack of strategy for the area that specifically set out how much development, where it will occur and when it will occur.

In one sense the B1 zone fulfils one of those issues, and that is where the development occurs. Unfortunately, we seem to lack the sort of direction that is needed within that B1 zone. We need much more control over how much development and when it occurs. Mr Humphries referred to the issue that I have raised a number of times in the Assembly recently about the amount of office space that is being proposed or developed within the B1 area. That highlights the issue that I am talking about. At the moment there is

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a crying need within Canberra to ensure that office space goes to Gungahlin rather than to the areas around the inner city. There is a series of different forces that tend to encourage redevelopment in areas like Northbourne Avenue rather than in Gungahlin. To this extent Mr Humphries is right; a thoughtful response is required to ensure that that occurs at the right time. No doubt there will be an appropriate time when further office development, particularly office development for the private sector, does wind up on Northbourne Avenue. I believe there will be an appropriate time for further residential development within what is currently the B1 zone. Unfortunately, setting the B1 zone out as it is without these other restrictions in place, without an identification of how much and when, has led to a whole series of other problems.

One of the most obvious ones that come to my mind is the issue highlighted yesterday over rates. Because there is speculation on the potential for land for redevelopment, the land is considered to have a higher value, and people, particularly elderly people living in the area who have no intention of redeveloping, wind up paying much higher rates because the unimproved capital value of their land has taken into account the potential for redevelopment. Mr Speaker, a whole series of issues comes into play there, and they really have been set in motion by the identification of this area as a B1 zone. If Mr Humphries stood up and said, "We now have in place this whole series of restrictions and controls, we have the strategy for that area", or even if we had divided the area into B1A, B1B, B1C, I think he would have a stronger argument. Until those things are in place, Mr Speaker, there is, as far as I am concerned, a damaging element of speculation occurring. A message goes out to developers that yes, they will be able to develop in this area, and they will be able to do so and so. They then prepare a development consistent with the guidelines, consistent with the B1 zone, and it goes to the LAPAC and local people say, "No, that is not what we want. Yes, we accept some development, but we certainly do not want it on the scale that you are talking about. We certainly do not want it at this place, and why is it occurring now?". There is a random increase in development.

There is also the issue of betterment and the influence that has on how much development occurs within this area as opposed to how much development occurs in other places. Until now we have not been particularly good at targeting our betterment and targeting that kind of support for development where it happens to suit the strategy as far as our plans go. I know that that is a matter that the Government are readdressing as part of their response to the Stein report. Indeed, when my committee brings down its comments on those responses tomorrow, that will give us another opportunity to debate such issues. Mr Speaker, out of sheer frustration, I think, comes a motion like the one that Ms Tucker has put. Things are really going wrong; you do not have the rest in place and there is time for us to look and say, "Do we put the whole thing on hold and have a proper relook at it instead of just letting it roll on and cause the sorts of problems that we see being caused within this B1 area?".

I was particularly interested to hear Ms Tucker talking about the redevelopment of inner Canberra and the redevelopment of this area. She said that she does not oppose the redevelopment of the area provided it is done appropriately. What she does oppose is effectively using a Kingston-style redevelopment, a redevelopment of the system of some 20 years ago, within the B1 zone. That makes good sense, Mr Speaker. If we are going to look at redevelopment in any area of Canberra we should be ensuring that we retain the

appropriate amount of green space and, I would say, retain the amount of green space we currently have. We should retain the character of the area and a whole series of other things. Most planning authorities have moved well beyond what went on in Kingston. Indeed, when we look back and say, "Yes, that was 20 years ago", we also should be able to say that we can do it much better when it is necessary, rather than the situation that the B1 zone gives us, which is: "Well, you can go ahead and do your developments how you like. We are not really worried about how they turn out, how intense they are, and when they occur, within certain guidelines as to the height limit and so on".

Mr Speaker, they are the frustrations that we are dealing with. Even though Ms Tucker's motion is clearly going to fail, having heard the combination of Labor and Liberal again to knock it off, I think it does highlight the issue of the B1 area; that it is not working and that some alternatives need to be explored. For that reason I will be supporting the motion.

**MS TUCKER** (12.11), in reply: Mr Humphries, I have not suggested, at any point, that the area did not need to be given consideration by abolishing the B1 zone. As Mr Moore stated, in the first part of our motion about abolishing the B1 zone we are stating quite clearly that things are not working. The community are genuinely concerned. You were talking about signals to the community about the B1 zone, saying that they will not have a sense of understanding or security about what the processes are. They have a very strong sense right now about what the processes are, and they are very unhappy with them. They have been saying this for some time. That is why we feel that the whole thing does need to be done better.

We have heard the talk about local area plans for some time. For a long time most thoughtful analysis of any kind of social planning and development and redevelopment, and planning for redevelopment, always incorporates a local area plan. Sure, you have the LAPACs in there. But the LAPACs - - -

**Mr Humphries:** And the awareness guidelines.

**MS TUCKER:** And the awareness guidelines; that is right. The point is that those awareness guidelines are being developed by a small number of people who are stretched for time and expertise, and there is conflict within the groups, which I am sure you are well aware of. You need a local area plan that actually comes up with something that includes all people.

It was interesting last night. I also have had reports of the meeting last night. One of the concerns was actually raised by a real estate agent. A lot of people who live within the B1 zone have no idea that they live within the B1 zone and they are buying property within that, or selling it; but buying it, particularly, is of consequence because they have no idea. There are a lot of people who would like, probably, to have input into the

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development of a local area plan, and that has not occurred at this point. That is what we are asking for; that the whole thing is treated more carefully, because right now we could end up with the monoculture that we see in Torrens Street and Kingston, and it is not what people want. I understand that you said that you are reviewing it today, and that is great. This has been on the notice paper for some time. I am pleased to hear that you are looking at it and that you recognise that there are some difficulties. Hopefully, this situation will actually improve.

There are questions about developments for which approval is being sought now. There are a couple in the Turner area that have a long history, which I am sure you are very familiar with. It is interesting to think what will happen if you are revising with the local community what is appropriate in the guidelines and trying to make the thing work better. Are these developments going to be approved because they are what is acceptable now? But they will be totally out of character later with what the revised guidelines or processes end up saying is desirable. You also spoke about the signal to the community about the B1 zone. It is not necessarily a comfortable signal that they are getting.

I understand also that the Planning Authority and the Housing Trust are taking on local area planning of some kind. You probably know more about that than I do, but it would be interesting to know. Apparently that was discussed last night as well. That is a new initiative of yours apparently. How does that fit in with the general community consultation and the LAPACs as they are occurring? I also understand that last night there was discussion that the B1 zone, the three storeys, would be fine two streets back from Northbourne Avenue. That would be of grave concern to people in some of the suburbs there. I am not sure that they are going to be happy with that.

**Mr Humphries:** But others are arguing for it.

**MS TUCKER:** I beg your pardon?

**Mr Humphries:** But others are arguing for it. They want it.

**MS TUCKER:** Yes, that is right. Of course. You always have conflicting interests. What we are asking for is a local area plan, not just this B1 zone as it is. You say you are moving away from that, and that is good. This motion is about encouraging discussion on that. It was something that we put up in frustration with what the processes have been so far. Obviously we are not going to get the support of the Labor Party on this one either, which is interesting because I thought they were fairly supportive of Lansdown and he felt that the whole thing needed to be looked at. We will see how you work with that, and I hope that we can work with you.

Question put:

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

The Assembly voted -

*AYES, 3*

Ms Horodny  
Mr Moore  
Ms Tucker

*NOES, 13*

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

Question so resolved in the negative.

**Sitting suspended from 12.22 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **ACT Taxes and Charges**

**MR WHITECROSS:** Mr Speaker, my question without notice is to the Chief Minister and Treasurer. Chief Minister, when you came out of the Premiers Conference on 13 June, you told the media that there would be no additional increases to taxes and charges. Yet, in your press release of 24 June, you announced two tax increases. My question, Chief Minister, is in two parts, so that you will remember both of them. First, what new information has become available to you that you did not have when you left the Premiers Conference which justifies these tax increases that, just 10 days previously, you promised you would not make? Secondly, what other new taxes can the people of Canberra expect you to now impose?

**MRS CARNELL:** Mr Speaker, Mr Whitecross would know, if he had watched the grab of what I actually said, that taxes and charges would not be used to fill the whole gap. In other words, taxes and charges would not be used instead of a belt-tightening for this Government. What we actually found was that when we looked at the \$25m that - - -

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**Mr Berry:** That is not what you said.

**MRS CARNELL:** It is, you will find. When we actually looked at the \$25m that the ACT Government was going to have to find and when we looked at the approach that we have in our policy - which is, wherever possible, to keep our taxes and charges in line with those of New South Wales - we determined that the approach that New South Wales had taken was probably the fairest and most equitable way to address the \$25m gap. But the reality is that we did not address the \$25m gap with extra taxes and charges; we addressed less than half of it. So, just over \$10.4m will be addressed by the increase in taxes. That is in line with New South Wales. It is exactly what the New South Wales colleagues of those opposite decided to do. We believe strongly that the approach we have taken is the fairest and most equitable way to address the significant shortfall that the ACT taxpayers have. Of course, we have not put up rates, or the sorts of charges that average Canberrans pay every day, above CPI in most cases. Yesterday, we passed the Rates and Land Tax (Amendment) Bill, which increased rates and land taxes by 3 per cent, in line with inflation.

Mr Speaker, we believe that the approach we have taken is the best approach for Canberra. But we did not just increase payroll tax in line with New South Wales. We will also increase the threshold, which is the level over which payroll tax is payable. At the moment, it is \$600,000. From 1 January next year, it will go to \$700,000. The year after that, it will go to \$800,000. Mr Speaker, that means that, on 1 January next year, for a medium-sized business in the ACT - say, somebody with 30 employees, paying them, on average, \$30,000 a year - the payroll tax bill in the ACT will be just over \$13,000. In New South Wales it will be over \$20,000, Mr Speaker. So, it does show that small to medium businesses - the sorts of businesses that we predominantly have here in Canberra - will be substantially better placed here in Canberra than they will be next-door in New South Wales.

**Mr Berry:** Go and ask them.

**MRS CARNELL:** Mr Berry, I must admit that I would prefer to pay just over \$13,000 than over \$20,000 in payroll tax. Possibly Mr Berry perceives that people would prefer to pay \$20,000, out of the goodness of their hearts; but I am absolutely confident, Mr Speaker, that the vast percentage of small to medium businesses would much prefer to be in the ACT, with a threshold of \$700,000 and \$800,000. What it means in the ACT is that fewer businesses will actually pay payroll tax at all. We are targeting those businesses that are the major growth employers in this city; that is, the small to medium businesses.

So, the approach we took, although in line with New South Wales, also had another element to it, which meant that we would be giving, I suppose, a better financial situation to those small to medium businesses that this Government is in the business of encouraging - encouraging to employ and encouraging to grow. We believe that that is a tax that is well focused but a tax that we would prefer not to have put on.



We would prefer that the previous Labor Federal Government had not left an \$8 billion black hole for the current coalition to have to fill. We would prefer a situation where we were not expected to take an extra \$10.4m in the coming year, on top of the \$15m that we already have to take. We would prefer a situation where we did not have to put up any taxes or charges. But we believe that, in the situation that we were placed in, the approach we have taken, in line with New South Wales, is the fairest approach and, with the increase in threshold, is very specifically targeted for the ACT.

**MR WHITECROSS:** Mr Speaker, I have a supplementary question. It is not surprising that Mrs Carnell has gone back on her word, because Peter Costello did, too.

**MR SPEAKER:** No preamble.

**MR WHITECROSS:** My supplementary question is this: When you came out of the Premiers Conference, Mrs Carnell, and made the statement about no additional taxes, which we have since found to be a lie, you also said that there would be no involuntary redundancies. Do you intend to break this promise, too?

**MR SPEAKER:** Order! The way that question has been phrased is quite out of order. It is a hypothetical question.

**MRS CARNELL:** Mr Speaker, I think Mr Whitecross will find, when he looks in *Hansard* for the actual statement I made in this place last week, that I said that I was keeping my options open on new taxes and charges. In other words, he did not bother to look at *Hansard*. He was much more willing to take reports in the media than to take statements in *Hansard*. Last week, Mr Whitecross said categorically, "Shock, horror! We will be devastated. We will not let the ACT Government cut services. Cutting services simply is not on". Today, he seems to be saying that putting up taxes - any tax, no matter how well targeted it is and no matter whether it is in line with New South Wales - is simply not on, either.

Members interjected.

**MR SPEAKER:** Order! Everybody settle down. The Chief Minister is answering the supplementary question.

**MRS CARNELL:** Certainly, Mr Speaker, to my knowledge, we have never said that there will be no new taxes, unlike particular Labor Party politicians who have been known to say that.

**Mr Whitecross:** I raise a point of order, Mr Speaker. My supplementary question related to Mrs Carnell's statement that "we will not be going down the path of involuntary redundancies". I asked her: Does she intend to break that promise, too? She has not answered the question.

**MR SPEAKER:** I said that it was out of order because it was a hypothetical question. Mr Hird?

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**Mr Berry:** Mr Speaker, I would like to make a personal explanation, pursuant to - - -

**MR SPEAKER:** Not just yet, Mr Berry. You will have your chance. I will be happy to let you do it.

**Mr Berry:** I would like to make a personal explanation, pursuant to standing order 46.

**MR SPEAKER:** Yes; but not just at the moment.

**Mr Berry:** I would like to do it in the heat of the moment because Mrs Carnell made certain accusations in her answer.

**MR SPEAKER:** I have called Mr Hird for the next question. Please resume your seat. You are not at liberty to do that. Mr Hird, your question, please.

### **Hospital Waiting Lists**

**MR HIRD:** My question is to the Chief Minister and Minister for Health and Community Care.

Members interjected.

**MR HIRD:** You be quiet over there. Mr Speaker, could you tell them to behave themselves.

**MR SPEAKER:** I will deal with the interjections. You just ask your question, please.

**MR HIRD:** Please do, under standing order 39, and under standing order 37, too. Chief Minister, for many years now the waiting list for elective surgery in Canberra public hospitals - - -

Members interjected.

**MR HIRD:** It may be a bitter pill for you people.

**Mr De Domenico:** More good news.

**MR HIRD:** Good news. The waiting list has been a source of great concern, certainly to those on this side of the house. What are the latest figures on the number of people waiting for elective surgery, and how does the record of the past 15 months compare with that of the previous Government and its management of these problems?

**MRS CARNELL:** Thank you very much, Mr Hird, for that question. Waiting lists for elective surgery are an important measure of how accessible our hospital system is to people who need surgery. They are not the only measure - except that at one stage Mr Berry actually believed that they were, when Mr Humphries was Minister.

Clearly, it is no good having the best hospital in the country if people needing surgery simply cannot get it, Mr Speaker. That is why this Government places a very high priority on stabilising and reducing the waiting list. Put simply, it means making our public hospitals more accessible to those people who really need them. It is with a great deal of pleasure then that I report on some progress to members in the Assembly here today.

**Mr Berry:** Kick them out sooner. Boot them out.

**MR SPEAKER:** Somebody else will be booted out if the interjections continue.

**MRS CARNELL:** Mr Speaker, waiting list figures for the month of May show a total of 4,163 people waiting for surgery at Woden Valley Hospital and Calvary Public Hospital. That represents a reduction of 132 on the April figure and a drop of more than 400, or almost 10 per cent.

**Mr Kaine:** Mr Speaker, I take a point of order. Yesterday, I took objection to the fact that Ms McRae babbled on while the Ministers were trying to answer questions, endlessly. Today, it is Mr Berry.

Members interjected.

**MR SPEAKER:** Order! The house will come to order.

**Mr Kaine:** Mr Berry has not stopped babbling since the Chief Minister started answering this question. Can you please call him to order and allow the Chief Minister to answer the question without that kind of interference.

**MR SPEAKER:** I uphold the point of order.

**Ms Follett:** Mr Speaker, I would like to support Mr Kaine in his assertion that the Ministers are babbling on endlessly - which is what he said, after all. Mr Speaker, it has been the practice in this place for answers to questions, particularly if they are dorothy dix questions, to get longer and longer and longer, and for answers to questions from this side of the house to be totally lacking in anything like information or accuracy. So, Mr Speaker, on that point of order, I think you should support Mr Kaine and require that Ministers speak concisely and actually answer the question.

**MR SPEAKER:** Order! Could I give some general advice to the house. May I suggest that Ministers do not respond to interjections from the Opposition but simply answer the questions as they see fit, naturally. On the Opposition's side, would you please stop interjecting repeatedly. I do uphold Mr Kaine's point of order on that. I do not uphold Ms Follett's point of order.

**MRS CARNELL:** Mr Speaker, I think I have actually had about two minutes - in fact, less than that - on this question so far and I think I am answering the question exactly on what waiting lists are actually doing. In fact, these figures represent a reduction of 132 on the April figure. That is a drop of 400, or 10 per cent, since my Government took office, Mr Speaker. I think this a major achievement for our health system, and I would like to place on record my thanks to the staff at Woden Valley and Calvary public hospitals

because it is really they who have achieved this turnabout. The reduction in our waiting lists stands in stark contrast to the appalling blow-out in waiting lists which occurred over the previous four years before we took government. Under the previous Labor Government, waiting lists went from 1,789 in July 1991 to a record of 4,569 in February 1995. That is a 150 per cent increase in less than four years, Mr Speaker, compared with an almost 10 per cent decrease over the last 15 months. Last week, we had the extraordinary admission from the former Minister for Health that he had not even bothered to ask how many operations had been conducted when he was Minister, despite the dramatic blow-out in waiting lists.

Mr Speaker, this is about putting the focus firmly on the patient. I can guarantee that now we do ask how many operations are being done at Woden Valley Hospital and Calvary Hospital. Certainly, these extra operations have come at a price to the health budget; but I make no apology for making the treatment of more patients and reducing waiting lists a top priority. Obviously, the budget has to be a top priority as well. We are not just talking about numbers here, though, Mr Speaker; we are talking about people who desperately need surgery. Some people need that surgery very urgently. I think it is a major achievement that we are meeting the needs of more and more people in Canberra and that this Government is actually bringing down waiting lists by 10 per cent in 15 months, compared to a 150 per cent increase over the previous four years.

