



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 JUNE 1996

Thursday, 27 June 1996

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Thursday, 27 June 1996

The Assembly met at 10.30 am.

(Quorum formed)

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

PETITIONS

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

By **Mr Hird**, from 29 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

By **Mr Osborne**, from 39,874 residents, requesting that the Assembly vote against the Government's proposed restricted shopping hours legislation.

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

National Soccer Centre

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Parliament that: the undersigned residents living in the Belconnen area can identify huge benefits to our community from the proposed project to introduce much needed community, sporting and other amenities by the Belconnen Soccer Club. This project is to be located in McKellar at Section 71, bounded by William Slim Drive and Owen Dixon Drive.

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

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Retail Trading Hours

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 any legislation to restrict shopping hours in the ACT will be against the interests of shoppers and will cause job losses.

Your petitioners therefore request the Assembly to vote against the Government's proposed restricted shopping hours legislation.

Petitions received.

MOTOR TRAFFIC (AMENDMENT) BILL 1996

MR DE DOMENICO (Minister for Urban Services) (10.33): I present the Motor Traffic Amendment Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 1.

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

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1996

MR DE DOMENICO (Minister for Urban Services) (10.34): I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 2.

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

COMMUNITY REFERENDUM BILL 1996

MR HUMPHRIES (Attorney-General) (10.35): I present the Community Referendum Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill is identical to the Community Referendum Bill introduced by the Government and defeated in the Assembly last year. The Bill is being reintroduced to keep faith with the Government's election commitment to introduce community-initiated referenda legislation in the ACT.

Mr Osborne: I raise a point of order, Mr Speaker. I wonder whether you could send an attendant outside to keep down the noise from the crowd. I would like to hear what Mr Humphries has to say.

MR SPEAKER: There is no point of order, Mr Osborne. Mr Humphries, continue.

MR HUMPHRIES: There is more than enough noise in here to make up for it, Mr Speaker.

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Mr Moore: Mr Speaker, is the only reason there is no point of order that there are only 40 people outside and there is no noise?

MR SPEAKER: Sit down, Mr Moore.

MR HUMPHRIES: Mr Speaker, I believe there is merit in giving this Bill closer scrutiny than was given to it in 1995. To that end, I reintroduce this Bill today and ask members, particularly those on the crossbenches, to give it more attention than the short shrift it was given in 1995. At that stage the Bill was the victim of prejudice and fear - prejudice that the people, the citizens of the ACT, cannot be trusted to make their own laws and fear that some - - -

Mr Moore: I raise a point of order under standing order 52, Mr Speaker. I hear Mr Humphries reflecting on a vote of the Assembly, and I believe he should be called to order.

MR HUMPHRIES: Mr Speaker, I withdraw any reference to the Assembly. I will say that, as far as the community was concerned, there was some fear by some people that certain people would lose their monopoly over law-making powers - in other words, they would lose some of their elite privileges. In my presentation speech for the 1995 Community Referendum Bill, I noted that introduction of the Bill marked a major milestone in the evolution of democracy in Australia. Passage of this Bill would give average people the right to initiate their own laws and the right to vote on those laws. This pioneering legislation reflects the Government's commitment to the principle that the people, not governments, have the ultimate sovereignty. If enacted, it would empower ordinary electors to have a genuine say in the laws that govern them.

Mr Moore: There has been a petition from 40,000 people.

MR SPEAKER: Order! Mr Humphries deserves to be heard in silence. I know the Assembly is going to break this afternoon, and some of you no doubt are looking forward to your holidays, but we are still in the Assembly. I would ask you in the meantime to extend the normal courtesies to the Minister.

MR HUMPHRIES: Before I go on to refute some of the arguments put by members of the Assembly last year - - -

Mr Moore: I raise a point of order, Mr Speaker. I think Mr Humphries is yet again ignoring the point of order you have just upheld under standing order 52. Mr Humphries is using his presentation speech as a way of reflecting on a vote of the Assembly.

MR HUMPHRIES: I do not intend to reflect any further on the vote of the Assembly but I do intend to address some of the arguments that have been put in previous debate. That is certainly within standing orders.

MR SPEAKER: Proceed.

Ms Follett: Why do you not just join the Citizens Electoral Council and be done with it? This is their platform.

MR HUMPHRIES: You people used to support it, too, remember.

Ms Follett: This is their platform.

MR HUMPHRIES: It was yours, too. Yes, it was. Look at your own platform.

MR SPEAKER: Order! Mr Humphries, proceed.

MR HUMPHRIES: Under the Bill the sponsors of a proposal need the support of 1,000 electors to have the proposal registered. Then they have six months to get the support of more than 5 per cent of electors, or around 10,000 electors. If successful, legislation - - -

Mr Moore: Mr Speaker, I raise a point of order. We voted on this piece of legislation. Standing order 52 says:

A Member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded.

I believe you have ruled on this, although the last time I took a point of order you said, "Continue, Mr Humphries". I am not quite sure which way you were ruling.

MR HUMPHRIES: Mr Speaker, I am reciting the provisions of the Bill. I am not reflecting on anything at the moment.

MR SPEAKER: Mr Humphries is outlining the provisions of the Bill, Mr Moore. I will watch, as I am sure you will, that he does not transgress again; but I do believe that Mr Humphries is well aware of the previous vote of this Assembly.

Mr Moore: Mr Speaker, we are also aware of the duplicity of Mr Humphries in putting this at the same time as he ignores the petition of 40,000 people presented to the Assembly.

MR SPEAKER: Order! There is no point of order. Sit down. Mr Humphries, continue, please.

MR HUMPHRIES: Mr Speaker, I welcome the chance for issues this Government puts forward to be put to the people directly. If a proposal has the support of more than 5 per cent of electors, or around 10,000 electors, legislation to put the proposal into effect is drafted and presented to the Assembly. The Assembly may pass the proposed law or refer it to a referendum. If the Assembly does nothing, the proposed law goes to a referendum automatically. Provided that four months has elapsed, a referendum is held in conjunction with the next general election of the Assembly. If a proposal receives the support of 10 per cent of electors, or around 20,000 electors, and the proposed law is tabled prior to 31 October in the first two years of the three-year life of an Assembly,

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the Bill provides for holding a referendum on that proposed law on the third Saturday in February in the next year, provided the Assembly does not first enact the law. If a majority of electors support the proposed law, it is presented to the Assembly to be passed into law. As the ACT (Self-Government) Act now stands, only the Assembly can make laws. The Assembly cannot be bound to enact a proposed law passed at a referendum. To enable the results of community-initiated referenda to be binding on the Assembly, if this Bill is passed the Government will approach the Commonwealth Government seeking amendments to the self-government Act.

I am also announcing today the Government's intention to bring forward further amendments to enable citizens to initiate their own amendments to the Territory Plan, something which they cannot do at the present time and a development which I hope members opposite who express interest in making the Territory Plan accessible to citizens of this Territory might take more seriously than they did on the previous occasion.

Mr Moore: What about the 40,000 signatures you have, Gary? Do you not feel a level of hypocrisy - - -

MR HUMPHRIES: We can have a referendum. If those opposite really think that the 40,000 who signed that petition represent the view of the community, they should support this Bill and we will be able to put the issue to the test.

Mr Moore: Do not be a hypocrite, Gary.

MR HUMPHRIES: No, I am not the hypocrite here.

Mr Moore: Of course you are a hypocrite. Do not be a hypocrite.

MR SPEAKER: Order! Mr Humphries, please continue.

MR HUMPHRIES: Mr Speaker, I am not the hypocrite in this debate. I will submit myself to the judgment of the people. Will Mr Moore? That is the question. It is unreasonable to expect that those seeking to vary the Territory Plan, itself a statutory instrument, should not be able to do so when we are giving the people of Canberra the ability to make laws. So, in cases where people want to argue the case for a change of use for the Territory's land or waterways, they will have the ability to do that for themselves rather than having to rely on the Minister of the day to do it for them.

Another step the Government has taken is to introduce an entrenching law to ensure that the Assembly does not remove the right of electors to initiate laws by repealing or fundamentally altering this Bill without the approval of either a two-thirds majority of the Assembly or a majority of electors at a referendum. The entrenching law also seeks to restrict the Assembly for a period of 12 months from amending a law passed as the result of the process set out in this Bill, unless either a two-thirds majority of the Assembly or a majority of electors at a referendum approves of a change. This Bill takes a very careful approach to ensure that proposals will be well thought out and will result in good law. It will complement the role of the Assembly.

Before a proposal can be registered, it will have to be cleared by the Electoral Commissioner to make sure that it is within the power of the Legislative Assembly and cannot interfere with the budget by proposing or prohibiting expenditure of specific amounts of public money for particular purposes. The threshold of 5 per cent of electors would be quite difficult to achieve and is right at the top of the range in the light of international experience. This high threshold will serve to defeat frivolous or crackpot proposals without being too high to stymie voter-initiated referenda altogether. Another safeguard in the process is the high level of support needed for a proposed law. In most other jurisdictions a referendum is passed if it is supported by the majority of those who decide to vote at a voluntary poll. By contrast, this Bill requires support of the majority under compulsory voting.

Mr Moore: Remember, Gary, it was the same on the Royal Canberra Hospital.

Mrs Carnell: I raise a point of order, Mr Speaker. I am trying to listen to the speech.

MR SPEAKER: I am aware that it is the last day of term and some of the children are playing up. I would ask you to please hear the - - -

Mr Berry: Mr Speaker, it is one thing to tolerate imputations from those opposite but tolerating imputations from you is going a bit too far.

MR SPEAKER: I am very sorry. The fact of the matter is, Mr Moore - Mr Berry, rather - - -

Mr Moore: I take a point of order, Mr Speaker. Fancy calling him Mr Moore. That is terribly offensive.

MR SPEAKER: I will leave you two to sort that out. Please, can we have some quiet while the Minister continues with his presentation speech. Thank you.

Mr Moore: We have heard it before, Mr Speaker.

MR SPEAKER: Nevertheless, Mr Moore, Mr Humphries is entitled to silence when he is making his speech, the same as you are. Please continue, Mr Humphries.

MR HUMPHRIES: Mr Speaker, I believe you should be tolerant of the fact that there are severe vested interests that are being attacked by this Bill, and other people in the chamber may feel that their exclusive power to make laws for this Territory has been compromised by this. We should be understanding of the pain that some members of the Assembly will feel from this proposal.

Mr Berry: Why do you not put it to the vote straightaway? Declare it urgent, Gary.

MR SPEAKER: Order! Please continue with your presentation speech, Mr Humphries.

MR HUMPHRIES: Mr Speaker, another check built into the system - - -

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Mr Moore: I take a point of order, Mr Speaker.

Mr Osborne: Sit down, Gary.

MR HUMPHRIES: I cannot. I have a sore back. I am standing up.

Mr Moore: Mr Speaker, I was waiting for Mr Humphries to sit down.

MR HUMPHRIES: I have a sore back.

Mr Moore: Okay, I accept that. Mr Speaker, standing order 55 states:

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

This Minister a minute ago said there are vested interests in this chamber and implied that for some reason of personal vested interest we were upset about this piece of legislation and were going to oppose it. I think that implies an improper motive. It is an imputation and it ought to be withdrawn and struck from the record.

MR HUMPHRIES: Mr Speaker, if the imputation hurts, then I will certainly withdraw it.

MR SPEAKER: Thank you, Mr Humphries. May I remind members that some of you have kept up a stream of criticism of the Minister and suggestions of improper motives ever since he got to his feet. I remind all members that standing order 55 applies to them as well.

Mr Kaine: Mr Speaker, I take a point of order. I draw your attention to standing order 202(a), and I suggest that Mr Moore is getting awfully close to - - -

Mr Moore: Mr Speaker, I think he means 202(e). Standing order 202(e) would be more appropriate, but (a) will do.

Mr Kaine: I said (a) but I will extend it to (e), Mr Speaker.

MR SPEAKER: Mr Humphries, please continue.

MR HUMPHRIES: Mr Speaker, another check built into this carefully evaluated system is that, once a proposed law has been tabled in the Assembly, the Chief Minister does an estimate of what it is likely to cost or save. The Auditor-General then provides an independent assessment of that estimate. The reason for this requirement is that if a proposal is to be enshrined in law it is necessary for the community to have reliable information on how much the proposal would cost or on the savings that might be made, just as the Executive does when deciding on legislative proposals in this place.

It is appropriate for the estimate of the costs or savings to be done at the time the proposed law has been prepared, because it is the legislation, not the proposal, that governs what is and what is not done. Mr Speaker, I turn now to some of the arguments raised by Assembly members in debate on the 1995 Community Referendum Bill. Ms Follett said that this Bill - - -

Mr Moore: I raise a point of order, Mr Speaker. On the one hand, we have Mr Kaine taking a point of order against me under standing order 202(a), yet Mr Humphries, in spite of your directions, has referred again and again to the previous debate in the Assembly. He is doing it yet again, Mr Speaker, and you should name him under standing order 202(e) for wilfully disobeying the authority of the Chair. Name him, Mr Speaker.

MR HUMPHRIES: On the point of order, Mr Speaker: Standing orders require that I not reflect on a previous vote of the Assembly. I am not doing so. I am, however, commenting on previous comments made by members of the Assembly. If members of the Assembly were barred from commenting on the arguments or proposals of other members, there would be a very serious lack of debate in this place.

Mr Berry: It is reflecting on the vote.

MR HUMPHRIES: I am not reflecting on the vote. I make no reflection on the vote whatsoever.

Mr Kaine: Mr Speaker, on Mr Moore's point of order, I draw your attention to standing order 51, which says:

A Member may not allude to any debate or proceedings of the calendar year unless such allusion is relevant to the matter under discussion.

I submit that since the Minister is submitting a new Bill it is quite relevant to the discussion and therefore quite in accordance with standing orders.

Mr Moore: On the point of order, Mr Speaker: Had Mr Kaine not been asleep, he would have realised that I had been using standing order 52. That is the one that supports me, rather than standing order 51. Standing order 51 applies to debates of the same calendar year, and this is not about the same calendar year, so I would agree with Mr Kaine that standing order 51 would be inappropriate, which is why I referred to standing order 52.

MR SPEAKER: Proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, Ms Follett said that this Bill would put more power - - -

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Mr Moore: Mr Speaker, on a point of order - - -

MR SPEAKER: I do not uphold the point of order. I would remind you, Mr Moore, of standing order 202(a).

Mr Moore: Is that (a) or (e), Mr Speaker?

MR SPEAKER: Standing order 202(a). The point of order is not upheld.

Mr Moore: Mr Speaker, I ask you to reconsider your ruling. Quite a number of times Mr Humphries has been pushing standing order 52. Mr Speaker, you ruled that way to start off with, and he has done it three or four more times since. I have drawn it to your attention. I believe it is inappropriate for the Minister to continue to do that. If anybody is going to be booted out, Mr Speaker, it should be Mr Humphries.

MR SPEAKER: I refer you to page 490 of *House of Representatives Practice*, which states:

A Member, speaking to the question that a bill be read a third time, has been ordered not to reflect on votes already taken during consideration of the bill, and a Member has been ordered not to canvass decisions of the House of the same session. This rule is not interpreted in such a way as to prevent a reasonable expression of views on matters of public concern.

That is *House of Representatives Practice*. That is what we fall back on when our own standing orders are not clear, and they are not clear in this case. We are not reflecting on a vote of the same year, as Mr Kaine has already pointed out. Therefore, I believe that Mr Humphries is perfectly within his rights to continue his presentation speech, which I am watching very carefully. He is not transgressing the rule, which should not be interpreted in such a way as to prevent a reasonable expression of views on matters of public concern. However, standing orders apply to constant and repeated interjections.

MR HUMPHRIES: Mr Speaker, in debate on the earlier Bill Ms Follett said - - -

Mr Moore: I take a point of order, Mr Speaker. When you mention constant interjections, are you referring to my taking points of order or are you referring to - - -

MR SPEAKER: I am speaking of your constant interjections, Mr Moore, which will be dealt with if you continue. Please continue, Mr Humphries.

MR HUMPHRIES: Mr Speaker, Ms Follett said that this Bill would “put more power in the hands of pressure groups, extremists and power elites and reduce the influence of the average citizen on the legislative process”. On the contrary, I believe that community-initiated referenda, a policy which was until not many years ago, indeed in the lifetime of most people in this place, the policy of the Australian Labor Party - - -

Mr Berry: It was never our policy, mate.

MR HUMPHRIES: It was.

Mr Berry: Not here, not in the ACT.

MR HUMPHRIES: It was the policy of the Australian Labor Party, Mr Speaker. I believe that that policy would empower average citizens by giving them direct access to the legislative process that they currently do not have. Under the present system, Mr Speaker, minority groups can wield enormous power if they can sway the opinions of a bare majority of Assembly members, just nine people. With a community-initiated referendum, minority groups must gain the approval of a majority of voters - something like 90,000 to 100,000 electors of the Territory at the present time - if they are to get their way. This Bill takes power away from minority pressure groups and gives it to all citizens. Ms Follett also pointed to overseas experience with community-initiated referenda and stated that "an examination of the US record shows that groups such as racist and anti-immigration forces and religious right anti-gay forces" - - -

Mr Berry: Mr Speaker, I think you are far too relaxed about ruling under standing order 52. It clearly prohibits members from reflecting on a vote of the Assembly. Mr Humphries's speech in relation to this matter is a reflection on the votes of members in this place in the past and the arguments that they put in relation to those votes. It is clearly a reflection on a previous vote. He continues to ignore the points of orders which have been raised. I urge you to rule that he desist from this practice. If he does not desist, he should be ordered to sit down.

MR HUMPHRIES: Mr Speaker, may I address you on the point of order. It is patently a nonsense to suggest that a member may not reflect on the opinions of other members. That is what Mr Berry is in effect saying. He is saying that - - -

Mr Berry: Mr Speaker - - -

MR HUMPHRIES: May I finish my point of order.

Mr Berry: No, Mr Speaker.

MR SPEAKER: Order! Just a moment.

MR HUMPHRIES: May I finish my point of order, Mr Speaker. Mr Speaker, I was in the middle of that point. I did not interrupt Mr Berry. My point of order is that what Mr Berry is in effect saying to the house is that a reflection on an opinion expressed by a member in an earlier debate is a reflection on a vote of that member or of the house. If that is the view that he takes, it eliminates the capacity of members to comment on the earlier stated opinions of members in this place wherever those led to a vote of the Assembly. Of course, almost all proceedings in this place lead to a vote of some kind or another. That would be a ridiculous restriction on the way in which the Assembly operates. It cannot be allowed. You cannot allow it to be accepted.

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Mr Berry: Mr Speaker, I add that that would be the shallowest and shabbiest interpretation that you could come across in this place of what I said. The fact of the matter is that Mr Humphries is relying on debate and votes which occurred in this place in the past to promote his Bill. If Mr Humphries is so confident as to the merits of his Bill, then he should speak to the merits of his Bill and not reflect on the positions of other people in this place when this Bill was last voted upon. That is the clear distinction, Mr Speaker, and I urge you to advise Mr Humphries, and in fact rule, that he must not continue to reflect on the opinions of members and votes taken in this place.

MR SPEAKER: First of all, standing order 51 states that a member may not allude to any debate or proceedings of the same calendar year.

Mr Moore: We are not worried about 51. It is 52.

MR SPEAKER: Mr Berry is, it appears. Therefore, there is no point of order on what he is saying there.

Mr Berry: No, 52, Mr Speaker.

MR SPEAKER: Just a moment. You referred to a vote in this place.

Mr Berry: Have a look at 52, Mr Speaker.

MR SPEAKER: Standing order 52 states:

A Member may not reflect upon any vote of the Assembly, except upon a motion that such a vote be rescinded.

It is not my view that Mr Humphries is reflecting on a vote in this place. He is certainly quoting comments made by other members, but he is not reflecting on a vote. Mr Humphries is not saying the vote of the previous Assembly was wrong, ignorant, stupid or anything of that nature. He is simply using matters relating to the last debate, as is his right because it was 12 months ago, to support his presentation speech. Therefore, there is no point of order.

MR HUMPHRIES: Let me continue. (*Extension of time granted*) Ms Follett also pointed to overseas experience with community-initiated referenda - - -

Mr Moore: I raise a point of order, Mr Speaker. My point of order this time is under standing order 62, which talks about irrelevance or tedious repetition. The relevance is clear, but Mr Humphries himself has told us that he is basically using the same arguments and the same speeches as he used a year ago when he introduced the Bill. He indicated that as well. I draw your attention to the fact that that standing order says:

Having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or tedious repetition of the Member's own arguments or the arguments used by other Members in debate, the Speaker may direct the member to cease speaking.

Mr Speaker, I would ask you to consider that as a possibility.

MR HUMPHRIES: Mr Speaker, on the point of order: Using an argument I used a year ago could hardly be described as tedious repetition, I would suggest. I think Mr Moore recycles his arguments rather more frequently than once a year and - - -

MR SPEAKER: We are talking also about the member's own arguments. There is obviously no case there, because we are not dealing with the member's own arguments or the arguments used by other members in debate. There is no tedious repetition. So far my hearing of Mr Humphries, which I must admit is difficult given the interjections, is that he is not repeating the same argument used by other members. That would be tedious repetition. He is using a series of arguments, so there is no point of order. Proceed, Mr Humphries. We have a lot of business to get through today and tonight, I remind members.

MR HUMPHRIES: Mr Speaker, Ms Follett also pointed to overseas experience with community-initiated referenda and stated that "an examination of the US record shows that groups such as racist anti-immigration forces and religious right anti-gay forces have all profited from referendums" and concluded that "overseas experience shows that extreme groups can indeed benefit from referendums and have their causes legitimised". In selectively citing the US experience, Ms Follett ignores two fundamental differences between this Bill and the situation in the United States. First, it is well established that the participation rates in some US community-initiated referenda are so low that the results cannot be claimed as representative of the community's wishes. Under this Bill, with compulsory voting, there is no way that highly motivated but unrepresentative minority groups can impose their will on the whole community.

Second, as I pointed out in my dissenting report to the Assembly Committee on Community Initiated Referendums, the notion that laws made by ACT voters would discriminate against minorities is a gratuitous slap in the face for the people of Canberra. Unlike Ms Follett, I believe that the majority of the people of Canberra would never use community-initiated referenda to impose racist or anti-gay laws on the ACT. What is obvious is that Ms Follett has a very poor opinion of the people of the ACT. That is typical of Labor's arrogance that only professional politicians know best and that the community is ignorant and cannot be trusted. Ms Follett also points to the recent New Zealand experience with their firefighters referendum to denigrate this Bill. Again, the New Zealand experience can easily be distinguished from the scheme set out in this Bill. Like the US, New Zealand does not have compulsory voting, so it is not surprising that the turnout for their recent referendum was low. Under this Bill compulsory voting should ensure a meaningful result.

Mr Moore: Are you going to guarantee compulsory voting?

MR HUMPHRIES: Yes. I can more than guarantee it, Mr Speaker. Compulsory voting is entrenched under ACT electoral legislation. It is also not surprising that the New Zealand Government did not feel bound to implement what was only an advisory referendum, given the low turnout. While the self-government Act precludes binding referenda in the ACT, under this Bill and the accompanying entrenching Bill the Assembly would be unlikely to reject a referendum law properly passed by a majority of voters under compulsory voting. The New Zealand referendum approach asks voters to vote on simple propositions, not properly drafted laws, as required under this Bill. Voters in New Zealand did not have access to widely distributed for and against cases. This Bill provides for a structured method of distributing for and against cases to all households. All in all, the failure of the recent New Zealand referendum can be attributed to failings in the New Zealand scheme which are not present in this Bill.

Mr Moore argued that adoption of community-initiated referenda would lead to power being transferred to the media. This patronising view is not only an argument against community-initiated referenda; it is also an argument against holding elections per se. It is an argument that the Government does not accept. The people of Canberra are more than capable of arriving at intelligent views on issues without being unduly influenced by the media. We all accept that the media have a role to play in the responsible dissemination of arguments for and against proposals, but we also accept, as most Canberrans would, that we are allowed to make up our own minds, based on the information which we receive in the media.

Ms Horodny also pointed to the United States experience and argued that big-spending groups can exercise undue influence over referendum outcomes. Again, I point to the fact the ACT has compulsory voting. Ms Horodny also claimed that the Assembly was the only body capable of finetuning and compromising on legislative proposals, implying that ordinary members of the public are incapable of arriving at sensible proposals to put to a referendum. This is an elitist and arrogant view that once again insults the intelligence of Canberra people. Mr Speaker, Ms Horodny argues for more participatory democracy in the ACT but rejects the measure that will give every voter a chance to participate in key decisions in this Territory. This Government does not intend community-initiated referenda to replace all other forms of participative decision-making; rather, the Government sees community-initiated referenda as one more powerful tool to complement the range of mechanisms available in the ACT for input into public policy, as well as a method of enshrining sovereignty in the people, not in executive government.

This Bill is not intended to radically alter the way in which we are governed, but it is intended to bridge the credibility gap between elected representatives and the people they represent by giving every citizen the right, in certain circumstances, to initiate and vote on laws of their choosing. This Bill is not aimed at usurping the powers and responsibilities of elected representatives, but it is aimed at providing direct power to the people to cover those times when elected representatives do not fulfil their role in representing the wishes of the majority.

Mr Speaker, I take a great deal of pleasure in introducing this Bill today, even though it is not for the first time. I take the view that this election commitment is one of the most significant we made to the people of Canberra. This Bill is one upon which all sides of politics will be judged simply by their commitment to giving Canberrans a real say in the way in which they are governed. It is one upon which this Government is happy to be judged in support of that principle.

Mr Speaker, the form of representative government Australia inherited from the nineteenth century has to move with the times. With huge leaps forward in education and information technology, modern Australians no longer need elected representatives to make all their decisions for them. We all know that there are big issues routinely avoided by elected politicians because they are too hard. It is time to give ordinary voters the power to take the initiative and take the tough decisions. Mr Speaker, there are many ways in which this power could be used productively to enhance the nature of democracy in the ACT, and I ask members to reflect on their own commitments given to the people of the ACT on this issue.

Mr Speaker, before the last election people, including the Greens and Mr Moore and his party, gave undertakings that they would seriously consider the issue of community-initiated referenda. It behoves them to treat this Bill, therefore, with a little more care and caution than perhaps other Bills have been treated in the past. Mr Speaker, I make no bones about the fact that this would be a hard rod for the backs of some politicians and sometimes even this Government. We are prepared to live with that.

Mr Moore: Show us your good faith by responding to that petition.

MR HUMPHRIES: If members of the community, for example, initiated a referendum on shopping hours in this Territory, I for one would welcome the involvement of other people and I would live by the result, but petitions by themselves do not constitute the full picture. What does constitute the full picture is the vote of people at referenda. I remind members that something like 31,000 people signed a petition last year calling for measures to save local Canberra shops. There clearly are lots of strong views out there in the community about these issues. I think the only way of measuring these issues in the absence of community-initiated referenda is by the feel that politicians have for these sorts of issues. We need a better way of deciding on issues of importance to the community. I commend this Bill to the Assembly.

Ms Follett: Mr Speaker, I would like to take a point of order now that Mr Humphries has concluded his remarks. Throughout those remarks, Mr Humphries made statements which implied very strongly that members who voted against his Bill on the last occasion when he introduced it had done so without sufficient care and sufficient thought. He said that repeatedly. Mr Speaker, you have ruled that that was not a reflection on the vote. I do not agree with that ruling. I believe that it contains a reflection on the other members of this Assembly, and I would ask that Mr Humphries be requested to withdraw any such reflection.

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Mr Moore: On the point of order, Mr Speaker: It is worse than that. I took an equivalent point of order on quite a number of occasions and you indicated to Mr Humphries that he was not to persist. He persisted in wilfully disobeying your ruling. He should be named, Mr Speaker, under standing order 202(e).

Mr Humphries: Mr Speaker, you ruled in my favour on every occasion.

MR SPEAKER: Yes, I did. The presentation speech has been made. It appears that the Assembly are satisfied with it, because nobody has suggested that the debate be adjourned so that everybody can have an opportunity to refute any of Mr Humphries's comments with which they disagree when the debate comes up again. I do not think Mr Humphries is going to be hurt about that. That is the situation. As I have said earlier, I believe that Mr Humphries's comments are in order. I do not uphold the point of order but I seek now for somebody to adjourn this debate.

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

LIQUOR (AMENDMENT) BILL (NO. 2) 1996

MR HUMPHRIES (Attorney-General) (11.11): Mr Speaker, I present the Liquor (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 3.

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

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO. 2) 1996

MR HUMPHRIES (Attorney-General) (11.12): Mr Speaker, I present the Legal Practitioners (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 4.

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

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL 1996**

MR HUMPHRIES (Attorney-General) (11.12): Mr Speaker, I present the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 5.

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

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CONSUMER CREDIT (ADMINISTRATION) BILL 1996

MR HUMPHRIES (Attorney-General) (11.13): Mr Speaker, I present the Consumer Credit (Administration) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 6.

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

**CONSUMER CREDIT (ADMINISTRATION)
(CONSEQUENTIAL PROVISIONS) BILL 1996**

MR HUMPHRIES (Attorney-General) (11.14): Mr Speaker, I present the Consumer Credit (Administration) (Consequential Provisions) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 7.

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

ANIMAL DISEASES (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.15): Mr Speaker, I present the Animal Diseases (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 8.

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.16): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 9.

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

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PETROL PRICING - SELECT COMMITTEE
Appointment

MS FOLLETT (11.16): Mr Speaker, I ask for leave of the Assembly to amend my motion in the terms that I have specified in the handwritten amendment that I have circulated.

Leave granted.

MS FOLLETT: Mr Speaker, I move:

That this Assembly appoints a Select Committee to inquire into and report on means of reducing petrol prices in the ACT so that they are similar to those in other cities. The Select Committee shall consist of the following members:

Ms Follett;
Mr Osborne; and
Mr Kaine

and shall report to the Assembly by the last sitting day in June 1997.

I will speak to the motion very briefly, Mr Speaker. I realise that the Assembly has previously, through its committee system, looked at petrol pricing in the ACT; but there are a range of recent developments which I believe make it appropriate for the Assembly again to have a look at this issue.

One of the developments is recent research that has been done by the Charles Sturt University and by the NRMA. I am also aware that the Competition and Consumer Council has a reference on petrol pricing. I believe that the Assembly would want to inform itself of the state of that research and its findings. It is also the case, Mr Speaker, that we have seen petrol prices increase consistently and steadily in the Territory over the past year and a half or so. Most recently - in fact, in June of this year - we saw petrol prices increase by 2c a litre in the Territory, in a month when the wholesale petrol price actually went down. I believe that in the interests of Canberra motorists we elected representatives should try to establish the cause of those, in my view, unwarranted increases in petrol prices and in as bipartisan a fashion as is possible try to establish whether there is action, and if so what action, that could be taken by this Assembly or by the ACT Government that might give some relief to the motorists of the ACT.

I propose the establishment of a select committee. I have consulted with all of the groupings in the Assembly as to the make-up of that committee, and the names that are put forward are agreed. Mr Speaker, I think this will be a very interesting inquiry, and it is my hope that we come up with some recommendations that will be to the benefit of motorists in the Territory.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (11.19): Mr Speaker, the Government supports this motion, but not because we think that this is an area which is crying out for another committee or inquiry to examine it. Ms Follett made reference to the previous Assembly inquiry of 1994, but there is also other work that preceded that and succeeded that. The very good work by a working party involving the Attorney-General's Department and the Consumer Affairs Bureau in 1992 or 1993 had some very important things to say about the way in which petrol pricing in the ACT occurs and why the price of petrol here is higher than elsewhere in the country. Of course, there has been work outside the ACT, some of which Ms Follett referred to. The ACCC is inquiring into petrol pricing and things like multisite franchising, and academic work is going on all over the country.

Mr Speaker, I do not believe that another contribution to that is necessarily warranted on the part of the ACT or to add to the sum of knowledge, but I believe that it is important for there to be an inquiry in order to put to bed the assertions that have been made in the course of this debate - and made, I might say, by Ms Follett herself - that the reason for the recent jump in petrol prices was Government inactivity or, even worse, that Government collusion with petrol companies has somehow contributed to that rise in price. Mr Speaker, the Government's policy will withstand scrutiny on this issue. Ms Follett, in her comments, called for a bipartisan approach towards reducing petrol prices. I would welcome that. I would expect some sign from the Opposition that they are prepared to offer bipartisanship. We have not seen it very much in recent days.

Mr Moore: What about the Gungahlin Development Authority, Gary?

MR HUMPHRIES: On petrol pricing, I am saying. This Government has continued key policy issues pursued by the previous Government in the area of petrol pricing, yet those opposite saw fit to attack, I think rather opportunistically, the fact that petrol prices had gone up and to blame the ACT Government for that fact. I believe the Government has been vigorous on the question of petrol pricing, and I welcome this inquiry as a way of testing just what the Government has done on this subject and allowing the Assembly to determine, through its committee process, whether we have in fact adopted the right approach or whether we have in fact sat on our hands, as has been alleged in the past. If it leads to a bipartisan or multipartisan approach on petrol pricing, that would be a good thing and I would welcome that. I personally believe that the Assembly needs to focus some attention on the enemy outside the Territory, particularly the work of some major oil companies in this field that has contributed to higher petrol prices in the Territory. Perhaps if we spent less time attacking each other's so-called performance or lack of performance on petrol pricing we may be able to do that. I see this as an appropriate device to explore those issues I have referred to. A small select committee would be appropriate. I welcome the motion that has been put forward by Ms Follett. I hope that it does achieve the bipartisanship which she referred to in speaking to her motion.

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MR MOORE (11.23): Mr Speaker, I think the issue of petrol and petrol pricing in the ACT is one of great community interest. During Mr Connolly's time as Minister in this area, he was fortunate enough to have Matthew Abraham running the issue constantly and keeping the pressure on the Minister through 2CN's morning show. That pressure was also kept on by other elements of the media. It was then and is now of clear community concern. I think that this is a very positive move to see what we can do to find any possible way to improve the situation in the ACT and to understand what it is that drives our prices and makes them so different from those in surrounding areas.

Mr Speaker, I have circulated an amendment to the motion to expand it a small amount. My experience of select committees is that sometimes you need a tiny bit more room to move. Therefore I move the following amendment:

After "ACT" insert "and any related matters".

The select committee may find that they want to look at multiple franchising, and there may be some debate as to whether or not that is clearly within the ambit of the committee. That is just one example. Perhaps it would be interpreted that it was, but to save any confusion, if we say "any other related matters", then the committee itself can determine the sorts of issues that it needs to extend its inquiry to. It will have the freedom to do that. I think that will be a positive addition and will assist in fostering the spirit that Ms Follett is trying to achieve. I think it is an appropriate move, and it behoves us to ensure that we do whatever we can to look after the people of the ACT in this respect.

Amendment agreed to.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs): I seek leave to make a few further comments to the Assembly on the subject of the motion. I meant to make them before but I forgot to do so.

Leave granted.

MR HUMPHRIES: I thank members. I just want to draw to the attention of members of the Assembly a couple of issues which may be important to bear in mind in passing this motion. The reporting date in the motion is the last sitting day in June 1997, a year from now. The normal courtesy extended by the Government to committee inquiries is that it will not make major decisions in the area such as to impinge on the work that the inquiry is doing. A year is a long time in the course of the debate about petrol. May I say to members of the Assembly that there are a number of critical issues which are going to have to be decided by the Government in the course of the next 12 months. If this motion is passed today, it will say to the Government that we need to consult with the committee's chair about things we propose to do if we want to do them. For example, there are a number of petrol station sites in the ACT which I believe oil companies intend to redevelop. The Government has taken the view that a strong line should be held against that process happening if that is possible.

Mr Moore: That is already public. You have announced that view. You can proceed with that.

MR HUMPHRIES: We have, but there may be changes of direction that we need to take in the way that is developed. This is a rapidly changing area. The point I make is that I hope in passing this motion we do not say that nothing should happen in the way of change of policy in the next 12 months. If we have changes of policy to undertake, we certainly undertake to consult with the committee about them so that the committee is able at least to see how the Government's proposed change would impact on its own work. I want to make that clear, because I expect there to be a number of critical decisions to make in the course of the next year. The ACCC inquiry, for example, is likely to report in the next couple of months. Following from that it may be necessary to take some very quick action. I would hope that we would not be required to wait until the committee has reported in the middle of next year.

MS FOLLETT (11.25): I certainly take the point that Mr Humphries has made. I would like to say two things, Mr Speaker. First of all, in putting a reporting date in the motion that I have moved, I have put what I believe would be the last reasonable reporting date for such an inquiry to adopt. I certainly hope that we would be able to report well before the middle of next year, but I have taken a conservative view on the reporting date because I am aware of quite a large amount of continuing work and I would not want to think that the committee, by virtue of an earlier reporting date, might miss out on the benefits of other work. Secondly, if the Government wishes to make decisions in this area whilst the committee is still deliberating and before the committee has reported, then quite clearly the Government should be consulting quite closely with the committee before it takes such decisions. I think that is only commonsense, and I would certainly expect the Government to extend that courtesy to the committee.

Motion, as amended, agreed to.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Reference - Retail Policy

MS TUCKER (11.30): I move:

That:

- (1) the Standing Committee on Planning and Environment examine and report on further retail policy measures that can be taken to maintain diversity in the ACT retail market;
- (2) the Committee will consider the following matters:
 - (a) the current retail hierarchy;
 - (b) the Government proposals as outlined in *Striking a Balance*;

- (c) employment impacts;
 - (d) the appropriate level of retail space;
 - (e) remission of betterment and other incentives to assist with the revitalisation of neighbourhood shopping centres;
 - (f) shopping centre management;
 - (g) rent inequities;
 - (h) domination of the market by large retailers; and
 - (j) any other related matter;
- (3) a moratorium be instituted, unless the Standing Committee on Planning and Environment agrees to specific proposals, on the expansion of any retail space in town centres other than Gungahlin until such time as the Committee has reported.

Mr Speaker, the Greens are calling for an inquiry into retail policy in the ACT because we need a strategic plan in this area. We too often see reactive policy decisions which are often ad hoc and fragmented. We hear all members of this place make broad claims of sympathy for social justice, equity, access, environmental sustainability, and a just or civil society. We hear that from all members of this place. We need more than rhetoric. We need more than outcome statements. We need a plan of how to get there, which requires a full understanding of the factors involved. If we believe the retail sector is important in the overall cultural character of a city, then we obviously have to keep a close watch on what is happening there. From what I have heard people in this place say, they do seem to think the retail sector is of significance in the overall character of a city.

When we look at the terms of reference of the committee we are proposing, we are looking at issues such as the current retail hierarchy; the Government proposals as outlined in *Striking a Balance*; employment impacts; the appropriate level of retail space; remission of betterment and other incentives to assist with the revitalisation of neighbourhood shopping centres; shopping centre management; rent inequities; domination of the market by large retailers; and any other related matter. I would have thought all those issues were of great interest to people in this place, if I am to believe what I have been listening to for the last 15 months.

Over the last few years it has become obvious that there are problems with the retail hierarchy. It has fallen apart. With the repeated failure of governments to put in place any strategy for our retail market, the plan has been put in place for us by developers and large chains. Yes, they are the ones deciding how our city will look - the nationals and the multinationals and the big developers. If this is not what we want, we need to create

an alternative vision and work out how to get there. As legislators, it is our responsibility to drive that debate. Do we want a diversified retail market that is not dominated by a few large retailers? Do we want fair competition between large and small retailers, between and within shopping centres? Do we want the maintenance of local shopping centres as a neighbourhood focus, and sufficient retail services for those people who cannot or choose not to regularly travel to major shopping centres? Do we want to take into consideration social concerns such as access and mobility, and do we want to consider environmental costs such as transport, including transporting goods all around the country, because large chains do not purchase from local suppliers? We had a story yesterday about Woolworths no longer choosing to buy from a local abattoir. Or do we want a town with no choice in shopping, apart from supermarket A, B or C?

Everyone in this Assembly seems to think some diversity is important, but very few are prepared to do anything about it. I want to congratulate the Liberals for at least doing something in the right direction and recognising this problem. We hear Labor opposing on principle so much of what the Liberals propose. "Let them fall on their own swords" seems to be the philosophy, for there are high costs for that highly political approach. They acknowledge the problems, but they come up with no solutions. They apparently seem to think, "Well, we will get back in office at the next election and then we will fix it all up", but there are problems happening now, all the time, that that political approach is not addressing.

It is very interesting, particularly for a Liberal Government, to be bringing in regulation of business, and I am sure it has taken a lot of courage, despite the claims yesterday that they were trying to help big business as well as small business. It sure does not feel like it is a particularly popular thing that they have chosen to do, because we are working with them on this particular issue, and the whole debate about competition in this country is ignoring social and environmental realities. This local Liberal Government has chosen to say, "Yes, we can see here; we know that real people are hurting here"; so they are choosing to stand up and say, "Maybe competition is not the total answer. Maybe we need some regulation". I congratulate them for having the courage to take that stand.

Competition for both the public and private sectors is not about level playing fields at all; it is about lower costs, greater efficiency and maximum profit. It is about the big getting bigger, and Labor has taken no stand on that issue. The Government has put forward a number of measures in their retail policy *Striking a Balance*. We do not think they go far enough in some areas, and we think there are a number of longer-term measures that must be addressed, but this policy should be looked at along with a range of other measures. We recognise that if many shopping centres are to survive they will need to do a lot of work, and local area plans for all shopping centres would be a good starting point to drive this process.

The Government has also raised the issue of diversifying development options of local shops through redevelopment. We certainly do not want this policy to be used in a way that will eliminate local grocery shopping. It is probably very sensible to expand the range of land uses in local shops, but I think this has to be in the context of an overall strategy for the local shops in question to make sure that local amenity remains. There may be some very innovative things we could do to redevelop local shopping centres,

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and the Government has proposed an ideas competition; but will this ever go anywhere without an overall plan? The Government has also come up with a check list against which any development proposals must be evaluated. I have to say that this is fairly weak, and I think Mr Humphries's media release on this issue is quite informative. The final paragraph of his press release, which discusses the future developments in retailing, says:

This policy does not give the go-ahead for proposed extensions to two town centres, namely the Tuggeranong Hyperdome and the Woden Plaza. But it creates an environment where the major obstacle to their extension is removed. This policy sets the framework for Canberra's retail policy - it is up to proponents to demonstrate their ability to meet the objectives of the Government.

Mr Speaker, we are calling, again, for a moratorium on the expansion of retail space until this inquiry is over. To have credibility on this issue the Government must acknowledge the importance of the level of provision of retail space. They cannot stand here and say they are concerned about small shops and then let two major developments go ahead. It appears that we do have more retail space in this town than we know what to do with, and I think the conditions under which new development should go ahead need careful consideration. It will be interesting, once again, to see how the Labor Party votes on that when we put the motion. I understand that the Liberal Party are not going to support that particular aspect of our motion so here is an opportunity for the Labor Party to say, "Yes, okay, let us support this part of the motion, at least, so that we can have a good look at the issue of the level of retail space that has been provided". We just have the Labor Party saying, "No, no, it is good. It is jobs. It is buildings". What about Jack Munday? Is he just so outdated? He used to say, "Socially responsible building". Why do we not build things for people which are needed? What has happened to the Labor Party since those days? No, we know what has happened to the Labor Party since those days. That is why we have a Green Party coming up.

Another issue the committee could consider is the appropriateness of proponents of developments putting together their own preliminary impact assessments. The Greens believe that any proposals should be independently evaluated.

Trading hours are one important issue, and numerous reports have stressed the link between trading hours and the demise of small businesses. The Greens are prepared to support this legislation today because we believe some regulation is necessary, and the longer we wait the harder it is for some people in the ACT. A study that was reported in the *Financial Review* on Tuesday linked the extension of trading hours very closely to the decline of viability of small shops. Some regulation is necessary if any longer-term measures are going to work at all. It is all very well saying small shops have to become more competitive, but the playing field has to be tilted back so that they can make a go of it.

Other issues we need to look at include questions of ownership, rental issues and other longer-term measures to help our small centres. We know that the market is heavily controlled by a few major chains in the ACT, and this is only going to continue and become a bigger problem. They have a stated aim to take over the whole market.

Rent inequities is another issue which is critical to small business in this town. If people do like shopping in supermarkets for their convenience, there may be some creative ways that we can accommodate local business concerns at the same time as meeting consumer needs. We do not have to go down the path of letting big chains build and run supermarkets just because it has been done in the past.

Just yesterday we talked about the Gungahlin Town Centre and how it is an innovative step towards making a shopping precinct more friendly. We can think of innovative ways of helping small businesses thrive and survive, and not end up with a set of shops in the ACT that is exactly what you would find in any other town around Australia or, increasingly, as you would find in the United States. In a recent report of the Retail Development Policy Review Panel prepared for the Victorian Government it was recommended that a State retail development policy should be developed. The panel concluded that the retail sector would not necessarily provide the much sought after level playing field for all players if left to its own devices.

The Greens do not want to prop up inefficient businesses, but we do believe in fair competition. The Greens concur with this view of the Victorian group, and we also believe that, although some of the measures suggested by the Government in their policy are a good first step, much more work is needed. There are obviously broad views and strong views on this issue. I was interested to see the Price Waterhouse report commissioned by the supermarkets that was pushed under our door this morning. They came up with a rather interesting suggestion - one suggestion only, amongst many - that we could have subsidisation for small shops. That sort of suggestion has the image of "the shop for the poor people", the sort of St Vincent shop for the poor people. It is such an unusual option. Obviously we have a lot of people out there who could come up with other thoughts. I cannot say that I would concur with that one, but who knows what will come up if we actually open our minds to what people have to say.

We have seen a good example of the power of the corporate giants. They have taken on an expensive campaign. I will be very interested to see the costs of the ads in the *Canberra Times* and the cost of the work hours of staff who have been employed, at present, to present customers with petitions. We can see the power of that sort of information and misinformation as well, which, very unfortunately, has been a part of this campaign, where people have entered supermarkets and been asked to sign petitions because, "They are going to have all the shops shut in Canberra by 4.00 pm", or, "Please help me save my job, even though I work in a group centre". When you look at the words on the petition, they are very general. They say this is signing in support of regulation of trading hours; nothing specific; a petition against the proposed legislation, and nothing about what the legislation is. How well did Woolworths brief the people that they gave the task of presenting petitions to customers? I think it is definitely a very worrying event and we have written to Woolworths asking them how they have briefed their staff. Obviously it has not been a very successful briefing because of the range of information and misinformation that has come out.

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Mr Speaker, the Greens believe that the retail landscape and the future of neighbourhood centres is an issue of great importance to the future of Canberrans. Other issues of lesser importance are frequently referred to a committee. All I hear are very strong political statements from the Labor Party which do not address the issues. I hear the same from Mr Moore. Mr Osborne is just focusing on one very negative, I acknowledge, and unfortunate aspect of this regulation, but has no solutions for any of these other issues. I will be very surprised to see whether Mr Moore and Mr Osborne do not support this motion for political reasons, because that is the only reason why Labor will not be doing it. I would like to see the crossbench actually acting with a little more interest for the overall outcome.

MS McRAE (11.45): What a remarkable accusation - that I will do something for a political reason. I think I will take a minute to recover from that. We will not be supporting this motion because, first of all, the Government has said, over and over again, that they are here to make decisions, to take action and to do things. Here is the architect of those words sitting in front of me, and we take them at their word. They are here to make decisions. They have made a decision. All we are hearing today is a stunt from the Greens to get them off the hook because all of a sudden they have found that the Government, that they put into power, that made a decision, has drawn them into a decision that they do not like.

Forty thousand petitioners. Whether or not the people who signed this petition went to a school and a special session to find out what it all meant before they signed it, 40,000 people have signed it, and I give them full credit for their intelligence. They understand exactly what this stupid decision of the Government is all about. It is about making Woolworths at Kippax bigger. Is it about making Woolworths bigger at another group centre. It has nothing to do with shopper convenience. It has nothing to do with small shops. It is some harebrained scheme that somebody cooked up because they could not find their way clear to deal with the real issues at hand.

I have no problem with the fact that Ms Tucker has listed a range of real issues at hand that need to be dealt with. They do need to be dealt with. But by whom, Mr Speaker? By this erstwhile Government that is there to make decisions. Another inquiry, I ask you. I ask you - - -

Mr Humphries: Erstwhile? Why are we erstwhile?

MS McRAE: I like the word. Do not worry about it.

Mr Humphries: Do you know something we do not?

MS McRAE: Do not worry; it is meant to be a compliment. I ask you: How many more inquiries are we going to have? This issue, above all others. My desk groans under the weight of the inquiries that have been held on retail space, retail hours, shopping hours, shopper preferences, big centre preferences, small centre preferences, small shops, big shops - you name it, there has been an inquiry. Now the Government has sat down and, in its wisdom, under the 17 inches of paper that were in front of it, has come up with this decision to change the retail shopping hours. What did the Greens do? "Oh", they said, "this sounds okay".

Mr Osborne: They fell for it.

MS McRAE: They fell for it? Now, instead of simply saying, "Oh, it was a bit daft", what do they do? They say, "Oh, let us take it to a committee". What is more, not their own committee, but Mr Moore's committee, thank you very much, on which I sit.

Ms Tucker: Ms Horodny is on it.

MS McRAE: It is not good enough. If Mr Moore wants an inquiry, Mr Moore should call for an inquiry. I do not like the idea at all.

Mr De Domenico: Would you support it if Mr Moore put - - -

MS McRAE: No, I would not, but that is a different issue. Let us debate that one later. My reasons for not supporting it if Mr Moore were doing it would be quite different. Today I will just debate the reasons why I do not support the Greens doing it. When he first put the idea, may I remind you, I did say it was daft. I was quoted as saying, "For heaven's sake, how many more inquiries can we have?". So I have already opposed Mr Moore, and he said, "Oh dear, yes, you are right, Ms McRae", and he backed off, did he not? Our erstwhile Greens now have picked up this issue and have avoided the basic issue at hand. If they do not like what this Government is doing they can vote against it. Purely and simply vote against it. Then the Government, put there by the Greens, can be sent away to do their homework and to deal with the very issues that the Greens have problems with. We all agree that those are issues that we should be dealing with, but why deal with them in a committee when we have a Government that has 17 inches of paper, at the very least, in front of them and that has the full resources of the bureaucracy behind it? They can go away and deal with these issues. The Greens can say, "Bring it back and try again".

There is absolutely no reason to support this legislation today. They want to support the formation of the committee today just because people are getting cold feet about how they are going to vote for legislation this afternoon. It is just a stunt. The Government has rushed into a simplistic solution. It is painting this up with all sorts of earnest endeavours to try to placate the small business sector, but it will not, and the Greens have recognised that. The Greens have recognised that the solution proposed by the Government does not go far enough. It does not deal with the basic problems at hand, and it inconveniences a lot of people.

Ms Horodny no doubt has heard from the good constituents of Ginninderra that there are 1,400 people who live in the vicinity of the Belconnen Mall. They use the Belconnen Mall as their primary shopping centre and many of them do not have cars. Many of those people work long hours and greatly appreciate the opportunity to go to the movies and then to go shopping. They have enjoyed that amenity greatly and will be greatly inconvenienced by the changes that are to come. They bought their properties and they are, by no means, not all cheap properties. They made their decisions on a basic set of rules that are now being affected. I hope that all 1,400 ring Ms Horodny. I certainly have had a stream of complaints. It is directly affecting our constituents, our electorate.

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Ms Horodny should seriously consider their issues and not fall for this trap of saying, "Well, perhaps if we have another inquiry we could do it better than the Government". Why should we? They have thousands of public servants. They have every brain that they can possibly pick on to come up with a solution. For some totally baffling reason they have come up with this simplistic and stupid answer to a very serious problem.

Let me reiterate. I have no problems with the fact that Ms Tucker raises a series of important and serious issues that need to be discussed, that need to be thoroughly examined, that need to be reconsidered; but I have a fundamental problem with taking the Government off the hook, when they have made a stupid decision, by giving them an alternative and a breath of sanity, by means of a committee whose chair has not even asked for this inquiry, simply and purely because the Greens are realising now that their constituents are being badly affected by this decision. Instead of saying, "Sorry, we have it wrong; we are not going to support you; go away and do it again", the Greens are trying to fob it off to a committee and get everybody off the hook. We will not support this motion.

MR WHITECROSS (Leader of the Opposition) (11.52): I will briefly add to Ms McRae's comments. Mr Speaker, one of the reasons why the Labor Opposition are not happy with this proposal is that it seeks to put some of the better ideas in the Government's *Striking a Balance* initiative on ice while the Planning and Environment Committee goes away and thinks about these issues. The Government has come up with quite a range of fairly sensible initiatives. I have told everybody who has asked that I think that quite a number of the Government's initiatives in *Striking a Balance* are very sensible. The ones that are directed at assisting suburban shops and suburban shopowners to become more attractive to the consumers, to address issues of business management and marketing that might improve the quality of their business and its attractiveness to the consumers, ought to be able to go ahead.

The proposition that we might want to put the Government's proposals on ice for months is not a good one. The proposal is that we put this to the committee. I do not know how long it will take the committee to report, but let us give them the benefit of the doubt and say that they report at the earliest opportunity to parliament, which is two months away. We then will have a debate here. The Government then will have to go away and get a response. That will take maybe another month. Meanwhile, the small businesses which the Greens are professed to be concerned about are not getting the benefit of a package of very good initiatives which the Government have proposed.

I think there is too much time spent in this Assembly endlessly talking around issues instead of getting on with some decisions. In the area of planning and in the area of assistance to business, I think it behoves us to make a few more decisions and spend a little less time prevaricating. Mr Speaker, I think that the Assembly should seriously consider whether we ought not let the Government get on with implementing their package of assistance to the suburban shops rather than sending it off to yet another committee to add to the work of the other five reviews, or whatever they were, which we have already conducted into this matter in the past.

I notice, Mr Speaker, that this package includes the retail shopping hours matter which is set down for debate this afternoon. All I can say, Mr Speaker, is that if the Greens are having second thoughts about supporting the Government on the trading hours matter they should vote against the Government's Bill. Vote against the Government's Bill if you have concerns about it, but do not try to put all the other initiatives on hold in the meantime. The Opposition are saying that there are some good initiatives there, get on with them. Changes to supermarket trading hours in the town centres are going to add nothing to your package. Drop it. Forget it. It is a dumb idea. That is why we are opposing this motion.

Mr Speaker, we will be supporting the Liberals' proposed amendment in due course because we have already had the debate about arbitrary moratoriums on expansion of space in retail centres. There is a planning process. We have heard much fanfare about how many millions of dollars various proponents have spent developing proposals. Those proposals ought to be considered through the proper processes of the planning system, not arbitrarily adjudicated on by a blanket moratorium as proposed by part (3) of this motion. We would certainly support the Government in rejecting that approach.

MR SPEAKER: I refer members to standing order 43 which says:

By the indulgence of the Assembly, a Member unable conveniently to stand, by reason of sickness or infirmity, will be permitted to speak sitting.

Is permission granted for Mr Humphries to remain seated, please, when speaking during the remainder of the day?

Leave granted.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.58): I thank members. I am not sure whether old age is included in those categories in standing order 43. Mr Speaker, the Government has given the motion moved by Ms Tucker careful consideration and has decided that it will support it with the amendment that I have already circulated in the chamber.

Ms Follett: No wonder you have a bad back.

MR HUMPHRIES: Mr Speaker, I will ignore interjections. I think the Assembly as a whole needs to reflect on the fact that there are a number of arguments about the fate of retailing in the Territory. The Government does not pretend, in putting forward its policy *Striking a Balance*, that we have addressed, or necessarily could address, all of the many issues which have gone into making up the problems which face retailing in this Territory at the moment. The causes of the problems facing retailing are complex and varied. The *Striking a Balance* package represents a solution in some respects to the problems facing retailing. The Government hopes it is an accurate and carefully thought through solution, but members can have different views about that. What we have done is establish a kind of safety net under a large number of businesses in local centres in this Territory, neighbourhood centres, which have faced serious problems in recent days

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and which are still under considerable hardship. That safety net is designed to ensure that if those businesses do not find their future viable in their present form they have some way of being able to bail out safely and to restructure their businesses to meet the needs of the future. Mr Speaker, that is the element of *Striking a Balance* which I think Mr Whitecross referred to before and which I think he said he supported.

The element of proactively preventing or taking off some of the pressure on small businesses in local centres through the trading hours legislation is another matter which the Assembly will debate today. The Government obviously stands by the policies that it has put forward in that legislation and in the rest of the package, but we do not pretend that every answer has been found and that other issues facing retailing do not need further exploration. For example, Mr Moore, when he supported, I understand, an earlier version of this motion, said that the Government had not appropriately addressed the question of retail space and how much space it was appropriate to provide in the ACT. The Ibecon study found that there was an appropriate balance as far as the general provision of retail space was concerned, but there was an oversupply of bulk retailing, things like furniture and whitegoods. Mr Speaker, members obviously have different views about that. Some, I think, doubt that that is true. If that is the case, rather than have the Government proceed to make a whole series of decisions based on propositions which the Assembly, as a whole, may not feel are supported, it will be appropriate to test those propositions through the device the Assembly usually uses, namely, an Assembly inquiry.

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

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

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

MR HUMPHRIES: Mr Speaker, we have had a lot to say in this place in recent months about the many inquiries which have been initiated by the Assembly. We certainly have argued against a number of inquiries in the past because of the large number of Government initiatives held up by inquiries of various sorts, particularly legislation which the Government has had some concern about. I have discussed briefly with the chair of the inquiry the question of what impact this inquiry would have. Admittedly, it was when he had his own motion put forward for this purpose rather the motion put by Ms Tucker. I understand the committee's view is that the safety net provisions outlined in *Striking a Balance* can and should proceed notwithstanding that an inquiry is under way into the effectiveness of those policies. Perhaps they would profit from the fact that the proposals were actually being implemented as the inquiry was going on. On the question of trading hours, trading hours will be voted upon by the Assembly this afternoon. When the Assembly votes on that the Government will implement the policy that is put into legislation, and at the earliest available opportunity. So, Mr Speaker, I do not believe that either of those elements of *Striking a Balance* need be held up because an inquiry is taking place.

However, Mr Speaker, I support the comments made by Ms McRae and Mr Whitecross that the expansion of retail space in the town centres should not be delayed further. Members will be aware that Leda, for example, sought their extension to the Hyperdome while Mr Wood was still Minister 18 months ago. The Government has taken stock of that extension and has imposed a restriction on the extension through its retailing policy. That policy, which we hope will be put into place today, will, I think, represent a fairly serious hurdle for Leda to overcome should they decide to proceed with the extension. If they do decide to proceed with the extension it would be unconscionable for the Assembly to delay a decision on that any further. Certainly, the planning process is likely to throw up a decision to be made within the next few weeks and, unless the Assembly stands in the way, I propose to make that decision.

I commend the motion to the house, but I also commend the amendment to the house, and I now move that amendment. It reads as follows:

Omit paragraph (3).

MR MOORE (12.04): Mr Speaker, in addressing the motion and the amendment at the same time, I do not have any particular problem if the motion is going to go through with the amendment. It is of great concern to me that whilst we are debating this issue of a reference to a committee we also have a Minister putting a whole series of parameters on that committee. It seems to me that the motion, as we read it on its face value, is fine. The reference to the committee is probably an important one. I will point out, Mr Speaker, that it may well be that the committee will seek further assistance in terms of the sort of support that it has in order to deal with this motion if, indeed, the Government is going to support it. Even if I say I will oppose it I also want to point out that as chair of that committee, if it is the Assembly's decision that we proceed with it, I will do my very best to deal with the issue and to deliver a report in the best and fairest way that I can.

That having been said, I will oppose this motion because of the position taken by both the Greens and the Government as they put it up. On the one hand they are saying to us, "Look, take this motion and consider where the solutions are; look at *Striking a Balance*; try to work out what are the appropriate motions"; but in respect of the two areas where I think the main solutions lie about retail space and about shopping hours they are saying, "But we are not going to let you look at those. We are going to continue with our measures on retail space and we are going to continue with our measures on shopping hours". Now, you cannot have it both ways. Well, perhaps you can, and perhaps that is what you will do; but if you are going to have it both ways then clearly it is simply a cop-out and a sop to the media. What you are doing will be seen as that.

You feel the pressure of 40,000 signatures today on a petition and within minutes of the introduction of that petition you are introducing a Bill to give a much higher status to such things as petitions and community views. This Government goes to the people and says, "We will listen to the people", but basically it is ignoring that kind of petition.

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Mr Humphries: When they vote.

MR MOORE: Indeed, Mr Speaker, the duplicity is not missed by most. As much as Mr Humphries and others will attempt to do a little bit of a dance around it, the duplicity will not be missed by most. I imagine most will also be disappointed that they ever voted for a party that said, "We will be consultative and we will listen to the people. We will be open". Not only is that happening; at exactly the same time in Civic Square there is a huge rally to which nobody came. There were maybe 40 or 50 people, at the most, out there at that rally to support the view that you have put. There were 40 or 50 people there, and 40,000 signatures here. That gives you an impression of the view of people at the moment. You also argue, because I have heard you say it, "Yes, but there was another petition of some 30,000 signatures". I would not be surprised if some of the same people have signed both. Interestingly enough, they were consistent. It is consistent to sign both, because on the one hand people want to protect their shops and on the other hand they want to ensure that the retail hours remain as they are. So, the solution is not necessarily with retail hours.

If the Government is going to continue its support of this motion then for heaven's sake recognise that the committee should be able to work in the best possible way it can. Leave us four months - I think the amendment is four months - to look at where the real solutions are and come back and report to this Assembly in a genuine and open way about shopping hours, about retail space and about all the other issues that you are putting there. At the same time, where the issues are not controversial - Mr Whitecross has spoken in detail about those - and where the committee says, "Yes, proceed with the advice you are giving to small business and all those issues because they are not controversial and there is no disagreement that they will assist", proceed with those. Where we are talking about the balance between retail space, shopping hours and so forth, then, for heaven's sake, leave those issues and allow the committee to look at them. In other words, do not force your legislation through this afternoon. That would be showing good faith.

Mrs Carnell: Retail space is in there.

MR MOORE: Indeed. Mrs Carnell correctly points out that retail space is in there to be considered, along with shopping hours. The trouble is that Mr Humphries, in his speech, has just said, "However, we will proceed with allowing expansion of retail space". The committee at least should consider whether it is a retail space issue or whether it is just an issue of shopping hours, or a combination of the two. You cannot refer something to a committee like this and at the same time say, "Well, thanks, committee; now we are going to go ahead and do what we like".

The duplicity today is overwhelming. Just a few minutes ago Mr Humphries was standing up and saying, "Look, we will allow a select committee on petrol, but you have to understand that the Government will then, by and large, have its hands tied and will not be able to move while that committee is considering it".

Mr Humphries: We will. We are going to talk to them about it.

MR MOORE: What I am saying to you is that if you refer this to the Planning and Environment Committee this morning, this afternoon you will not be in a position to pass that piece of legislation we have, other than perhaps to pass it in principle and refer it to the committee, and that will be perfectly acceptable. Then you are not undermining any committee process. But as soon as you pass it you will be undermining the committee processes of this Assembly, and I think that is something you should consider very carefully over the next few hours if you pass this motion.

MS HORODNY (12.11): It is indeed a very robust debate today, unlike what is happening in the retail industry in the ACT. It is interesting that the ALP delivers a double whammy on this issue. They will not support the moratorium. They do not think hours are an issue either. Ms McRae says, "Yes, of course these issues are important", and she bleeds for small business in the ACT, but, of course, she will not do anything because for some reason her hands are absolutely tied, and they were for the whole time that she was in government. Somehow she was unable to do absolutely anything about it.

I would like to read from the *Business Review Weekly* of last month which has an article titled "Building towards a retail overkill". In regard to retail space it is particularly interesting. That is one of the issues that Ms Tucker's motion asks the committee to look at. The article says:

Gerry Harvey has opened 53 Harvey Norman stores since 1982, building a retail chain that has annual sales of more than \$1 billion. He wants more. Harvey plans to open another 13 stores in Australia in the next 12 months and is aiming for 85 outlets by the end of the 1990s. Why so many stores? "To sell more stuff," Harvey says.

Mr Whitecross: He employs people. He gives people jobs.

Mr Wood: Where would you buy your refrigerator?

MR SPEAKER: Order! Ms Horodny has the floor.

MS HORODNY: The article continues:

Shoppers remain nervous and tight-fisted.

Understandably so. It goes on:

The solution? Build more stores. Yes, retailers have been devising new marketing strategies and adding new product categories to rev up their sales ... retailers are falling back on the old strategy of opening new stores to generate sales growth.

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More than 2000 new stores will be opened in the next five years, across all sectors of the retail industry excluding cars and finance. Shopping-centre owners are feeding the industry's new-store addiction with plans to add about 1.5 million square metres to Australia's existing retail floor-space. Retail industry analysts are asking how many new stores Australia needs and how many it can support. The answer is simple: not as many as retailers and shopping-centre owners plan to open.

It is an epidemic. It is happening right across the country, and nowhere is it more apparent than in the ACT. The article goes on to say:

The new-store frenzy comes at a time of flat retail sales and negligible growth in Australia's population and Australians' disposable income. Traditional retailers also face a range of increasingly feisty rivals, including shop-from-home services such as the Internet and direct mail. Some retailers believe Australia is heading for an oversupply of stores and shopping-centre space, raising the spectre of half-empty centres and struggling retailers ... retailers and shopping-centre owners have one thing in common: unshakeable confidence in the wisdom of their expansion plans.

I am very disappointed that the Liberal Party will not support the moratorium on retail trading hours, but I am extremely disappointed with the Labor Party for not supporting it because they do not seem to have any answers at all. To give the Liberal Party some credit, they are putting forward a very difficult proposal. They know that it has huge political backlash - it has had for them already - but they also know that they do have the support of small business and they do seem, at least, to care about small business, which the Labor Party does not.