### **City Services - Jobs**

**MS FOLLETT:** Mr Speaker, I have a question without notice to Mr De Domenico in his capacity as Minister for Urban Services, if that remains part of his shrinking portfolio. I hope that he will not try to fob it off to somebody else. Minister, yesterday, at Macarthur House, a number of affected unions were briefed by a representative of Coopers and Lybrand and by an officer of the Department of Urban Services on proposals to privatise all or part of City Services. At the meeting references were made to a report from Coopers and Lybrand which is due to be submitted to the Government in a couple of weeks' time. Will you explain to the Assembly the proposals in this report and what the Government intends to do about them? Will you confirm or deny whether one of the options in that report is that 20 per cent of all employees in City Services will lose their jobs? We are growing used to your attitude. Is this another example of your Government's commitment to jobs?

**MR DE DOMENICO:** I thank Ms Follett for her question. If I understood Ms Follett correctly, she mentioned that this is a report that the Government has yet to receive. That being the case, Mr Speaker, as soon as I see that report, I will look at it and then answer Ms Follett's question.

**MS FOLLETT:** I have a supplementary question, Mr Speaker. Given that the unions have been privy to this document and that, clearly, the Department of Urban Services is also privy to the document, and given that the Assembly will not be sitting for some weeks after it gets up tomorrow, will you table today draft reports Nos 1 and 2 that were discussed at yesterday's meeting, as well as all the slides and overheads that were used during the discussions with the unions? If not, why not?

**MR DE DOMENICO:** Seeing that I have not seen those slides - - -

**Mrs Carnell:** He cannot table something that he has not got.

**MR DE DOMENICO:** I cannot table something that I have not got.

### **Teachers Dispute**

**MS McRAE:** My question is to Mr Stefaniak in his capacity as Minister for Education. Can the Minister confirm that the current offer to the Australian Education Union requires a 7 per cent trade-off over the next two years and that that could result in a substantial reduction of teacher numbers?

**MR STEFANIAK:** Mr Speaker, I am not quite sure what Ms McRae means by a 7 per cent trade-off. There have been a number of offers made to the Australian Education Union and, indeed, a number of countersuggestions made by it. What she may be referring to - and her figures may be wrong there - is a number of options on the board in terms of productivity. The union, certainly, is starting to make some suggestions and is talking in terms of what productivity measures it would agree to being put in place. The Government has, throughout the dispute, made a number of suggestions in relation to productivity. All of those things are on the table. Mr Speaker, I am hopeful now, in this very protracted dispute, which has gone on for nearly six months, that we might finally be starting to get somewhere. The parties are continuing to negotiate in good faith. I was rather disappointed, though, to hear that the union was considering an escalation of the bans.

So, in terms of a 7 per cent trade-off, Ms McRae, I do not think that rings quite true. I do not have the current offer with me; but we are talking more in terms of 3 per cent productivity and efficiency measures and 7.1 per cent fully government funded over a period of time. But a 7 per cent absolute trade-off does not quite ring a bell. I think it is more like the 3 per cent productivity that parties are starting to talk about. Indeed, the union has made a number of other suggestions to us. We are currently, I hope, beginning what might be fruitful negotiations. There is always hope, and I certainly hope that we can get somewhere this time, because it is very important for our students and our parents, who are thoroughly sick of the bans and the effect they are having on schools.

**MS McRAE:** I have a supplementary question, Mr Speaker. Thank you, Mr Stefaniak, for that answer; but perhaps you could fill us in on - to get the wording absolutely right - what productivity measure the Government is requesting at this point. I believed that 3 per cent in the first year and 4 per cent in the next was a bit of a trade-off. But let us get back to exactly what you are saying. Could you inform the house exactly what productivity measures the Government is requesting at this point of the negotiations, understanding that that is not the final offer?

**MR STEFANIAK:** There are a number of productivity measures, Mr Speaker. I do not have the latest offer with me, Ms McRae; but I wonder whether the union would particularly want all of that tabled at this stage, because it is for discussion and negotiation. Certainly, on the table - these things have been bandied about and are probably common knowledge, so I am not affecting any negotiations - there are such things as pupil-free days and whether teachers would do work and professional development courses in stand-down periods, thus freeing up pupil-free days. That is a significant productivity gain. Those are the sorts of things, I think, where we can make some real progress.

### **Planning - Consultation**

**MR MOORE:** Mr Speaker, I have a question to Mr Humphries as Minister for Planning. Mr Humphries, at the last election, your Government prided itself on its record on consultation and, I guess, management issues. Rather than worry about the latter, I will ask you a question to do with consultation. Did you approve the three changes of lease - to the Police Youth Club in Turner, to the MBA site, and to Northbourne House on Northbourne Avenue - when each of those developments was rejected in its proposed form by LAPAC No. 1, or whichever LAPAC it was? If it is the case that they rejected it, your consultation process through LAPAC is just a sham. You will accept what they are suggesting when they agree with you; but, when they do not, you just override them and do what you were intending to do in the first place.

**MR HUMPHRIES:** Mr Speaker, I think Mr Moore is talking about three examples of consultation. One was the Police-Citizens Youth Club, the other was Northbourne House, and what was the third one?

**Mr Moore:** The one on the MBA site.

**MR HUMPHRIES:** Mr Speaker, all I can say is what I have said before to Mr Moore, which is that consultation does not necessarily imply that agreement is reached between the parties that consult. On both MBA House and Northbourne House, for example, I brought all the members of the LAPAC concerned into this building and sat them down around a table, and for an hour and a half I talked to them about those two sites. At the end of the day, we did not agree on the issues that they were concerned about at those sites. I certainly consulted with them about that. I took great pains to analyse what it was that they were saying to me. I was quite anxious to be able to agree with them, because I realise that the process of trialling these LAPACs depends on being able to use them as an effective tool for getting feedback from the community and taking notice of it. So, every occasion when I am unable to agree with a LAPAC is, in a sense, an indicator of a problem with the system. I just do not want there to be a problem with the system. However, Mr Speaker, try as I did, I could not agree with them on that particular issue. I think it is fair to say that we came away from that meeting with a better understanding on the part of the LAPAC about the Government's reasons for not agreeing with their point of view. As far as Turner is concerned, I have not personally been involved in making a decision about that. That was made by my delegate. Clearly, the delegate took into account the views of the LAPAC. I do not know why there was not agreement with the LAPAC; but I have no doubt at all that the officers in the Planning Authority who made the decision did take into account the view of the LAPAC.

**MR MOORE:** I have a supplementary question, Mr Speaker. So, Mr Humphries, are you going to put a process into place to show genuine consultation and, where you disagree with recommendations of your LAPAC, will you actually publish the reasons why you have rejected their recommendations?

**MR HUMPHRIES:** Mr Speaker, it has not been part of the planning process until now. Mr Moore is one of the architects of the Territory Plan and the planning legislation. If he thinks Ministers should give reasons when they reject a specific point of view put to them from particular sources, I can live with that. That would be reasonable.

**Mr Moore:** We are talking about LAPACs. Come off it! You established the LAPACs. I had nothing to do with it.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** I listen to the LAPACs when I am involved in a decision, and I have shown that that is the case. I have taken the LAPACs' role very seriously. No-one can say that I have not, to be frank. But, if Mr Moore wants me to go one step further and have this sort of formalised process where they put a view to me in writing and I formally write back and say, "I disagree" or "I agree" and "These are the reasons", I am prepared to accept that; but I think he should put it in the form of an amendment to the Territory Plan or the planning legislation.

### **Copyright Laws**

**MR OSBORNE:** My question is to the Attorney-General. Minister, you will recall that last week I asked you a question regarding licensing fees being sought by the Australian Performing Rights Association from small businesses which use radios in their offices. My question is this: Do you think it is fair that recording artists should seek a fee from members of the public who listen to their radios while at work, when they are already being paid a fee by the radio stations which broadcast their songs? Does your Government support this double-dipping, for want of a better word, by APRA?

**Ms Follett:** It is a little bit out of order.

**MR HUMPHRIES:** No. Mr Speaker, I will make a short comment on that. It is Commonwealth legislation. I think there is a good basis for saying that people who are performing artists in this community - Australia - deserve to be remunerated for the work that they do. If a band makes a recording and then people use that recording to make money - which is what businesses basically do when they play music or otherwise use that music to bring in customers or entertain them while they are waiting in a queue or whatever it might be - I think there is a basis for saying that, if someone is making money from it, they ought to be paying the people who have actually produced that work. I believe that people should be paid fairly for their labour, and this, in a sense, is a way of doing that.

### Teachers Dispute

**MR BERRY:** My question is to the Minister for Education, Mr Stefaniak. Minister, in the covering letter which was with the Government's proposed offer for negotiation with the AEU, sent by Ms Vardon, it was pointed out that ACT teachers have two hours less of daily face-to-face teaching than their New South Wales counterparts. Minister, could you tell us why this needed to be pointed out, and do you really want teachers to actually teach more hours each week?

**MR STEFANIAK:** This is a rather strange question, Mr Speaker. I wonder when that letter was actually sent. It sounds like a very early letter, because Ms Vardon is on leave, pending going off to Western Australia. I will see whether Mr Berry actually tables that letter, because I am interested in the date. He is talking about teachers working two hours less than their New South Wales counterparts. I think that would have to refer to high school teachers, because it probably refers to face-to-face teaching.

**Mr Berry:** On a point of order, Mr Speaker: I think the Minister has missed the point. Does the Minister really want teachers to actually teach more hours each week? That is the question.

**MR SPEAKER:** The Minister is answering the question.

**MR STEFANIAK:** That is your question, is it? I thought that was the second part of the question. Firstly, as Ms Vardon wrote that letter, I cannot say why she would have pointed that out. I would imagine, though, that it is fairly common knowledge that our teachers - certainly our high school teachers - have the lowest face-to-face teaching hours among their counterparts in the Commonwealth of Australia, in every State and Territory. I think that is a fairly well-known fact and a fairly important fact. Negotiations are continuing. That is, I suppose, one of the points that would obviously feature in negotiations between the department and the unions, to see whether that is something that might well feature on the productivity side. It is certainly a point that would be part of the negotiating process.

Really, Mr Berry, I do not think it is for me to say one way or the other whether I want them to teach any more. What I want in this dispute is for it to be settled. The Government wants that. That is why we are trying to get into the Industrial Relations Commission. That is why this Government has constantly been calling on the teachers to lift the bans.

**Mr Berry:** Mr Speaker, on a point of order - - -

**MR STEFANIAK:** Mr Berry, sit down. I am answering your question. If we can come up between us - - -



**MR SPEAKER:** Order! What is your point of order, Mr Berry?

**Mr Berry:** Mr Speaker, I do not have time to distil this into single syllables. I will read it again.

**MR SPEAKER:** No, you do not have to read it again.

**Mr Berry:** I asked: Does the Minister really want teachers to actually teach more hours each week?

**MR SPEAKER:** There is no point of order.

**MR STEFANIAK:** I am answering his question, Mr Speaker. What I am concerned about is that we end up with a settlement to this dispute. If we can come up with one before we get into the detail of the Industrial Relations Commission, well and good; the sooner the better, as far as the Government is concerned. Mr Berry, I am not particularly concerned about what productivity offers are given, as long as something is come up with which is agreeable to both parties. It may well be that that is something that is not acceptable but that other things are. That is really a matter for negotiations, as you, as an ex-union official, should know. If teachers say, "Yes, we will trade off. We will do an extra hour a week teaching. We will accept that, and that will be part of the productivity gains", well and good. But, if they say no, and there are other things that are given and we come up with an agreement, well and good, too, Mr Berry.

### **Small Business - Tenancies**

**MR KAINÉ:** Mr Speaker, through you, I put a question to Mr Humphries, the Minister for Consumer Affairs. I will not harass and attempt to intimidate the Minister all the time he is trying to answer it, either.

**MR SPEAKER:** I would hope that nobody would do that, Mr Kaine.

**MR KAINÉ:** Mr Speaker, my question to the Minister is this: Can you tell us what arrangements are currently in place to protect tenants in the large town centres from any harsh or oppressive treatment that they suffer at the hands of their landlords?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Kaine for that question. I know that there have been some serious problems in relations between landlords and tenants. I regret to say that the Tuggeranong Hyperdome has been an example of a place where there have been problems. It is not the only one, unfortunately.

I am pleased to tell the Assembly that I have instructed the Director of Consumer Affairs to intervene in proceedings instituted by the Tuggeranong Hyperdome tenants to have the Tenancy Tribunal hear claims by tenants about the conduct of their landlord, Leda Commercial Properties. That action was successful, and the result will be that relations between Leda and its tenants should be drastically improved. This is because the Government facilitated access to justice for those small businesses.

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I should say, Mr Speaker, that the concept of justice for small businesses is a concept that I will have to explain to those opposite at some later stage. I knew that those on the other side of the house would be unimpressed with that action, because it achieves some restriction on the power of those larger business enterprises - the national property empires - that are so much their allies and their friends at this particular point in time. The measure is designed to help small shopkeepers ensure that they can access the existing provisions in the legislation. That will not sit well with our friend of the multinationals and defender of big business, Mr Whitecross, across the chamber; but it is certainly in the interests of the Canberra community. The ALP is famous for having mates. Usually it is the mates in the unions, although recently we have had added to them mates in large property development groups and, of course, big landlords. It has been a quite stunning achievement to have had the traditional friends of the workers cuddling up to corporate empires of Sydney and Melbourne in recent days, Mr Speaker.

The measures the Government has taken have been, I think, an example of support for those tenants, who now have legislation in place to assist them, but who have had difficulty in accessing it, in part because of an argument that has been run, as members would know from the famous comma amendment we passed, I think, late last year. I think it is most important that the Government at least stands ready to defend the access of tenants to those means of redress. In fact, since Mr Connolly left this Assembly, the Labor Party has had no-one with even the faintest comprehension of the problems that are facing our small businesses in this town, about which, I think, those opposite should be quite ashamed. The Government understands the importance to the life of this city of a thriving small business community.

**MR KAINE:** I have a supplementary question, Mr Speaker. It is gratifying to see that finally the small businessmen have somewhere to go if they are in trouble. I understood you to say, Minister, that the action at Tuggeranong was just one of a number of measures to protect the small business community. Could you explain what you meant by that, what other measures there are, and whether those measures have been endorsed by members of the small business community?

**MR HUMPHRIES:** Mr Speaker, I think Mr Kaine would be aware that there have been a number of other measures in the *Striking a Balance* policy - a policy that people like Mr Berry were so unwilling to acknowledge for the merits that it contained. We saw things like the helpShop program - - -

**MR SPEAKER:** Order! Mr Humphries is answering the question. Sit down, Mr Berry. If you want to sit on the Government side, feel free; but just sit down.

**MR HUMPHRIES:** If he did, Mr Speaker, I would be over there in a flash, I can assure you. For example, Mr Speaker, there is the helpShop program. You would think that we had not done anything about the small business position in this town from what is being said. Let me say also that, as a number of spokesmen in recent days have indicated, this Government has taken steps which have been welcomed by the small business community. Mr Kaine asked me about the views of other players in the marketplace.

Mr Xyrakis, president of the Canberra Small Business Council, issued a statement, I think yesterday, in which he supported the Government's proposals. He ran an ad in yesterday's *Canberra Times*, or today's *Canberra Times*, I think it was, whenever, saying:

The Carnell Government's proposal is the first opportunity given to small local businesses to rebuild and survive. Trading hours regulation is needed.

It went on to say - - -

**Ms Follett:** Mr Speaker, again I raise the point of order of Minister's responses being concise, but I would also ask whether the Minister has actually anticipated debate on the Bill which I know he does not have carriage of but - - -

**Mrs Carnell:** Well, what did you do all of question time yesterday?

**MR HUMPHRIES:** You asked questions about this all day yesterday.

**MR SPEAKER:** Order!

**Ms Follett:** He is going into some detail on matters which ought properly to be debated in the context of that Bill.

**MR SPEAKER:** I would simply draw Mr Humphries's attention to the need not to anticipate debate. I am sure Mr Humphries is sufficiently experienced to avoid that pitfall.

**MR HUMPHRIES:** Mr Speaker, I will limit myself to comment from those outside this chamber on the issues which we are going to debate later. The ad continues:

The intention of the national supermarket chains is to kill off local small businesses ... Once the national chains have total control your local small business will no longer exist and consumers will have NO shopping choice. You will be told what hours you can shop and the prices you will pay.

Mr Speaker, it is a pity that the friends of the corporate giants opposite do not realise that. The Commercial and Retail Tenants Association raised similar points, making comments about the predatory and ruthless campaigns to drive out and take over suburban supermarkets. The national meat association of Australia has also bought into this debate. Bear in mind that in the last five years something like 44 butchers in this town have gone bust, mainly under the previous Government. Those opposite do not care, but 44 family butchers have gone bust in this Territory. That is probably at least 100 jobs.

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**Mr Berry:** How many amendments did you move to the Trading Hours Act when you were in opposition?

**MR SPEAKER:** Order! Mr Humphries is answering the question.

**MR HUMPHRIES:** Small business is suffering severely under the current system of deregulated trading hours, and the executive director of the association supports the move that the Government is taking. Mr Speaker, another source of support for the Government stand is an unlikely one, the Conservation Council of the South-East Region and Canberra, a group not known to support the Liberal Party as a rule. Mr Darlington, of the council, said yesterday that there were strong environmental and social reasons for the council to support any moves to retain the viability and services provided in local shopping centres.

Mr Speaker, there is clearly a mounting wave of reaction from people in this community concerned about this fact and concerned that those opposite, the Labor Party in particular, are prepared to buckle under to the interests of large corporate interests interstate. It seems that the light on the hill has moved; it is now the light in the window that you see on the twenty-fifth floor of those office towers in Sydney and Melbourne where the boardrooms are. The light coming out of the window is a far cry from the light on the hill that Ben Chifley described, and, Mr Speaker, it is a very sad indictment of the once great Labor Party. It is no wonder that they are in opposition in eight out of nine jurisdictions in this country today.

### **Teachers Dispute**

**MR WOOD:** Mr Speaker, my question is to Mr Stefaniak, Minister for Education, and it relates to the industrial dispute over teachers salaries. I want to focus on pupil-free days, a fact well known I think to people in this Assembly, when teachers are on duty and obviously are paid for it but the students are not at school. Pupil-free days are part of the current demand offer from the Government. They must trade off these pupil-free days as part of their salary package. This is what I want explained. I do not want you telling me about pupil-free days. What I want you to tell me, Mr Stefaniak, is how this is going to save money to the Education Department. What savings are there?