Mr Whitecross seemed to be a bit confused, saying that the helpShop measures, for instance, could not be implemented while this inquiry was going on. Well, that is not what the motion says. He needs to read that properly. It will not prevent the Government from getting on with the helpShop program. It asks the committee to look at all these other issues which are absolutely critical. It is not putting *Striking a Balance* on hold. It is saying, "Let us implement that, and let us look at all these other related issues". It is said time and again that we cannot support struggling small businesses if they are simply not viable; we cannot give small business in the ACT a free lunch. Well, that is interesting, because as it stands at the moment it is the corporate giants who have a free lunch in the ACT. They definitely have a free lunch. I read again from this article:

Shopping-centre owners say retailer demand has triggered their expansion plans, but competition to find anchor tenants for big centres is intense. Department-store chains are asking for, and getting, long rent-free periods -

that is interesting; who is getting the free lunch then? -

low rents and money to fit out and, in some cases, stock a store in a centre.

Yet we keep hearing that small businesses in the ACT are just not lifting their game and what is it that they want, a subsidy? It sounds like the subsidy is for the corporate giants. This is where the money is going. David Jones's new stores, for instance, at Glen Waverley in Victoria, which opened last month, and Robina and Carindale in Queensland are "turnkey" stores; that is, the retailer's only outlay is stock. They are getting free rent. Where is the free lunch? It is obviously with the corporate giants. There is silence. There is no answer to that.

Mr Wood: I do not understand it.

MS HORODNY: You do not understand it? The point is, Mr Wood, that in order to get some of those big retail giants into those town centres they are given free rents for up to two years.

Mr Wood: Where does the free lunch bit come in?

MS HORODNY: "Free lunch" is an expression, Mr Wood, about having an unlevel playing field. We talk about playing fields all the time.

Mr Hird: Do not let them rattle you, Lucy.

MS HORODNY: No, I am not rattled. Thank you, Mr Hird.

MR SPEAKER: Order! Ms Horodny has the floor.

MS HORODNY: Ms McRae's other favourite line here is that for the residents around the Belconnen Mall there is no local shopping centre; that the Belconnen Mall is in fact the local shopping centre for those people there.

Ms McRae: That is right. You ask your constituents.

MS HORODNY: Ms McRae, just across the road is the Jamison Centre.

Ms McRae: It is not if you do not have a car. You try walking there from Totterdell Street. You try it.

MS HORODNY: Ms McRae, there is a small shop at Emu Ridge which has closed down - - -

MR SPEAKER: Order! Ms Horodny has the floor, whether it is a level playing field or not. Please go on.

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MS HORODNY: Thank you, Mr Speaker. Ms McRae, there is a shop in Emu Ridge. It closed down because you did nothing to prevent it closing down.

Ms McRae: Because I did not shop there. Did you shop there?

MS HORODNY: Ms McRae, that shop closed down because the ALP Government, in the last Assembly, did nothing, absolutely nothing. You just threw your hands up in the air and said "Um, what can we do? There is nothing we can do". I am wrapping up, Mr Speaker.

Mr De Domenico: Keep going, Lucy.

MS HORODNY: Thank you, Mr De Domenico. Ms McRae says that the Greens are fobbing this off to the committee. Well, for heaven's sake; I understood that there was great respect in this Assembly for committees and the work that they do.

Mr Berry: But not for wobbly politicians. You are going wobbly, Lucy.

MS HORODNY: Why are we fobbing it off? Why is it being fobbed off? I do not understand that expression at all. We are not going wobbly. We are not going back on supporting the proposal of the Liberals. We are supporting that proposal. We have said time and time again, and the Liberals know very well - - -

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

MS HORODNY: I seek a very short extension.

MR SPEAKER: Is leave granted?

Mr Berry: No, it is not.

MS HORODNY: Thank you, Mr Speaker. I have lost my train of thought.

Mr Berry: No, it is not granted. We have limited time.

MS HORODNY: We have great respect in this Assembly for committees and committee work - - -

MR SPEAKER: I am sorry.

Mr Berry: We have only until 12.30 pm and it cuts out automatically.

Mr De Domenico: We can go to 12.35 pm if you like. You cannot just say - - -

Mr Hird: She is just about finished anyway.

Mr Berry: Well, there is limited time. It is only a half-hour extension.

Mr De Domenico: Yes, we know that.

MR SPEAKER: Is leave granted to Ms Horodny? We are wasting time now. Is leave granted?

Government members: Yes.

MR SPEAKER: Yes. Proceed quickly.

Mr Kaine: Keep ripping it into them, Lucy. While you keep ripping it into them we will give you extensions.

MS HORODNY: Yes. Ms McRae and the ALP have said, "Why do we need another report because there already have been dozens of reports?". Well, there may well have been dozens of reports, Ms McRae, but have any of them looked at the combined effect of what is happening at the moment? We have had separate reports that have not looked at the total issue, and that is what is absolutely essential. We need to look at the combined effect of what has been happening since 1992, and that is expanding space and extended hours. It is absolutely critical that we do this.

I am afraid that as a scientist I hold no credence in this petition which simply says, "The petition of certain residents of the ACT". The petition that I hold in front of me, Mr Speaker, includes residents from Forbes. That seems to contravene the requirement that the petition pertain to residents of the ACT. It includes people from Forbes and Bungendore. I do not see what relevance that has.

Ms Follett: Mr Speaker, on a point of order: I believe that now that Ms Horodny has been given an extension of time she ought to remain relevant. We listened before to her speaking about the activities of David Jones in Queensland and Victoria and how this was somehow an indictment of former Labor governments. I let that go. But when she starts debating the petition which has already been submitted to the Assembly, I believe that that is not relevant to her motion, and it is her motion. If she is just going to waffle on about irrelevancies, I suggest you sit her down.

MS HORODNY: Mr Speaker, I am addressing issues that previous speakers have covered. Mr Moore made much - - -

MR SPEAKER: Order! There is no point of order. You have drawn attention to deficiencies in the petition, obviously, that would have to be examined if we were going to do so; but I would ask you to please bear in mind that we are finishing at 12.30 pm unless the Assembly wishes to extend the time.

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Mr Berry: I move:

That the time allotted be extended until this debate is concluded.

Mr Kaine: Surely, Mr Speaker, that is out of order when a member of the Assembly is on her feet and speaking.

MR SPEAKER: Order! We will cross that bridge when we get to 12.30 pm. You have one minute and 34 seconds left, Ms Horodny.

MS HORODNY: I have one last point to make, Mr Speaker, about the petition. It does not refer to this proposal or this legislation. It simply says:

... any legislation to restrict shopping hours in the ACT will be against the interests of shoppers and will cause job losses.

It is absolutely vague, it does not pertain to this particular proposal, and it is unscientific. It is important that we ignore this petition.

MR OSBORNE (12.26): Mr Speaker, I had a dream. I had a dream of life under the Greens. It was a bit like watching *Little House on the Prairie* - getting home at 6 o'clock, weaving the baskets and going to the corner general store.

Ms Tucker: What about closing liquor outlets, Mr Osborne? You like closing things early. You are a wowser.

MR OSBORNE: Goodness me. Walking around in sandals and sheepskins, and going down to the general store to do all the shopping. What a load of drivel. Mr Speaker, I will be brief. I will not be supporting this motion by Ms Tucker because of one particular point. I think what we have seen here is a stunt on the part of the Greens. I am quite startled that we are debating this whole issue. I can only assume that the Greens have seen through this stunt that the Liberal Party tried to pull on trading hours, and that that is the only reason they have put this up.

Quite frankly, Mr Speaker, I think the Greens have realised that, overwhelmingly, the public have been very vocal in their disapproval of this stunt that Mr Humphries and Mr De Domenico have tried to pull. Unfortunately for us here in the Assembly, they have fooled the Greens too. They fooled the Greens with the little game that they have played, and I think the Greens, to their credit, have seen through that. I think the Greens have realised that they have been too vocal in support of it and cannot back out. The only way they can save a bit of face is to put up this motion. Mr Speaker, I have to say that I think that is what has happened. The Greens have seen 40,000 signatures on a petition obtained over three or four days. I suppose that in itself is very frightening for them, as I would imagine it is for the Government.

I have to say, quite frankly, that we all should see through this, as we should have seen through what Mr Humphries tried to pull here. All he has done is try to appease his friends on the Small Business Council. He has tried to keep them happy. I cannot, for the life of me, see how shutting five major shopping centres is going to help suburban shops.

I think if Mr Humphries had any guts he would shut the group centres as well, or try to shut them. I think then that we would see a marked benefit for our local corner shops. It is quite interesting as well, Mr Speaker, to hear Mr Humphries say that he cannot see how the Government can continue to stop the major shopping centres with their redevelopments. I would have thought that any further retail space in places like the Hyperdome, or Woden, or whatever, would be a far greater problem for the local shops than not shutting five big supermarkets at 7.00 pm. Quite frankly, Mr Speaker, this is just a stunt on behalf of the Greens. They are trying to hedge their bets and I certainly will not be supporting it.

MR BERRY (12.29): Thank you, Mr Speaker. What time does this debate expire?

MR SPEAKER: You have about a minute, but I will let you know when the time comes.

MR BERRY: Thank you. Mr Speaker, this is about jobs. I can see that the Greens have been caught on this one and they would be looking for ways out with a fury. It does not avoid the fact that there is instability created by this - - -

MR SPEAKER: Excuse me. It being 12.30 pm, the extended time for Assembly business has expired.

MR BERRY: I will leave it.

Motion (by **Ms Horodny**) proposed:

That so much of the standing orders be suspended as would prevent debate on this motion continuing beyond 12.30 pm.

Question put.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

27 June 1996

MR BERRY: Mr Speaker, thank you.

Mr De Domenico: Did we vote for him to speak?

Ms Tucker: That is the downside.

MR BERRY: At your request.

Mr Osborne: We have not heard from you yet on this matter, Mr De Domenico.

Mr Whitecross: He is strapped to the chair. That is why.

MR BERRY: He has the araldite. He cannot get up. They will not let him speak. As I said a moment ago, the Greens have been caught on this one. I sympathise with them in that respect and I know how they must be feeling on the issue, but the best way out of it - - -

Mr Moore: That is because you have been caught a few times.

MR BERRY: We have all had our turn, Mr Moore. The best way out of it is to humble yourself, swallow your pride, forget all this nonsense, vote against the Bill, forget about taking it off to a committee and have some regard for those people whose jobs are in danger out there. Let us not forget that it is these Liberals opposite here, Mr Speaker, who gave us 2,500 more on the unemployment list since Mrs Carnell came to office, and the Greens are now going to help them add 300. It is time to back away from this nonsense and restore some stability to businesses out there, both large and small. While this instability continues we will have declining confidence in the ability of this economy to drag itself up on its feet again and fewer jobs will be created. I beg of you, Greens, to change your minds on this issue. If you are a party which has some concern about social justice, it is about time you showed it because those 300 out there who have their jobs threatened are going to be left hanging while you continue this sort of nonsense.

I heard Ms Horodny claim that Labor did nothing when in office. The fact of the matter, Ms Horodny, if you check the history of it, is that the legislation was in place when self-government started and it always allowed businesses to operate in the way that they do, particularly the big supermarkets, and they decided on a business basis that they would proceed. It is as simple as that.

Mr Moore: Through the Alliance Government too.

MR BERRY: And the Alliance Government supported it as well. Let us not rewrite history. Mrs Carnell is the best at that. You will never take the belt off her, so give it up.

Mr Moore: She is a black belt in rewriting history.

Mrs Carnell: At least I do not count it twice.

MR BERRY: Mr Speaker, this is a fervent call to the Greens to have a change of heart. Mrs Carnell is getting a list of belts around her waist. She cannot fit them now. The biggest Health budget blow-out, all of those people added to the unemployment list - - -

MR SPEAKER: Order! Relevance.

Mr De Domenico: She has never double-counted though.

MR BERRY: I would not bet on that. Mr Speaker, we have a situation here where young people and older people who are fearful for their futures are going to be left hanging on a hook by this approach unless the Greens back off. Mrs Carnell has her fingerprints all over this legislation and the approach that has been taken by the Liberals, but, as anyone could predict, the weights are starting to move against Mrs Carnell. With this Government it has always been a matter of style, not substance. Mrs Carnell has changed her mind because the publicity is going against her.

Mr Humphries: This is a bash Kate speech. It has nothing to do with trading hours.

MR BERRY: Patsy, over here, Mr Humphries, was stuck out in front to sell the package in the first place. There has been a big brawl in the Liberal Party room because Mrs Carnell is saying, "Well, it was all right for Mr Humphries to run it for a while but it is not working so well now. We had better change our mind and send it off to a committee, soften the blow a bit, or make it look as though we are softening the blow". Mr Humphries has been sent out again. You sucker, you. When are you going to wake up?

Mr Speaker, Mr Humphries has done his back in because of the backflip this morning; and as for the Greens, well, the colour seems to have changed a little bit because the social justice aspect of their so-called origins has been forgotten. If they want to have on their conscience more instability in the retail industry, well, good on them; but it is going to have to be made clear that it is on their conscience. They have the opportunity to demonstrate clearly to the community that they care about those people who are having difficulties with their jobs in a climate which has been created by Mrs Carnell. There are 2,500 additional people on unemployment lists under Mrs Carnell and this situation will help add another 300. If you want that on your conscience, go for your life; but you are going to have to wear it if it happens. Those are the clear facts of the matter.

Mr Speaker, sending this off to a committee is getting to be a bit of a joke. We have had more inquiries into this business than you can poke a stick at. Our desks are cluttered with this sort of stuff. The Greens now want another inquiry to get them off the hook. They have indicated already that they are going to vote for the Bill. Why on earth go on with that sort of hypocrisy, for heaven's sake? You are going to vote for the Bill.

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The inquiry becomes a heap of nonsense. Knock the Bill off. I dare you; knock the Bill off if you are fair dinkum. I dare you. Do not persist with this nonsense of an inquiry; it is too late. Everybody knows that both you and the Liberals are running for cover on this issue. This will not cloud the issue. There will be a full and better understanding of your position from the Greens Party and your association with the Liberals on this issue.

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

MR BERRY: Mr Speaker, this motion deserves to be defeated, as does the Bill this afternoon.

Amendment agreed to.

MS TUCKER (12.42): There seems to be a misunderstanding by Labor and other members that we really are very uncomfortable with what is happening here today. If you think back you will remember that we have been talking about the issue of regulation of trading hours for some time, and we have done a lot of research on it. We do believe that there are very strong links formed with trading hours. This has been proved. I will just read a small excerpt from one of the many thoughtful analyses of this. It is called "What hours should we trade, 'Mr SuperStore'?: A review of the 1994 Australian experience" and it appeared in the well-respected journal *Urban Policy and Research*.

Mr Moore: But you are leaving superstores open. This legislation does not do it.

MS TUCKER: Mr Speaker, we would like to get through this quickly. Could you make members be a little more orderly? I am speaking about trading hours, okay? It says:

Trading hours deregulation is primarily an application of the economic rationalist ideology to "when" and "where" consumers do their shopping. There is a fundamental interdependence between time, location in space and retail ownership. Therefore, the implementation of this policy is having ramifications for the three tiers of Government in Australia. The whole issue on a State level appears to be apolitical because of the impact that a large retailer can have on the State economy and the promotion of the individual's freedom to shop is attractive to voters. In NSW, the RASTT model suggests that the trading hours should have only been extended by a maximum of five hours. This would have avoided a whole range of social, legal and economic issues now facing Local, State and Federal Governments. There is some hope that the message of complexity about this issue is finally being received by State Governments -

and Territory governments, might I add -

with the WA Government on November 29, 1994 rejecting the general trading hour deregulation option, for more localised seven days-a-week tourist-based trading zones ... For NSW, the question is whether the policy has gone too far to retrieve some sort of equity for the disadvantaged groups. The answer at this stage would have to be "Yes", since it is not currently an issue with the Labor Opposition leading up to the election in 1995.

The point is that there is a lot of agreement that the regulation of trading hours is a very basic part of this challenge. This is the challenge that Australia is facing. In all areas it is this discussion between the big businesses and not having the level playing field.

I also have to respond to some of the comments from Labor about the committees. Ms McRae made the stunning statement that she would not like the Government to have the benefit of the breath of sanity of a committee. So this is once again - - -

Ms McRae: No, a waste of effort.

MS TUCKER: Yes, let them fall on their sword; it does not matter what the overall conclusion or outcome is. I really thought, as Ms Horodny pointed out, that there was greater respect for the committee system than that.

Mr Osborne and Mr Moore have talked of good faith. To say that you will not support this committee reference on the broader issues because you do not get that one thing that you want changed is not a demonstration of good faith. Mr Moore and Mr Osborne have taken a line which shows absolutely no concern for the overall formation of a strategy to deal with this very important issue. They are prepared to say, "No, we just want you to give us what we want in this committee or we do not want a committee". Mr Moore himself wanted a committee on this issue at one point and, of course - - -

Mr Moore: I still do, but not with the outcome pre-empted.

MS TUCKER: Right; so we lose the whole lot because you have a disagreement on the importance of trading hours. So we lose the whole discussion. Fortunately we will not, because the Liberals are going to support it. The Labor Party had the opportunity to support the moratorium being included - they have acknowledged that retail space is an issue - but they will not support that because they are also scoring points and letting the Government fall and all that; so we end up with an outcome that will not be as good. I am very disappointed in that response. I hope that the committee, as it will be run now, will come out with some very good ideas to take this very important issue on in a way that is cooperative. That is certainly not going to be carried on in the political way that this response was.

27 June 1996

Question put:

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

The Assembly voted -

AYES, 9

NOES, 8

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

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

Question so resolved in the affirmative.

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

Clause 1

Debate resumed from 25 June 1996.

MR WOOD (12.50): Mr Speaker, the amendments I am proposing relate to the second of these Bills, the Betting (Corporatisation) (Consequential Amendments) Bill, and I will make my comments when it is called on.

Clause agreed to.

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

Bill agreed to.

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

Clause 1

Debate resumed from 25 June 1996.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole

MR WOOD (12.52), by leave: Mr Speaker, I move the amendments circulated in my name as follows:

Schedule - Proposed Schedule 5 to the *Territory Owned Corporations Act 1900* -

Page 12, line 8, insert the following clause:

“Substituted section 12

1A. Section 12 does not apply in relation to the Company or the staff of the Company and the following section so applies as if it were substituted for that section:

‘Directors

‘12. (1) The directors of the Company shall include a person who is elected in accordance with the articles of association of the Company referred to in Part II.

‘(2) A person is not eligible to be a director of the Company unless -

- (a) he or she is a director referred to in subsection (1); or
- (b) in the opinion of the voting shareholders, he or she has the expertise or skills necessary to assist the corporation to achieve its principle objectives.’”.

Page 13, line 2, add the following clause:

“Operation of Part II of Schedule 3

6. Part II of Schedule 3 does not apply in relation to the Company or the staff of the Company and the following Part so applies as if it were substitute for that Part:

‘Part II

‘Articles of Association

1. (1) Subject to subclauses (2) and (3), provisions to the effect of the provisions in clauses 2, 3, 4, 5 and 6 and subclauses 7 (1) and (2) shall be included in the articles of association of the Company.

(2) If the definitions of “first staff director” and “staff director” in subclause 2 (1) are taken to be amended in accordance with subclause 7 (4), the reference to clause 2 in subclause (1) shall be taken to be a reference to that clause as so amended.

(3) If subclauses 7 (1) and (2) are taken to be omitted in accordance with subclause 7 (4), the reference to those subclauses in subclause (1) shall be disregarded.

Interpretation

2. (1) In this Part -

“Company Secretary” means the person appointed to perform the duties of the Secretary of the Company and includes any person appointed to act temporarily as such;

“election” means election as staff director;

“financial union member” means an employee of the Company who is a financial member of the relevant union;

“first staff director” means the person referred to in subclause 7 (1);

“nomination” means a nomination in accordance with subclause 5 (26);

“organisation” means an organisation within the meaning of the *Industrial Relations Act 1988* of the Commonwealth;

“relevant union” means -

- (a) if the rules of an organisation provide that an employee engaged in employment of the type provided by the Company is eligible for membership of the organisation - that organisation; or
- (b) if the rules of more than 1 organisation provide that an employee engaged in employment of the type provided by the Company is eligible for membership of the organisation - the organisation the membership of which includes the larger or largest number of employees engaged in employment of the type provided by the Company;

“staff director” means the director referred to in subclause 4 (2) and includes the first staff director;

“union official” means an officer or employee of the relevant union;

“union Secretary” means the person for the time being holding or performing the duties of -

- (a) except where paragraph (b) applies - the Secretary of the branch of the relevant union which contains the greater or greatest number of members resident within the Territory; or
- (b) if the relevant union does not include members resident outside the Territory - the Secretary of the relevant union.

(2) In this Part, a reference to staff, or to staff members, shall be taken to be a reference to employees of the Company, whether or not financial members of the relevant union.

(3) In this Part, a reference to the withdrawal of the nomination of a person in relation to a particular time shall be taken to be a reference to the death of the person before that time or the withdrawal by the person of his or her consent to the nomination before that time.

(4) In this Part, a reference to an available candidate in relation to a meeting notified in accordance with subclause 5 (2) or (4) shall be taken to be a reference to -

- (a) if only 1 person has been nominated for election at the meeting and the nomination of the person has not been withdrawn - that person;
- (b) if 2 or more persons have been nominated for election at the meeting and the withdrawal of the nomination of 1 or more of those persons has left only 1 person nominated - that person; or
- (c) if 2 or more persons have been nominated for election at the meeting 1 or more of those persons have withdrawn their consent for nomination leaving 2 or more persons nominated - each of those persons.

General provisions

3. (1) The issued capital of the Company shall consist of 2 shares that entitle the holders to vote at a general meeting and 3 other shares.

(2) Only a Minister may hold a voting share in the capital of the Company.

(3) Only the voting shareholders may vote at a general meeting of the Company.

(4) The quorum at a general meeting shall consist of 2 voting shareholders present in person or by proxy.

(5) As far as practicable, before making a decision on matters that directly affect staff of the Company, the directors shall endeavour to consult with any committee or body representative of staff and management.

Directors

4. (1) Subject to subclause (2), the directors of the Company shall be appointed by the voting shareholders.

(2) Subject to subclause (4), 1 of the directors of the Company shall be elected at a meeting held in accordance with clause 5.

(3) As soon as practicable after a meeting at which a staff director is elected, the chairperson of the meeting shall notify the Company Secretary in writing of the election.

(4) A person elected to be the staff director does not become a director of the Company until the day after the day on which the person gives the Company a signed consent to act as director.

(5) Subject to subclause (7), the staff director holds office for a period of 2 years commencing on the day on which he or she becomes a director of the Company.

(6) If the staff director is an employee of the Company, the director shall not be entitled to any remuneration as director but in the event -

- (a) that a meeting of the directors is held outside the normal hours of employment of the employee; or
- (b) that the employee otherwise attends to his or her duties as staff director outside his or her normal hours of employment;

the employee shall be entitled to reasonable sitting fees, travelling expenses and other expenses in connection with his or her attendance at directors meetings and otherwise in the execution of his or her duties as staff director.

(7) In addition to the circumstances in which the office of the staff director becomes vacant by virtue of the Corporations Law or other provisions of the articles of association, the office of the staff director shall be vacated if the director -

- (a) being an employee of the Company - ceases for any reason to be an employee; or
- (b) is removed as provided in subclause (8).

(8) The office of the staff director shall be vacated if the office is declared to be vacant upon a majority vote of all financial union members at a meeting held in accordance with clause 6.

(9) If at a meeting referred to in subclause (8) the office of the staff director is declared vacant, the chairperson may request nominations for election from the financial union members present.

(10) As soon as practicable after the meeting referred to in subclause (8) at which the office of the staff director is vacated, the chairperson of the meeting shall notify the Company Secretary in writing of the vacancy of the office of the staff director.

Meeting to elect staff director

5. (1) A meeting to elect the staff director shall be held in accordance with the provisions of the following subclauses.

(2) The union Secretary may, by notice in writing in accordance with subclause (25), notify a meeting to elect the staff director and invite nominations.

(3) The notice referred to in subclause (2) should normally be given, as far as practicable, during the last month of the term of office of the staff director but the notice is not invalid if given at any other time.

(4) Where -

- (a) a meeting has been closed as provided in subclause (24) without electing a staff director; or
- (b) a meeting, or an adjourned meeting, to elect a staff director has been attempted but has not proceeded for any reason or has been held and, although not formally closed, the union Secretary considers that it is unlikely to proceed to elect a director;

the union Secretary may give notice in writing in accordance with subclause (25) of a further meeting to elect the staff director and invite nominations.

(5) At least 14 days before the date fixed for the meeting, the union Secretary shall take reasonable steps to ensure that copies of a notice of the meeting are prominently displayed at the place of business of the Company and at each of its agencies.

(6) As soon as practicable after the deadline referred to in subclause (25) for receipt of the nominations, the union Secretary shall take reasonable steps to ensure that the names of the persons whose nomination has been received are prominently displayed at the place of business of the Company and at each of its agencies.

(7) All members of staff may attend the meeting.

(8) If a union official is present at the meeting within 15 minutes of the time appointed for the start of the meeting, the official may be the chairperson of the meeting.

(9) If an official of the relevant union is not present at the meeting within 15 minutes of the time appointed for the start of the meeting, the financial union members present may proceed to elect the chairperson of the meeting from among their own number.

(10) The quorum for the meeting is 30% of the number of financial union members or the nearest whole number and if a question arises about the number of financial union members the decision of the chairperson is final.

(11) Only financial union members present at the meeting may vote.

(12) Union officials or financial union members present at the meeting may take steps to verify that staff members present are financial members of the relevant union.

(13) If any question arises at the meeting about the status of a staff member as a financial member of the relevant union for the purpose of subclause (10) or (11), the chairperson of the meeting shall decide the matter.

(14) Subject to this clause, the chairperson shall determine the procedure of the meeting.

(15) Except where provision is made to the contrary in this clause, questions arising at the meeting shall be decided by a majority vote of the financial union members present.

(16) Except with the leave of all the financial union members present, the meeting shall consider no business other than the election.

(17) At the meeting the chairperson shall read out the names of the persons (if any) who have been nominated for election.

(18) If only 1 person is an available candidate at the meeting, the chairperson shall declare the person elected accordingly.

(19) If 2 or more persons are available candidates at the meeting, the chairperson shall, in accordance with subclause (30), conduct a ballot for the election of 1 of those persons.

(20) If no person has been nominated for election at the meeting in response to the notice under subclause (2) or (4), as the case may be, the chairperson may request nominations at the meeting.

(21) Where -

- (a) no nominations are received in response to a request by the chairperson as provided in subclause (20) or 4 (9); or
- (b) the meeting is for any other reason unable to proceed to elect a staff director or to complete the vote;

the chairperson shall adjourn the meeting.

(22) If a meeting referred to in subclause (21) is adjourned without any nominations being received, the chairperson shall, on the resumption of the meeting, request nominations.

(23) If at a meeting after -

- (a) the first meeting held in response to a notice under subclause (2) or (4); or
- (b) the meeting referred to in subclause 4 (9);

the chairperson is satisfied that a staff director is likely to be elected but for any reason the meeting is unable to continue, the chairperson may adjourn the meeting from time to time.

(24) Where -

- (a) at least 1 meeting has been held without a person being nominated for election; or
- (b) any meeting after the first meeting is for any other reason unable to proceed to elect a staff director;

and the chairperson is satisfied that a staff director is not likely to be elected at a further adjourned meeting the chairperson shall close the meeting.

(25) Subject to subclause (29), a notice for the purposes of subclauses (2) and (4) shall specify the purpose, date, time and place of the meeting and indicate that nominations must be received by the union Secretary at least 7 days before the date set for the meeting.

(26) Nominations for election shall -

- (a) be in writing;
- (b) contain the signed consent of the nominee;
- (c) be signed by a financial union member as the nominator;
and
- (d) be signed by another financial union member as seconder.

(27) If a meeting is adjourned for any reason and the date, time and place for resumption of the meeting are not announced at the time of the adjournment, the chairperson of that meeting shall, as soon as practicable after the meeting -

- (a) fix a date for holding the adjourned meeting (being a date no more than 21 days after the day of the adjournment) and a time and place, in accordance with subclause (29);
and
- (b) notify the date, time and place of the meeting to the members of staff by taking reasonable steps to ensure that a notice for that purpose is prominently displayed at the place of business of the Company and at each of its agencies.

(28) If the chairperson at the meeting referred to in subclause (27) was a person other than the union Secretary and the union Secretary is satisfied that it is necessary to do so, the union Secretary may carry out the duties imposed on the chairperson under that subclause.

(29) The person fixing the date, time and place of a meeting shall ensure, as far as practicable, that the date and the time proposed for the meeting would, as far as practicable, be a date and time when staff members are available to attend and that the place of the meeting would be reasonably accessible to staff members.

(30) For the purposes of an election, a ballot shall be conducted as follows:

- (a) the chairperson shall ensure that paper of a distinctive colour or type or marked in a distinctive manner, reasonably uniform in size and not bearing the name of a candidate is available in sufficient quantity for use as ballot papers;
- (b) subject to paragraph (c), the chairperson shall appoint 1 or more persons present at the meeting, being union officials or financial union members, to be returning officers for the purposes of the ballot;
- (c) a candidate shall not be a returning officer;
- (d) each financial union member present at the meeting shall be entitled to 1 vote;
- (e) the returning officers shall distribute the ballot papers to the financial union members present taking care to ensure that each person receives no more than 1 ballot paper;
- (f) a person shall remain in the presence of the chairperson or a returning officer while he or she completes his or her ballot paper;
- (g) a person may complete his or her ballot paper in the place where he or she was sitting or standing when he or she received his or her ballot paper;
- (h) the chairperson shall afford the persons voting a reasonable period of time to complete their ballot papers and, if so requested by a person voting, shall make available writing materials to enable the person to complete his or her ballot;
- (j) if a person completing a ballot paper spoils his or her paper, he or she shall, on surrendering the paper to the chairperson, be issued with a fresh ballot paper and the chairperson shall cancel the surrendered ballot paper;
- (k) a person voting shall complete his or her ballot paper by writing the name of 1 of the candidates on the ballot paper distributed to him or her;

- (m) a ballot paper is invalid and shall not be counted if it -
 - (i) contains the name of more than 1 candidate;
 - (ii) contains the name of no candidate;
 - (iii) is indecipherable or meaningless; or
 - (iv) contains words apparently written by the voter other than the name of a candidate;
- (n) for the purposes of subparagraph (m) (i), a ballot paper that contains the names of 2 candidates 1 of which has been struck through or otherwise crossed out shall be taken to be a vote for the other candidate;
- (p) a ballot paper that contains the name of 1 candidate but misspells that name or does not contain the full name of the candidate shall be taken to be a valid vote for the candidate if the person so named can be identified by the chairperson as that candidate;
- (q) subject to this subclause, if a question arises about the validity of a ballot paper the decision of the chairperson is final;
- (r) after completion of the ballot papers the returning officers shall collect the completed ballot papers each using a receptacle to hold the papers so that a returning officer does not hold the ballot papers in his or her hand;
- (s) the returning officers shall then count the votes in the presence of the chairperson and the other persons present at the meeting;
- (t) after counting the votes, the returning officers shall, subject to paragraph (u), prepare a list setting out -
 - (i) the name of each of the candidates beginning at the top of the list with the name of the candidate who has received the largest number of votes continuing in descending order according to the number of votes each candidate has received down to the candidate who has received the least number of votes; and

- (ii) opposite the name of each candidate, the word “received” followed by the number of votes received for that candidate and the word “votes”;
 - (u) if 2 or more candidates receive an equal number of votes, the returning officers shall insert in the appropriate part of the list referred to in paragraph (t) the names of those candidates and as far as practicable opposite those names the words “each received” followed by the number of votes received for each candidate and the word “votes”;
 - (v) the chairperson shall read out the list and declare elected the candidate who has received the largest number of votes;
 - (w) if 2 or more candidates have each received the same number of votes being more votes than any other candidate, the chairperson shall then ask each of the candidates if he or she wishes to withdraw;
 - (x) if 1 or more candidates referred to in paragraph (w) indicate that he or she wishes to withdraw and only 1 of those candidates remains, the chairperson shall declare that that candidate is elected;
 - (y) if none of the candidates referred to in paragraph (w) choose to withdraw or if 1 or more candidates withdraw leaving 2 or more of those candidates remaining, the chairperson shall declare that those remaining candidates shall be the only candidates for a further ballot to be conducted in accordance with this subclause;
 - (z) the chairperson may proceed to conduct the further ballot immediately or may adjourn the meeting;
 - (za) the ballot shall be secret but the fact that a completed ballot paper or a spoiled ballot paper is seen before the votes have been counted does not invalidate the ballot.
- (31) Accidental omission to display notice of a meeting at a particular place does not invalidate the meeting or any action taken at the meeting.

(32) Accidental omission to display notice of a nomination received for election at a particular place does not invalidate the election.

(33) The identity of the chairperson as a union official or a staff member, or the absence of union officials from a meeting, does not invalidate the meeting or any action taken at the meeting.

(34) Failure to comply with subclause (11) strictly does not invalidate the meeting or any action taken at the meeting.

(35) Failure to comply with subclause (30) strictly does not invalidate the ballot.

(36) In subclauses (7) to (16) inclusive, a reference to a meeting shall be taken to include any adjournment of that meeting and in subclauses (31) and (33), a reference to a meeting shall be taken to include an adjourned meeting.

Meeting to declare vacant the office of staff director

6. (1) A meeting to declare vacant the office of staff director shall be held in accordance with the provisions of the following subclauses.

(2) The union Secretary may, by notice in writing in accordance with subclause (26), notify a meeting to declare vacant the office of the staff director.

(3) The union Secretary shall take reasonable steps to ensure that the staff director is given a copy of the notice referred to in subclause (2) or is otherwise made aware of the purpose of the meeting and of the date, time and place of the meeting.

(4) Subject to subclause (29), the union Secretary shall take reasonable steps to ensure that copies of a notice of the meeting are prominently displayed at the place of business of the Company and at each of its agencies at least 7 days before the date fixed for the meeting.

(5) All members of staff may attend the meeting.

(6) If a union official is present at the meeting within 15 minutes of the time appointed for the start of the meeting, the official may be the chairperson of the meeting.

(7) If an official of the relevant union is not present at the meeting within 15 minutes of the time appointed for the start of the meeting, the financial union members present may proceed to elect the chairperson of the meeting from among their own number.

(8) The quorum for the meeting is 30% of the number of financial union members or the nearest whole number and if a question arises about the number of financial union members the decision of the chairperson is final.

(9) Only financial union members present at the meeting may vote.

(10) Union officials or financial union members present at the meeting may take steps to verify that staff members present are financial members of the relevant union.

(11) If any question arises at the meeting about the status of a staff member as a financial member of the relevant union for the purpose of subclause (9) or (10), the chairperson of the meeting shall decide the matter.

(12) Subject to this clause, the chairperson shall determine the procedure of the meeting.

(13) Except where provision is made to the contrary in this clause, questions arising at the meeting shall be decided by a majority vote of the financial union members present.

(14) Except with the leave of all the financial union members present, the meeting shall consider no business other than the question that the office of the staff director be declared vacant.

(15) If the staff director is not present at the meeting, the chairperson, before putting to the meeting the question that the office of the staff director be declared vacant, shall provide a report to the meeting or seek a report from another person present at the meeting about the steps that have been taken to inform the staff director of the purpose of the meeting and of the date, time and place of the meeting.

(16) After the report has been given, the meeting shall debate the question that the meeting may proceed, in the absence of the staff director, to declare vacant the office of the staff director.

(17) If the meeting resolves that it should not proceed, in the absence of the staff director, to debate the question that the office of the staff director be declared vacant, the chairperson shall then adjourn the meeting.

(18) If the staff director is not present at the adjourned meeting, the chairperson, before putting to the meeting the question that the office of the staff director be declared vacant, shall provide a report to the meeting or seek a report from another person present at the meeting about the steps that have been taken to inform the staff director of the purpose of the meeting and of the date, time and place of the meeting.

(19) After the report has been given, the meeting shall debate the question that the meeting may proceed, in the absence of the staff director, to declare the office of the staff director vacant.

(20) If the meeting resolves that it should proceed to debate the question that the office of the staff director be declared vacant, the meeting shall then proceed with that question.

(21) If the staff director is present, the chairperson shall allow the staff director a fair opportunity to speak whenever sought but not so as to interrupt another speaker or to obstruct the meeting.

(22) At the conclusion of the debate the chairperson shall, in accordance with subclause (31), conduct a ballot on the question that the office of the staff director be declared vacant.

(23) If the meeting is for any reason unable to proceed to debate the question that the office of the staff director be declared vacant or to vote or complete the vote on that question, the chairperson shall adjourn the meeting.

(24) If at an adjourned meeting the chairperson is satisfied that the members of staff wish to proceed to discuss or vote on the question that the office of the staff director be declared vacant but for any reason the adjourned meeting is unable to continue, the chairperson may further adjourn the meeting.

(25) If an adjourned meeting is unable to continue for any reason and the chairperson is satisfied that the members of staff are not likely, at a further adjourned meeting, to vote on the question that the office of the staff director be declared vacant, the chairperson shall close the meeting.

(26) Subject to subclause (30), a notice for the purpose of subclause (2) shall specify the purpose, date, time and place of the meeting.

(27) If a meeting is adjourned for any reason and the date, time and place for resumption of the meeting are not announced at the time of the adjournment, the chairperson of that meeting shall, as soon as practicable after the meeting -

- (a) fix a date for holding the adjourned meeting (being a date no more than 21 days after the day of the adjournment) and a time and place, in accordance with subclause (30); and
- (b) notify the date, time and place of the meeting to the members of staff by taking reasonable steps to ensure that a notice for that purpose is prominently displayed at the place of business of the Company and at each of its agencies.

(28) If the chairperson at the meeting referred to in subclause (27) was a person other than the union Secretary and the union Secretary is satisfied that it is necessary to do so, the union Secretary may carry out the duties imposed on the chairperson under that subclause.

(29) The staff director, in writing to the union Secretary, may consent to a shorter period of notice than the period referred to in subclause (4).

(30) The person fixing the date, time and place of a meeting shall take reasonable steps to ensure, as far as practicable, that -

- (a) the staff director would be able to attend the meeting on the date, time and place proposed for the meeting; and
- (b) the date, time and place proposed for the meeting would be a date and time when staff members are available to attend and the place of the meeting would be reasonably accessible to staff members.

(31) For the purposes of deciding the question that the office of the staff director be declared vacant, a ballot shall be conducted as follows:

- (a) the chairperson shall ensure that paper of a distinctive colour or type or marked in a distinctive manner, reasonably uniform in size and not bearing the words “yes” or “no” is available in sufficient quantity for use as ballot papers;
- (b) subject to paragraph (c), the chairperson shall appoint 1 or more persons present at the meeting, being union officials or financial union members, to be returning officers for the purposes of the ballot;
- (c) the staff director shall not be a returning officer but shall be entitled to scrutinise the counting of votes;
- (d) each financial union member present at the meeting shall be entitled to 1 vote;
- (e) the returning officers shall distribute the ballot papers to the financial union members present taking care to ensure that each person receives no more than 1 ballot paper;
- (f) a person shall remain in the presence of the chairperson or a returning officer while he or she completes his or her ballot paper;
- (g) a person may complete his or her ballot paper in the place where he or she was sitting or standing when he or she received his or her ballot paper;
- (h) the chairperson shall afford the persons voting a reasonable period of time to complete their ballot papers and, if so requested by a person voting, shall make available writing materials to enable the person to complete his or her ballot;
- (j) if a person completing a ballot paper spoils his or her paper, he or she shall, on surrendering the paper to the chairperson, be issued with a fresh ballot paper and the chairperson shall cancel the surrendered ballot paper;
- (k) a person voting shall complete his or her ballot paper by writing the word “yes” or the word “no” on the ballot paper distributed to him;

- (m) a ballot paper is invalid and shall not be counted if it -
 - (i) is indecipherable or meaningless; or
 - (ii) contains words apparently written by the voter other than the word "yes" or the word "no";
- (n) subject to this subclause, if a question arises about the validity of a ballot paper the decision of the chairperson is final;
- (p) after completion of the ballot papers the returning officers shall collect the completed ballot papers each using a receptacle to hold the papers so that a returning officer does not hold the ballot papers in his or her hand;
- (q) the returning officers shall then count the votes in the presence of the chairperson and the other persons present at the meeting;
- (r) after counting the votes, the returning officers shall prepare a list setting out -
 - (i) the word "yes" and underneath it the word "no";
 - (ii) opposite the word "yes" the number of votes in favour of "yes" followed by the word "votes";
and
 - (iii) opposite the word "no" the number of votes in favour of "no" followed by the word "votes";
- (s) the chairperson shall read out the list;
- (t) if the number of votes in favour of "yes" exceeds the number of votes in favour of "no" the chairperson shall declare the office of staff director to be vacant;
- (u) if the number of votes in favour of "no" exceeds the number of votes in favour of "yes" the chairperson shall declare the question lost;

- (v) if the number of votes in favour of “yes” is equal to the number of votes in favour of “no” the chairperson shall declare the question lost;
- (w) the ballot shall be secret but the fact that a completed ballot paper or a spoiled ballot paper is seen before the votes have been counted does not invalidate the ballot.

(32) Accidental omission to display notice of a meeting at a particular place does not invalidate the meeting or any action taken at the meeting.

(33) The identity of the chairperson as a union official or a staff member, or the absence of union officials from a meeting, does not invalidate the meeting or any action taken at the meeting.

(34) Failure to comply with subclause (9) strictly does not invalidate the meeting or any action taken at the meeting.

(35) Failure to comply with subclause (31) strictly does not invalidate the ballot.

(36) In subclauses (5) to (14) inclusive, a reference to a meeting shall be taken to include any adjournment of that meeting and in subclauses (32) and (33), a reference to a meeting shall be taken to include an adjourned meeting.

First staff director

7. (1) Subject to subclause (2), the first staff director of the Company shall be Colin Earl Power.

(2) As soon as practicable after the day referred to in subsection 2(2) of the *Betting (Corporatisation) (Consequential Provisions) Act 1996* Colin Earl Power shall give the Company a signed consent to act as director.

(3) Notwithstanding any other provision in this Part, if before the day referred to in subsection 2 (2) of the *Betting (Corporatisation) (Consequential Provisions) Act 1996*, Colin Earl Power had -

- (a) ceased for any reason to be an employee of the Company;

- (b) by letter addressed to the Company Secretary, indicated that he was unable or unwilling to be the staff director; or
- (c) become of unsound mind or a person whose person or estate was liable to be dealt with in any way under the law relating to mental health;

the Company Secretary shall, as soon as practicable after that day, by notice in the *Gazette*, declare that the office of staff director is vacant.

(4) Where a notice referred to in subclause (3) is published in the *Gazette*, the provisions of this Part shall be taken to be amended as follows:

Subclause 2 (1) (definition of “first staff director”) -

Omit the definition.

Subclause 2 (1) (definition of “staff director”) -

Omit from the definition “and includes the first staff director”.

Subclauses 7 (1) and (2) -

Omit the subclauses.’.’.

The amendments are very extensive but they perform a simple task and an important task, namely, to see that a representative of the people who work in and for ACTTAB is on the board. It is important. I made mention of this yesterday in my speech and Mr De Domenico agreed with me that it is important that the people on that board are of the highest calibre. By passing this amendment we will be doing just that. A member of the staff will be elected, or has, in the first instance, already been proposed. That person will provide high-calibre advice to ACTTAB.

In this day when we are told that there is so much competition for the gambling dollar, when business enterprise has to be at the top echelon of management, who better to provide guidance and advice at board meetings than someone who is representative of those people in face-to-face meetings with the gambling public? Who else is better able to say what the gambling people want than the worker? There is no-one better. They deal with them constantly, whether over the phone in phone betting or in the agencies. They know what the customer wants, and they are able to give first-hand pertinent advice to that effect. In these days it is now becoming commonplace for workers’ representatives to be nominated to the boards of those workplaces,

and it is very sensible. It is called industrial democracy, and I would have thought every member in this chamber supported that notion. It is better for management. It brings a stronger enterprise, which is what all the Government's rhetoric is about; it provides for better industrial relations; and it will provide for a better service for ACTTAB.

Mr Speaker, these amendments come at an appropriate time. I understand that one of the members of the ACTTAB Board has necessarily resigned as this moves to a TOC, to a corporation, and that would have been inappropriate. So the provisions allow for five members and at present there are four members. There is a vacancy. The vacancy is there, so let us fill that vacancy.

Mrs Carnell: No, it is not.

MR WOOD: That is my understanding. There is no doubt about that. There is a vacancy. There are four members. Just check, please. We have people at first-hand who can tell us, but my understanding is that there is a vacancy, or there is about to be a vacancy, so there is no difficulty in proceeding with this. This would indicate to the people in ACTTAB that their services are respected. It would indicate to the ACT community that the Government respects the principles of industrial democracy and is taking positive actions to see that they are implemented. In particular, I want to emphasise the point that Mr De Domenico made - that this would see a person of high calibre added to that board.

Mr Speaker, there is one provision there that is not usually attached to amendments and that is that the first appointment of the staff representative has been named following a process within the union concerned. It is not usual, but it is entirely proper, and it has been written into the amendment here and can readily be accepted. Thereafter, the very extensive procedure that is shown in the 14 pages of the amendments will come into effect as the workers in ACTTAB proceed in the way designed to elect their worker representative. Mr Speaker, this is important. We acknowledge that. It is a principle that is now widely accepted. It will be a distinct benefit to ACTTAB, and I believe that this house should support the amendments.

MR MOORE (12.57): They are indeed a complicated set of amendments. In fact, I think this one must score the prize, in the time that I have been in the Assembly, for doing what appears to be a simple task, to put a staff member onto the board. A simple task turns out to require 15 or 20 pages, or something of that order, of amendments.

Mr Speaker, when I was originally approached to support the concept of what Mr Wood has put up as amendments I was quite taken by the idea. I thought it was a very sensible idea. Since that time, Mr Speaker, I have oscillated in my view of what is the best possible way. On the positive side, as Mr Wood has put it, it is about industrial democracy; it is about ensuring that people who work in an area share in that area. In the end, Mr Speaker, I have come down on the side of voting against these particular amendments. There is a series of reasons for that, but I must say that it is a decision that is made on balance.

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One of the important issues is the question of who should be on the board. Mr Wood's amendments make it quite clear that they are involved with the staff of the TAB; but, of course, the TAB also has agents, and they in turn have staff who are just as vitally involved in it. I think, although I am not 100 per cent positive, that the agents and their staff would outnumber the staff who are permanently employed by the TAB. If that is the case there would be just as strong an argument to say that they ought to have the same representation. Similarly, having taken that move, there may well be a good argument to say that the racing club, which has a vital interest in what is going on in the TAB, also ought to be involved; and then perhaps the harness club and the greyhound club; and so it goes on. In the end this is the factor that has influenced me most. Therefore, if we stand back and say, "Well, what is in the best community interests?", I can see - - -

Ms McRae: Industrial democracy is.

MR MOORE: Ms McRae says, "Industrial democracy". I think that has an important place when we talk about this issue, which is why I said it has not been an easy decision for me. Decisions that are black and white, even when everybody else thinks I am wrong, I think, are easy decisions to make. The ones where there are very good arguments on both sides are the difficult decisions. In this case, Mr Speaker, having taken those things into consideration, having also taken into consideration the community interest in the TAB, the community interest of some \$5m-plus each year that comes to our coffers through the TAB, apart from payroll tax and other taxes, and the interests of the punters within the ACT, finally I have fallen down on the line of opposing these amendments and supporting the Government's position.

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (1.00): The Government also will be opposing Mr Wood's amendments. I do not intend to keep the Assembly much longer. I think Mr Moore quite adequately outlined a lot of the reasons why the Government will not be supporting these amendments. There is one area that I would like to talk about though, and that is what the amendments say. The amendments proposed are not sympathetic to all staff, as Mr Moore says, even all staff working for the TAB. This once again is the Labor Party operating as a vested interest group. The effect is that the proposed staff director will only be a union member.

Mr Moore: That is not exactly industrial democracy, is it?

MR DE DOMENICO: No, it is not exactly industrial democracy. If you read the amendments carefully, there is to be a meeting to elect a staff director. All staff can attend the meeting but only union members are permitted to vote. How representative is that? You can attend the meeting but you can vote only if you are a union representative. The chair of the meeting to elect the staff member may be a union organiser but not necessarily a staff member. This can be interpreted as being a preferred position for the union. Unionists can vote at any time to remove the staff director from the board. Given a situation, Mr Speaker, where board members are bound by confidentiality but the staff director does not inform union cronies, the union has the power to remove this person as the staff director and to put on a member that will betray board confidences.

I am not saying that is going to happen but, under the amendments, the way they are technically written, this is what the amendments say. The amendments proposed appear to be a direct lift from a union rule book, according to the information I have.

As Mr Moore quite eloquently put it, what about horse owners? What about TAB agents? What about a punters representative? What about the racing club, the trots and the dogs? For all those reasons, Mr Speaker, I believe the amendment, the way it is written, is flawed, and I do not think it deserves the support of this Assembly.

MR MOORE (1.02): If the problem that Mr De Domenico points out was the only factor that would change my vote I would have moved an amendment to what Mr Wood has put up, or I would have discussed it with Mr Wood. I actually share the view of Mr De Domenico. I did have that option but I felt, in the end, that I would oppose the thing as a whole.

MR WOOD (1.03): Mr Speaker, I do not accept those arguments. There have been very good reasons proposed in the past why the racing clubs and the like would not be on the board, and I think those arguments hold. There is no relevance between that argument and the one that two members have tried to propose. Mr Speaker, the amendments have been meticulously done. I have been through them. They do cover the circumstances. I reject Mr De Domenico's claim that they have come out of some union rule book. They have not. They have been very carefully worked through in the proper place and with the proper processes. I repeat that these are amendments that, in the interests of the good running of ACTTAB, should be passed.

Question put:

That the amendments (**Mr Wood's**) be agreed to.

The Assembly voted -

AYES, 7

Mr Berry
Ms Follett
Ms Horodny
Ms McRae
Ms Reilly
Ms Tucker
Mr Wood

NOES, 8

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

Remainder of Bill, as a whole, agreed to.

Bill agreed to.

Sitting suspended from 1.07 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Payroll Tax - Supermarket Employees

MR WHITECROSS: Mr Speaker, my question is to Mrs Carnell in her capacity as the Treasurer. Minister, will you inform the Assembly of your estimate of the amount of payroll tax that will be lost to ACT revenue if 306 supermarket employees in town centre stores lose their jobs?

MRS CARNELL: A damned sight less than would be lost if 700 full-time employees lost their jobs in other businesses - assuming that those people pay payroll tax, of course.

MR WHITECROSS: Mr Speaker, my supplementary question to Mrs Carnell is this: Is it not the case that payroll tax for 306 employees earning an average income of \$414 a week, at 7 per cent - this is before your latest changes - totals \$8,876 per week or \$461,000 a year in forgone payroll tax? How do you propose to make up this loss of Territory revenue?

MRS CARNELL: It is unfortunate that Mr Whitecross did not actually even read the supermarkets' own brochure, which said, even on their figures, that the 306 people were casuals and part-timers. As Mr Whitecross has just worked the whole thing out on a full-time salary, it shows that he does not know what he is talking about.

Woden Valley Hospital - Fracture Clinic

MR SPEAKER: Does anybody else wish to ask a question?

MR BERRY: Yes, I will ask one, if nobody else wants to.

Mr De Domenico: Which one?

Mr Hird: Have you got your lines right, Wayne?

MR BERRY: Do not worry about that, mate. I will always rise to the occasion.

MR SPEAKER: Proceed, Mr Berry. You have my protection on the matter.

MR BERRY: That is a welcome addition to the furniture. My question is to the Minister for Health and Community Care. The fracture clinic at Woden Valley Hospital operates on a system of one appointment for every patient; that is, everyone is given a 2.00 pm appointment, and people are expected to wait around until they are seen. The last patient is usually seen at about 5.00 pm. Because of the recent holiday Monday, all patients for Monday and Wednesday clinics were given an appointment for 2.00 pm on the Wednesday of that week. Is that not nice? This meant that the last patients,

seen at 8.00 pm, had been there for six hours, Mr Speaker. Chief Minister, your Government has stated its commitment to introducing customer service obligations in the ACT. When will you seek to implement this policy in the fracture clinic at Woden Valley Hospital so that patients can be given realistic appointment times and are not expected to wait for three, or in some cases six, hours for treatment?

MRS CARNELL: Mr Speaker, this gives me an opportunity to talk about the change in culture at Woden Valley Hospital, to start focusing on patient care. I would totally agree with Mr Berry that a situation where patients are forced to wait for six hours, unnecessarily, is unacceptable. We are in the process of going through every part of the hospital, addressing just those problems - problems, of course, which we inherited. They are not new; but we are fixing them, and that makes it different. I believe that having a situation where people are forced to wait, unnecessarily, is not acceptable. I am sure that everyone on this side of the house would agree with that. The fracture clinic, though, does provide a very good service to the people of Canberra, as I am sure Mr Berry would acknowledge.

Mr Berry: I have never been to it.

MRS CARNELL: He does not accept that we have good staff. That is very interesting. But we do have some very good staff in the fracture clinic, and it is an issue of how we structure the appointments in the fracture clinic to ensure that we can get as many patients as possible through the system so that we are giving as many patients as possible the opportunity to use the fracture clinic at Woden Valley Hospital without, on the other side, keeping people waiting for too long. I will be very happy, when we come back to the Assembly in August, to give Mr Berry a full run-down on how the fracture clinic is working and what we are putting in place to overcome the problems.

MR SPEAKER: A supplementary question, Mr Berry?

MR BERRY: Leave aside, Mr Speaker, the \$7.2m that has been lost in Health already - - -

MR SPEAKER: Supplementary, Mr Berry.

MR BERRY: And the loss of 50 beds and the loss of the cardio-thoracic unit - - -

MR SPEAKER: Supplementary.

MR BERRY: How can the Chief Minister possibly accept a hospital system that provides this level of service and at the same time move to put two extra expensive layers of administration and red tape into the hospital system and change the name of the hospital, at great expense to the community? How can she suffer a hospital system and spend that money?

MRS CARNELL: It is a very hypothetical question, Mr Speaker, and, I suspect that, apart from being out of order from a hypothetical perspective, it actually pre-empts debate; but I am still very happy to speak about - - -

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MR SPEAKER: But there was a section about the cost of the change of name, I think, that you may care to address.

MRS CARNELL: There was, except that that actually pre-empts the debate that is coming up in a minute; but I am very happy to answer it. Mr Berry would know a lot about lost things, as he lost 4,000 operations during the time that he was there - - -

Mr De Domenico: And \$4m in VITAB.

MRS CARNELL: And, of course, all of the money with regard to VITAB and 200 hospital beds that were lost or closed when he was Minister; but he did find an awful lot of people who needed surgery, when waiting lists went up by 150 per cent under Mr Berry. So, I think Mr Berry would be very wise to be a little, tiny bit quiet on things that are lost, Mr Speaker.

Mr Berry: On a point of order, Mr Speaker: There is an issue of relevance here and giving a concise answer. I asked this question, Mr Speaker: How can the Chief Minister possibly accept such a hospital system and be prepared to invest public funds in these wasteful changes in the administration which she plans to proceed with today?

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

MRS CARNELL: Mr Speaker, I was just about to answer the question totally. I have answered the first part of the question already, and now for the second part. The changes that have been put forward, which we will debate, I suspect, very shortly today, do not cost an extraordinary amount of - - -

Mr Berry: Hundreds of thousands.

MRS CARNELL: They do not cost hundreds of thousands of dollars, Mr Speaker. In fact, the costs are absolutely minimal, because there is actually no new level of management at all. The proposed board structure is that the board will have a direct line of command to me. Underneath that, there are four board members, who could be paid. Those board members, at most, will be paid \$14,000 a year. I think that is \$56,000. There is no new administrative support. It is already there in the hospital system at this moment. But, again, Mr Berry is wrong about increased costs. The level of cost saving is even to the stage, if this Assembly does decide to pass the legislation later today, where we have no view that we will even throw out our stationery. In fact, we would assume that everyone would continue to use the stationery that they have, and their cards, including, of course, those people who have businesses at Woden Valley Hospital - hopefully, to be called the Canberra Hospital.

So, we believe that the appropriate approach is to minimise costs but to maximise management benefits and to maximise the benefits that this new structure will bring to our patients. It does bring together both the hospital and our community care, so that we can have continuity of care, so that we can focus on the patient and not on the structures, and so that we can look at having healthier people in Canberra, rather than just having a system which uses up, in our view, far too much money for outcomes that are not as good as we believe that we can achieve under the new structure.

Rugby League Park, Braddon

MR KAINE: Mr Speaker, through you, I put a question to Mr Humphries, the Minister for the Environment, Land and Planning. Minister, I am sure that you are aware of recent comments made by the former Leader of the Opposition, Ms Follett, that you should take the community into your confidence and tell us what is proposed for Rugby League Park in Braddon. Minister, what justification could Ms Follett possibly have for making such a statement?

MR HUMPHRIES: Mr Speaker, I thank Mr Kaine for the question. I remember reading some time ago a story by Edgar Allan Poe in which a character had to hide a letter, and he did so by putting it in a particular room, in a letter rack, in an envelope. It was such an obvious place to look that nobody looked there.

Mr Berry: On a point of order, Mr Speaker: A concise answer to the question is all that is required, not Mr Humphries's new rendition of what Edgar Allan Poe wrote.

Mr Kaine: I find the answer quite interesting.

MR SPEAKER: Order! I am interested to hear Mr Humphries.

Mr Berry: Mr Speaker, I am not at all concerned whether or not you are interested to hear it. What I am concerned about is that the standing orders are adhered to and that you ensure that they are.

MR SPEAKER: They will be quite dramatically, in a minute. Mr Humphries is answering the question as he sees fit.

Mr Berry: Mr Speaker, am I to take from that that, if one rises on a point of order in this place, one is threatened with being chucked out?

MR SPEAKER: No. But you know perfectly well, Mr Berry, that Ministers can answer questions as they see fit. Preambles are allowed in the answer to a question, just as they are in the initial question, and that is what Mr Humphries is doing.

Mr Kaine: Mr Speaker, in connection with Mr Berry's point of order, I draw your attention, and his, to standing order 202(a).

MR SPEAKER: Thank you, Mr Kaine. Proceed, Mr Humphries. You were discussing Poe's purloined letter, I think, in your preamble.

MR HUMPHRIES: That is exactly right, Mr Speaker - the case of the purloined letter. Obviously, there is one literate person in the chamber. The moral of the story is that sometimes we should look in the most obvious place to find what we are looking for. In her press release of about three or four weeks ago, Ms Follett made reference to the secret plans. The press release, which was headed "Rugby League Park - What's the Secret Agenda?", read:

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Ms Follett said that, clearly, someone has plans to change the current use of the Park and it is about time that local residents were let in on the secret.

Mr Speaker, there are plans for Rugby League Park - not the Government's plans - - -

Ms Follett: You just have not told anyone what they are - exactly as I said.

MR HUMPHRIES: Not exactly, Ms Follett. We cleverly secreted these plans onto the front page of the *Canberra Times* of 1 February this year. An article appeared in the *Canberra Times* on that day, on page 1, which fully described what the plans are. Under the heading, "Wrangle over use of RL Park near end: Humphries", it said:

Under the preliminary proposal, the ACT Rugby League would surrender its lease to the Government to be split into two leases. The ACT Leagues Club would receive the southern end of the block, with the club building and the CDRL (the Raiders organisation) would get the oval for training and minor-league games. It could not build a club-house on its portion but could build such things as changing rooms and extend the grandstand.

So, Mr Speaker, here is the secret agenda, on the front page of the *Canberra Times*.

Ms Follett: When I asked you the question on notice, why did you not say that?

MR HUMPHRIES: You did not ask me - - -

Ms Follett: I certainly did.

MR HUMPHRIES: Mr Speaker, to take the interjection - - -

MR SPEAKER: Order! The question was asked by Mr Kaine, and Mr Humphries is answering Mr Kaine.

MR HUMPHRIES: Mr Speaker, Ms Follett did not ask me any question on notice. Ms McRae asked me a question. Your memory is failing you very badly lately, Ms Follett. I would get that checked, if I were you. Ms McRae asked me a question on notice in which she asked about the status of the lease, the lease being subdivided and a variation of the lease purpose being sought.

Mr Berry: Mr Speaker, Mr Humphries's smart-alec personal imputations do not add much class to the debate here, and I would ask him to withdraw the imputation and the Humphries's cheap shot at Ms Follett.

MR SPEAKER: Were you offended, Ms Follett?

MR HUMPHRIES: That is the man who never made a cheap shot in his life, Mr Speaker! Let me just say that Ms Follett did not ask me any question. Ms McRae asked me a question. She never asked me what the plans were - in question No. 225 - with respect to Rugby League Park. If she does not ask the question, she cannot expect to get an answer. Mr Speaker, there is no secret plan. The plan is on the table very clearly. It was published on the front page of the *Canberra Times*. Ms Follett should try to give up her cheap-shot press releases.

MR KAINE: I have a supplementary question, Mr Speaker. Do I understand, Minister, that there is no proposal before the Government on this issue at the moment?

MR HUMPHRIES: There is no formal planning application before the Government. The parties have certainly discussed an issue with me, Mr Speaker, and that is the one that was referred to on the front page of the *Canberra Times*. Can I suggest that, if members are interested, including Ms Follett, there is a very simple device: Just come and ask me, and I will happily tell you.

Glass Milk Bottles

MR WOOD: Mr Speaker, my question - if the Chief Minister will allow - is to Mr De Domenico.

Mrs Carnell: You asked me last time.

MR WOOD: It is a bit of a tough question, I know. It relates to milk bottles. I heard you on radio the other day, Mr De Domenico, and I am asking you to reaffirm in this chamber your public commitment to the production of milk in glass bottles for at least the next 12 months. I am prompted to ask the question because the Milk Authority's 1996-97 draft - and I emphasise "draft" - marketing plan proposes, as part of a vendor support campaign, to "research, develop and launch, if appropriate, glass bottle phase-out". I realise that this is a proposal - it is not your policy - but I would like to hear what your policy is and what you might be saying directly to the Milk Authority on the future of glass bottles. We would like a little certainty over a period.

MR DE DOMENICO: I thank Mr Wood for his question. Had Mr Wood been present during the adjournment debate on Tuesday night, he would have heard me, in response to Mr Moore's concerns, reassert what the Government's position is. But I will repeat it for him because, obviously, he was not here and he did not hear it. The situation is this: The Government will continue to provide milk in glass bottles to the consumers here in the ACT as long as public safety can be guaranteed.

Mr Wood: That is forever.

MR DE DOMENICO: No, it is not forever, Mr Wood. In fact, you should talk to Ms Follett about this issue, because she is someone who has taken a great interest in the issue. If the Government believes that the consumer can continue to be supplied with wholesome, clean milk and nothing else in the milk bottles but milk, we will give an assurance to continue to provide that product.

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Mr Berry: You will be out there, planting glass in bottles.

MR DE DOMENICO: Mr Speaker, I will not take up the interjection from that dill over there.

MR SPEAKER: Please do not. It is an imputation as well. Order! Mr De Domenico is answering the question, which may surprise some people.

MR DE DOMENICO: In terms of the direct question asked by Mr Wood - I realise that he said that it was a draft policy - it will be the Government, not the Milk Authority, that decides. If the Government needs to change the Milk Authority, it will so do.

MR WOOD: I have a supplementary question, Mr Speaker. I wanted to hear what the Government view was, and I thank the Minister for that. Minister, you would be aware that the uncertainty about the supply of milk in glass bottles appears to be producing a decline in demand for it. Are you satisfied that your statements will remove that uncertainty and will allow the bottles to continue to meet that demand, which may now well rise.

MR DE DOMENICO: If I understand Mr Wood's supplementary question correctly, the Milk Authority will be able to meet the demand of the consumer. The Government will continue, as I said, to provide milk in glass bottles as long as we can guarantee the consumer that, when they open the bottle, all they will get out of that bottle is milk - not glass, kerosene, detergents, snails or anything else that can get into milk bottles. The answer to the question, Mr Wood, is that the demand will continue to be met, whatever that demand is.

School Without Walls

MR HIRD: My question is to the Minister for Education and Training, Mr Stefaniak. Minister, on Tuesday, Ms - I hope I got that right - McRae raised concerns during question time about the future of the School Without Walls. Since even the *Canberra Times* has reported that there has been quite a bit of concern from students about a review currently taking place at SWOW, can the Minister outline to the parliament just what the review is for and whether the school is in any danger of closing because of this review?

Mr Moore: While you are at it, answer the question in the letter I wrote to you.

MR SPEAKER: Order! Mr Stefaniak is answering the question, not other members of the Assembly.

MR STEFANIAK: Thank you very much, Mr Speaker. I thank Mr Hird for the question. It does give me an opportunity to report to the Assembly on the progress being made in the consultation about the future of the School Without Walls.

Mr Speaker, a comprehensive information-gathering and consultative process is well under way and is producing useful results. A small team of experienced officers of my department, including one who actually has had experience in alternative education - Mr Moore, for your benefit - is examining the issue and has already consulted with the teaching staff, students and parents. I am meeting the chair of the SWOW board myself next week to discuss these issues.

We do need to concern ourselves about the provision of effective education for those students now attending the School Without Walls. There is a need for action to improve the situation at SWOW. It is important that we hear what everyone involved has to say. It is important to know what people think about SWOW, what needs improving, what are the best ways and means of doing this, and how the situation may be improved in the best interests of the students now attending SWOW. That is exactly what is happening, Mr Speaker. A very comprehensive consultation process is already under way. Members of the SWOW community are telling us about different ways in which SWOW could be improved. One feasible option is to relocate SWOW to the Dickson College site. That would make possible a closer collaboration and a broadening of educational opportunities for students now attending SWOW. But this is only one option, Mr Speaker. Others may well emerge during the consultation.

Mr Speaker, I would like very briefly to outline a few facts about SWOW for members. The School Without Walls has changed considerably since its inception in 1974. It was established then to provide alternative educational pathways in the then post-compulsory years - Years 10, 11 and 12 - for those students who found it difficult to cope in regular schools. SWOW was founded before our secondary college system got under way - a point I think I raised on Tuesday. It was established as a refreshing alternative to the very narrow - that was probably unfair, Mr Speaker, and I should say the "fairly narrow" - and constrained academic regime existing in the New South Wales senior secondary years at the time. SWOW worked well in an open, non-restrictive environment for those Years 11 and 12 students who had the independence and maturity to work in that open environment. I repeat, Mr Speaker, that SWOW was invented in the 1970s for students over 15 years of age at the time.

However, Mr Speaker, changes have occurred since then. In many ways, the original role of SWOW has now been superseded. There are very few Year 11 and Year 12 students who now attend the School Without Walls. In fact, the total number of students at SWOW has been steadily dropping in recent years. What is crucially important, I think, is that there are very few SWOW students now actually achieving tertiary entrance or even gaining a Year 12 certificate - only a handful, Mr Speaker - and students who once went to SWOW are choosing to go to a secondary college. But, Mr Speaker, a new role has been emerging for SWOW. It has developed more as a refuge for younger secondary school students. They are students who would normally attend high school but who feel uncomfortable in the more regulated, normal high school setting.

Ms Follett: On a point of order, Mr Speaker: This statement, which the Minister is reading, is quite clearly a ministerial statement and an abuse of question time. I believe that you should direct that Minister to draw his answer to a conclusion.

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Mr Whitecross: Mr Speaker, further to the point of order, the standing orders also preclude Ministers being repetitious in their answers. Mr Stefaniak has told us in three different ways that since SWOW was established there have been secondary colleges; he has told us in three different ways that it was established in the 1970s; he has told us in three different ways that people 15 and over or in Year 10 and above get to go to the school. How many times does he have to repeat it before you consider it to be repetitious?

MR SPEAKER: I do not uphold Ms Follett's point of order on a ministerial statement. However, I would hope that the Minister would draw his answer to a conclusion as soon as possible. Certainly, though, I would caution the Minister, as I do everybody, both in questions and in answers, on being repetitious.

Mr Kaine: Brevity is beautiful.

MR STEFANIAK: It is, indeed, Mr Kaine. Mr Speaker, I believe that it is important to maintain alternative pathways for such students. So, there is no question in my mind about closing the School Without Walls. But it does have to change - and probably to change radically - so that it can fulfil its new role. It has to be able to meet the wide range of special needs of its younger clientele.

Mr Berry: Mr Speaker, obviously, this Minister is going to ignore you. He has moved on to another page of a very long written answer, which could really have been dealt with in a ministerial statement. If he wants to seek leave, he should do it. There is an issue here. Mr Speaker, you have tolerated all of these Ministers taking ages with the answers to questions.

MR SPEAKER: Order! It is not unusual to have long replies here. Some questions elicit long replies; others elicit a simple, one-word answer, as I think Mr De Domenico gave yesterday.

Mr Hird: Mr Speaker, I draw your attention to standing order 118A. I have tried to get an answer, and I would like them to stop interrupting.

MR SPEAKER: Order!

MR STEFANIAK: We realise that we will have to consult fully with parents, teachers, students and the governing board of SWOW before any decisions are made about it. We are doing all these things. When the report on SWOW becomes available, I will ensure that members of the Assembly are fully informed of developments.

The Causeway - Services

MS FOLLETT: Mr Speaker, I direct a question to the Minister for Urban Services, Mr De Domenico. Mr De Domenico, I would refer you to correspondence, both from me and from residents of the Causeway, concerning the quite intolerable situation whereby those residents have no bus service whatsoever on weekends or public holidays. In a recent reply to the Causeway residents on this subject, the CEO of ACTION has said:

With regard to your comments concerning services to the Causeway area on Weekends, there are currently two services which are within the relevant Service Standards, Route 313 to City and Route 265 to City and Woden.

Minister, I ask you: What are the relevant service standards to which the CEO refers?

MR DE DOMENICO: I thank Ms Follett for her question. Ms Follett has spoken to me about the concerns of the people at the Causeway about things like bus services, lights and other matters. She asked me directly what the standard services refer to. Ms Follett would be aware that Network 96 and a new *Bus Book* have been introduced into the ACT two or three weeks ago. I am sure that the chief executive is referring to that. I will check with the chief executive and get back with a more comprehensive answer to Ms Follett later.

MS FOLLETT: I have a supplementary question, Mr Speaker. I would ask: Is the Minister aware that neither of the quoted routes - 313 to City or 265 to City and Woden - goes to the Causeway. If he is so aware, would he inform his CEO? Does the Minister condone this kind of misleading, if not downright insulting, reply to a legitimate concern raised by a constituent?

MR DE DOMENICO: Mr Speaker, not having seen the reply from the chief executive to the people of the Causeway, I cannot comment directly on what has and what has not been said. I can inform Ms Follett, though, that they do have a service. Some people have to walk to Wentworth Avenue to pick up that service. There are some disabled people who happen to live in the Causeway, too. We will have a look at that. The standards are that buses travel within 500 metres of all homes in the ACT.

Children with Disabilities - School Holiday Programs

MS REILLY: My question is to Mr Stefaniak in his capacity as Minister for Children's and Youth Services and Minister for Education. As I am sure you are aware, next week the school holidays are to begin in the ACT. What arrangements have been made for children with disabilities to participate in school holiday programs? Will these programs be the equivalent of programs provided for other children in the ACT? How many children will be able to participate? What will be the cost to the parents for these programs?

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MR STEFANIAK: There is a wide range of programs for children during the holidays, and they have been advertised to a great extent over the last two weeks. In terms of exactly what programs are available for children with disabilities, I am happy to take that on board and get back to you, Ms Reilly. As you know, for a number of years, we ran programs during the school holidays at Christmas time. But, in terms of the actual holiday programs now, there is a wide range of holiday programs, and I will get back to you in relation to your question.

MS REILLY: You have just reminded us all of the fiasco that happened over the Christmas holidays, and here we are six months later - - -

MR SPEAKER: No preamble; a supplementary question, Ms Reilly.

MS REILLY: It is part of my question, Mr Speaker.

Mr Kaine: Just ask your question.

MS REILLY: If you give me a chance, Mr Kaine, I will.

Mr Kaine: You have been on your feet for some time.

MR SPEAKER: Just proceed, Ms Reilly, with the supplementary.

MS REILLY: Thank you, Mr Speaker. I hope that I have the opportunity to do so without interjection. There was a fiasco at Christmas time. That was six months ago. At that time, you promised that you would speak with the parents of children with disabilities and consult with them so that this never occurred again. Here we are, nearly at the next lot of school holidays after Easter, and still there has been no consultation. When will you consult with those parents?

MR STEFANIAK: Far from what you are saying about no consultation, Ms Reilly, we have been conducting a special education review, with massive consultation with parents. Included in that is school holiday programs. There has been considerable consultation already. In relation to that, the parents and some of the groups were going to be consulted, I think, a little too quickly and asked for the consultant to come a little bit further down the track. I arranged that for them. There has been extensive consultation. There will be more consultation in relation to that, Ms Reilly.

In relation to the summer programs you mentioned, at my request and direction, all the parents involved in the programs were surveyed in relation to how they found them over the last summer, and invariably the comments were very favourable about the inclusive nature of the programs. In fact, I got a letter back from the president of the Autism Association, in which she wrote:

I understand from a number of parents who have a child with autism, and who attended a centre to participate in the Summer Program, that their child was well catered for in each particular setting.

So, contrary to what you might think, Ms Reilly, that program went very well. As part of our review of special education, in terms of programs for next year, we are certainly looking to build on the success of that and to ensure that parents and their children are properly catered for.

Totalcare Incinerator

MS TUCKER: My question is to Mr De Domenico. I would like the Minister to clarify the following matters concerning the operation of the Totalcare incinerator. Minister, we have written to your office, actually - initially in January and then in May - and we would like to get an answer. The questions are: What air toxins have been tested for from the stack of the Totalcare incinerator? If tested, what were the results? Has there ever been testing done for dioxins? If tested, what were the results? This is six months later, and we are still asking.

MR DE DOMENICO: Ms Tucker, I will take that question on notice. You have asked me what toxins have been tested for and what were the ratings. You say that it has been six months. This is a very complicated area. I am getting conflicting data from a couple of areas in Totalcare. Instead of coming into this place and giving you what is, potentially, a political and inaccurate answer - I am sure that you would take me to task if I were to do that - I would rather make sure that my facts were straight first before I responded to you. I will take it on notice. Just as soon as I am satisfied that the information coming to me is accurate, I will give you that information.

Retail Trading Hours

MR OSBORNE: Mr Speaker, my question is to Mrs Carnell as leader of the Liberal-Green coalition - GLIBS. Mrs Carnell, the principles for a national competition policy, to which the ACT Government is a signatory, clearly state that universal and uniformly applied rules should apply to all market participants, regardless of the form of business ownership; and that conduct with anti-competitive potential said to be in the public interest should be assessed by an appropriate transparent process, with provision for review, to demonstrate the nature and incidence of the public costs and benefits claimed. Chief Minister, do you not agree that your trading hours policy clearly contravenes these two principles?

MRS CARNELL: No, I do not agree. I think that the legislation that we will pass, hopefully, later on today is the most deregulatory trading hours legislation in this country, by an absolute country mile. What we have elsewhere in Australia is debates on things like whether, in Victoria, they should be able to be open on 10 or 15 Sundays a year. Those are the sorts of debates that are happening everywhere else in this country, not debates about whether we should be interested in opening for 85 hours a week, 106 hours a week or whatever it is. The reality is that our approach here allows substantially more flexibility than is allowed anywhere else in Australia.

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Mr Berry: But less than before.

MRS CARNELL: Actually, no - and that is a very interesting comment, because the legislation that we are amending tonight is actually deregulating the current situation. Mr Speaker, although those people opposite allowed people to open their shops at any time they wanted to, it was actually contrary to the law. They did not actually ever amend the legislation to allow supermarkets or, for that matter, anybody else, to trade, selling all goods at all times. In fact, the legislation that was in place, to my knowledge - and I am sure that Mr Humphries and Mr De Domenico will correct me if it is not the case - still talked about exempt goods. We still have legislation in place in this Territory that talks about things such as food being exempt, and, therefore, you can trade 24 hours a day. I think hardware is in that bracket as well. But remember the bad old days of sheets over the towels, the socks and all the rest of the things in your supermarkets. That is what our current legislation says, Mr Osborne, and that is the legislation that we are, hopefully, amending today, to allow for the most deregulated shopping environment, legally, in this country. I am confident that under the national competition policy that would be thought to be an extremely good approach.

Charnwood High School Site

MS McRAE: My question is to Mr Stefaniak in his capacity as Minister for Education, and it relates to that now rather bedraggled looking and sad sight - the school that Mr Stefaniak so ruthlessly closed last year - in Charnwood, of course. Minister, it is now the end of June and almost nine months since the school was first proposed for closure.

Mr Hird: He did not close it. You know that he did not close it.

MR SPEAKER: Order! Ms McRae is asking a question.

MS McRAE: Yes; he did not do it by himself. You helped him, Mr Hird.

Mr Hird: No, I did not. I take exception to that.

MS McRAE: You did so.

Members interjected.

MR SPEAKER: Order! The Assembly will come to order. Ms McRae is entitled to ask her question in silence.

MS McRAE: At a public meeting recently, Mr Stefaniak, you said that a full and comprehensive consultative process was about to be had with the entire community - the whole 6,000 of them, not just the 60 that were at that public meeting. You gave everyone the impression that that would happen rather soon. Minister, it is now nearly the end of June. When are those consultations going to take place? Are they ever going to take place, or do you just want to forget the whole thing altogether?

MR STEFANIAK: Ms McRae, let us not forget the role that you and Mr Berry played in relation to that school when you went along and tried to hijack a public meeting. The Government is currently exploring a variety of options for the future use of the site. They range from redevelopment for aged persons housing, a private educational institution, to a sporting and licensed club. As, no doubt, Ms McRae knows, Housing has engaged consultants to address options for the economic reuse of the former site, including what role it could play in revitalising the suburb as a whole. That is important. I think Ms McRae would like to lose sight of the fact that the high school site is only part of the equation. What we are proposing is a whole-of-suburb redevelopment, which is terribly important and which, I think, actually, the citizens of Charnwood are very keen to see happen. As Ms McRae might be aware, the first stage of the study has been completed, and the Government is considering the consultants' report on initial options. The consultants are now proceeding with the second stage, of developing detailed recommendations for the suburb, including what to do with the public housing stock, what to do with open spaces and walkways in the suburb and what to do with particular community facilities and, in particular, the high school site.

Ms Follett: Mr Speaker, on a point of order: The answer that the Minister is again reading out is completely irrelevant to the question that was asked. The question asked was: What was the consultation process? It was not: What are the consultants telling the Government? I think he has it back to front, and I would urge him to depart from the script and address the question that was actually asked.

MR SPEAKER: I do not uphold the point of order, because I think Mr Stefaniak is coming to answer that. There is a preamble at the moment. Please continue.

MR STEFANIAK: Indeed there is, and it is something that members opposite should realise, because we hear quite a few preambles in their questions. The proposal will affect all residents of Charnwood, and all project possibilities are being identified to form the basis of a comprehensive consultation process. Some consultation is occurring at present. The second stage, which is the consultation stage, will be finalised by October or November of this year. That involves extensive consultation with the community. So, Ms McRae, it might be late June now; but there is a lot of work yet to be done, which will be done.

MS McRAE: As a supplementary question, Mr Stefaniak, can you then confirm that it is well and truly your agenda to sell at least part of the high school site in order to fund the education budget?

MR STEFANIAK: I do not think Ms McRae quite appreciates what a consultation process is all about and what this stage is all about. What is happening now is a consultation phase. What will continue to happen is a consultation phase to work out what are the best possible options for this Government in relation to the site and in relation to the rejuvenation of the suburb as a whole. We do appreciate the situation, despite what you might like to think, Ms McRae. We are engaging in a consultation. We are engaging in ascertaining what are the best possible options so that we can make a decision as a result of that. It is pretty important, Mr Speaker, to take into account what people themselves might actually like.

Glass Milk Bottles : Lower Molonglo Treatment Works

MR MOORE: Mr Speaker, my question is to Mr De Domenico. I was going to ask him a question about the two-hour overspill at the Lower Molonglo works this morning and why they did not notify people downstream; but instead I have decided to ask him about milk bottles.

MR SPEAKER: Never mind what you were going to ask. Please ask your question, Mr Moore.

MR MOORE: Okay. Why is it that in Australia we have been using glass milk bottles for most of this century and there has not been a real public safety issue before; why is it that we have been using glass soft drink bottles for most of this century and there has not been a public safety risk until now; but, just when the Milk Authority is not keen about glass milk bottles, we suddenly start finding glass in the bottles? After all, which is more important - the current Milk Authority or having our milk in glass bottles?

MR DE DOMENICO: I thank Mr Moore for his question. It has been asked before by Mr Wood. Mr Moore would be aware that, unlike many soft drink bottles, milk bottles are reused time and time again. I would also like to inform Mr Moore - - -

Mr Moore: Coke bottles are too in South Australia, and always have been.

MR DE DOMENICO: I would also like to inform Mr Moore, if he cares to listen, that the glass mould that is being used to produce the current milk bottles, I am advised, is not the same as it used to be and that the quality of the glass itself is not the same as it used to be. Let me confirm it once again, Mr Moore: If the Government can continue to provide Canberra consumers with - - -

Mr Berry: Here is the out - the broken glass in the bottles.

MR DE DOMENICO: No, it is not an out at all, Mr Berry.

MR SPEAKER: Order! Do not respond to Mr Berry. You are answering Mr Moore.

MR DE DOMENICO: I am glad that Mr Berry interjects. I can tell you, Mr Speaker, that, if it is the case that we cannot assure the Canberra community that when they open their milk bottle they are not going to swallow glass, I will give a direction to pull glass milk bottles off the market. If we can continue to provide a healthy, wholesome product in glass to Canberra milk consumers, we will continue to do so. In answer to Mr Moore's last question, it is more important, as far as I am concerned, to continue to provide milk in glass bottles. Notwithstanding what the Milk Authority says to me, the Government will make the final decision, not the Milk Authority.

MR MOORE: Mr Speaker, I am sort of pleased with most of Mr De Domenico's answer; but my supplementary question is: Minister, are you aware of standard *Yes, Minister* tactics?

MR DE DOMENICO: I will answer that in a short way by saying, "Yes, I am, Mr Moore". Can I reiterate that, notwithstanding what the Milk Authority recommends to the Government, it is the Government that will make the decision, not the Milk Authority.

Mr Moore: Do you want to tell us about Lower Molonglo while you are at it?

MR DE DOMENICO: In terms of Lower Molonglo, Mr Moore, I was not aware that that had happened; but I will find out what the facts are and let you know about that as well.

Housing Trust Properties - Maintenance

MS HORODNY: My question is to the Minister for Housing, Mr Stefaniak. Minister, last year, the Government released a brochure outlining the Government's and tenants' responsibilities for the maintenance of ACT Housing properties. Minister, can you assure the Assembly that the Government is sticking to its side of the bargain as far as maintenance is concerned, including urgent repair of failed hot-water systems, stoves, leaking roofs, burst water services and so on, and can you assure the Assembly that maintenance services have not been scaled back as a cost-cutting exercise?

MR STEFANIAK: I thank the member for the question. Certainly, maintenance is a very great priority with ACT Housing. It is a considerable problem because there are never as many dollars to go around as we would like to see. Also, as Ms Horodny would be aware, we have a large number of properties which are getting fairly old. For example, more than 50 per cent of our properties are over 20 years old, and one-third of our dwellings are now over 30 years old. That leads to quite a few maintenance problems. Of course, we attempt to maintain our properties as quickly as we possibly can, but that maintenance is ongoing. It is an absolute priority of ACT Housing to maintain properties as quickly as we possibly can. Obviously, not all the time is it done quite as quickly as tenants might like; but we do have over 12,500 properties and, certainly, it is an absolute priority with us to maintain them as best we can within those limitations.

MS HORODNY: I would like to ask a supplementary question, Mr Speaker. If it is such a priority, why has an ACT Housing resident been informed that they will have to wait up to five days for a hot-water service to be fixed? It is winter, Mr Stefaniak. They were also told that they would have to heat water on a stove in the meantime.

MR STEFANIAK: Ms Horodny, if you would like to give me that person's name, perhaps I can investigate that matter on their behalf.

Mrs Carnell: Mr Speaker, I request that any further questions be placed on the notice paper.

Bicycle Strategy

MR DE DOMENICO: Yesterday, Ms Horodny asked me a question regarding the draft ACT bicycle strategy and the ACT cycling liaison group. For the information of Ms Horodny and the Assembly, the ACT cycling liaison group was established to bring a range of perspectives to bear on the development, implementation and evaluation of cycling initiatives in the ACT. I am advised that the ACT cycling liaison group is currently reworking the bicycle strategy, taking into account the needs of all stakeholders and the initiatives being pursued in other jurisdictions as well. I expect to be able to present members of the Assembly with copies of the strategy before the end of the year. I wish to assure Ms Horodny, however, that cycling is a high-priority issue for the ACT Government - as it was for the previous Government, I must admit - and it is recognised as an environmentally friendly and cost-effective means of transport and has an important place in the overall transport strategy.

PERSONAL EXPLANATIONS

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

MR SPEAKER: Yes, proceed.

MR WHITECROSS: Mr Speaker, during question time, Mrs Carnell suggested that I had misled the house in my question to her about the loss of payroll tax to the community from sacking 306 shop assistants because I had assumed that they were all full-time employees. Mr Speaker, the \$414.40 which I referred to in my question is the average income of those who will lose their jobs as a result of the forced early closure of supermarkets. They include checkout staff, shelf packers, security guards, night managers, butchers, bakers, et cetera, who are mainly part-time employees. Mr Speaker, for the further information of members in relation to this matter, I seek leave to table a report from Price Waterhouse which includes the reference to 300 mainly part-time employees and the payroll tax receipts forgone to the ACT. It is on page 17.

Leave granted.

Mrs Carnell: Just to add to that, I think it is very important that Mr Whitecross also puts on the - - -

Mr Berry: A little bit of leave is required.

Mrs Carnell: I will seek leave to - - -

MR SPEAKER: Order! Leave is required, under standing order 46, for a personal explanation.

Mrs Carnell: Thank you, Mr Speaker - - -

Mr Berry: No; you have to ask for it first.

Mrs Carnell: I just did.

MR SPEAKER: No, you do not have to ask for it. If the Chief Minister wishes to make a personal explanation under standing order 46, she can ask me, and I will grant it.

Mr Berry: Okay.

MRS CARNELL (Chief Minister): I think it is very important, Mr Speaker, for everybody here to realise that the document that Mr Whitecross has just tabled was commissioned by the Australian Supermarket Institute. It was interesting in question time when Mr Whitecross asked me about payroll tax - - -

Mr Berry: Mr Speaker, this is hardly a personal explanation - - -

MR SPEAKER: I am waiting for the personal explanation.

Mr Berry: Mr Speaker, one is only allowed to make a personal explanation; one is not allowed to debate the issue.

MR SPEAKER: That is correct.

Mr Berry: Mrs Carnell is clearly debating the issue on her way to what we might expect is a personal explanation. There is an issue of the standing orders at large here that I think you should adhere to.

MRS CARNELL: Mr Speaker, I am providing some extra information to the question - - -

Ms McRae: You cannot do that under standing order 46.

MRS CARNELL: I can. I did not ask for it under 46.

Ms McRae: Yes, but that is what he has given you leave to do.

MR SPEAKER: Order! A member may explain matters of a personal nature, but such matters may not be debated. Mrs Carnell is, I assume, explaining matters for her personal explanation; but she is not debating them.

Mr Berry: You could not assume it from anything she has said so far.

MRS CARNELL: I am not. I am adding further information to the question in question time.

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Mr Berry: That is clearly out of order.

Mr Kaine: There he goes again, look - jack-in-the-box.

MRS CARNELL: It is all right. I do not mind. If he does not want to hear, that is fine by me.

Mr De Domenico: She can seek leave, Mr Speaker.

MR SPEAKER: Very well, if you wish to seek leave.

MRS CARNELL: Can I seek leave to - - -

MR SPEAKER: Is leave granted?

Mr Berry: No.

Mr De Domenico: Do you mean that you are not granting leave?

Mr Berry: We are not. If Mrs Carnell wishes to make a personal explanation under standing order 46, she can seek leave from the Speaker, and I am sure that he will give it to her. But if she wants to add to the debate in relation to these issues by way of the misuse of personal explanations, then we will not - - -

MR SPEAKER: Mrs Carnell has now explained that she does not wish to make a personal explanation under standing order 46. She is now seeking leave, however, to add further information. Is leave granted?

Leave not granted.

PAYROLL TAX - SUPERMARKET EMPLOYEES Suspension of Standing Orders

MR HUMPHRIES (Attorney-General) (3.21): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mrs Carnell making a statement concerning the paper on supermarket trading hours presented by Mr Whitecross.

Mr Moore: On a point of order, Mr Speaker: I wonder whether you could clarify for me, under standing order 60, exactly what we are voting on. The suspension of standing orders I understand. What does Mrs Carnell want to speak about?

Mrs Carnell: I asked for leave to provide further information to the Assembly on the issue on which Mr Whitecross just provided further information to the Assembly.

Mr Moore: Mr Speaker, I accept that as a clarification. That is enough for me. Thank you.

Mr Berry: Mr Speaker, in response to the motion that has been put before the house - - -

MR HUMPHRIES: I have not had a chance to speak to it yet. If I may do so, it would be nice.

Mr Berry: If you were not going to bother, I was just going to - - -

MR HUMPHRIES: I was. I have been waiting for a chance to do so. Mr Speaker, in this place, members are customarily given the chance to make short statements to clarify issues that have been raised in question time - or for any other purpose, for that matter, on the floor of this place. It is, I think, extremely insulting of members opposite to decide that they wish to make a comment in the course of a particular issue raised in question time but not to have another member respond to that particular matter that she, herself, raised in the course of question time. It is behaviour that does not become members of this place and does not add to the sense of debate about issues in this place. Mrs Carnell is entitled to seek leave to make a statement. It was, I think, rather rudely declined by those opposite. I ask the Assembly as a whole to give Mrs Carnell leave to clarify what is a very important issue for a debate coming up later today.

MR BERRY (3.23): Mr Speaker, that is the most spurious argument we have heard from Mr Humphries in recent times. The facts of the matter are that Mrs Carnell first of all attempted to speak without leave in relation to a personal explanation which followed a personal attack by Mrs Carnell during question time. The Leader of the Opposition made a perfectly acceptable personal explanation to the house. Mrs Carnell was subsequently caught out for not seeking leave to make a statement. She just took the place for granted. She then sought to make a personal explanation and proceeded to attempt to debate an issue which is going to come on this afternoon. Mr Speaker, she has no right to suspend standing orders in relation to this one. She can make all her comments in relation to this particular matter in the debate this afternoon.

MR KAINE (3.24): Mr Speaker, on the suspension motion, I think Mr Berry just made the point and established the reason why the Chief Minister should be allowed to comment. He alleged, in his remarks, that the Chief Minister had made a personal attack on the Leader of the Opposition. I heard no such attack; yet the Leader of the Opposition has based his personal explanation on that. I think that the Chief Minister is entitled to defend - and the Assembly has an obligation to listen to her defence - the allegation made by Mr Berry. As I say, he, himself, has made the case for the suspension of standing orders, and I support the suspension.

MR SPEAKER: Could I just clarify a point. There has been a suggestion that the Chief Minister sought to make a personal explanation under standing order 46. I will check the *Hansard*; but I am not sure that she actually sought that.

Mrs Carnell: No.

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MR SPEAKER: It was my interpretation that that was what she was seeking; but, in fact, Mrs Carnell sought leave to make a statement - - -

Mr Berry: So, it is you that is in trouble, not Mrs Carnell?

MR SPEAKER: Yes; I could very well have misinterpreted the fact that it was under standing order 46. This may very well have been my mistake. So, I would not like Mrs Carnell to be blamed for the suggestion that she was trying to make a statement, under some sort of false pretences, under standing order 46. I do not believe that that was the case at all. I think that was my mistake. Therefore, she was perfectly correct in seeking leave to make a statement.

Mr Berry: I am glad that you are going to check the *Hansard*.

MR SPEAKER: I will be happy to do that.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Statement

MRS CARNELL (Chief Minister) (3.26): It was only ever going to be a very short statement, Mr Speaker. All I wanted to do was to make it clear to the Assembly that the document that Mr Whitecross was quoting from with regard to payroll tax was a document that was actually commissioned by the Australian Supermarket Institute. I think it was important for Mr Whitecross to make that clear when he tabled that document; but he did not. I must admit that I was wondering, with all of the discussion about payroll tax by Mr Whitecross, whose payroll he was on and whether it was the supermarkets'.

Members interjected.

MRS CARNELL: I will withdraw, if anyone wants me to withdraw.

Mr Berry: Mr Speaker, Mrs Carnell should be directed to withdraw that.

MR SPEAKER: She has withdrawn.

PERSONAL EXPLANATION

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

MR SPEAKER: Leave is granted.

MR BERRY: Thank you, Mr Speaker. That is how it is done, Mrs Carnell. Mr Speaker, during question time Mrs Carnell made an aside which sought to create the impression that I did not think we had good staff at Woden Valley Hospital. That was Mrs Carnell trying to create an impression which, of course, is false. Everybody knows that I have the greatest regard for the staff at Woden Valley Hospital. My question, Mr Speaker, was intended to show that we had a crummy Health Minister.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE Report No. 9 - Graffiti - Government Response

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (3.28): Mr Speaker, for the information of members, I present the Government response to Report No. 9 of the Standing Committee on Planning and Environment titled "The environmental, social and financial impact of graffiti in Canberra and the appropriate means of preventing graffiti damage". I move:

That the Assembly takes note of the paper.

Mr Speaker, I seek leave to incorporate my tabling speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 10.

Question resolved in the affirmative.

MANUKA BY NIGHT Final Report of ACT Community Safety Committee and Government Response

MR HUMPHRIES (Attorney-General and Minister for Police) (3.28): Mr Speaker, for the information of members, I present the final report of the ACT Community Safety Committee on Manuka By Night, together with the Government's response. I move:

That the Assembly takes note of the papers.

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Mr Speaker, I ask that my tabling comments be incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 11.

Question resolved in the affirmative.

ELECTORAL LEGISLATION - REVIEW Paper

MR HUMPHRIES (Attorney-General) (3.28): Mr Speaker, for the information of members, I present the “Review of the operation of the ACT electoral legislation following the 1995 ACT Legislative Assembly election”. I move:

That the Assembly takes note of the paper.

I ask for leave to incorporate my tabling speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 12.

MR WHITECROSS (Leader of the Opposition) (3.29): Mr Speaker, not having any idea what is in it, I move:

That the debate be adjourned.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, pursuant to standing order 211 and pursuant to section 6 of the Subordinate Laws Act, I present subordinate legislation in accordance with the schedule of gazettal notices for an instrument of appointment, for criteria for direct grants of Crown leases and for determinations.

The schedule read as follows:

Bookmakers Act - Determinations of -

Directions for the operation of a sports betting venue - No. 103 of 1996 (S137, dated 26 June 1996).

Location of a sports betting venue - No. 102 of 1996 (S137, dated 26 June 1996).

Casino Control Act - Determination of fees - No. 105 of 1996 (S139, dated 27 June 1996).

Dentists Registration Act - Determination of fees - No. 107 of 1996 (S142, dated 27 June 1996).

Food Act - Instrument of appointment - No. 95 of 1996 (S121, dated 19 June 1996).

Health Act - Determination of fees and charges - No. 106 of 1996 (S141, dated 27 June 1996).

Liquor Act - Determination of fees - No. 101 of 1996 (S136, dated 26 June 1996).

Land (Planning and Environment) Act - Determination of criteria for direct grants of Crown leases - No. 104 of 1996 (S138, dated 27 June 1996).

Taxation (Administration) Act -

Determination to reduce the rate of payroll tax and increase threshold - No. 99 of 1996 (S135, dated 26 June 1996).

Determination to increase the rate of tax payable on the sale of motor vehicles - No. 100 of 1996 (S135, dated 26 June 1996).

PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, I present the following papers:

Public Sector Management Act - Copies of temporary executive contracts pursuant to sections 31A and 79 -

Ms Karen Gosling, dated 20 May 1996.

Ms Fran Hinton, dated 19 June 1996.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Administration of ACT Leasehold and Government Response

MR MOORE (3.31): I present Report No. 13 of the Standing Committee on Planning and Environment, titled "The Stein Report (Report into the Administration of the ACT Leasehold) and the Government's response to the report", together with extracts of the minutes of proceedings. I move:

That the report be noted.

It may be a sign, but Report No. 13 of the Standing Committee on Planning and Environment is the first report that records dissenting views. I think there are a number of issues on which the committee would suggest that the number 13 seems to have had its impact on this report. For my part, I wanted to look at the Government's response to the Stein report and see whether there were ways in which we could suggest improvements to the way that we deal with the leasehold system. Indeed, there are a number of issues upon which the committee is in agreement, and I would like to deal with those shortly.

Before I do, once again I would like to thank my colleagues on the committee. It was a difficult issue for us to deal with. I believe that the committee members have, once again, worked particularly hard to ensure that they got a fair outcome. There were quite a number of meetings with regard to this committee report which took place well outside our normal meeting times. It required work on weekends and evenings in order to get this report together and meet the timeframe that the Assembly had set us. In fact, Mr Speaker, you may well remember that even last week I put on the notice paper a motion to extend the time for the tabling of this report. I believed that we might not be able to have it together on time. I would also like to thank, of course, the support people who helped us to prepare this report, in particular Mr Rod Power, the secretary of the committee, who continues to work tirelessly. In relation to this particular report, I also thank Ms Anne Munns, who assisted with a great deal of the administrative work as well.

Let me focus on the positive outcomes or the agreed position of the committee, which will seek to modify the Government's response. I think the first issue is to do with the objectives of the leasehold system. The committee's view on recommendation 4 states:

The committee considers it is important to clearly state the guiding principles of the Land Act and the objectives of the leasehold system. While concerned about the Government's response, the committee notes that the public, and MLAs, will have further opportunity to comment when the Government releases its draft policy objectives for discussion.

Furthermore, we will have the opportunity when amendments to the Land Act appear before us. The argument put by the Government for not agreeing to this was that the objectives of the ACT leasehold system were, even now, modified by the Stein committee; but, in fact the modifications were very minor indeed. We believe that the principles should remain exactly as they are. That was an important perspective of the committee's deliberations.

We also agreed on the term for betterment. The Government suggested the term "use rights charge" instead of the phrase "development rights charge" which had been suggested by Stein. In fact, at the hearing, when Mr Humphries appeared before the committee, there was a fair bit of interchange about what was the best way of setting out what we were trying to achieve. We were trying to achieve a better understanding, for individuals who deal with the leasehold system, of what we mean by this particular charge. What came out of that interchange was the term "change of use charge". That seemed to be the language that would most easily be understood by most people about why they are paying money. They are paying money because they used the lease for one purpose and they now wish to change that lease and use it for another purpose; and, therefore, there should be a charge associated with that. The committee unanimously recommended that we use the language "change of use charge". That certainly seemed to be acceptable to the Minister during that public hearing.

We also felt that more work needed to be done on the issue of betterment and on the renewal of commercial leases. On the issue of betterment, Justice Stein actually suggested in his report, at 15.15, that a number of particular issues needed to be studied. We recommended that the Government actually follow through that study. We have also suggested that more work needs to be done on the renewal of commercial leases. We want to know why it is that the Government has accepted the Stein recommendations.

The Minister may well remember that one of the very few areas in the report of Stein where there was a dissenting opinion was on the renewal of commercial leases. The dissenting opinion on renewal of commercial leases argued not only for a full charge but said, "Perhaps it should revert back to a rental position". We believe that this matter has not been adequately dealt with, nor has the response been thoughtful enough. The committee will be looking forward to the Government's response on that or even a note in writing from the Government as to their approach so that the committee can further consider that issue.

The committee also agreed - and it is interesting that, although the focus no doubt will be on our areas of disagreement, there were some large areas of agreement here - that the Australian Valuation Office valuation should be altered only - - -

MR SPEAKER: Order! There is far too much audible conversation. Mr Moore has the floor.

MR MOORE: Thank you, Mr Speaker. In order to promote transparency, when the Australian Valuation Office valuation has been carried out, instead of any negotiating going on, the committee agreed that that be the valuation; the Australian Valuation Office, or whatever body the Government commissions, should make a valuation and that should remain the valuation; the only way that it can be changed is through an appeal

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to the AAT. This would get rid of the negotiation which seems to be the subject of quite a number of accusations of inappropriate use of lease in the leasehold system. As a series of precedents was set, it would become clear how the valuation system should go. We also strongly support improved land accounting, reporting and monitoring. We hope that the introduction of accrual accounting will do that. The first of the major areas of disagreement was whether we should have a statutory land planning authority and a statutory land management authority.

Those of us who had a dissenting view from that of the Government and the Opposition, that is, Ms Horodny and I - and I am sure that she will address this matter later - believe that the recommendations of Stein needed to be followed rather than the reports which the Government's own bureaucracy had commissioned to look after themselves. There was a rather inexpensive report, by comparison, done by Mant/Collins which seems to have taken the fancy of the Government and certainly the bureaucracy because it allows them to protect their own interest, taking both land management and the Planning Authority into Chief Minister's Department and burying the other things away in Urban Services. We consider that entirely inappropriate and would encourage the Government to review their view. However, we also note that, in this case, a combination of the members of the committee from the Labor and Liberal parties support the Government's position, for different reasons.

The other issue was the issue of appeal. Once again, we split on whether or not the appeal should go to the Administrative Appeals Tribunal, with Ms Horodny and me believing that we should have the cheapest and most accessible appeals body. Whilst we believe there are still a few warts with the Land and Planning Appeals Board, we believe it actually is the appropriate way of dealing with appeals, rather than using the method of putting it to the AAT, as I recognise was suggested by Justice Stein; but then you would expect somebody from the legal profession, like the Minister, to look for a way to include lawyers. The second part of that appeals process was that the appeals be as wide as possible. Firstly, there is not enough evidence of vexatious appeals for us to restrict the appeals process. Secondly, even if there are vexatious appeals, the planning appeals body and the AAT, for that matter, both have the power to eliminate appeals on the grounds that they are vexatious. To the best of my knowledge, that actually has not had to be done because it causes too much trouble.

To demonstrate the need for a separate statutory planning authority and a separate land management authority, I thought I would give an example of what I consider to be yet another problem with a lease in Canberra which, to my understanding, is due for approval today. It may well not be too late in this case; it may well be that the Minister can stop an inappropriate approval of a change of lease purpose for the Oasis swimming pool site at Deakin. I have in front of me a number of applications and different planning papers on this particular issue. There was an application for a variation to the lease in the initial instance which asked for an increase from 1,000 square metres to 1,500 square metres in order to allow a health facility. That was lodged on 14 March 1996 by a quite well-known lobbyist in this area who was once an employee of the Government. Another lease purpose change dated 24 May 1996 was lodged.

The change of purpose that was lodged was for a health facility on that site. The first thing about it is that this change of lease purpose, which I understand is likely to go through today, does appear to me to be - in fact, I will argue it is - inconsistent with the Territory Plan. I would suggest that the Minister have that very carefully reviewed before it does go through. The site is currently for community use. Community use, by definition in the Territory Plan, includes a child-care centre, a community activity centre, a community theatre, a cultural facility, but includes the words "health facility". That would appear, on face value, to be consistent. However, the term "health facility" is then defined to mean a run of things, including a baby health clinic, a doctor's surgery, a health centre, a medical centre. The actual change of lease purpose is to allow a pathology laboratory, which is certainly not mentioned there. That is the first reason why I suggest that this is inconsistent with the Territory Plan.

The second thing is that the objectives of this policy actually override the specific definitions. Objective 1(g) of the policy, as set out at page 190 of the Territory Plan, states:

To protect entertainment, accommodation and leisure uses from competition from higher order commercial uses.

If you looked at the proposed plan for that site you would see very clearly that higher order facilities are proposed, which would undermine entertainment, accommodation and leisure use. I have the plan with me and am happy to share that with Mr Humphries, should he so wish.

The other issue that I think is particularly important is that when a similar application for lease and development was made in the mid-1980s there was a cost of some \$750,000 in 1984 terms for parking. In this particular case, however, there is a large area next to the Oasis set aside for parking which actually is Territory land. One begins to wonder at what point we allow our leases, our land, to be used in this way and to what extent we think that money should be taken back to the Territory coffers. Had we had a land management authority, had we established a land management authority, we would see an entirely different approach, because the whole concept of the land management authority, the authority's *raison d'être*, is to raise revenue for the Territory and to get the maximum amount of money out of the leasehold system for the Territory, instead of having decisions along these lines. This is the reason why I argue that we need to have this separate authority.

I am conscious of the fact that there is a dissenting view from Mr Kaine and Ms McRae, which is why I have decided today to give this particular example that I am concerned about. I would certainly ask the Minister to look very carefully at that particular site and put a note through to his department so that a brake is put on it today. (*Extension of time granted*) It is also interesting that on the back of one of these applications for a change of lease is a note that says: "To go through to" - I will not use the bureaucrat's name, because I think that is entirely inappropriate - "as soon as possible. Urgent, and to be processed in eight weeks", as directed per another public servant.

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I believe that there are real questions as to why that should happen. There may be very good reasons as to why we should move things quickly if we possibly can, but certainly my committee would be aware that only very recently we handled a variation to the Territory Plan near there, which had gone through the Executive and which I understand had taken a couple of years to prepare.

I think, first of all, this proposed change of lease is probably inconsistent with the Territory Plan. Secondly, I think the full revenue from this change of lease is not likely to be given to the Territory and probably the loss - especially in terms of demand for parking and so forth - is probably of the order of \$1m. Thirdly, I think there are some questions to be answered, and there may be valid answers for these ones, about the process that was used. I use that as an example to raise the sorts of concerns that I believe would be dealt with when the *raison d'être* for a land management authority is to ensure that maximum revenue is collected for the benefit of the Territory. We see example after example where the issue of maximum revenue from our leasehold system, our only real long-term asset within the Territory, is not dealt with appropriately; it is dwindled away. On that issue, the area that members did agree on, however, was the Commissioner for Land and Planning that the Minister will appoint. We recognise that we are unlikely to get a separate land management authority and a separate planning authority.

We believe that the accounts that would be kept ought to be still continued to be kept and set out in the way identified in the Stein report at 16.1. The responsibility for presenting the accounts and the money that has been made in terms of our leasehold system, the money that has been forgone in terms of lost revenue, is "as near as practicable" as is set out in table 16.1 of the report. We have carefully chosen the words "as near as practicable" to ensure that the Minister does have room to move there. Nevertheless, I think the intent of the committee is quite clear and ensures that the openness is there. It does seem to the committee that it is possible that the introduction of accrual accounting will allow that sort of accounting system to be presented easily to the public and through an annual report in that way.

Accepting that there are dissenting views in this committee report, I still think it is a particularly valuable report. I think it provides quite a number of very positive recommendations for the Government to reconsider as well as dealing with those issues of dissent. We have not gone through in detail all the recommendations of the Stein report that the Government did accept. Some of them, I recognise, were quite painful for the Government. I make no bones about that, but I realise that the Government has come a long way in accepting quite a number of the recommendations which they certainly did not wish to and which are not particularly consistent with their own background and their own policies.

For me, though, the first thing that was quite fundamental to making our leasehold system work, making our planning system work, was the establishment of the land management authority and the statutory planning authority. That having been said, and realising that this is not likely to be the case, I will continue to monitor the situation and see what I can do to assist the Government to get the best possible outcomes that we can in terms of our leasehold system.

MS McRAE (3.51): The Planning and Environment Committee's response to the Government's response to the Stein inquiry has already, as you have all seen, been used by one Canberran to attack the Labor Party - an irony, I suppose, not lost on the Government, when the Government's response initially was that it did not accept the land management authority or the land planning authority. Nevertheless, I am not unhappy about that form of attack. I think there is good reason for the decisions that have been made. The report is about a lot more than whether Labor supports the establishment of a land and management authority, which I may point out was never Stein's original recommendation anyway. The proposal that was discussed in the paper today was something completely new because it was an amalgamation of two authorities. We had a completely different scenario, but Labor, of course, is the rat in the pack. Never mind.

The report, in its 90-plus recommendations, covers a range of far more serious issues than simply bureaucratic structures. It talks about FOI management, the management of files and the management of joint ventures, just to name a few. The Government has accepted all but 16 of the recommendations made by the Stein board. Even those that the Government disagreed with were not rejected outright. In most cases, the Government provided a compromise or a partial response that was sympathetic to the thrust of the recommendation.

I must say that my further and much closer and more detailed examination of the report subsequent to my first response has simply underlined my first reaction to the report, which was one that I felt was very much in sympathy with the recommendations of Stein and, more than that, an intelligent resynthesis of a lot of what Stein recommended. To that end I will continue giving the Government my support and the support of this side of the house. In regard to a few of the recommendations, we have asked for further work to be done, and I will elaborate my reasons, at least, for asking for that work to be done.

Something that has to be remembered is that the Government's response to Stein took in other significant reviews. It was not simply a response to the board's inquiry. It took into account the reviews that had taken place before Stein, which included the process review undertaken within the Department of the Environment, Land and Planning. The Mant/Collins review which, of course, happened while Stein was on, was also taken into account. The Red Tape Task Force review also happened at about the time that Stein was happening and built on the work that was done by the Planning, Development and Infrastructure Committee of the previous Assembly. It is important to remember that all of those reviews were also being incorporated into the Government response, which I think added a great deal more in terms of why the Government could argue the positions that it did.

Since the very first Assembly, the management of leases and land in the ACT has been contentious. There have always been tensions between the rights of the community to have a say in the development of this city, the return of maximum profit to the community from the sale of their land and leases and the need to encourage and maintain development and redevelopment in the ACT. All of the reviews since 1989 have dealt with one or another of those tensions and those perceived conflicts of interest. The PDI review that I mentioned, in 1994, identified problems encountered by the general public and bureaucrats. The process review in 1995 tried to unravel the source of frustrations

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encountered by people seeking to develop and redevelop leases when they dealt with the bureaucracy. The Mant/Collins team dealt with the question of the Executive's role in planning. The Red Tape Task Force highlighted the unnecessary complications facing people lodging applications for developments. The challenge for the Stein board of inquiry was to review the administrative structures and decisions to assess whether they had worked well for the ACT.

The first term of reference for the Stein board of inquiry related specifically to administration. The board was highly critical of management and managers alike. Recommendations 6, 7, 8, 15, 23 and 24 ended up taking a back to basics approach which included a complete overhaul of planning and lease management. More than that, the board wanted all positions spilt and three new statutory authorities formed - a planning authority, a land management authority and a statutory corporation. To further keep the process of land management as pure as possible, Stein also wanted a developments rights register to be established. The Government disagreed with these recommendations. However, one must not forget that, although they disagreed with the recommendations as Stein spelt them out, all senior positions were, in fact, spilt; a few people were moved; and there has been quite a level of shake-up in the areas of land and lease administration, I think, very much reflecting the sorts of concerns that Stein raised. One must not forget that when one talks about whether we should or should not have separate authorities. The Government has acted. The Government has also planned the careful implementation of all the important recommendations of the other reviews in parallel with that.

All of the things that were raised by the Red Tape review, by the process review and by the PDI are reflected in the Government's response. I think that, again, must not be forgotten. It was never very clear what could be achieved by throwing out the entire work force of the land and management areas of the bureaucracy of the ACT. Worse than that, Stein advocated putting in consultants, recommendations 23 and 24, to manage until all the changes were in place. I think this notion was not only expensive but probably repugnant both to the Assembly and the Government, given that not every officer was lined up and found wanting. They were all tarred with the same brush, on limited evidence, on evidence that was not tested. I think it would be a very sad day when the entire work force, from beginning to end, was thrown out on the basis of that recommendation; particularly since, so soon after those recommendations, the Government did, in fact, get rid of an awful lot of them, changed things around, opened up positions and shook things up. Whilst the Government did not initially say, "Yes; you are guilty", it certainly said, "Well, we are not going to accept things as they were any more". I think it is very important to remember that those actions were actually taken and some pretty severe shaking up of the bureaucracy was done.

In my opinion, Stein did not provide a place for the Executive or the Assembly in the management structures that he advocated. I thought that was a failing in the processes that Stein talked about. His notion of re-creating an NCDC-type of commission, to us, was not an attractive option. In his tabling speech to the Government's response to Stein, Mr Humphries foreshadowed the formation of an advisory body to the Government on planning. He is clearly in sympathy with a better process for good advice being available to the Government and therefore, I think, has rightly not accepted the idea that the Government can shed itself of its responsibility.

Again, it was ironic today to hear Mr Moore appeal to Mr Humphries to fix up things with the leases, which he would have to do even if there were a statutory authority, for heaven's sake. If Mr Moore did not approve of the decisions that were being made by a statutory authority in regard to Deakin, who would he come to but the Minister for Land and Planning. I think, no matter what, at the end of the day what the Government has been trying to do, what Mant/Collins has been trying to do - perhaps with several faults that I will point out later - is come to grips with where we fit in as legislators and where the Minister fits in in relation to the decisions that are made in regard to land and leases in the ACT.

I think the Government has responded in a quite constructive manner to Stein's call for new and separate authorities. It has recognised that the previous models have not worked and has advocated a process that will deal with the three issues at once, including the internal management and development applications as proposed by the Red Tape Task Force. I have had the benefit of a brief on that new policy. It seems, at first blush, to be an excellent process of reorganisation, as was shown by the bureaucrats that are now in charge of the establishment of the Planning and Land Management Division which, it must be pointed out, is under one of the most experienced of the ACT's bureaucrats. If you wanted to pick a bureaucrat that you could trust with almost anything in the ACT, the head bureaucrat that has been put there to try to sort out planning and land management here and now could not be better. I have a lot of faith that, under his guidance, a lot of the real concerns that have been raised at the junior and middle levels will now be sorted out.

Then the Government spilt the senior positions. On top of that, the office of the Planning and Land Commissioner starts to come to grips with perhaps what it is that we need to break the circuit, and that is to have an appeal body outside the normal statutory authority processes, the normal bureaucratic processes, that says, "Here is the arbitrator; here is the person to whom you can appeal; here is the person who has the watchdog role; here is the person who will tell us whether we are all honest". I think, at the end of the day, that is probably what we most want. I think, when people understand a bit more fully exactly what the role of the Planning and Land Commissioner is going to be, a lot of the fears about the lack of statutory authorities will be put to rest.

I have a lot of faith in that because of the work that has been done by the Commissioner for the Environment, by the commissioners in other authorities and by the work of ombudsmen and similar people. Once you establish a position like that, which is given an absolute charter to overview the work that is being done by everybody involved, then you have a circuit-breaker. I think, at the end of the day, statutory authorities or bureaucratic structures cannot avoid being accountable to the Minister. Therefore, in my opinion, there is not a dramatic amount of difference as to whether you run a statutory authority or whether you run a division within a bureaucracy.

To know the exact intent of each of the divisions, each of the bureaucratic structures and the exact chain of command is your first step. Then you establish this overview person to whom people can appeal. More than that, we are asking the Minister to consider allowing the Commissioner for Land and Planning to provide a sort of state of the nation type of report in relation to land and lease management. I think, through that reporting to the

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Assembly, we will be able to see how the independent arbiter views the state of lease and land management in the ACT. He will give us a check that is independent of us all and he will be able to be held up to the public. He can say, "See, all this does work. Here is the proof of it". I may stand to be corrected in a year's time and we may go through this entire debate about forming new statutory authorities; but, for the time being, I think this is going to work.

Stein also recommended legislative changes to improve administration. Recommendations 4 and 22 call for the basic principles to be included in the Land Act. The Government did not accept them as they were but has given a clear promise that they will come back for further discussion. At that point we can have a debate about the essence of what land and lease management should be within the Land Act; as a preamble or as an addition, I do not really care. We can have that debate. In recommendation 21, Stein called for all details relating to land and lease management to be in one piece of legislation. Again, while not taking the full requirement on board, the Government has clearly indicated sympathy with clarifying intent and objectives as much as possible, which I think can only help us all.

The second of Stein's major terms of reference was the question of betterment. I think these chapters - there were quite a few; 10, 11 and 15, from memory - were not as thorough or as useful as perhaps those on the overview of administration were. Even though I disagree with the outcomes that Stein came to, the fact that we have a Commissioner for Land and Planning and a new Planning and Land Management Division is more or less in sympathy with what Stein recommended. With betterment, I thought the conclusions were less satisfying. The board could not assess the impact of betterment remission in the ACT and called for the Government to view all claims for the removal of betterment sceptically. It basically said, "Well, we do not know what the impact of 100 betterments has been. Governments should do more work on it. However, if any developer comes to you and says, 'Remit betterment', we will view that very sceptically". Maybe that is right, and probably that is exactly how I would view it were I the Minister. However, I think that is getting away with it a bit lightly.

I think it is very important that we have a thorough look back and have government do the work that was suggested in recommendation 15.15 where Stein basically said, "Well, find out; just go back and have a look at what the claims were; what the outcomes were; what the reality was". We saw how difficult that was in the most contentious of the leases that were discussed in Stein, but I still think the answers were not terribly satisfactory. There was lots of speculation around it all. I think we cannot come to a total policy on betterment until we understand the Government's remission policy; until we understand the strategic plan; until we have an accepted pattern of how we are going with urban renewal; and until we understand how we manage our commercial and industrial leases. On all those questions I think we could benefit collectively from a lot more work being done by the Government now, on the basis of the issues that were raised by Stein and by the committee.

I think that the Government's response to Stein should be supported in principle; I think the administrative changes should be put in rapidly so that they can be properly tested; I think the issues of betterment, the renewal of leases, the remission policy and the impact of that against the strategic plan should be analysed very thoroughly; and then, when we get to the strategic plan, we will be able to test out each of those policies against it and Canberra will have a much better idea of just what the Government does have in mind for the future of Canberra.

Bureaucratic structures are not the main issues in regard to planning and lease administration in the ACT. What is needed is certainty and clarity for all concerned. The types of changes that the Government has made to its file management, to FOI, to the whole management and bureaucratic structures in relation to land lease management go a long way to doing that. Labor will now be doing all that it can to make it happen and to work productively so that this city can be developed, redeveloped and maintained in a way that we all agree on and have such pride in.

MS HORODNY (4.07): The Stein report into the ACT leasehold system represents a significant milestone in planning and management of ACT land since the ACT achieved self-government in 1989. Ever since the abolition of the NCDC, the ACT has struggled to find an effective and accountable planning system that balances the push for development with broader social and environmental interests. After self-government there was, first, the Interim Planning Authority and then the ACT Planning Authority. Both were supposedly independent but, in practice, they were divisions within the much bigger Department of the Environment, Land and Planning. The department was subject to a common perception that the land development function of the department dominated everything else, which led to many questionable planning and development decisions. This department was subsequently abolished, and most of the functions were incorporated into the Department of Urban Services. The planning function was split, with a strategic planning unit in the Chief Minister's Department, and the rest of the Planning Authority sitting uncomfortably in the Attorney-General's Department.

The Stein inquiry was looked upon by all sides as a way to sort out how ACT land should be administered. To a very great extent, it has delivered on this promise in its broad-ranging recommendations on the management of the leasehold system and the structure of the planning administration. To its credit, the Government has accepted most of the recommendations of Stein but, unfortunately, it rejected some of the key recommendations. I believe that the areas of dispute can be boiled down to three major areas - the administrative structures for planning and land management, the handling of commercial leases and the handling of redevelopment proposals, and betterment. The Planning and Environment Committee has reviewed the Government's recommendations and, for the most part, agreed with the Government's response. Unfortunately, however, the committee was not able to resolve the different views on the key areas of dispute and ended up splitting down the middle when it came to putting forward its own recommendations.

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Let me, therefore, use this opportunity to state which side of the fence the Greens are on when it comes to considering these matters that we split on. Let me say from the outset that the Greens wholeheartedly support the retention of the leasehold system in recognition of the fact that land is primarily a community resource. We recognise, however, that the pure leasehold system has been considerably modified over time so that it is not really possible to return to its original formulation. The Greens, therefore, support the automatic renewal of residential leases and also the extension of rural leases. The Greens also wholeheartedly support the establishment of an independent planning authority, as does Mr Moore, and reject the Government's proposals to split planning between the Chief Minister's Department and the new Division of Planning and Land Management in the Department of Urban Services.

I do not agree that the Chief Minister's Department should be responsible for the strategic planning of land use. There are huge concerns that environmental and social considerations, which underlie land planning, will be swamped by short-term economic considerations. Strategic land planning should still be the responsibility of professional planners, reporting to a planning Minister, with input from other parts of the administration, as required. The Greens support the integration of land planning and management to ensure that planning policies are implemented correctly. We are concerned, however, that the proposed Planning and Land Management Division appears to be a re-creation of the previously abolished Department of the Environment, Land and Planning, but without the environment, and submerged within a much larger Department of Urban Services. We are not convinced that the previous deficiencies in land administration within DELP are not going to be repeated, particularly in terms of ensuring that the planning function is not subservient to the land development function.

The benefits of having an independent planning authority are that it ensures accountability over planning decisions. We do not want the situation where major planning decisions are being taken by faceless officials in the bureaucracy. I note that the Government has attempted to address this issue by proposing the establishment of a Commissioner for Land and Planning. The Greens support the concept of independent and transparent decision-making over development and lease variation applications, but we believe this can best be done through the establishment of an independent planning authority. The Government's proposal here is too fragmented and complex.

On the other hand, the Greens do not believe that we have to accept every word of the Stein report. Stein's recommendations to establish a land management authority, a Territory planning authority and a planning and land management corporation are also fairly complex, and we would be willing to consider proposals from the Government to introduce a simpler structure that still meets the objectives identified by Stein. Our bottom line, however, is that we want all planning to be integrated in one organisation, and we want this organisation to be directly accountable to the Minister and the Assembly. We do not want this organisation buried in another department.

On the question of betterment or change of use charge, the Greens support the levying of this charge at 100 per cent, but allowing remissions of no less than 50 per cent in very specific cases where there would be significant community benefit provided by the development. It is critical, however, that decisions over such remissions are fully transparent and subject to Assembly review. The Greens also believe that the

change of use charge for a particular development should be used to help fund any work necessary to counter the negative impacts of such a development on the broader community. For example, the change of use charge on a new office block could be used to provide better public transport, traffic management in that area or enhanced open space public facilities. The change of use charge should also be in addition to developer contributions for specific public works required around a particular development; for example, changes to traffic arrangements in the adjacent streets.

On the question of renewal of commercial leases, the Greens agree with Stein that the issues surrounding commercial leases need to be considered separately to residential leases. But we have not developed a final position on the most appropriate means of allowing the renewal of these leases. We note that the Stein report had dissenting opinions on this issue; so we endorse the committee's view that the Government needs to provide a more detailed rationale for why it intends to allow the automatic renewal of commercial leases.

The final issue where the committee could not reach a common position was the issue of appeal rights. On this issue, we must admit that we disagree with the Stein recommendations. Stein sought to limit third party appeals to adjoining lessees and residents associations. We believe this is too narrow, as a particular development can have wider impacts than just on the neighbouring blocks. This approach also puts unacceptable pressure on residents associations to mediate on objections to particular development proposals raised by individuals within their communities. The Greens also favour retaining the Land and Planning Appeals Board. The board was originally set up to ensure that the appeal process was not overly legalistic and that appeals would be decided on planning principles rather than on adherence to the formal development application process. Even though some people may not have been happy with some of its decisions, this is not a good enough reason for abolishing it completely. Referring appeals to the Administrative Appeals Tribunal would be a backward step, in our view.

As the report notes, these and other issues raised by Stein will be dealt with again when the necessary legislative amendments are debated in the Assembly. The Greens will be participating very actively in this debate.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 1 of 1996

MR WOOD (4.16): I present Report No. 15 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report Number 1, 1996 - Legislative Assembly Members - Superannuation payments to Members staff - Allowances and severance payments". I move:

That the report be noted.

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Mr Speaker, this report recommends that the Government report to the Assembly on progress with the dispute about allegedly incorrect severance payments claimed by the audit and that the Government report also on the review of the Legislative Assembly (Members Staff) Act 1989. The claimed overpayments of members' staff arise from lack of certainty as to the circumstances under which payments could be made. The audit also uncovered deficiencies in documentation relating to the payment of meal and other allowances to members' staff. Following an approach to the Chief Minister about the audit findings, the committee notes that the Government has put procedures in place to protect documentation and that recovery action on the claimed severance overpayments has begun.

A major problem with the administration of members' staff is uncertainty in relation to the operation of the Legislative Assembly (Members Staff) Act 1989. This was acknowledged to the committee by the Chief Minister, who advised that a review of the Act is under way. The committee notes that, arising from an Auditor-General's report of 1992 concerning the payment of salary and other entitlements to members and their staff, a review of the LA(MS) Act commenced. To date there appears to have been little progress with the review, notwithstanding that the Assembly Secretariat, in its annual report for 1994-95, drew attention to certain systemic deficiencies in regard to the management of staff employed under the Act and noted the need for a review of the Act. The committee trusts that its recommendation will result in a speedy resolution of the problems which continue to arise from the form and administration of the LA(MS) Act.

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

HEALTH AND COMMUNITY CARE SERVICES BILL 1996

[COGNATE BILL:

HEALTH AND COMMUNITY CARE SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1996]

Debate resumed from 20 June 1996, on motion by **Mrs Carnell**:

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 Health and Community Care Services (Consequential Provisions) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to order of the day No. 4.

MR BERRY: I move:

That the debate be adjourned.

I seek leave to make a short statement.

Leave granted.

MR BERRY: The reason I have moved to adjourn this debate is that this is a Bill of consequence to the delivery of health services here in the ACT which has been before this chamber for only seven days. Mr Speaker, for a Government that has based much of its ethos, in publicity terms, on consultation and those sorts of things I think it is an affront to the community to bring a Bill of such consequence on for debate in this chamber after only seven days. I know that the Government made the Bill available to members before that time, but the community have not had similar access. I think this is racy work, to say the least.

Ms Follett: Indecent haste.

MR BERRY: As my colleague interjects, it is indecent haste. The Bill deserves more air in the community before it is acted on. I am advised by members of the Health Department that this Bill will not affect Mrs Carnell's moves to a purchaser-provider split. That can go ahead without the Bill. On that basis, in my view there would be no administrative pain if this Bill were to be delayed until the next sittings.

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I seek leave to make a statement, too.

Leave granted.

MRS CARNELL: Mr Speaker, I do not quite know what we are debating. This Bill has been around for a very long time now. It has been the subject of consultation with the unions at the hospital, with staff at the hospital, with staff in Health generally and with management in Health generally. A draft of the Bill was made available to members of the Assembly quite a number of weeks ago and full briefings were given. As members of the Assembly will know, this Bill brings health and community care under a statutory authority and sets up a board for that entity. It is very much about the approach to management of our health system. It is an approach to management that I am very well aware that those opposite do not share with the Government. They do not like that approach to management, but it is absolutely - - -

Mr Berry: It does not work.

MRS CARNELL: They do not agree, but not agreeing with an approach to management is not a reason to be unwilling to handle a Bill that people have had for quite a long period of time. I think it is important to note that Woden is very much the exception to the rule in this area. Boards of management or boards of health are very much the case Australia-wide. It is not as if we were moving towards some sort of weird and wonderful new experiment in how our health system should be managed

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in this country. What we are doing is moving our health system into line with the rest of Australia. We have had enormous problems in Health, not the least with budgets, in the past. Not to put too fine a point on it, this Assembly has made it very clear to me as Health Minister that it is my responsibility to fix up the health system. It has been made clear by all of the people around this Assembly that I am on notice; that I have to fix the budget problem; that I have to get management of our health system under control or this Assembly will be very negative. I think Mr Moore made those comments in the debate on the second Appropriation Bill and I think other people in this house did, too.

What this Bill is about, at least from the Government's perspective, is an approach to bring Health management under control, to create more accountability, to bring our budget and our management generally into a form that we believe will achieve the ends that this Assembly wants - a budget that is under control, reduced waiting lists and all of those sorts of things. I agree with Mr Berry that we can go ahead with the purchaser-provider split, but I would have thought that everybody in this Assembly - - -

Mr Berry: Do not take that as my agreement to that, though.

MRS CARNELL: I am not taking it as your agreement to anything, Mr Berry. One would have assumed that this Assembly would have wanted us to get the health systems management structure in place as quickly as possible so we can do what we believe we can in Health, and that is bring budgets in, bring waiting lists down and really have a health system that not only provides the best treatment - and we believe we provide very good treatment - but also has sound management and a sound budget. If this is put off until August for no reason except that Mr Berry has decided, for whatever reason, that he does not want to debate this today - by the way, he gave the Government no indication that he was going to do this or that he wanted more briefings or anything else - I think that would be a big step backwards. Again, this Assembly made it clear that I was on notice to get the health budget back on track; that I was on notice to get the hospital management of Health under control to overcome the problems that, as this Assembly said, I said I could. This is part of that process, Mr Speaker. This approach is very much part of the plans of this Government to do exactly what we said in the election campaign last year that we would do and the things that this Assembly has suggested that I am on notice to achieve.

Mr Berry: You never said you were going to have a health board.

MRS CARNELL: We have said that all the time, Mr Berry. That has been part of our policy right from the election last year. We have indicated time and time again that this was the approach that we would take. The appropriate time to put a board into place and to start a new management structure is 1 July. Certainly, it is possible to do it at another time, but I would have thought this Assembly, as I said before, wants to hold me accountable. From our end, this is part of bringing that management structure back - - -

Mr Berry: Rubbish!

MRS CARNELL: No, it is not rubbish. This is part of bringing management structure under control, bringing budgets back on track and really having a health system that operates efficiently. If this Assembly determines to put this Bill off, it will not be because nobody has had time to look at the Bill. They have. It will not be because they have not been briefed. They have. The people who work in our health system have been briefed; the unions have been briefed. There have been any number of briefings on this right across our system, Mr Speaker.

I have made it quite clear publicly on many occasions for many months that we were planning to bring in a new management board in Health. This is not new information, Mr Speaker. I believe that the Assembly should handle this Bill today. I think it is essential for Health, to allow us in Health to get the show on the road. We are moving to purchaser-provider. There are a large number of changes in our senior management in the department, the hospital and the community care area. To hold this up now really would delay the changes that desperately need to be made.

MR MOORE: I seek leave to make a statement on this matter as well.

Leave granted.

MR MOORE: The best part about speaking by leave is that you do not have a time limit. Thank you, members, for leave. The thing that I think is most important here was summed up by Mrs Carnell's last statement, "Let us just get this under way". You get the impression that once she has her board then it will be a roller-coaster ride all the way down; that there may be a few ups and downs but we will go with speed and we will have all the health problems solved. That is one side of the debate.