**MR STEFANIAK:** I am amazed at Mr Wood's question. It seems there are, in fact, some considerable savings in relation to that, Mr Wood. For starters, if we did not have any pupil-free days and, especially in conjunction with that, if members of the teaching profession did development courses during personal stand-down time, that would tend to free up a considerable amount of relief teaching, and there are savings there. I cannot remember what the percentage is, but a number of percentages have been put on that. Also, that is probably one of the main points in terms of the current enterprise bargaining round. It is now one of the issues that the union is talking about.

**MR WOOD:** I am not sure that the Minister understood the question, but I will go on to the next point I want to raise in relation to this. Pupil-free days are very much a part of school-based development, curriculum and the like, all sorts of things. Are you intending this as a means of reducing what happens in that respect?

**MR STEFANIAK:** I hardly think that is the case at all; but, in terms of curriculum and development, these things are significantly affected, as Mr Wood would know, by the bans, Mr Speaker. Indeed, only last week he was lamenting about the effects of the bans, and that is one of the effects the bans are having. When this business is all over and done with, Mr Wood, those things will continue.

### **Bicycle Strategy**

**MS HORODNY:** My question without notice is directed to the Minister for Urban Services, Mr De Domenico. You would recall, Mr De Domenico, from your previous term in the Legislative Assembly that the previous Government released in April 1994 a draft ACT bicycle strategy called "Canberra Bicycle 2000". More recently, an ACT cycling liaison group has been organised by the Department of Urban Services to liaise with other government bodies and community groups regarding cycling. Now that you are responsible for the Department of Urban Services, could you please advise when this strategy is going to be finalised and whether the delay in this finalisation is affecting the ability of the cycling liaison group to fulfil its responsibilities?

**MR DE DOMENICO:** I thank Ms Horodny for her question. In answer to the second part of the question, no, I do not think the delay is preventing the cycling action group from fulfilling its responsibilities. As to precisely when the final report will be ready, the answer to that is that I do not know. Once we make sure that all people who need to be consulted fully have been consulted fully, the Government will make the report available.

**MS HORODNY:** I have a supplementary question. Does the long delay in finalising the strategy indicate the low priority that this Government gives to cycling as a part of an integrated transport strategy?

**MR DE DOMENICO:** No.

### **Teachers Dispute**

**MS REILLY:** My question is to the Minister for Education. Minister, can you explain why you want to attack the award conditions of relief teachers? Is it really in the best interests of the ACT students to cut back on quality relief teachers?

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**MR STEFANIAK:** I thank the member for the question, Mr Speaker. Again, that is one of the things on the table in terms of enterprise bargaining. We have certain rates here in the ACT. There are certain proposals being discussed with the union and, as Ms Reilly no doubt is aware, there are certain rates paid interstate. That is one of the points of discussion currently under way with the Australian Education Union. Again, if certain agreements are reached in relation to that issue, there may well be some savings there; but again it is a matter for discussion and it is something that has to be agreed upon. I would point out that certain categories of our relief teachers are paid very well indeed - much better in some instances than their interstate counterparts. Those are the sorts of issues that enterprise bargaining is all about. Those are the sorts of possible trade-offs that can be made. Those are the things that are the subject of discussion between the AEU and the Government.

**MS REILLY:** In the discussions and consideration of a loss of income for the relief teachers, surely you must have considered how much you would save. How much are you going to save by attacking these vulnerable casual workers in the education system?

**MR STEFANIAK:** Ms Reilly, it depends on exactly what figure we come up with. How long is a piece of string? It would be very different, for example, if, say, instead of being \$190 at the top of the range it was \$180 or \$165, which I think it is in New South Wales. It would be considerably different if it was what it is for other categories of teachers. That, again, is something that is part and parcel of the negotiations. How much exactly would be saved, how much would be tacked on to the productivity if that is included in any ultimate agreement with the AEU, is a matter for further negotiation and agreement. It would vary considerably, depending on what was actually paid. Obviously, Ms Reilly, if a figure less than what we are paying now is agreed on, that would generate some savings. I reiterate that it is a matter for negotiations.

### **Domestic Violence**

**MS TUCKER:** My question is to Mr Humphries as Attorney-General. Mr Humphries, in response to a question I asked in the Assembly on 14 April - - -

**Mr Berry:** I take a point of order, Mr Speaker. Would you call the house to order so that we can all listen to the question and to the answer?

**MR SPEAKER:** There is no point of order, but I am rather amazed at the audacity of the comment. Ms Tucker, please proceed.

**MS TUCKER:** You must have a particular interest in the issue, Mr Berry. Mr Humphries, in response to a question I asked in the Assembly on 14 April about if and when the Government would implement the Community Law Reform Committee's report on domestic violence, you replied that the Government would table some kind of response by the mid-year break or very soon after. I understand that there is significant community support for this report to be implemented in full as a comprehensive strategy to tackle domestic violence in the ACT. Mr Humphries, when will the Government's response be ready, and I ask again whether the Government is committed to implementing it in full?

**MR HUMPHRIES:** Mr Speaker, the answer to the latter part of the question is the same as it was before. Yes, the Government is interested in carrying forward these recommendations. "In full" depends on the extent of the Government's response. I cannot promise that any report the Government receives, or that any government receives for that matter, will necessarily be implemented in full. Governments always have to assess a number of factors, including cost, and that, Mr Speaker, is the issue that at this stage is holding up progress on the Government response to the domestic violence report. I will certainly undertake to have it available to members. I expect that it will be available in the period between now and when we next sit. Rather than wait for the report to be presented on the floor of the Assembly, I will take the liberty of circulating it to members so they can see it before the Assembly next resumes, and then I will formally table it here.

**MS TUCKER:** I have a supplementary question. Minister, what would be your response to community concerns? You say that it is a matter of cost that is holding this up. Members of the community believe genuinely that lives are at stake here. You say there is an issue of cost. How would you respond to that? What is the value that you put on lives that are actually at risk?

**MR SPEAKER:** Mr Humphries, that is very hypothetical.

**MR HUMPHRIES:** Yes, it is slightly. Mr Speaker, I will say this: The Government obviously views the maintenance of strong domestic violence laws as being extremely important. For that reason we support and maintain a system in the ACT, which I believe is pretty good - certainly on a relative basis in this country - for the protection of those who are victims of domestic violence. I would say to those people that the fact that the Government needs to work through a number of issues, including resourcing initiatives which are recommended in the CLRC's report, does not imply that we are either callous or uncaring about the plight of people who are victims of domestic violence, or that we intend to defer the issue in order to save money. We are about finding the best way of resourcing and funding appropriate initiatives to ensure that people who are in that unfortunate position are appropriately protected.

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

### **Hospital Patient Numbers**

**MRS CARNELL:** Mr Speaker, I wonder whether I could give some further information on some questions that have been asked recently. In answer to a question last week I informed members of the unusual situation at Woden Valley Hospital regarding double-counting of day surgery over a period of 14 months. This double-counting of surgery skewed the overall surgery figures for the hospital quite dramatically and led to some quite misleading conclusions being drawn about the number of operations being conducted at the hospital.

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Mr Speaker, I informed members last week that double-counting had occurred between November 1993 and December 1994 and that a total of 3,749 phantom operations had been included in official statistics but had not actually occurred. That was the information provided to me by my officials last week. In fact, I may have inadvertently misled members because it appears that double-counting has gone on for much longer than I was aware of last week. In fact, the number of phantom operations may be many times higher than 3,749.

Mr Speaker, it was brought to my attention last night that further investigation at the hospital has revealed that double-counting of day surgery goes back to at least May 1993, and possibly much further. It is possible that it may go back as far as mid-1991 when, coincidentally, the Labor Party returned to office and Mr Berry returned to the health portfolio. The actual number of phantom operations conducted is almost impossible to put a precise figure on at this moment. Certainly, an additional 1,062 phantom operations have now been uncovered, bringing the total to date to 4,811, but it may well be much higher. Coincidentally, this is higher than the total elective waiting list of 4,449 when Mr Berry was relieved of the Health ministry in April 1994. Officials at the hospital are continuing to investigate this matter and I will keep members informed of the progress.

I also want to place on record my thanks to Mr Berry who has pursued this matter doggedly over the last few weeks despite considerable personal embarrassment. It really must have caused him real embarrassment. It is with the help of Mr Berry that much of this information is now coming to light. I would also like to note that these detailed surgery figures - I think there was some discussion about when they had actually been published - have been published on a monthly basis since April 1992, in contrast with the impression that Mr Berry gave this place last week when he suggested that they had not been published during his time as Health Minister.

### **Health Centres**

**MRS CARNELL:** Mr Speaker, I would also like to answer a question that Ms Tucker asked yesterday in the house in relation to general practitioners in health centres. There are seven general practitioners currently working in health centres. Three of them provide 100 per cent bulk-billing, while four bulk-bill clients who hold pensioner and health care cards. At Phillip Health Centre two doctors bulk-bill clients who hold pensioner and health care cards, while at Narrabundah Health Centre one doctor 100 per cent bulk-bills. On the north side, at Dickson Health Centre, one doctor provides 100 per cent bulk-billing, and at Kippax Health Centre two doctors bulk-bill pensioners and health care card holders and one doctor provides 100 per cent bulk-billing.



Officers of the Department of Health and Community Care are continuing to negotiate for lease of space to private general practitioners who must bulk-bill for health care holders and their dependants. As of today, an offer has been made to lease space at both Tuggeranong and Narrabundah health centres. I am happy to table that for Ms Tucker if she wants it.

### **ACT Taxes and Charges**

**MRS CARNELL:** Mr Speaker, I have further information in answer to a question that Mr Whitecross asked today. He made a comment that I had said something about no new taxes, Mr Speaker. For the interest of those here, I will quote the words that I used on Capital Television on 14 June. I said, "I don't want to give anyone any false expectations here. It's going to be very, very tough, but what we do not want to do is take the easy option and that is to just increase taxes". The fact is, Mr Speaker, that we did not say there would be no new taxes, and we are not just increasing taxes, Mr Speaker. In fact, the taxes that we announced will recoup some \$10m of the full \$25m that we have to find.

### **City Services - Jobs**

**MR DE DOMENICO:** During question time this afternoon, in response to a question from Ms Follett, I suggested that one cannot table things that one does not have. I have asked the department to give me some advice since that question by Ms Follett and I am advised, Mr Speaker, that Coopers and Lybrand are doing a report on the organisational review of city operations within DUS. Coopers and Lybrand are looking, amongst other things, at options for the future viability of city operations. They have established a consultative committee, including staff and union representatives. I am advised that there is only a working document at this stage, and it is Coopers and Lybrand's working document. In fact the department does not even have a copy of it yet. I am advised that the draft report is not due until next week. I am happy to provide a brief to Ms Follett once the draft report is available and I have seen it. I have not seen anything yet. I am also advised, Mr Speaker, that it is the consultant's working document, and that is all that is available. I have the consultants, by the way, writing a letter telling me exactly what is available and what is not available. It is very difficult to table a draft document that is going to be used to do a draft report which will be available next week.

### **WODEN VALLEY HOSPITAL - SURGICAL OPERATIONS Statement by Member**

**MR BERRY:** Mr Speaker, I seek leave to make a short statement in relation to claims made by Mrs Carnell about operations carried out at our public hospitals.

**Mrs Carnell:** I just thanked you for helping us. Go ahead.

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**MR SPEAKER:** Just a moment, Mr Berry. Earlier, in question time, you wanted to make a personal explanation under standing order 46.

**MR BERRY:** No, I just sought leave to make a statement.

**MR SPEAKER:** You do not want to make one under standing order 46 now.

**MR BERRY:** No, I sought leave to make a statement in relation to - - -

**MR SPEAKER:** I am just clearing it up. You do not want to make a statement under standing order 46 first.

**MR BERRY:** Mr Speaker, you refused - - -

**MR SPEAKER:** No, I did not. I simply said, "Not yet".

**MR BERRY:** I was refused the opportunity. Now I wish to make a statement in relation to - - -

**MR SPEAKER:** Very well. Is leave granted?

**Mrs Carnell:** Yes.

**MR SPEAKER:** Leave is granted.

**MR BERRY:** Thank you, Mr Speaker.

**Mr Kaine:** This will be entertaining.

**MR BERRY:** Well, that will be the first time that has happened today, Mr Kaine. If you relied on entertainment from your side you would never have got it. Embarrassment, yes. Mr Speaker, Mrs Carnell has made certain claims in relation to double-counting of surgical procedures which have been carried out at Woden Valley Hospital. These arose in the wake of information which Mrs Carnell provided to this place which clearly demonstrated that in the period of the Labor Government, on her figures that were produced and tabled in this Assembly, 2,000 fewer operations, or more than 2,000 fewer operations, were conducted by Mrs Carnell in a correspondingly equal period. That revelation, Mr Speaker, caused Mrs Carnell some humiliation because it demonstrated, aside from the \$14.2m blow-out and other very difficult problems in the health system, that Mrs Carnell had another embarrassing situation.

Mrs Carnell then set out to prove that in a period when Labor was in office there had been some double-counting. Some figures were shifted around on a piece of paper. There has been no proof offered to this place, Mr Speaker, in relation to those matters.

**Mrs Carnell:** Do you want a briefing? You can have it any time you like.

**MR BERRY:** Mrs Carnell offers across the floor a briefing to prove it. Well, Mr Speaker, she can offer it in this place. She has made the claims in this place and all over the town. Why is she not game to table the proof in the Assembly? So far all we have seen are pieces of paper with the numbers shifted around on them. Mr Speaker, in another embarrassment to Mrs Carnell, she produced some figures, which she expected the people of the ACT to believe, that there had been a 35 per cent reduction in main theatre operating procedures before this alleged period of double-counting. Mrs Carnell then had to race off and disprove that. Now she comes up with another sheet of paper with the numbers shifted around. Mr Speaker, it seems that each time Mrs Carnell gets an embarrassing question about her performance in the public hospital system she comes up with another regime of figures which set out to make the situation in relation to her own performance look better. Mr Speaker, the facts as have been presented to this place give rise to questions about the performance of Mrs Carnell. She has come up with several pieces of paper, none of which prove anything other than the fact that the numbers have been shifted around.

## **PAPERS**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, for the information of members, I present the Woden Valley Hospital Information Bulletin on Patient Activity Data for April 1996. Unfortunately, it does not have the affidavit in it that is probably necessary these days, but I will organise that for the next one, Mr Speaker.

**MR STEFANIAK** (Minister for Education and Training): Mr Speaker, for the information of members and pursuant to section 97 of the Audit Act 1989, I present the 1995 report of the Canberra Institute of Technology, together with the financial statements and the Auditor-General's report.

## **LIBRARY SERVICE**

### **Discussion of Matter of Public Importance**

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

The importance of a high quality library service for the ACT.

**MR WHITECROSS** (Leader of the Opposition) (3.32): Mr Speaker, I raise this matter of public importance today because, as members of this place will know, for the last few months, and the last month in particular, there has been a growing debate in the community about what the Government intends to do in relation to library services. Recently, amid some fanfare, the Government released a report about strategic directions for the ACT Library Service done by Brian Haratsis on behalf of the Government.

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Mr Speaker, this report, coming as it does on top of the Government's decision last year to cut \$1m from the library budget, raises some serious questions about the place we are going to have for libraries in our community services in this town. Of course, we have seen an erosion of the importance of libraries by those opposite, and we have seen a report which threatens a further erosion of the quality of library services in this Territory. It is a fact that all civilised communities have placed a high value on libraries, not just in the twentieth century or the nineteenth century; but going back over the millennia to Mesopotamia, Egypt, Greece and Rome, great libraries were an integral part of civilisations and their growth.

**MR SPEAKER:** Not to mention Alexandria, Mr Whitecross.

**MR WHITECROSS:** Alexandria too, Mr Speaker. We could talk forever about this, I am sure, Mr Speaker. Ancient civilisations thousands of years ago were wise enough to have the vision and culture to understand that libraries added to the richness of their society. Mr Speaker, libraries are repositories of knowledge. As I said, Mr De Domenico last year began lopping branches off the tree of knowledge with his \$1m cuts to the library budget. As Mr Osborne, a wise member of this place, said at the time, what type of government reduces funding to libraries? Never was a truer rhetorical question uttered. It must be painfully clear to Mr Osborne by now what type of government he is dealing with here in relation to their approach to libraries. Mr Speaker, the total library budget in the ACT is less than \$7m, which is about half what Mrs Carnell has wasted in her health budget. Yet still the library budget comes under the heaviest and most arduous scrutiny from this Government, looking for ways to scrimp and save money at the expense of the community.

**Mr De Domenico:** No, to improve the Library Service. We do not stand still like you. We do not go back to the past. We look forward to the future.

**MR WHITECROSS:** I am glad that Mr De Domenico talks about improving library services, because this brings me to some of the recommendations in the report which set the directions for the future which Mr De Domenico is so anxious to move into. Mr Speaker, one of the fascinating key findings of the report was that there is a big problem with the public libraries in the ACT because of "duplication of opening hours between branches". In other words, if the library in Civic is open on Fridays, it seems an awful waste to have the one at Dickson or Woden open on Fridays as well. Mr Speaker, this is an amazing piece - - -

**Mr De Domenico:** It does not say that at all.

**MR WHITECROSS:** Mr De Domenico compounds his error by saying that because - - -

**Mr De Domenico:** It is your interpretation.

**MR WHITECROSS:** If Mr De Domenico had read his own report, he would know that that is exactly the sort of thing that this report does. They say that it is terrible to have two libraries - - -

**Mr De Domenico:** We all knew that you could not count. Now you cannot read either. You can count to three only when you have five.

**MR SPEAKER:** Order! Mr Whitecross has the floor.

**MR WHITECROSS:** Thank you, Mr Speaker. Apparently, it is terrible to have two libraries open at the same time when we could save money by having only one library open. That is exactly what this report recommends, so Mr De Domenico is completely wrong in suggesting anything else. Let me give a couple of examples. In relation to Tuggeranong - Mr De Domenico is notorious for not taking much interest in levels of service in Tuggeranong, his electorate - following this principle, the report recommends that the Erindale library be closed on Saturdays because you can always go to Tuggeranong library. We have to close Erindale library on Saturdays because you can go to Tuggeranong. The report recommends that Civic library close on Friday nights and Saturdays because you can always go to Dickson. Far from it being the case, as Mr De Domenico sought to suggest a moment ago in his interjection, that the report does not do anything of the sort, that is precisely what it does. It recommends a reduction in opening hours because there is a library somewhere else in town you could go to. That is precisely what it does.

When this report was released, the Government tried to do a monumental snow job. They talked about how great the future was going to be because we were going to have libraries open on Sundays. They talked about spending extra money on computer technology. That is all good stuff. No-one is complaining about that. The reality is that what Mr De Domenico did not say was that for the sake of opening Woden library and Belconnen library, which are the only two libraries we are talking about, for four hours on Sunday we are going to close a string of libraries on Saturdays. We are going to reduce the opening hours during the day and we are going to cut back on evening hours.