I put the other side of the debate when I stood in here yesterday urging members very strongly that we ought not to proceed with a Bill that we had had in front of us for only a week. The difference between the Bill we have in front of us now and the Bill from yesterday is that at least I have had a draft version of this particular piece of legislation - the draft is almost identical to the final, I must say - for quite a long time, whereas yesterday, when Labor decided that we could manage to make a decision on a matter that I thought dealt with some major principles, we as an Assembly suggested that it was better for that legislation to go through. Mr Speaker, I feel myself getting dangerously close to reflecting on a vote of the Assembly, although I will be careful not to do that. When I look at the issue of whether this debate should be adjourned and whether we should have time to think about the Bill, I am taken back to quite a number of times in the previous Assembly when Ms Follett argued strenuously that she needed something urgently in order to make her Government work and Mrs Carnell, with my support, said, "No. We are going to take more time and that is too bad".

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Having put those conflicting issues in place, Mr Speaker, I am also aware that Mrs Carnell has really staked her reputation on being able to get the health budget under control. Through the election campaign and for a long time before it she was saying, "Labor has not been able to manage Health but if you give it to me, do not worry. It will all be under control". In fact, she has the advantage of being not only Minister for Health but also Treasurer and Chief Minister. That is a triple advantage. If anybody should be able to get it under control, she should. She has said that she needs this legislation in place in order to give her the tools to do that. The converse of that is that if she does not get this legislation she will not have the tools to get it under control. Mrs Carnell, I will assist in putting you on your roller-coaster and let you go with it. I will oppose Mr Berry's motion to adjourn the debate, although I think he has some particularly good arguments, and I will give you the tools which you want in order to solve the funding problems and the other problems in Health. As far as I am concerned, it will be fairly and squarely on your shoulders. When we get to the in-principle debate on the legislation, I will talk about some other details and ensure that you have your tools to do what you want. If indeed you are not able to do it, then I think you will have nowhere to hide.

Mr Berry: You will listen to the debate?

MR MOORE: Mr Berry interjects to say, "You will listen to the debate?". Indeed, Mrs Carnell would be aware that, like the TAB, this issue is one that I think is quite difficult. My personal view is that the legislation will not help; that it will make matters worse. Therefore, I have oscillated in my readiness to support the legislation. For that reason, as Mr Berry points out, I will follow my usual practice and listen to the debate. Should there be a speech of great influence, then it may well be that in another hour or two, if it takes that long, I will change my mind.

MS TUCKER: I seek leave to make a statement.

Leave granted.

MS TUCKER: After listening to Mr Moore, Mr Berry and Mrs Carnell, I think the Greens will be supporting Mr Berry's concern here, particularly after what Mr Moore has just said. We have grave concerns about this proposal.

Mr Moore: Where were you yesterday?

MS TUCKER: There are two points here. There is the point of adequate time to look at legislation. Yesterday I was expressing my belief that Gungahlin needed to happen. Mr Moore, in his argument, was not able to explain clearly enough to me how Gungahlin could go ahead in a well-coordinated manner until the Gungahlin Development Authority was set up. However, I am definitely sympathetic to the principle that there be adequate time to look at legislation. If the community needs to have more time, as is Mr Berry's view, I would support that. I would also support the motion for the reason that Mr Moore has just said that he finds it a difficult issue. Because we do have grave concerns about this, I would welcome the opportunity for Mr Moore to have more time to think about it. For those reasons I will be supporting Mr Berry.

Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 7

Mr Berry
Ms Follett
Ms Horodny
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 8

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

MR BERRY (4.38): Labor will be opposing this Bill. I would like to deal first with some comments that Mrs Carnell made in question time. She said that this legislation would not mean two extra layers of administration. If this Bill is successful, we will end up with a Health Department, an Australian Capital Territory Health and Community Care Service, as set out in this Bill, and a Health and Community Care Service Board. If that is not three levels of administration, I will fly. That is three levels of administration. Let us have a look at them. First of all, we have the Department of Health with all of the administrative responsibilities that any public sector department has. Then we have the Health and Community Care Service. The objectives of the service are set out in the Bill. The functions are also set out in the Bill. They are all duties formerly conducted by the department and are as follows:

- (a) to promote, protect and maintain the health of residents of the Territory;
- (b) to manage facilities under its control;
- (c) to consult and cooperate with individuals and organisations concerned with the promotion, protection and maintenance of health;
- (d) to provide advice to, and consult with, the administrative unit on the development of health and community care services;
- (e) to support, encourage and facilitate community involvement in health and community care service;

All of those things are issues that are not an extra layer of administration, according to Mrs Carnell. When you have a look - - -

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Mrs Carnell: The department does not do it any more; this body does.

MR BERRY: Mrs Carnell says that the department will not be doing it. What will they be doing? They will just disappear, will they?

Mrs Carnell: There is a split.

MR BERRY: Of course it is a split. There is a layer of administration in the department, a layer of administration in the Health and Community Care Service and a layer of administration which flows from the Health and Community Care Service Board. Mr Speaker, I will go on with some more of the functions:

- (f) to facilitate and provide training and education in the provision of health and community care service;
- (g) to collaborate in, and encourage research into, public health and community care;
- (h) to make available to the public reports, information and advice on public health ...
- (j) to give residents of the surrounding region such health and community care services as may be necessary or desirable; and
- (k) to provide such other health and community care services as the Minister approves.

That is a clear layer of administration. Next we will go to the Health and Community Care Service Board. Of course this is not a layer of administration either, according to Mrs Carnell. No wonder people are sceptical about every word that Mrs Carnell utters. The functions and powers of the board are:

Subject to subsection (2), the Board shall control the affairs of the Service.

The board has the responsibility to deal with all of those functions which are in turn affairs of the service. It is another artificial layer of administration which is being put in place and will cost tens of thousands, possibly hundreds of thousands, of dollars in all.

Mrs Carnell: How?

MR BERRY: Mrs Carnell says, "How?". I seem to recall that when the board which was put in place by Mr Humphries was eventually dispensed with a lot of money was saved. If one tallies up all of the support that goes into these particular functions which are set up under this legislation, one can see that it is a lot of bureaucratic energy, it is a lot of support from departments and it is a lot of support from the Health and Community Care Service. You do not get that for nothing. It adds up to possibly hundreds of thousands of dollars, depending on the level which is applied.

Does Mrs Carnell expect us to believe that the board will meet in a room somewhere for nothing, will not even turn the lights on, will not have any secretarial support, will not consider any briefings and will not ask for any briefings but will have responsibility for all of those functions of the Australian Capital Territory Health and Community Care Service under section 6 of the proposed Act? The board will also have the responsibility, in effect, for the powers of the service and so on. It will be the directing body of the service and will just sit there with no support. She has to be kidding herself. Nobody out there in the community will believe that. They know that there will be subcommittees of the board, all of which will have to have secretarial support. Mrs Carnell will remember that from her days on the former board. She will remember the trappings. She will remember the increased standing in the community which came from being on the board. Mind you, for those who were on it when Mrs Carnell went into politics, it soon changed. She soon threw a blanket over their standing in the community, so much so that many of them resigned.

Mr Humphries: You sacked them. What are you talking about.

MR BERRY: The chairman resigned and a few others resigned as well, and of course we dispensed with the board.

Mr Moore: Mr Berry just helped them along a little.

MR BERRY: Indeed, I did. I am always bubbling over with help for people who ask for it.

Mrs Carnell: By getting rid of the legislation. That was a pretty definite way to do it.

MR BERRY: Not until influential members of the board and key members of the board had resigned. Mr Speaker, two extra layers of administration are being created by Mrs Carnell and her Government, who seem to have some links with the past and some soft spot in their heart for the past in relation to these issues.

Mr Speaker, I should also draw attention to the history of health boards in the ACT. There have been many authorities and similar arrangements in place for the management of Health. Before self-government we saw Federal Ministers set up boards, and we all know why they did it - to distance themselves from ACT Health problems. They all did it for that reason. When I became the ACT's first Health Minister, I inherited an interim board, and some well-meaning people advised that it would be a good idea to entrench the interim board to distance myself from the problems in Health. Philosophically, I could not do that because it was important - - -

Mrs Carnell: So it does not work?

MR BERRY: It does not work and it does not do anything for the provision of services for people who need them. It turns out to be, in effect, a dumb idea. I questioned that tactic then and I rejected it, and I question it now. It should be rejected. We are elected to this Assembly to be responsible for the ACT, and Health Ministers are responsible for health matters. Mr Humphries knows that he had to take responsibility for all matters in Health. Mrs Carnell knows that she will continue to take responsibility for all

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matters in Health. This board and these two extra layers of administration will not change a thing but will cost the Territory a whole heap of money and divert a whole heap of energy within the health system into support for these boards - money which would be better directed towards the provision of health services at the pointy end. Mr Speaker, the reason for having self-government is to have elected representatives accountable to the people of the ACT. Nowhere has that occurred more than in Health, and there are no reasons to expect that that will change.

When Mr Humphries was the beleaguered Health Minister in the ACT, he put in place a board to try to distance himself from his problems with Health. It did not work then. Rightly, Mr Humphries was held responsible for the impact of his policies on health services in the ACT. That board stayed in place, attempting to do its job in the face of a concerted attack from those opposite after Labor came to office. We all recall that.

Mrs Carnell: You paid no attention to it.

MR BERRY: Mrs Carnell was a member of that board. She learnt a few tricks by her participation on that board. When she went into politics, what did she turn her attention to? She turned it to attacking the board and the health system. That is why members of that board, in turn, gave it away. Influential, respected business people in this Territory knew that the board was not working and resigned.

Mrs Carnell: It was not working, because the Minister would not pay attention to them, would not talk to them and would not even turn up at meetings.

MR BERRY: Mrs Carnell says in the next breath when she comes forward with this proposal that this is going to have an emphasis on management. What better emphasis on management could there have been than the previous board? The board was a group of people who were appointed for their various areas of expertise and were unable to change anything. The board put in place by Mr Humphries believed that the demand for financial figures made by the person who is now Chief Minister was an unreasonable request. That board was not left alone. The next board will not be left alone. Mrs Carnell says that I did not listen to them. That is because boards do not run the health system here and do not take responsibility for the health system here; the Minister does. You are going to have to have the courage to stand up and take responsibility for what you do.

Mr Speaker, the board believed that the Assembly was interfering in the operation of the board. That was true. It was at that point that, of course, the standard for future accountability was set. When the then chairman of the board resigned and others joined him was the time when the new standard was set, and there is no going back from that. There is no point going back from that, because we have proved with the passage of those years that the board process and additional statutory authorities, which existed in the past, are relics of the past and are no longer appropriate for the management of health in the Australian Capital Territory. The then chairman resigned because he recognised too that the board's time had passed.

The Assembly then repealed the Liberals' legislation which set up the board, and we went back to a system under which the Minister was held accountable for the impact of government policies in health. Mrs Carnell will not like that. She is trying to put in place a couple of layers of administration, at extra cost to the community and loss to the health system, to try to shield herself from the impacts of the health system. That will not work. Why do it? Is it because Mrs Carnell wants to lead a grand system so that she can tell her mates around the place that in the ACT we have a Health and Community Care Service and a grand board of health which she set up? Will she tell them that it is for only one hospital? What a joke! We are putting in place two extra layers of administration - with all the support which will be required for those two extra layers - all for just one public hospital. I cannot believe that you would have the audacity to try to impose on the community that extra cost and, given the history of the Australian Capital Territory, expect them to accept that it will work or that it is necessary, particularly when you bear in mind some of things that have been happening at the hospital. Do you think the board of health will make any difference to whether dogs are treated in the hospital system? Of course it will not. It will not make one bit of difference at all. This is the stuff that brings ridicule to the system of government here in the ACT - people trying to set up these grand systems which died a long time ago.

Mrs Carnell was appointed to the board set up by Mr Humphries. That was the board which presided over the first big budget blow-out. You held the belt for a while, Mr Humphries. I regret to inform you that Mrs Carnell now has it. She took it from you. She has the biggest blow-out. I do not know that the board helped you out too much. This board will be driven by the amount of money which is provided to boards by government. It is a political decision whether to provide resources to hospitals and health systems. What Mrs Carnell expects to do, as I see it, is blame the board for what does not happen as a result when she short-changes them in her health budget.

I get back to the cost issue. Boards have direct and indirect costs. The direct costs are sitting fees paid to board members. What has been suggested in relation to them, I think, is rather puny for the responsibilities that these people would be required to take.

Mrs Carnell: You did not pay me anything when I was on the board.

MR BERRY: I did not realise that you had not been paid, but you got what you were worth. Mr Speaker, I have already mentioned many of the indirect costs. They include the preparation of board papers, briefings and submissions, payment of board staff and those sorts of things. All these costs are costs to the health system and they will all result in reduced dollars being available at the work face. That is an extremely important point to consider when one looks at these extra layers of expensive bureaucracy which are going to be put in place.

I want to deal for a moment with the plan to change the name of the hospital. In the normal course of events, if somebody wants to change the name of their pet dog from Fido to something or other else - - -

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Mr Humphries: To Wayne.

MR BERRY: If I was your pet, I would not mind, but I am not. Mr Speaker, if one wants to change the name of one's pet tomato plant to something else, that is easy. It does not cost a zack. But, when you have a look at the cost that goes with the change of name of our hospital, you have to consider it against the background of the quality of service that you are providing.

Mr Humphries: What is the cost of the change of name?

MR BERRY: How much do you reckon it would cost to change the big Woden Valley Hospital sign that has been bolted up on the side of the hospital - it is probably as big as the end wall - with electronics, the whole lot?

Mr Humphries: I do not know - \$500, \$600, something like that.

MR BERRY: Cut it out, Gary. I can see why you had health budget blow-outs.

Mr Whitecross: Give him the contract.

MR BERRY: That is right.

Mr Humphries: How much does it cost, Wayne?

MR BERRY: Thousands, mate. Then there is all the signage around the hospital system, all the signage around the streets, all of the paraphernalia that goes with the system, all the signage around - - -

Mr Humphries: You changed it once, Wayne.

MR BERRY: Yes. I am glad you raised that. Mr Humphries raised the question that I changed the hospital's name once. This goes back to the old theory that Mr Humphries had when he was Minister that he could remove the emotional baggage that people had attached to the old Canberra Hospital by calling the Woden Valley Hospital Royal Canberra Hospital too. At one stage we had two Royal Canberra Hospitals. He thought that somehow the people would be fooled if all of a sudden one just closed. He thought that at the end of the day, after he had engineered the closure of the Royal Canberra Hospital, he would be able to argue, "We still have Royal Canberra Hospital. What are you whingeing about?". At the time it was exposed as a smokescreen. It was a silly move. We fixed that and it resumed its - - -

Mr Humphries: What was the cost of that?

MR BERRY: It did not cost much, because it resumed its original name. We achieved one great thing. It was the first time that I could recall in the ACT that "Royal" had been dropped from anything. That in its own small way has formed part of a discussion about where we are headed with the relationship between this country and Britain.

When you look at the costs that go with all of these changes which are being proposed by Mrs Carnell, you have to consider also the lost promises such as the cardio-thoracic unit. Mrs Carnell was the greatest advocate and campaigner for a cardio-thoracic unit for all of the people who have to go to Sydney to receive treatment. (*Extension of time granted*) In Labor's time we said that it was going to be a difficult issue. I still do not resile from that fact. Much planning and consideration had to be given to the issue to ensure that a high-quality service would be given, but Mrs Carnell ignored all of that and went to the electorate in the ACT saying that it would happen under the Liberals. She is backing off at a million miles an hour now because she has been confronted with the same facts as confronted the ACT before the election and is having some difficulty dealing with them without paying for them.

Mrs Carnell: You promised one as well. Were you not telling the truth?

MR BERRY: Mrs Carnell is the one who backed off. She cannot afford the election promise and will not go on with it.

Mr Whitecross: She is trying to blame New South Wales.

MR BERRY: That is right; she is trying to blame New South Wales for the fact that she cannot go ahead with her cardio-thoracic unit. Apparently, it is Mr Refshauge's fault that Mrs Carnell cannot go ahead with her cardio-thoracic unit. What about the 50 beds? Is it Mr Refshauge's fault that she cannot go ahead with the 50 beds, too? Probably it is his fault. These promises slip off the agenda very quickly, but still Mrs Carnell can develop some trappings for the system which are designed to prevent government involvement in our health system. Mr Speaker, government involvement in our health system is a fact of life and it will remain so.

Mrs Carnell has placed a lot of faith in the purchaser-provider split model which she is working so furiously for to treat all the ills of our administration here in the ACT. Essentially, that means that the purchaser decides on a package of money, and the provider has to deliver the services and, if they cannot, that is too bad. Putting in place these artificial layers of administration will not get you off the hook on those matters. Why waste the money? This new statutory authority will not - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

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HEALTH AND COMMUNITY CARE SERVICES BILL 1996

[COGNATE BILL:

HEALTH AND COMMUNITY CARE SERVICES
(CONSEQUENTIAL PROVISIONS) BILL 1996]

Debate resumed.

MR BERRY: We are still here.

Mr Humphries: If you want to go home, Wayne, just go home. We will not mind.

MR BERRY: I would not go unless this place was adjourned. I would not trust you.

Mr Whitecross: Very prudent.

MR BERRY: Prudent judgment. We will not see extra patients treated merely as a consequence of these extra layers of administration. We will see precious health resources diverted from the service delivery end to the resource end of those two layers of administration.

I repeat that this is all for one hospital - a few hundred beds. What a joke! This is the real back to the future. The Liberals have this link to the past. They want to restore all of the old entities. It was good in the days of the Board of Health. You can imagine them sitting around the fire with a good scotch, saying, "Remember the days of the Board of Health and the days of the Department of Health and Community Services. Was it not wonderful? We should go back there". As I have said in earlier statements, maybe they want to go back to the old FJ, picket fences and all that sort of stuff. I can tell you that those sorts of models are not the sorts of models that we need to manage a modern health department. We do not need the trappings of a health board - the boardroom and all of the things that are necessary if you are going to have a properly operating board. Mrs Carnell probably enjoyed dealing with the problems in Health more when she was on the Health Board than she does now as Health Minister, but these sorts of sentimental attachments do not do much to instil confidence that these two layers of expensive administration will do anything for those ordinary people out there in the ACT who will go to our hospital looking for care and attention. There is just no good reason to do that.

Mrs Carnell seems to want this return to the old relics of the past. There seems to be a belief that the standards set in the good old days are those that we need to put in place again. I have heard Mr Moore say that he will give Mrs Carnell the tools to do what she - - -

Mr Moore: Although you have been very persuasive.

MR BERRY: I trust he has listened to what I have said. It is not good enough to let the Liberals stew in their own juice. We have to take into consideration the impact these sorts of things will have on the ACT community and recognise that it is not just the political ends which have to be achieved here. We have to be concerned also about the sorts of services which are provided to the ACT community. I refer to a recent editorial in the *Canberra Times*. It is headed "Changes fool no-one". It is in relation to the structure which has been developed by Mrs Carnell. It starts off:

The obsession with the structure in the ACT health system continues. Last week the Government announced it would establish a new statutory health authority overseen by a board ...

It may well be slightly different from past structures but is still based on earlier models to separate the provider of services from the department.

The formal separation fools no-one. The health system is still the health system and the Government and minister are responsible for it and accountable to the people for it through the Assembly.

If, under the "new" model, the provider is not up to scratch, does the Government and department get a new provider?

No, says the *Canberra Times*, and they are right. Mr Speaker, I think the editorial has touched on many of the issues. I might add that I feel that in the past the *Canberra Times* may well have had a different view, but at least the *Canberra Times* have had the courage to change their view in the light of experience. They now recognise that there is something wrong with this return to yesterday. It is just a nonsense.

I raise one last issue. I refer to a letter to the *Canberra Times* in recent days. I am not quite sure which day it was. The letter is headed "WVH authority not a good idea" and is written by the chairman of the ACT Committee of the Australian Association of Surgeons, Dr Peter Hughes. Dr Hughes is not usually a supporter of mine on many issues, but he has a view about this system which I happen to agree with. In his letter, he says:

The Government would allocate a certain amount of money to the authority, then stand back from any complaints, saying "It's up to the authority to provide all hospital services". Any complaints to the authority would be met with the response, "We'd love to provide the service you request and with no significant waiting time, but the Government doesn't give us enough money".

That wraps it up. The Government would say, "We are doing our best. We have given them the money". The authority would say, "We are doing our best. They do not give us enough". There would be this toing-and-froing about who is the purchaser and who is the provider. It is just an artificial means to provide the Health Minister with a hiding place. Those sorts of hiding places should not be available in the democratic process here in the ACT.

Mrs Carnell: Why? Because they are too accountable?

MR BERRY: We have ensured that Ministers are accountable here. Mrs Carnell says it is because they are too accountable. It is because we have established a different program here in the ACT so that Ministers remain responsible. No matter how they struggle to dig themselves hiding places at the expense of the community, the Labor Party and I and others in this place will keep our eye on you and prevent you from doing it.

MR HUMPHRIES (Attorney-General) (5.09): Mr Speaker, I have heard a tirade from Mr Berry this afternoon, but we have heard pitifully little actual evidence of the problem with the board of health system. We have heard no evidence of a problem with the board of health system. Mr Berry, who now again leaves his seat and marches away - he does not like to take the heat on what he has just had to say - has described the board of health concept as a relic of the past. I have to say that that is a pretty poor reflection on those individuals in our community who have chosen to serve on those boards in the past and who, in my view - and I speak as a former Minister for Health - have done a good job on those boards. They have included a number of people who have had significant experience and have brought great talent and knowledge of health to those boards. I think this is a most unfortunate reflection. If Mr Berry were here, I would think about asking him to withdraw the reflection on those who have served on those bodies.

Mr Berry no doubt has a very bitter taste in his mouth about boards of health. He inherited an interim board of health in 1989, and one of the earliest crises that an ACT government had to face was the problem of the conflict between his board and himself. The Government was launched into a fairly significant crisis early in its life by the fact that Mr Berry basically shut the board out of deliberations and ended up with quite significant conflict which caused huge damage to the health system. The board's concern at the time, understandably, was that the budget was blowing out. They sought assistance from Mr Berry to contain the cost of that budget blow-out and Mr Berry, as I recall, was not particularly amenable to helping them. Mr Speaker, having that personal history of conflict with the Board of Health is not in itself a good reason to can the concept of a board managing the day-to-day activities of our hospital system. Mr Berry's personal dislike of the concept is a good reason for him, but not a good reason for the rest of this Assembly, to remove the advantages which a board of health imposes.

Mr Berry: A big help to you, Gary.

MR HUMPHRIES: Frankly, the Board of Health was a help to me. The Board of Health was good because it was a board against which to sound out certain concepts, with which to test the propositions that you wanted to put about the way in which the system should be run. It brought together people with day-to-day responsibility for management of issues within the health system. That was of value, Mr Speaker.

Mr Berry: It is a waste of time and money, and you know it.

MR HUMPHRIES: Mr Berry says that it is a waste of time and money. I believe it was valuable. I worked with that system - so did Mr Berry for quite a significant part of his time as Minister for Health, probably more than half of it, before he got around to abolishing it - and it was a useful tool. The people who served on those bodies were good people. They brought experience which was valuable and which was deeper than that of most Ministers who came to that task. Certainly, it was deeper experience in these matters than that of any Minister preceding Mrs Carnell. That depth of experience was important and valuable. Mr Berry is right to say that Ministers take responsibility for all matters in health. That is clearly the case. Mr Berry somehow imagines that Mrs Carnell will be able to say, "It is not my fault that the budget has blown", or, "It is not my fault that the waiting list has gone up", or whatever it might be.

Mr Berry: She has done it on every other one, everywhere else.

MR HUMPHRIES: She does not say that. She has always accepted responsibility for those things, and she will continue to do so as Minister for Health if we are unfortunate enough to be in those positions. I also believe that having the capacity to refer issues to a board, to assign day-to-day responsibility for management of the health system to a board with experience and a focus on the improvement of quality of outcomes, is very important. Mr Berry says that extra layers of administration are to be added on to the process. That simply is not the case. Mr Berry obviously has not read what is in this Bill.

Mr Berry: You have not either, then.

MR HUMPHRIES: I certainly have. "Layers" implies that one is on top of the other and that the work that is done at one level is repeated or checked or somehow replicated at another level. Certainly, if there was a board of health that was making decisions which then had to be verified or checked or confirmed by the Department of Health, then there would be a serious problem. That is not what is provided for in this legislation. What this legislation provides for is a purchaser-provider model. The board of health purchases services; the Health and Community Care Service provides those services. The focus is on service. The focus is on outcomes and deliveries within budgets. That is what our system needs at this point in time - a focus on service. I do not think we have achieved that in recent years with the present model. In fact, I think the evidence proves pretty clearly that it does not achieve that. Mr Berry cannot expect an end to the cycle of problems which he dealt with as a Minister, particularly with budgets blowing out, without some different structure in place. I ask Mr Berry what exactly it is that he thinks should change to deal with the health system's problems.

Mr Berry: The Government.

MR HUMPHRIES: That would be a good answer if this Government were the only one that had been responsible for blow-outs in the health budget, but it has not been, of course. Mr Berry himself presided over four successive blow-outs in the health budget. You cannot say it is the Government's fault and then exonerate yourself. Budgets have blown out.

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Mr Berry: Yes, but you had only one each and you blew out both of them.

MR HUMPHRIES: On the contrary. Let us be clear. The Alliance Government in 1990 brought down what was one of only two balanced health budgets in this Territory's history. That is the fact. The attack on the change of the name of the hospital is also a quite extraordinary affront to our logic. Mr Berry attacked the cost of doing so, but then defended his own decision to change the name of the hospital in 1991. He cannot have it both ways. Either the cost of changing the name of the hospital is a prohibitive barrier or it is not. If it is a prohibitive barrier, then you should not have changed the hospital's name back in 1991.

Mr Berry: I did not want it to be called Royal Canberra.

MR HUMPHRIES: If your personal predilection was not to call it by a particular name, and you expected the Territory taxpayer to wear the cost of changing the name - - -

Mr Berry: I think the Territory taxpayer wanted that dropped, too.

MR HUMPHRIES: We wore that cost. In the circumstances, you have to expect that it is reasonable for this Government to suggest a change of name, particularly one that achieves a fairly important and valuable purpose beyond the mere prejudice that you have against the word "Royal". We have a very important goal in mind in achieving this change of name. Canberra has a hospital system centred on the Woden Valley Hospital. That is the central hospital, the principal hospital, for the Territory and for the surrounding region. Yet the name does not reflect that role. Some people who do not know the system could well imagine that Woden Valley Hospital was a small rural hospital somewhere in the south-east of New South Wales. The important point to bear in mind - Mr Berry perhaps has not realised this - is that we did not initiate the proposal to change the hospital's name; the people at the hospital did. They said that they wanted a name for the hospital at which they worked which was recognisable outside the ACT and recognisable as the hospital, which was clearly the principal hospital for the ACT. That is a good reason to change the name - to reflect the role of that hospital. It is not just the hospital serving Woden Valley. It should not be called the Woden Valley Hospital. It is the principal hospital for the whole of Canberra, and it should have a name that reflects that principal role.

Mr Berry: You just want to obliterate the closure of the old hospital, Gary. Cut it out.

MR HUMPHRIES: Mr Berry really has an elephant-like memory for these things. I do not hold grudges about who closed the hospital and who called the hospital what name. I am concerned to reflect the concerns of the people who work in the hospital system. The people in the hospital system, to whom Mr Berry clearly does not listen, have said, "We would rather a name that recognises the role of the work we do in the principal hospital for the Territory". I think we should support that. I think that this change is important, and I think that the change of name is important. I hope members of the Assembly will realise that we cannot solve the problems of the system without being able to change some of the structures. As a government we have made a number of changes already. We have changed some of the personnel involved in Health.

That is important. We have changed the parameters of the legislation. We are putting in place a purchaser-provider model. We are changing some of the expectations through the work done under the Booz Allen report. Now we are changing the structure whereby services in the health system are delivered. I would ask members of the Assembly to give us the tools, in Mr Moore's words, to do that job, because without those tools clearly the task will be more difficult.

MR MOORE (5.20): Madam Deputy Speaker, it has been very interesting to listen to the to-and-fro of the debate here. The nub of it was summarised, I think, at the end of Mr Humphries's speech, when he said, "Give us the tools to be able to do the job". One of those tools is a new name. I can see that that is going to be particularly helpful! Then there is the tool for doing the job. That is to have an authority. I believe that that is going to be about as helpful as the new name.

Earlier today I approached the Chief Minister and asked her a number of questions. In fact, I was fortunate enough to receive a reply in writing to some of the questions I had asked. I will go through some of those, because I think they make some interesting points. I certainly appreciate - and I think it is important to make a note of this - how rapidly the response was made and how helpful members of the bureaucracy have been in getting back to us, as is often the case. I do not think there is any particular need to mention the specific bureaucrat. But one wonders what will happen when - indeed, if - we do have the Health and Community Care Service Board. Will we get the same sort of response? I am sure that the Chief Minister's reply will be, "Of course you will".

I asked a question about how much this was going to cost. It has been very interesting to listen to people talk about the costs. The reply that came back was that the payment will be based on sitting fees - \$155 a day for the chair and \$129 a day for other members. That is one possible rate. Another possible rate is \$271 a day for the chair and \$219 a day for other members. If there were 12 meetings a year, one a month - double what is actually required by the legislation - then, on the first option, the cost would be \$6,504 a year and, on the second option, the cost would be some \$11,000 a year. Taking it at face value, we would say, "If, in fact, it helps the new structure, that level of financing, especially as it is going to be found within the budget, is really not something to be concerned about". I must say that, as far as I am concerned, that is quite right; although, as an aside, it does raise the issue of the people who serve on all those other boards throughout the community who do not receive any remuneration. I think there is an issue here in the way we deal with people throughout the Territory. Some who are on boards we remunerate particularly well. Others, who put in a huge amount of work, particularly in community service work, we do not remunerate at all. There is a question of equity involved here.

There is another question that becomes important to us. There are not just the actual on-the-face costs that we have in terms of a board like this; there is also a range of other costs associated with the fact that a board exists. For example, I wonder how much of the time of SES officers will be used for briefing the board, preparing the work for the board and ensuring that the board has the decision-making processes in front of it.

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I am sure that Mrs Carnell can remember the time when she was on the predecessor of this board. She knows that there was a huge amount of work like that in front of her. There is the preparation for decision-making by the board; but there is also the answering of questions and issues raised by the board itself. I think that a financial impact statement would be appropriate.

In the explanatory memorandum, I am informed that the “administrative costs of creating the Service will be absorbed within existing budget allocations”. Let us say that it will cost in the order of \$100,000 a year in people’s time to effectively support the board. I think that would be a fairly conservative estimate. It is going to be absorbed within the existing budget allocation. You may well argue - I do not know, but I will be listening to your response - that there will be an increase in efficiency because of the use of that time and because of the demands made by the board.

Mr Berry: For every \$3,300, one patient.

MR MOORE: But let us not forget that \$100,000 for hospital costs equates to about two people at the ASO 6 level. Mr Berry interjects that the average cost per patient is - - -

Mr Berry: About \$3,300.

MR MOORE: If you put it in those terms and work that out, \$100,000 would pay for another 30 or so patients. That is something that we would be most concerned about.

The next question I asked was about an extra layer of management, because it seemed to me that it must provide another layer of management. The response that came back was very interesting. It said:

The Board does not create an extra layer of management but rather oversees the management of the Health and Community Care Service.

I must say, Madam Deputy Speaker, that I cannot read that in any other way than as bureaucratic doublespeak. On the one hand, they are saying that it does not create another layer of management, but then they explain that really it does. However, the response then talks about lines of reporting, in order to explain that. It says:

Lines of reporting are not from the Board through the Chief Executive of the Department, but rather from the Board to the Minister.

Then I wonder, “If that is how the reporting goes, what is the point of doing this exercise if it has no directional responsibility down? If that is the case, why not just leave the chief executive to do the job?”. So, what will be the role of the Minister? The answer, as far as the relevant Minister goes, was:

What the legislation facilitates is the freeing up of providers -

we heard Mr Berry dealing with providers quite a bit -

to get on with the day to day decision making about health priorities and management, which is an area in which Government should not interfere in any case.

Perhaps in other places government should not interfere in any case; but I would think that in this case government should interfere. One of the roles that this Government took on was to ensure that that was done properly. A week-and-a-half ago my sister-in-law was in the emergency section at Calvary Hospital. She had a broken arm. I just walked in there, as any other member of the Assembly would have done. Perhaps I should do more of it in the emergency areas. I had three or four people immediately lobbying me, including one rather vocal woman, who invited everybody else in the emergency area to come and point out to me how long they had been there. At that stage, my sister-in-law had been there for about 3½ hours. The amount of frustration among people there was huge.

It is important that government understands what is going on in the day-to-day decision-making about health priorities and management, because at the moment it is not going well. You have only to talk to anybody - I talk to a range of people, and of course there are some exceptions - who has had anything to do with that sort of area of hospital management to realise that there is a level of frustration there that you see in very few other areas. I speak of that particular experience at Calvary. By the way, the reason why she had gone to Calvary was that the wait at Calvary was half the wait at Woden Valley Hospital. So, who knows what would have happened had I walked in and had to stand around in the emergency section at Woden Valley Hospital? Perhaps we should all do that, as a matter of checking out health priorities and health management and the frustration that people feel.

Madam Deputy Speaker, why should people have to wait three, 3½ or four hours? It is a part of the culture to have to wait that long. I do not keep people waiting that long, nor does any member here. I imagine that the Chief Minister does not keep people waiting. On a number of occasions, I have had to wait 10 or 15 minutes for the Chief Minister, but it is very rare. I understand that that can happen when I have an appointment or when something is set up; but, if there is something wrong with the processes, then government does have to interfere. It is quite clear that you will have to.

So, no matter what you do in terms of this board, the responsibility should lie with management, from my perspective and from that of this Assembly. We should ask you the questions. I do not care how you go about finding the answers. If things are going wrong, we should go to you. I do not care about the process you use to fix them. You have been trying to convince this Assembly that your Health and Community Care Service Board will do that for you. I still do not believe that that will be the case; but I am prepared to give you, as the Government, the opportunity to try it. That is why I will be supporting this legislation in principle.

MS TUCKER (5.31): The Greens will not be supporting this Bill. The reason why we will not be supporting it is that we think the purchaser-provider model needs much more debate before it is introduced into the provision of human services such as health. As Mr Berry said, another board probably will not make much difference, and this is really going back to the future. But the difference with this model is that Mrs Carnell is entrenching the purchaser-provider model by creating a separate statutory authority. We know that it is already happening and we know that there are real concerns. This was one of the overwhelming concerns expressed by people in the competition policy reform inquiry. They were very concerned that there had not been adequate opportunity to debate this whole new trend. There is no guarantee. The Government has not explained clearly to us why the introduction of this funding model has to be tied to improved efficiency in management. This is a funding model, and a funding model will not necessarily lead to improved delivery of health services or even cost savings. The only difference with previous boards and committees is that we have a different model to hang it all from - the purchaser-provider model. This is one of the latest fads in public administration; but I think it needs much closer analysis than it has been given, and we have to think very carefully about where and when it is appropriate.

Purchaser-provider is about the creation of internal markets. There may be some areas in the public sector where it is appropriate. But it is also being taken up too far too quickly. This was one of the issues that kept coming up in the competition inquiry. In Britain, where the purchaser-provider model has been pursued vigorously, the overall conclusion was that the reforms entailed a huge investment of time and resources and of more rather than less red tape. The rhetoric of these purchaser-provider reforms is very appealing - transparency, improving consumer choice and quality, bringing health budgets under control - but it has not worked in practice. Health costs in Britain have gone up by around 20 per cent since purchaser-provider models have been introduced. Sweden is presently abolishing internal markets. Especially in the ACT, we are just not big enough to justify the extra layer of administration.

Some of the costs associated with introducing competitive models into the public sector include management costs in drawing up, examining and deciding on tenders and monitoring the supervision of contracts. There is also the danger of contract failure and unproductive rivalry and waste through duplication of services. Equity and quality can also suffer if market models such as purchaser-provider discriminate in favour of cheaper providers. We think this money would be better spent in the delivery of health services. Basically, in a place as small as the ACT, with a limited number of providers, the likelihood is that, after initial tenders have been unsuccessful, providers will just drop off out of the market altogether and we will end up with the purchaser buying from the same provider each time, with this whole extra layer of administration in between. There are no particular gains in that occurring, and we certainly do not have a situation where this Government is saying that it will not be going out and seeking tenders from the private sector or the community sector.

Disability services is a quite good example. We will have all residential facilities for people with a disability contracted out to the private sector or the community sector. There will, of course, always be a few people with very high needs to look after - whom no-one can see as cost-effective. So, you will have this small core of people still perhaps being cared for by government, at a very high cost. At the same time, what you will have is a lack of cohesion with what is happening outside.

I support Mr Moore's concerns about the issue of responsibility. I will not go into detail about them. There are already problems of accountability and responsibility in this particular area that I have talked about, in terms of communication, in terms of what services are being provided and in terms of the experience of people in that service. At least there is some system now to address it, and we will ask this Government to be more accountable for what is happening right now in that particular area. We have grave concerns about how accountable this Government will be if these services are all hived off even further away from the Government.

Later, we will be moving an amendment to this Bill, because it looks as though, with Mr Moore's support and Mr Osborne's support, it will probably get up. But I do have to say once again that I do not believe that the community has had nearly enough time to debate this funding model and I do not accept, as Mr Humphries claimed, that, because Labor did not have the right model, this is necessarily the right model. It is a funding model which has failed overseas, and this is a management issue. I know that the problems are huge and that no-one appears to have the answers; but I cannot see how you can claim that, by the introduction of this model, you will actually be improving the situation. In fact, you could be going down a path which will lead to an even more serious situation with delivery of health services in this Territory.

MR OSBORNE (5.37): Madam Deputy Speaker, I will be brief. I will be supporting this legislation. When I looked through the two Bills and Mrs Carnell's presentation speech, I did not really see a lot in there that jumped out at me and made me think that this was the solution. It has been quite interesting today, actually. Over the last few years, it seems that there was something in place; Mr Berry changed it when he was in government; now the Libs are back in government and they are going to change it back. This seems to be one and the same situation. I have to say, though, that I am very conscious of the fact that, prior to the last election and, I believe, in the last Assembly, Mrs Carnell was very vocal about Health. When she got elected, she claimed that she had a mandate to do something about Health and that she had all the solutions. I do not know whether that is the case. I think the voters will decide that in 18 months' time. However, I agree that Health was one of the major issues which got Mrs Carnell and the Green-Liberal coalition elected. So, I agree that, to a certain extent, we do have to give Mrs Carnell a fair bit of rope. Whether or not she ends up hanging herself with it, we will have to wait and see. Also, in looking at this, we have to realise that Health is a major budget problem, and, if we were to knock back this Bill, what would the solution be? There is no doubt that something drastic is needed to try to fix up the problem. Mrs Carnell claims that this is the solution. At the next election, if Health is a major problem again - if the health budget has blown out and nothing is any better - I certainly do not want to give Mrs Carnell any ammunition to say, "We tried to fix up Health but the Independents would not let us".

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So, quite frankly, I am more than happy to give Mrs Carnell these major changes in the structure of Health. I do not know whether it is the solution. I doubt very much whether there will be any drastic change. I tend to agree with a lot of what Mr Moore and Mr Berry had to say about it. It does appear to be more of the same. However, as I have said, Mrs Carnell does have a certain mandate, I suppose, for reform within Health. Just to repeat what I said, I certainly do not want to give her any excuse when it does not work. I do not want her to say, "We tried to do this with Health. We tried to restructure our health services, but we were not allowed because of the Independents". In summing up, I think we are getting more of the same. However, this is your party, Mrs Carnell. Have fun with it.

MR WOOD (5.42): Mr Speaker, "purchaser-provider" is the term that is all the rage at the moment, and I want to make some comments about it. My comments are made in view of a recent trip I had with the Public Accounts Committee to New Zealand. I want to stress that these are my views. They are not the committee's views. They are simply the reflection I have of that trip. Overall, after a week of intensive talking to a large number of people, it was my view that they were saying that the purchaser-provider model was not up to expectations. The promoters of that style would, no doubt, claim that it is fairly early days still, even in New Zealand, and that it should be given time. But there was certainly considerable disappointment with it.

The words that Mrs Carnell used in her introductory speech are the same words I heard consistently in New Zealand. She talked about budget management, accountability, transparency and this wonderful purchaser-provider scheme. That is the system where the central office purchases, on behalf of the Government, health services from whatever providers there are to offer it; but mostly, of course, from the established facilities such as hospitals. In New Zealand they have four regional health authorities. We are about to develop one of those. As well as that, the traditional providers, such as hospitals, are now established as crown health enterprises, or CHEs. The RHAs - the regional health authorities - buy from the CHEs. I first heard about that system when I went to the RHA and had a fairly long discussion with the person who ran it. That person, who impressed me, seemed to know a great deal about it. The view I got from there was that they now know what the costs of their services are, where all the money is going and exactly what it is buying, because they were able to establish a contract with the provider which said, "This is what we will deliver at this cost". I was impressed. I said, "Wow! Good stuff!". They have a system with everything under control. They know exactly what is happening. We were impressed, were we not, Mr Kaine?

Mr Kaine: Yes, we were.

MR WOOD: A little later, we went down to a CHE that is contracted to provide those services. The gentleman there also impressed me. I thought he was a very good administrator - or he gave me the impression of being one, in an hour's conversation. He pointed out to us that the financial year was 11 months gone and they still did not have a contract. There was no contract, and there was not much that the regional health authority could do about it because they provided - I forget the exact figure -

90 or 95 per cent of the services that the regional health authority wanted. There was a private hospital and there were a few private services around, but they were very small. He did not seem at all concerned about the fact that no contract had been signed, because there was not much that the regional health authority could do about it.

So, I emphasise the point that has been made in this Assembly today. Simply establishing a structure, putting that structure in place and saying, "We now have this system", does not mean that there will be any great change to it. The bureaucrat at the CHE pointed out that they had no effective competitor. They provided almost all the services. In fact, the regional health authority had little power to do much about it at all. So, the gloss rather went off the high claims that I had heard earlier. My view then started to change. I thought that maybe it was not quite as good as it sounded. But then, as the week went on, we were talking to groups who need those services - not those who provide them, but those who receive those services in a variety of ways. We found that they were not too impressed either. On the last day, the last group that we saw made the point, in talking about efficiencies, that there were rather more bureaucrats now in the background of the provision of health services than there were formerly. The aim had been to reduce the number of bureaucrats. Now there are more. Maybe that will change over time.

I think it was Mr Osborne who asked a little while ago, "Who is going to service this authority that we are establishing here?". There is necessarily more work being created as part of establishing that authority. So, I say, not because I regard myself as any expert after a week in New Zealand, but because this is what I heard - and it was, I think, very pertinent to this debate today - "Do not put your faith totally in any structures". You can never get past the importance of basic management; good, sound administration; and goodwill on the part of all in our hospitals to do their best for their patients and for meeting their financial targets. It is that basic management that is important. As to whether a new health authority and this whole structure are going to do much to change that, I would be very sceptical. I have one particular question that I would ask the Chief Minister to respond to as she replies in this debate: What happens to the present Health Advisory Council? Does that continue, or does that now fall away as a result of this new development which, it appears, is not far away?

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.49), in reply: It is with great pleasure that I stand before the Assembly to talk about this legislation, because it really is a very important piece of legislation for the future of health in this city. There are absolutely irrefutable arguments that show the necessity for Health and Community Care to change the way it is currently structured and for the establishment of a Health and Community Care Service statutory authority separate from the central office of the department. Mr Speaker, one of the things I find most interesting is that, if we had a perfect system right now or if we had a system that was working as well as systems anywhere else in Australia are working, you would say, "Why would you change?". But the fact is, Mr Speaker, we do not have that. All of the people who spoke today said, "We do not believe that this will work". They did not actually say what would work, but they suggested that this will not work.

Mr Berry: I did. I made it clear. Change the government.

MRS CARNELL: Changing the government last time did not work, Mr Berry, because Health did not work under you either. I am sure that I could run through the usual list of waiting lists blowing out by 150 per cent, 200 fewer beds, and all the rest of it. I do not think anybody, except possibly Mr Berry, actually believes that we have got it right in Health since self-government. I refer to situations where budgets have continued to be under pressure and where the Commonwealth Grants Commission, the Institute of Health and Welfare, and all the other bodies that have had an independent look at ACT Health continue to come up with statistics which show that we are simply spending too much for the service that we are getting.

The question that needs to be addressed by whatever government is in power - certainly it is the question that we are addressing - is simply: Why are we spending 30 per cent more in the ACT to treat the same patient at the same level for the same outcomes? That is the fundamental question that any government in this place simply has to answer. One of the first things we did was to implement the Booz Allen inquiry to try to get under the system and have a look at what the problems were. You could look at a number of other inquiries that have occurred in the ACT since self-government and, in fact, before self-government. I think the Kearney report was in 1988, which was before self-government. One of the startling things is that the findings of those inquiries have quite a number of things in common. One is that it costs us too much to run a health system; another one is that we should have a board. In fact, they have virtually all suggested that the structure we have is not as good as it could be.

The structure has changed over the years. Under the Labor Government, certainly with our support, there was a change in structure at Woden Valley Hospital to set up SMTs, which is a vertical management structure in our hospital systems. But, in other hospitals that have SMT structures, what do they also have? They also have a board - something that we do not have. That brings me to the critical point - the reason why we should have a board. Our system is not performing as well as other hospital and health systems around Australia are, particularly in financial terms. What do other hospital systems and other health systems around Australia almost always have? They have boards of management. So, to suggest somehow, as Mr Berry did, that a board was going to be counterproductive simply does not stack up at all. Other speakers suggested that it will not make any difference. I certainly hope that it does make some difference, Mr Speaker, because we desperately need a difference to be made.

I believe that separating the central core departmental structure from the service delivery part of Health will make a significant difference. One of the things that have been very evident to me since coming to this job is how often we get a fuzziness between policy development and what we are actually doing in our health service. It is very difficult for a lot of our service providers to know the difference. A lot of them are involved in both development of policy for their particular service and the business of actually delivering service. So, you can get a situation where the goalposts simply move all the time. In the approach that we are putting on the table now, that simply cannot happen.

Mr Speaker, I think that this is a much better management approach. Everybody in this Assembly has made it clear to me that they expect me to fix the health system or wear the consequences. From my perspective and from the Government's perspective, this is part of fixing the health system. Again, it is very interesting to look at what is happening in other parts of Australia. Mr Berry made the comment that this is a link to the past, basically going back to the past, that we should be sitting around the fire thinking about reinventing this old management structure. I do not suppose that Mr Berry would be very interested to know this, because I do not think he cares much; but right around Australia, even with the new management structures that have been put in place in other health systems, one thing that is really consistent is that, in all of these newer structures where health systems around the country are being rearranged, what they are all doing is maintaining the board structure at some level. So, it is not about going back to the past; it is about new structures - new and better ways of doing things.

It is not only happening in Australia, Mr Speaker; it is also happening in the UK, the US and Canada. It is seen that it is a good idea to separate the policy part of Health from the service provision part of Health. And that is what this is all about. We believe strongly that this approach will improve management in Health and will improve outcomes in Health. I was really interested to hear Mr Moore say that he thought that politicians should be involved in the day-to-day decision-making of Health. I disagree strongly. I believe that it is my responsibility, as Minister, to ensure that the systems in Health are right, that we do everything in our power to ensure that those day-to-day decisions are the right ones; but it is certainly not the role of the Minister to get involved in actually making those day-to-day decisions. The moment we start doing that - and it has certainly happened in the past, Mr Speaker - systems start falling over. It is interfering. It stops managers managing. It really does take the focus away from the patient.

Mr Speaker, the thing that is very different about this approach to a board from those approaches that have been taken in the past is that this approach really does clarify the roles and functions of our central office. That is something that simply has not happened before. Under the old board structure and under the board structures that have occurred in the past, that sort of split - that sort of very definite definition of the roles of central office versus the roles of the hospital and community care - has not happened, and it certainly will under this approach. Taking into account that this proposed board is very small, one of the things that we are going to have to do with this board is make sure that the people on it have the appropriate business and administrative acumen. It will be absolutely essential that the people who are on this board do not just understand how to run a hospital. They will certainly have to have a very good knowledge of businesses - how you run a business and how administration works - but they will also have to have a much broader approach. We must remember, Mr Speaker, that this board is not a hospital board; it is a board that will look after both community care and hospitals in the future for this city. We believe that that is important, because the future of health - not just in the ACT but, I think, worldwide - will be about continuity of care and about breaking down the barriers between our critical care institutions such as hospitals and the community part of our facility. That is the reason why we have one board looking after our whole continuum of health in the ACT.

Mr Berry: It is different from the States.

MRS CARNELL: I agree that it is different from the States, and that is why it gives us a particular opportunity to be able to do this better than any State has done. Next year we will move - I expect that we will be one of the first States to do so - into a continuity of care trial which will, really for the first time, focus on a patient from before admission, all the way through their hospital stay, to being back in the community, and it will have that patient managed, not from within the hospital system but from outside the hospital system. I think that is a very big step in the right direction. This sort of structure really does allow those sorts of things to happen. Again, it means that we can have a structure that focuses on the patient and focuses on better health, rather than just focusing on how many patients we may or may not treat. I would have thought that particularly the Greens, who have made comments many times about wanting to have a health system that focuses on wellness rather than on sickness, would see that this sort of a structure is at least some step in that direction, by having a much broader approach to our management structure.

Mr Speaker, Mr Wood asked a question about the Health Advisory Council. A decision certainly has not been taken on that at this stage, so we will certainly have to talk to the members of that advisory council and see how they feel they might fit into this new structure, or, for that matter, not fit into this new structure. Mr Speaker, I think Mr Moore ran through the issues of an extra layer of management. It is not an extra layer of management, Mr Speaker. We have made it very clear that the lines of reporting are not from the board through the chief executive to the Minister, but straight to the Minister. There will not be any new administrative structures put in place to service the board. They are all there now, Mr Speaker. We believe that this approach will make that administrative structure, the support that the board will need, substantially cleaner than has been the case in the past. So, the cost of setting up this board - the administration is already there, and the costs of the four people on the board that we will be paying will vary between \$6,504 and \$11,136 a year - is not an enormous price to pay for the huge expertise that this board will bring to Health and Community Care in the ACT.

Mr Speaker, I would like to finish by saying that Health has been an ongoing weeping sore in this city ever since self-government. For people in this house to get up and say, "We do not think this is the answer. We do not know what the answer is", and for those opposite to say, "But we are not willing to let you have a go to try to solve the situation", is a real cop-out. At least Mr Moore and Mr Osborne have made it clear that they hold me, as Minister, responsible. I take that responsibility, totally. I think that is a very appropriate approach. They are willing to let me and the department make the changes that we need to make, to make the health system better for the future. I thank them for that support. I believe that it is the appropriate way to go.

Just to finish on one critical issue: The members of the board must be people who have adequate qualifications and the knowledge to be able to do this very difficult job. I think Mr Moore hit the nail on the head this morning when he spoke about representative boards - boards with a representative of this group, this group and this group. All you ever end up with under those circumstances is very large boards with very sectional interests that often cannot get on and manage as well as they should.

If there is one criticism that I would run on Mr Humphries's health board, it would be that I think it ended up being far too big, with far too many representatives from various interest groups, which did cause some problems at times in the way it worked. I think we have learnt from that experience and we have cut back. We believe that this structure will be certainly small and tight; but, with the right people on it, it can work very well.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 8

NOES, 7

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Mr Berry
Ms Horodny
Ms McRae
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS TUCKER (6.05): I move:

Page 6, lines 15 to 22, clause 9, paragraph (3)(b), omit the paragraph, substitute the following paragraph:

“(b) cause a copy of the statement to be laid before the Legislative Assembly within 15 sitting days after the partnership or joint venture is entered into.”.

I wish to remove the provision in this Bill relating to commercial-in-confidence. This new statutory authority is to have the power to enter into commercial partnerships or joint ventures, and we have some concerns about that anyway, but we are particularly concerned that if the Minister thinks it is okay not to table details of these ventures in the Assembly he or she can choose not to. Mr Speaker, it is quite unacceptable for

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a public health authority to enter into secret deals, and it certainly should not be the case that commercial considerations are given precedence over issues that are probably fundamental to the health of ACT residents. We need to make sure, if we are going to enter into these sorts of arrangements, that we have very clear openness and accountability within the Bill.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (6.06): Mr Speaker, we will be opposing this amendment, not because of not wanting to be accountable but because it is in the interests of consistency right across the ACT Government. The approach that we have taken to joint ventures, under the previous Government as well, has been that joint ventures have been totally accessible to the Auditor-General and to any member of this Assembly who chooses to ask to have a look at them. It has been agreed or perceived, and I think appropriately so in the past, that these are commercial arrangements entered into by government entities. Tabling them could, as I think the previous Government argued on many occasions, cause commercial problems for the service. When we argued on many occasions about the joint land ventures, the joint land deals, the previous Government made it very clear that they did not believe that tabling those joint venture arrangements was appropriate. By doing so you could cause the Territory a problem, a financial problem. Tabling information could allow a competitor a particular advantage or could provide commercial information that may be of disadvantage to the community.

If a Minister makes a decision of this ilk the Minister is responsible for that decision, Mr Speaker. The Minister, under a Westminster system, is totally responsible. No Minister is going to decide not to table something easily, because it is something that the Auditor-General will inevitably know about. You are not going to be able to hide it, and, as a Minister, you are going to have to have very good reasons for not doing it. From that perspective it would seem to me to have the potential to be a very real problem to the health service and, more importantly, to the Territory if we adopt this approach.

I think the argument that Ms Follett has run in the past on this is that it could mean that entities will no longer be willing to enter into joint ventures with the ACT Government because their internal financial details could easily end up on the table in the ACT Assembly, and they may feel that that was an invasion of their privacy. I think that is the sort of line I have heard from those opposite in the past, and it is a line that we have always agreed with them on. In opposition we never required that the details of joint ventures be tabled in the Assembly.

Again, a Minister is responsible. If a Minister makes a decision along these lines it can be made only, as this says, if it is going to adversely affect the commercial interests of the service. The Minister is going to have to have jolly good reasons to not go ahead and table this sort of information. I am confident that the Auditor-General will make sure that those reasons are valid, and it will be brought to the notice of the Assembly if they are not valid. In the interests of consistency - it would be a good idea to be consistent with the approach taken previously by those opposite - and in the interests of the Territory and the service, I think it would be appropriate not to pass this amendment.

MR MOORE (6.10): Mr Speaker, in the interests of the Territory and the service, I am delighted that Ms Tucker has brought this to the attention of the Assembly. In the interests of the Territory and the service, we should not be keeping such things secret. The whole idea of secret deals being done and not being reported to the Assembly really does need to be questioned. What we see is a change in tone in terms of what the Chief Minister is suggesting. Such issues are appropriately areas which the Assembly can understand and deal with; information must be put before the Assembly. Indeed, Mr Speaker, Mr Berry often comes to the crossbenches and says, "There is information that the Government has that we ought to see. What do you think?". Mr Osborne and I usually reply with the same word, "Sunshine". Sometimes I make a mistake and say, "Sunlight", which he thinks is a soap, but I grew up in South Australia where it was called Velvet. The situation here is that there should be a sunshine provision. We should be able to see what is going on.

The whole notion of commercial-in-confidence for an authority operating on behalf of the Territory and on behalf of the people really needs to be tested. I believe that is the case with this appropriate amendment that Ms Tucker has put up. I have just drawn to her attention that she seems to have missed the same provision at paragraph 8(3)(b). She may well move the same amendment to that paragraph. No doubt she will speak about that if she rises to speak a second time to this amendment, which, of course, she is entitled to do.

Mr Speaker, it seems to me that we have the opportunity here to allow the Chief Minister to go ahead and establish her Health and Community Care Service, but the idea of then giving it powers that mean that we cannot see what is going on, particularly as far as financial matters go, is unacceptable. Mrs Carnell, in speaking to this, says, "That is okay; the Auditor-General will keep an eye on us". Yes, we know that the Auditor-General has a responsibility, and probably all of us believe that the Auditor-General carries out that responsibility quite effectively and very thoroughly, but, of course, within the budget and within the time that he has. Therefore this Assembly should never hand over its watchdog role as far as these sorts of matters go. We have an important role to play in terms of this. Delegating to a Minister that kind of power to be able to bury things in secret compartments is simply not acceptable. This is a good amendment and it improves this legislation.

MR OSBORNE (6.14): How quickly the coalition dissolved. Look at it. The Green-Liberal coalition has shattered, fallen apart at the seams, so quickly. Mr Speaker, I rise briefly to echo the words of Mr Moore. We over here work on the philosophy that there should be no secrets when it comes to matters which are of interest to the people.

Mr Kaine: Have you joined the Michael Moore party?

MR OSBORNE: Oh no. Certainly not. In anticipation of my freedom of information Bill, I can do nothing but support this very sensible amendment from Ms Tucker. There should be more of it, I think, in the way that governments and Assemblies operate.

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MR BERRY (6.15): Mr Speaker, Labor will be supporting this amendment. Mrs Carnell made great play on the issue of being consistent. Well, this never ever applied in previous models in the ACT and I cannot see any reason why the provision which is being removed by this amendment should not be removed.

Mr Humphries: It has in other legislation.

MR BERRY: Mr Speaker, Mr Humphries pipes up, "It has in other legislation". That is my point. We are being consistent in relation to this matter because it has never applied in relation to Health, and there is no argument that it should. We have a situation here where there could be changes in title to land that may be vested in the service. There could be secret deals with other interests which might impact on the community and the Health and Community Care Service and the services that it provides to the community. There is no reason for this to be kept secret.

MR HUMPHRIES (Attorney-General) (6.16): Mr Speaker, clearly this amendment is going to pass. I think that members on the crossbenches might be letting off the Labor Party a little bit lightly on this subject. Mr Berry has explained, in extremely scant detail, why he sees that the policy that he pursued in office, of protecting joint ventures from that kind of exposure - - -

Mr Berry: We do not want there to be any, you see, unless they are properly detailed in this house.

MR HUMPHRIES: Mr Speaker, if I can continue my remarks, Mr Berry in office - that is, the Government of which he was part - did create protection for joint ventures in these circumstances in other legislation. There is no doubt about that. I can produce examples of where that has happened. It is in other legislation. In fact, it has always been in Territory legislation. I am not sure that Mr Moore has moved amendments of this kind to previous legislation that has contained that in the past.

Mr Moore: Yes, I have tried in the past but gave up after failing.

MR HUMPHRIES: Okay, I take Mr Moore's word for that. Mr Moore has supported that position in the past, but Mr Berry has always opposed it, as have members of the Liberal Party. What is different now?

Mr Berry: It has never been in health legislation.

MR HUMPHRIES: I do not know whether it has been in health legislation in the past, but why is a joint venture relating to a health service any different from a joint venture relating to, say, an educational service, or a service in relation to land, or a service for provision of other services such as those in Urban Services? Why they should be different I do not know.

Mr Berry: Do you remember the TAB and you people screeching for it?

MR HUMPHRIES: Yes. Well, why should it be different in a TAB? Why should not a joint venture in the TAB - - -

Mr Berry: I am just adopting your standards. That is all.

MR HUMPHRIES: No. As far as I can recall, Mr Speaker, we have supported the position that joint ventures ought to be protected by this. We have always supported the position that joint ventures ought to be protected. I say to members of the crossbench: Do not let the Labor Party off so lightly, for goodness sake.

Mr Moore: They are our friends tonight.

MR HUMPHRIES: Yes, they are your friends tonight. I can see that. But the question needs to be asked. After supporting the position that joint ventures ought to be shielded for the last five or six years, mostly while in government, now suddenly they are doing a switch because they say it relates to health. Why in relation to Health? What is different about Health? Why in relation to Health?

Mr Moore: What did Stein say about joint ventures?

MR HUMPHRIES: The Stein report, as I recall, said that joint ventures ought to be shielded even from the Auditor-General in some circumstances. I am not sure that this was supported by Stein but the Government's position was that joint ventures in which the Government had a very small role ought not be subject to scrutiny by the Auditor-General and that, I think, has been supported by the committee that brought down its report today. Okay, I accept that the Assembly is going to decide that joint ventures should now be open to public scrutiny, but I would say to members: Do not get into a position where we have done it for this particular Bill and the next time the Labor Party is in government they revert back to the model that says, "No, we have to protect joint ventures from exposure to scrutiny". On what principle are we doing this? I hope a member of the Opposition can explain that to me, because I do not understand.

MR MOORE (6.20): Mr Speaker, perhaps I can assist there. The principles that are being applied here are the very ones on which the Liberal Party went to the last election, openness and accountability. How many times did we hear the words "openness" and "accountability", and then we see clauses like this? Mr Humphries said, "I wonder how many times Mr Moore has supported this?". I remind him that I have said quite a number of times in this house over the last few years that I simply do not believe in the principle of commercial-in-confidence other than in tenders.

Mr Humphries: I accept that.

MR MOORE: You have often heard me say that, so that puts it in perspective. I do accept that tenders, until they are opened, should be kept in a safe and nobody should look at them; but once something is opened I do not believe that there should be any such thing as commercial-in-confidence. It applies to that extent, as far as I am concerned. However, I think that Ms Tucker, having drawn this to our attention, it assists us in helping the Liberal Party deliver its policy of openness and accountability. It is amazing how quickly it disappears from the agenda once people get into government.

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MRS CARNELL (Chief Minister and Minister for Health and Community Care) (6.22): Mr Speaker, it is interesting how Mr Moore gets confused between openness and accountability in business practice because that was very much - - -

Mr Moore: It is okay except when money is involved. Is that right?

MRS CARNELL: No, not at all. This amendment is very clear. It says yes, they do have to be tabled, except under a circumstance where the Territory or the service could be disadvantaged. We totally agree with openness and accountability, but we do not believe in openness and accountability when the potential is that the service or the Territory could be disadvantaged. A Minister, under a Westminster system, makes those sorts of decisions every day, Mr Moore, and you know that. A Minister is responsible for those sorts of decisions every day. That is part of the system of government that we have. Yes, we support openness and accountability, but our role as Ministers, our role as a government, is to look after the Territory or the service or a particular department's assets and to make sure that we get the best deals and the best arrangements in place. If we believe that tabling this sort of documentation would cause a problem, then it would seem to me you are doing your job as a Minister by ensuring that it is not tabled, unless, of course, the Assembly decides something different.

MS TUCKER (6.23): Mr Speaker, I seek leave to propose another amendment relating to something earlier in the Bill. It was brought to my attention by Mr Moore - I think it was also referred to by Mrs Carnell - that to be consistent this other clause needs to have a similar amendment made. This amendment has been circulated to members.

MR SPEAKER: My advice from the Clerk is that we should move one at a time, Ms Tucker. That is the advice I have received and it seems a sensible suggestion.

MR HUMPHRIES (Attorney-General) (6.24): Mr Speaker, I accept that Mr Moore is being fully consistent in this matter, and he deserves brownie points for being consistent. I would argue that the Government has been consistent because we have always opposed joint ventures being exposed to tabling on the floor of the Assembly. We have always said the same thing. But let me put a case to Mr Moore and his colleagues on the crossbenches. It is in your interests to get the Labor Party to state the principles under which they are supporting your amendment today because the next time there is an election which results in a Labor government they are going to go back to the principles that they followed when they were in government before. We are going to support our principles that we have always followed and we are going to vote against them, and you will not have the numbers to do these sorts of things in future. So you had better get the principles on the table now so we know in the future when they are going to commit themselves to these joint ventures.

MR BERRY (6.25): Mr Speaker, I take a great deal of delight in helping Mr Humphries out here. Mr Humphries was in a team which screeched loud and long about openness and accountability before this election. You are getting a helping hand now with your mandate. You should not be grizzling about it. Those are the simple facts. We have had enough of broken promises in this Territory. You make the promises and screech about other people all the time before elections. Now it has come back to revisit you. You are being helped out.

Mr Humphries: We have always said that joint ventures should not be exposed.

MR BERRY: If you are going to tell the whole story, let us be a bit truthful about it. These sorts of provisions have never existed in health legislation in the Territory in the past, and there has not been a convincing case put that they ought to be there right now. If you think that you have something that would advantage people who might be receiving health services at some point in the future and you want to change the legislation, well, you come back here, minority government and all, and try to convince us. At this point, Labor will not be buying a pig in a poke.

MR SPEAKER: Do you wish to speak, Ms Tucker?

Ms Tucker: Is this the point where I seek to move the other amendment?

MR SPEAKER: No, not yet.

Ms Tucker: No, I do not wish to speak, thank you.

Amendment agreed to.

MS TUCKER (6.26): I now seek leave of members to propose another amendment which has been brought to my attention. It relates to something earlier in the Bill.

Leave granted.

MS TUCKER: Thank you. I move:

Page 4, line 33, to page 5, line 6, clause 8, paragraph (3)(b), omit the paragraph, substitute the following paragraph:

“(b) cause a copy of the statement to be laid before the Legislative Assembly within 15 sitting days after the subscription or purchase, or, participation, formation or interest, takes place.”.

This amendment is obviously consistent with the first one. It is to do with the issue of subscription or purchase, or participation, formation or interest, taking place with shares or debentures or other securities. It is obviously important to maintain consistency in the Bill.

MR MOORE (6.27): This gives us an opportunity to deal with some of the issues that Mrs Carnell and Mr Humphries raised. I think Mr Humphries is quite right about the Liberal Party's consistency. They have always sought to protect commercial-in-confidence. They used commercial-in-confidence as a very convenient tool for ensuring some form of secrecy within critical parts of what we delegate to government.

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Mr Humphries: So have they.

MR MOORE: I am saying that you have been consistent. I think that was the case when the Alliance Government was in and when they were in opposition as well. To have Labor now see the light on this issue is great.

Mr Berry: No, not your light; a different light.

Mr Humphries: It is a light they shine in opposition.

MR MOORE: Mr Humphries's interjection is that it is a light which shines in opposition, which brings me back, Mr Speaker, to an interjection that Mr Humphries made once before that went something like this: "I can be honest now that I am in opposition". It was words to that effect. They are immortalised in *Hansard* for Mr Humphries's benefit and for the rest of us - the difference between being in government and being in opposition.