Let us just run through the recommendations. It is recommended that Griffith library close one extra day per week and one extra night per week and open between noon and 8.00 pm. That is what Mr De Domenico is giving serious consideration to. It is recommended that Kippax library have no evening openings and open at 11 o'clock Tuesday to Friday. I will come back to Kippax library, because there is more on Kippax. It is recommended that Dickson library close one extra day per week and one extra evening per week. Dickson library, which Mr De Domenico's study suggests should close one extra day per week and one extra evening per week, has absolutely fantastic performance figures. It is right up near the top of the league table on loans per capita and second to Civic on visits. It has the highest turnover rate. The customers obviously like it. The customers obviously want to go there, but what do we have threatened in the report? It says that Dickson should close one extra day per week and one extra evening per week. It recommends that Civic library close Friday night and Saturday. Civic library also has fantastic performance figures quoted in the report. Tuggeranong library is going to improve the service, using Mr De Domenico's expression, by opening at 12 o'clock instead of 10 o'clock and closing one extra day per week. Erindale library is going to open at 12 o'clock instead of 10 o'clock and close one extra day per week and close on Saturday. These are the kinds of recommendations that Mr De Domenico has in front of him. I have raised this matter of public importance because I believe and Labor believes that this - - -

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**Mr De Domenico:** Not too many of them believe. There is no-one here, mate.

**MR WHITECROSS:** They trust me, Mr De Domenico. If these recommendations were implemented, it would be a source of major concern. I should highlight two recommendations in this report which illustrate to me the lack of understanding by the author of this report of the nature of the ACT Library Service.

**Mr De Domenico:** You are saying that this expert chap does not understand it. Where are your librarian qualifications?

**MR WHITECROSS:** Mr De Domenico has unequivocal faith in this report. Let us consider the recommendation in relation to the Gungahlin local library. There is not one at the moment, but the report proposes consideration of a new high-tech 250 square metre freestanding library at an early stage. That is obviously a good idea. It is a growing community.

**Mr De Domenico:** Are you sure you agree with that one? It is a good idea?

**MR WHITECROSS:** It gets better. It states that if Kippax is merged with Gungahlin a larger library would be required. In other words, you have Kippax in West Belconnen and you have Gungahlin, and you are saying, "There are two options, really. We could keep Kippax open, in which case presumably the Gungahlin residents might have to go to Kippax for some of their library needs, or we could close Kippax, which would mean that all the Kippax people would then have to go to Gungahlin to the library". They are the two options. If Kippax is merged with Gungahlin, a larger library would be required. Required by whom - required by the residents of West Belconnen who are now going to travel to Gungahlin or required by the residents of Gungahlin who no longer have to go to Kippax? That is a nonsense.

**Mr Hird:** You will get your brownie badge for map-reading if you keep it up.

**MR WHITECROSS:** Mr De Domenico, you paid good money for that, so I would not be laughing too much. Mr Speaker, let us consider - - -

**Mr De Domenico:** You are not worth much, I tell you, mate. You had better enjoy it while you can. You are lucky they did not have six in caucus when they took the vote.

**MR SPEAKER:** Order, please! Mr Whitecross has the floor. Government members will have the opportunity to respond in due course.

**MR WHITECROSS:** Mr Speaker, let us consider briefly the situation with the Tuggeranong libraries. The Tuggeranong libraries, Mr Speaker, as I am sure you know, are joint-use facilities; that is, they are also used by the students of the colleges as their libraries. Notwithstanding the fact that they are joint-use facilities - that is, that the students use them during the five days of school - the recommendation is that they close to the public one extra day per week. In other words, you are going to let all the students in and they are all going to be buzzing around the library doing all the things that the students do, but the little old ladies and gentlemen from the general public will be knocking on the door and pressing their noses to the glass but you will not let them in.

What a ridiculous state of affairs that is. Mr De Domenico talked about improving library services, but in fact they are considering closing the libraries at Tuggeranong and Erindale one extra day per week and closing the Erindale library on Saturday, which would mean a reduction in services to Tuggeranong residents, one-third of Canberra. In Mr De Domenico's own electorate he is going to close libraries three extra days a week compared to the current state of affairs. If you live in Tuggeranong and want to go to a library on Sunday, you will have to go to Woden, because no Tuggeranong library is going to open on Sunday, notwithstanding that the libraries there are heavily patronised and performed very well against the benchmarks in Mr De Domenico's report. Mr Speaker, there are some significant reasons to be concerned.

Mr Speaker, I will make two other quick references to concerns I have with this report. One is the finding that user pays needs to be introduced for value-added services. I wonder what they have in mind for value-added services. Maybe it is story time for the little kids. That is a value-added service. If you have a librarian sitting there reading a book to kids, that sounds like value adding to me. Are you going to set up a cash register at the door to charge for that? This is a report that is meant to take us through to 2001. Under "Outputs", the performance targets are recommended to be set at the 1994-95 levels. For every year between now and 2001, the performance outputs are going to be held at 1994-95 rates. Never mind that the population increases; never mind that the demands change; we are going to set our number of loans, number of visits, turnover rates of books, et cetera, at the 1994-95 levels.

Mr Speaker, there is one recommendation in this report which I very much agree with and which Mr De Domenico should read, to his shame. That is the recommendation that the library should spend more money on books. We all remember that last year Mr De Domenico actually spent less money on books. Mr De Domenico said, "This is an easy way of saving money. We will not buy new books. People will not notice that they are all old books. We will save money". Hopefully, Mr De Domenico will at least pick up that recommendation.

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

**MR DE DOMENICO** (Minister for Urban Services) (3.47): Mr Speaker, it has taken Mr Whitecross since March to put up a matter of public importance. Finally, the Opposition reckons that there is an enormous matter of public importance. What is it? The matter of public importance, after months and months, is:

The importance of a high quality library service for the ACT.

I wholeheartedly agree with Mr Whitecross. A high-quality Library Service for the ACT is a matter of enormous importance. I am pleased that the Leader of the Opposition has raised this issue and that the Opposition finally recognises the importance of a high-quality Library Service in the ACT. Is it not a pity that they did not realise that whilst they were in government. They were in government for four or five years before us, although Mr Whitecross would not remember that because he was probably at Social Security then, before they met in the phone box and elected him as leader. This Government is committed to creating the best possible Library Service for the Canberra community, unlike the previous Government, which showed little or no interest in libraries at all.

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Labor simply allowed them to drift along and remain primarily a book-lending service with little energy going into updating and modernising with technology. For the past 15 months this Government has focused on the Library Service and is working to take it into the twenty-first century, not the twentieth century. I hope that the Opposition will work with the Government towards achieving this. I urge the Opposition and other MLAs to support the Government in creating a Library Service for the 1990s and beyond.

Mr Speaker, this Government has achieved major improvements. For example, we have introduced the dial-in access system which allows people with a PC - and there are a lot of those in Canberra - a modem and telephone line to access the ACT Library Service catalogue. You can do it from home, from your own PC. I officially launched this system 12 days ago, and since then over 1,300 Canberrans have used it, Mr Whitecross. As you can see, this new service was a constructive reform and demonstrates how eager the Canberra community is for this type of technology. Mr Speaker, this Government is also installing a patron self-check system at Belconnen, Woden and Tuggeranong libraries in addition to Erindale, which has piloted the system for more than 12 months whilst this Government has been in power. The 3M client self-check equipment will significantly improve the libraries' performance and customer service. Benefits of the new system will include an opportunity for staff to spend more time performing other valuable client service tasks; less waiting time for borrowers, especially during peak times; and choice for borrowers between personal and automated services. This system will also increase security and help prevent material loss, because it links the existing automatic borrowing system with a 3M security system. Mr Speaker, this Government has committed \$240,000 for the purchase of these fast-track checkouts and associated security systems for Woden, Belconnen, Tuggeranong, Dickson, Civic and Griffith libraries.

Over the past six months the Government has committed resources to upgrading the internal computer system within the ACT Library Service. Unfortunately, the previous Government did not see fit to worry about such things. Our upgrading includes the replacement of many of the dumb terminals with PCs, allowing libraries to be networked to each other and to the rest of the ACT Government. This will improve the ability of library staff to provide information to the public quickly. As part of this PC upgrade, this Government is bringing worldwide information through the Internet to the people of Canberra. Mr Speaker, Internet access will be introduced within the next few months. By the end of next month almost all staff members will have been trained to use the Net and will be ready to provide high-quality assistance and service to library users. This is another example of how we, this Government, are achieving a high-quality Library Service for the ACT community.

Mr Speaker, we are extending the CD-ROM service introduced by this Government last year. In addition to Belconnen, Tuggeranong and Woden, all other libraries will now have CD-ROM facilities. CD-ROMs provide up-to-date information using the latest technology and multimedia format. Last month I released the report that Mr Whitecross was talking about, the report of the review into the ACT Library Service, for public comment.



**Mr Wood:** It is hard to get hold of.

**MR DE DOMENICO:** Mr Wood, let me know and I will give you a copy. Just ring up and ask for one and I will give you a copy. The review found that within existing resources the ACT Library Service has the potential to become one of the best library services in the country. That is what the report said. Mr Whitecross might not agree with that, but I am very proud of the fact that it took this Government to commission the report. The report tells us that within existing resources we have the potential to be the best library service in the country. That is fantastic. Mr Speaker, this report shows that library costs were not contained by previous administrations and that every Canberra citizen is paying an extra \$5.50 for library services compared to taxpayers in similar areas. What this report is telling us is that there was maladministration by the previous Government, but Mr Whitecross does not talk about that.

Members should also be aware that less than half of our population presently use the library system. This is a clear indication that past governments have not bothered to ask the question: What do consumers want from their public library service? Mr Whitecross's comments today would seem to indicate that he is not keen for us to ask this question now either. Mr Speaker, we will ask that question. We have asked that question. The review has recommended the need for changes in spending so that more money is allocated to buying books and providing information. Further, the review advised that opening hours should be tailored to the public's needs and should maximise use of the Library Service. What a great mortal sin that is, telling us that we should open libraries at the time that people who want to use them want them to be open! What a cardinal sin that is!

The consultant makes a number of recommendations about how he can achieve this. I say once again that it is a consultant's report making recommendations. It is out for public consultation. How can we achieve this? These recommendations will be considered, I stress at this point, Mr Whitecross, in the context of comments from the public and the staff - and from you, Mr Whitecross, if you care to make a submission based on the report. Do not come into this place and try to play politics with it, but if you want to make an education submission we would be delighted to hear from you. The Government will also be undertaking - - -

**Ms McRae:** Fancy a politician using a political forum! How strange, Mr Whitecross!

**MR DE DOMENICO:** Ms McRae is back. Welcome back. The Government and I are delighted that Ms McRae is interested in this matter of public importance as well. The Government will also be undertaking a survey of Canberrans as a means of gauging the best possible view about what the community wants in terms of opening hours, facilities and materials. Recent public comment relating to the opening hours of Civic and Kippax libraries will be considered along with all other community and staff comments.

I again stress that the consultant's proposed approximate hours and some specific recommendations for each branch library will need to be examined further in the context of community needs before final decisions are made. Once again, there will be consultation. That is what it is all about, is it not? I hear no response from those opposite. You will note, Mr Speaker, that this Government has released the

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consultant's recommendations for comment before any final decisions are made, unlike the previous Government, which did not release the Deloitte review of the Library Service for either staff or public comment. Why did they not do that? One wonders why. I urge the Opposition and the Independents not to take the recommendations out of context in order to play politics. Let me repeat that. Please, do not take the recommendations out of context in order to play politics. Our library services are too important for cheap games. For example - - -

**Mr Whitecross:** You took them out of context when you released the report.

**MR DE DOMENICO:** You listen. Sit back and listen, because you are the one I am talking about. Turn around and ask Mr Wood for his opinion, because he is wiser than a lot of us in this place. A recent article in the *Chronicle* quotes this week's Leader of the Opposition, Mr Whitecross, as making unfounded allegations about doing away with story time. Mr Whitecross is quoted in the *Chronicle* as saying that we are going to do away with story time. Can we all remember what Mr Berry said before the last budget? We came into this place and we said, "Wrong, wrong, wrong, wrong, wrong". It seems that the disease is catching. Mr Whitecross has the Berry disease. There is no mention anywhere in the report of abolishing story time but what did Mr Whitecross say? He said "Oh, the world is going to end tomorrow. Little kids are going to be missing out on story time". What bunkum! How dare you create this unwarranted angst, Mr Whitecross! Have you not learnt that that is not the way to play politics? It is not even Labor style, even in the ACT. It is another case of Mr Whitecross shooting from the hip. Last week it was the Sharps, before that the police. Whom are you going to have to apologise to next week, Mr Whitecross? Perhaps it will be your own colleagues and this Assembly and the community.

Let us have another example. The consultant makes recommendations for three possible options relating to Kippax and Gungahlin. We heard what Mr Whitecross said here. The review recommends no change to the service at Kippax. So much for Mr Berry running around saying, "They are going to close Kippax down, too". The report recommends no change in the immediate future. It mentions the possible redevelopment of Kippax to a more high-tech library in the medium term, and the final suggestion is that it merge with Gungahlin. It gives us three options. They are only options, but what does Mr Whitecross do? He has made up his own mind, obviously, and comes in here and tells us that it is a fait accompli.

**Mr Hird:** It is a long way between Gungahlin and Kippax.

**MR DE DOMENICO:** It is a long way to Tipperary, too. He has not been there either, Mr Hird. If the latter were an option, a larger library could be required. Wow! Do we not want a larger library, Mr Whitecross? Do we want a larger library? Yes or no? Do you want me to repeat the question? No answer from Mr Whitecross. Thank you. The important point is that these are all recommendations and options for consideration and not, and I stress "not", final proposals. I look forward to Mr Whitecross's submission, in fact. The recommendations have been available for public comment and staff consultation over the past month. Once again public consultation and consultation with staff are heresy to Mr Whitecross. Is that not a good way of doing things?

**Mr Whitecross:** Yes. Yes, good.

**MR DE DOMENICO:** I see no nod but I am assuming he means yes, because he is smiling. I look forward to receiving the community's constructive response to the recommendations. This Government wishes to work in cooperation with all MLAs in order to achieve a high-quality Library Service for Canberra now and in the future. As I said earlier, I would urge the Opposition to see this as an issue above point-scoring, although quite frankly I will not hold my breath. I hope that all members of the Assembly are so interested in the future of the ACT Library Service that they will avail themselves of the opportunity and constructively contribute to the review.

**MR WOOD (4.00):** Madam Deputy Speaker, as we have seen before, residents of the ACT are passionate about their hospitals and their schools. We are now seeing that they are also passionate about their libraries. The excellent facilities offered by the ACT library centres have long been recognised by their high rate of usage. The Minister just said that it is the best library service in Australia. Young parents with preschoolers enjoy story times; primary school children on holiday attend craft and activity sessions; school students research essays and projects, as do tertiary students and students of the University of the Third Age; vision-impaired people borrow talking books; and many people of all ages borrow books just because of their love of reading. Books give pleasure. They inform and entertain. They expand our cultural horizons. I enter my local library with a feeling of expectation. I can borrow books, videos, compact discs and tapes. I can use the library database to search the whole ACT collection for books I want. I can access the Internet.

There have been claims that with the expansion of the Internet books will become redundant, but I am not convinced. Yes, the Internet does amaze me with the vastness of its resources and the speed of its access. While researching a simple topic, I found so much information that it was impossible to read it all. Whole chapters of relevant books were there, as well as articles, transcripts, court cases and speeches. As a research tool the Internet is superb, but nothing will replace a book. You cannot curl up on the couch on a rainy afternoon with a computer screen. You cannot read it in bed or in the bath. You can print the article, but it still does not have the ease of portability and the sheer readability of a book.

Therefore, I am worried by an absence in the USE Consultants report of reference to reading as a pleasure and an entertainment. The description of the core business of the ACT Library Service as including "book lending" does not convey the importance of the enjoyment of books. Yes, our libraries need to be able to offer us Internet access and access to all the other multimedia developments that are occurring in this technological age, but they must never lose sight of their central purpose - to encourage, to nurture and nourish a love of reading in the population they serve, to expand our cultural horizons. This report that we have been discussing today in this MPI has several faults. There are no terms of reference. There is no pagination, making it hard to discuss the points it raises. As a result, there is no effective index. The rationale used for arriving at such things as catchment figures is not detailed. Civic library supposedly has a catchment figure of 13,564, while having loans in 1994-95 of 239,616 and visits of 306,520.

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Belconnen supposedly has a much larger catchment of 72,087, loans of 506,995 and visits of 306,529, about the same as Civic. There has been no break-up of the total loans figures into categories such as fiction, non-fiction, videos, talking books and so on. How can we discuss the future of certain libraries without this basic information?

I have been contacted by constituents who are very upset by the proposed removal of fiction from Civic. They either live close to Civic or work in Civic and use the library in their lunchtimes. As it is at the bus interchange, bus commuters find it very convenient. The Civic library has one of the highest rates of usage in the ACT. If we accept the catchment figure, it has the highest loans per capita and visits per capita of any ACT library branch. Although I cannot get a break-up of loans figures, librarians feel that most of the Civic borrowings are fiction. Many people will be severely disadvantaged if the fiction option is adopted and fiction goes to Dickson and Civic becomes a reference centre and multimedia centre only. I cannot imagine that the option could even have been included. My constituents feel that fiction is really the bread and butter, the staple food, of a community library service. What market research has been done to indicate the need, as suggested, for a multimedia centre and business information centre in Civic instead of the current library? Civic library is also interesting because of its proximity to the Government shopfront. Sensitive co-location of shopfronts and libraries should be explored. This has been suggested for Woden and Belconnen and could be supported if it does not mean a drop in income, a drop in support. Libraries are used to disseminate information from both the Government and community organisations. Other functions could be added. However, again this should be done without reducing library floor space, reducing service or reducing financial support.

I agree with one recommendation. Sunday opening times for libraries in the ACT are long overdue. Even small country towns like Orange have a library that is open on Sunday. People work all week, and wash, shop and play sport on Saturday. Sunday is an ideal day for some libraries to be open. But there is a threat in this report. It suggests giving a little - that is, opening on Sunday - but taking a lot by closing lots of other times. That is simply unacceptable. The suggestion to close at higher use times, which is Saturday as well, cannot be accepted. Our libraries are a fundamental part of the ACT. The community recognises that. Libraries must be enhanced, not diminished. That enhancement must be in the services provided and in the hours of availability. The Minister said that we have the best system in Australia. Minister, let it grow. Let it expand to serve the important cultural role that libraries have.

**MS HORODNY (4.08):** I thank Mr Wood for his very interesting speech on libraries. As Mr Whitecross has said, libraries are an essential community facility. They are important as meeting places, as places for reflection, as places where everyone in the community can have access to information and as places where people can broaden their interests or skills. Much is made of the information age and how access to information is now available to everyone. This is by no means a certainty. Certain classes of people will always have the opportunities to have more access to information than others. While much is being made of new technology such as the Internet, the fact remains that for most people access to the Internet is not a reality. While technology is a marvellous thing, it is not for all. Many people in our community feel very intimidated

by machines and computers, and we must cater for them as well. In the rush to embrace technological solutions I think we also have to be really careful that we do not forget that a computer can never replace personal contact. Another thing to be mindful of is that other skills and pleasures should not be lost because we come to rely too much on technology. Imagine a world without books.

The library review mentions the many important functions of libraries in our community. It talks a lot about reorientating the Library Service towards better customer satisfaction - we hear a lot about this these days - and shifting the culture of the service away from a repository or book stock and towards a technological gateway. But we have to think about not only the most informed and literate customers in this rush to embrace customer commitment programs but also groups of people who may otherwise be left out if all services were rationed according to market forces. Maximising performance and customer satisfaction is very important, and we would not ever deny that. Staff training and continuous service improvement are an important part of improving our Library Service but, as we have raised in the Assembly before, we believe that any reductions in staff must be closely analysed. Just how far can we go in replacing staff with technology? We are told that the ACT has one of the highest staffed library services according to benchmarks, but we also have one of the most used services in Australia. The purchaser-provider model is mentioned again in the report. This is another fad that has been wholeheartedly embraced without much careful analysis.

I think some of the recommendations in this report are sensible - for example, those about the mobile library service and increasing the materials budget - but reducing the hours in some libraries needs close community consultation. As a member for Ginninderra, I have to express grave concern at the suggestion that Kippax library should close. Kippax is 12 kilometres from Gungahlin. If we are serious about people having access to local facilities, from shops to libraries and health centres, then we cannot keep shutting those facilities down. It was interesting to hear Mr Whitecross talking about libraries today. We know that he cares about libraries, yet he would not amend the budget when it came to the item on libraries. It is a shame that Mr Whitecross does not act on his words when he has the opportunity.

**MADAM DEPUTY SPEAKER:** Order! The discussion has concluded.

### **PLANNING AND ENVIRONMENT - STANDING COMMITTEE** **Report on Contaminated Sites**

**MR MOORE (4.12):** I present Report No. 12 of the Standing Committee on Planning and Environment entitled "The adequacy of processes relating to identifying and managing contaminated sites in the ACT", together with the extracts of minutes of proceedings, and I move:

That the report be noted.

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The issue of contaminated sites in the ACT has been particularly contentious over the period of this Assembly and leading up to the election of the Assembly. It gives me pleasure as chair of the Planning and Environment Committee to report on the adequacy of the processes relating to identifying and managing these contaminated sites. It gives me particular pleasure to present yet another unanimous report of the committee. It will be interesting to see how long we can go on having unanimous reports.

The issue of contamination is dealt with in a series of recommendations. I think the most important thing we can do with these contaminated sites is summed up in the testimony of a resident that is quoted in the preface to the report. It states:

Our only object is to ensure that our Blocks are given a clean bill of health and that the Government funds whatever remediation measures are necessary to achieve this outcome.

The vast majority of people involved want to see an end to the processes as quickly as possible. I think that is something with which we agree. However, Assembly members and the Government have wider responsibilities than that. They have to ensure that processes are in place so that if or when contamination arises again that situation is dealt with appropriately. In the preface, which members will notice is signed by me on behalf of the committee, we state:

... the committee acknowledges the sincere and deep level of concern shown by Government officials in responding to a completely new problem for the A.C.T.

There were times when the officials, we believe, did not get things just right. In fact, they conceded to the Assembly committee on a number of occasions that they had problems in a couple of circumstances and that on redoing it they would do it better. Indeed, I would hope that would be the case. We believe that that was never due to anything other than a sincere approach on their part and that they were genuine mistakes that at times made the people who were involved particularly anxious. Of course, it causes great anxiety when one's home comes under threat, so I think it is important to emphasise that the committee believes that there was always a genuine desire to get the best possible outcome for the people involved.

The second recommendation is that the Government institute appropriate procedures to provide public certainty that land intended to be used for purposes other than those originally prescribed in a lease is free of contamination. Certainly when we are talking greenfields development, that is an important issue; but it is also an important issue where there is a change of lease. We also recommend that the Government establish a contaminated sites register. We believe that the most important issue is public knowledge. Knowledge should be available to people so that they can determine whether a site is contaminated and whether they wish to use it for their particular purposes.

The committee has framed this report in a way that we hope will be helpful, particularly to people who come back and look at it in the future but also to people who find that they are on contaminated sites. In the very early part we set out the historical aspects in a way similar to the Auditor-General's report but go further. Thanks to a motion of the

Assembly, the committee has taken responsibility for the Auditor-General's report. I think that opens up another opportunity for somebody who disagrees with something that is in our report to raise that issue before us and for us to reconsider it should that be necessary. We welcome that opportunity.

We believe that the Government should make available to people an information package that includes such things as the Australian and New Zealand Guidelines for Assessment and Management of Contaminated Sites, the Government's strategic plan for contaminated sites management and the Auditor-General's report entitled "Management of Former Sheep Dip Sites". I think they would be particularly useful.

The committee recommendations continue, but I think the most important message coming through is that we need to make decisions quickly and we need to operate as quickly. We seek to have the Government make sure that they set in place a series of time mechanisms. I refer to recommendation 9, which states:

The committee recommends the Government urgently announce its specific remediation plans for contaminated land, identifying the mechanisms and the timetable for remediation as well as how contaminated soil is to be transported and stored. In the case of contaminated land in Theodore and Watson, the committee considers the Government's remediation plans should be announced during August 1996.

We have left the Government a fair bit of room to move on that, but we also believe that it is appropriate that they move as quickly as possible. It is also our view that the issue of remediation policies for naturally occurring arsenic, along with arsenic coming from former sheep dips, should be considered in exactly the same light for the time being until it is proven to be unwarranted. At this stage we must deal with the two of them as if they are the same. It may well be that in the future it becomes quite clear, for example, that the naturally occurring arsenic is bonded in such a way that it is not bio-available. If that becomes the case, then it will warrant change but for the time being the precautionary principle should apply, and the committee urges the Government to take that approach.

We also recommend that the Government continue its present practice of directly negotiating financial details of buyouts and/or remediation with affected residents rather than utilising the services of an independent arbitrator. The suggestion of an independent arbitrator was made to our committee. There was some disagreement on that between the residents who appeared before us, and we felt that the only time that the Government should really go to the use of an independent arbitrator was once the other method, the direct negotiation, had failed. We are aware that the Government has provided fees for solicitors to represent people in those negotiations, and it seems to us that that is a quite fair process that has been taking place. Mr Speaker, there are a number of other recommendations about ensuring that people who are in the unfortunate situation of having their houses effectively under threat are affected by the process for as short a time as possible; that their houses can be remediated, and they can be provided with a clearance certificate to show what has been done.

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I would like to thank the other members of the committee for their work on this committee. I extend a particular thankyou to the secretary to the committee, Mr Rod Power, who has always put in a fantastic effort, as has been the case with all the committee secretaries I have dealt with. In this case there was a wide range of issues before the Planning and Environment Committee. At no stage has Mr Power ever complained to me as chair of the committee about the workload or about the demands that are made on him but rather has worked very hard and often late into the night. In fact, last weekend he was in here with me working on this report and another report. Sometimes we underestimate the amount of effort in the support that we get from the staff who ensure that we are able to consider these issues in the kind of detail that we do. Mr Speaker, I commend the report to the Assembly.

**MR KAINÉ** (4.24): I will be quite brief on this. I think the chair has outlined the report comprehensively, but there are just a couple of matters that I would like to draw the Government's attention to. The first is that in this report there is a preface and that preface has been contributed to by all the members of the committee. I believe it is a quite general statement that we all subscribe to. The interesting thing about it is that at paragraph 3 it states:

The committee has carefully considered these key documents in reaching a number of conclusions ...

In fact, they were originally conclusions, but they have been converted into recommendations on the basis that the Government itself, we were told, intends to disseminate a discussion paper. Otherwise, this report - and the very structure of the report will show this - would have been a very good basis for a discussion paper because it includes all of the documents that we could identify as relating to this subject, including the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites issued in 1992, the strategic plan for contaminated sites management adopted in 1995, and so on up to and including the first report of the Watson scientific expert advisory group dated May of this year and extracts from the Auditor-General's report of May this year. The report brings together a number of documents that are relevant to an understanding of, and a discussion on, the broad subject.

In so far as the findings of the committee are concerned, I think it needs to be made pretty clear that the committee, by talking to a lot of people and allowing a lot of people who had an interest in doing so to come and talk to us, determined what the community out there really wants. What it wants can be summarised quite simply. If they are on a piece of land which is contaminated and which does not constitute a serious health hazard, they want their land cleaned up and they want a certificate that says that their land has been cleaned up. That is a fairly basic and understandable requirement. On the other hand, if their land is contaminated to the extent that it constitutes a serious health hazard, they want to move somewhere else and they want to be compensated for doing so. The Government, I think it is fair to say, has responded to those needs. For the moment there is a temporary hold because of an incidental matter. The Government, of course, has to resolve the question of how it goes about that and what it does in the future.



We have recorded the fact that we believe that the officials concerned have dealt sensitively and compassionately with the issues and with the people involved and that the Government has responded appropriately. There is a longer-term question here. The Government now has to consider how it is going to deal with matters that remain outstanding today and perhaps future cases.

The Auditor-General - and we quoted some of his comments on page 53 - has made some comments about the fact that in his view, on some occasions, in some cases, the Government's response was too quick and therefore not properly thought through and that as a result there has been the expenditure of public money which in the opinion of the Auditor-General was unwarranted. He draws our attention to the fact that if the same processes continue to be followed then we are in danger of spending further public money unnecessarily. He draws that conclusion from a comparison with, for example, what is done in the State of New South Wales. His contention is - and this has not been tested by the committee yet, I must say - that the action by the Government in some cases has been perhaps a little precipitate and a little overgenerous. Those propositions put by the Auditor-General, however, I suspect, need to be subjected to some analysis.

I hope the Government finds the report a useful one in that it brings together all of the available documents that focus on the issue. It certainly highlights the concerns of the community and can point the way for the Government in resolving the issues more satisfactorily in the future. That is not a criticism of the Government. It may be that there is a fairer and a better way, and hopefully this report will help the Government come to some conclusions about whether there are better ways in which they can deal with the matter in the future. As the chair did, I commend the report to the Assembly and to the Government.

**MS McRAE (4.29):** Mr Speaker, I came into this inquiry more or less halfway through when I joined the committee in late March. I want to begin by putting on record how impressed I was with the bureaucrats who had been dealing with the issue of contaminated sites. They were dealing with a complete unknown. Nobody had ever dealt with contaminated sites in the ACT before. When I came into the debate in March, they were working with the experience that they had gained from the management of Theodore, where clearly some things had not worked out quite as smoothly as they would have liked. I was very impressed with their level of concern for directly informing each of the residents affected rather than information being conveyed second- and third-hand in an hysterical and misinformed way. From there on, they have developed their base of knowledge and their capacity to deal with the issue. I have a great deal of confidence that we have a group of people who are sincerely and deeply concerned about the impact of contamination on people in the ACT.

It was against that background that I was shocked by the Minister's action when he peremptorily withdrew the offers that had been made to the people in Watson when it was discovered that perhaps there was a natural arsenic site in Watson as well as the one that had been created by the sheep dip. I thought it showed a great level of insensitivity

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which was completely out of keeping with the way that the sites had been managed until that point. In fact, those people all appeared before us and, very kindly, not naming the Minister and not naming the officer whom they had contacted, conveyed their very high level of disappointment. I thought it was a very unpleasant and unnecessary hitch in a process of consultation and management which had gone very smoothly until then.

The Minister did not even know that negotiations had almost been finalised, and he took very little account of the effect of his change of course on people's activity at that time. He has since had to rectify the situation. I believe that it was a most insensitive and unpleasant interlude in something that was being very well managed. Some of the damage has since been repaired, in part because this inquiry was in place and people were able to come before the committee and convey to the committee their very deep concern with what was going on. I hope most sincerely that the expert group that has been put together to re-examine the difference between naturally occurring arsenic and that produced by sheep dip has a closer look at whether the soil under houses has to be removed. That was what people were most concerned about. They were concerned about whether their houses would have to be demolished in the process of remediation of sites.

I think this report is extremely helpful in that it brings out a range of concerns and a range of issues that people consider ought to be thought about more thoroughly and the real devastation that has been caused in the lives of people who one day were minding their own business and the next day got a knock on their door to tell them that perhaps they would not only have to leave their houses but have them demolished and that an entire block of houses within their suburb might have to be removed. It is little wonder that they instantly became suspicious that maybe the real plot was to get North Watson developed in line with the proposal that had not gone through before. There was obviously a very high level of personal concern about the real Government agenda. The inquiry has helped to bring those concerns and worries to light. The range of recommendations that are before the Minister offer him an insight that comes from people's experiences rather than a bold bureaucratic and perhaps more rational approach to the management of the sites.

The recommendations, although not numbered in order of urgency, quite clearly demand some very urgent action by the Government. Recommendation 9 demands that plans be out by August. The discussion paper ought to be out very soon. The demand for information is very clear, and the whole process of the management of the contamination of sites in the ACT clearly needs a lot more work. I think this committee's work has put the key issues on the agenda, has helped to create a clearing ground for some of the pain that people have suffered because of this unexpected intrusion into their lives and has shown to the people that there is a process whereby they can air their grievances, they can be heard and their grievances can be taken on board and give Government guidance as to how best to deal with them. I commend the report to the Assembly.

**MS HORODNY (4.34):** Previous speakers have covered most of the critical issues, so I will be brief. I too look forward to recommendation No. 9, particularly, being implemented. That is the recommendation that the Government announce its remediation plans for contaminated land and particularly identify the mechanisms and the timetable for remediation and how the contaminated soil is to be transported and stored.

That is obviously a huge issue and needs to be dealt with very carefully. Obviously, a lot of remediation needs to occur in the ACT in the next few years, and we need to make a very considered decision as to what to do with the amount of soil that will need to be moved and stored. There are also some issues that need to be addressed in regard to the sites where contamination is in between the investigation and health levels. For those people no simple immediate solutions are being offered. They are the people who are currently very much in limbo. Their situation also needs to be addressed urgently. There is no clear strategy in place for them and, in fact, never has been.

I am particularly pleased that recommendation No. 4 was unanimously agreed upon. That is the recommendation on the need for a contaminated sites register. I believe that a contaminated sites register is absolutely essential. Such a register, I believe, should be maintained by a registrar. I have been doing some work on this issue. A register of contaminated sites could list various categories of land such as a possible contaminated site, a probable contaminated site, a confirmed site, a restricted site, a former site and a released site. That is one example of how such a register could work. Obviously, the intent would be that most of that information be made public, with the exception of that on a possible site, because such a site by definition would not have already been tested. I am very pleased that all the recommendations had unanimous agreement, and I commend the report to the Assembly.

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

### **PERSONAL EXPLANATION**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, I seek leave under standing order 46 to make a personal explanation.

**MR SPEAKER:** Proceed.

**MR HUMPHRIES:** In the course of Ms McRae's remarks to the report on which we have just adjourned debate, she suggested that when I made a decision in April this year to withdraw offers to people at Watson I was unaware that negotiations with people in that part of Canberra were in the course of completion. That is quite untrue. I was acutely aware of the context in which negotiations were going on, and I think it is quite wrong to suggest otherwise. I made it perfectly clear to the house at the time what the reasons for that were, and it is unfortunate that Ms McRae has forgotten that that was all clearly put on the table at the time.

## PAPERS

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care): Mr Speaker, after question time today I made a statement adding to information I gave last week with regard to the double-counting of surgery. Mr Berry at that stage said that he would like an affidavit or something in writing, on the basis that he did not trust me. I can fully accept that Mr Berry feels that way, and for the information of this Assembly I table a signed document from Allen Hughes indicating that double-counting did exist for some theatre activities from May 1993 to December 1994. I also table the month-by-month statistics.

### FREEDOM OF INFORMATION (AMENDMENT) BILL 1996

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

That this Bill be agreed to in principle.

**MS FOLLETT** (4.39): Mr Speaker, the Opposition will be supporting this Bill. The principal objective of the Bill, as I am sure members are aware, is to extend the coverage of freedom of information legislation to Territory-owned corporations and to ensure that the act of corporatising the body does not mean that FOI no longer applies. Given the current Government's corporatisation agenda, it seems to me that to legislate in this manner is both the sensible and the necessary step to take. We have had Totalcare corporatised as an entity for some time now; the Government has corporatised ACTEW; it seems that the TAB is also to be corporatised; and there may well be other bodies on the Government's agenda. It is the case, in my view, that the Territory-owned corporations make many decisions and keep many documents to which the public might seek access. It is also the case that even following corporatisation, where those documents are demonstrably of a commercial-in-confidence nature, they are protected by the FOI Act from unwarranted public disclosure. I certainly hope that the increasing rate of corporatisation of ACT agencies does not mean that there is even more recourse to the commercial-in-confidence protection. I think that would be very much a backward step.

The Bill makes another reasonably significant change, and that is to extend the right of review to some questions of fees and charges payable under the Act. That means that people will be able to get a review of a decision, say, not to waive an application fee. Furthermore, there is a further review right extended by the Administrative Appeals Tribunal. We certainly support all of those matters. There are a couple of other aspects that are worth commenting on. Mr Humphries, in his introduction speech, referred to the Bill cleaning up a couple of housekeeping matters. I believe that the only matter that could really be referred to as a housekeeping matter is his proposed deletion of the expired section of the Act that relates to the first report under freedom of information, back in 1990. In other words, the Act, itself, made provision for the first report way back in 1990.