Mr Speaker, one cannot help wondering what it is about these companies and company shares and so forth that in some way could damage the service or damage the Government. In both of these issues, the one that we have just voted on that I do not reflect on and the one that we are now dealing with, Mr Speaker, some people may well see the damage to the Minister as being a damage to the service. Of course, it would not apply to current Ministers, but I can understand why some Ministers may well see that as almost being the same thing. I would hope that you would be able to explain to me why, with clause 8, there would have to be some commercial interest or some commercial statement as far as the Minister's opinion is concerned. I cannot foresee the picture. I wonder, in fact, with both clause 8 and clause 9, what was on the Government's mind? What was their agenda in thinking that they were going to have these commercial-in-confidence decisions?

Amendment agreed to.

MR BERRY (6.30): I move:

Page 7, line 31, clause 15, subclause (1), after paragraph (c), insert the following new paragraphs:

- “(d) a Member appointed by the Minister after taking into account consultation with the community and community health organisations;
- (e) a Member appointed by the Minister after taking into account consultation with the Trades and Labour Council of the ACT.”.

This amendment sets out to broaden the expertise of the board. It is a board in a system designed along the lines of a purchaser-provider model. It has all of the signs that go with a hard-hitting economic rationalist outfit and it needs to have its area of expertise broadened. Mrs Carnell said we have to make sure that this is a tight board, and all they are interested in is hard-hitting management, or words to that effect. Mr Speaker, I disagree with that.

This amendment seeks to have a person from the community or a community health organisation appointed, after consultation by the Minister with the community or with community health organisations. I would expect, when those appointments find their way into the committee process, they would have to be shown to be genuine appointments after genuine consultation with those organisations with a view to having somebody appointed to the board with a community health interest. So far as the other appointment is concerned, I would expect that the Minister, after taking into account consultation with the Trades and Labour Council of the ACT, would appoint not just somebody who is merely a union member that they like but somebody who has the confidence of the trade union movement in the ACT to look after the interests of workers not only in the health system but also workers who might be using the health system. Mr Speaker, these two amendments seek to improve the social justice outlook which, so far, is non-existent in the appointment processes which are found in the Bill. Mrs Carnell will say, immediately I sit down, that the board will now be too big. I say to Mrs Carnell that if it needs to be a bit bigger to improve its social justice impact on management decisions in this unnecessary organisation, then so be it. It has to be a little bit bigger. If I have my way this Assembly will carry this amendment. It will better the Health and Community Care Service which this legislation sets up.

MRS CARNELL (Chief Minister and Minister for Health and Community Care (6.34): Mr Speaker, as I said earlier, it is absolutely essential for this board that the people on it have the appropriate qualifications to run what is a very complex health system costing \$300m of the taxpayers' money. It will not be quite that much because, I suppose, it will involve just the service end of it, but it is still a large amount of money. The appointments to this board will be disallowable. The Assembly committee can look at the appointments and determine whether they are appropriate. The positions on the board will be put out for expressions of interest from the community. People will be able to put their names forward for membership of the board. I am interested in the amendment that Mr Berry has put forward. I do not know that it enlarges the board.

Mr Berry: If it does not I will fix it then.

MRS CARNELL: Well, paragraph (c) says "not more than four other members", and paragraph (d) goes on to say "a member appointed - - -

Mr Berry: Okay, I will fix that.

MRS CARNELL: Well, that is fine. I think the way it is drafted at the moment probably does not do what Mr Berry wants it to do anyway, but there are people here who are wiser than I in this sort of thing. I think the same arguments hold here as held yesterday when we were talking about the Gungahlin board. If you are going to have a representative of the trade union movement and a representative of the community,

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why would you not have a representative of the AMA? Why would you not have a representative of the particular patient groups that are involved? Then there are hospital patients, and in the community sector there are a number of interest groups, lobby groups, that have a very definite interest in the community care side of health. Why would you not have somebody from the ACT Hospice Palliative Care Society, because that is part of it? Why would you not have somebody from the College of Surgery? They obviously have a real interest. With regard to the union movement, we have a very strong ANF and we have HSUA, both with fairly different views on a number of things. Maybe we should have a representative of both of those groups as well. The list goes on, Mr Speaker. If you are going to have - - -

Mr Berry: This is silly.

MRS CARNELL: No, it is not silly at all. If you are going to have representatives of particular groups on a board, where do you stop, Mr Speaker, and why would you do that? If you want a representative board - - -

Mr Berry: A representative from the 250 Club is all right.

MRS CARNELL: There is not a representative of the 250 Club or of the Liberal Party either, Mr Berry. From that perspective, that is the reason there is not. We do not believe in representative boards. We believe strongly in having on those boards people who can do the job, Mr Speaker. Remember that this is a disallowable instrument. The Assembly will be able to have a look at the appointments put forward by the Government. The Government will seek expressions of interest. Again, this is a significant amount of money, and this board will be managing a very important community entity. At this stage we will be appointing four people and it is important that they have a wide breadth of experience in management, in health and in the various other things that they will need for administration. We must not end up with a situation where we have representatives of particular associations because, I promise you, within five minutes we would have 50 other associations asking why they were not given a go as well.

MR MOORE (6.38): The kernel of Mrs Carnell's argument is that we should be careful about the representation, but paragraph 15(1)(b) says:

1 person nominated by the University of Sydney continued in existence under the University of Sydney Act 1989 of New South Wales appointed in writing by the Minister ...

Mrs Carnell: That is because of the clinical school, Michael. It is a separate entity.

MR MOORE: Indeed. We have the interjection that that is the clinical school, which is a separate entity. Mr Speaker, what we have, clearly, is a specific representative for a specific concern. What we do not have here, as I see it, in a Health and Community Care Service Board, is a representative who will represent community health care. We can see quite specifically the need to ensure that community health care is represented there. It is fine for Mrs Carnell to stand up and say, "Look, this is a big business.

There is a lot of money involved, over \$200m. Therefore we really must have people who can manage that money, people who have expertise in that area". That is correct. I agree with that, and it must be administratively efficient. But, Chief Minister, you will have to explain to us how we are going to be sure that the community health care service side of this is going to be represented before I can support your position on this.

I should also point out that you did raise the issue of whether it should be the ANF who is represented, the HSUA, or whatever; and, to be fair to Mr Berry, "a member appointed by the Minister after taking into account consultation with the Trades and Labour Council of the ACT", I would think - - -

Mr Berry: It could be a metal worker.

Mrs Carnell: That is right. It more than likely would be.

MR MOORE: It is possible, you having consulted with them and decided you were not even going to - - -

Mr Berry: Somebody who has the confidence of all the other unions.

MR MOORE: Mr Berry interjects about somebody who has your confidence and their confidence. It may actually be quite separate. It may be, for example, a legal representative that they think will keep their interests in mind. That consultation having taken place, you may still decide not to appoint them. We had a good lesson on consultation from Mr Humphries - I think it was yesterday - about LAPACs.

Mr Berry's amendments are very broad. Really, they are demanding that you consult with these groups rather than take their representatives, unlike paragraph 15(1)(b) which says, quite specifically, that you must appoint somebody who is nominated by the University of Sydney. There is a quite significant difference in approach. I would have thought that Mr Berry had attempted to be quite reasonable in the approach that he has taken. That is how it looks to me. I want to know from you how I can be sure that the community care section is going to be represented on the board and what sort of broad consultation there will be before I am prepared to support your position on this issue.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (6.42): As I said, Mr Moore, my approach is to seek expressions of interest in the board from the whole community. Obviously, when we put together a board, we would need people who have a broad range of experience. To have people who had expertise only in hospitals and not in community care would make for a bad board. Remember, my reputation is riding on this. I am not going to have a board that simply cannot do the job. We certainly will be consulting with the various bodies. We certainly will be asking for expressions of interest from the trade union movement, from various community groups, and we will be putting it out in the newspaper.

Of course, at the end of the day, the Assembly gets the final decision. If the Assembly does not like the people that we have put forward it is quite capable of using its power in that area to say no, it is not on. We think that is an appropriate approach. We have supported disallowable instruments in terms of board membership in the past.

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We believe it is appropriate that the Assembly has some input. So, yes, you have my undertaking that we will seek expressions of interest from all of the various interest groups and from the general community as well. We will decide on four people who we believe represent the community as a whole, and then the Assembly will be able to determine whether they believe our approach was appropriate.

MR HUMPHRIES (Attorney-General) (6.44): Mr Speaker, I want to add briefly to the comments made by Mrs Carnell. Mr Moore suggests that there is no obligation to appoint a member of the TLC or a nominee of the TLC, but one should be appointed after consultation with the TLC. I realise that that is what the words effectively say, but I put it to members that if the Government consults with the TLC and the TLC says, "We believe that person X should be appointed to the board", and for some reason the Government views that as being an unhelpful appointment, clearly the Government is going to wear some stick in this place on - - -

Mr Berry: Yes.

MR HUMPHRIES: Mr Berry says, "Yes". It will wear some stick on the basis that it has refused to accept the nominee. I hope that Mr Moore is listening to this because it is directed to the point.

Mr Moore: I am, yes.

MR HUMPHRIES: I just said that, effectively, if the TLC says, "We think you should appoint this person", and the Government takes the view that that person is not helpful in the context of the board, we will wear some stick in this place, and probably a disallowance motion. Mr Berry says, "Yes". This is about the TLC effectively nominating someone to the board. That is what it is about.

Mr Berry: You are going to have to prove your case.

MR HUMPHRIES: Exactly. It is going to be about allowing the TLC to nominate somebody to the board. If you have a board which is representative of interest groups then, yes, I would say you need to have a TLC representative on it. Absolutely. I certainly would not argue with that. This Government, Mr Speaker, has not attempted to appoint boards of that nature without a representative of the labour movement in every case. Let anyone else in this place point to an example of where we have tried to appoint a representative board without having such a person on the board. There has always been someone representative of the work force in an organisation, or of the labour movement as such, the Trades and Labour Council or whatever. But we are not trying to appoint that kind of board in this case. We are trying to appoint a board consisting of people with a background that is appropriate for the board itself.

Mr Berry argued a moment ago that the board is expensive; that you have to service these people; that we have to pay them sitting fees and so on. Now he wants to appoint more - - -

Mr Moore: Yes, but its sitting fees were a minor part.

MR HUMPHRIES: Well, he made much issue of it. Now he says there should be two more representatives on the board, or at least he is about to, I take it, on the basis of an amendment he is going to move to his own amendment. I would say to members opposite that you are elevating, particularly, the TLC to a privileged position which others do not have there. If, for arguments sake, the Government had people on it, as Mr Berry suggested, from places like the 250 Club, I am sure that they would not survive a change of government, and who represents the other side of politics when the government changes and the TLC rep stays on there but the other people come off? Who represents that? Obviously nobody, Mr Speaker. This is a silly amendment and it also runs counter to what Mrs Carnell said about this structure, which ought to be taken to heart.

Mr Berry: It mentions trade unions. That is the trouble.

MR HUMPHRIES: No. This is not about putting people from different representative interest groups on this structure. It is about getting the best structure to drive the Health and Community Care Service. If we start stacking it with people because of their sectional interest we are going to be in trouble.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (6.48): Mr Speaker, one of the things I did forget to tell Mr Moore is that the chief executive of community care is on the board. The two chief executives of the hospital and community care are there.

MR KAINÉ (6.48): Mr Speaker, I have listened patiently to the debate. In particular, I listened carefully to what Mr Berry said. What seems to have escaped people in this debate is the fact that the management of our health system has not been effective, certainly during the time of self-government. It has not been effective, demonstrably. Budgets have blown out year after year. Waiting lists have extended year after year. There have been disputes with VMOs. There have been disputes with everybody. The system has not worked. What the Government is trying to do is set up a system of management that will work. What is envisaged in this Bill is a management board of experts who are capable of running the organisation.

Mr Moore earlier today spoke quite strongly about not setting up a representative board, and he had some very good reasons for not doing so in connection with the betting corporatisation. His arguments were persuasive. They are even more persuasive here because if we set up one of those representative boards that we have been experimenting with for the last 15 to 20 years what we are doing is setting up a board which itself is going to be confrontationist, and within it there will be conflict because the representatives will not be seeing themselves as being there to provide a cohesive management board but to represent the interests of the people who put them there. In other words, you are setting up a situation where the board itself is going to spend more time arguing within itself about what it should do and whose interests it should represent when, in fact, it is there to represent only one group of people, the consumers of the services that this service provides.

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I simply do not see a board with representatives of the Trades and Labour Council, the VMOs, the pathologists, the obstetricians and everybody else who might think they have a good cause to have a post on this board, working. I believe that if you set up such a board, as I said before, it will spend more time arguing amongst its constituent members as to whose rights are going to be put into effect, who represents whom and who is going to get the benefit of decisions that are made and the like. I think that even Mr Berry must be able to see that. With his experience of trying to run the health organisation and the problems that he had with it, it must be obvious, even to him, that to set up a board of the kind that he is suggesting in this amendment is self-destructive. From its very inception it will not do the job that this Bill is seeking to have done.

I have read the Bill carefully. I much prefer to head this organisation up with experts whose job it is to run the organisation in the interests of the patients and the people who use the health service rather than have a bunch of people who are going to continually sit around the board table and represent the viewpoint of the people who put them there. That, in itself, Mr Speaker, is not going to achieve the objective. I hope that people can see the sense of what the Bill is proposing and the nonsense of what Mr Berry is proposing, and that they vote his amendment out, and quickly.

MS TUCKER (6.52): I think Mr Kaine has raised some important points. It really has to be understood that if people go on these boards they are not there as advocates at all. This is about expertise in a certain area. You say it is impossible - - -

Mr Kaine: Human nature is human nature, Ms Tucker.

MS TUCKER: Okay, but I have a more positive view of human nature. I think the way that Mr Berry's amendment is put, selection is fairly broad; but I do support your concerns in that I believe that what this is about is expertise, not advocacy. If people are on those boards and are on those boards as advocates, I agree, obviously, that the result will not be a good one. I do not understand why it is so difficult to have that understanding shared by everyone because it seems commonsense; if you are on a board of management as a member of that board of management you have responsibilities to see that that board does its job well. You are there because you have expertise in a certain area which will make sure that the discussion is broad within those terms of efficient management.

Mr Humphries has said, "Yes, but we always have those sorts of interests on our boards". That may well be the case, and that is a good thing that this Government is doing; but you are setting up two statutory authorities and a board which may well be in place for some time into the future. This sort of model may continue and there is no guarantee what future governments might choose to do in terms of whom they put on the boards. That is why I support Mr Berry's amendment. I think it needs to be enshrined in this Bill that there has to be a recognition that a board has to comprise more than just financial managers. You have to have expertise in the areas that are obviously very critical and crucial to quality delivery of service in whatever area that board is operating. I hope that it will be a successful initiative, and I do believe that it is possible to have these representational people there without them acting as advocates on that board.

MR SPEAKER: I understand that it is the wish of the Assembly to suspend the sitting at this point.

Sitting suspended from 6.55 to 8.00 pm

MR BERRY (8.00): Mr Speaker, there has been some fairly severe criticism by the Government of the amendment. Let me deal with the amendment one bit at a time. The first part requires a Minister to take into account consultation with the community and community health organisations. The end result is that the Assembly has to be confident that the Minister has properly consulted with the community before making an appointment, which will improve the value of management, so far as the Board of Health is concerned. The second part of the amendment relates to the Trades and Labour Council. Mr Moore set out to make the point that the Minister might not take into account the recommendations of the Trades and Labour Council, following that consultation. I am not sure whether he made the point; but it is a fact of life that the Minister would have to justify that position, otherwise the appointment might not survive the Assembly.

One of the problems which have emerged in dealing with these issues is the inconsistency of the Chief Minister's argument, which was given light by Mr Moore. The Chief Minister argued, "We do not want a representative board. Therefore, this amendment ought not to be supported". In the first place, this amendment would not give us representatives; it would give us ministerial appointees with a certain background, which would add to the social justice value of the board. But, in the case of the Health Minister's own board, there is a representative of the University of Sydney. I, for one, oppose representative boards. There is a mile of case law, as Mr Humphries may well confirm, which clearly indicates that, once a member of the board, one's allegiance is to the board, not to any organisation that one might have represented before becoming a member of the board. I drafted the amendment in this way so that people, whilst having the confidence of a certain sector of the community, would not be drafted into service with any expectation that they were actually representing an organisation. That same approach applies in relation to community health organisations and the Trades and Labour Council of the ACT.

The resistance from the Government is a little puzzling. Nominees properly chosen from these two avenues would strengthen its board. It limits the ability of the Minister to just pluck out people whom he or she likes and appoint them to these positions, because it requires that element of consultation. Subsequently, that element of consultation, because of the processes here, would have to be proven. That is a quite appropriate course. It is a special set of arrangements for these two categories of members; nevertheless, it would result in a stronger social justice outcome from board deliberations. The Trades and Labour Council, which is the organised labour movement in the ACT - not a mob that Mrs Carnell has been getting on with very well lately - is the biggest community organisation in the ACT. As an umbrella group, it represents more people than any other community group in the ACT. There is no question about that.

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Mr Kaine: Are you talking about a trade union?

Mrs Carnell: It is not a community organisation. If it is, the Catholic Church has to be the biggest one.

MR BERRY: This is an incorporated organisation and an umbrella group for a large number of organised unions in the ACT. The Trades and Labour Council is not a trade union, Mr Kaine. It is an umbrella group for unions in the ACT.

Mr Kaine: But they are not unionists.

MR BERRY: Indeed, they are. The Trades and Labour Council is an incorporated body.

Mr Kaine: It is not a community group. Call it what it is - a trade union organisation.

MR BERRY: It is an incorporated body. It is not registered under the Act.

Mr Kaine: You are trying to mislead the parliament.

MR BERRY: No. I am just trying to demonstrate my superior knowledge on this matter. It has taken a little while to sink in, I would say, without being too fat-headed about it.

Mr Humphries: We could not accuse you of that, Wayne.

MR BERRY: No. Good on you, mate. Mr Speaker, I urge members to support this amendment. Once it is voted on, I give notice that I will seek to amend paragraph 15(1)(c), which relates to the ability of a Minister to appoint no more than four members to the board, by increasing it to six.

Mr Speaker, I thank the Greens for their support on this issue. I urge other crossbench members to take into consideration the social justice impacts that a board like this Health and Community Care Service Board can have on the community. I note that this Health and Community Care Service Board has all the features of an economic rationalist grouping, which is interested only in proper management and not the social justice issues which face the community. I would ask the crossbench members to take into account the requirement to broaden the level of expertise in this board in order that the community can be better assisted in its deliberations. I say again that this is an unnecessary board; it is an unwelcome board, as far as the Labor Party is concerned; but it would be made somewhat more palatable if its social justice directions were more evident in the members who are appointed by the Minister under legislation.

Question put:

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

The Assembly voted -

AYES, 7

Mr Berry
Ms Horodny
Ms McRae
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 8

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

MS TUCKER (8.12): I seek leave to move an amendment that has been circulated in Mrs Carnell's name.

Leave granted.

MS TUCKER: I move:

Page 6, lines 29 to 35, clause 10, omit the clause.

This amendment was consequential on the other amendments that were made before. Clause 10 relates to an opinion referred to in subparagraphs 8(3)(b)(ii) and 9(3)(b)(ii). As those clauses have been amended, this clause obviously needs to be omitted. The amendment is to omit clause 10.

Amendment agreed to.

MR BERRY (8.14): Mr Speaker, I seek leave to move an amendment which has been circulated in the name of Mr Moore.

MR SPEAKER: Order! There has been a great deal of talk about open government here, but everybody seems to be moving amendments in different names.

MR BERRY: Mr Speaker, I do not recall any promises of an open opposition and crossbench.

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MR SPEAKER: Just explain it to me, Mr Berry. This is an amendment in Mr Moore's name, but you are moving it? Is that the one?

MR BERRY: Yes. I move:

Page 7, line 22, clause 14, proposed subclauses (3) and (4), after subclause (2) insert the following subclauses:

“(3) A direction shall be in writing.

“(4) A copy of a direction shall be laid before the Legislative Assembly within 3 sitting days after the direction was given.”.

Mr Speaker, this is the sort of amendment that should strike fear into the hearts of Government members.

Ms Tucker: Which one is he moving?

Ms Horodny: This is Michael's.

MR BERRY: I better cross out Michael's name and write "Wayne". One half of the dreaded duo over there is supporting Labor in a motion which requires the Government to deliver on its mandate of openness and frankness and all those sorts of things. This is about requiring Ministers - or the Minister, in this case - to table directions in this place within three sitting days of the direction being given, pursuant to the relevant section of the legislation. Mr Speaker, I think it is a pretty important amendment. It struck me, when I had a look at the legislation, that there were some areas where secret deals could occur. Mrs Carnell may have inadvertently - I know that she would not do it deliberately, or not if she thought she would not get away with it - misled the Assembly in relation to the board. She said that the board had only - - -

Mrs Carnell: Wayne, just sit down. We support it.

MR BERRY: No. These matters have to be put on the record. Mrs Carnell tried to make the point earlier that there was only one line, and it was straight to the Minister from the board. I wish that she had had a little read of the Act before she made that claim, because the functions and powers of the board are very clear: The board shall control the affairs of the service. It is very clear that there is a strong communication between that level of bureaucracy and the next level of bureaucracy - the Health and Community Care Service. The legislation also provides for the Minister to give directions and, in a not uncommon provision which exists in other places, the amendment seeks to require the Minister to table within three sitting days any directions which are given to the board. I think that will assist the Government, although Government members may not have at first welcomed it; in fact, they seem to have resisted their election promise for openness up to this point. I am happy to have been able to assist them in the delivery of just a wee part of the promises that they made to the Canberra electorate.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (8.17): The Government will be supporting the amendment, Mr Speaker. The only thing with it that may at times be a bit of a problem is the three sitting days. There could be a situation where the board would have to meet in the meantime. But I am sure that, if that were tabled in the Assembly, the Assembly would be reasonable.

MR MOORE (8.18): Mr Speaker, since the amendment was circulated in my name, it may well be worth speaking to. Perhaps I should explain that Mr Berry and I had discussed it, following his suggestion that it should be there, and I had asked the Parliamentary Counsel to draft this copy, which Mr Berry would then appropriately move. Mrs Carnell raised the issue of the three sitting days. There are a couple of reasons why it ought to be three sitting days, and I think they are self-evident. The awkwardness with it, though, is something that I think is unlikely to occur very often, in the first place. Secondly, even if a direction is given and the board does not meet, it still is not inappropriate for that direction to have been tabled in the Assembly. Board members could be made aware of such a direction and need not have responded to it; nevertheless it could still be tabled in the Assembly, if you take as the worst case scenario that a Minister decides that they must draw up a direction on a Monday and then there are three sitting days. So, by and large, that is a small problem; but I think it is still appropriate that, if this unusual move were to be taken, it should appear before the Assembly as soon as possible.

Amendment agreed to.

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

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

AYES, 8

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

NOES, 7

Mr Berry
Ms Horodny
Ms McRae
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

Bill, as amended, agreed to.

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**HEALTH AND COMMUNITY CARE SERVICES
(CONSEQUENTIAL PROVISIONS) BILL 1996**

Debate resumed from 20 June 1996, on motion by **Mrs Carnell**:

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.

LEAVE OF ABSENCE TO MEMBERS

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

That leave of absence be given to all Members from 28 June to 27 August 1996 inclusive.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Retail Policy**

MR MOORE (8.24): I ask for leave of the Assembly to move a motion in relation to the inquiry of the Planning and Environment Committee into retail policy. The motion is to provide for the committee to report out of session should the house not be sitting.

Leave granted.

MR MOORE: I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiry into retail policy, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication; and
- (2) the foregoing of this resolution have effect notwithstanding anything contained in the Standing Orders.

This provision applies to almost all inquiries by our committee. The only one without it - and it is something that we can come back to - is the one that Mr Humphries referred to us. For the rest of our inquiries we have the ability to report out of session. I think it is an appropriate way to deal with issues. This is something that was missed in this morning's motion.

Question resolved in the affirmative.

TRADING HOURS BILL 1996

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

That this Bill be agreed to in principle.

Mr Whitecross: Mr Speaker, I raise a point of order. Earlier in the day this house passed a motion to give the Standing Committee on Planning and Environment a reference in relation to retail policy measures, including the Government's proposals outlined in *Striking a Balance*, which has as its centrepiece - in fact, the first detailed policy item - trading hours legislation. Mr Speaker, I seek your ruling on whether it is proper for us to proceed with the debate on this Bill when the house has referred the matter to the Planning and Environment Committee for consideration.

Mr Humphries: Mr Speaker, on the point of order: This matter was canvassed this morning when the motion was put forward by Ms Tucker. It was made perfectly clear in the course of that debate that members of the Planning and Environment Committee would expect that there would need to be some progress on the issues that the Government was pursuing with respect to the *Striking a Balance* report at the same time as the committee was inquiring into those issues. That was canvassed. It was the view of the Assembly that it should be possible to proceed with both simultaneously. The Assembly removed the prohibition in paragraph (3) of that motion this morning that prevented extensions to retail space in the town centres from proceeding while the inquiry was going on. There is no standing order or rule which opposes the consideration of a Bill in the Assembly while an inquiry is going on. It is entirely up to the Assembly how it deals with it. Of course, if Mr Whitecross's point is taken to heart, presumably the Assembly will oppose the Bill before the house tonight.

Mr Whitecross: Further to the point of order: Mr Humphries is right to say that this was canvassed in the debate earlier. It was canvassed by the Labor Party, which put the argument very strongly that the Government's proposals ought to be proceeded with and that this Assembly should take a position on the Trading Hours Bill today rather than referring the matter to the committee. That view, which was canvassed by me and others on my side of the house, was rejected by the majority. I think the clear intention of the motion is that the committee will consider the package announced by the Government, of which the Trading Hours Bill is an integral part.

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Mr Moore: On the point of order, Mr Speaker: There is a strong precedent in this Assembly - and Mr Humphries spoke about it earlier today - that suggests that when a committee is looking at an issue the Government should buy out. I think we should be very careful what we do when a committee is looking at an issue, to make sure that they have a fair and reasonable chance to have a look at it. Otherwise, the committee system is going to be undermined.

MR SPEAKER: I have taken advice on this matter, and I am advised that, as Mr Moore pointed out, there is nothing to stop us from proceeding with consideration of the Bill at this point. There have, in fact, been other occasions when matters have been referred to committees but legislation has proceeded. It is entirely up to the Assembly. As the Clerk has pointed out to me, standing order 174 indicates that immediately after a Bill has been agreed to in principle it can be referred to a committee. That could be done right now if it were the wish of the Assembly, but there is certainly nothing to stop the Assembly from debating this legislation now even though the Assembly passed a motion this morning to refer a matter to the Standing Committee on Planning and Environment. The point of order taken by Mr Whitecross is not upheld.

MR BERRY: I move:

That the debate be adjourned.

I seek leave to make a short statement.

Leave granted.

Mrs Carnell: We have done this today. This is a flashback.

MR BERRY: It worked all right. Mr Speaker, Mr Moore has raised an important issue in relation to consideration of this Bill. All of the issues affected by this Bill have been referred to a committee. It strikes me as something of an insult to the committee process for us to be setting in concrete trading hours legislation which in many ways usurps the role of the committee which will be considering the issue in detail. It is also an insult to the community for us to go down that path, because the committee which will be considering the matter will be asking members of the community to come in to consult with them on what the future for trading in the ACT should be. How can we barefacedly ask the community to do that once we have passed this Bill? It strikes me that, having passed the Bill, it would demonstrate the height of arrogance then to go through the pretence that you are consulting with the community about the future of trading in the Territory. I think the Government should take note of that. This Government went to the people with a loud cry about openness, consultativeness, council-style government and all of the other stuff that has dropped off the end since they found themselves in the executive chairs.

The Greens, most of all, ought to be considering their position, because nobody trumpets consultation more than the Greens. If you listen to the Greens, nobody trumpets consultativeness more than the Greens. The Greens really ought to respond quite warmly to the proposal to adjourn debate on this Bill until the committee has a chance to consider all the issues and engage in that important consultation with the community before they present to this Assembly a report which may then influence the debate on the Bill. The Bill should lay on the table until we get to it.

There is another very important issue which will not escape members, I am sure. The Minister who introduced the Bill has taken off to Darwin.

Mrs Carnell: On Government business.

Mr Hird: On Government business, and you know it.

MR BERRY: Nobody is criticising him for doing Government business in Darwin - yet. This very important piece of legislation was introduced by the Minister for Business, Employment and Tourism, who sang loudly about the good things that this legislation would do in delivering the Government's policy.

Mr Moore: When they let him talk.

MR BERRY: Yes. One of his good suits has been spoilt by the araldite on the seat of the pants which glued him to his seat at question time for a couple of days. The Minister responsible for the introduction of the legislation will not even be in the place to argue the case. That would have to be unprecedented in the history of this place, and I would suspect that you would have to search a bit in other places to find a situation where the Minister who introduced a Bill - - -

Mr Hird: It has happened.

MR BERRY: Mr Hird says that it has happened. It has not happened here, to my recollection. I think you would have to search around for a situation where, other than in emergency circumstances, the Minister responsible for a particular Bill has taken off to do other Government business outside of the State or country where he is supposed to represent the interests of his constituents. For both of those reasons, I think there is a sound case for this Assembly to adjourn consideration of the Trading Hours Bill, at least until the next sitting but certainly until the committee which is going to be considering the issue has had a chance to consult with the community, develop its report and make that report public. I repeat that on both of those grounds it is the height of arrogance and disdain for the community for this Assembly to have a committee of inquiry which would have to be regarded as a phoney inquiry if this Bill is passed.

I do not know how the Greens would feel about being associated with a phoney inquiry and a process which to the ordinary person in the street would look as though it had been designed to get the Greens off the hook rather than deal with the issue. I would have thought they would be rather more comfortable with the Trading Hours Bill staying on

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the table until their involvement in the committee which is considering this matter has come to an end. The Greens are going to be involved in the committee and the Liberals are going to be involved in the committee that will consider the effects of this Bill - and they want to pass it first.

Mrs Carnell: That is not what it says in the motion.

MR BERRY: That is the effect of it. I do not think the community should look too kindly on that. If you proceed down this path, we will certainly be drawing it to the community's attention that both of you, in league, have treated the community with contempt in relation to this issue. What about the 300 people who are going to lose their jobs? What are they going to think about having an inquiry about an issue - - -

Mr Stefaniak: What about the 700 who already have?

MR BERRY: Hang on a minute. What about the 300 who are going to lose their jobs? If their jobs have already gone, what are they going to think about the inquiry which is addressing the issue and which perhaps might save their jobs? It is a ludicrous position. It is a ludicrous situation which draws this place into disrepute. I think the Government ought to reconsider its position, but I do not see too much flexibility over there. The Liberals are not known for that.

The Greens, of course, have got themselves in a bit of a spot with this legislation. Ideologically, they are locked into certain concepts, but I am not quite sure that they would want to lock themselves into the concept of making a decision first and then consulting with the community. I suspect that I have heard the Greens criticise other people for doing those sorts of things. They will never be able to criticise anybody again after this little turn. Each time they get up in this place and have a bit of a moan about somebody else's consultation, they will get a bit of stick.

Mr Moore: We will make the decision first and we will consult later.

MR BERRY: Yes, that is right. They are not going to have much to do in this place once they have established that standard for themselves. They have made a lifestyle out of criticising other people for not consulting properly - and they are going to do this. I have never seen anybody do anything like this before - not once, never. I know that the Greens do not have the same corporate association with this Assembly as others of us do. If they keep up this sort of behaviour, their corporate association is going to be pretty short, I can tell you, because the people out there in the community will wake up to the fact that the Greens have let them down in a big way.

Mr Speaker, I urge members to support my motion to adjourn debate on this Bill. It is a silly time to consider the Bill when the Minister is on the big silver bird winging it to Darwin. He ought to be here to defend his Bill.

Mrs Carnell: Standing order 80 allows it to happen. It is all right. I will do it for him.

MR BERRY: Mrs Carnell says that she will defend it for him. What a ludicrous situation! Why did you not introduce it in the first place - or did you get cold feet? It sounds as though you might have got cold feet a little way down the path, after resistance to the Bill started to develop, after some of the constituents started to agitate on the issue and after some of the members in the Liberals' party room started to get a little bit nervous about the silliness of what the Liberals had got themselves caught up in. That is perhaps why they supported this so-called committee consideration of the implication of trading hours changes which will arise because of the support for this Bill which will possibly flow as a result of the debate later on.

Mr Speaker, the Liberals cannot possibly oppose this Bill without a blush on their faces. The Greens will dive under the table when they stick their hands up, because mostly they are proponents of open consultation and fairness in consultation. We have heard them sing that song over and over again. This Trading Hours Bill must be adjourned in the interests of sincerity and commonsense.

MR STEFANIAK (Minister for Education and Training): I seek leave to speak.

Leave granted.

MR STEFANIAK: Mr Speaker, what absolute crap!

Mr Berry: Mr Speaker, do I have to rise?

MR STEFANIAK: If he takes offence at that, Mr Speaker, I will withdraw that and say, "What absolute twaddle!". What complete hypocrisy from this man who this morning was going on about the Greens' motion and saying how it would clutter up his desk - - -

Mr Berry: Mr Speaker, this is the Minister for Education - - -

MR SPEAKER: Order! Do you have a point of order, Mr Berry, or are you just having a general chat?

MR STEFANIAK: I have withdrawn it, Wayne. I have said "twaddle". Delete "crap"; replace it with "twaddle", Wayne.

Mr Berry: You do not have the option to replace it with anything. You have the option either to withdraw it or to be booted out.

MR SPEAKER: He did withdraw it.

Mr Berry: The Minister for Education using language like that! Tut, tut!

MR SPEAKER: And the Deputy Leader of the Opposition standing up without taking a point of order! Tut, tut!

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MR STEFANIAK: What absolute rubbish, Mr Speaker! We heard this man this morning going on about the motion from the Greens cluttering up his desk, about one more report, one more inquiry and about another matter going to a committee. Now he has the incredible gall to stand here tonight and want this debate adjourned. I find that absolutely amazing.

I make a couple of very quick points, Mr Speaker. Firstly, Mr Berry was going on about Mr De Domenico not being here. As the Chief Minister said, Mr De Domenico is off on Government business. I draw the member's attention to standing order 80, which states:

A Minister, in the absence of another Minister, may act for and on behalf of that Minister in relation to any business before the Assembly of which that other Minister has charge.

That takes care of that particular point. This debate has gone on in the community for a great length of time. I think both sides of the debate - both the people from the supermarket chains who were here on Tuesday and the small business people from the small shops and the suburban shopping centres who were outside this Assembly this morning - would expect this Assembly to debate this Bill and come up with a conclusion.

Mr Berry, who did not want to support the Greens' motion this morning, now states that he wants to further defer debate on this Bill. I find that incredibly hypocritical. I think it would be far preferable, and I think the community would expect it of this Assembly, to debate this Bill and come to some conclusion on this very controversial issue that is so vital to the Canberra community. For Mr Berry to stand here and try to adjourn it is hypocritical in the extreme.

MR MOORE: I seek leave to speak, Mr Speaker.

Leave granted.

MR MOORE: Mr Speaker, I think it is very strange that we should make a decision and then consider whether it is a good idea or a bad idea. The Liberals went to the community saying, "We will be an open and consultative government" and the Greens, time and time again, have talked about consultation. In fact, Ms Tucker chaired a committee that looked at processes of consultation. I hope to have a copy of that report here shortly. The point about the processes of consultation is well made. Think back to the attitude of people to consultation on planning issues. For some years, even though the process was fairly carefully and fairly accurately followed - and Mr Wood would testify to this - whenever there was some suggestion that there was already an outcome in mind people became very angry indeed. It is quite clear that if we pass this legislation today and then go to the community for consultation that process will be viewed with disdain.

It is not a case of the Labor Party or I opposing the motion this morning and then having the hypocrisy, as Mr Stefaniak suggests, to take this approach this evening. The point is that this morning it was quite clear that the Liberal Party and the Greens together - the Glibs - wanted this legislation to pass. When I spoke, that was the ground upon which I said that we should deal with the motion that Ms Tucker had put before us.

In fact, I had suggested to her that the easiest way out of it was for the two of you combined to pass this Bill in principle so as to give a clear message that you were prepared to do something but then to send it to a committee. Passing the Bill in principle would give an indication of where you were going but would say that on the details you were prepared to change. If you were to accept getting this Bill through the in-principle stage and then adjourning it, I could probably persuade Mr Berry that that would be an acceptable way to deal with it. Even better would be to say, "The legislation is on the table, so we will consider it". It would be perfectly normal practice to agree to the Bill in principle and be open-minded enough to change any of the details.

Mr Speaker, I now have in my hand the document I requested. It is a copy of the discussion paper "Community consultation on social policy issues" from the Standing Committee on Social Policy, which Ms Tucker chairs. This is the issue that she drove. The paper states:

There are many avenues for consultation available to the ACT community. These include processes established by the Government such as Ministerial Advisory Councils; avenues available through the ACT Legislative Assembly such as the Committee system ...

It goes on to talk about what we want to consult the community on, how to identify the community, and so on. There is a whole series of things, including some processes in the ACT. I have to ask Ms Tucker: Is the process that you are proposing now mentioned anywhere in this document? Of course it is not. Suppose that somebody had come to you and said, "We think that what you should be doing for consultation is getting legislation through first then asking what we think of it. We think that would be great". Of course you would not have accepted that. You would have dismissed it, and you would have been scathing about it. People will see through this. No matter how hard we try to make this a genuine inquiry and no matter how prepared we are to make changes after the event, people will still consider it a phoney inquiry. To a certain extent at least, it will bring my own committee into disrepute, no matter how hard we try. As such, it will bring the committee system into disrepute and - - -

Mrs Carnell: Oh, Michael!

MR MOORE: Yes, it will. I am not saying that it is going to bring it totally into disrepute. It is going to have a significant impact and, as such, it will also have an impact on this Assembly as a whole. Those of us who have been here since self-government know what it feels like when the place is brought into disrepute. Those of you who have been in my office know that I keep there a banner from the *Canberra Times* that says "House of farce". I know what it feels like to be associated with that. Mr Berry, Mr Humphries, Mr Stefaniak and Mr Wood, who were here from the start, know what it feels like. It is interesting that not one of the people pictured on that banner is still in this Assembly.

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Mr Stefaniak: That is true.

MR MOORE: That is true. Mr Speaker, we know what it feels like. Pushing this Bill through now before it goes to a committee makes it more difficult for members who are on the committee because it basically sets positions in concrete. It makes it much harder for members on that committee to move to change their positions, to modify their positions. One of the great strengths of our Assembly committees is that people have been prepared to move positions to try to understand the genuine policy issues associated with whatever the reference has been. That has been recognised as a great strength of the committees, and was even in those "House of farce" days.

I understand the Greens' perspective on this. On the one hand, they wish to assist small businesses. They have said very clearly that the Government's legislation does not go far enough - as far as they are concerned, it does not go far enough; we know that - but it is better to take some and continue along the way. That is their perspective. When they announced their policy, they made that very clear. I understand that. At least there is a genuine attempt to say, "Yes, we are prepared to wear the flak in order to protect small businesses. We are prepared to do that trade-off". Then they have taken that extra little step that says, "We will even go halfway with the Libs because that is what we can get now, and then we will continue to try to get the rest". I think that is a fair description of their position, and I can understand that. Now that the matter has been referred to a committee, is there really a rush - I am addressing this particularly to the Greens - to get to the halfway position now, or can it wait two or three months? You may want to set a timeframe for the committee. So far the Planning and Environment Committee has met all its timeframes. We had difficulty with the report we tabled today, but we did meet the timeframe. You should consider how important it is to get this legislation through today and to make this change so that within the next three or four days - couple of weeks or however long it is going to take - we can have changed shopping hours.

Ms Tucker: Six.

MR MOORE: I hear somebody say six weeks, but in fact it could easily be gazetted within a couple of weeks. In fact if the Minister were determined, it could be gazetted within 24 hours. We have to ask the question: What is the rush? We have agreed to the reference to a committee. I have said - and I know the other members of the committee would agree - that we will do a genuine inquiry. No matter what happens, we will do our very best to do a genuine inquiry, even if we have to do it as an afterthought and check back about what has been done. We will do our very best.

But what is the rush? If you really want to protect small business, let us do it properly. Let us consider all the issues. Let us adjourn this debate now, as Mr Berry says, and let us consider this issue properly over the next couple of months. If we adjourn debate now, I would be happy to report back to the Assembly on this issue on the first day of its very next sitting, if indeed you thought it was necessary to push it very hard. I think it would be better to do an effective inquiry, which I guess would take about four months. That would be the sort of time we would expect. I think Mr Berry makes an important point in suggesting that we do adjourn now, and I ask the Greens to consider very carefully what the rush is for.

MRS CARNELL (Chief Minister): I seek leave to speak.

Leave granted.

MRS CARNELL: I think it is very interesting the way this debate is going. It seems that very few people, except the Greens and certainly those in the Liberal Party, have actually read the motion that we passed this morning. The motion that we passed this morning was that “the Standing Committee on Planning and Environment examine and report on further retail policy measures that can be taken to maintain diversity in the ACT retail market”. It does not actually say, “Let us have a look at everything that we are doing now”. It says, “You will consider the following matters”. It does not say that we are going to have a whole relook at the *Striking a Balance* policy. It says that in looking at further retail policy measures the committee will consider a list of things. The reality is that we are not looking at what we are doing today. We are looking at issues - - -

Mr Moore: Except that the bulk of the community are telling you that you have got it wrong.

MRS CARNELL: Sorry, that is the motion that we passed this morning, quite categorically. We decided that we would handle the Bill tonight and then in committee we would look at further things that we could do as an Assembly, as a committee, to improve or, as the motion says, to maintain diversity in the ACT retail market. It is that simple. That is what we decided to do this morning, and that is very appropriate and in line with the approach that we are now taking. I was very interested to hear both Mr Moore and Mr Berry make comment that, shock, horror, we have never done this before; that we have never done anything so insidious as passing a piece of legislation and then having a committee look at that legislation. Mr Moore, remember the mental health Bill? Remember passing the mental health Bill with a sunset clause? Remember, there is a sunset clause from the Libs on the table for this Bill. Mr Moore, a committee had a number of looks at the mental health Bill; there was an external review of mental health legislation; we finally put a piece of legislation on the table; we decided to put a sunset clause in it; and then we referred it straight to a committee for monitoring. That is exactly what we did. You and I were on that committee, Mr Moore.

Mr Moore: That is right. It went to the committee first. Before the legislation ever went through this Assembly it went to the committee, then back to the Assembly, then for their monitoring.

MRS CARNELL: But, Mr Moore, we passed the legislation.

Mr Moore: Come on, do not misrepresent it, Kate. You know that that is what happened.

MRS CARNELL: We passed the legislation.

Mr Moore: After it had been to a committee.

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MRS CARNELL: We passed the legislation and then referred it to a committee for monitoring.

Mr Moore: After it had been to a committee, and we then referred it back to a committee.

Mr Kaine: Mr Speaker, I raise a point of order. Mr Moore seems to think that this is a two-way debate between him and Mrs Carnell. Can you tell him to be quiet? He has had his say, and he was wrong.

MR SPEAKER: Boring, is it not? Order! You have already had your opportunity to speak, Mr Moore. You can speak again if you wish, but Mrs Carnell is speaking at the moment. I uphold the point of order.

MRS CARNELL: Mr Speaker, the reason that we did that, as Mr Moore and others will remember, is that a majority of the Assembly believed that it was important to put something in place. Some of us believed that the mental health legislation did not go far enough and some of us believed that it was not as holistic as it should be, but as a whole we decided that we needed to put something in place. We put a sunset clause in the legislation to ensure that it was looked at. The impact of that legislation was looked at by the Assembly, which referred the Bill and other mental health matters straight to the Social Policy Committee.

The approach that we are taking here is identical. It is different when the issue is different. The motion we passed this morning said categorically that we would look at “further” approaches that we could take. I will quote exactly so that I will not get it wrong. It said that we would look at “further retail policy measures that can be taken to maintain diversity in the ACT retail market”. That is exactly what the committee will do. It will not inquire into the Trading Hours Bill 1996. I do not see that anywhere on the list. I do not see anything that says that the committee will inquire into the Bill. I do not even see - - -

Mr Moore: Try “any other related matters”.

MRS CARNELL: You can draw a longbow, but it does say “further retail measures”.

Mr Moore: A longbow! This Bill has no relationship? Come off it, Kate.

MRS CARNELL: It has lots of relevance to this issue, but the motion says categorically “further retail measures”. The fact is that the motion was put together properly. It meant that the Greens were saying, “Yes, this is a step” but they believed that further things still needed to be done to maintain diversity. The Liberal Party agrees with that. Further things do need to be done to maintain retail diversity. We believe that that is an appropriate referral to a committee, but it does not in any way undermine our capacity to pass this legislation or debate this legislation tonight, nor did a previous committee inquiry stop us from debating the mental health legislation, passing it into law and then having a look at how the legislation worked and how it grew. On that occasion we used a sunset clause as well.

MS McRAE: I seek leave to speak to this issue.

Leave granted.

MS McRAE: I think Mrs Carnell spent such a long time telling us all that what we think is not what we really think that she lost track of what we do think and what we do not think, what she thinks and what she does not think, what she thinks she ought to think and what she thinks we ought to think, and what we think we all think. This is absolutely outrageous. This morning I discerned a certain amount of upset from my fellow Assembly members, the Greens, because I attacked them for the stunt that they pulled this morning. What is happening this evening proves exactly the point that we were making this morning. The reason why I lost it this morning and why I thought it was outrageous, a point that is now proven, and a stunt, which is now being clearly proven also, was that they are trying to have it both ways. They are trying to pretend that the regulation of shopping hours has nothing to do with all the other measures that are in place. They are trying to do exactly what Mr Moore said this morning. They are pre-empting the result of the inquiry. They are closing off one avenue of debate. They are saying, "This is where it will end. Shopping hours will be regulated. Meanwhile, go away and play in the sandpit and find some other things to do". That was why I found this morning's move so cynical and so outrageous. I was upset that the Greens were taken in by that sort of nonsense.

You cannot separate shopping hours from all the other issues. What if we find in three months' time that the thing to preserve small business is not to close the main shopping centres? What if we find that the whole process does need regulation? What are we going to do then - come in and change the Bill? If we are going to take this thing on as an inquiry, why do we not do it properly? Mr Moore has offered to do it in August, and I am willing to give my time to do that.

Mr Kaine: I am not. Forget it. I have enough inquiries.

MS McRAE: He can just forget it. We can get on with it.

Mr Kaine: And I have just got leave until 27 August.

MS McRAE: He voted for it this morning. Now listen to him. Now he says, "Forget it. If we are going to do it properly, forget it". This is just outrageous. Mrs Carnell is too busy trying to twist and turn. She gave us an interpretation of the events surrounding the mental health Bill which I am sure my colleague Mr Moore will elaborate on later. It was purely a reinterpretation of events so that she could slip out of a ridiculous situation where for some reason or another we have got hung up on the regulation of shopping hours - and it must be passed by tomorrow - as being the only thing that will save the day for small business. That is just arrant nonsense.

Now we have people linked in to a half-hearted inquiry. They put your right arm behind your back and say to you, "Go away and play with the rest of the issues". This is why I called it a stunt this morning. It is a double stunt, because the Liberals have placed you in that situation. They are now mocking you and mocking the rest of the Assembly by saying, "Play around at the edges. We will continue to make decisions about the main game. If you happen to turn around in three months' time and say that

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shopping hours really have nothing to do with it, then change it". What sort of policy-making is that? We are being made fools of. You Greens are complicitous in that. I urge you to seriously reconsider. Adjourn this debate and take on the whole package thoroughly. Stand up and look through the whole thing properly and be done with it.

Mr Kaine: You have not convinced me.

MS McRAE: I did not need to convince you. You have already voted for it.

MR WHITECROSS (Leader of the Opposition): I seek leave to make a statement in relation to the same matter.

Leave granted.

MR WHITECROSS: Mr Speaker, I rise to speak because I heard what Mrs Carnell had to say and indeed what Mr Stefaniak had to say. I think that Ms Tucker and Ms Horodny should be somewhat concerned about the tone that has been adopted by the Government in relation to this matter. The clear message from the Government, which supported the proposed inquiry, is that, notwithstanding that you are going to inquire into all these things, the Government reserves the right to plough ahead with all of them regardless.

What is the Government's position on *Striking a Balance*? We know that they want to bring on the legislation and pass the legislation. Presumably, they want to go on with helpShop regardless of whatever opinions the committee might have. Mr Humphries has indicated that he intends to go ahead with some new proposals in relation to retail space, and the approval of the town centre extensions has been before him. Mr Humphries has a report from the Standing Committee on Planning and Environment in relation to betterment which I notice the Liberals and the Greens have now sent back to the committee. The committee has just come down with a recommendation that Mr Humphries should look at the issue of betterment, and the Liberals and the Greens have sent it back to the committee. I do not quite understand the logic of that. Presumably, Mr Humphries is now going to go ahead and come to some decisions about remission of betterment, the subject of the committee's recommendation, while the committee has a second think about it. Mr Humphries is presumably going to go ahead and make a policy on that.

Mr Moore: This is specific to shops.

MR WHITECROSS: It is indeed specific to shops, Mr Moore. Nevertheless, the point remains that the Planning and Environment Committee considered that there was further work to be done by the Government, and now apparently some members of this house feel that the Planning Committee should do it. It is going backwards and forwards across the net like a ping-pong ball. Mr Speaker, it seems to me that the Greens should be concerned that this Government is not taking this inquiry terribly seriously. On all the important issues that are in front of them - whether it is betterment, retail space, help to suburban shops or retail trading hours - they are determined to go ahead regardless.

Yet they are trying to say that they are interested in taking on the views of all the committee. You cannot have it both ways. Either we are having a Planning Committee inquiry into this matter and they are going to consider all the issues and report back to the Assembly in a few months' time or we are going to plough ahead with it, in which case, as we said this morning, the inquiry is not necessary. I think we should be very careful about having it both ways.

As Mr Moore pointed out in a couple of interjections, Mrs Carnell engaged in a little bit of sophistry when she said that it was quite normal to pass legislation and have a committee inquiry going at the same time. There is a world of difference between having a committee inquiry into the correct policies in relation to retail space and having a committee to monitor the implementation of a piece of legislation. That is not what this committee inquiry is about. It is wrong for Mrs Carnell to misrepresent the inquiry in that way and to misrepresent what her party has done in this matter. That also ought to be a matter of concern.

Mr Speaker, as was pointed out by my colleague Mr Berry, perhaps the matter of most concern is that the Minister who introduced this legislation and who is the Government's advocate of this legislation has not been available to hear the arguments put in this place, to hear the claims about this Bill, to put his point of view in relation to those claims and perhaps to be persuaded by some of them. He is the Minister whom Mrs Carnell, under the administrative orders, has made responsible for the trading hours legislation, yet he is not here to explain Government policy in relation to this matter.

Mr Humphries: He is representing the Territory at a national meeting.

MR WHITECROSS: He is not here. I am sure that he had a good reason for not being here. Mr Humphries says that he is at a national meeting. None of us on this side of the house are questioning the importance of the meeting that he had to attend. None of us are criticising Mr De Domenico for not being here tonight, but what we are saying is that we do not think it is appropriate that the Minister who, under the administrative arrangements, has carriage of this matter for the Government is not here tonight to listen to the debate, to explain the Government's policies in this matter, to hear the arguments of other members in this place and to refute them or accept them according to their strength. It is not really good enough. It is especially not good enough when you consider that members in this place did not have the opportunity earlier in the week of hearing his views in relation to the trading hours legislation because he would not answer any questions. We are in the absurd position in this place that we have sought to clarify issues relating to this Bill through question time and have been denied the opportunity to hear the Minister's point of view. On Tuesday we were told, "You will get your chance to debate this on Thursday". Now we come to the debate on Thursday, and the Minister is not here to give us the benefit of his views. It is a completely unsatisfactory state of affairs.

There are two points here. The first is that we should not be proceeding with this legislation if we are to give any meaning and any teeth to this Planning and Environment Committee inquiry, and we should not consider this legislation while the Government proponent of the legislation, Mr De Domenico, is not here to explain it, to justify it and to put the case for it. He is the person who, for the last year and a half, has been the

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Minister responsible for trading hours. Since this Government came to office, he has been the Minister responsible for it. He is the Minister for Business; he is the Minister for Regulatory Reform. He is clearly the Minister whose views we need to hear tonight, and he is not here to give them. I do not think that is good enough, and for that reason I think we should support Mr Berry's motion.

MR MOORE: Mr Speaker, I seek leave of the Assembly to make a very short explanatory statement to clarify the issue that Mrs Carnell raised of the mental health legislation being referred to a committee. It will take me three or four minutes at the most.

Leave granted.

MR MOORE: Thank you, members, for your indulgence. I have checked the minutes. The original reference to the Social Policy Standing Committee was the Mental Welfare Exposure Draft Bill and the Crimes (Amendment) Exposure Draft Bill. I like the way that Mrs Carnell tried to present it. Mrs Carnell was on that committee with me and Ms Ellis, who has been promoted to much higher things. We very carefully considered an exposure draft. We went through a long process of considering an exposure draft which eventually became legislation. Our report said that the legislation should have a sunset clause and that the Social Policy Committee or whatever replaced it - it is still the Social Policy Committee - should monitor the legislation to check it and assess it and to see how it goes. Mrs Carnell suggested that the situation here is similar; that the two are similar. They are not.

Mrs Carnell: They are, exactly.

MR MOORE: They are not at all, Mrs Carnell, and you know it. You tried to misrepresent the situation. This Bill has not been through an Assembly committee before. It is not a case of just having an Assembly committee monitor a piece of legislation that has been carefully thought through. You are not talking about monitoring a piece of legislation, although that may be part of the role of the committee, if indeed you are silly enough to proceed with this. The reality is that in that situation we had gone through an appropriate community consultation process and hence the committee was not brought into disrepute. In this case we are talking about a community consultation process that does need to be done appropriately. Mr Speaker, we should ensure that when we are suggesting things to the Assembly we do not misrepresent them in the way Mrs Carnell did and bring Assembly committees into disrepute.

MS TUCKER: I seek leave to speak on this matter.

Leave granted.

MS TUCKER: Yes, of course we take community consultation seriously. Mr Moore was very kind to remind me of our commitment to that, but he did not need to. We have had a lot of consultation in the development of our policies. We did develop a policy which accepted the necessity for some regulation of trading hours. We also had a very good consultative report - - -

Mr Moore: Once you decide it is okay, it is okay and bugger everybody else?

MS TUCKER: No, there are other reports. There was a very good report, "Review of Trading Hours in the Australian Capital Territory", which we believed had very sound consultative processes. We also looked at that. We know that it is local, it is recent and it was thorough. We then came to the decision that we would be pleased to support this Liberal Government's proposal to introduce some regulation of trading hours in the most deregulated region in Australia. We were very pleased to see at least an attempt to establish some balance between the small business and big business sectors. Therefore, we are not at all concerned that we have not followed community consultation processes.

If you look at the motion, you will see the word "further". That is how we put the motion. We are looking at these other aspects so that we come up with some kind of broad vision of how in this society, in this region, we can have a balanced retail sector. We have listed quite clearly the various areas of concern that we want to look at. I find it rather hard to understand how Labor can be quite so holier than thou when this morning they were quite prepared to send down a moratorium on the expansion of retail space, although they knew already that this committee of inquiry was going to get up. They did not seem to see a huge problem then in the committee going straight ahead. We would not have had a moratorium but we would have been able to look at the provision of retail space. Labor would not support that. They just sat there and did their "no, we oppose on principle" act. That did not leave very much to say.

Mr Moore and Mr Osborne did not want a committee at all. It was extremely odd, because now that they have the committee they are suddenly saying, "This is a threat to the committee system. This is a bad precedent". We obviously are not of that view. We feel that there have been good consultative processes regarding the issue of trading hours. This is a very small step in that direction. We believe the evidence is there to support it. The consultation has occurred. This committee inquiry is to try to get a more strategic picture of where we need to go now to ensure that we have equity of access in this town; that we do not have huge ownership problems; that we have a town which people feel they can live in.

I believe this is a stunt tonight. We keep hearing "stunt, stunt". It is starting to sound like "grunt, grunt". It is monosyllabic. I will use that word now, though. This is a stunt. We have already had the discussions. You have pulled this out at the last minute. That is very stunt-like. I have to say that it has not worked at all. We feel quite comfortable with what was done here and we will support this legislation being debated now.

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Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 7

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

NOES, 8

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

Question so resolved in the negative.

MR WOOD (9.27): Mr Speaker, in the absence of Mr De Domenico, who has been sent as far away as he could be and still be in Australia, this debate will proceed. I should make it clear at the outset that, on behalf of the Opposition, I am here today to support the consumers - the citizens of Canberra. Mr Speaker, this Assembly, like business, is here to serve the customer. The customer is always right. So, our focus is on the consumers - every citizen of Canberra. Tonight's debate is looking at a Bill that proposes one solution to a problem which we all agree exists. The debate should focus on that solution and whether that solution will work. Will this Bill do the job? I can see the problem that the Government has in the document that it put out on how to deal with retail problems. Item No. 9 tells how the Government has absolutely no answers to the problems we are debating. It is running a local centre ideas competition. The Government has no ideas of its own. More than anything else, that one page in its document tells the story.

Mr Speaker, in question time on Tuesday, the surrogate Minister, Mr Humphries, spent a great deal of time outlining the problem - not always accurately, I might say. But it is an evasion - an avoidance - for him tonight to stand up and outline the problem. We know what the problem is. That is not what we are debating. We are debating the solution. I recall a commentary on a US President who was well known for being able to outline in great detail and in great clarity the problems of the nation; but he failed to win re-election because he could never come up with the solutions to the problems. Tonight Mr Humphries may go into the lengthy reports, the debate, the newspaper articles and the representation by the business people; but we are focusing on the solution. Let us see whether Mr Humphries and Mrs Carnell - not Mr De Domenico - will stand up tonight and justify this Bill as a solution to the problems that have been identified. I do not believe that it is a solution. That is why the Opposition is opposing it.

I think it is regrettable that, on this important issue, the Government has failed. This Bill is a shambles. The Government has turned the issue into a shambles. There are numbers of examples of that. The Chief Minister has said that she will ditch it if it does not work. Before it is debated in this Assembly, before it is passed, she has decided that, if it does not work, she will ditch it.

Mr Humphries: That is honest, is it not?

MR WOOD: It is honesty. She has no confidence in this Bill that she is proposing. Secondly, she has no confidence in her Deputy Chief Minister. She sent him as far away as she could get him, and on Tuesday she refused to allow him to answer any questions. Further to that, if there needed to be any other evidence of lack of confidence, it was shown today when the whole matter was referred to an Assembly committee. The Government acknowledges that it does not have the answers. This may be due to the differences between the Chief Minister and the Deputy Chief Minister. That situation was revealed when we were reminded of the ACIL report, where the Deputy Chief Minister, on behalf of his then constituency, said, "No regulation at all", and suggested that the Chief Minister had a different view. Nothing has changed. It appears that they are still arguing, although in this case Mr De Domenico has been muzzled.

All of that background does not help us to get a workable answer to the problem. We have had three reports at least - Ibecon, Hyndes and the social impact study. Mr Hyndes visited over 100 retail centres. He received a very large number of submissions, had wide discussions and went into the question most thoroughly. He reported that many of the neighbourhood centres - for that read "local centres" - are not even being used for convenience shopping, but rather for emergency shopping. Some of them are badly run down and provide little attraction to customers, he said. There is a message there in that. Mr Hyndes advised, and I quote from his report:

... the only way that the poorer performing neighbourhood centres will return to viability is through once again having a trading period available where they are not facing competition from Town and Group centres.

There is logic in that. I cannot argue with it. It was obviously an unpopular recommendation, because the Government did not accept it. In fact, the trading hours that Mr Hyndes proposed would not have achieved the target, because he had a range of hours of opening - for example, up to 10.00 pm on Friday night. The neighbourhood centres would have to trade from 7, 8 or 9 o'clock at night until 7.00 am the next morning in order to make their money, according to Mr Hyndes's recommendation.

I thought that the social impact assessment was a good one. It studied the impact of change, particularly when a neighbourhood centre closed. It acknowledged the importance of the neighbourhood centre to the community generally, but especially to special needs groups such as the less mobile, the frail aged, children and people without cars; to those at home during the day, including people with young children; to those with the least resources; and to those who live close by. The social impact study reported that, if neighbourhood centres were to disappear, there would be a negative impact for certain people. It said:

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Neighbourhood centres serve the needs of people with few options and provide an essential support function which enables those members of the community to retain their independence.

That assessment proposed a number of measures, either to encourage revival of the neighbourhood centre or to minimise the impact. It reported, significantly, that consultations during the study found that there was only limited support for the restriction of trading hours. It is clear that there is an overwhelming preference for unrestricted trading hours. They are, obviously, popular with shoppers, who have voted with their feet. Unquestionably, many people also want the convenience of their neighbourhood shops; they are, in some circumstances, very important. The Government has adopted none of those recommendations. After setting up these studies, and after the exhaustive work of Mr Hyndes, the recommendations were not accepted. Quite clearly, the Government thought that some regulation would suggest to the community that something would happen and that they were doing something. They seemed simply to be making a gesture or having the appearance of doing something. That is what has brought this shambles of a result.

There are two likely outcomes of this proposed legislation. One outcome will be that a quite large number of shoppers will give up their right to shop at an hour of their choosing, if that is the later time. The other outcome will be that they will divert to group centres. I do not think there would be much dispute about that. Mr Humphries thought there might be some very small overflow to the neighbourhood centres. They will go to their group centres or they will shop earlier in the town centres, but they will not go to the local centres. Mr Humphries thought that the overflow would be very small. That may be so, but they will not go to their local centres. It is as simple as that. It is not going to achieve anything.

I will tell Mr Humphries why even those few people who do go to their small local shops will not go to their local centres, and why this will not work. On Tuesday, Mr Humphries said that when we are coming home late at night from work and we suddenly realise that we do not have any milk in the house, we want to be able to go to our small local corner store and buy something there on a small scale at that time of day or night. There is quite a conflict of statements there. He says that he wants the small corner store to be open late at night; but that is just what he is trying not to do. Mr Humphries is trying to get them a bit more accessibility during earlier hours, but he wants to go there, as people do, for a bottle of milk or a few other groceries. That does not make those local neighbourhood centres viable. That is not going to work. Mr Humphries might want to use them, and a number of other citizens might too; but that will not work.

The centres are going broke because that is the use they are getting. It is not enough for them, and it does not work that way. Mr Humphries's confused thinking, as revealed in that statement, is one of the reasons why we have a confused Bill that does not do anything to solve the problem. That is why we have this shambles. The Government's answer is no solution. Either the people will shop at a different time in the town centre or they will go to the group centre. If they go to the group centre, for the most part,

where are they going? They are not going to go to Woolworths in the town centre, so they will go to Woolworths in the group centre, or to Coles. There are a few other stores there - not enough - that do not belong to the major chains. So, the overflow will simply go to Woolworths, in the main, or to Coles. Think about that. What have you achieved?

Mr Moore: Nothing.

Mr Osborne interjected.

Mr Humphries: What is that, flatulence?

MR WOOD: You have not achieved anything to help that small store.

Mr Moore: Did you hear Mr Humphries's interjection about flatulence?

MR WOOD: Is it worth repeating?

Ms McRae: No.

MR WOOD: No, it is not. The legislation is simply not going to work, because it does not even go within cooee of achieving some help for those small so-called corner stores. In the Government's own words, it has acknowledged that it cannot achieve this. The Government has thrown up something so that it can have the appearance of attending to a problem; but it has not done that. If it were claimed - in case Mr Humphries wants to claim it - that there would be some residual effect on other small businesses in the group centres I would agree with the comment. There would be some residual effect; but there would be a corresponding loss to similar small businesses in the town centres. So, that does not achieve anything either. That does not take us anywhere.

Mr Speaker, we have a serious problem. Society is changing. We have different needs and different demands, and the Government has not been able to respond to them. This morning, 2CN held a talkback program on the retail hours issue and was inundated with callers, all outraged at the proposed changes. They repeated what we all know. The main point that they all made was that the restriction of trading hours will adversely affect their lifestyles, as lifestyles in the 1990s are very different from those of just a few years ago. Households are smaller, and there are more of them. In these smaller households - comprising single-parent families, parents and one or two children, or young single people - most of the adults work outside the home. No longer does the mother stay home and wash on Monday, iron on Tuesday, cook on Wednesday, clean on Thursday and shop on Friday for the weekend. Responsibilities are shared, and the sharing requires flexibility in retail hours. Shopping has to be done out of "normal" work hours, and consumers should not be penalised for so doing. In many households containing young children, the shopping is done by one household member late at night, when the children are asleep. In this way, precious weekend hours are spent in other activities with the children, not standing in a supermarket queue.

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We have seen radical changes in banking practices over the last few years. Banking transactions using automatic teller machines have risen to 50 per cent of all transactions. A change of the same magnitude is forecast for the retail trade. We will shop from home, using computers and modems and other technological developments. Small business must accept this challenge and try to lead the change. King Canute could not stop the tide from coming in; neither can this Government stop the deregulation of shopping hours.

MR OSBORNE (9.44): I have made no secret of the fact, over the last few weeks, that I will not be supporting this Bill.

Mr Moore: In fact, you think it is a stunt.