There is another change that is incorporated in Mr Humphries's legislation, and that is to reflect the Government's policy decision to abolish the central FOI office and to devolve the FOI function to agencies. I have stated before my extreme regret at the closure of the central FOI office. I do believe that was a retrograde step. I still think it is important to people in the ACT to have a central area where they know they can go to obtain information about decisions that have affected them or documents that they might wish to have access to. I understand that there is some general review going on of the current suite of complaints and of access instrumentalities in the ACT. Whilst I have no other information than that, I would encourage the Government to make a point of trying to get a central focus for that kind of activity. It seems to me that it is essential, particularly if you want to maintain any credibility whatsoever of open and accountable government, that people can readily take advantage of the mechanisms that do exist for them to make a complaint, to seek access to documents and so on. Anyway, the Government has made that decision to abolish the central FOI office and to devolve the function; that is over and done with.

What the Bill before us now proposes is to change the reporting arrangements to require that each agency reports each year on FOI, rather than just have the previous central report by the Attorney-General. Given that we have had this devolution of the FOI function, I believe it is sensible to require agencies to now take responsibility for their own management of the FOI function. As I understand it, the reports that will now be prepared by each agency will be included in the agency's annual report. As far as I am able to tell, that will involve the same level of detailed reporting on FOI matters as was previously contained in the central report. In addition, under the present Bill, the Attorney-General will still be required to prepare a central report; but it will be more of an overview nature, rather than a duplication of the detailed information that would be in the agency reports.

I believe that the Bill has sensible provisions. As I say, I do regret that there has been, in my opinion, a downgrading of the FOI function by virtue of the closure of the central office. However, I do hope that the devolution of the function to agencies certainly will not diminish this Assembly's right to examine matters to do with FOI. I guess that we will have the first test of that when we get the agency annual reports which include FOI information. As I say, we certainly will not be opposing this Bill. Many of its provisions are both necessary and sensible. This is a matter that I have a very close interest in, and I will certainly be monitoring the developments that flow from the Government's changes to the performance of the FOI function.

**MR OSBORNE (4.47):** Mr Speaker, I, too, will be supporting this Bill of Mr Humphries's. However, I must say that I am disappointed that once again we seem to be only chipping away at what I think is a much bigger problem. I think, Minister, you still need to convince me that your new proposal is right. I would like to quote from Mr Humphries's tabling speech, in which he says:

... the Bill will amend the requirements in relation to annual reporting to provide for responsible Ministers to report annually on the operations of the Freedom Of Information Act in respect of themselves and of their agencies. This new arrangement will reflect the fact that agencies have now assumed full and direct responsibility for the application of the Act to their operations rather than the arrangement which previously existed ...

Setting aside for a moment the fact that Mr Humphries does not seem to have provided here for irresponsible Ministers, this part of the Bill is completely based on the assumption that his new system is working properly. I have to say that I am yet to be convinced of that. Just a few weeks ago, several months after the beginning of Mr Humphries's new system, one of my staff went about lodging an FOI request and had an incredible amount of difficulty in going through what should have been an easy process.

It turned out that the Government switchboard at that time was referring all FOI inquiries through to the contact person at the Business, Employment and Tourism Bureau because they did not know where else to refer them, and this person in the bureau did not have a full list of all the other FOI contact people. In the hope of obtaining a complete Government FOI contact list, this staff member went to the Government shopfront, just down the road, only to be referred by them to the non-existing FOI central office of the Attorney-General's Department in the GIO building. To top it all off, the request was finally sent to the right place 35 days ago, and we have heard nothing since. I tried to ring them earlier today, but I was told that there was going to be no-one in their office this afternoon. Is it not comforting to see the processes of this essential part of our society working so well! If Mr Humphries can guarantee me that he can get his house in order and make his new arrangements work properly, then I will be much happier in giving this Bill even more support.

Mr Humphries also mentioned in his speech that he intends to review our whole Freedom of Information Act in conjunction with the Commonwealth FOI Act. Last year the Australian Law Reform Commission completed a review of our Federal freedom of information laws, and the president of the commission said after their investigation that the culture of secrecy that still pervaded much of the Australian public sector must be dismantled if the Federal Government was to become truly transparent and accountable. In other words, there are too many secrets without good reason. This report also emphasised that information held by government is a national resource and that those who collect it do not do so for their own benefit; rather, they are trustees of that information for the Australian people. While these comments were made in a national context, they are also totally applicable to our own Freedom of Information Act. Our freedom of information laws have been based on Commonwealth legislation, and most of its intent is relevant to us. Instead of containing quick and simple processes to obtain information that actually work, much of our current Act is taken up with unnecessary complex hoops to jump through and creative exemptions.

At the end of last year I announced that I was having a Bill put together that I hoped would change the bureaucratic culture of secrecy that is alive and well here in the ACT. Although the Bill has taken a bit of time to come together, the crucial element of this Bill will be to reverse the onus from people who seek information. It will now be up to the Government to convince the people of Canberra that it needs to keep secrets. If the Government has nothing to hide, then they have nothing to fear. My Bill will also reinterpret the working definition of what is in the public interest. In October 1993 the then Labor Attorney-General stated in the *Canberra Times* that what was in the public interest needed to be regulated by the Government. I could not disagree more with that statement. For a government to define what is in the public interest is invariably interpreted to mean what is in the government's interest, and I am keen to ensure that it is not the prerogative of government to decide which bits of information are to be made available. In addition, the Bill will contain a model of how an agency is to operate in an open and accountable manner. I would like to remind all members that you have repeatedly said that you are in favour of open and accountable government. Well, I am going to give it to you. After hearing of my announcement to put an FOI Bill together, Mr Humphries wrote to me and said:

... it is the policy of the Government to review freedom of information laws to increase access on the grounds of public interest and reduce delays in providing information and it seems to me that our aims in respect of freedom of information legislation are similar.

Well, we will see, will we not, Mr Humphries? In the meantime, I respectfully suggest that you get your house in order and functioning properly.

**MR HUMPHRIES** (Attorney-General) (4.53), in reply: Mr Speaker, in closing the debate on this Bill, I thank members for their support for the legislation. There are some important elements of the legislation which I think the FOI framework will benefit from. I think that passing the Bill today will facilitate a broadening of the scope of FOI to cover those semicommercial organisations or fully commercial organisations which are Territory-owned corporations in a way which acknowledges that as arms of government policy, in one sense, they need to have accountability and openness to the taxpayers who benefit from them or who support them, depending on the nature of the organisation. That is why the FOI Act will extend to them. Some other housekeeping matters, as I have described them here, are taken care of in the legislation. I think that is appropriate. I welcome members' support.

I do want to respond to the comments made about the FOI system generally as it operates in the ACT. Mr Osborne made reference, for example, to the hoops that one jumps through to get access to information. I certainly do not defend difficulties in the system in obtaining access to information. I know that when I was in opposition I spent a lot of time using FOI to attempt to get information from what I saw as a reluctant government unwilling to provide information. I think that, in commenting on supposed weaknesses or flaws in the FOI system, it behoves us to remember that this Government has put in place the single most dramatic reformation of FOI legislation that we have seen since the legislation was enacted. I refer to the almost complete abolition of fees for access to FOI

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that were previously a considerable barrier to access to FOI. There were occasions when members of this Government, then Opposition, made applications for information, particularly from the Department of Health, and were told, "Yes, the information will be available to you. That will be \$300, please", or whatever it might be. I forget the figures. They were certainly quite significant.

VITAB, I am reminded, was one such case. We were told that the information would come. It was information about matters of vital public interest to the Territory. The wasting, as it turned out ultimately to be, of public money by a Minister who was totally incompetent cost Territory taxpayers \$4m at the end of the day. We asked for information about that. We were told that the request was not in the public interest and, therefore, no fees would be remitted. As I recall, hundreds of dollars were to be charged to people who wanted to get access to that information. It was not just politicians; it was people all over the Territory who were seeking access to information about the activities of government in this Territory.

I stand in this place extremely proud. If I do nothing more in the area of FOI, I will be able to rest on my laurels and say that we have achieved something extremely important in this area, and that is to make access to personal information under FOI completely free and to make access to information of a non-personal nature, except for a flat application fee of, I think, about \$40 - I forget what the figure is - almost completely free as well. There is a fee that cuts in if one has to collect a certain amount - several hundred pages, I think - of information or if a certain volume of work is required to produce it. But essentially information for most people will be effectively, with a small threshold fee, absolutely free. That is the context in which we are debating FOI today. My response to Mr Osborne's concern about the hoops that his staff person had to go through is: Do not imagine that they have begun since the changes in the FOI legislation that we have been responsible for; they have been a feature of the system for a very long period of time. I hope that we can reduce the incidence of that kind of thing, but it is not the result of anything that this Government has initiated.

The other point that I want to make is that the decentralisation of FOI functions, I think, has also been an important task. There is no doubt in my mind that one of the side effects of centralisation in an FOI office was considerable delay in making decisions about releasing FOI information. It used to be the case that a line area would receive a request for information. The request usually went to line areas. The line area then referred the issue off to the central office. The central office would do some work and then get back to the line area. There would be some debate to and fro, and a very significant proportion of FOI requests under that arrangement were not met within time. There are statutory limits to be met, and it was very often the case that those statutory limits were not complied with under those arrangements. It ill becomes anyone who was responsible for that system, as Ms Follett was, to complain about changes in the system that result in line areas having to meet these responsibilities themselves. I think it is extremely appropriate that every department in this Territory address the question of its responsibilities under FOI, produce its own working system and its own guidelines and report to those rules and guidelines in each annual report. That is why this legislation is framed as it is.



I thank members for their support. I emphasise that we have some work to do yet to make the system more accountable or more open, but I must say that, in terms of distance travelled in recent days, we have come a very long way. I think it would be nice for the Opposition particularly, who talk about the so-called problem of decentralisation, to at least acknowledge once in a public place that the abolition of fees has been a pretty significant means of allowing ordinary people to get better FOI access in this Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

#### **POSTPONEMENT OF ORDERS OF THE DAY**

**MR HUMPHRIES** (Attorney-General) (5.00): Mr Speaker, pursuant to standing order 150, I move:

That orders of the day Nos 2 and 3, Executive business, relating to the Betting (Corporatisation) (Consequential Provisions) Bill 1996 and the Betting (Corporatisation) (Consequential Amendments) Bill 1996 be postponed until the next day of sitting.

Question resolved in the affirmative.

#### **ADJOURNMENT**

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

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## GUNGAHLIN DEVELOPMENT AUTHORITY BILL 1996

[COGNATE BILL:

### GUNGAHLIN DEVELOPMENT AUTHORITY (CONSEQUENTIAL PROVISIONS) BILL 1996]

Debate resumed from 18 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 Gungahlin Development Authority (Consequential Provisions) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 4 they may also address their remarks to order of the day No. 5.

**MR WOOD (5.01):** Mr Speaker, the Opposition will be supporting this Bill, but we will be proposing some amendments along the way. I believe all members have had the opportunity to see those. This Bill is just another step in a very long process to deliver a first-class town centre to the people of Gungahlin, in particular, and to all of Canberra. I would indicate that, if it turns out the way it looks as though it will, it will get my custom from all the way down in Tuggeranong, indeed. Let me tell you some of the history of this development. In the first instance, it was a totally new way of proceeding. Governments and agencies of government tend to put out discussion papers or an issues paper when there is a new project on the drawing board. They put ideas up first. That is the traditional way of proceeding. In this case, as we needed to develop this proposal, the Government went to the community with a blank sheet of paper. We said, "We have no preconceptions about this. It is up to you, the community, to tell us what you want". I remember the first session - I attended a number of the sessions - where we first included a discussion also of what we did not like about existing town centres. This was a new process. I think it has been a very successful one. In this case, I believe it has produced a result that people want.

My views at the time - I was the Minister, but I did not want to have a determining role in what the community wanted - were that we wanted something different; we did not want a replication of existing town centres. For example, you could stand in Woden Plaza and not know whether you were in Woden Plaza, Civic Centre, Belconnen, or the Hyperdome, on a smaller scale. I did not want a replication; I did not want to see - I remember the Greens talking about it the other day - the same stores everywhere I go. There is no variation. I hope that this model that has now been developed will see that we do not get a replication of existing centres. I did not want a monolithic enterprise, where the design and the control were under one regime, whether it was Lend Lease, Westfield or somebody else. I did not want that. I wanted something environmentally friendly, where you have a real street to be in and access to air-conditioned heat at times of the year like this. In particular, I did not want any one ownership. We wanted to avoid the problems that constantly come to the attention of members of this Assembly from the small traders in those town centres and sometimes the group centres. In particular, I did not want it to be isolated from the community. If you look at Woden, in particular, it is surrounded by major roads; it is remote from the community.

They were my views, based on a long time of shopping in Canberra and elsewhere. I have to say that I was not surprised at the response from those community meetings we had, which was the same as my view. That is a very strong view throughout the community. That is what people wanted. That is what emerged naturally through the many meetings that were held. People had strong views about the existing centres. There are documents in the files somewhere about what they do not like about them. I know that those centres are busy and packed. I was in one of them on Saturday. They are busy and they are packed. I have to give credit to the centre management, given the constraints under which they operate and under which everything has to be the darned same. They are modern, clean and well run. They are not always well run in terms of how they treat their tenants.

Another one of the aspects that came through very strongly from these meetings that I attended and from the briefings that I saw on others was that the community wanted a say not just in how it was going to be but in the continuing development of that town centre; they wanted their stake in planning to continue. It was a commercial centre, to be sure; but it was also going to be a community centre; it was going to be a centre of their social activity; and it was certainly, as came through, going to be a cultural centre. It was not simply the province of commercial enterprise. That was very important in the minds of the people who have had a long say in this development. In general terms - and I use the term "in general", not specifically in every case perhaps - this Bill seems to me to be providing the way that that can be done. That is why the Opposition is supporting it.

I have just gone through a very long process of detailing how much consultation there was prior to all this - prior to the planning, prior to the planning variations that went through. There was a great amount of consultation. I regret that that same amount of consultation has not been available as we discuss the Bill that introduces this authority. This Bill came down last Tuesday - eight days ago - and will be passed tonight. The Opposition would have liked the opportunity to take it out to the community to ask further about it. I know that they have had prior discussion; I know that they have been involved in it; but, given their commitment and their energy, I think they are owed a chance to get involved even at this stage because they are going to be part of the management subsequently. I know that we have two months away from this Assembly. I know that tenders have been called. I know the time constraints. I can say only that we really needed this Bill here some little time ago. We have gone through that.

I am sorry to put a sour note in amongst the complimentary remarks that I am making, but this Bill, I believe, delivers generally on expectations. There may be particular points which we could criticise. If we had more time maybe we could bring in some more refinements and make some more changes but, in general, it delivers what the community has asked for. I know that my speech has been mostly directed at history and what has happened in the past, but I note comments elsewhere that are of some concern. I take those on board. I take great notice of them. But let me say this: Most of the planning has already been done. I have a file in my office that is publicly available -

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a quite substantial one on the planning processes. Mr Moore's committee has been much involved in that. There are further planning approvals, of course, to come, but they will be more related now to approvals for particular buildings and how the buildings will fit in. But it is all laid out there. The tender document, not to mention the other documentation from the Planning Authority, has all that detail.

If there are concerns about leasing, all the Government policies and all the legislation remain the overriding factor. The authority is, in a sense, an agent to carry out work, but the Minister, this Assembly and the legislation remain the controlling interest. Maybe that could have been refined; maybe it could have been done slightly differently. I have gone through this quite meticulously in the last eight days, and I do not have any better answer than the one I see here. On those grounds, we will support the Bill. We have amendments to the way that the authority itself is constituted. The Greens have amendments, and I would be supporting all but one of those. I think the authority will give the community in Gungahlin and the ACT community broadly the opportunity to continue the intense interest that they have had in this very important project and I expect, as a result of all this process, that in 10 to 15 years' time, because that may be the timeframe before it is complete, and in the time leading up to that, we are going to have a town centre that is markedly different in all ways from the ones that we have in other parts of Canberra. That is not necessarily denigrating them; they were state-of-the-art planning, perhaps, for commercial development at that time.

**Ms Follett:** I think they are terrific.

**MR WOOD:** Well, I shop in them, too; but I do not shop in them at busy times, I have to say.

**Mr Osborne:** Not after 7 o'clock at night now.

**MR WOOD:** Well, I will not be able to shop in them at busy times, will I? But I think we want something different.

**Ms Follett:** You never shop.

**MR WOOD:** Well, Ms Follett, I do shop from time to time. I enjoy shopping. Let me give you an example. I think I said to the planners once, "I want a combination of some good department stores, Glebe Point Road, Newtown and maybe Potts Point".

**Mr Osborne:** You do not want Newtown, Bill; I can tell you.

**MR WOOD:** Well, I rather like Newtown, Mr Osborne. But I want something that gives me a different experience from the one I have in the four existing town centres. If I have been a little critical of them, I do acknowledge that I use them and am happy to walk through them. School holiday times, busy times, I tend to stay away. But I think this community deserves something quite a deal different. We do not need to keep repeating the same formula all the time. I think, for that reason, with the way that this is done, we will get what that community in Canberra asked for over that long series of discussions.

**MS FOLLETT (5.13):** Mr Speaker, I want to raise a couple of issues which I feel may assuage the debate even further. As my colleague Mr Wood has said, we are supporting this Bill. We are supporting it in acknowledgment and recognition largely of the input that the community has had to date. I note that there are numbers of people at Gungahlin who have done a considerable amount of work to assist in the development of the plans for the Gungahlin Town Centre. I also recognise that a great deal of the preliminary consultation and the framing of the town centre were actually done under my colleague Mr Wood's excellent ministry; so, it must be good.

There are a couple of issues that concern me, and I think it is only right to put them on the record. As Mr Wood said, the debate on this Bill is premature or the Bill itself is woefully late. That fact cannot be escaped. It is the case that we have had only a week to look at this Bill. It is not a matter that is urgent; the Government has not been honest enough to declare it urgent and, therefore, require that the Assembly deal with it as a matter of urgency, because it knows it does not have a case. It is not urgent. But what the Government has done is put the rest of the Assembly members well and truly over a barrel on this matter. We have before us a choice of supporting this Bill or being seen to be the agents of delay in the much needed development of the Gungahlin Town Centre. That is not a fair or an honourable position for the Government to be taking. The Bill should have been presented, if it was required to be passed before 1 July, a month ago. That is a fact. It has had implications as well. The Scrutiny of Bills Committee, which I chair, had very little time indeed to examine this Bill; but examine it we did. We had a number of comments upon the Bill, as I said yesterday. We are debating the Bill today, without having the benefit of a formal response from the Government to the Scrutiny of Bills Committee report. I think that is a serious matter, given that there were serious issues raised in the Scrutiny of Bills Committee report. I have discussed that with the Minister and the public servants concerned. I acknowledge that the Minister is moving a number of amendments to his Bill to take account of some but not all of the Scrutiny of Bills Committee's concerns.