MR OSBORNE: I know that it is a stunt; I do not think that it is a stunt. It is very sad that the Greens fell for it. The logic that the Bill uses is naive, and its ability to positively assist our small local supermarkets is minimal. Mr Speaker, at the centre of this issue is the undeniable fact that a number of our suburban shopping centres are in trouble. I do not think you would get anyone from the Labor Party or anyone on the crossbenches disagreeing with that. During the past four years, 12 of our local suburban supermarkets have closed, and I believe that a further 20 have been classified as being "under threat". These are the facts, and they are undisputed in this debate. What is being disputed, Mr Speaker, is the ability of this Bill to successfully improve the fortunes of these local stores. As I am convinced that it will not, I am not prepared to give the Bill my support.

Mr Speaker, I think that Mr Humphries is lying to suburban people, who think that this type of legislation is going to help them. It is an out-and-out lie on the part of Mr Humphries. I am sure that, last night, we all received a copy of an appraisal of the potential effectiveness of this Bill, done by the firm Price Waterhouse.

Mr Humphries: No. We did not get one. We were not given one, I am afraid.

MR OSBORNE: I imagine that you were not given it, Mr Humphries, because they could see that you would not listen. You cannot see the facts and the truth. I think it is important for us to consider the results of this independent investigation, because its findings are damning. The investigation has produced three central findings. The first is that these proposed restricted trading hours will have a minimal impact on local supermarkets, which makes it a poor policy option. The second is that these restrictions carry a number of unfortunate side effects - like the issue that Mr Whitecross raised in question time, of the Government losing half a million dollars in payroll tax and, more importantly, over 300 people losing their jobs overnight. The third is that there are several more effective and efficient solutions that could be used to deal with the many problems that small supermarkets are facing.

To go through the document, this evaluation also notes that there are a few factors that the Government has not thought of or has not mentioned at any time so far - such as taking into account the changing demographics of our city, employment patterns and lifestyles; and what action the Government intends to take if, and when, these restricted hours do not work. There is no plan B, Mr Speaker. This has to work, or we will have caused a lot of pain in our community for nothing. Speaking on my own behalf,

with three young children, I know that the only time we get to shop is late at night. It is quite impossible for my wife or me, or both of us, to take three children to our major supermarket during the day, because two of them need to be pushed around in a pram.

Mr Humphries: Well, do not. Shop at night.

MR OSBORNE: I shop at night, not at the place where I choose to shop but where I am forced to. Mr Speaker, the logic the Government has used for introducing this Bill is fatally flawed. I must admit that I am absolutely disgusted at the way Mr Humphries has lied about this whole issue. Quite frankly, it is very disappointing.

Mr Humphries: I rise, metaphorically speaking, on a point of order. I ask that Mr Osborne withdraw - - -

MR OSBORNE: Mr Speaker, he has lied to the local shops. Assuming that this is going to help them, which in itself is a lie - - -

MR SPEAKER: Order! Mr Humphries has sought a withdrawal. Mr Osborne, would you be good enough to do so?

MR OSBORNE: I cannot when it is the truth, Mr Speaker.

Mr Humphries: I think that he should be named, Mr Speaker.

MR SPEAKER: Mr Osborne, I am asking you, please. Mr Humphries has asked for a withdrawal of the comment. As you well know, generalisations are acceptable - - -

Mr Wood: He wants to go home.

MR SPEAKER: That may be the case.

MR OSBORNE: I will withdraw that, Mr Speaker. The whole Government has lied. They are all liars.

MR SPEAKER: I must accept the statement, because it is a generalisation. It is not for me to judge the veracity of it. Thank you, Mr Osborne. Please proceed.

MR OSBORNE: I am pleased that you acknowledge the fact that they are all liars in the Government. Mr Speaker, the logic that the Government has used in producing this Bill is fatally flawed. It has assumed that by restricting the hours in one place - - -

Mr Moore: Are the Greens liars, too?

MR OSBORNE: No. They are just stupid.

MR SPEAKER: Order! Mr Moore, do not provoke Mr Osborne. Allow him to get on with his speech. I appreciate that it is 9.50 pm and everybody is getting into the silly mood; but try to keep your eye on the matter under discussion.

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MR OSBORNE: I have to go shopping, Mr Speaker. It is my last chance because of the lies of the Government. Mr Speaker, the Government has assumed that, by restricting the hours in one place, people will automatically go and shop at another place and, consequently, will bail the other businesses out of trouble. We heard on 2CN today just what people had to say about that. If only that were true, I would be more sympathetic; but the Price Waterhouse investigation shows that it will not happen. As the group centre supermarkets will be remaining open at the time when the town centres are closed, those people who do make a change will simply go there for their regular weekly grocery shopping and not down to the local stores. In the case of Tuggeranong, Mr Speaker, they will not go to Woolies at the Hyperdome; they will go to the Woolies at Kambah, Erindale, Conder or Calwell. There is a lot of logic in that, Mr Humphries, is there not?

Mr Speaker, as I said before, a number of our local supermarkets are in serious trouble. However, there are a number of reasons for this; but the growth of town centre supermarkets is yet to be proven to be one of them. It is a proven fact, Mr Speaker, that the largest impact on our local supermarkets is the growth of the group centres. It is they who have caused the local supermarkets to become convenience stores. Even this role is being taken away from them by petrol stations and the like, where you can buy, over a longer range of hours, a wide variety of items, ranging from bread and milk to videos and disposable nappies. This does not change the simple truth that this Bill will not help our local supermarkets. For this reason alone, I consider it unworthy of support. Mr Speaker, there are, unfortunately, only eight of us who have seen that this is nothing but a stunt today. This, however, does not mean that we have turned our backs on small businesses - - -

Mr Humphries: Tell them that.

MR OSBORNE: I told them. You know that this is a stunt, Gary. You are just surprised that you fooled the Greens.

Mr Humphries: I would tell you yes; but I am a liar, as you know.

MR OSBORNE: No; you are all liars.

MR SPEAKER: Order! Please proceed with your speech, Mr Osborne.

MR OSBORNE: It is very hard for me to talk, Mr Speaker.

MR SPEAKER: Ignore the interjections.

Mr Humphries: He is choking back the emotions here, Mr Speaker.

MR OSBORNE: I am holding back the vomit that I want to throw over what you have done here today, Mr Humphries. What it does mean, though, Mr Speaker, is that we have recognised that this Bill is not going to achieve its purpose and we are saying to the Government, "There are better alternatives. You ought to go away and come back with something that will work". However, given their performance over the past two weeks,

I doubt that they would listen. They certainly have not listened to the 84 per cent of Canberra people who favour extended shopping hours or to the 40,000-odd people who petitioned or wrote to the Government to change its mind on this issue. It almost makes you wonder whether we misread the Liberal campaign slogan at the last election.

Mr Speaker, I would like to comment briefly on Mr I-am-not-here De Domenico's tabling speech last Thursday, where he said:

Can I say also that this Government will continue to resist all this media hype that has been going on, because this Government will continue to make sure that, after the trucks from Woolworths, Coles and others come into town with groceries, they do not leave the ACT with bucketfuls of our money.

Mr Speaker, this comment alone confirms, without a shadow of a doubt, that Mr De Domenico does not know a lot about this issue - and he is the Minister for Business, although he tried to duck and weave the other day during question time. It is little wonder that they gagged him at question time on Tuesday. Perhaps Mr De Domenico could explain to us - if he decides to come back - where he thinks small local stores buy their produce from and, if does it not come from interstate, where it does come from.

The media hype that Mr De Domenico referred to has, in part, been a desperate attempt by people to hold on to their jobs. With their families and their futures on the line, Mr Speaker, who can blame them? I have met with people who are going to lose their jobs because of this stunt, and some of them have been here over the last couple of days. These people include sole income earners, people with a mortgage, people with families, mothers who stay at home with their children during the day and who can work only at night, and people trying to restart their careers. Mr Speaker, what is going to happen to them and their families? The response from the Government to these people is to ask, "What about the 600 to 1,000 small traders who have been put out of work?". The answer to this question is to consider how many jobs have been created by the growth of our supermarkets during that same time. I will wager that far more jobs have been created than have been lost.

Mr Speaker, this Bill seems to revolve round the Government, supported by the Greens, creating a glasshouse-type environment, complete with generous applications of horse manure, for a select few. While the Government's approach may be more suited to growing mushrooms, the Greens seem content with sitting back and supporting anything that might make a small business out of a large one. While that may be an innovative form of recycling, the social costs of this Bill far outweigh the benefits. Mr Speaker, the Greens seem to think that there is something inherently evil in people wanting to pay the lowest price for their food. Their response to this Bill has convinced me more than ever that they do not live in the real world. The Greens' "magnificent obsession" for our city seems to include us all wearing sheepskins and sandals, riding our bikes down to the local store for our everyday groceries. I ask: Where have they been for the last 100 years?

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Mr Speaker, this morning, we all saw the Government and Greens display their paranoia about large companies. I would like to remind these members that most large businesses do begin as small ones. Even Woolworths and Coles began as small local stores. It makes you wonder why the Liberals and the Greens are so intent on turning off the lights in this city. The Government especially seems to have forgotten the three key words that have been highlighted in all the research and surveys that have been done in the last 18 months - "prices", which are important; "convenience"; and "jobs". It is true that we need a balance of grocery outlets in the city, but the Government and the Greens seem to have totally lost the plot. In summing up, Mr Speaker, I think that, quite frankly, as I said to Mr Moore only a few minutes ago, this is possibly the worst piece of legislation that I have seen in the 18 months that I have been in this Assembly. (*Extension of time granted*) The pain that this will cause not only to the people who will lose their jobs, but also to the people who will be put out - such as me and my family and many other people in the same position as we are in - will far outweigh any minuscule benefit that Mr Humphries seems to think small businesses will gain.

MS REILLY (9.59): Like many people, when I first heard this proposal when it was announced a few weeks ago, I wondered whether I had heard it correctly. Maybe Mr Osborne is right: It is a stunt. The other thing about it that is interesting is the contradictions that are inherent in it. But one part that nobody has mentioned to date is the fact that this suggestion is really quite romantic. I think it is really wonderful to look at what this proposal says. It forgets about what is happening; it forgets about the fact that it is nearly the end of the twentieth century; it is returning to some earlier time, when life was - - -

Mrs Carnell: To 1991.

MS REILLY: No. I think it is probably going back further than that - to the 1950s, with the white picket fences, the FJ Holdens, those sorts of things, when mum was at home after school because she had no opportunities to work. Then I remembered that this Liberal Government has connections with the Liberal Government in the Federal sphere and that John Howard wants to go back to the 1950s. Obviously, this Government wants to follow him and tries to pretend that we live in another world. Why do we want to pretend that this is not 1996? Why do we want to go back and change things?

Particularly in the ACT, a number of women choose to work outside the home. For that reason, a number of arrangements have to be made for doing the ordinary, everyday tasks of life, of which shopping is one. But this Government has decided that you have to rearrange your life. You cannot have the current shopping arrangements. It does not want people in the ACT to be given any choice about when and where they shop. The other contradictory thing about this proposal for shopping hours relates to jobs. There has been enough said about the jobs that we have lost in the retail industry. But what about the other particular industries in this town? We are getting rid of public servants. They are no longer seen as useful and acceptable members of the work force. Let us just chuck them out and make
make
them
redundant.

John Howard is working hard on that, with support from his colleagues here in this Assembly. In the other industries that are seen as the growth industries here, which we are told about so often - the tourism and hospitality industries - people do not work from nine to five. In most cases, they work 24 hours a day, seven days a week.

This Government has supported the development of the secondary labour market. It has supported the casualisation of labour. It does not feel that people should have to have fixed hours of working. It is happy for people to be part-time workers. But it will not let you shop at a time convenient to you. If you are working in the hospitality industry, you do not have the joy of finishing at 5 o'clock so that you can do your shopping by 6 o'clock, before the shops shut. You often work until 10 o'clock at night or later. Where are these people supposed to shop? They do not have the conveniences that those lucky people who just work nine to five have. They work a lot of different hours. The tourism and hospitality industries are two industries that are trumpeted as the way to go. But we do not do anything to support the people who work in those industries by providing them with flexible retail shopping hours. We must go back to fixed regulations.

That is the other interesting aspect of the proposed amendments to the Trading Hours Act. This Government has talked a lot about red tape. It has talked a lot about regulation. I can remember before the 1995 election many statements about how dreadful the Labor Government was in terms of regulation; how that Government stopped people from being able to get on with the job and stopped businesses from operating, because there were too many regulations. But what will these amendments do? They will regulate when shopowners and shop proprietors can trade and they will take away choice from consumers. So, instead of being concerned about what consumers can do in terms of retail trade, they are looking to reduce the services to consumers, contrary to their stated policies.

But let us look also at the town centres and the group centres. That seems to be one of the things being discussed in detail. Let us look particularly at the situation down in Weston Creek and Woden, the area that I know best and an area that Mr Humphries also is very familiar with. He was quite explicit about it yesterday in question time. I would ask: Why, how, and in what way will the small supermarkets in Weston Creek be assisted by this proposal? Mr Humphries suggested yesterday that what was killing the local shops in Weston Creek was the group centres. But nothing is being done about the group centres. Nothing is being done to change the trading hours of the group centre in Weston Creek. There is a Woolworths there. It can continue to trade until 12 o'clock.

Mr Whitecross: This will make them more profitable.

MS REILLY: The group centres?

Mr Whitecross: Yes; you will not be able to go to the town centres, so you will go to the group centre supermarkets, and they will make more money.

MS REILLY: Exactly. What is going to happen to the local supermarkets in Weston Creek? How are they going to be assisted by these amendments?

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Mrs Carnell: So, why do they want it?

MS REILLY: The ones I have spoken to are not saying that this is going to be a big thing. Changes have already occurred for the local supermarkets in Weston Creek. This is not going to make any difference.

Mrs Carnell: Go out and ask them. They all want it. Waramanga, Holder, Chapman - they all want it.

MS REILLY: Obviously, they tell different stories to different people. If you look at Woden, you could ask the same question. Who is going to be helped by shutting the town centre at Woden early? It was a deliberate planning policy to put a number of medium-density blocks around Woden. In fact, that has been continued with the Phillip development on the other side of the cemetery. There is a quite large group of new medium-density housing in that area, and all of those residents use the Woden Town Centre as their local supermarket.

Mrs Carnell: Or Southlands.

MS REILLY: They also use the Woden Town Centre, and it is very conveniently located. It is also conveniently located for people who work in Woden and live in Phillip. So, there is nothing to assist those people. They have been told that they can go somewhere else. The situation in Woden is similar to the situation in Weston Creek in that sense. There are two large group centres - Southlands, as Mrs Carnell has mentioned, and also Coles at Curtin. So, the local supermarkets in Woden also are not going to benefit from these changes. The changes to those local supermarkets have already happened. So, despite the fanfare and all the fuss - that this is going to revolutionise local supermarkets - it is not going to happen in those particular areas. It may be that, because they are older areas of Canberra, they do not count; they do not matter. But they are important.

Let us consider some of the planning processes that happen in the ACT and look at the way the ACT has developed, with the use of town centres and with the provision of accommodation and residential areas around them. Civic is another prime example of an area with a large amount of housing close by. Not all of those people have access to other centres and not all of them can afford to pay some of the high prices charged by the closest retail outlets they can get to if the town centres close early. There has actually been quite a push to revitalise Civic and to get new residential areas into Civic. Those people do not have access to shopping. They just have to go somewhere else, instead of the Government making it convenient for them to get hold of the grocery lines they might need.

Mrs Carnell: After seven.

MS REILLY: Obviously, if you live in Civic, you should not have any needs after 7 o'clock at night or 5 o'clock on a Sunday. If you have not got your goods and groceries by that time, tough. Obviously, it does not matter.

Mr Humphries: There are shops in Civic other than supermarkets, some of which are open after 7 o'clock.

MS REILLY: Yes. I understand that service stations are open and I understand that their prices are very interesting. As you said in the introduction last week, the solution is not to be found just with retail hours. I think it is a pity that we are jumping the gun and looking at retail hours in isolation from the whole of the retail industry in the ACT. I suggest that members do not support these amendments.

MR HUMPHRIES (Attorney-General) (10.09): Mr Speaker, those who have opposed this legislation, I think, have to face up to a fairly serious onus which falls on their shoulders, which I do not believe anybody in this debate who opposes the legislation has yet discharged, and that is to spell out what alternatives there are that they believe should be acted upon by the Government to deal with the problem which we have addressed in this legislation. Members have, I think, acknowledged fairly widely that there is a serious crisis facing small business, particularly small business based in local neighbourhood centres in this city. We all accept that that is the case, but to date no speaker in this debate has addressed a way of solving the problems of those businesses, or even addressing the problems of those businesses, except through the proposals put forward by the Government; that is, trading hours.

Mr Speaker, I think that those in this place who say that the Government is doing the wrong thing are left in a position of having to do one of two things - either of saying that there is simply nothing that can be done, which is a proposition the Government rejects; or of saying that we have an alternative solution and then taking that solution and putting it forward in some particular way. Mr Speaker, I have not heard that yet, and I think that those opposite and on the crossbenches need to be addressing that very issue. (*Quorum formed*) I thank Mr Berry for providing me with an audience. Mr Speaker, there has been an unbelievable amount of nonsense spoken in this debate. The suggestion has been made, for example, that the Price Waterhouse report blows out of the water an argument that there would not be job losses arising out of this proposal. Mr Speaker, we have not seen the Price Waterhouse report, which is not particularly surprising.

Mr Moore: Why? It is just here.

MR HUMPHRIES: Thanks. We have not seen it before. Mr Speaker, as Mr Berry is walking over, perhaps he can tell me who commissioned the report.

Mr Berry: I would not have a clue.

MR HUMPHRIES: He says that he would not have a clue. I think Mr Berry would have a clue. I think Mr Berry probably knows, because of the news release which appears on the front: "ASI releases independent assessment of Carnell Government's trading hours policy". That is the Australian Supermarket Institute. Thank you, Wayne. You may go now.

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Mr Berry: Read this paragraph here.

MR HUMPHRIES: Thank you very much. Do not call us; we will call you. Mr Berry, you can have it back now. I have read all that I need to. Mr Speaker, if the Tobacco Institute commissioned Price Waterhouse to do a study of the effect on the Canberra economy of tobacco sales, who here would believe the results of that report? Nobody. Why should we believe the report because it has been commissioned by the Australian Supermarket Institute? Mr Speaker, I do not believe a thing that the Australian Supermarket Institute has said in this - - -

Mr Moore: I rise on a point of order, Mr Speaker. On the one hand, we have Mr Humphries showing that he is trying to, supposedly, protect business. The next minute, he is naming a particular business and saying that it is biased and has not done an independent survey, because it has been commissioned by somebody else.

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

MR HUMPHRIES: Thank you, for that diversion. Mr Speaker, the fact is that jobs have already been lost in this city through the neglect by previous governments of the problems of small business, particularly in local centres. They have been allowed, systemically, to die. We know that, in the last year or so, 12 local centres have, effectively, died because their supermarket has closed and we know that a further 20 such centres are under immediate and severe threat. What are those opposite in this debate - who say to us, "Do not touch trading hours" - going to do about that? What is their solution to that problem? How will they act to help those businesses? Mr Speaker, those people do not have a solution; they do not care; they do not intend to act; and they do not really know what they are talking about. Because we are honest about this, I do not pretend that we are absolutely certain about everything that we put forward in this place and can profess it to be the absolute answer to all of the problems that we might be trying to address. We do not pretend that. But we do believe that it is time the Government made a serious attempt to address the problem for those small businesses, and we have taken that step for the first time.

Mr Speaker, as I said before, there has been tremendous nonsense spoken by those who oppose the legislation. The statement that 300 jobs are going to be lost is the biggest furphy of all. There is simply no evidence to suggest that job losses of that magnitude, or anything like that magnitude, will be sustained as a result of this policy. The suggestion that shelf stackers and other workers associated with the businesses will go out of business is just absolute nonsense. Take nightwatchmen. Why should it become any less necessary for a shop to be secured at night because it has closed at 7 o'clock than if it had closed at 10 o'clock? Why are there fewer people needed to look after that store? I would have thought that, if it closed at 7 o'clock rather than 10 o'clock, the nightwatchmen would get more work, because they would be out there from 7 o'clock onwards rather than from 10 o'clock onwards. It is a complete nonsense.

The other furphy is that there will be no access to shops in town centres if the Government closes these stores. Mr Speaker, first of all, let me put to one side the supposed problem of allowing people to access shops when 85 hours' worth of shopping is available in those town centres under this policy. Advocates of this position forget that there are other shops in town centres that sell food - both cooked food and uncooked food - that are available to meet the needs of people who live in or near town centres. (*Quorum formed*) In Civic, for example, in the City Markets, there are a number of shops where cooked food and uncooked food can be purchased, and, under this policy, those shops can be open for whatever hours are required to meet the needs of people who want to shop there. I have no doubt that, if there is a large number of people who live in or near Civic who want to shop for groceries or food of various sorts at night, those shops will remain open to meet the needs of those customers, and they will be able to under this policy. So, Mr Speaker, to say that we are destroying the interests of people who live near town centres is just nonsense.

Let me make one point perfectly plain. Under this policy, the ACT will have the most unrestricted trading hours policy of any jurisdiction in this country and, indeed, one of the most unrestricted trading hours policies of any place in the world. Let us look at the situation in other Australian jurisdictions. In New South Wales, small and scheduled shops have unrestricted hours. General shops - which generally include large retailers, including grocery supermarkets - have restricted hours. On Sundays, for example, their trading is restricted to from 10.00 am to 4.00 pm. With certain exemptions, that applies in most parts of the State. Compare those, Mr Speaker, with the hours being proposed by the ACT Government.

In Victoria, metropolitan shops, including major supermarkets, can trade to 5.00 pm on Saturdays, while non-metropolitan shops can trade to 1.00 pm on Saturdays but are closed on Sundays. Mr Speaker, in Queensland, the general hours for shops are 8.00 am to 9.00 pm weekdays, 8.00 am to 5.00 pm Saturdays, and closed on Sundays and public holidays. And the list goes on. In South Australia, the hours are midnight to 6.00 pm on weekdays and midnight to 5.00 pm on Saturdays. Shops are generally closed on Sundays. In Western Australia, the hours are 8.00 am to 6.00 pm Monday to Wednesday and Friday, and 8.00 am to 5.00 pm Saturday. On Sunday, in certain precincts such as Perth and Fremantle CBDs, you have trading hours; otherwise, no trading at all. It is a similar situation in Tasmania. Sunday trading is nil.

Mr Speaker we have, under this policy, a very unrestricted trading hours policy. Those in this debate who oppose the restrictions we are placing on it, who suggest that we are taking some extraordinary step, really have to ask themselves whom they are trying to fool. What we are doing is no more or less than acknowledging that trading hours have an impact on the viability of businesses at other levels of the retail hierarchy, and we are doing something about that. Mr Speaker, I say again that, if those who oppose this legislation think we are doing the wrong thing, let them outline to this Assembly what their alternatives are. How are they going to deal with those businesses that have suffered so badly under the present policies? What are they going to do? Mr Moore at least says that he would restrict retail trading expansion in the town centres. But what is the alternative Government going to do? What policy are you going to put in place?

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You will tell us when you get back into government, presumably, and by that stage it will be too late. Mr Speaker, the people of the ACT are not going to buy that line. Tell us now, so that we can know what our fate would be under a Labor government.

Mr Whitecross: Whom did you tell before the last election that you were going to close supermarkets?

MR HUMPHRIES: We said that we would review the policy.

MR STEFANIAK (Minister for Education and Training) (10.23): I am really quite amazed at this. As someone who has grown up in Canberra I have seen trading hours, Monday to Friday, from nine until five, and then we had Friday night shopping until 9 o'clock, and then we had Saturday morning shopping from 9 o'clock until 12 o'clock. It is only since 1992, Mr Speaker, that we have had very much extended trading hours. As Mr Humphries has just said, we have 85 hours of trading. I have just done some very quick sums and that is more than 50 per cent of the total week. There are 83 other hours left in the week, but 85 hours is more than 50 per cent of the total week. In Mr De Domenico's Bill, the Government's Bill, we have trading from 7.00 am to 7.00 pm in the town centres, Monday to Thursday, 7.00 am to 10.00 pm on Friday, 7.00 am to 7.00 pm on Saturday, and 7.00 am to 5.00 pm on Sunday. That is far in excess of anything in any other State. How many town centres are we talking about? We are talking about four. How many stores are we talking about, Mr Speaker? You can count them on both hands. We have trading for 85 hours a week under this Bill, the most liberal trading hours in Australia. That is a fact.

Since 1992 a number of our small suburban shops have gone under, and, Mr Speaker, it is not just hearsay that one of the biggest reasons why they have gone under is unrestricted trading hours. I think that is a fact. I can recall when this Bill came in. One of my colleagues, either Mr Humphries or Mr De Domenico, was talking about it and said that in going around and talking to local stores - I think it was Mr Humphries - about 30 or 40 per cent of those spoken to said that the single biggest problem they had was unrestricted trading hours for the big stores, the big town centres. I would go along with that, Mr Speaker, because I also went around before the last election and talked to a lot of stores. Apart from that, before I got back into this place in August 1994 I acted for a few small stores who went broke. Those stores were viable until such time as we had 24-hour trading. I remember a few of those store owners who are now bankrupt saying, "If we had been able to trade from about 8.00 pm to 11.00 pm, if we had had that window of opportunity, we would not have gone bankrupt".

I find it quite amazing and actually quite amusing, Mr Speaker, to hear Mr Wood talk about the effect that this Bill will have on people's lifestyles. If people in this modern day and age, with the flexibility virtually every job in this community provides, cannot find some time within the 85 hours to go to the store of their choice in Civic, in Belconnen, in Tuggeranong or in Woden I do not think they are really trying, Mr Speaker.

Then we have the group centres, and the group centres are not even affected. There has been some misinformation put out by the people who oppose this Government's measure. He might want to talk about it himself but my colleague Mr Hird had a woman ring up and say, "Under your Bill I will not be able to go and shop at Kaleen". Wrong; you will be able to shop. She said, "I will not be able to shop at Kaleen and I will not be able to vote for you any more because of this". Well, she can do both actually, although probably not at exactly the same time. She can shop at Kaleen, because that is a group centre and that is not affected by this, and she can still vote for my colleague Mr Hird. Really, there is some incredible misinformation going about because the group centres are not affected.

This is complex legislation. This is an incredibly complex issue. The big point here, Mr Speaker, is that this Government is doing something. It is not popular. It is hardly universally popular, even with the people who say, "Yes, thank you, you are doing something". Even they would like us to go further. There are many people - - -

Mr Whitecross: Thanks for doing something but it will not work. That is what they are saying.

MR STEFANIAK: Well, it is a hell of a lot better than what you lot did when you were here because you did absolutely nothing. That is why 30,000 people signed that petition to save our local stores. You were not here but that is probably one of the main reasons, Mr Whitecross, why your party went down the gurgler in the February 1995 election.

Mr Whitecross: Your philosophy is that anything is better than nothing.

MR STEFANIAK: This is an attempt. We do not say it is marvellous. We do not say it is perfect. We say, "Okay, we will have a look at it too, later on down the track". That is understood. At least it is doing something, and the little Canberra people who employ locals, who support their local suburban sporting teams and other community activities like that, and who keep their money in the Territory, at least now have a chance, Mr Speaker. It has given them some chance, and I think that is terribly important. I think it is utterly hypocritical of the Labor Party to talk about this affecting people's lifestyle. How yuppyish. That is Pitt Street, Sydney, stuff. My colleague talked about the light in the boardroom on the twenty-fourth floor. That, unfortunately, is so very true.

Ms McRae: Why don't you talk to the people who live in Belconnen?

MR STEFANIAK: You are betraying your origins. You talk about social equity. You talk about social justice. How incredible. How utterly hypocritical, Mr Speaker. Now, we do not profess that this is perfect, but this at least is doing something. This is at least doing something, and it is accepted by the small businesses as doing something.

Mr Wood: You do keep saying that, don't you.

MR STEFANIAK: It is doing something whereas you people did absolutely nothing. There are a few little facts here, Mr Speaker. The Labor Party will have you believe - yes, they will have you believe the magic figure - that 300 or 305 jobs are going to be lost.

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Mr Whitecross: It is 306, I think.

MR STEFANIAK: Is it 306? Maybe it is 306.5, or something, Mr Whitecross. Nothing has happened yet, Mr Speaker. No-one can say whether that is going to happen or not, but, Mr Speaker, it is pretty plain to see how many local shops have gone down the gurgler, and it is pretty clear how many people who were employed, Canberra citizens - people whose money goes back into the community - have lost their jobs there. The *Australian Financial Review* published on 25 June contained a number of statistics, and I quote from that article, Mr Speaker:

The small business sector of the ACT, represented by Mr Norman Henry -
whom we all know - - -

Mr Wood: Ha, ha!

MR STEFANIAK: Well, you might laugh - - -

Mr Berry: Abolish Self Government; no, No Self Government.

MR STEFANIAK: Well, here we go; you are making derogatory comments against this fine citizen. The report says:

... Mr Norman Henry, the director of the Canberra Small Business Council, retaliated with figures of his own.

We are fairly familiar with these figures. They do not like these statistics, Mr Kaine, as you say. The article continues:

“In the last four years, at least 700 people have been made redundant because of small business closures,” Mr Henry said:

“Forty-four small butcher shops have closed, not to mention countless delicatessens, bread shops, cake shops and takeaways.”

An ACT small business petition called Save Our Shops was signed by more than 30,000 people ...

The bill was introduced to the ACT Legislative Assembly last week and it will be debated later this week -

like now -

This issue has fired passions in the small business community around Australia, but only the ACT has tried to find a legislative balance - - -

Ms McRae: Ha, ha, ha.

MR STEFANIAK: That is important. You might laugh, Ms McRae, but you lot did absolutely nothing to address this when you were here. I quote:

... but only the ACT has tried to find a legislative balance between the needs of small business, big business and the community -

at least this Government is trying -

The bill will replace the act that now regulates trading hours. This was based on the category of goods ...

It goes on about that. It is interesting, Mr Speaker, that this article goes on about problems Australia-wide. It states:

Extended trading hours may be linked to the decline in the retail property markets in traditional or strip shopping centres, according to Dr Robert Baker, senior lecturer, Department of Geography and Planning, The University of New England, Armidale, NSW.

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

“We need our supermarkets, -

well, I do not think anyone here disputes that -

but if they set the hours to suit themselves I do not think that will benefit the community.”.

Some of the members opposite, especially the Labor Party, talk about social justice. They constantly worry about the underprivileged, the people who do not have the opportunities to move about, who do not have mobility, who do not have income, the elderly, the unemployed, people on pensions, single mothers, and people with no transport. These are the very people who suffer when a neighbourhood centre goes down the gurgler.

Ms McRae: Give it away.

MR STEFANIAK: What hypocrisy, Ms McRae; what absolute hypocrisy. These quite clearly are the people who suffer. I think that is something the Greens realise. That is probably one of their big points, but here the party which champions social justice is doing absolutely nothing to help these people. At least we are having a go.

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Mr Speaker, the funny thing about this is that this is a balance, but you can have both. The supermarkets in the town centres, those four town centres, only part of the whole shopping complex, the whole panorama of Canberra shopping, still are open 85 hours a week. That is more than anywhere else in the country. So what are these people complaining about? We still have the group centres, where you can shop 24 hours a day if you want to. At least this Bill does give that window of opportunity, a chance for those small businesses that I think most of us realise are very desirable, and that we really do want to keep operating in our local suburbs if we possibly can. This gives them a chance.

This Bill really is about true social equity, about true social justice, about really supporting small business. It does not do anything really to affect big business either. It is a good balance. It is a difficult equation. This is not easy, but at least, contrary to what the last Government did, which was sit on its hands and do absolutely nothing, this Government has done something. It is good to see that that has been recognised by a number of people in our community, especially those small businesses who are suffering. This is something at least, which is vastly different from what the previous lot did, which was absolutely nothing.

MS HORODNY (10.35): The Greens will be supporting this legislation, quite obviously. We have been saying so for the last several weeks. Contrary to some in this place, we believe that the Government does have a role to intervene in the market where it is for the long-term good of the community, and especially when there are such clear distortions in the market as there are now in retail in the ACT. Some people wonder why the Greens care about this issue at all. Why are we bothering to stand up for local businesses? We do care about local business, Mr Speaker. I have been around to many of the local shopping centres in Belconnen and spoken to dozens of small business people around Belconnen.

Mr Moore: How is this going to help? It is not going to help at all.

MS HORODNY: It is because we care about the local economy, and it is because we want - -

Mr Moore: Care? Come on.

Mr Osborne: Stop the lies, Mr Speaker.

MS HORODNY: Mr Speaker, could I have some peace and quiet, please?

MR SPEAKER: Yes, you can have some silence. Ms Horodny has the floor. She listened quietly to the rest of you. The least you can do is to - - -

Mr Osborne: She has been asleep, Mr Speaker.

Mr Moore: Yes, but, Mr Speaker, we were not putting rubbish up like she is.

MR SPEAKER: There has been a lot of that in this chamber, Mr Moore. I do not think anybody is exempt. Please continue, Ms Horodny.

MS HORODNY: Thank you, Mr Speaker. It is because we care about the local economy, and it is because we want local shops and local businesses, just as we want local health centres, local libraries, and a whole range of other services which benefit our community. Small firms employ 55 per cent of the private sector in Australia. Large capital-intensive firms concentrate on chasing market share and churning existing wealth. In Australia they are crushing smaller, labour-intensive firms. According to 1992 ABS figures, in the ACT, supermarket grocery stores generated 68 per cent of the turnover of retail trade, but employed only 49 per cent of people. Obviously, this share of the market has grown since then. This contrasts with specialised food retailers who picked up only 32 per cent of retail trade, but employed 51 per cent of people employed in food retailing. Mr Speaker, if we are going to solve unemployment problems we have to support labour-intensive companies. As consumers we must remember this: It might be cheaper to always shop in a large store because they can keep their costs down by achieving economies of scale and have considerably cheaper rents - - -

Mr Osborne: It is all right to go and spend more money.

Mr Moore: It is all right when you are single and do not have kids.

MR SPEAKER: Order!

MS HORODNY: And, particularly, they have considerably cheaper rents when they get a deal of no rent.

Mr Moore: Where? Who? Who? Come on?

Mr Osborne: Oh! Unbelievable.

MS HORODNY: Some of these supermarkets, Mr Osborne, pay no rent in the town centres. No, you do not want to know about that, do you?

Mr Osborne: They have the hide to offer cheaper groceries, have they? Un-bloody-believable.

MS HORODNY: They employ a smaller ratio of staff and can run very small profit margins, and even no profit at all on some items. That is the benefit of being a corporate giant, Mr Osborne.

MR SPEAKER: Order! Ms Horodny, one moment please.

Mr Humphries: Mr Speaker, the level of interjection is really, I think, very unfair. Ms Horodny did listen to everyone else in silence. She should be heard in a relative degree of silence as well.

Mr Moore: That is too bad.

Mr Osborne: She is talking rubbish.

Mr Moore: She has got away with this sort of rubbish for too long.

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MR SPEAKER: I uphold the point of order. Just one moment, please. Whilst I cannot say the same for the rest of you, Ms Horodny did hear all others in silence. I think the least we can do is respect her rights and listen to her speech in silence.

Mr Osborne: It is rubbish, Mr Speaker.

MR SPEAKER: Irrespective of whether or not it is rubbish, none of you by your interjections are impressing anybody in this building.

MS HORODNY: Thank you, Mr Speaker. Naturally, it is very appealing to the consumer to have these extraordinarily cheap costs, but what is the real cost? What is the real cost? What is the environmental cost of the extra transport in bringing meat in from Sydney instead of using the local abattoir?

Mr Osborne: Oh, sorry, sorry.

MS HORODNY: Mr Osborne, what is your response to that?

Mr Osborne: I am sorry that I want cheap groceries.

MS HORODNY: What is your response to that, Mr Osborne? These costs are not considered at all.

MR SPEAKER: Ms Horodny, do not ask rhetorical questions of other members, please.

Mr Osborne: I am sorry that I want cheap groceries. I apologise for that. I apologise that I want cheap groceries to feed my family. I apologise for that.

MR SPEAKER: Order! Ms Horodny, please continue.

MS HORODNY: What is the human cost of this increasing centralisation? I know Mr Osborne does not care. He claims he cares about jobs at Woolworths, but he does not care about the 30 jobs at the abattoir, for instance, and he does not care about the 700 jobs that already have been lost. It is a very simplistic argument there, and this is all in the name of efficiency.

When it is cheaper to use a sophisticated machine a job goes, and does the consumer win in the long run? I think not. I think we lose diversity; we lose community. We narrow the local economy because it is cheaper to buy everything from Sydney. Simple. The whole competition argument in both the private and public sectors at the moment is not about real competition. It is about efficiency. Efficiency in a narrow economic sense always favours the cheapest, the quickest or the one with the biggest turnover. What has been completely missing from the debate in both the public and private sectors is the human and environmental effects. What happens when we want to buy a loaf of bread and we have to get into a car and drive to a big supermarket? What happens when there are no local businesses left?

Mr Osborne: What about the 300 people who are going to lose their jobs?

Mr Moore: What is the impact of that on the environment?

Mr Osborne: What about the families who are going to lose their house because of you foolishly falling for this stunt?

MR SPEAKER: Order! Mr Moore and Mr Osborne, would you please remain silent while Ms Horodny is speaking.

Mr Osborne: It is garbage. It is rubbish that we are hearing from her, Mr Speaker.

MR SPEAKER: It may very well be but I have heard quite a bit of rubbish tonight from both sides of the chamber.

MS HORODNY: Another important reason why we need local centres is that it is the least mobile people in the community who rely on them. We hear this time and time again. The argument comes back that for many people the town centre is the local shop. But we are not talking about shutting down the shops in the town centres. We are talking about restricting their hours and, as Mr Humphries and Mr Stefaniak have said, it is still 85 hours per week. It is not 40, it is not 60, it is not 70; it is 85. If we sit back and do nothing the local shops will not be restricting their hours, they will be continuing to close down. Absolutely nothing has been done to date. The 20 supermarkets, like the one at Emu Ridge which is now not available to Emu Ridge residents, perhaps may re-open. Would that not be a wonderful thing?

As consumers we have to think about the bigger issues. We have to remember that the small shops cannot stay open for long hours and if we value them we have to give them a fair go. From the letters and phone calls that we have received small businesses in the town centres are very happy with this proposal. They are very happy to have streamlining of the shopping hours so that they can catch the custom in the more core hours. There has been a lot of hype around this issue in recent weeks and I think the record needs to be put straight. The major supermarkets have been getting their staff to walk around with clipboards asking customers to sign petitions.

Mr Moore: That is a perfectly reasonable democratic process.

MS HORODNY: We have all seen the wording of that petition. It has been going on in all supermarkets, Mr Moore, not just in the town centres. People are being asked questions like, "Can you sign this petition to stop me losing my job?".

Mr Osborne: It is true; 300 people are going to lose their jobs.

MS HORODNY: In Kaleen, Mr Osborne? In Dickson, Mr Osborne? Get your facts straight. Mr Osborne, you do not seem to understand that we are talking about town centres. Do you know the definition of a town centre? Dickson is not a town centre, Kaleen is not a town centre. People are also being told that the Government is trying to close all shops in Canberra at 4.00 pm. We have had several phone calls on this issue and, again, that was in places like Dickson and Kaleen. It is no wonder that

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42,000 people have signed this petition. The petition is an absolute sham. It is a sham. I, too, would sign that petition if I thought this Government was closing all shops at 4 o'clock. I would sign that petition. Show me a petition and I will sign it if that is what the Government plans to do. Individual businesses do not have the time or resources to mount a campaign like this one.

Mr Speaker, we have nothing against Woolworths or Coles, or any other supermarket for that matter. They certainly have a place in the market - even the Small Business Council agrees with that - but not the only place. They do not deserve to have a monopoly in the ACT, and that is exactly where this city is heading. We will soon be the Woolworths and Coles capital of Australia. The big three already control 75 per cent of the market. Does anyone really believe that these companies are the benevolent organisations that they make themselves out to be? When it comes to profit margins, the corporate giants, with the help of the ALP and Mr Moore and Mr Osborne, have no concern for the human cost. Mr corporate giant Osborne will remember that.

Mr Moore: I take a point of order. Mr Speaker, in her speech Ms Horodny is suggesting that there is no concern for human suffering. I think that is just going over the top in terms of her imputations. She has not explained one iota, Mr Speaker, of how this is going to help the human suffering or the small shops at all. I think that is a personal reflection, Mr Speaker.

MR SPEAKER: There is no point of order.

MS HORODNY: Thank you, Mr Speaker. As members of the Liberal Party have already stated, the ACT at the moment is the only State or Territory that has a completely deregulated trading hours environment. Many States have quite strict regulatory environments, although some States have some tourist areas with looser regulations. Four councils in New South Wales have recently passed motions expressing concern about, or calling for a halt to, proposed expansion of trading hours, and consumers have been involved in these decisions because the bigger and longer-term issues have been taken into account.

On Tuesday, in the *Financial Review*, a senior lecturer at the University of New England was reported as saying this:

... the government policy which allows the free market to determine trading hours is handing market share to large retailers at the expense of small business.

He also said:

Small business has suffered in this competitive equation, but the strategy -
the strategy of deregulation -
in no way disadvantages the other major players in the market.

In essence, extended trading hours have been a great advantage to the corporate giants and a great disadvantage to local business. Another interesting point is that when the inquiry into trading hours was conducted most of the submissions, including a submission from BOMA, supported some form of regulation. What the Government needs to do is to regulate hours at group centres as well, we believe, and it obviously needs to look at the whole issue of that expansion of retail space.

A lot has been made about people who may lose their jobs, but what about the jobs that have already gone? The story on the front page of the *Canberra Times* yesterday is just the thin edge of the wedge. Thirty jobs have gone already because Woolworths has decided to bypass the local abattoir and buy meat from national suppliers. This is a backward step indeed, Mr Osborne, a very backward step. It does nothing for our local economy. (*Extension of time granted*) Thank you, members. We have heard so many stories of local suppliers who have lost business and have put off staff because nationals and multinationals are not buying from local suppliers. These range from bakers to smallgoods suppliers and newsagents. When a newsagency closes the company that goes around supplying sweets and other goods to that newsagency also has to lay off staff. The domino effect simply goes on and on. These people are not just family members, Mr Speaker. Local businesses support not only local suppliers but also local charities, local schools and other organisations. So protecting the local economy is not only about protecting neighbourhood shops. There are many businesses which are affected because of the increasing power of the major supermarkets, such as small businesses in town centres, local suppliers and neighbourhood shops.

The Greens recognise that many neighbourhood shops have to lift their game and some may not survive. No-one is suggesting that small businesses get something for nothing, but at the moment the corporate giants are certainly getting something for nothing. They are getting huge concessions in town centres in terms of cheap rent or no rent at all. I have already talked about this. This policy clearly is not perfect. We have been very open about the fact that we would like this policy to go a lot further. In fact, it is ridiculous in many ways to define a large supermarket as a shop that is only in the town centre. Clearly, no-one else in this place is going to support any moves to take the policy further, but it is a poor policy to define a large supermarket in this way.

We believe that the current trend towards a highly concentrated retail sector is a form of market failure. We have two choices. We can sit back and do absolutely nothing, as the Labor Party has done, or we can look at ways of rectifying the situation. The Labor Party did not support the proposed moratorium on retail space, so I do not know what they think they would do. That was their opportunity to do something about this. It is not an easy task. This is a highly complex issue. People have brought in many related issues on this, but we cannot just throw up our hands and say that it is too hard. That is not good enough. We are the elected members and we are here to make difficult political decisions. The Greens will continue to lobby the Government on ways to improve the local economy. As a member of the Planning and Environment Committee I look forward, with the other members, to investigating this issue more fully and reporting to this Assembly, hopefully by the end of the year.

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MR BERRY (10.53): I will deal with some of the Government antics on this later but, after listening to the Green Party's Ms Horodny on this issue, one would expect the Greens to stand by their commitments in relation to a whole range of matters. I heard Ms Horodny say that if they had their way they would close down the group centres as well. But that, in fact, does not happen with this legislation. Have a look at the real situation. The real situation is that large supermarkets will have to close between the hours which are prescribed in clause 6 of the Bill, but a supermarket of 400 square metres will be allowed to trade 24 hours in those areas, ad infinitum, until the sunset clause which is going to be proposed by the Liberals comes into effect. A situation is being created whereby you could close down a 24-hour trading supermarket, a large supermarket in a town centre, and a smaller one of 400 square metres could open up, trade for 24 hours, and in two years be sent broke. This is ridiculous legislation that the Greens are supporting.

Let us look at the effect of it on small shopping centres. The Greens have made great play of how much they support small business. Well, I have to agree with a comment I heard earlier, "Smaller and smaller and smaller business", because what they propose in relation to this Trading Hours Bill is what will happen. The 24-hour traders will move out into the group centres. For example, I reckon we will see a 24-hour trader in Kippax, an area that I know, and what do you think will happen? What do you think will happen as a result, Ms Horodny? I will tell you what will happen. The impact will be felt at the small Holt supermarket, the Higgins supermarket, the Charnwood supermarket and the Melba supermarket. You reckon you stand for small business.

Ms Horodny: Sure.

MR BERRY: Do not give me that. How can you support this legislation?

Ms Horodny: They are already going under.

MR BERRY: "They are already going under", Ms Horodny says; so it is all right. We will just give them a little help along; we will just speed it up a bit so they will not feel the pain for longer.

MR SPEAKER: Order!

MR BERRY: Now, come on! Just grease up the tracks a bit.

MR SPEAKER: Order! Stop asking rhetorical questions.

MR BERRY: Let us be serious about this. I am not going to sit idly by and have you pour that sort of stuff down my throat, saying that what you are doing in support of this Bill will help small business. I can tell you that where I live it will not help them. It will make things worse for them. It will make things much worse for them.

Mr Stefaniak: How can you say that, Wayne? What rubbish.

MR BERRY: Bill, why do you not take a little drive down there.

Mr Stefaniak: I have, mate. What about Tillyard Drive? They are doing okay now, mate, but that one went broke about 12 months ago and they have someone else in there now. Have a look at Tillyard Drive, Charnwood.

MR BERRY: If you get a 24-hour trader in Kippax, which this legislation will guarantee - - -

MR SPEAKER: Order, please! Mr Berry deserves to be heard in silence.

Ms Horodny: No, he does not.

MR BERRY: You are so kind. Mr Speaker, a 24-hour trader is almost guaranteed to start at the Kippax shopping centre. Woolworths are going to do it. I do not think there is any doubt about that. You reckon that that will not have an impact on the small shops nearby? You are kidding yourself. Fancy supporting this sort of legislation when it will, in fact, do the reverse of what you want to happen. In fact, it will kill off those small businesses, but it will do it quickly. What a joke. Really, the Greens have let the community down badly on this one. It agitates me to see a party which calls itself a principled party standing up for this sort of legislation and claiming it will do things in relation to small business which it will not.

The Liberals, on the other hand, say that this is not perfect and it just shows that they are trying. Well, I agree with you; perfection is a long way off when it comes to this legislation. Yes, I agree with you; you are trying, very trying, when it comes to this legislation. Bear in mind, Mr Speaker, that these are the same people who were collecting signatures in the lead-up to the last election, and the Liberals cashed in on this, of course. They had a big investment in this save our shops campaign, and they were going to deliver for the small shopowners. I wonder what the blokes in Holt, Higgins and Charnwood think now. They will look at this and say, "What is in this for me? It means I am going to have a 24-hour trader on my back doorstep". He will be laughing, will he not? Ha, ha, ha!

Mr Whitecross: They did close the Charnwood school, though. That would help the small businesses there - closing the Charnwood High School!

MR BERRY: Well, that is just another helping hand that the Liberals give for supporters of the party that represents small business. That was another imperfect decision, was it not? It was not quite perfect, so we ended up with another imperfect decision which has done a lot for small business in Charnwood! So what are the Liberals going to do? They say, "We will make it a little bit more imperfect and give you a 24-hour trader". Come on! Nobody swallows the nonsense you are trying to ram down their throat. The small business people are being fooled as well. They have had the wool pulled over their eyes when you claim that this is going to - - -

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Mr Humphries: But you said they are not fooled by the nonsense we are forcing down their throat.

MR BERRY: Some of them are coming out and saying, "Well, it is not what we want". They are reeling with shock, and saying, "Well, it is not as bad as what could have happened, I suppose. It could have been worse". There will be a few shopkeepers in the smaller sector who will benefit from this. I have no doubt about that. But the demise of a whole lot more is going to be accelerated by this.

Mrs Carnell: How can that be?

MR BERRY: That is the nonsense of this policy. Mrs Carnell has a wide-eyed look on her face. "How can that be?", she says. I just explained it to you. If three or four shops in a community get a 24-hour trader on their doorstep, which is going to happen as a result of this Bill, they are in deep trouble. It does not just go to the small supermarkets in these areas, it goes to the other businesses that are trying to survive as well because they are trying to get some of the drive-by business that is popping in and out of the supermarket. What is going to happen to them? Another casualty, it seems, but you do not care about them. There might be a few casualties in the scheme of things, but that is in accordance with Liberal Party policy, which is that those businesses that cannot survive ought to crash. That is their policy. There will be a few shopkeepers who will crash. "Too bad", say the Liberals. That is their position. Let us not kid ourselves about where the benefits for small shopkeepers are going to come from. They are not going to come from this policy because this policy does not go far enough.

The Liberals, of course, have been talking about how Labor has done nothing. Well, they have to start telling the truth on this. The trading hours legislation in the ACT has permitted 24-hour trading for supermarkets for aeons. Mr Speaker, at any time during self-government they could have traded for 24 hours. The fact is that they began to trade for 24 hours because some of the conditions for workers in the industry changed, and they were able to operate their businesses for longer hours because of those changes. That was an agreement they reached in their own workplaces, and they then started to operate under the ACT legislation in accordance with it. It was not a matter of people doing or not doing anything. It was a matter of businessmen - yes, big business - identifying a service that would be purchased by the community and they took the opportunity. The Greens have some sort of anxiety about big business.

Mr Moore: Some sort of anxiety? It came through very strongly.

MR BERRY: One can be concerned about big businesses if they are parasites on the community, but all big businesses started out as small businesses. Well, I suppose the bad ones start as big and end up being small, but most big businesses start small. Henry Ford and a few others come to mind. Of course, the likes of Henry Ford and some of the other big businesses are accused of being predatory and all those sorts of things, and there is no doubt that history shows many cases of big business having behaved badly. But they do not have it to themselves. There are quite a few cases of small businesses having been criticised as well. This is an issue where the community is queuing for a service. People want to buy groceries at all hours, and they want to buy them cheap.

Ms Horodny made a great deal out of local employment as it related to the sorts of produce and goods that supermarkets sell. She made a great deal out of the fact that some of this stuff came from Sydney. How awful. We just do not put the baked beans in the tins here. The stuff has to come from somewhere else.

Ms Horodny: We produce meat here, Mr Berry.

MR BERRY: I regret having to pour a bucket or two on you, but you leave yourself open to ridicule with some of the - - -

Mr Humphries: Yes, he really regrets pouring a bucket. You know how Wayne hates pouring buckets on people. He really feels badly about this. You can see the tears in his eyes as he is doing this.

MR BERRY: The Greens have to wear the consequences of supporting this stupid Bill. There is no question about that.

Mr Humphries: So they will get the kudos from it, will they?

MR BERRY: The Liberal Party knows that it is already wearing the consequences of this stupid Bill. Because it is in a bit of a panic it has decided to support this committee process which will create a bit of a smokescreen that they care about what is really going on. Then, just in case this thing carries on, there is a sunset clause which means that if this Assembly cannot change it, well, it will change automatically just after the next election. How cynical.

Mr Whitecross: All the small businesses will have gone broke in two years' time.

MR BERRY: Yes. How cynical.

Mr Moore: Just after the next election.

MR BERRY: Yes. How cynical. How is it possible for our Green colleagues in this place to support such a sham? It does not achieve what the Greens want, and it will never achieve what the Greens want. In fact, it will do the reverse. It will badly affect a number of small businesses, particularly in your electorate, Ms Horodny, and we will draw it to their attention too; do not worry about that. The Greens have to be made aware of it because this will hasten their demise.

There is another thing I want to draw attention to, the 300 jobs that have been talked about. Yes, the report that was developed by Price Waterhouse was commissioned by the Australian Supermarket Institute and, yes, the Supermarket Institute has a vested interest; but I have to say to you, and Mr Humphries would agree, that Price Waterhouse have a little bit invested in their business. They would want to see their claims stand up and they would not want to be ridiculed completely. So, let us say that the 300 jobs they claim is 10 per cent out. It could be 330, it could be 270, but in any case a lot of people are going to be hurt. Let us look at that in the context of the situation here in the ACT.

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We have a crisis of confidence in the business sector. That has been shown up in the job ad series. Business will not employ in the ACT. That is a phenomenon which developed with the emergence of Mrs Carnell, like defeats for the Raiders. We saw that decline in confidence in the business sector showing up in the job ad series. We also saw the phenomenon, coincidental with Mrs Carnell's arrival, of rising unemployment. Of course, at the end of 15 months or so of Mrs Carnell's reign in this place, if I can call it that, we have about 2,500 extra people on the unemployment lists. What a great achievement - 2,500. We have an unemployment rate approaching the national average for the first time since John Howard was last in government. *(Extension of time granted)* Add to that the impact of the Federal Government and you have a situation which our colleagues in the Greens should be very wary about. I have given this document to them. This is a document which talks about total job vacancies in the ACT. If this does not tell you that we are well into an accelerating crisis, nothing will. This is a disgraceful and frightening situation.

For the ACT the total job vacancies have fallen by 72 per cent in the period from February to May. Okay, we can say that that is a figure that is fairly erratic because of the small numbers involved, but it is still 72 per cent. It is a huge number, a frightening number. The annual change to May is a fall of 47 per cent. So from February to May, 72 per cent; and the annual drop is 47 per cent. Guess where? In the private sector, the sector that was going to save us. Well, it will not save us when we have those crises of confidence existing in - - -

Mr Whitecross: Who is the Minister in charge of business in the Government?

MR BERRY: Yes, that is right. We are dealing with a piece of legislation which again will strike at the heart of confidence in the business sector, and where is the Minister for Business?

Mr Whitecross: On a plane.

Mr Humphries: At a business meeting.

MR BERRY: On the big silver bird, winging it off northwards to the warmer climes. Come on now.

Let us have a look at the public sector. In the public sector in the period February to May we have had a drop in the ACT of 21.9 per cent, nearly 22 per cent. That is a massive fall.

MR SPEAKER: How relevant is this to the matter before the Chair?

MR BERRY: It is about the effect of the loss of 300 jobs on unemployment lists in the Territory.

MR SPEAKER: The Public Service.

MR BERRY: Mr Speaker, this is about the general effect of this Bill on the economy of the Australian Capital Territory, and it is closely linked. Mr Speaker, in the Public Service the annual change from May to May, 1995 to 1996, was a drop of 30.9 per cent. So in the public sector, with the joint effects of Mrs Carnell's activities and Mr Howard's, we have a crisis in total job vacancies, but that pales into insignificance when you have a look at the private sector. Mr Speaker, how could anybody at this time, no matter what your policies are on shopping hours, add another 300 to the list? That is the issue. If you were going to pick a time to do something, why would you pick now? There is just no rhyme or reason to do this. The policy will not achieve what the Liberals are pretending it will achieve. It will achieve nothing but trouble, more trouble, for small business.

This policy does not even head in the directions the Greens want it to. In fact, it goes the other way. The Greens make claims that they care for business. Well, not for the little ones who are going to be hurt by those 24-hour traders that are dumped on their back doorstep. Let us not kid ourselves about that. They are small business now but they are going to be smaller as a result of having 24-hour traders on their back doorstep. There is no way of avoiding that. The Greens say they care for the local economy. The Liberals say that too, but who takes any notice of them these days? The Greens claim they care for the local economy too. I am afraid you are not doing it any good with this policy because it is not going to improve the situation. You cannot throw 300 people on the unemployment list and think that that will do something for the local economy, especially against the background of those job vacancies that I just mentioned to you. It is crisis time.

The Greens say they support local libraries. Well, Mr Speaker, local shopping centres are in deep trouble. I think about Kippax and libraries in that area, and in other areas - - -

Mr Humphries: What has this to do with libraries?

MR BERRY: The Greens say they care for local communities. Well, not the ones that work at the town centres because they are the ones who are going to lose their jobs. Mr Speaker, when you sit back and have a look at this it would cause anybody in the community to raise their eyebrows and wonder what the hell is going on. The Liberals are going through this pretence of helping small business with a policy that helps no-one, but they have put a sunset clause on it anyway, just in case. Mrs Carnell says, "Well, if nobody wants it I will dump it", but she is going to dump - - -

Mrs Carnell: I said if it did not work I would dump it.

MR BERRY: You are going to dump it anyway.

Mrs Carnell: No.

MR BERRY: Yes, you are. You said that in two years' time you are going to dump it anyway.

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Mrs Carnell: Sorry. Does that mean we are dumping mental health legislation?

Mr Humphries: No, it is a sunset clause.

MR BERRY: No, no. You said, "I am going to dump it anyway. It is finished in two years - - -"

MR SPEAKER: Order! Do not anticipate debate.

MR BERRY: This is finished in two years. It is finished in two years. It is just a joke. This is all just shadow dancing, smoke and mirror stuff. You are not fooling anybody out there with this policy. It does not do anything for small business. Mr Speaker, sensible people out there know what this is all about. You ought to vote against your own Bill. It is stupid. I am disappointed that the Greens have been sucked into this. It does nothing that they want to achieve. In fact, it does the reverse. I am sorry to see them supporting this. I think it does them no credit. I urge them, in the short time that they have available this evening, to reconsider their position.

MR SPEAKER: We have all night, Mr Berry.

MR BERRY: Well, I can arrange that. Mr Speaker, I urge them to vote against this Bill. We have the ridiculous situation that a committee is going to have a look at this issue, broadly, and we have the Greens in a situation where they are going to kill off a need for the committee, effectively, by implementing this silly legislation. I just cannot believe that they would be involved in it.

MR MOORE (11.17): Mr Speaker, it gives me pleasure to rise for the first time to speak on this issue at the in-principle stage of this debate. One of the important things that each member is trying to do is to work out a cost-benefit analysis on this legislation. On the one hand, we know that there are a number of costs. Mr Berry has carefully highlighted those costs, so it is not necessary for me to go over them again. On the other hand, the Government and the Greens claim that there are a whole series of benefits in this trading hours legislation. If the Deputy Chief Minister were here, he could probably explain in detail what those benefits were. Instead, we had Mr Humphries attempting to explain the benefits - except that he did not. What Mr Humphries did instead was challenge us to say what is a better way of dealing with this. The reason he was asking for a better solution was that he knows in his heart of hearts that the benefit side of this cost-benefit analysis is very low indeed. In restricting trading hours, there simply are no benefits. What we have on the cost side is quite clear. We hear the community crying out that this legislation is not going to be particularly helpful. Even those you would expect support from mustered only three or four dozen people - very genuine people - when they attempted to rally today.

Mr Humphries: Because they were off making some money and trying to run their businesses, which are under threat.

MR MOORE: Mr Humphries interjects that people are trying to make money running their businesses. When people feel strongly about something and they are called to a rally, they know how important that rally is. It is clear - - -

Mrs Carnell: They cannot if they are running their own businesses. How do they go? Do they close the doors?

MR MOORE: We hear Mrs Carnell saying exactly the same thing. She says, "Oh, they cannot". When I need to meet with small business people all over Canberra and they consider the issue important enough they, perhaps not easily, can and do make the time and do find ways to cover for a short while. This simply was not considered to be serious enough. The reason it was not considered to be serious enough is that they can see through it. They know about - - -

Mr Stefaniak: Have you not ever heard of the silent majority? The silent majority do not attend protests.

MR MOORE: Mr Stefaniak talks about the silent majority. In three or four days, certainly in less than a week, 40,000 signatures were put on a petition - and Mr Stefaniak talks about the silent majority!

Mr Osborne: It must be a very silent majority, Bill!

MR MOORE: It must be a very silent majority if that is the case! Mr Speaker, the reality is that there are significant costs and there are no benefits. If the Government were doing this properly and closing the big supermarkets and all those supermarkets of over 400 square metres right across the city at the proposed restricted times, then you could still see the costs, severe costs, but at least you would be able to measure some benefits. In this case there are costs and no benefits whatsoever, and it is highly unlikely that there will be any benefits. In other words, on a cost-benefit analysis, this is just a sham. The interesting thing is that the Liberals actually know that. In their heart of hearts, they know that. The Greens, on the other hand, actually believe that it will make a difference. Ms Horodny stood up here and gave us a series of non sequiturs as to what might happen and what might not happen, trying to wrestle with this cost-benefit analysis - I think it was a reasonable attempt to wrestle with the cost-benefit analysis - but really coming to the conclusion that actually there are not going to be any benefits from this. Therefore, she tried to justify this legislation by pointing to all the baddies.

Who are the baddies? The baddies are big business. All big businesses must be bad because they are big businesses. That is why they are bad. We heard about big businesses in Canberra that operate Australia-wide. We heard reference to national business, corporate giants and all this sort of very hard left-wing talk that we used to expect from the Trotskyites in the Labor movement. It would appear that the reason Labor members have smiles on their faces is that these people have moved over to the Green movement. That argument implies that people should not want the cheap food they can buy from these big conglomerates, these incredible corporate giants, and therefore should avoid it. Of course that is not going to be the case. If ordinary people in Canberra could clearly see a benefit coming out of this for the small shops and so on, then they might actually consider it a reasonable method, but they know there is no benefit. They can see, although for some reason you cannot see.

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Even if you accept the arguments that Ms Horodny put on behalf of the Greens that Woolies, Coles, Franklins, Jewel and so forth are the big baddies doing such terrible things to business in Canberra, how is this going to change? Those big baddies of business will simply move from the town centres into the group centres. They will still make just as much profit. It will happen in a slightly different place. In fact, they will probably make more profit, because they will have fewer people working. We will force the same number of shoppers into a smaller number of shops, and jobs will be lost.

Mrs Carnell: So why did they not support it?

MR MOORE: The Chief Minister asks, "Why did you not support it?".

Mrs Carnell: Why did they not support it if they were going to make more money?

MR MOORE: On a cost-benefit - - -

Mrs Carnell: No, "they". Why did Woolworths not support it if they were going to make more money?

MR MOORE: Why did Woolworths, Coles and so forth not support it? There is a series of reasons. The most important is that they like the distribution they currently have. They certainly are planning to expand in the town centres, and you are certainly going to let them.

Mrs Carnell: Why? So that they make more money?

MR MOORE: That is right. Certainly, the same people are interested in keeping an appropriate spread of business around Canberra.

Mrs Carnell: Only if they make more money.

MR MOORE: When it comes back to Woolies as a whole, they are going to make more profit.

Mrs Carnell: They only do things with their bottom lines.

MR MOORE: You and I both know that the real reason why the Supermarket Institute is fighting this particular issue at this time is that it is the first time in Australia that a government has attempted to wind back the deregulation process. For them it is very important that there not be an Australian first in winding back the deregulation process or having a reregulation process. For them there is a whole series of issues. I know that you want to simplify it and not do a cost-benefit analysis, because that would expose you. There is a whole series of reasons why they would continue to oppose it. Most important is the fact that this is simply lousy legislation. It achieves nothing.

Mrs Carnell: Then why does anyone have a problem?

MR MOORE: Because on the one hand it achieves - - -

Mr Osborne: I raise a point of order under standing order 61. I would ask members on this side not to interrupt Mr Moore while he is speaking.

MR SPEAKER: I am happy to uphold the point of order.

MR MOORE: Thank you for your protection, Mr Speaker. This is lousy legislation because, on a cost-benefit analysis, it costs plenty and it has no benefits. Mr Humphries said to us, "What should we do? Should we just do nothing? What are the alternatives?". He said that nobody has ever given him any alternatives. To be fair to Mr Humphries, he said "nobody from the Opposition". I think they were the words he used. We have given him a series of - - -

Mr Humphries: You have.

MR MOORE: I have certainly given him a series of alternatives.

Mr Osborne: I raise a point of order, Mr Speaker. Once again, it is under standing order 61. I would ask you to consider naming Mr Humphries because it is the second time he has interrupted Mr Moore while he has been speaking.

MR SPEAKER: I uphold the point of order.

MR MOORE: This is a highly complex issue. That is very clear. On first glance, one would think that *Striking a Balance* was an attempt to wrestle, in a complicated way, with a very complex series of problems. Indeed, in *Striking a Balance*, as I think Mr Whitecross pointed out earlier in the day, there was a series of positive moves. If we take away the sort of hyperbole and the arguments we get, there is wide agreement in the Assembly on probably two-thirds of the recommendations. They are sensible, positive moves to assist the small shopping centres and, I believe, would be helpful.

The Liberals genuinely know that this particular move on shopping hours is not going to help. The trouble is that they are now in a bind. They have indicated to small business that they are going to help them. They have said to the save our shops organisation, the Canberra Small Business Council and so on that they are going to help them. They have said that they are even prepared to do something about supermarket hours. Of course, we know that it is a pretence.

What are the alternatives? The first alternative that needs consideration is retail space. We know that there is a resistance by both Labor and Liberal to move on retail space because of development. For the Liberals, supporting development in Canberra is an important part of their thinking. As for the Labor Party, I know that the CFMEU continues to push for development to go ahead and create construction jobs. I understand that construction jobs are important in this environment, but it is the wrong way to lead an economy when the damage has been done. We should do a proper cost-benefit analysis and ask whether the construction of further retail space would have benefit associated with it. Of course there would be benefits, including construction jobs.

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Would the benefits associated with that be greater than the costs? That is something that we have yet to examine properly. It disappoints me that Mr Humphries should say, "Yes, you can examine that, but while you are examining it we are going to proceed and allow retail space to expand".