There remains one concern, which I think is a serious matter but which is of an extremely technical nature. It relates to the way in which the Bill is drafted and to quite a variety of sections within the Bill. The Scrutiny of Bills adviser, Professor Whalan, took one view on those aspects of the Bill. As I am advised today by the public servants, the parliamentary draftsman has taken another view. I am not technically qualified to judge between the two, but I would have liked the opportunity to take the draftsman's view back to Professor Whalan and ask that very eminent, experienced and erudite gentleman: "Is this a reasonable response?". I do not have that opportunity, simply because the Bill was presented so late. I do think it is very regrettable that we are having this debate at the eleventh hour and without the benefit of all of the information that I, as the chair of the Scrutiny of Bills Committee, would have liked to have available.

I would also like to echo the comments made by Mr Wood about consultation on the Bill. I know that there has been a great deal of consultation in the lead-up to this point in the development of the Gungahlin Town Centre, but I have not had the opportunity of any consultation whatsoever with my constituents at Gungahlin on the precise terms of this Bill. The Government - this Government of all governments - is saying to us, "Trust us. We have picked up all their concerns". Well, I do not trust you.

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I do not think anyone would. I think it is, again, very regrettable that because of the lateness of this Bill the people of Gungahlin, the residents most affected by it, are denied the opportunity for input at this late but very vital stage of the planning of their town centre. That has occurred because the Bill was so late. I think that is a very regrettable factor as well. I do have some concerns about the Bill, and I have discussed them with Mr Wood. I acknowledge his view that the Bill is very much as he would have drafted it.

There are a couple of matters which I think we need to watch very carefully. One of those matters is that the Gungahlin Development Authority, in effect, issues leases and retains the revenue from those leases. That concerns me as a matter of principle, and I would have liked a further opportunity to consult upon it. As a point of principle, I believe that all of the land in this Territory is an asset of all of the people of this Territory and does not belong to any particular authority or any particular department. Therefore, I have concerns about the revenue from land sales at Gungahlin being retained by this authority. I recognise that those revenues are to be put to use in the development of roads, infrastructure and so on for the town centre, but this is a very unusual way of proceeding in the ACT and is, in fact, a form of hypothecation of a certain part of the Territory's revenue - the Territory's revenue, not Gungahlin's revenue. It is a matter which I think we should have had an opportunity to consider much more closely.

It is a fact that, to this point in the development of Gungahlin, the costs that have been involved in terms of putting in roads, sewerage, electricity, land developments, schools, community centres, playing fields and all the rest of it have been borne by the Territory as a whole through our general revenue and expenditure as a Territory. There is a point of principle there which does give me reason to pause. I think the people of the Territory, as a matter of principle, by and large, are entitled to get a return on their asset, rather than see that return hypothecated to one particular group. If the return is to the Territory as a whole, it is then a matter for Government policy and Government priority how that revenue is allocated. It may be to the Gungahlin Town Centre or elsewhere; it may be to our health system. I think that is a point of principle that we really do not have the opportunity to go into in any depth.

Another matter that concerns me is that I think the Government is at grave risk of exposing itself to charges of gross hypocrisy here because of the nature of the development or the timing of the development that is apparently to occur at the Gungahlin Town Centre. It is a fact that we have seen supermarkets opened at Palmerston and Ngunnawal, and I have no doubt that there are plans for other little supermarkets as the other suburbs are further developed. But under the town centre plan the site which is called 1A, which is the first site to be developed by the Gungahlin Development Authority, is - guess what? - a supermarket in a town centre. I fear that this issue has not been well thought through by the Government, and they could well find themselves very much at odds with their own very flawed policy on the treatment of supermarkets in town centres.

I regret to say that I believe that this Bill brought forward by Mr De Domenico has all the hallmarks of very hasty drafting and very ill-thought-out objectives. I think I have raised some serious concerns about it. I do not believe that we have the time today to properly and fully debate those concerns. Nevertheless, as I have said before, I feel that,

as an elected representative for Gungahlin, I am over a barrel. I do not want to delay the proper development of their town centre; I really do not. I will, of course, be supporting the Bill, as my colleague Mr Wood has indicated, but I think we should all, as elected representatives, not just for Gungahlin but for the Territory, generally express regret at the manner in which this Bill has been brought forward.

**MS TUCKER (5.23):** The Greens have long recognised the need for a Gungahlin Town Centre as well and are very glad that something is finally happening to turn it into a reality. Since the 1960s Canberra has been planned around the development of separate and relatively self-contained towns, each with its own town centre that would contain employment, community and retail facilities. The idea was that this would provide the opportunity for people to undertake their work and leisure activities and get whatever services they need within their town, rather than have to travel all over Canberra and thus increase traffic levels. Gungahlin has so far been the missing link in this plan. Until now, the people of Gungahlin have had to travel to Civic, Belconnen or Dickson for their everyday needs. This has certainly generated a lot of traffic problems in North Canberra and the eastern side of Belconnen. It is, thus, very important that the town centre provide as soon as possible a range of community and commercial services rather than just be a glorified shopping centre.

The transport links from the town centre to the rest of Canberra also need to be resolved quickly. At present, Gungahlin residents have little alternative but to hop in their cars for the journey south and force their way down Northbourne Avenue or the numerous rat runs that have developed through suburbs like O'Connor and Ainslie. The development of Gungahlin was always meant to be accompanied by the development of transport links with the rest of Canberra. Members may recall the Gungahlin external transport study some eight years ago which investigated this. I remember it very clearly as we participated as residents of O'Connor. We also have the more recent study by the parliamentary committee on the ACT which reviewed this matter and, in recent years, the studies into establishing a light rail system from Civic to Gungahlin. We are still waiting for something positive to be done about developing good public transport links for Gungahlin. For example, we have not seen any mention of a bus interchange being built at the town centre.

On a more positive note, the Greens applaud the decision of the Government to develop the Gungahlin Town Centre in the form of an urban village and not allow the development of another shopping mall, dominated by a few major retailers. The urban village style of development should, in theory, integrate retail, both large and small shops, commercial and community facilities, high-density housing and employment centres in a largely pedestrian-based urban setting with significant amounts of public open space. Credit also needs to be given to the community consultation process for the town centre which, by all accounts, is one of the most successful consultation processes undertaken by the ACT Planning Authority. It was all the more remarkable in that the Planning Authority actually seemed to take notice of the broad community desire to have a more sociable human scale and diverse town centre and not a large sterile mall. It reflected these community views in the Territory Plan variation which set the framework for the town centre.

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We are also very pleased that a significant area of native grassland where the town centre was originally sited was protected by the Planning Authority establishing a nature reserve in that area and moving the major elements of the town centre. We will be watching closely whether the innovative vision for the town centre actually occurs through the development of stage 1 of the town centre or whether purely commercial considerations will override broader community interests. In this regard we have a few concerns about the Bill to establish the Gungahlin Development Authority which the Government has tabled. It seems to have a very commercial focus on developing and managing the land and the town centre and does not appear to have much responsibility for ensuring that the necessary community facilities will also be provided in the town centre.

We will also be supporting this Bill. We have discussed various issues of concern with other members of this place, and we will be putting amendments forward to try to ensure that this board is looking after the broad range of interests. There has also been discussion about whether or not this authority is in some way getting in the way of what the Planning Authority should be doing. While I accept that there could be some concerns there, we do not have at the moment a land management authority that would actually be able to handle this basic management aspect of developing this town centre which everyone here seems to agree needs to happen as quickly as possible. It seems appropriate to have this authority.

We note that it will be reviewed after five years. It is quite possible that it will not need to exist after that time. Ms Follett raised the question of hypothecation of revenue. I agree that it is interesting; it is unusual; it does not seem consistent with the Government's normal policy. Apart from hypothecating money from gambling to elite sport, as I recall, they are normally not particularly keen on that idea. I am not quite sure what the rationale was behind that here, but as the whole authority will be reviewed in five years I imagine that those sorts of things can be discussed at that point as well.

I will just say in conclusion that, with the amendments which we propose to put and which, hopefully, will be supported, I hope that this authority will actually be able to continue what has been a very good process in terms of getting a town centre which is going to meet the needs of the people living there who had a great say in the design of that town centre and which I hope, as Mr Wood does, will be an example of much more innovative planning and a much more diverse landscape, if you like, of not only commercial facilities but community facilities and employment facilities. I do not share Ms Follett's enjoyment of malls either, I have to say; I feel more like Mr Wood. I think it is very interesting that, after such a comprehensive consultation process, that was the overriding view. You wonder sometimes who did decide to build the malls that exist already in this town. I know that you like them, Ms Follett, but I must say that I do not like them at all. I do wonder who designed them. I do know that a lot of people do not find them a good environment to be in. It was clear that that was the case after the consultation on Gungahlin. I look forward to seeing an exciting development occur very quickly.



**MR MOORE (5.30):** It was interesting to me to hear Mr Wood, in providing the history of how we got to this point, talk about how well the public consultation process went. To a certain extent, that was reiterated by Ms Tucker and others. That was done under the auspices of Mr Wood's department and Mr Wood's then Planning Authority. Mr Wood is quite right; it was an effectively carried out consultation process and a process that led to the Planning, Development and Infrastructure Committee looking at the environmental issues. Mr Berry, as chair of that committee, using the whole process appropriately, said, "No; we still have concerns". The issue went back to the officials. Mr Berry then, as deputy chair of the Planning and Environment Committee, was also involved with other members of the committee, including me, in looking at the town centre and working through the issues with the Planning Authority. They continued on that consultation process, and did so particularly effectively. They have a track record here. They have a track record of performing very well on the preparation and consultation issues. The goal which Mr Wood set when he was the Minister and which has been taken up by the present Minister was that the community be involved in that process. Is this Bill the best way to get that involvement? That is the question that we are all now considering.

Ms Follett correctly points out that this is the eleventh hour for consultation. There has been a long process to get to this point, and then suddenly we have just over a week to deal with this legislation, which was introduced into this Assembly on 18 June. I do not think that is good enough. I think there are such large numbers of unanswered questions which we have not yet considered that we really ought to take more time to look at this. The most fundamental of those is the issue that Ms Follett drew attention to, and that is the self-funding of the authority through the sale of leases. It is a total change in the way that we approach and use our leasehold system. Our leasehold system, according to the Stein report, is designed not to be used just for the development of an authority but for the benefit of the community as a whole. We are basically handing those leases over. It may well be that, after appropriate consideration of such a fundamental change to the way that we deal with our leases and our leasehold system - the only major asset that this Territory has - we come to the same conclusion as Mr De Domenico asks us to come to. But a week to consider that is entirely inappropriate.

I must say that I am aware, after having heard other people speak, that this Bill is likely to be passed in principle. There are amendments to be put to it. When we are dealing with such fundamental issues of change, we should allow this Bill to go through in principle and then refer it to the appropriate committee, which is probably the Planning and Environment Committee, to consider whether this is an appropriate move. Yes, it costs a couple of months. Well, so be it. That does not mean to say that the development of Gungahlin stops. It does not, because the development of Gungahlin is already going through a process and can continue to develop in the same way as the rest of Canberra has been developed. It is not a case of saying, "Either you get the Gungahlin Development Authority now or there will not be any development of Gungahlin". That is simply nonsense. I am asking members to reconsider their position on this and say, "Should this legislation proceed when there are such fundamental questions before us?"

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There are some questions also about the whole issue of the Government's faith in their own Planning Authority and their own processes of lease and land management that have been through a major shake-up and a major change just recently. I would have thought that, with the Government's confidence in their own processes, they would allow them to operate; or does this Government not have faith in its public servants to deal with these issues, when I have just heard speaker after speaker say how competently the officials have dealt with this particular set of issues until now? Some of these issues were touched on very briefly in an editorial in the *Canberra Times* earlier in the week. I thought it was very fair of them to publish the response from Mr De Domenico; they gave him a very fair run to present the alternative view. If I ever have a problem, they say to me, "Well, write a letter to the editor and we will publish it, provided you restrict it to 250 words". To be fair to them, they published both of the ones that I have written under those circumstances. The issues raised in that editorial, I believe, have not been answered adequately. I do not believe they have been answered adequately by the Minister either in that article or in this Assembly.

Then there is the issue of authorities. In the end, are we going to be governed by authorities? We have authorities popping up all over the place. We have this Government rejecting recommendations delivered to them that say, "Yes; you should have a separate statutory planning authority and a separate land management authority". But then they deliver almost exactly the same thing for Gungahlin. There are some ironies there. At the same time as they are rejecting those we get a Health Authority, a Gungahlin Development Authority - I cannot remember all of them - and a couple of others. The TAB looks to me as though it is dressed up effectively as an authority. We will have authorities all over the place. I think there are real issues in that.

Then there are questions in this legislation that we also have not had the appropriate time to address. Let us not forget that, at the same time as we are dealing with this legislation, members are dealing with a whole series of other matters, which is why it is very unusual to have legislation brought in one week and then dealt with the following week. I have certainly been involved, with the Planning and Environment Committee, in preparing a statement and two reports, or bringing them to conclusions, in that same period. This is not a time when members are just sitting around doing nothing.

Then we have to deal with the issues. I will just use a couple of examples. Clause 4 deals with the development area. It states that the Minister may, by instrument published in the *Gazette*, "declare an area specified in the instrument, being an area that is within the Gungahlin Central Area, as the Gungahlin Development Area". There is a fair bit of speculation as to what pieces of land this authority has control over. By and large, it is set out by the Minister in the *Gazette*. Let me raise a specific example that is raised. Will that include the development of the college that is designated in the Territory Plan to be right next to the town centre? Will it be this authority that actually designs and develops this particular college? What kind of influence will the Department of Education have in terms of the sort of college that we might need there? These are planning issues. That is just a small issue which I think illustrates that we have yet to deal with each of these sorts of issues in detail. Then we have to deal with the broader planning issues. Ms Tucker raised the issue of light rail. That is a very important issue for Gungahlin.

There will be differences of opinion within this Assembly about our transport links from Gungahlin to Civic, but what we do about transport links is a fundamental and important part of what should be happening in the development of the town centre at Gungahlin. But that is not an issue for a Gungahlin Development Authority; it is a broader planning issue. The planning for the integration of this particular area with the rest of Canberra is critical.

Yet another example that I would like to talk about is the development of office space. If we are going to have office workers out there in Gungahlin, there is no point having a development authority build a whole series of offices and have nobody come to stay. What we need is a situation where the land management control and planning are set in such a way that we can restrict office space in some areas and encourage it in others. How does this fit in with the balance of what is still needed at Tuggeranong? These are broader planning issues that ought not effectively be handed over to the Gungahlin Development Authority. When it does not quite work, when the Gungahlin central area is not developed the way that it should be, what is the Government going to do - point to the Gungahlin Development Authority and say, "Well, they did not get it right."? No, we are not going to let you do that. This is part of the process.

I am going to oppose the Bill because I do not think we have established that it is the appropriate way to go. I believe the appropriate way to go is to have an adequate planning authority and an adequate lease management system within a community of 300,000. Having a separate authority of this size simply is not necessary. However, should the legislation pass in principle, I will be seeking to refer it to a committee, and I will ask members to look at that. I might add also that as of today, because it is within a very limited time, we have a number of amendments put up by Mr Wood and a number of amendments put up by Ms Tucker that I have had a chance just to have a very quick look at. Having had a quick look at them, I must say that I think they are very sensible. Their having been distributed this morning, it is just that; it is just a quick look. It seems to me that this unholy rush that we have now is not based on any huge necessity. The development of Gungahlin can still continue under the normal processes, the normal way that we have developed the rest of Canberra, while this issue is examined appropriately in the interim. There are some issues to be discussed in terms of these important principles that are being dealt with very lightly by the Assembly if we put them through today. I urge members to consider the reference of this Bill if it passes the in-principle stage. First of all, I urge you to reconsider your position and to vote against it.

**MR DE DOMENICO** (Minister for Urban Services) (5.43), in reply: In closing the debate, I thank all members for their contributions. Can I start off with one area that I think Ms Tucker, Ms Follett and Mr Moore mentioned. It is about revenue. It is true that the authority will retain revenue, but whatever funds are not used in the development of Gungahlin will be returned to the Territory. Not only that, the Territory will eventually receive dividends from the operations of the authority. I should reply to the other matter that Mr Moore mentioned. No, Mr Moore, the authority will not be designing or building any schools; and there is nothing in the Bill to suggest this, by the way.

**Mr Moore:** Well, section 4 does allow you to do so, Minister.

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**MR DE DOMENICO:** Well, my advice, Mr Moore, is that that is not correct. The authority will not usurp the role of the Department of Education, nor will it usurp the role of the ACT Planning Authority. It is worth revisiting, in fact, some of the background that led the Government to legislate to establish the authority. Gungahlin is the first of Canberra's new towns to be constructed since self-government. It presented an opportunity to do something different, as everybody said. The Government was mindful of a perception in the electorate that, despite all the planning efforts of previous decades that had largely served the city well, the development of the Gungahlin Town Centre could and would embody new thinking and new directions - those of the Gungahlin community. I think that is important. All speakers have acknowledged the fact that this is a process that has been going on for quite some time. Can I acknowledge also the work done by Mr Wood as the previous planning Minister; it started under him. I have been involved, along with Mr Kaine, Mr Berry and others, on various committees that have been looking at this issue for quite a number of years.

The Government makes no bones about the fact that notwithstanding that the Bill was introduced only a week ago - and, yes, I acknowledge that a week is a short time to look at the technicalities in the Bill itself - it is about time that we got on with building the town centre.

**Mr Moore:** Do it.

**MR DE DOMENICO:** Mr Moore says, "Do it".

**Mr Moore:** Nothing stops you doing it now.

**MR DE DOMENICO:** With respect, Mr Speaker, all speakers in this debate were listened to in silence. I just want to suggest to Mr Moore that he extend the same courtesy to me in summing up this debate. I know that Mr Moore does not agree with what every other member has said in this debate. However, he could at least give us the courtesy of sitting down and listening to everybody else. The idea of an authority to oversee the development of the Gungahlin Town Centre was not exclusively the Government's agenda, either this Government or the previous Government; it arose from the community consultations. It is as simple as that. The consultations were the most extensive ever conducted in the ACT, under both governments, on a draft variation to the Territory Plan. That is what it was; it was a draft variation to the Territory Plan. The message was clear. The community wanted a town centre based on the concept of an urban village.