There are other reasons why shops are not surviving. I would suggest that one of them is the growing deregulation of petrol stations, allowing them to carry what are effectively supermarket foods. If you wish to protect the small shopping centres in the suburbs, then you need to look at what is happening with petrol stations. Once again we come back to a cost-benefit analysis. Are we going to try to assist the petrol station owners, who are also having some financial difficulties in the current environment, or are we going to help other small shops? A cost-benefit analysis will always come into our thinking. To say that we are going to help small shops or we are not and that changing the trading hours will give us the solution is to totally oversimplify the matter. We really must work on it and look at it in the appropriate way.

Mr Speaker, earlier Mr Humphries referred to the Price Waterhouse study which was commissioned by the Australian Supermarket Institute. Of course, it was commissioned by the institute. Mr Humphries's accusations against Price Waterhouse would suggest that if somebody commissions a study then there cannot be an independent analysis. I think it is important for us to be aware of who commissioned the study and to consider whether that has overtones, but Price Waterhouse is a firm whose work Mr Humphries would normally have a reasonable respect for. It is one company that I would think Mr Humphries would be prepared to ask to do some analysis for him. On page 3 they say:

The evaluation notes that the Government has not established causal links between town centre trading hours and the declining fortunes of suburban supermarkets and shopping centres.

If, firstly, you are able to establish those causal links and, secondly, you can show that the solution you have provided will actually resolve those problems, then I will support your legislation. You have not done that. The costs are great and the benefits are few. That is before we begin to look at the issue of consultation. I am conscious that the Government, in preparing *Striking a Balance*, had some consultation with key players - lengthy consultation, I understand - but one group is missing out. We can now see the community reaction and perhaps it is time to stop and say, "Perhaps something is wrong. Perhaps all those people, the 40,000 of them, are not being tricked". (*Extension of time granted*) Perhaps all those people are not being tricked in the way Ms Horodny thinks they are being tricked. Perhaps she was not correct when she said that not everybody you come up to with a petition reads it but simply says, "They are going to close my supermarket at 4 o'clock! Good heavens! I will sign that".

Mrs Carnell: The petition says “close the supermarket”. It does not say which one.

MR MOORE: Indeed. People are interested about not having any of their supermarkets closed. That is the general thinking. Because of the intense media interest in this issue, everybody in Canberra is aware that we are talking about shopping hours. Nobody believes that the supermarket as such is going to close. We are talking about closing hours. Mr Speaker, 40,000 is an extraordinary number of signatures on a petition, even if you think a large proportion really did not understand what the issue was about.

Ms Horodny: The wording is hopeless. What does it mean? It does not even mention town centres.

MR MOORE: Ms Horodny and Mrs Carnell are now pinning their fortunes on their claims that this is hopeless. Why is it that every single person I speak to, bar the owners of a few supermarkets in small shopping centres, says that this is a ludicrous step and will not work. That is what they understand. They understand that it is a pretence. They understand that it will not work; that they are going to suffer pain for nothing. If there was a real reason for it, then we could understand it.

I notice that Price Waterhouse also make a series of other suggestions. The committee can consider these ideas when we look into additional issues. The report suggests:

upgrading the *helpShop* Program;

That is already under way, I understand. It further suggests:

coordinating existing programs and resources to improve the managerial, technical and commercial capabilities of smaller supermarkets;

facilitating the establishment of corner stores in new medium-high density housing projects;

Perhaps the one that is most important is:

rethinking and redesigning the function and facilities of local shopping centres.

Mr Humphries says, “What can you do?”. I think that we are all aware of some of the local shopping centres that are actually working. Perhaps we could look at those and say, “Why is it that those shopping centres are working? Why is it they have become meeting places, gathering places? What is it about some of those shopping centres that have effectively gone through a renaissance? What is it about them that makes them work? What can we extrapolate from them and apply to other areas?”. Those are the sorts of issues that we have to consider. We know what is wrong. Most of us actually agree about what is wrong. What we disagree on is the solutions. Even the Greens disagree with your solution. They are accepting this and saying, “Yes, we will do this because it is the first step. We have actually got the Government to take a first step”. I think that is a fair interpretation of my discussion with the Greens.

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Ms Horodny certainly said that if you are going to do something that works you have to take the next step. If you are going to use trading hours as the regulatory method, then you have to go the whole hog and do it across the full range of large supermarkets, which the legislation defines as those being over 400 square metres. That is what it is about. It is no good coming up with a policy that on a cost-benefit analysis is all cost and no benefit.

MR WHITECROSS (Leader of the Opposition) (11.37): Mr Speaker, I rise to oppose this legislation because it is wrong in principle. As we tried to explore this matter in question time on Tuesday, it became painfully clear that the Government had no analysis to support this policy - no analysis of the impact on jobs, no analysis of the benefits that would flow to small business, no analysis of the social cost and social benefits, no analysis of the impact on residents living near town centres - - -

Mr Moore: No analysis of the causal relationship.

MR WHITECROSS: That is right - the benefit for small business and the causal link. It is not good enough. We had an extraordinary spectacle. When the Supermarket Institute try to do a bit of analysis of their own and commission Price Waterhouse, all we hear from the Government is pooh-poohing; all we hear from the Government is criticism. A more hypocritical performance by the Government or a more duplicitous performance by the Government than their criticism of Price Waterhouse on this would be hard to imagine. We have heard nothing but reflections on the integrity of Price Waterhouse today. You cannot move round this town without running over consultants from Ernst and Young, Price Waterhouse, Coopers and Lybrand and goodness knows who else that this Government has employed to do all its work for it; but now this Government comes in here and says, "You know what these consultants are like. You pay them money and they will do whatever you tell them". What does that say for all the consultants Mrs Carnell has been hiring? What does it say for the way this town has been running?

Mr Moore: They must be all biased.

MR WHITECROSS: Yes. Mrs Carnell and Mr Humphries are saying, "Do not believe any of the stuff that consultants do for us. They are just lackeys of ours running our agenda; they made no objective analysis; they do not stand by their reports; they are just prostitutes who will do whatever they are told for the money". That is the line coming from Mr Humphries and Mrs Carnell. It is a disgraceful line. It is an insult to these consultants. Mr Humphries and Mrs Carnell ought to reflect on their maturity. Mr Humphries is always willing to throw in the insult against anyone who criticises anything he does, regardless of the integrity of what he is saying.

What does the Government have to say about jobs? This is quite informative. The spokesman for Mr Humphries said:

If it results in job losses at the town centre supermarkets -

of course, it will -

we expect them to be small in number but they will be absorbed quickly into group and local centres.

How does he know? He does not know.

Mr Moore: He has not done the analysis.

MR WHITECROSS: He has not done any analysis. He was not able to produce any analysis. A spokesman for the Chief Minister said the Government does - - -

Mr Moore: It is really the Deputy Chief Minister's responsibility, but you have all these spokesmen speaking instead of him.

MR WHITECROSS: I will get to the Deputy Chief Minister, Mr Moore. The spokesman for the Chief Minister said:

The Government does not believe the restricted trading hours at Town Centres will have a negative impact on employment.

What analysis? There is no analysis. Mr De Domenico, the Minister for Business, said:

These restrictions on Town Centres will ensure that many old and new jobs remain available in Group Centres.

Once again, there has been no analysis. Mr Speaker, this is the same Government that, when told about Public Service cuts, said, "No worries. They will all get jobs in the private sector. So what?". This has been their record all along. Close your eyes and wish, and it will be so. Maybe Mr Humphries has his red slippers on and he clicks his heels three times and imagines that none of the people in supermarkets are going to lose jobs. Mr Speaker, I have heard more persuasive arguments about jobs from the people on the other side of this debate than I have from the Government. The argument goes like this: If your shop is open for fewer hours, you do not need as many people to run it; if for all the hours that you have the shop open the person operating the cash register has to run a few more customers through, then that does not create any employment but just keeps the staff busier. There is a difference between the analysis that Mr Humphries has done and the analysis that has been done on the other side. Mr Humphries just hopes. He just wants to wish the problem away, because he knows that at a time of rising unemployment, at a time when job opportunities in this community are declining because of the Liberal governments, local and Federal, he is going to put another 300 people out of work, and he does not want that on his conscience. The Greens do not want that on their conscience but they are going to have it anyway, because the fact is that there will be people out of work because of this.

Mr Speaker, another extraordinary argument that comes from the Liberals on this says, "Bad things happen to other people, so there is nothing wrong with us making bad things happen to employees of Woolworths and Coles. Someone else lost their job last year, so we can throw 300 more people out of their jobs and that will be okay". Two wrongs do not make a right, Mr Humphries. You have to do better than that. Mr Humphries has another great argument. He says that it could be worse; that in some places it is worse than it is here. That is not a very good argument. The issue is: What sort of city do we want? What sort of opportunities do we want? The point is not whether it could be worse if we lived in Perth or it could be worse if we lived in Hobart. The issue is what we want in Canberra; what the consumers in Canberra want, not what the consumers in Perth have to put up with or what the consumers in Brisbane have to put up with. What do we want in Canberra?

Mr Humphries has another great argument. It is a great argument for the consumers. He says, "There will be a shop open somewhere. It might not be anywhere near you, but there will be a shop open somewhere. You might have to get in your car and drive to find it, but somewhere in Canberra there will be a shop open". I am afraid that once again that is not a very good argument. This is the retail market rip-off. (*Quorum formed*) I was explaining for the benefit of the house that in supermarket trading in the ACT after 7 o'clock at night we really have a two-tier market. We have suburban supermarkets - your local supermarkets, many of which are not open after 7 o'clock - and we have big supermarkets, some of them owned locally and some of them owned by large companies. We have two layers. The big supermarkets are spread around geographically, and the group centre supermarkets complement the town centre supermarkets. There are not two different hierarchies in the after-hours trading; there is one layer of large supermarkets and the small supermarkets. That is the nonsense of this proposal.

Mr Humphries and the Greens are proposing to selectively knock out some of these supermarkets. There is one layer of large supermarkets of 2,000-plus square metres, and Mr Humphries and the Greens are going to selectively knock some of them out. Let me illustrate some of the problems with this. Let me first give the example of my electorate of Tuggeranong. In my electorate of Tuggeranong there are a number of large supermarkets. There are six owned by the Woolworths group, one owned by Coles, one owned by Jewel and one trading as Supabarn - that is, nine large supermarkets in my electorate of Tuggeranong.

MR SPEAKER: Tuggeranong, Mr Whitecross?

MR WHITECROSS: My electorate is called Brindabella, Mr Speaker, as you would know, but the town on which it is based is called Tuggeranong. All the large supermarkets are in Tuggeranong. Mr Speaker, contemplate what I am about to say. I know you are following this argument fairly closely. Of the nine supermarkets, Mr Humphries is proposing to close three after 7 o'clock at night. In fact, Mr Speaker, Mr Humphries is going to close two of the three supermarkets that provide any competition to the Woolworths chain. He is going to close Coles and Jewel. They are two of the only three supermarkets in Tuggeranong which provide any competition to the Woolworths chain. That is what I call a brilliant policy! That is what I call looking after the customers! What a nonsense of a policy!

Mr Osborne, who I know has commitments elsewhere at this moment, asked Mrs Carnell a very intelligent question about competition policy which Mrs Carnell fudged her way through and ignored. Some large supermarkets are being allowed to trade for unrestricted hours and other large supermarkets, just because of an arbitrary choice about geographic location made by Mr Humphries, are going to be told that they cannot trade. Two of the three supermarkets which compete with Woolworths are going to be told that they cannot trade. How is that for a triumph of competition policy? Mrs Carnell's answer to Mr Osborne was, "There are restricted trading hours elsewhere". This is a special sort of a restriction. This is a restriction which affects some players in a market and not others, and that is anti-competitive. That is what the competition policy was designed to eliminate. Mr Speaker, this is where we have come to in this city with this Government. This is where we have come to with the commitment of this Government to looking after business in this city. They have introduced laws which are anti-competitive.

A number of issues which have some impact on suburban shops are not being addressed by this legislation. The Liberals would have us all believe that it changed from day to night in 1992. Anyone who has been around the city for more than the last three years would know that the supermarket business has been changing progressively over the last 10 or 20 years. There have been some consistent trends, not just in the ACT but elsewhere, over that time which are affecting the viability of the suburban shops. There has been an expansion of size. How many suburban shops have expanded in size? How many suburban shops are larger than they were 30 years ago? "Lots" is the answer. They are responding to consumer demand for a wider range of product by offering more choice.

The group centre supermarkets have grown in status in the Canberra retail hierarchy in the last 30 years. They have done that because they offer bigger floor areas, more choice and, more recently, longer opening hours. These are things which have been going on for years, not just since 1992, as the Liberals would have you believe. One of the key things which make big supermarkets more attractive these days than small supermarkets is expanded range and larger offerings to the customers. One of the biggest problems for suburban supermarkets is that the customers now want to be able to wander up or down 10 or 12 aisles or more and pick out their favourite brand of olive oil, their favourite brand of toilet paper and their cat's favourite brand of cat food. They do not want to go to a shop with a small range. They want a big range, so they are voting with their feet. (*Extension of time granted*) These are other issues which I would submit have at least as much, and probably more, to do with the problems being faced by suburban shops than the issue of trading hours.

Mr Speaker, I have not even mentioned such social changes that have happened over the last 30 years as the greater participation in the work force of women and the implications of that for the viability of shops which trade only during the daytime hours. Quite a few issues are not being addressed. I think to selectively pull out trading hours and ignore all those other issues is a nonsense.

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I was particularly alarmed by the suggestion of the Greens that their reason for supporting the Bill was that large supermarkets in town centres get cheap rents and do not use local suppliers. Mr Speaker, much as I regret to say it, neither of these issues will be affected one jot by this Bill. These supermarkets are still going to have cheap rents, and they are still not going to buy from local suppliers. Last time I was in my suburban shop there were plenty of products there that I do not think were produced in the local region. There were plenty of products on the shelves which were not even produced in Australia. Let us not get carried away about how suburban shops are the saviours of local producers. I do not think that argument holds any water. I was surprised to hear it raised.

One other issue that I really must touch on is the social costs and benefits of this legislation. My colleague Ms Reilly unsuccessfully sought to get some clarification from the Minister on Tuesday on an issue she mentioned again tonight; that is, the issue of residents who actually live near town centres and for whom town centres are their local shops. Mr Humphries obviously is not one of them, and he does not seem to care that other people are in this position. There are people all over the city who live near town centres and for whom town centres are their local shops. Many of them in my electorate bought properties close to town centres because they wanted the amenity of living close to a town centre with supermarkets which traded 24 hours a day and sold a wide range of products. Mr Humphries has just changed the rules on these people. He does not even care that these people have lost the amenity of the properties that they bought. Mr Humphries simply continues to parrot the line, as Mr Stefaniak did, that they will just have to change. I do not think it is acceptable to tell consumers that they are just going to have to lump it and change. That is what Mr Humphries is telling these people.

One of the myths that have been created around this issue is that the unemployed, sole parents and these sorts of people do not have cars and like to go to their local shop to do their grocery shopping. A more incorrect and more false suggestion than that is hard to imagine. Anybody who has talked to these people for any length of time will know that people who are on pensions cannot afford to pay 12 per cent more for their groceries.

Mrs Carnell: They cannot afford a car either.

MR WHITECROSS: They may not have a car, as Mrs Carnell says, but here are the facts. If you are lucky enough to have a bus route going anywhere near your house after Mr De Domenico has finished with the buses, you get on the bus, you go down to your town centre, you buy your groceries, you get on the bus, you come home, and the supermarket home delivers your groceries. That is what people do. That is what the people in the flats at Lyons do. They do not go to their suburban shop. They go to Woolworths and they get home delivery, because they need the cheapest prices. Every dollar counts. When they buy \$100 worth of groceries, they cannot afford to put an extra \$12 into the till to satisfy Mr Humphries's dream of burgeoning local shopping strips a la the 1950s and 1960s. They are not going to be the bunnies who are going to prop up this policy. The Government have not produced any evidence to support this legislation.

I want to finish by dealing with the nonsense talked by the Government to the effect that the Labor Party's position on this is all about supporting big business. The Labor Party's policy on this is all about supporting the consumers. The consumers are the people who vote for me; they are the people who vote for the Labor Party; they are the people who vote for the Greens; and they are the people who vote for you guys as well. The Australian Consumers Association put it pretty succinctly when they said:

Moves to restrict trading hours in Canberra town centres fly in the face of consumer choice and will not solve the problems of Canberra business ...

Changing lifestyles, particularly longer working hours and an increase in the number of relationships where both partners work -

this is the real world -

mean flexibility in trading hours is critical for many consumers.

Whilst the plight of small business is of concern to Canberra residents -

and it is -

the government's other initiatives such as helpShop Program offer a better chance to support local business than artificially creating demand through restriction of choice.

Hear, hear! The Consumers Association concludes by urging the Carnell Government to look further at the issue and implement real solutions that incorporate, not ignore, consumer choice. Consumer choice is the central issue here. Consumers have been voting with their feet. The solution for small businesses, whether in suburban shopping centres or elsewhere, lies with consumer choice. That is why the Labor Party supports the helpShop initiatives. The helpShop initiatives have the potential to address the issue of offering consumers what they want, and that means offering consumers more choices. We support that. We do not support initiatives such as this trading hours legislation which take choice away from consumers, at a cost of 300 jobs, half a million dollars in lost payroll tax and inconvenience to thousands and thousands of residents in Canberra. It is not good enough.

MR SPEAKER: The member's time has expired.

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Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 8

NOES, 7

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

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Friday, 28 June 1996

Detail Stage

MR SPEAKER: Is it the wish of the Assembly to consider the Bill as a whole?

Mr Moore: No.

MR SPEAKER: The question is that the Bill as a whole be agreed to.

Mr Moore: I take a point of order, Mr Speaker. You said, "Is it the wish of the Assembly to consider the Bill as a whole?", and I said, "No".

Mr Kaine: Everybody else said "Yes".

Mr Moore: It takes only one.

MR SPEAKER: Very well.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4

MR MOORE (12.05 am): Mr Speaker, I thought I would speak to clause 4 to start off with, the interpretation clause. In clause 4 we have the definition of "large supermarket". The Bill says:

"large supermarket" means the supermarket that -

- (a) exceeds 400 square metres in floor area; and
- (b) is situated in a town centre.

Mr Speaker, if the Greens are serious about what they claim they are serious about, which is that this legislation should go further, there is a very simple amendment that they could have put. Simply removing paragraph (b) in clause 4, and a similar amendment to clause 6(1) removing the words between commas, would have ensured that they would get what they wished. I would have thought that this very simple amendment would have shown quite good faith on their part, and would show that they could - - -

Ms Tucker: We thought we might consult further first.

MR MOORE: Mr Speaker, I hear the interjection that they would have needed to consult further.

MR SPEAKER: Interjections are out of order.

MR MOORE: But I have taken it, Mr Speaker. I think you should be very harsh on Ms Tucker for that interjection. However, now that it has been made - - -

Ms McRae: We know what consulting is, Mr Moore.

MR SPEAKER: Order!

MR MOORE: She says that they need more consultation on this, that they did not have enough consultation, which is a most extraordinary statement, Mr Speaker, considering their view on consultation and the work that she has done as chair of the Social Policy Committee in regard to consultation, and considering that that is an issue that we will be dealing with as the matter comes before the Planning and Environment Committee. Mr Speaker, it seems to me that that was a simple amendment to be put and it really exposes them for what they are doing here. They are joining the Liberals in this sham and this pretence at legislation - legislation which they pretend is going to protect small business. The trouble is, Mr Speaker, that it is a cruel pretence because there will be some small businesses who will believe that this will make a difference. They will hang on a little longer because they think it will make a difference. A false promise has been held out in front of them and I think that is a cruel act.

Clause agreed to.

Clause 5 agreed to.

Clause 6

MR MOORE (12.08 am): Mr Speaker, clause 6 contains the other part of the amendment that I identified earlier, but it also goes further. It is, in fact, the most important part of this legislation. It is a fundamental part of what drives the trading hours. Subclause 6(2) provides:

An instrument under subsection (1) is a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act ...

When a Minister specifies periods of time during which large supermarkets generally or large supermarkets in their specified area may be open to the public it is done by regulation or by instrument. Then there is the opportunity, under the Subordinate Laws Act, for the Assembly to have a role in that issue. We can determine whether it is a reasonable thing for the supermarkets to be open, or whether the choice that the Minister specified is an appropriate choice and will identify some of the areas this Government has set.

Mr Speaker, by passing this legislation tonight, and if the Minister gazettes this within the next couple of days, the difficulty is that the use of the Subordinate Laws Act cannot come into place until our very next sitting. So there will be something like two or three months of operation before this issue can be dealt with if the Minister gets it wrong. Once the instrument is made it becomes law. I think there is a weakness in the legislation as far as control by the Assembly is concerned and the issue of a trial. This is just another weakness of this very poor legislation that is before us at the moment. If no instrument is made there is a fall-back position, the fall-back position being 7.00 am to 7.00 pm Monday to Thursday, 7.00 am to 10.00 pm Friday, 7.00 am to 7.00 pm Saturday and 7.00 am to 5.00 pm Sunday. Mr Speaker, we should understand that the Minister, simply by instrument, can change it and nobody can do anything about that if he or she, as the case may be, decides on a different approach.

Mr Humphries: Until he gazettes it. Until he tables it.

MR MOORE: Mr Humphries, if I have it wrong, by all means explain it to me, but I believe that I have explained that correctly. It seems to me that for such an experiment, with such costs and so little benefits, it is an inappropriate way to start. It is a very good reason why debate on the legislation should be adjourned now, Mr Speaker, and continued later.

Mr Berry: Do you want me to move that?

MR MOORE: Wait until I sit down.

Mr Kaine: Mr Speaker, I move:

That the question be now put.

MR MOORE: What was the point of order?

Mr Berry: Do not be so grumpy. Let him go. He is having a good time. Do not be such an old grump.

Mr Kaine: This is wasting our time.

MR SPEAKER: The question is that the motion be put. Those of that opinion say Aye.

Mr Whitecross: He will remember that, Trevor.

Mr Wood: That only prolongs things.

MR MOORE: Now ask about the Noes.

Ms McRae: Mr Speaker, it is up to your discretion as to whether there has been sufficient debate.

MR SPEAKER: Yes, I am aware of that.

MR MOORE: I think, Mr Speaker, I have debated this very sensibly. If I may speak to the point of order, Mr Speaker, I debated sensibly. I was not repetitive. I dealt specifically with the times, specifically with the issue, and specifically with the Subordinate Laws Act and how it applies to this legislation. I think putting the motion now would be entirely inappropriate, Mr Speaker.

MR SPEAKER: Have you finished?

MR MOORE: I was speaking to the point of order.

MR SPEAKER: All right, you may continue.

MR MOORE: Thank you, Mr Speaker. As it so happens, I am drawing to a close. It may well be that others wish to speak, so I think it is entirely appropriate that the gag is put. Mr Speaker, let me conclude by saying that what we have is a situation where, because of the timing, we are giving inappropriate power to a Minister as we approach this period of non-sitting of the Assembly.

MR HUMPHRIES (Attorney-General) (12.13 am): Mr Speaker, I want to explain briefly to Mr Moore what the situation is. Clause 6 contains a default position so that if the Government does not gazette any particular provisions the provisions in subclause (3) apply. If for some reason it is felt that particular different arrangements should be made other than what appears there, for example for a particular class of supermarkets, then a disallowable instrument is made by the Minister. That is the way all legislation works in that respect. You have a general position set out in the legislation.

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You sometimes want to have flexibility to allow some different arrangement; therefore, you have to have a disallowable instrument. Obviously, if members want to change that, they can do so by changing the legislation. If the Minister wants to change it he does so, and then he puts it before the Assembly as a disallowable instrument. What more does Mr Moore want?

MR MOORE (12.14 am): This is the point I was trying to make, Mr Speaker. That would be quite acceptable to me if, in fact, this legislation passed through to our next sitting period when there will be a constant run of sitting periods and the Subordinate Laws Act could be used to question something that happened within a very short time. At the moment you can move substantially from the default position that is there and we would not be able to do anything about it for another two or three months, other than basically recall the house. I think I would be satisfied to some extent on this issue if the Minister were to assure us that for the time being, until the house sits again, this power will not be used by the Minister. In other words, the default position that has been described there will be used, or, if there is some particular issue that needs changing, it will be done by consultation with the committee that is looking into the whole issue, the Planning and Environment Committee.

MR HUMPHRIES (Attorney-General) (12.15 am): I am happy, on behalf of the Minister, to give an undertaking that the default position will generally be relied upon. If some variation is thought necessary there will be consultation with the committee that Mr Moore chairs. In fact, Mr Speaker, I can indicate also that the changes proposed are not proposed to be brought into operation for a period of something like six weeks at the minimum anyway because there are some implications for award penalties to be paid to workers who currently work in supermarkets. That needs to be worked through, and we are prepared to wait for those to be concluded before we bring this legislation into force.

Mr Moore: Mr Speaker, perhaps I can take a point of order or clarify something to make it easier for you.

MR SPEAKER: Why do you two not just go outside and talk it over? It seems to be a dialogue.

Mr Moore: No, it is for you, Mr Speaker. I was just going to say that, as far as I am concerned, I am happy to take the rest of the Bill as a whole. Those were the issues that I wanted to deal with from my personal perspective.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (12.17 am): Mr Speaker, I move:

That the following new clause be added to the Bill:

Page 5, line 9:

“13. Unless sooner repealed, this Act ceases to be in force at the end of 2 years after the day on which it is notified in the *Gazette*.”.

This amendment relates to the sunset clause. Mr Berry earlier described this as the Government's loss of confidence in the Bill, saying that we are going to dump the whole thing after two years. That is not the intention at all. The Government intends, however, that the Assembly as a whole face up to the question of how this legislation operates over the next two years and compel it, as the Assembly which passed the legislation, to consider what the future of the legislation should be after a two-year period. In other words, if the legislation is deemed to have been successful it should be renewed as it stands. If the legislation has been unsuccessful it should be amended or even allowed to lapse. If it has been successful but could be more successful, it should be considered for extension in the way suggested by some in the course of this debate. Mr Speaker, a sunset clause triggers and requires consideration by the Assembly as to what will be the future operation of this legislation after two years, which, in my view, is more than long enough to consider how well this legislation might operate.

MR BERRY (12.18 am): This amendment just shows how dumb this piece of legislation is. The Government decided upon this as a smoke and mirrors exercise to try to convince the small shops community that they were doing something in response to the save our shops campaign which had its origins before the last election, no doubt promoted and sought by the Liberals opposite. At the end of the day they come up with a piece of legislation which does not do anything for the shopkeepers. They have not criticised it. It might do something for some; it will do some bad things to a lot of others. Of course, there has been an uproar about this legislation, an unexpected uproar. The Government thought, “We are doing nothing or little to help small businesses so the community ought to be conned by this”; but they have not been. They have been a wake-up to the thing from the word go.

Mrs Carnell: If it does not do anything why is anyone upset?

MR BERRY: This does not do anything much for businesses out there. It is another one of the Carnell confidence tricks, another media stunt. Mr Speaker, it deserves to be treated with contempt. This grandfather clause is really a demonstration to the Greens that what they are being caught up in is a confidence trick. It is about time that they woke up - - -

Mrs Carnell: Does that mean that the mental health legislation was a confidence trick?

MR BERRY: Mrs Carnell, you misrepresented what would happen with the mental health legislation once this afternoon and you are getting to the stage - - -

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Mrs Carnell: Why did we put in a sunset clause?

MR BERRY: If you want to talk about the mental health legislation, deal with it separately, but tell the truth; none of this nonsense about how the mental health legislation was dealt with. The fact is that the mental health legislation went to a committee and subsequently came back to this parliament. It was dealt with and the committee was given the overriding responsibility of looking after the legislation in due course.

Mrs Carnell: Why does it have a sunset clause?

MR BERRY: Do not give me that nonsense about sunset clauses. You are a complete phoney. You have put up legislation which is phoney. You have put up legislation which fools nobody. It is just a publicity exercise and now you have come up with something else, this little sunset clause. Well, well, well. It just so happens that it concludes after the next election. When will the Greens wake up to this? This whole exercise has been a public relations exercise aimed at creating the impression that the Government has reacted positively to the save our shops campaign. Well, those shops that close after this event will give no thanks to this Government. Those shops whose businesses have been reduced in value as a result of this little smart alec exercise will give no thanks to this Government, and it is about time that the Greens worked out that they have been caught up in something which does not do anything to get them to their aims and objectives. Their aims and objectives are way off when it comes to this legislation which has been proposed today. This sunset clause demonstrates that they have been caught up in another phoney public relations exercise. This sunset clause is to be opposed because it is just a stunt, nothing more. That is why the Labor Party will be opposing it.

MR WHITECROSS (Leader of the Opposition) (12.23 am): Mr Speaker, this amendment moved by Mr Humphries should have a third line added to it which reads "This legislation is a dud". Mr Humphries is moving this sunset clause today because the Liberal Party are now punch-drunk on this legislation. They have been taking a caning week after week ever since they announced this nutty policy. They are so panic stricken on this exercise that they will not even let the Minister who introduced the Bill answer a question about it. The Minister who introduced this Bill was sent to Darwin. They got rid of him because they knew what he would do if they let him open his mouth. They know that they are in deep enough trouble now without Mr De Domenico contributing his pearls of wisdom to the debate.

Mrs Carnell: Mr Speaker, I take a point of order. Relevance, Mr Speaker.

MR WHITECROSS: This is highly relevant, Mr Speaker.

MR SPEAKER: It is not highly relevant at all.

MR WHITECROSS: I will explain why, Mr Speaker. The fact is that the Liberals are sick to their stomachs about what they have done here. They are sick to their stomachs. It seemed like a good idea at the time. It seemed like a good idea at the time, Mr Speaker, but they are sick to their stomachs now. Mr Speaker, they - - -

MR SPEAKER: Repetition, Mr Whitecross.

MR WHITECROSS: There are the 300 jobs. There is the \$500,000 of payroll tax. There is the fact that just about every consumer in the city and just about every customer in the city thinks this is a dud. The backbench, Mr Speaker - - -

Mrs Carnell: I take a point of order, Mr Speaker. I think we have to come back to relevance again. Would you ask Mr Whitecross to sit down?

MR SPEAKER: Would you sit down please, Mr Whitecross, while a point of order is being taken?

Mrs Carnell: Mr Speaker, at this stage it would appear that Mr Whitecross is arguing against the legislation. That would tend to mean he is arguing in favour of a sunset clause, although I do not think he is. Maybe he should get back to the point.

MR SPEAKER: I uphold the point of order. I also would remind you about repetition.

Mr Berry: Talk about the squabble in the party room. That is not bad.

MR WHITECROSS: I am getting to that, Mr Berry. That is why Mrs Carnell keeps bobbing up. She is trying to stop me getting to it. Mr Speaker, I will bear in mind your comments. The fact is that the Liberals are sick to their stomachs about that. That is why, Mr Speaker, the Liberal Party have spent every spare moment they have had out of the chamber today madly trying to think of a way of prising themselves out of the mess they have got themselves into. Mrs Carnell has led a backbench revolt against her own Minister's legislation because they know they are on a dud.

MR SPEAKER: Order! Relevance.

MR WHITECROSS: Mr Speaker, they thought about sending it off to a committee but they could not figure out how to without looking like they were backing down. They thought about trying to defer it somehow. The only thing they could come up with which looked vaguely like a face-saver on this legislation, which they know is a dud, which is making them sick, is a sunset clause.

MR SPEAKER: Order! Repetition.

MR WHITECROSS: Mr Speaker, it is not going to save them. This Assembly should reject it out of hand for the transparent nonsense that it is. They have decided to go down this course. It is a bad course. It is a course which we have been debating tonight. We have been highlighting why it is a bad course, Mr Speaker. The best the Liberals can do to try to extricate themselves from the mess they have got into is a sunset clause. Mr Speaker, Mrs Carnell does not have the decency and the integrity to come in here and say, "It is a dud policy; it is dud legislation. I am sorry and I withdraw it". That is what she should do. We have this sunset clause instead, Mr Speaker. We should reject it because it is a bad idea, and we should reject the legislation because the legislation is a dud.

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MRS CARNELL (Chief Minister) (12.27 am): Very briefly, unlike just about everybody else this evening, it is actually Liberal Party policy to have sunset clauses in all legislation - - -

Ms McRae: You have discovered some new policy. Terrific.

MRS CARNELL: No, no; on all legislation that is not of an ongoing nature necessarily, Mr Speaker.

Mr Whitecross: Say that again?

Mr Berry: So not only is the legislation a dud; the Liberal Party is a dud as well.

MR SPEAKER: Order!

MRS CARNELL: Mr Speaker, it is Liberal Party policy because we believe that parliaments should relook at legislation regularly. We believe that we should not end up in parliament with legislation that just adds on all the time. Whether those opposite like it or not, as you would know, Mr Speaker, sunset clauses in legislation have been party policy for a number of years. We believe, Mr Speaker, that there are often situations like this one where sunset clauses are a good idea.

Many people have said in this house today that somehow this whole deal would not work; that it would not do what it was supposed to do. Well, all of those people who have said that should support a sunset clause to have a look at it. The same people who have said that it will not work have tended to go on and say, "Shock, horror! We will lose thousands of jobs, people's property values will be reduced, and all sorts of things will happen". That is a very interesting approach by the people who just two seconds before said that the whole thing will not work, Mr Speaker.

Mr Speaker, the Greens have said regularly that they do not believe this goes far enough. Those opposite have said that they do not believe in regulation of trading hours at all. I am not quite sure what Mr Moore and Mr Osborne have said, but I think they said a bit of both. What this clause will do, Mr Speaker, is allow this Assembly or the next one, if it is substantially different, to have another look at this legislation to see if it has done what we hope it will do, or whether the Greens are right and it should be ramped up further, that it should be more restrictive, or whether the Labor Party is right and we should not have regulation at all. I think that is a very appropriate approach and a very democratic approach, Mr Speaker.

MR WHITECROSS (Leader of the Opposition) (12.29 am): Mr Speaker, it is refreshing to hear Mrs Carnell inform us that it is Liberal Party policy to have a sunset clause in all legislation because she introduced 10 pieces of legislation today, and we passed four pieces of legislation earlier today, none of which had sunset clauses. In fact, this sunset clause came in as a little amendment only this afternoon. So, Mr Speaker, it is refreshing to hear that in the last couple of hours Mrs Carnell has rediscovered Liberal Party policy.

MS HORODNY (12.30 am): The Greens will not be supporting the sunset clause. We do not believe there is any real need for it. The timing of the sunset clause is two years from now, and that obviously is after the next election. We also believe that there is always an opportunity for a review of any legislation.

Ms McRae: We will repeal the stupid thing as we get into government. We do not need a sunset clause.

MR SPEAKER: Order! Ms Horodny has the floor.

MS HORODNY: Indeed, reviewing legislation is what we do here every day, so we do not see any need for this particular clause. We will not be supporting it.

MR MOORE (12.31 am): The reason why the committee that I was on recommended that the mental health legislation have a sunset clause was that we genuinely believed it was not going to do the job that we wanted it to do. We thought it was an improvement over the - - -

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: Sunset clauses, Mr Speaker. We are speaking about sunset clauses. Indeed, Mrs Carnell raised this very issue and I am responding to it.

MR SPEAKER: Yes, but not in relation to this matter; but go on.

MR MOORE: With reference to mental health legislation. The point I am getting to, Mr Speaker, is that when Mrs Carnell raised this issue it was about the fact that we understood that the mental health legislation was considerably deficient, and that there was proposed national legislation that we needed to have a look at. We understood that the mental health legislation was really not going to work anywhere near as well as we thought. They know the same thing, Mr Speaker. They know it is not going to work very well at all. They know in their heart of hearts they are going to sort of meet their election commitments. They went out there and campaigned, and, after all, the SOS group gave them a pretty good wrap-up at the election. Now they are going to pretend that they are going to deliver, provided that they do not cause any pain to their own vested interest groups. The fact that 300-odd small, ordinary people lose their jobs is a penalty.

The relationship between the two is very clear. We knew that that legislation had limitations and they know - this proves it more than anything, Mr Speaker - that this legislation is limited as well. Hearing that business about sunset clauses being Liberal Party policy, I am appalled. I am appalled at the number of pieces of legislation that you people have allowed to go through this house that are not consistent with your policy.

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MS McRAE (12.33 am): As Mr Moore said, if ever we needed proof that this Government had absolutely no faith in its legislation it is this little stunt we have seen now - pulling in an amendment at the last minute. The light went on. "My golly", they said, "the Greens are with us. Now what are we going to do?". I am amazed that the sunset clause is for two years. Why did you not make it for six months and get rid of it entirely?

Mr Osborne: "Oh, no, we fooled them. What are we going to do, Kate? We fooled them".

MR SPEAKER: Order, Mr Osborne!

MS McRAE: What absolute nonsense. Who on earth are you trying to kid?

Mr Moore: "We never believed anybody would come with us, but they did. Aargh!".

MR SPEAKER: Order! Otherwise you will not have a sunset; you will have a sunrise very shortly.

MS McRAE: Now they do not know what to do. First of all they try to send it off to a committee, but they did not even consult with the chair of the committee, or the deputy chair of the committee.

Mr Osborne: Hoo, hoo, hoo.

Mr Humphries: It is like feeding time at the zoo here.

MR SPEAKER: Mr Osborne, your efforts to be thrown out so you can go home will fail miserably.

Mr Moore: Mr Speaker, now is a good time to throw him out.

Mr Osborne: Throw me out now.

MR SPEAKER: You are staying here along with the rest of us.

MS McRAE: Just look at the twisting and turning. "We discover a sunset clause. We discover a committee. We discover anything we can to get us off this". Then, what is more, "We are going to mess about with the market. We are going to mess about with consumers' rights". This is just to wake you up, Mrs Carnell.

Mr Humphries: You are waking up the people in Reid, Ms McRae.

Mr Osborne: This is like a script from *Get Smart*.

Ms Tucker: I cannot believe what I am hearing - - -

MR SPEAKER: Neither can I.

MS McRAE: You are going to mess about with the market, mess about with people's choices, mess about with how people shop, mess about with how people have chosen to live and have chosen to reside near town centres. In Belconnen they have put up picture theatres, eight of them. Do you know what people like to do after they go to the pictures? They go to the pictures and then they go shopping. Do you know what? They chose to live there because they like to do that. Mrs Carnell laughs. She knows how people live. Do you know what? She is going to tell them, "No, if you live near the Belconnen Town Centre, you are not allowed to have that choice any more. No, off you trot, off to Jamison in the middle of the night and do your shopping". It is outrageous. It is the most ridiculous bit of legislation we have yet seen from the Liberals. To top it all off they are saying, "We are going to mess about with the market, but hang on for two years. Just hang on, because in two years' time, you know what? There is a sunset clause". What rubbish!

I sincerely hope that our comrades here will see a bit of sense and we will put in a Bill to repeal this nonsense in six months' time when they have had a chance to have a bit of quiet thinking time. We have two months off. They will have a bit of thinking to do. We do not need a sunset clause. We will be seeing the end of this ridiculous bit of legislation well before the two years. I urge everybody to vote against it and the legislation.

MS TUCKER (12.36 am): I will have to state again that Ms McRae and other members in this place seem to be thinking that the Greens have suddenly thought that maybe we will support this proposal by the Liberals. I will state again that we have a commitment to small shops, to local neighbourhood centres. We have had a policy which supports regulation of trading hours for some time. Ms McRae keeps claiming that we are messing about. Yes, that is what regulation could be called, messing about; but the point is that regulation is actually about trying to provide equity, and we have seen nothing happen, ever, from the Labor Party, although they do claim to have a platform of social justice. This is not just a local issue, this is a global issue as well. You can see that quite clearly from competition and the effect of it. It is now being recognised by the United Nations and the World Bank.

We need to mess about, Ms McRae. We need to mess around with markets. We do. Messing around is actually in the interest of people and the environment, and that is what regulation is about. The Liberal Party have suggested a sunset clause and we have another hysterical reaction. "My God, this means it is an absolute disaster", they say. Not necessarily. A sunset clause could quite equally be an attempt to say, "Yes, we are introducing controversial legislation. Yes, we are prepared to look at it again". The Greens do not necessarily think that is necessary at the moment, but these reactions that are coming from the Labor Party, from Mr Moore and from Mr Osborne are quite out of kilter.

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Mr Moore: Mr Osborne has not said a word.

Mr Osborne: I have not said anything.

MS TUCKER: I am making a general comment here, Mr Moore. It is quite out of kilter with what we have done. We are, I state again, the most deregulated area. This is a small section of regulation to counter the problems that everybody in this place has acknowledged.

MR BERRY (12.38 am): Mr Speaker, I accept that Ms Tucker and her colleague Ms Horodny are committed to the cause of the Greens, but on this issue it does not achieve what you want. I think you must have said that you were going to support the legislation before you read it because it does not do what you want it to do.

Mr Moore: And what your policy says.

MR BERRY: And what your policy says. It is a silly notion to support legislation that does not do what you want it to do, and, what is more, legislation that just gets you into trouble. That is the nature of this legislation. The shallowness of it is shown up by this silly sunset clause which is designed to get the Liberals off the hook. It would not be hard to imagine circumstances where the Liberals, having a look around the Assembly, put up this proposal thinking, "Oh, nobody will cop this. We will look as though we have done our best for those people with the save our shops campaign. We had our investment in that and they have had their campaign. Nobody will support what we are up to". Who would, on the face of it?

Out of the blue, the Greens, bearing in mind that they have a fervent commitment to more deregulation in the group centres and so on, have misread the legislation, in my view, and then said that they would support it because it somehow gets them close to their own policy. Well, it gets them further away from their own policy because it damages the people they are trying to protect.

Mr Moore: And they were cornered. That is how the Liberals got cornered.

MR SPEAKER: Order! Mr Berry has the floor. If you want to have a talk, go outside.

MR BERRY: Mr Moore, I do not have the luxury of the time that Independents have to think about conspiracy theories and Greens and so on, but I have to say that in the few years that I have been in this Assembly I have picked up the formula. I think I am onto something. I would urge everybody to dump this silly amendment and dump the legislation. It just does not help anybody.

Question put:

That the proposed new clause (**Mr Humphries's**) be added to the Bill.

The Assembly voted -

AYES, 6

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Stefaniak

NOES, 9

Mr Berry
Ms Horodny
Ms McRae
Mr Moore
Mr Osborne
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

Question so resolved in the negative.

Remainder of Bill, as a whole, agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 8

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

NOES, 7

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

Question so resolved in the affirmative.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Death of Dr Peter Rowland

MRS CARNELL (Chief Minister) (12.45 am): I am sorry to take the time of the Assembly but, because we will not be sitting again for a couple a months, I would like tonight to pay tribute to the work of Dr Peter Rowland who died at his property near Canberra on Wednesday. Dr Rowland was best remembered for his pioneering work in the treatment of AIDS, especially here in the ACT. He was a foundation member of the AIDS Action Council for five years and a member of the executive of the Australian Federation of AIDS Associations. Peter was the first doctor in Canberra to treat AIDS as a specific illness rather than merely treating the symptoms of the disease, and he has been recognised both nationally and internationally as a leader in the treatment of AIDS. Dr Rowland was a linchpin in the development of sympathetic and appropriate professional treatment care and support for HIV positive patients, and especially those whose illness progressed to full-blown AIDS. He campaigned tirelessly to remove discrimination against AIDS sufferers and his work made a major contribution to reducing the marginalisation of this group. His tragic death certainly has shocked the Canberra community and he will leave a considerable gap in ACT health services, especially with regard to HIV positive people and AIDS sufferers.

I express my own and the Assembly's grief in this situation. I would like to express our deep condolences to Dr Rowland's family, to his colleagues and to his patients. His professional skills will be sorely missed, as will his compassion and his dedication, Mr Speaker.

Death of Dr Peter Rowland

MR MOORE (12.46 am): I also would like to speak about Dr Rowland. I first heard of Dr Rowland's reputation long before coming to this Assembly. When I was appointed chair of the Select Committee on HIV, Illegal Drugs and Prostitution it was not long before I got to know Peter. There were many times that I admired his work, and there were many times that I shared different forums with him to discuss issues associated with HIV. Dr Rowland's prime work in the initial instance had involved dealing with gay men, but he was one of those people who were able to make the transition and recognise very early in the piece that the transmission of HIV by intravenous drug users was also a very significant issue, and that people, no matter how they were exposed to HIV, needed to be cared for and treated in an appropriate way. More importantly, Dr Rowland also worked tirelessly to ensure that processes were in place to avoid the transmission of HIV.

I also shared a very interesting forum with Dr Rowland on euthanasia. I found it very interesting. Whilst he was not opposed to the legislation that I had put up, he certainly was not prepared to agree with it. He made it very clear at the time that he, being a medical practitioner, certainly would not be prepared to be involved in assisting somebody to die. It was a very thoughtful speech that he gave. It was very different from many of the speeches I had heard before from medical practitioners on either side of the argument.

It was typical of Peter Rowland that he put so much time, thought and effort into where he stood, how he felt about things, and what he was going to do. Mr Speaker, I think there are many people in Canberra, not only in the gay community, not only in the community who are affected by HIV, but also very broadly in this community, who will sorely miss Peter Rowland.

Death of Dr Peter Rowland : Woden Valley Hospital

MR BERRY (12.49 am): Mr Speaker, I would like to echo the sentiments already expressed in relation to Dr Rowland.

On another issue, I would like to raise a serious matter. This morning the Labor Party was contacted by a woman who had been scheduled for surgery this morning. The advice had arrived a month ago. She has been waiting for over six months for the operation. The woman is a single parent and had made extensive arrangements to have her child cared for. She had had to take leave without pay to have the operation. She had prepared her home for her absence. Yesterday she was advised by the booking office at Woden Valley Hospital that there was uncertainty about the availability of a bed, and she was asked to stand by her phone all yesterday in the hope that a bed would become available for her operation. At 6 o'clock last night she was told that her operation was still a possibility and that she should fast overnight prior to admission this morning. This morning she was advised that her operation had been cancelled and that she will be advised at some unknown time in the future as to when her operation is to be rescheduled.

Question resolved in the affirmative.

Assembly adjourned at 12.50 am until Tuesday, 27 August 1996, at 10.30 am

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ANSWERS TO QUESTIONS

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 244

Block 3 Section 52 City - Development

Mr Moore asked the Minister for the Environment, Land and Planning in relation to the release and development of Block 3 Section 52 City:

- (1) Why has there been a delay of more than a year between the lease being awarded to Hindmarsh Group and the Preliminary Assessment.
- (2) Has the successful bidder at any time sought to have the uses of this lease changed.
- (3) Has there been any variation to the terms of the lease since Expressions of Interest were called.

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

- (1) The decision to award the lease to the Hindmarsh Group was made on 8 August 1995. A Preliminary Assessment must be completed by the developer before a lease can be issued.

In order to prepare the Preliminary Assessment it has been necessary for the developer to refine his original submission to a level of detail to enable informed public comment to be made on the impacts of the proposal. This has been done in consultation with the relevant government agencies. The developer has advised that the Preliminary Assessment will be submitted for evaluation by the Minister for the Environment or his delegate in July 1996.

- (2) No.
- (3) No. However, the developer, for urban design reasons, intends to include in the Preliminary Assessment for public comment, a proposed amendment to the southern boundary of the lease involving the adjacent Block 4. There has been, to date, no application submitted to have the terms of the proposed lease varied.

MINISTER FOR INDUSTRIAL RELATIONS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 245

Construction Industry Training Fund

Mr Berry asked the Minister for Industrial Relations:

In your response to question on notice No. 199 concerning the Construction Industry Training Fund you advised that there is a proposal for 'the establishment of an on-site skill centre to be run by MBA Group Training Inc' which seeks an amount of \$300,000 to be paid in instalments over a 12 month period and that you proposed to seek the advice of the ACT Building and Construction Industry Training Council.

Since the amount sought is significantly greater than the other amounts approved over the last year -

- (1) If such a proposal is approved; (a) what will be the impact on the Fund; and (b) specifically what amount will be remaining for any other projects.
- (2) Will the MBA proposal be considered along with other proposals or is it to be considered outside the normal processes.
- (3) In referring the MBA proposal to the Training Council will you be indicating support for the proposal or offering any recommendation to the Training Council.
- (4) Does the Fund have any recurrent or proposed commitments which may be affected by approval of the MBA proposal.

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

1. I have now agreed to the MBA proposal in principle and approved the release of an initial \$75,000 from the Construction Industry Training Fund (the Fund) as a first instalment to MBA Group Training (ACT) Inc for the skills centre. The release of an initial \$75,000 from the Fund, expected in July 1996 will leave a balance of \$57,681 in the Fund at that time (this includes the July top up for the April-June quarter). This amount is therefore available for disbursement for approved projects during the first quarter of 1996/97. The second instalment for the skills centre is not due until December 1996 or January 1997, and the third and fourth instalments over the period to August 1997. To ensure the skills centre is established and remains viable I have provided a guarantee that it will have first call on available money in the Fund at January 1997. The Registrar of the Long Service Leave Board has advised that the Board expects the Fund to be topped up by approximately \$49,000 over the first two quarters of 1996/97.

My support for the MBA skill centre proposal, which also has the support of the Minister for Education and Training, and my preparedness to approve money from the Fund for its establishment and management, needs to be put in perspective. At the same time as I have approved the release of money from the Fund, the Government has agreed to the preparation of a Bill to amend the *Long Service Leave (Building and Construction Industry) Act 1981* to enable a greater proportion of employers' long service leave contributions to become available for industry training over the next 18 months. Should the Bill be passed by the Assembly it will ensure that there will be sufficient funds to support not only the MBA skill centre but other significant training initiatives in the building and construction industry as well.

2. The MBA proposal has been considered along with all other proposals. The same decision making process as applies to all proposals for funding is being applied to the MBA proposal.
3. I have already referred the MBA proposal to the ACT Regional Building and Construction Industry Training Council (the Council) for its recommendation as I am required to do under Section 19D of the *Long Service Leave (Building and Construction Industry) Act 1981*. I did not indicate support or otherwise for the proposal nor offer any recommendations to the Council in seeking its recommendation. The Council has since advised its support for the proposal.
4. At around the same time that I was considering the MBA skills centre proposal I was requested by the Minister for Education and Training on the recommendation of the Council to approve two additional projects totalling \$71,500 and in a second request, another project totalling \$67,500. However, the Council has now requested that funding consideration for the two projects totalling \$71,500 be deferred. The Vocational Education and Training Authority has advised my Department that a further funding request for a project totalling \$8,200 is foreshadowed

On the basis of these requests I have also approved the release of a first component of funds for the \$67,500 project (\$33,750) in September 1996. I have asked the Long Service Leave Board to quarantine funds for the \$8,200 project pending formal advice from the Council and Minister Stefaniak. Money for the second component of funds for the \$67,500 project, for the final two instalments of the MBA skills centre project and for any other projects will be dependent on available money in the Fund. The quantum of money available in the Fund will in part be dependent on passage of the Bill to amend the Act as outlined in my answer to question 1 above.

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MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question no. 246

Warren I'Anson Memorial Respite House

Mr Berry - asked the Minister For Health and Community Care upon notice on 18 June 1996 -

In relation to the establishment of the Warren I'Anson House respite accommodation and support for people experiencing mental health problems you informed the Assembly "Yes there will be a cost. The Government has undertaken to cover the rent of the house and the on-costs of the house and certainly to look at extra support via grants to the Mental Health Foundation for the next financial year to help with extra staff. We believe this is the appropriate way to go."

You then went on to say:

"This will certainly expand the range and type of services that are currently available to people with mental health problems. The house may, for example, serve as a short term alternative to hospital-based treatment. It could also allow an individual to spend some time in a supportive environment away from their home, in the company of trained support workers, particularly when that person is stressed or feeling very lonely." (*Hansard* 5 December 1995).

- (1) What (a) "on costs" were included in this commitment; and (b) is the value of these "on costs".
- (2) What (a) "extra support" has been provided so far; and (b) is the value of that "extra support".
- (3) What evaluation of the current and future needs of Warren I'Anson House has been performed.
- (4) Since you acknowledged that this is an extra service, and that it will "serve as a short term alternative to hospital-based treatment" what resources have been transferred to this extra service.
- (5) Have you provided the "trained support workers" referred to above.

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

- (1) The ACT Government has made available a four bedroom house located close to an existing mental health service for use by the Mental Health Foundation as the Warren I'Anson Memorial Respite House. The rent on the house is met by the ACT Government, and amounts to \$9 516 per year. On costs in the form of maintenance are also provided by the ACT Government. There have been no requests for maintenance from the Mental Health Foundation to date.

Additional on costs such as utilities (gas and electricity, telephone) and running costs such as food and other consumables are, in accordance with an agreement made with the Mental Health Foundation, being met by the Foundation.

(2) The extra support referred to is financial assistance in the form of a grant, or more properly, a contract to purchase services. The ACT Government has provided almost \$8 000 towards the costs of staff for the Respite House in the 95/96 financial year. A variety of avenues for funding for the 1996/97 financial year have been explored, and a satisfactory resolution has yet to be found. It has not been possible to date to provide ongoing funding without reducing the funding of other organisations. However, funding for the Respite House will be considered in the budget process in accordance with strategic planning processes and priorities, and within fiscal constraints.

(3) The Department of Health and Community Care is currently working with the Mental Health Foundation in order to consider ways to strengthen the organisation's management structure and capacity. The needs of the Respite House are an integral part of this project.

(4) and (5) No additional resources have been transferred to the Respite Project other than the \$8 000 referred to earlier. No commitment to provide trained support workers was made and none have been provided. As outlined above, the Department of Health and Community Care is still working with the Mental Health Foundation to resolve the issue of ongoing funding for the project.

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 247

Bus Book - Advertising

Ms Horodny - asked the Minister for Urban Services - In relation to the McDonald's advertising placed in the ACTION Bus Book 1996 -

- (1) How much was paid by McDonalds to have each McDonalds restaurant indicated by a McDonald's logo on the maps contained in the Book and for the McDonalds logo to be placed on the front of the Book.
- (2) How much was paid by each other advertiser for advertising space in the Book.
- (3) Why was McDonalds given the special privilege of having its restaurants indicated on the maps when no other commercial facilities were so indicated; was it (a) a condition of its sponsorship of the Book; or (b) offered to McDonalds by ACTION.
- (4) Why was no explanation given in the Book as to why the McDonalds logo was placed on the maps.
- (5) Why was no acknowledgement given in the Book of the sponsorship received from McDonalds.

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

- (1) \$2000.00
- (2) Rates for advertising depend on size of advertisement, placement in the book and the number of advertisements taken. For example, a Route 333 half page advertisement could cost approximately \$250.00.
- (3) (a) No. This was commercial paid advertising.
(b) The contracted advertising agency (Bus Advertising Pty Ltd) developed the proposal in collaboration with both ACTION and McDonalds.
- (4) There is no need to explain commercial paid advertising.
- (5) This was not sponsorship but commercial paid advertising.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NUMBER 249
RENTING OF POLE SPACE

ACTEW Power Poles

Mr Moore asked the Minister for Urban Services in relation to the renting of pole space from power companies in Victoria in order to string out telecommunication cables:

- (1) Does ACTEW charge Telstra rent for the use of this pole space.
- (2) If so, is that rental comparable to that charged by other power companies.
- (3) If not, why not.
- (4) How much revenue is/could be obtained by charging Telstra for rental of ACTEW's power poles.

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

- (1) No. There are no current financial arrangements for use of ACTEW poles. The ACT was party to a bipartite Electricity Supply of Australia (ESAA) agreement on the joint use of power poles for existing telecommunications from the early 1970's. This arrangement allowed for a one-off payment by Telecom (now Telstra) to ACT Electricity and Water (now ACTEW) as new poles were put in place. Since 1990 all new lines for Telstra have been laid underground, therefore the previously existing agreement was no longer applicable.
- (2) Not applicable.
- (3) As noted above.
- (4) Not applicable.

MINISTER FOR ENVIRONMENT LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 250

Downer - Testing for Contaminated Sites

Ms Tucker - asked the Minister for Environment Land and Planning - In relation to the conducting of experiments on plant diseases and the development of new plant varieties by the CSIRO's agricultural experimental station, on land that is now the suburb of Downer, during the 1940s and 1950s -

- (1) What was the extent of the CSIRO experimental station.
- (2) Were there (a) any cattle or sheep dips located in Downer; and (b) where were they located.
- (3) Did the CSIRO (a) use any test pesticides on its experimental station; and (b) if so, what types.
- (4) Has any part of Downer (a) ever been tested for soil contamination; or if not (b) are there any plans to conduct such testing.
- (5) If it has been tested, (a) when and where was this sampling, undertaken; (b) who undertook the sampling; (c) what was the soil tested for, and (d) what was the result.

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

- (1) The CSIRO experimental station comprised Blocks 77, 78 and 79 of Deposited Plan 269. Together these blocks covered approximately 265 Hectare now in the suburb of Downer, and parts of Watson and Dickson. The station was approximately bounded by the present Antill Street, Hawdon Street, Majura Avenue, Phillip Avenue, Watson Shops, A'beckett Street (North), Federal Highway and Northbourne Avenue.
- (2) (a) yes there was one sheep dip which was a spray dip.
(b) this sheep dip was located in the CSIRO depot within the experimental station.
- (3) (a) The Registrar of Pesticides only has records, of registered pesticides and permits to use unregistered pesticides, back to 1989 so an officer of the Contaminated Sites Unit and the consultant investigated the history of pesticide usage at this site. They spoke to the CSIRO, particularly an employee who worked on the experimental station. The officer was told that there were no

experimental pesticides used on the experimental station, that all pesticides used were for normal flock management purposes and were commercially available at the time they were used.

- (b) the CSU was unable to establish the exact nature of the pesticides used but adopted a precautionary approach and looked for all pesticide compounds that might have been used, ie. arsenic based pesticides and cyclodyene organochlorine pesticides.
- (4)
- (a) yes
 - (b) there are plans to conduct further testing in Downer to investigate a small site, before it is changed to a more sensitive landuse, which had a potentially contaminating activity on it but which was subsequent to and not related to the CSIRO.
- (5)
- (a) the sheep dip site at Downer was investigated, including sampling and analysis of the samples, in January 1996. The sampling program included properties close to the location of the sheep dip and extended to properties which were up to eighty five metres from the sheep dip.
 - (b) the investigation, including the sampling, was carried out on behalf of the Contaminated Sites Unit by the consultant AGC Woodward Clyde Pty Limited
 - (c) arsenic based pesticides and cyclodyene organochlorine pesticides
 - (d) based on the analytical test results and the absence of any arsenic or organochlorine pesticide concentrations approaching the ANZECC/NHMRC health based investigation guidelines, an assessment of the site specific human health risks was not warranted. The assessment of risks to the environment was not considered significant because of the absence of sensitive receptors and the limited arsenic concentrations recorded above the ANZECC environmental investigation guidelines.

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MINISTER FOR CONSUMER AFFAIRS

**ACT LEGISLATIVE ASSEMBLY
QUESTION ON NOTICE NO. 253**

Fair Trading Advisory Committee

MS FOLLETT asked the Minister for Consumer Affairs upon notice on 18 June 1996:

In relation to the Fair Trading Advisory Committee:

- (a) when will the announcement of the appointments to the Fair Trading Advisory Committee be made; and
- (b) what representation will the Committee have from the community, trade unions, the environmental movement and consumer experts.

MR HUMPHRIES - The answer to the member's question is as follows:

(a) Timing of Announcement of Appointments

I expect to be announcing the membership of the Fair Trading Advisory Committee shortly. However, I have been advised that there have been delays in doing so because nominations from some organisations are yet to be received. I am conscious of the need to have this Committee up and running as soon as possible.

(b) Constitution of the Committee

Careful consideration has been given to the constitution of the Fair Trading Advisory Committee to strike a balance to ensure that there is broad representation from consumer, business and government organisations. I am confident that this representation will better reflect the role of the Committee in promoting fair trading by merchants and suppliers of services in the ACT. For example, some of the people on the Committee include representatives from the Council on the Ageing, the Council of Social Services, CARE Financial Counselling Service, the Real Estate Institute, Legal Aid, The Resolution Centre, Canberra Consumers, the Motor Trades

Association, a representative from the Commercial and Retail Tenants Association, a financial services representative, a youth representative, and other individuals who represent consumers and small business.

I am proposing that this new Committee will consist of up to 18 people. There is, of course, a limit to how many people one can have on a committee to make it a viable and worthwhile group. No doubt, there are many other worthy people who could make a valuable contribution but I am confident that this selection of representation will make a worthwhile contribution to the policy process. Naturally, others may always approach the Committee if they have particular concerns or may be approached by the Committee if it sees fit. I look forward to consulting with the Committee and considering its views.

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ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 254

Belconnen Remand Centre

Ms Follett - Asked the Attorney General:

In relation to your response to question on notice No. 232 concerning the Belconnen Remand Centre -
What was the average number of detainees at the Centre for each month of the past twelve months.

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

- 1) The average number of detainees at the Centre for each month of the past 12 months (June 1995 - May 1996) was:

1.June 1995	23.51
2.July 1995	26.81
3.August 1995	29.87
4.September 1995	24.39
5.October 1995	28.84
6.November 1995	27.00
7.December 1995	24.52
8.January 1996	25.58
9.February 1996	30.25
10.March 1996	32.81
11.April 1996	37.82
12.May 1996	34.52

An average number of detainees at the Centre for June 1996 is not available as this statistic is calculated on the last day of the month.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 255

Kaleen Youth Shelter

MS TUCKER - asked the Minister for Housing and Family Services on notice on 19 June 1996:

In relation to the management of the Kaleen Youth Shelter since it was taken over by the Richmond Fellowship -

- (1) What educational and recreational programs have been offered to residents by Kaleen Youth Shelter management.
- (2) Are all residents
 - (a) offered the opportunity of utilising these programs;
 - (b) if not, why not;
 - (c) how many programs per week do they participate in on average; and
 - (d) what do residents do when not at programs.
- (3) How many staff are available per resident at Kaleen Youth Shelter.
- (4) How many young people have been sent to youth refuges with recognised mental health problems and/or intellectual disabilities in the past 12 months.

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

Richmond Fellowship assumed responsibility for Marlow Cottage (previously known as Kaleen Youth Shelter) on 10 November 1995. Its status as a shelter according to the Children's Services Act 1986 has continued.

- (1) The Richmond Fellowship Day Program has been offered to all residents of Marlow Cottage and Outreach House. (A residential substitute care program for 6 adolescent clients of Family Services operated by Richmond Fellowship).
- (2)
 - (a) all residents who are not attending school or other training programs are encouraged to attend the Richmond Fellowship Day Program;
 - (b) see (a) above;
 - (c) On average, 14 different activities over a 5 day week;
 - (d) If a participant's behaviour is such that they disrupt other attendees, alternative arrangements are made, for example, work experience at the RSPCA, or attendance at another program, such as one of those offered by YWCA.
- (3) The staff ratio is three residents of Marlow Cottage to 1 worker. If circumstances warrant, this is increased at short notice.

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- (4) Family Services is not responsible for youth refuges. The question was referred to the Supported Accommodation Assistance Program (SAAP) in the ACT Department of Housing, who advised as follows:

Of the 5 youth refuges contacted, two replied. Southside Youth Refuge report that from July 1995 to May 1996, 13 young people on psychiatric medication were referred to them. Figures for young people receiving counselling or other forms of treatment are not kept, and therefore are not included. Figures for young people with intellectual disabilities were not provided.

Lions and Salvation Army (LASA) Youth Refuge recorded 8 mental health patients for the same period.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 256

Health Centres - Waiting List Data

MS TUCKER asked the Minister for Health and Community Care upon notice on 19 June 1996

- (1) Does the Department keep waiting list data for public health practitioners at governmental health centres, including all allied health services.
- (2) If so, can you please provide this information about waiting lists. If not, why not.

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

- (1) Yes. Primary Health Care Teams in health centres keep waiting list information for services that have significant waiting times. This includes physiotherapy and podiatry services.
- (2) **Physiotherapy**
This service has a waiting list with waiting times of approximately 3-4 weeks for non-urgent appointments. An intake system prioritises clients according to need. Urgent problems are attended to immediately.

Podiatry

This service is in high demand. Waiting list information is available for all basic foot care programs and podiatrist appointments.

There is no waiting time for the basic foot care self management program 'Foot Sloggers Program'. There is one month waiting time for nurse practitioner appointments for basic foot care and referral to podiatrist according to need. Following the first point of contact and first assessment there is a four day waiting time for podiatry appointments that are acute and for non acute there is a two week waiting time. Clients are given regular appointments usually for the whole year spaced according to need following their first appointment.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 259

Non-Government Schools - Enrolments

MS MCRAE - asked the Minister for Education and Training on notice on 20 June 1996:

- (1) How many new enrolments in the ACT non-government schools were there in:
 - (a) March 1996
 - (b) April 1996
 - (c) May 1996
- (2) How many of these were students from government schools.

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

- (1) Student enrolments are collected in February and July each year. The Department does not collect this information on a monthly basis.

February total enrolments for 1995 and 1996 respectively were:

1995	21,098
1996	21,462

- (2) The Department does not keep statistical information on the destination of students leaving the government schooling system.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 260

Government Schools - Pupils

MS McRAE - asked the Minister for Education and Training on notice on 20 June 1996:

How many pupils have transferred out of ACT Government Schools in (a) March 1996; (b) April 1996; and (c) May 1996.

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

The number of leavers from ACT Government schools is available at the August census, however, this data does not provide information on whether the leavers have moved interstate, left school or transferred to non-government schools. The data is unavailable on a monthly basis as census data is collected twice a year, in February and August.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 261**

“Meet the Minister” Program

MR WHITECROSS - Asked the Chief Minister upon notice on 20 June 1996:

1. How many Meet the Minister clinics have been held since March 1995, a) by you? and b) by each of the Ministers.
2. Where have they been held?
3. How many staff have been present each time?
4. How long has each clinic been for?
5. What has the cost been for the time of the room used?
6. What has the cost of advertising been?
7. How many members of the public have attended each clinic?
8. What issues a) have been raised; and b) how have they been dealt with?