The second point that needs to be made is that what the community said it wanted is being acknowledged by independent retail studies; that shopping malls, as we know them, have their limitations. People want and expect the Gungahlin Town Centre to be a focal point of their community, rather than just a place to go to shop. Like Ms Follett, I happen to enjoy going shopping at the local malls that we have now - a lot of people, a lot of noise, a lot of cover. That is a personal opinion. Ms Tucker disagrees; that is fine. Further, the community expressed a strong desire that the centre should not be dominated by one owner and that it not include an internal mall.

The question then was: How do we deliver? How does any government deliver those requests? Such a concept had not been tried on a comparable scale in contemporary urban Australia. We are doing something that is very different. I acknowledge that, when someone does something different, people are reticent; they sit back and say, "Listen; let us consult more and more. Let us refer things to committees". Well, we can do that. We can keep referring things to committees time and time again, or we can go ahead and do it. Okay, we may make mistakes. When you are doing something innovative, you may make a mistake; but in my view - and perhaps I am a bit too impetuous - it is better to make a mistake than to not do anything at all, because at least you can learn by the mistakes that you make. Clearly, the fact is that we are doing something new. It was more than just a planning task. We recognised that building such a centre would require special attention; thus the concept of an authority to oversee the building and management of the Gungahlin Town Centre and central area was born.

I must say, for the record, that the Gungahlin Development Authority, if this Bill passes, will be bound by all Territory laws; that means those governing planning and lease administration. The authority will need ACT Planning Authority approval for any development of the town centre or any development at all. Leases issued in the town centre will be administered by the Minister responsible for land management. The Territory will be the lessor, not the authority. I am not going to go through what I said, as reported in the *Canberra Times* this morning, except to say this: The *Canberra Times* made me two offers, either do a letter to the editor on Saturday or the story in today's paper. It did that because its editorial last week was factually flawed. It was as simple as that. The editorial in the *Canberra Times* was factually flawed.

**Ms Follett:** It did not have a photo in it either.

**MR DE DOMENICO:** No, it did not have a photo in it either. It was an old photo. It was one taken in 1990, just after Collingwood won their last grand final.

**Mr Osborne:** You reckon you do not read the papers.

**MR DE DOMENICO:** I read that one, Mr Osborne.

**MR SPEAKER:** Order! Relevance!

**MR DE DOMENICO:** I acknowledge your admonition, Mr Speaker. That was why that was done - the editorial was flawed. Had the person who wrote the editorial actually read the piece of legislation, he would have realised that in fact it was not a planning matter whatsoever. All the authority is doing is delivering a town centre, subject to all planning restrictions, all planning legislation and every other piece of legislation that this Territory has in line. Clearly, that is why the offer was accepted by me to get the record straight, so to speak. As I said, I acknowledge the contribution made by the former Government and by members in this debate. The Government will not be supporting Mr Moore's desire to send the Bill to a committee. I am glad that it seems that the majority of the Assembly is of that mind as well. The Government, however, will be supporting all of the amendments to be put forward by the Greens and all but one of the amendments foreshadowed by Mr Wood, and we look forward to doing that as quickly as possible.

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Question put:

That this Bill be agreed to in principle.

The Assembly voted -

*AYES, 15*

*NOES, 2*

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

Question so resolved in the affirmative.

Bill agreed to in principle.

**MR MOORE** (5.53): Mr Speaker, pursuant to standing order 174, I move:

That the Bill be referred to the Standing Committee on Planning and Environment.

Question put.

The Assembly voted -

*AYES, 1*

*NOES, 16*

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

Question so resolved in the negative.

**Detail Stage**

Clauses 1 to 6, by leave, taken together, and agreed to.

Clause 7

**MS TUCKER (5.55):** I ask for leave to move amendments Nos 1 to 3 together.

Leave granted.

**MS TUCKER:** I move:

Page 3, line 22, paragraph (1)(d), after “facilities” insert “(including community facilities)”.

Page 3, line 31, paragraph (2)(a), omit “and”.

Page 3, line 32, subclause (2), add the following paragraphs and subclause:

- “(c) in consultation with residents of the Territory and, in particular, of Gungahlin;
- (d) in a manner that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates; and
- (e) where its activities affect the environment - in compliance with the principles of ecologically sustainable development.

“(3) For the purposes of paragraph (2)(e), ecologically sustainable development is to be taken to require the effective integration of economic and environmental considerations in decision-making processes and to be achievable through implementation of the following principles:

- (a) the precautionary principle, namely, that if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;

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- (b) the inter-generational equity principle, namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (c) conservation of biological diversity and ecological integrity;
- (d) improved valuation and pricing of environmental resources.”.

The first of these amendments is basically to add the words “including community facilities” just to make sure that the use of the word “facilities” at that point is quite clear. The other amendments are basically about including social and environmental responsibility in the basic work of this authority. We have made similar amendments in relation to various other authorities and boards. I am sure that members are all quite familiar with the reasons. I will not go on at length about them. I hope that we do get the support of members for these amendments because it is very important that, if we are to avoid a focus that is overly commercial, we must have these things written down quite clearly so that we can hold to account such a board. Mr Moore is hoping that we will all regret what we have done tonight, but I sincerely hope that we do not because this is something that people have done with the best intentions for the people of Gungahlin. If we do make the amendments which the Greens have suggested and which Mr Wood is suggesting, there is a greater likelihood that the work of this authority will be accountable and responsible. I do ask members to support these amendments.

**MR WOOD (5.57):** Mr Speaker, the Opposition agrees generally with the amendments moved by the Greens. There is one area of dispute which we differ on and which we do not agree with, but it may be wrapped up here collectively; that is, that one of the members of the board be nominated by the Gungahlin Community Council. We believe that is restrictive. It is no criticism of the community council, which we respect, but if the someone nominated by that council is not from Gungahlin it means that an awful lot of people in Gungahlin may not have access to that representation.

**MR SPEAKER:** Excuse me, Mr Wood, we are discussing another amendment.

**MR WOOD:** Is that right?

**MR SPEAKER:** Yes; we are discussing amendments Nos 1 to 3 only.

**MR WOOD:** Okay; but I will not repeat myself shortly. I make that point in general terms.

**MR DE DOMENICO (Minister for Urban Services) (5.58):** Mr Speaker, the Government will be supporting the amendments. The Government has previously agreed to the principles of ecologically sustainable development being incorporated into the Territory Owned Corporations Act 1991 and agrees, for consistency, to include this provision in the Gungahlin Act.



Amendments agreed to.

Clause, as amended, agreed to.

Clauses 8 to 13, by leave, taken together, and agreed to.

Clause 14

**MS TUCKER** (5.59): I move:

Page 7, line 32, paragraph (1)(a), add at the end “, being a person nominated by the Gungahlin Community Council Incorporated”.

This amendment is about the person nominated by the Gungahlin Community Council. We do recognise that there will be two representatives from the community. We think it is appropriate that one of those be from the community council, although we do appreciate that it is advisable to have another member representing the community generally as well just in case there are concerns about the representative nature of the council at any time. Mr Wood’s amendment will ensure that that occurs as well. We will have two representatives, not just the one from the community council.

**MR WOOD** (5.59): Mr Speaker, I have indicated that the Opposition will not be supporting this amendment.

**MR DE DOMENICO** (Minister for Urban Services) (5.59): The Government will support the amendment, Mr Speaker.

Amendment agreed to.

**MR WOOD** (6.00): Mr Speaker, I ask for leave to move four amendments together.

Leave granted.

**MR WOOD**: I move:

Page 7, line 33, paragraph (1)(b), omit “a person”, substitute “a resident of Gungahlin”.

Page 8, line 1, paragraph (1)(c), add at the end “who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin Central Area.”.

Page 8, line 2, paragraph (1)(d), add at the end “who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin Central Area.”.

Page 8, line 3, paragraph (1)(e), add at the end “who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin Central Area.”.

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Mr Speaker, the impact of the first amendment is to ensure that a person who is a resident of Gungahlin fills that specialist position nominated on the authority. The other amendments ensure that people with certain designations have no pecuniary interest in that land or in any activity carried out on the land in the Gungahlin central area. This is a normal process, but we have written it into this legislation as a matter of principle.

**MS TUCKER** (6.01): The Greens will be happy to support these amendments.

**MR DE DOMENICO** (Minister for Urban Services) (6.01): The Government will, too, Mr Speaker.

Amendments agreed to.

**MS TUCKER** (6.02): I move:

Page 8, line 4, subclause (1), after paragraph 14(1)(f) insert the following paragraphs:

“(fa) a person with expertise in environmental protection;

(fb) a person with expertise in the provision of community facilities.”.

This amendment is basically about including in the group a person with environmental expertise and a person with expertise in the provision of community facilities. This is, once again, important if we are to make sure that there is a balanced approach by this group in the development of what, hopefully, will be a state-of-the-art town centre.

**MR DE DOMENICO** (Minister for Urban Services) (6.02): The Government will support the amendment, Mr Speaker.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 15 to 20, by leave, taken together, and agreed to.

Clause 21

**MR DE DOMENICO** (Minister for Urban Services) (6.03): Mr Speaker, I move:

Page 10, line 6, paragraph (2)(c), before “contravenes” insert “without reasonable excuse”.

The amendment is one of those recommended by Professor Whalan. As Ms Follett said, there was a difference of opinion between Professor Whalan and the Parliamentary Counsel. Whilst I acknowledge the expertise of Professor Whalan, I also have to keep in mind that, from time to time, people might misinterpret or misread things. I take full responsibility for the fact that perhaps the Government could have introduced this Bill a lot sooner; but, then again, the balance was: Do you introduce it a lot sooner and have even more mistakes in it, or do you try to get things done? Firstly, the Scrutiny of Bills Committee has asked that consideration be given to the inclusion of a defence “without reasonable excuse”, if a member of the authority fails to disclose a direct or indirect pecuniary interest. I agree with the comments, as I said, made by the committee. In the amendment, I propose that subclause 21(c) of the Bill be amended to now read “without reasonable excuse contravenes section 18”.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 22 to 30, by leave, taken together, and agreed to.

Clause 31

**MR WOOD** (6.04): Mr Speaker, I move:

Page 12, lines 33 to 35, subclause (1), omit the subclause, substitute the following subclauses:

“(1) The staff assisting the Authority shall be employed under the *Public Sector Management Act 1994*.

“(1A) The *Public Sector Management Act 1994* applies in relation to the management of the staff assisting the Authority.

“(1B) The Chief Executive Officer has all the powers of a Chief Executive in relation to the staff assisting him or her as if the staff were employed in a Department under the control of the Chief Executive Officer.”.

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The Opposition regards this as an important amendment. It provides that the staff assisting the authority, though not a large staff, shall be employed under the Public Sector Management Act 1994. I see no reason why this should not automatically be the case. It seems to me appropriate that these people who are working in what clearly is an agency of the Government should be public servants and under the same provisions as all other public servants in the ACT. They get certain rights and privileges under that; they get certain protections that I think are important for them. The provision, as it currently stands, does nothing particularly for the authority or for those people. I do not know what argument could be advanced to say that the authority is going to work better if these people are not part of it. I think the logic should apply consistently across the work force. This amendment should be written into the legislation.

**MS TUCKER** (6.05): The Greens will not be supporting this amendment. It seems as though it is quite possible for public servants to be seconded across, and that probably would be appropriate in some circumstances. Because this is just a five-year term for this authority, I guess that we need to have flexibility to actually be employing various people with skills over that period of time. I think at the review period in five years there will be a time to look once again at whether or not this authority is continuing in any form and what the long-term requirements are. It may then be appropriate to put this provision in.

**MR DE DOMENICO** (Minister for Urban Services) (6.06): The Government will not be supporting Mr Wood's amendment. I agree entirely with what Ms Tucker has said; the Government considers that the most appropriate staffing arrangements for the authority is for staff to be employed under conditions determined by the authority, rather than the Public Sector Management Act. The authority will have only a very small number of staff, as Mr Wood has acknowledged. Its staffing needs and the skills of its staff will fluctuate constantly, I believe, and the Government believes that the authority will need considerable flexibility to respond to its needs at any given time. As Ms Tucker rightly said, there is going to be a review of the authority in five years' time anyway. For those reasons, the Government will not be supporting Mr Wood's amendment.

Amendment negatived.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

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

Bill, as amended, agreed to.

**GUNGAHLIN DEVELOPMENT AUTHORITY  
(CONSEQUENTIAL PROVISIONS) BILL 1996**

Debate resumed from 18 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.

Leave granted to dispense with the detail stage.

Bill agreed to.

**ADJOURNMENT**

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

That the Assembly do now adjourn.

**Woden Valley Hospital - Statistics**

**MR BERRY** (6.08): Mr Speaker, at the conclusion of question time today Mrs Carnell placed on the record a letter to me in relation to certain statistics which allegedly prove double-counting at Woden Valley Hospital. Mrs Carnell referred in her letter to some of her concerns about having misled the Assembly. I suggest to Mrs Carnell that she still has problems in that regard. Apparently, this letter was written this morning, with the intention of giving it to me before question time but was subsequently held back. No wonder! The statistics which have been provided prove nothing. The curious part about this is that it was a document which was sent, according to the fax time, at 12.16. It was the fifth of five pages. I challenge Mrs Carnell to table the other four pages. I ask her why she did not place them on the table at question time today in order that we could have been more fully informed about the matter.

Later this afternoon, Mrs Carnell, with the apparent catching disease which seems to be occurring in the Liberal Party - Mr Downer has got the smart alics - swaggered in with a letter from Dr Hughes. Mrs Carnell claimed that the statistics did, in fact, prove all of this double-counting. Well, Dr Hughes has said in his letter that there was some double-counting; he does not know how much. Dr Hughes then refers to a copy of statistics. The time stamp on these ones was quite different. I suspect that we might be running on daylight saving time there, because we received them before they got here. The point I wish to make is that those statistics to which Dr Hughes apparently refers are incomplete. They are page 3 of a document which is incomplete. I challenge the Chief Minister to supply the rest of those documents, too.

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**Mrs Carnell:** It is page 3. It is a covering sheet, a letter and the next one; that is, three pages.

**MR BERRY:** Well, Dr Hughes's letter is No. 1. The statistics are No. 3. There is one missing from in between. I suspect that the cover sheet would go before Dr Hughes's letter. There may be others after it. Who knows? We will be better informed, Mrs Carnell, if you give us all of the information and do not allow us the luxury of sharing your concerns apparently about misleading the Assembly.

### **Leader of the Opposition**

**MRS CARNELL** (Chief Minister) (6.11): Mr Speaker, I bring an issue of absolutely grave concern to this place this afternoon. As patron of the Raiders, it is an issue of real disloyalty. It is the sort of thing that in the past I expect people would have been hung, drawn and quartered for. It has to do with Mr Whitecross's tips in the tipping competition last weekend. Mr Whitecross took the absolutely disloyal approach of not tipping the Raiders and, in fact, suggested in print that Parramatta would actually beat the Raiders. I am sure that this Assembly will join with me in suggesting that the disloyalty shown by the Leader of the Opposition is unacceptable, even if he happened to be right. No other tipster in Canberra would have for one moment been so disloyal as to suggest that the Raiders would lose to a team such as Parramatta, even if he happened to be right.

### **Leader of the Opposition**

**MR WOOD** (6.12): I must respond to that. I recall the occasion when the Chief Minister - correct me if I am wrong; if my memory is wrong - was photographed in a Broncos jersey. I do not know whether we should treat what Mrs Carnell said light-heartedly. Nevertheless, there was an element of bite in what she was saying. Let me also say that what this demonstrated last weekend was that Mr Whitecross's judgment is a great deal better than Mrs Carnell's judgment.

**Mr Berry:** And more honest.

**MR WOOD:** And, as Mr Berry said, more honest. Well, he said what he thought, and not what was immediately seen to be popular. I think that is the mark of a statesman. Thank you, Mr Whitecross.

### **Canberra Raiders - Patron**

**MS FOLLETT** (6.14): I want to make a brief contribution because I know that we touch a chord with an awful lot of Canberrans when we talk about the Raiders. I am sure that there are hundreds of thousands of people who have been lying awake at night wondering what has gone wrong with the Raiders, when Ricky will be better, when Bradley Clyde might be taking the field and so on. I have a different point of view on this matter. In my opinion, the Raiders have started to lose by cricket scores only since they have had Mrs Carnell as their patron. In that respect, they are reflecting the reaction of a great many other organisations and businesses in the ACT - the minute that Mrs Carnell took charge, they went to water. I regret to say that the Raiders have followed suit. I hope that they rediscover their skills and their courage fairly swiftly. I would suggest that, as a precaution in the meantime, Mrs Carnell stay away from them, just for a while, to give them a fair go.

### **Leader of the Opposition**

**MR WHITECROSS** (Leader of the Opposition) (6.15): Mr Speaker - - -

**Mr De Domenico:** Whom are you tipping this week?

**MR WHITECROSS:** Well, you will have to read it in the paper, Mr De Domenico. I rise on Mrs Carnell's point. I must say that politics is a difficult game. In government, you do have to make some hard decisions.

**Mrs Carnell:** But loyalty has to come before anything.

**MR WHITECROSS:** Well, loyalty is important; but so is making the right decision. With the points as they were, it seemed only fitting that I also consider the beneficiaries of this competition. I am not sure that I have collected yet, but if I did actually get to collect in one of these competitions the money goes to a charity. I have to do my best for the charity concerned as well. But I had to make the difficult decision. I made the difficult decision. Sometimes these calls have to be made. On this occasion, as Mr Wood quite correctly observed, my judgment proved to be correct. I am happy to stand by that judgment. But I hope that in future I will have the opportunity to pick the Raiders again, because they are the team that I support, and I would like to see them win.

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**Leader of the Opposition**

**MR DE DOMENICO** (Minister for Urban Services) (6.16), in reply: I was intrigued when listening to the debate across the floor of the chamber. I was trying to think what I could say to make a contribution, unaccustomed as I am to speaking and making contributions, Mr Speaker, as you would know. Mr Whitecross, the only thing that you could do worse than not pick the Raiders is not pick Collingwood if you were a Collingwood supporter; I have to tell you. You could not do that. I was also thinking of contributions made by members and how to score them out of five. I think I would give Mrs Carnell two out of five; Mr Wood, two out of five; and even Ms Follett, two out of five. But there is one person that I would give more than that to, and that is Mr Whitecross. It is very apt, because, as always, I think Mr Whitecross deserves three out of five.

Question resolved in the affirmative.

**Assembly adjourned at 6.17 pm**