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

1. The Meet the Minister program commenced in June 1995. Ministers attend monthly sessions. With the inclusion of June 1996;
 - a) I have held twelve (12) sessions; and
 - b) other Ministers have held thirteen (13) sessions.
2. The sessions have been held in community halls, libraries, shopping centres and other public places, throughout Canberra. The session locations are given in Table 1 of Attachment A.
3. Either one (1) or two (2) Ministerial Office staff attend the Meet the Minister sessions.
4. Each Meet the Minister session runs for a period of three (3) hours.
5. Room hire has been charged in only a few instances. The amount spent on room hire for Meet the Minister is \$222.00
6. The advertising cost for the Meet the Minister program from June 1995 to June 1996, inclusive, is \$14,616.11

7. The number of members of the public attending Meet the Minister sessions is given in Table 1 of Attachment A.

The numbers represent the number of people actually spoken to. Due to time constraints it is not always possible to see all the people who wish to speak to the Minister. Constituents who do not receive an appointment are encouraged to follow up their concerns with the Ministers' Offices.

8. a) The issues raised are listed at Table 2 of Attachment A.
b) Issues raised are dealt with in the following ways:
- . answered at the time;
 - . acknowledgment letter sent & response prepared;
 - . arrangement of meeting with departmental officer/s;
 - . referral to the relevant department for response/action;
 - . attendance by Minister at community meeting/s;
 - . referral to the relevant Minister for subsequent referral to the appropriate department;
 - &
 - . comments noted and referred (relating to program or policy issues)

Table 1
LOCATION OF MEETINGS

Month	Kate Carnell MLA	No. Present	Tony De Domenico MLA	No. Present	Gary Humphries MLA	No. Present	Bill Stefaniak MLA	Present
<i>June</i>	Civic	25	Belconnen	14	Weston Creek	12	Kippax	
<i>July</i>	Wanniassa	7	Woden	20	Ngunnawal	na	Palmerston	
<i>August</i>	Woden	11	Tuggeranong	2	Erindale	9	Weston Creek	
<i>September</i>	Belconnen	10	Palmerston	na	Downer	na	Wanniassa	
<i>October</i>	Dickson	30	Tuggeranong	5	Hughes	na	Belconnen	
<i>November</i>	Tuggeranong	10	Hughes	na	Civic	6	Civic	
<i>December</i>	Weston	7	Tuggeranong	na	Griffith	1	Tuggeranong	
<i>January</i>			Ngunnawal	na	Belconnen	10	Higgins	
<i>February</i>	Nicholls	4	Weston	4	Weston	na	Narrabundah	
<i>March</i>	Narrabundah	17	Dickson	4	Tuggeranong	na	O'Connor	
<i>April</i>	Holt	17	Tuggeranong	26	Belconnen	na	Macquarie	
<i>May</i>	Pearce	21	Belconnen	14	Ngunnawal	~70	O'Connor	
<i>June</i>	Griffith	14	Woden	30	Kingston	na	Conder	

Table 2
ISSUES RAISED IN MEETINGS

Subject Area	Issues Raised
Housing	<ul style="list-style-type: none"> . Public housing -complaints . Housing/neighbour disputes . Housing Advisory Review Committee . Request for information on Tenancy Act . Housing Trust rents . Maintenance of Housing Trust Properties . Vandalism & the responsibility of ACT housing tenants . ACT Housing appeal process . Housing for disabled people . Request for transfer to public housing in Sydney . Praise for Housing staff . Extra security round Reid flats . Praise for cleaning up of Housing property . Housing/Condamine Court . Ainslie Village . Subsidence of house . Replacement of fence damaged by DUS employee
Family Matters	<ul style="list-style-type: none"> . Need for playground in Higgins . Childcare services . Foster Care - need for funding . Family services-funding . Establishment of childcare centre
Community Safety	<ul style="list-style-type: none"> . Self/security business . Revitalisation of Neighbourhood Watch . Bush fire-fighters - funding needs . Closure of walkway . Maintenance of footpaths . Compulsory wearing of bicycle helmets . Safety of school crossing . Traffic management in North Canberra . Drivers with pacemakers . Pornography . Crime . Telephone booths for Burnie Court and the Causeway . Domestic violence issues . Lighting of street signs and street lighting . Complaint against gun reform laws . Random vehicle inspections . Lack of lighting in Johnson St Calwell . Dog control . Criminal injuries

- Education**
- . Selection process for staff within the Department of Education and Training
 - . Feeder schools for Gungahlin
 - . Integration of disabled students
 - . Issues relating to Stirling College and Holder High School
 - . Melrose High School bus service
 - . Suggestion for girls' school in Charnwood
 - . Access to "special" classes
 - . Traffic situation at Monash Primary School
 - . Traffic conditions at St Claire's Primary, Conder
 - . Junior Rangers program for schools
 - . Preschool sites
 - . pupil free days/entitlement of teaching staff
 - . complaint about bullying/lack of action by school
 - . Birragi program information
 - . Concerns about High school teaching staff
 - . Enrolment at Hall Primary School
 - . School Without Walls
 - . dissatisfaction about sporting policy
 - . summer school service for children with disabilities and their siblings
 - . AUSTUDY problem
 - . CIT Courses
 - . Access to speech therapists services
 - . Introduction of an "Edicare" system
 - . Request to teach about Sri Lankan culture
-

- Business**
- . Taxi fares
 - . Small business concerns
 - . Public Works and Services - pre-qualification and quality assurance aspects
 - . Tender process employed by government
 - . Taxi scheme
 - . Hire Car industry
 - . Tourist brochure
 - . Eco-tourism report
 - . Federal subsidy to encourage school visits to the ACT
 - . Trading Hours legislation
 - . Parking at Florey Shops
 - . Difficulty in obtaining a licence to manufacture
 - . Effect of leasehold system on wineries
 - . Petrol prices
 - . Industry development
 - . Workers compensation
 - . Labour market programs

- Transport**
- . Concerns regarding ACTION services
 - . Use of private sector to promote ACTION tourist routes
 - . ACTION concessions
 - . Bus ticketing
 - . Promotion of transit lanes
 - . Road signage
 - . Truck registration - complaints

- . Light rail service
- . Trams
- . Driver licencing
- . Complaint over roadworks on Barton
- . Roadworks at Hall applauded
- . ACTION drivers-lack of consideration for elderly and disabled passengers
- . Flooding of Dixon Drive
- . Resurfacing of Holder streets
- . Non-personal answering services for parking ticket inquiries
- . Use of bike paths
- . Signage at Wentworth/Canberra Ave. roundabout
- . Bus timetables
- . Motor registries
- . Access to Isaacs Ridge
- . Cotter Rd/Lady Denham Drive roundabout
- . Traffic arrangements in Brierly Street
- . Traffic issues - Officer Cres. & Mouat Street/Ginninderra Drive
- . Disabled parking bays
- . Stamp duty on vehicles
- . Pollution from motor vehicles
- . Traffic arrangement in Tatchell Street Calwell
- . Safety railing on Richard Circuit Roundabout, Conder
- . Noise abatement on Hindmarsh Drive

Health

- . Heroin Trial
- . Jindalee Nursing Home
- . Disabilities Services - Supported Accommodation
- . Work/health promotion
- . Code of conduct for retirement villages
- . Access to Totalcare bus service
- . Access to Handihelp lawn mowing
- . Dental services for financially disadvantaged
- . Community mid-wife program
- . Taxi subsidy scheme
- . Aged care
- . Use of hire cars as an alternative health transport
- . Interstate Patient transfer scheme
- . Nursing Home accommodation
- . Rape Crisis Centre funding
- . Euthanasia
- . Attention Deficit Disorder
- . Narrabundah Health Centre
- . Counselling services
- . AIDS bus
- . Alcohol abuse
- . Disability Services

Planning

- . Leasehold Inquiry
- . Development of Civic Centre
- . Belconnen master plan
- . Planning issues for Kippax
- . Future of Kippax
- . Lake Ginninderra Foreshore developments
- . Proposed Belconnen Police & Citizens Youth Club
- . Kingston foreshore swap
- . Acton peninsula
- . Provision of bicycle paths in Gungahlin
- . Building Control legislation
- . Request for site for statue
- . Use of parklands in Latham
- . Gungahlin demographic information
- . Ainslie Football Club redevelopment
- . Gungahlin Town Centre
- . Civic Redevelopment
- . Griffith shops
- . Gungahlin health facilities
- . Access roads
- . Urban infill
- . Design and siting rules for home extensions

Community Matters

- . Requests for upgrade and additional community facilities in Kippax
- . Shopping hours - general and Trading Hours Inquiry
- . Traffic problems
- . Requests for community facilities in Weston Creek
- . Future use of Charnwood High School buildings
- . Graffiti
- . Library services
- . Mobile Library Services
- . Funds for protective fence at Florey Temple
- . Works at Margaret Timpson Park
- . Ainslie Transfer Station
- . Holder Primary School site not fully utilised
- . Fisher Preschool site
- . Participatory democracy
- . Parking of heavy vehicles in residential areas
- . Mowing program at Tuggeranong lake foreshore
- . Government shopfronts
- . Privatisation of swimming pools
- . Need for swimming pool in Weston Creek
- . Garbage services to rural leases
- . Woden Cemetery

Sporting Matters

- . Jet skis on ACT lakes
- . Mowing and maintenance of ovals
- . Request for designated training time at Erindale Centre
- . Athletics track
- . Motor Sports noise policies
- . Junior ACTAFL use of Gordon-Conder ovals
- . Car rally

General Matters

- . Responsibility for Quamby
 - . Cooperation with NSW on health, juvenile justice and education issues.
 - . Role of government
 - . Selection of SES officers
 - . Government Reform
 - . Chief Executive reporting arrangements
 - . Glass museum for East Basin of Lake Burley Griffin
 - . Men's Health/Lone fathers' issues
 - . Land Rates Review
 - . Poor attitude & service from the ACT Emergency service
 - . Namadgi National Park
 - . Rural lease-siting of equestrian trail
 - . Maintenance of tree in Kambah
 - . Discount if rates are paid in full
 - . Arts Grant funding
 - . Film funding
 - . Ethnic art
 - . Recycling
 - . Industrial issues
 - . Public sector efficiency
 - . Teachers industrial action
 - . Education budget
 - . Office records
 - . Registration Boards
 - . ACTEW prices
 - . Theft of Sri Chimnoy Peace Capital signs
 - . Waste watch hotline
 - . Expenditure control
 - . Youth employment initiatives
 - . ACT Public service recruitment procedures
 - . Immigration
 - . Unemployment
 - . Youth issues
 - . Social Security
 - . Literature Grant
-

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No 262

Vehicle Fleet - Sale

MR WHITECROSS - asked the Chief Minister upon notice on 20 June 1996:

In relation to the sale of the ACT Fleet:

- (1) How many passenger and light commercial vehicles are in the ACT Fleet?
- (2) What is the composition of the Fleet ie. model, make and year of manufacture?
- (3) How many passenger and light commercial vehicles will be financed and leased back by the private sector?
- (4) Is the Government proposing to engage in (a) a finance lease; or (b) an operating lease?
- (5) Has (a) competitive tendering occurred; and (b) what organisation is the Government's preferred lessor?
- (6) What is the current written down value of the ACT Fleet?
- (7) What will (a) be the actual price received for the ACT Fleet; and (b) how does the actual sale price compare to the estimate on which the 1995-96 budget costings were based?
- (8) What will be the cost of leasing back the fleet from the private sector?

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

- (1) As at 28 June 1996, there were 1303 passenger and light commercial vehicles.
- (2) A list of vehicles showing make, model, registration and date of manufacture is attached.
- (3) All passenger and light commercial vehicles will be financed and leased back to the ACT by the private sector.
- (4) The Government has engaged in an operating lease.
- (5)(a) The Government sought competitive tenders for the sale and lease back of passenger and light commercial vehicles; and
(b) the contract for the lease of vehicles was awarded to Macquarie Bank Limited.
- (6) The written down value of passenger and light commercial vehicles as at 28 June 1996 was estimated at \$27.4m.

- (7)(a) The actual price received for passenger and light commercial vehicles: (1) for vehicles included in the sale to the lessor (approximately 1249) - the written down value on the date of sale - \$26.4m; and (2) vehicles due for replacement in July 1996 (approximately 54) will be disposed of at auction at the market value on the date of auction; and (b) the 1995-96 Budget provided for the sale and lease back of vehicles with an estimated total cost of \$22.5million over a three year period, with proceeds of \$5million expected to be received in 1995-96.
- (8) The cost of leasing back vehicles will vary depending on the purchase price of vehicles, their residual value and the interest rate at the time of draw down from the facility. The estimated cost of leasing vehicles is \$3.1 m per annum plus operating costs. The arrangement is expected provide savings to the Government of about \$0.2m per annum.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 263

Schools - Capital Works Funding

MS McRAE - asked the Minister for Education and Training on notice on 25 June 1996:

- 1) How much of the total capital works funding allocated for each year between 1989 to 1995 was for (a) preschools; (b) primary schools; (c) secondary schools; and (d) colleges.
- 2) Of this, how much was (a) in the government sector; and (b) in the non government sector.

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

- 1) Capital works funding for the government sector for the financial years 1989/90 to 1995/96 is at Table 1. Capital works funding was not split by the categories sought until 1995/96 and consequently this split is only available for that year.
- 2) The information in Table 1 does not include the non government sector. The ACT Government does not provide funding for capital works for the non government sector. Capital funding is provided by the Commonwealth and is administered by state Block Grant Authorities.

TABLE 1**SUMMARY INFORMATION ON CAPITAL WORKS FUNDING****1989/90 TO 1995/96**

Year	ACT Total Funding	Education Component	Education as % of Total
	(\$'000)	(\$'000)	
1989/90	118,224	11,517	9.74
1990/91	195,510	10,780	5.51
1991/92	130,826	11,750	8.98
1992/93	83,988	9,550	11.37
1993/94	94,916	21,950	23.13
1994/95	95,812	15,073	15.73
1995/96	66,250	14,395*	21.73

* Split as follows -

preschool -	\$1,141,000
primary-	\$7,844,000
high	\$3,300,000
college	\$2,110,000

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 265

Education - Budget Supplementation

MS McRAE - asked the Minister for Education and Training on notice on 25 June 1996:

What budget supplementation was given to the capital works funding for education in each year between 1989 to 1995 in (a) the government sector; and (b) the non government sector.

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

The capital works budget is not subject to supplementation as the term is normally used. Where additional funds for projects are required these are taken from any savings in other projects and/or the contingency reserve. It should be noted that additional funds of \$3.19 million (to that shown in Table 1) were appropriated by Government for the 1992/93 Accelerated Capital Works Program.

The information in Table 1 does not include the non government sector. The ACT Government does not provide funding for capital works for the non government sector. Capital funding is provided by the Commonwealth and is administered by state Block Grant Authorities.

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* Split as follows -

preschool -	\$1,141,000
primary-	\$7,844,000
high	\$3,300,000
college	\$2,110,000

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 266

Education - Capital Works Funding

MS McRAE - asked the Minister for Education and Training on notice on 25 June 1996:

What proportion of the total appropriation for capital works was allocated for education for each year between 1989 to 1995 in (a) the government sector; and (b) the non government sector.

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

Details of the funding education has received as a proportion of the total ACT capital works budget for 1989/90 to 1995/96 is at Table 1. The information in Table 1 does not include the non government sector. The ACT Government does not provide funding for capital works for the non government sector. Capital funding is provided by the Commonwealth and is administered by state Block Grant Authorities.

TABLE 1**SUMMARY INFORMATION ON CAPITAL WORKS FUNDING****1989/90 TO 1995/96**

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ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 268

Belconnen Remand Centre and Quamby - Detainees

Ms Follett - Asked the Attorney General:

- (1) Is it true that Karralika Therapeutic Community has a policy of accepting only two clients at any one time from the criminal justice system.
- (2) If so, what impact has this policy had on the numbers and categories of detainees at (a) Belconnen Remand Centre; and (b) Quamby.

Mr Humphries - The answer to the member's question to the Attorney General is as follows and is based on information provided by the Alcohol and Drug Foundation of the ACT (ADFACT) who run Karralika:

1 ADFACT advise that ex-detainees tend to form a group in Karralika programs which can hinder the progress of all participants. For this reason they have developed policies that restrict the number of ex-detainees in programs. In particular, Karralika policy states that the resident population can not include more than two recent detainees.

Policy also states that detainees must contact the program within the first two weeks of their detention. This is to prevent those detainees not genuine about their own rehabilitation from using the program as a last minute way to present a positive case to court.

Variations to the rules under this policy may be made with the approval of the Service Director.

2(a) Currently there are seven detainees in the Belconnen Remand Centre who are seeking admission to a residential drug and alcohol treatment program such as Karralika and the Salvation Army MANCARE Community. While ACT Corrective Services staff also actively seek placements in interstate facilities, local applicants are usually given priority over ACT referrals.

The above can lead to extended remand periods for some persons at the Belconnen Remand Centre if the court chooses to delay sentencing until the outcome of the therapeutic intervention.

2(b) Information received from Juvenile Justice indicates this policy has had minimal impact on the numbers and categories of detainees at Quamby as Karralika does not accept youths under 18 years of age and juvenile referrals are usually made to Arcadia House and other suitable rehabilitation facilities interstate.

ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 269

Court Cases - Delays

MS FOLLETT - ASKED THE ATTORNEY GENERAL:

- (1) What time limits, or what performance indicators relating to time, currently apply to the Director of Public Prosecutions (DPP) prosecuting indictable and summary offences.
- (2) On how many occasions in the past year has a court case been delayed because the DPP was not ready to proceed.
- (3) What has been the impact of such delays on the numbers and categories of detainees at Belconnen Remand Centre.

MR HUMPHRIES - The answer to the member's question to the Attorney General is as follows:

- (1) Although the timetable for the conduct of proceedings is set by the relevant court, the DPP seeks to expedite the just and speedy resolution of criminal proceedings through -
 - the prompt screening of cases (to determine whether they should proceed and, if so, upon what charge or charges);
 - prompt disclosure to the defence of the prosecution case;
 - early plea discussions with the defence; and
 - preparation of cases (not resolved by discontinuance or guilty pleas) for early hearing.

In order to achieve the above objectives the DPP has adopted a range of performance measures, including -

- providing particulars to the defence within 7 days of being requested to do so;
- providing a copy of the brief of evidence to the defence within 7 days of receiving the brief from the referring agency;
- responding to defence representations in Magistrates Court proceedings within 7 days of receiving a brief or comments on the representations from the referring agency; and
- seeking the earliest available date for the hearing of matters not resolved by discontinuance or guilty plea.

Where a matter is committed for trial in the Supreme Court the DPP endeavours to -

- . determine whether to proceed further within 28 days of receiving the committal transcript; and
- . respond to any "no bill" submission within 28 days.

These measures require the co-operation of both referring agencies (in providing briefs and other support) and the defence (in making representations and undertaking plea discussions at an early stage).

(2) There are many stages of the process at which a delay can occur. Similarly there are an almost infinite number of reasons as to why a delay occurs. The DPP prepares all cases which have been listed by the court for hearing on the basis that they will proceed. The court may, of its own volition or upon application by either side, vary any date so allocated. Where the adjournment of the hearing of a Magistrates Court case is requested by the DPP the court may do any of the following things:

- . refuse an adjournment and dismiss the case;
- . take what evidence is available and adjourn the case for further hearing on another date;
- . vacate the hearing date and fix a fresh date;
- . make any bail determination it deems appropriate;
- . award costs to the defendant for the aborted hearing.

There have been a limited number of instances in the past year in which cases have been adjourned in the Magistrates Court at the request of the DPP due to factors beyond its control. These include cases where:

- . the referring agency has failed to provide or has delayed the provision of a brief of evidence;
- . the referring agency has failed to secure or arrange the attendance of witnesses or an interpreter.
- . witnesses have failed to attend or have been unable to attend.

The precise number of such instances cannot be ascertained without conducting a complete audit of the thousands of cases conducted in the Magistrates Court during the past year. However at this stage only one case has been identified where a hearing was adjourned at the request of the DPP where the defendants were in custody. That was a committal hearing into a complex drug conspiracy involving international investigations which had not been completed as at the allocated hearing date. In fact a date for hearing was obtained somewhat precipitously for the very reason that the defendants were in custody.

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There were three instances during the past year where Supreme Court trial dates were vacated at the request of the DPP. These situations arose from witnesses becoming unavailable due to illness or indicating that they were reluctant to give evidence. None of the cases involved defendants in custody and proceedings in two of the cases were subsequently discontinued by the Director of Public Prosecutions.

(3) In view of the information already provided it is not possible to properly answer this question. However it should be noted that the DPP has a practice of using its best endeavours to have matters involving detainees at the Belconnen Remand Centre listed and/or heard at the earliest available opportunity. It is also the practice of the courts to endeavour to achieve the same objective. The relevant court manages the case timetable and determines whether the defendant is remanded in custody or is released pending the completion of proceedings.

APPENDIX 1: Incorporated in Hansard on 27 June 1996 at page 2222.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Tony De Domenico MLA
Minister for Urban Services

MOTOR TRAFFIC (AMENDMENT) BILL 1996

The Motor Traffic (Amendment) Bill 1996 will make a number of changes to the *Motor Traffic Act 1936*.

Pelican crossings.

Pelican crossings are an innovative solution to the problem of traffic delays caused when the pedestrian crossing phase of traffic lights continue to function long after a pedestrian (or cyclist) has used the crossing. The new legislation will allow motorists to pass through pedestrian crossings while the amber light is flashing, provided that no one is actually using the crossing, thus reducing point to point travel time for commuters. Pelican crossings are used in a number of interstate jurisdictions and overseas.

Administrative improvements.

The Bill introduces a number of improvements to legislation which will reduce administrative issues, such as the removal of the need for traders to fit two plates to each vehicle. This provision is not to apply in respect of trader's plates issued before the commencement of the Bill. This change accords with interstate practice and will prevent some operators from using one plate on each of two vehicles thereby escaping the cost of third party insurance on some of their vehicles. This amendment will also facilitate better enforcement of this activity by the police.

The Government Solicitor has advised Transport Regulation that records relating to licences and registration are not to be held in the name of a trust. An amendment to the Act is sought to achieve this.

The Australian Federal Police have experienced difficulties with people who have resided in the ACT for a number of years while still maintaining the registration of their motor vehicle in another jurisdiction. An amendment to require that the owner of a vehicle who has resided in the ACT for more than three months must have their vehicle registered in the ACT is included in this Bill. There will be exemption provisions available from this requirement. The amendment will reduce the number of people who escape parking infringement penalties because of their interstate registration status.

A further problem for the Australian Federal Police has been the number of incidences in which people who have been charged with drink driving offences have been caught for a similar offence shortly afterwards. An amendment to the Act is provided to allow the police to hold a motor vehicle until such time as the person can drive with safety and not exceed the prescribed blood alcohol content, or the police can release the vehicle to a responsible person.

As a result of the Land (Planning and Environment) (Consequential Provisions) Act 1991, the City Area Leases Act 1936 was repealed. The repealed Act defined “city area” for the purposes of the general speed limit of 60 km/h in the Motor Traffic Act 1936. An amendment is included to remove this anomaly.

Included in the provisions for the wearing of seat belts is an exemption from the mandatory requirement to have children appropriately restrained while in a Commonwealth car. The definition of a Commonwealth car is now outdated and no longer applicable, accordingly the definition has been amended to align with current identification of chauffeur driven Commonwealth cars.

Additional improvements include the removal of existing legislative anomalies in relation to refunds on licences or registration where a suspension has occurred as a result of fine default provisions in the Act. An amendment is provided to allow that refunds are not applicable for the period the licence or registration is suspended.

The Attorney-General’s Department has advised the Registrar of Motor Vehicles that the appeal provisions in the Act need amending on the grounds of public safety. Currently a suspension of registration on the basis that a vehicle is defective can be held over until an appeal is heard. A similar situation arises in cases where licences may be suspended if granted in error. In these situations there is a very definite safety issue involved, and this Bill amends the Act to ensure that a suspension by the Registrar of Motor Vehicles is upheld pending an appeal determination, or withdrawal of the appeal.

The Act provides for the owner of an unregistered vehicle to obtain a temporary licence if the vehicle is required to be driven on a public street. A minor amendment is provided to require that this licence is displayed at all times during the validity period of the licence. The amendment is required to facilitate more efficient enforcement.

An amendment is provided to the licensing provisions to ensure demerit points are removed from the record following a suspension incurred under section 180U. This provision was inadvertently omitted when points demerit legislation was introduced.

Finally, a minor amendment makes appropriate additional decisions made by the Registrar subject to appeal.

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APPENDIX 2: Incorporated in Hansard on 27 June 1996 at page 2223.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Tony De Domenico MLA
Minister for Urban Services

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1996

The Motor Traffic (Alcohol and Drugs) (Amendment) Bill will make an amendment to the definition of a Commonwealth vehicle consequential to the amendment in the Motor Traffic (Amendment) Bill 1996.

The Motor Traffic (Alcohol and Drugs) Act 1977 establishes the upper limit for blood alcohol concentrations permitted for drivers of prescribed vehicles. These vehicles include taxis, buses and private hire cars, heavy and dangerous goods vehicles and Commonwealth vehicles. Drivers of these vehicles are limited to blood alcohol concentrations not exceeding 0.02.

This amendment will maintain consistency between the Motor Traffic Act 1936 and this Act, and removes a now outdated definition of Commonwealth vehicle.

27 June 1996

APPENDIX 3: Incorporated in Hansard on 27 June 1996 at page 2236.

1996

THE LEGISLATIVE ASSEMBLY
OF THE
AUSTRALIAN CAPITAL TERRITORY

LIQUOR (AMENDMENT) BILL (NO. 2) 1996

PRESENTATION SPEECH

Circulated by the authority of the Attorney-General

LIQUOR (AMENDMENT) BILL (NO. 2) 1996

I move that this Bill be agreed to in principle.

This Bill gives effect to the changes to the Liquor Act that I announced in my Ministerial Statement on liquor enforcement delivered to this Assembly in December 1995. As indicated at that time the Government is committed to ensuring that the liquor industry is well regulated and that the provisions of the Liquor Act enable appropriate control to be exercised over the industry.

To clearly establish the basis on which the Government expects the industry to operate the Bill includes a clause formally establishing a principal objective of the Act. That is “to promote and encourage responsibility in the sale and consumption of liquor through the establishment of a scheme of liquor licences and permits”. This objective has always been the underlying objective of the Act since its introduction in 1975. Its formal introduction puts the industry on notice that the responsible sale and consumption of liquor is the primary objective of the legislation and that the licensing and enforcement regimes are established in the legislation to achieve that objective.

Consistent with the Government’s resolve to address the unacceptable level of compliance by some licensees with their obligations under the Liquor Act, this Bill also introduces further changes to enhance the licensing and enforcement regimes. In particular, the amendments contained in clauses 22

to 32 dealing with the powers of the Liquor Licensing Board will ensure that the Board is well placed to deal with licensees that contravene the provisions of the Act. The amendments enable the Board to impose monetary penalties for contraventions of the Act. This will allow the Board a degree of flexibility to impose a sanction more in line with the nature of the contravention while also adding a more effective penalty for the range of administrative and minor matters in the Act. Additionally, the amendments also remove the current restriction on the Board to only issue a sanction in line with the nature of the application applied for, if the matter is proven. It is proposed to enable the Board to issue a lower sanction, if it considers that that is more appropriate, where an application for a higher sanction is made. For instance, if an application for cancellation of a licence is made and the Board finds the allegation proven but believes that in all the circumstances that cancellation would be an excessive punishment, it will be able to suspend the licence or issue directions to the licensee if the grounds for such action are made out. Currently the Board is only able to cancel the licence or dismiss the matter. I believe this approach will enable the Board to exercise more effective control over the industry in respect of the issues that come before it.

This Government is also committed to ensuring that the industry is better educated about what its responsibilities are in selling and supplying liquor to our community. The amendments contained in clauses 16,19, 20 & 21 therefore permit the relevant decision maker (either the Board or the Registrar), to issue a licence, transfer a licence or approve a change in defined influential persons on the condition that the applicant or applicants undertake approved training in respect of the obligations of a licensee under the Act, where the relevant decision maker believes that a person's

knowledge is not of a sufficient standard. This will result in a better level of knowledge in the industry and will result, over time, in increased levels of compliance.

The amendments also permit the Registrar to determine an occupancy loading for an approved outside area of a licensed premises having regard to the facilities that are provided in the premises, such as toilets, and the facilities contained in the outside area, such as tables and chairs. This amendment stems from a recommendation of the Community Safety Committee which was concerned about the increasing incidence of outside areas being used as “stand up” drinking areas and the resultant loss of amenity that was being occasioned on the public who were otherwise endeavouring to use the area. The Registrar will now be able to clearly limit the number of persons permitted in outside areas thereby reducing one of the major causes of loss of amenity. As the issue is not one that has fire safety as a factor the Registrar will not be required to seek the views of the Fire Commissioner.

An issue that has been of increasing importance over the last few years has been the offence of selling or supplying liquor to intoxicated persons. Unfortunately, the attempts of the regulatory agencies to prosecute licensees for committing such offences have been thwarted by the current structure of the relevant offence provision in the Act. The amendment proposes amending section 79 so that the test of whether a person is intoxicated changes from a test based on the belief of the licensee to one based on whether there are reasonable grounds for believing that a person is intoxicated. The amendment includes guidance as to what physical signs are

an indicator of intoxication as a result of the consumption of liquor for the purpose of the offence.

This issue has proven particularly problematical and while everybody is able to tell what intoxication is if they see it, it is more difficult to ascribe a series of words to clearly define the phenomenon. We will be closely monitoring the outcome of the change to section 79 to ensure that it is achieving a balanced, fair and appropriate outcome.

Mr Speaker, this package of amendments was outlined in the Ministerial Statement delivered to the Assembly in December 1995. In that Statement I also announced the establishment of a strategic alliance between the police and the liquor licensing inspectorate in a joint policing and enforcement strategy aimed at the activities of licensed premises. I am pleased to advise that early indications are that the alliance between police and the liquor licensing inspectorate has been successful with an increase in the level of surveillance of licensed premises resulting in a number of licensees appearing before the Liquor Licensing Board. Whilst it is still early days I expect this strategy will result in higher levels of compliance by licensees with liquor laws. I believe the package of amendments contained in the Bill and the increasing focus on law enforcement fostered by the strategic alliance will further enhance the Government's objective to encourage the responsible sale and consumption of liquor.

I commend this Bill to the Assembly.

APPENDIX 4: Incorporated in Hansard on 27 June 1996 at page 2237.

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO 2) 1996

Mr Speaker, the *Legal Practitioners Act 1970* provides for the regulation of the legal profession in the Australian Capital Territory.

Currently the Act prohibits the Law Society from issuing an unrestricted practising certificate to a solicitor unless he or she holds professional indemnity insurance, and requires a solicitor to have professional indemnity insurance cover at all times while holding an unrestricted practising certificate. This is an essential part of the regulation of the legal profession and gives the clients of a solicitor the protection of indemnity insurance.

The Legal Practitioners (Amendment) Bill (No 2) 1996 will amend the Legal Practitioners Act to give the Law Society a discretion to issue an unrestricted practising certificate to a solicitor who does not hold professional indemnity insurance, and to allow a solicitor who does not practise on his or her own account or in a partnership to hold an unrestricted practising certificate without having to have professional indemnity insurance cover while holding such a certificate.

An unrestricted practising certificate is the 'licence' that a solicitor is required to hold to practise on his or her own account or in a partnership of solicitors.

The Act provides for 2 types of professional indemnity insurance cover - under Part IX of the Act for insurance which is approved by the Law Society, and under Part X for insurance which is provided by payment of a contribution into the Solicitors' Mutual Indemnity Fund which provides professional indemnity insurance for the solicitors who contribute to it.

In recent times all practitioners in the Territory have been provided with the necessary professional indemnity insurance cover via a contribution to the Solicitors' Mutual Indemnity Fund.

However, the wording of the Act is such that, instead of the requirement being for professional indemnity insurance to be either insurance cover approved by the Law Society or that obtained via a contribution to the Fund, the statutory requirement is for both types of insurance to be held. In practice, the Fund has provided full and proper insurance cover for solicitors and the Law Society has only required them to have this form of cover in its issue of practising certificates and regulation of the profession. However, I believe that this situation is overdue for correction and the Bill does this.

The Bill will continue to allow the Law Society a discretion in approving the insurance providers, and terms, of professional indemnity cover that may be entered into by a solicitor in meeting the requirement for an unrestricted

practising certificate to be issued. This not in line with the national move to free up the regulation of the legal profession - a choice of insurance cover is expected to provide competition between insurance providers and, ultimately, reduce costs to the profession and to the community - and is a matter which will be addressed at a later time.

A further matter dealt with in this Bill is the requirement of professional indemnity insurance for the holding of an unrestricted practising certificate by a solicitor who does not deal directly with the public, does not handle clients' money, or who is employed, as a solicitor, by a non-solicitor employer.

An example is a solicitor whose 'practice' is only as the employee of a bank or some other corporation. Such a solicitor has no dealings directly with the public and holds no money on trust. The employer of the solicitor would not need recourse to insurance to redress defects in the conduct of the solicitor and the employer should be liable for the acts of an employee solicitor.

In these circumstances the need for professional indemnity insurance is a matter of form rather than any real need for protection of a client or the public.

The Bill will allow the Law Society to issue an unrestricted practising certificate to solicitors in these circumstances

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without the solicitor also being required to hold professional indemnity insurance. Of course the Law Society is also given the power to issue such a certificate subject to conditions.

The Legal Practitioners (Amendment) Bill (No 2) 1996 offers flexibility in an area of the regulation of the legal profession in the Territory which is somewhat overdue for correction and I commend the Bill to the Assembly.

I present the Explanatory Memorandum for the Bill.

APPENDIX 5: Incorporated in Hansard on 27 June 1996 at page 2237.

1996

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by Authority of the Attorney-General

Gary Humphries MLA

27 June 1996

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL 1996**

PRESENTATION SPEECH

The main purpose of this Bill is to allow the Director of the Commonwealth's Classification Board to grant exemptions and to approve organizations under Part VII of the Act.

Under Part VII of the Act, an exemption may be granted in respect of a particular film, publication or computer game. This could be used, for example, to grant ongoing exemptions for educational or scientific films. The Part also provides for the approval of organisations for the purposes of holding film festivals. An approved organisation may then be granted an exemption in order to show an unclassified film at a film festival. This type of exemption would generally be granted where a film is a special interest film that is unlikely to be otherwise exhibited in a commercial setting, or where the film is being previewed at a major festival such as, for example, the Sydney Film Festival.

Prior to the commencement of the Act on 1 January 1996, the power to grant exemptions for film festivals was vested in the Chief Censor by virtue of a delegation made under the, now repealed, *Film Classification Act 1971*. Exemptions could only be granted to organisations which had been approved by the Commonwealth Minister under the Customs (Cinematograph Films) Regulations of the Commonwealth.

This Bill will carry these arrangements across to the new legislative scheme. This move is consistent with arrangements already in place in Victoria, South Australia, New South Wales, Western Australia, and the Northern Territory.

The advantages of having the Director of the Classification Board making these decisions are threefold:

- . the Director has the relevant expertise in assessing films, publications and computer games;
- . the Director can make consistent decisions in respect of film festivals that often tour several jurisdictions; and
- . the process for applicants wishing to obtain exemptions and approvals will be simplified and made more efficient.

The exercise of powers by the Director will not be unfettered however, as the Bill inserts a new section provided that the Director, in exercising discretion under Part VII is subject to directions or guidelines issued by the Minister. Guidelines for granting exemptions for film festivals are currently being discussed by Commonwealth, State and Territory Ministers with a view to having consistent criteria applied to exemptions in all jurisdictions.

The Bill also makes several amendments to the Principal Act of a minor and technical nature. Included also in these amendments are some consequential amendments to the *Business Franchise ("X" Videos) Act 1990* and the *Taxation (Administration) Act 1987* which were overlooked at the time the Principal Act was enacted.

Mister Speaker I commend this Bill to the Assembly.

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APPENDIX 6: Incorporated in Hansard on 27 June 1996 at page 2238.

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CONSUMER CREDIT (ADMINISTRATION) BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Gary Humphries MLA
Attorney-General

Mr Speaker,

In July 1993, the ACT signed the Uniform Credit Laws Agreement which binds this jurisdiction to implementing national uniform credit law in the form of the Consumer Credit Code ("the Code"). This we have done by passing the *Consumer Credit Act 1995* and the *Consumer Credit (Consequential Provisions) Act 1995*. The Consumer Credit Code is now set to commence throughout Australia on 1 November 1996 and it is necessary that an administrative structure be implemented in the ACT before the Code commences.

The Consumer Credit (Administration) Bill 1996 and the Consumer Credit (Administration) (Consequential Provisions) Bill 1996 will establish an administrative framework for the Code by carrying forward, with certain changes, the following administrative structures existing under the *Credit Act 1985*:

- the Financial Counselling Trust Fund;
- the ACT Credit Tribunal;
- the Inquiries Power of the Minister;
- undertakings by credit providers and finance brokers;
- powers and functions of the Director of Consumer Affairs; and
- certain Miscellaneous Provisions.

Mr Speaker, under the Consumer Credit (Administration) Bill the Financial Counselling Trust Fund will be maintained and its scope expanded to include payment into the fund of monies appropriated by an Act of the Legislative Assembly and monies arising out of negotiated settlements or agreements

between the Director of Consumer Affairs and credit providers or finance brokers.

The Bill will also continue the existence of the ACT Credit Tribunal as the main forum for the enforcement of the provisions of the Code. Additionally, it will act as the appellate body for credit providers and finance brokers against whom disciplinary action has been taken.

Further, the Bill will preserve the power of the Minister for Consumer Affairs to order a public inquiry into matters relating to credit. In the Bill, old Inquiry provisions under the *Credit Act 1985* are not carried forward, but instead have been replaced by more modern provisions by applying the Inquiries provisions under the *Inquiries Act 1991*.

In the Bill the important disciplinary power of the Director of Consumer Affairs to request undertakings from credit providers and finance brokers is preserved. Under the power, where a credit provider or finance broker has engaged in unjust conduct the Director may, with the approval of the Minister, request an undertaking from that credit provider or finance broker to refrain from unjust conduct or rectify its consequences. The Director can also make an application to the Credit Tribunal in respect of unjust conduct by a credit provider and finance broker and an order can be made by the Tribunal in respect of such conduct. Breach of an undertaking or order of the Tribunal attracts a substantial penalty.

The powers and functions of the Director of Consumer Affairs under the *Credit Act 1985* have been retained under the Bill. These include the power

of the Director to represent persons in proceedings before the Credit Tribunal or to intervene in such proceedings.

The Bill also provides for various miscellaneous administrative matters including limitation periods, evidentiary rules, the power of the Minister to determine fees and the power of the Executive to make regulations.

The most significant new feature of the Bill is the introduction of a scheme known as “negative licensing” for credit providers and finance brokers. This scheme is modelled on the Victorian consumer credit legislation. Under the new scheme, upon the payment of a fee, any non-exempt person over the age of 18 years or any non-exempt body corporate will be registered and able to trade as a credit provider or finance broker. The registration scheme will assist the ACT Consumer Affairs Bureau in monitoring the conduct of credit providers and finance brokers.

The Government has decided to dispense with the old “positive licensing” scheme to maintain consistency with other jurisdictions, in particular, New South Wales, Victoria and Queensland which, all have some form of negative licensing. I am advised that the experiences in those States have seen changes in the Credit Industry under the old Credit Act scheme which reflect a culture of compliance by a majority of large financial institutions, with only a small segment of the industry proving to be the exception. Clearly, resources currently expended in maintaining a positive licensing scheme can be better utilised on a more comprehensive compliance regime which specifically targets these difficult credit providers or finance brokers. With the range of sanctions contained in Parts II, III and VI of the

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Administration Bill and the Code, a negative licensing scheme can successfully operate in the ACT with fairness and efficiency.

I commend the Consumer Credit (Administration) Bill to the Assembly.

APPENDIX 7: Incorporated in Hansard on 27 June 1996 at page 2238.

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CONSUMER CREDIT (ADMINISTRATION) (CONSEQUENTIAL PROVISIONS)
BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Gary Humphries, MLA,
Attorney-General

Mr Speaker,

The Consumer Credit (Administration) (Consequential Provisions) Bill 1996 is the final component of a legislative package introducing the Consumer Credit Code as law in the Australian Capital Territory. The Consequential Provisions Bill deals with the consequential arrangements required on commencement of the Consumer Credit (Administration) Bill 1996 and provides for the transition from the current administrative regime to the new administrative regime established under the Administration Bill.

Importantly, it also provides for the remedy of a defect in the *Consumer Credit Act 1995* which, if not corrected, will commence the Consumer Credit Code in the ACT on 5 September 1996, two months ahead of its scheduled commencement throughout Australia on 1 November 1996. This defect arose because of continued delays with the Consumer Credit Code's commencement.

Mr Speaker, the Bill recognises licenses issued under the *Credit Act 1985* as certificates of registration for the purposes of the Administration Bill and provides arrangements for the finalisation of licence applications made, but not finalised, before the commencement of the Administration Bill.

The Bill also recognises appointments made to the ACT Credit Tribunal under the *Credit Act 1985* as appointments under the Administration Bill.

The Bill allows for the continuation of orders of the Tribunal made under the *Credit Act 1985* as if they were orders made under the Administration

Bill. In addition, incomplete proceedings before the Tribunal can now be finalised under the corresponding provisions of the Administration Bill. Where the Director of Consumer Affairs is already involved in investigations or proceedings under *the Credit Act 1985*, this Bill allows for these matters to continue as if they were investigations or proceedings under the Administration Bill.

This Bill also allows for various notices issued by the Director of Consumer Affairs under the *Credit Act 1985* to be taken to be notices issued under the Administration Bill.

Further, inquiries conducted under the *Credit Act 1985* shall be taken to be inquiries conducted under the Administration Bill.

I commend the Consumer Credit (Administration) (Consequential Provisions) Bill to the Assembly.

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APPENDIX 8: Incorporated in Hansard on 27 June 1996 at page 2239.

1996

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

PRESENTATION SPEECH

ANIMAL DISEASES (AMENDMENT) BILL 1996

Circulated by authority of
Mr Gary Humphries
Minister for the Environment, Land and Planning

The Animal Disease (Amendment) Bill 1996 represents one step in the implementation of this Government's policy of reducing the volume of dated legislation applying in the ACT.

This legislation will utilise the modern framework of the Animal Diseases Act 1993 to control endemic and exotic diseases in bees and will replace the disease control provisions contained in the Apiaries Act 1928.

The Apiaries Act 1928 was identified in the Pre 1980 Legislation Review as being outdated and it was recommended that the Act be repealed. The primary purpose of the legislation was to enable the control of diseases which might adversely affect commercial apiary operations.

While most bee keeping in the ACT is now undertaken as a hobby, with hives kept in suburban back yards, there are commercial apiaries in areas of New South Wales near the ACT. The disease control provisions of the Animal Diseases Act 1993 will be used to prevent the spread of serious disease from the ACT to these apiaries.

The amendments proposed for the Animal Diseases Act 1993 will make it clear that this legislation could be applied to bees, by defining an animal as including a vertebrate and an invertebrate. The Act provides for authorised Inspectors to enter a premises (with the owner's consent or with a warrant) and to destroy diseased bees and hives.

The current practice in the ACT is for bee keepers to seek the assistance of the Department's apiarist for the identification of endemic disease.

Owners of infected hives disinfect or destroy the infected hives at their own expense. It is anticipated that this situation would continue for endemic diseases.

Exotic diseases, if ever introduced accidentally into Australia and the ACT, could pose a major threat to commercial apiarists. In this unlikely event, mass hive destruction may be necessary and compensation could be required. The same situation applies for diseases of sheep, cattle and other stock.

It is not proposed to require compulsory registration of hives, as the potential benefits do not warrant the cost of such a scheme. The Beekeepers Association of the ACT will be encouraged to maintain a list of hive owners and the Department will communicate with them through the Association's newsletter.

The Animal Diseases (Amendment) Bill 1996 provides an opportunity to modernise dated legislation with no significant change in policy.

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APPENDIX 9: Incorporated in Hansard on 27 June 1996 at page 2239.

1996

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

Presentation Speech
The Land (Planning and Environment) (Amendment) Bill
1996

CIRCULATED BY AUTHORITY OF

MR GARY HUMPHRIES

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

I am pleased to present today legislation that will assist the strategic control of pest plants and pest animals in the ACT. The Amendment will replace legislation which dates back to 1919 and 1921 and which has little relevance to current approaches to the management of our natural environment.

Lease holders, Government Agencies and community groups in rural and urban areas face the enormous task of protecting the natural environment from introduced pest plants and animals. Existing legislation gives no direction to land managers in controlling pests. By requiring the blanket but unachievable control of all species nominated in noxious pest lists covering the whole Territory, land managers are left in breach of the legislation.

The Parks and Conservation Service will be coordinating information from Government agencies and organisations with an interest in pest control to determine priorities for controlling particular species in particular locations.

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While this process is expected to generally function well, it may be necessary to seek a legislative approach to force action from a land manager who does not contribute appropriately to a pest control program.

The proposed amendment to the Land (Planning and Environment) Act will enable an order to be taken against a land manager who fails to give effect to a control plan for a plant or animal species declared to be a pest. The Parks and Conservation Service will provide advice on species which should be declared as pests.

It is estimated that the national cost of weed control and lost production due to weeds in rural and conservation areas is in the order of \$5 billion per year. Feral animal problems contribute to a similar cost. This Government cannot make inroads into pest problems without a strong conviction in the community that an enormous effort is necessary and an understanding that this effort will be supported by the Government.

Legislation alone cannot achieve the cooperation needed between Government and the community to meet the challenges presented by pest plants and animals. However, it is necessary to have a legislative fall-back position to meet an intransigent attitude where lack of cooperation from one land manager is hindering the best efforts of others.

An excellent example of how the proposed amendment could be effectively used is presented by the current rabbit problem. Rabbits are recognised as the most environmentally damaging pest animal in Australia. They prevent regeneration of desirable native plant species causing loss of biodiversity, compete with commercial livestock and cause soil erosion and attendant problems in water quality.

The proposed release of the rabbit calicivirus, or its earlier arrival by natural spread, will provide a once-in-a-lifetime opportunity to deplete the rabbit population.

Agencies, individuals and community groups will soon be called upon to participate in a coordinated effort to destroy rabbit harbor and warrens to minimise the rebuilding of rabbit numbers after the first impact of the disease.

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Current legislation considers only rabbits as pests, whereas this proposed amendment will enable any animal species to be declared a pest.

The Bill addresses the problem of noncompliance with priority pest control programs by utilising the existing “orders” process in the Land Act. An order will not be issued against a land manager who is giving effect to an agreed control program.

A provision in the Land Act binds a Territory authority and so government will meet its obligations and responsibility to the community.

The Bill will implement this Government’s policy of reducing the volume of dated legislation following the review of pre 1980 legislation.

The New South Wales Government is in the process of reviewing pest control legislation and officers have shown some interests in the ACT proposal. The Act Rural Lessees’ Association has been consulted about the intent of the proposed legislation and supports the proposal.

APPENDIX 10: Incorporated in Hansard on 27 June 1996 at page 2311.

MINISTERIAL STATEMENT

GOVERNMENT RESPONSE TO REPORT NO 9 OF THE STANDING
COMMITTEE ON PLANNING AND ENVIRONMENT

“THE ENVIRONMENTAL, SOCIAL AND FINANCIAL IMPACT OF GRAFFITI
IN CANBERRA AND THE APPROPRIATE MEANS OF PREVENTING
GRAFFITI DAMAGE”

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I AM PLEASED TO RESPOND TO THE FINDINGS AND RECOMMENDATIONS CONTAINED IN REPORT NUMBER NINE OF THE STANDING COMMITTEE ON PLANNING AND ENVIRONMENT.

THE RECOMMENDATIONS OF THE COMMITTEE FOLLOW AND SUPPORT THE THRUST OF THE GOVERNMENT GRAFFITI REDUCTION STRATEGY. THE DIFFERENCES IN EMPHASIS, WHEN THEY OCCUR, ARE OF AN OPERATIONAL NATURE RATHER THAN ISSUES OF PRINCIPLE. THESE DIFFERENCES ARE EXPLAINED IN GREATER DETAIL IN THE TABLED RESPONSE.

THE REPORT RECOMMENDS THAT THE GOVERNMENT IDENTIFY AREAS FOR DISPLAYING STREET ART, PROVIDE FUNDING FOR AN OUTREACH OFFICER AND ALLOW FOR INPUT FROM YOUNG PEOPLE AND OTHERS INTERESTED IN UNDERTAKING STREET ART.

I AM PLEASED TO REPORT THAT THE OBJECTIVES OF THESE RECOMMENDATIONS ARE BEING MET UNDER THE CURRENT GRAFFITI-REDUCTION STRATEGY. CITY SERVICES HAS IDENTIFIED OVER 400 SITES FOR THE DISPLAY OF COMMUNITY ART. WORKS HAVE BEEN CREATED AT 13 OF THESE SITES, WITH FURTHER WORKS PROPOSED.

CITY SERVICES ALSO HAS A REGISTER OF 20 ART FACILITATORS AND I BELIEVE THAT THEIR COMBINED EXPERIENCE WILL ENABLE US TO FACILITATE MORE PROJECTS THAN COULD BE UNDERTAKEN BY A SINGLE OUTREACH OFFICER. AS TO ALLOWING INPUT, THE COMMUNITY ARTS PROGRAM WELCOMES ALL APPROACHES. IF INDIVIDUALS OR GROUPS WISH TO CREATE A LEGAL WORK, FACILITATION AND TECHNICAL ADVICE IS GIVEN AS A MATTER OF COURSE.

WITH REGARD TO THE RECOMMENDATION CONCERNING A CO-ORDINATED APPROACH TO THE USE OF PUBLIC SPACE, I AM PLEASED TO SAY THAT THIS INITIATIVE WAS ANNOUNCED BY THE GOVERNMENT PRIOR TO THE LAST BUDGET. CITY SERVICES IS PROVIDING THE APPROACH RECOMMENDED THROUGH THE PRECINCT MANAGEMENT PROGRAM. WITHIN THIS STRATEGY PRECINCT COMMUNITY GROUPS ARE PROGRESSIVELY BEING DEVELOPED IN A PRACTICAL AND ECONOMICALLY EFFICIENT MANNER.

THE GRAFFITI CLEANUP SQUAD, THE "CAN IT" SQUAD, HAS SPENT ALMOST SPENT 3,000 HOURS ON SITE REMOVING GRAFFITI-VANDALISM, AND HAS REDUCED THE TOTAL OF REPORTED SITES BY HALF. I WAS INTERESTED TO NOTE THAT 60 PER CENT OF THE SITES CLEANED WERE PLAYGROUNDS, LOCATED AT FRASER, YARRALUMLA, OAKS ESTATE, KOWEN FOREST AND BANKS. THIS

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SHOWS THE EXTENT OF THE PROBLEM BOTH IN SOCIAL AND GEOGRAPHIC TERMS. I AM PLEASED THAT OVER 100 OF THESE SITES HAVE NOW BEEN PROTECTED WITH A SACRIFICIAL ANTI-GRAFFITI COATING.

THE COMMITTEE'S REPORT RECOMMENDED THAT THE GOVERNMENT DIRECT THE "CAN IT" SQUAD TO REMOVE INAPPROPRIATE BILLBOARDS AND POSTERS. UNFORTUNATELY, WHILE THE SQUAD IS ABLE TO REMOVE POSTERS FROM GOVERNMENT PROPERTY IT CANNOT REMOVE THEM FROM PRIVATE PREMISES WITHOUT THE PERMISSION OF THE OWNER. THE PROVISION AND MAINTENANCE OF BILLBOARDS WILL BE APPROPRIATELY ADDRESSED BY LOCAL COMMUNITIES EXPRESSING INTEREST IN ACQUIRING BILLBOARDS.

I AM PLEASED TO REPORT THAT THE REVIEW OF THE LEGISLATION RELEVANT TO THE CONTROL OF GRAFFITI VANDALISM HAS BEEN CARRIED OUT. THE PENALTIES OF THE *CRIMES ACT 1900* HAVE BEEN REVIEWED AND AN ADDITIONAL SUBCLAUSE SPECIFICALLY RELATED TO DAMAGE UNDER \$1000 HAS BEEN ADDED.

A DRAFT VOLUNTARY CODE OF CONDUCT HAS BEEN PREPARED, AND PROVIDED TO BUSINESS AND ASSET-MANAGEMENT BODIES WITH A

REQUEST FOR COMMENT. IT IS ANTICIPATED THAT THE FINAL CODE WILL BE AVAILABLE BY THE END OF AUGUST 1996.

WITH REGARD TO EDUCATION I AM PLEASED TO REPORT THAT AS OUTLINED IN THE STRATEGY LAUNCH IN AUGUST 1995, THE ACT GOVERNMENT HAS WITH THE COMMONWEALTH BEEN PARTICIPATING IN THE DEVELOPMENT OF A NATIONAL CIVICS EDUCATION PROGRAM. THE CURRICULUM MATERIAL WILL BE USED IN ACT SCHOOLS.

ACCRUAL ACCOUNTING WILL MAKE THE IDENTIFICATION OF THE COSTS OF GRAFFITI VANDALISM EASIER TO EXTRACT. THIS DATA WILL BE SHARED BY SCHOOLS TO IDENTIFY AND DEVELOP SUCCESSFUL GRAFFITI-REDUCTION TACTICS.

THE COMMITTEE RECOMMENDS THAT ROADSIGNS BE RAISED. THE GOVERNMENT HAS DIRECTED THAT ALL ROADSIGNS BE RAISED TO THE MAXIMUM NATIONAL STANDARD HEIGHT. RAISING THE HEIGHT BEYOND THIS LIMIT WOULD UNFORTUNATELY BRING OTHER ISSUES INTO PLAY SUCH AS LINES OF SIGHT, LEGIBILITY, REFLECTANCE, SAFETY AND THROUGH-LIFE MAINTENANCE COSTS. THIS BEING THE CASE IT IS NOT INTENDED TO RAISE THE SIGNS ABOVE THE NATIONAL STANDARD.

THE WORKS AND COMMERCIAL SERVICES GROUP RECOMMENDS THAT GRAFFITI RESISTANT MATERIALS BE USED WHERE THEY ARE APPROPRIATE. WITH REGARD TO THE USE OF PLANTINGS TO REDUCE ACCESS TO GRAFFITI VANDALS, IT IS A WORTHWHILE STRATEGY THAT WILL BE CONSIDERED AND APPLIED WHEN A COST-BENEFIT ANALYSIS OF EACH CASE CONFIRMS THE ADVANTAGES.

IN CONCLUSION, I CAN CONFIRM THAT THE GOVERNMENT'S GRAFFITI-REDUCTION STRATEGY HAS CONSIDERED AND ADDRESSED THE RECOMMENDATIONS MADE IN THE NINTH REPORT OF THE STANDING COMMITTEE ON PLANNING AND THE ENVIRONMENT.

IN ADDITION, THE GOVERNMENT BELIEVES THE COMMUNITY SHOULD BE INVOLVED IN THE GRAFFITI STRATEGY. IN EARLY SPRING, THERE WILL BE A SERIES OF CLEAN UP DAYS WHERE MEMBERS OF THE COMMUNITY WILL BE INVITED TO PARTICIPATE. IT IS INTENDED THAT THESE WILL BE LOCALLY BASED AND COORDINATED BY AN INTERESTED COMMUNITY GROUP.

CITY SERVICES WILL FACILITATE THESE CLEAN UP DAYS PROVIDING ADVICE AND THE SPECIALISED SUPERVISION OF THE 'CAN-IT' SQUAD. PRIOR TO THE CLEAN UP DAYS THE GOVERNMENT WILL PRODUCE A SERIES OF INFORMATION LEAFLETS ASSISTING THE PUBLIC TO MAKE INFORMED DECISIONS ABOUT THE REMOVAL OF GRAFFITI FROM THEIR OWN PROPERTY.

APPENDIX 11: Incorporated in Hansard on 27 June 1996 at page 2312.

TABLING SPEECH

IMPLEMENTATION REPORT

MANUKA BY NIGHT REPORT RECOMMENDATIONS

27 June 1996

I wish to table before the Assembly the *Manuka by Night* Implementation Report. This Implementation Report outlines the Government's response to the ACT Community Safety Committee's *Manuka by Night* report.

Members will recall that the Committee was tasked by the previous Attorney-General, Mr Terry Connolly, with reviewing and reporting on the problems concerning the alcohol-related crime and anti social behaviour in the Manuka area, and establishing a community based crime prevention program, or programs, to address the identified problems.

The Committee presented its final report to me on the 8 November 1995, and it was made public at that time.

I commend again the work of Mr Ken Begg and his Committee, and, in particular, commend the extensive consultation undertaken with community representatives and government agencies.

The Committee noted a range of crime and safety issues including:

- An increase in disturbance and drunkenness incidents, as reported to, or by, police, occurring in the precincts of the Manuka business centre;
- Comparatively fewer assaults, as reported to, or by, police, occurring in the immediate precincts of the business centre;
- Vandalism of and around homes and businesses;
- Underage and youth drinking with associated anti-social activities, though this seems to be principally a concern in the warmer months;
- Trespass of intoxicated pedestrians on residents' properties;
- Noise experienced by residents from music in clubs, revving cars, and intoxicated pedestrians on the way home or to parked cars; and
- Higher levels of fear among the older population.

The Committee's recommendations are far ranging. I shall now address the Government's response to these.

Liquor trading hours

The Committee recommended that the current 24 hours liquor trading regime be retained.

While the *Liquor Act 1975* provides for 24 hour trading the Legislative Assembly passed legislation in March which gives to the Attorney-General power to curtail liquor trading hours. This legislation contains a 12 month sunset clause, and the intention is to trial restricted trading during that 12 month period in an attempt to measure the effect of trading hours on public safety. Evaluation of the trial will be undertaken by independent consultants experienced in criminological research. As a first step in the evaluation process, a review of the literature on research conducted elsewhere is currently underway.

I have made it clear on several occasions that the Government would review the hours for liquor trading after analysing the effect of the summer enforcement strategy for late night entertainment areas, to see how well that has worked and whether licensees themselves adhered to responsible serving of alcohol practices.

I have also had extensive consultation with industry representatives.

Assuming that the review of the literature referred to earlier confirms that we should proceed with a trial of restricted liquor trading hours, the Government plans to restrict the sale of liquor to the hours of 7.00 am to 4.00 am the following day. That is, liquor will not be able to be sold during the hours between 4.00 am and 7.00 am. This restriction will apply to liquor licenses, (excluding the Canberra Casino and hotel mini-bars), from a date to be fixed in August 1996, until a date to be fixed in March 1997.

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The Assembly should also note that the Liquor Licensing Board has long had the power to curtail the trading hours of licensees who breach provisions of their licence.

Enforcement of the *Liquor Act 1975*

The Committee's recommendations with respect to a strict enforcement of the *Liquor Act 1975* and the adoption of a coordinated approach to that enforcement by using the resources of the Australian Federal Police and the Liquor Licensing inspectors have been put into effect under a joint strategy which commenced on 1 December 1995 and included:

- the joint targeting of licensed premises;
- the implementation of a joint training program to promote more effective enforcement against licensees and delinquent patrons, including the use of the respective regimes of the Liquor Licensing Board and the Courts;
- regular and systemic exchange of tactical information to enable coordinated, and where appropriate, targeting of problem areas;
- a consistent and uniform approach to the investigation and instigation of disciplinary proceedings against liquor licensees and
- provisions requiring new and renewing licensees to undertake responsible serving of alcohol courses.

An enforcement committee comprising a senior officer from my department and from the AFP monitors the effectiveness of the enforcement strategy. This committee reports to me on a monthly basis and a detailed evaluation of the strategy is undertaken.

Further, to enable Liquor Licensing inspectors and police to enforce the spirit of the Liquor Act which, in part, promotes the responsible serving of

alcohol practices, Members are aware that the Government has introduced amendments to the *Liquor Act 1975*. These amendments relate to:

- The standard of proof for Liquor Licensing Board disciplinary matters will be that of “on the balance of probabilities”;
- The Board will be able to issue directions for contraventions of the Act (and not just for contraventions of previous orders as is currently the case);
- New or transferring licensee applicants may be granted a licence conditional upon them completing an accredited responsible serving of alcohol course;
- Section 79 which covers the sale or supply of alcohol to intoxicated persons will be tightened to provide for clearer guidelines as to the indicators of intoxication; and
- in order to overcome the difficulty in prosecutions of proving that a beverage is in fact liquor, an averment provision will be introduced for offences by licensees, that a beverage purporting to contain liquor, through markings, or otherwise, is in fact liquor.

Footpath trading

Outdoor and pavement cafe and restaurant facilities are proving to be a popular feature of Canberra life. This Government wishes to encourage this aspect of the hospitality industry. Even so, when the facility is sited on public land we agree with the Committee that issues of safety and amenity should be addressed when deciding the use of outdoor licensed facilities.

Both the Department of Urban Services and the Registrar of Liquor Licensing liaise closely with respect to applications for footpath licensing.

The Department of Urban Services is working with relevant government agencies and the hospitality industry to create a strategy which addresses the

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management of outdoor cafes. The Emergency Services Bureau is coordinating a review of responsibilities for occupancy loadings which will incorporate consideration of outdoor areas which are not currently applicable.

With regard to outside liquor licences the Government intends introducing an amendment to the Liquor Act, (along with the other amendments I spoke of earlier), which will allow the Liquor Licensing Registrar to determine occupancy loadings for outside areas, based on the availability and standard of facilities provided by the licensee.

With respect to the recommendation that all patrons on footpath facilities of licensed premises be seated, I note that the Liquor Licensing Board already possesses the power to require patrons to be seated in outdoor facilities if it is concerned about a licensee's irresponsible serving practices.

Police presence

The Committee recommended that police be present in Manuka on a 24 hour basis, possibly working from a local shopfront police station.

Members will be aware that I implemented an increased police presence in Manuka over the summer months. The Australian Federal Police have provided a full-time patrol in Manuka on Thursday, Friday and Saturday nights. These were the nights which the Committee and police alike identified as the problem times for Manuka.

Private Security

The Committee believed that the patrolling of the street should remain a police function rather than be given over to private security. The Government endorses this view.

The Committee was also concerned about the non-registered status of ACT security personnel. At present there are no requirements for such staff to have received training or to have satisfied a criteria of non involvement in criminality. Given that safety in and around licensed premises is often dependent on such persons it is not unreasonable to expect that they meet basic professional criteria.

This matter has been under review in the ACT and my department is overseeing a committee which includes representatives of the security industry, to draw up a code of practice to be adopted by the industry. This code will cover such issues as recruitment guidelines, standards of training and disciplinary and accountability procedures.

Establish a community safety group

The ACT Community Safety Committee recommended that a local Manuka safety committee be formed to maintain the momentum already established. I am pleased to advise Members that local residents and business people have formed such a group and are already involved in safety initiatives in Manuka. The committee is a voluntary committee and not appointed by Government. Nevertheless, I recognise it as being representative of local feelings and the Chief Minister and I have already met with the Committee to listen to its views. I have also agreed that one of its members should hold a place on the Government appointed ACT Community Safety Committee.

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Codes of Practice and Monitoring Group

A recommendation was made that a liquor licensee Code of Practice, similar to that established in Civic, be set up and be monitored by the local committee. The local committee includes licensee representation, and I am advised that the Manuka Safety Committee has agreed to follow through with this recommendation.

Manuka Safety Audit, Franklin Street and Palmerston Lane

During its deliberations in Manuka the ACT Community Safety Committee heard anecdotal evidence of places and spaces in Manuka where people felt unsafe, but it did not have the resources to undertake a safety audit along the lines of that carried out in Civic in 1994.

The Committee noted that Franklin Street itself made people feel unsafe because of congestion on parts of the footpath; that Palmerston Lane was perceived by some to be an unsafe place; and that the placement of the taxi rank and the bus stop could critically impact on night time safety in Manuka.

The Community Safety Unit in my Department instigated a safety audit in Manuka in May 1996.

Findings from the audit, as well as work being undertaken by the Department of Urban Services precinct management group program, will help identify specific public place safety problems in Manuka. These findings need to be carefully weighed up and put alongside other possible development proposals, such as the future development of Section 41.

Planning guidelines

The Committee has raised concerns about lease purpose clauses in the ACT. Like a number of other parties in recent years the Committee notes the difficulty under current lease use regulations to place objections in the way of enterprises which may seek to use a premise for a purpose which may be considered by nearby traders or residents to be detrimental to the wider safety interests of the community.

Firstly, let me point out to Members that the Liquor Board is already able to consider complaints concerning the loss of amenity caused by existing liquor licensed establishments.

The Government's response to the Board of Inquiry of ACT Leasehold supports the Board's recommendation that third party appeal rights should be available to adjoining lessees who lodge objections to a particular proposal. This recognises the direct impact of planning and land management decisions on these parties. The *AAT Act*, which will apply to planning and leasing appeals, allows other persons to be joined as parties. This latter process would be open to persons who lodge objections and can show their interests are affected substantially and adversely.

These proposals to open up the consultation and appeals process should go a long way to addressing the Community Safety Committee's recommendation to allow more community input into decision making.

To conclude, Mr Speaker, the work on the *Manuka by Night* reference represents a fine example of government and community collaboration in identifying and addressing community concerns about crime and safety.

On behalf of the Government and the wider community I would like to congratulate and thank the ACT Community Safety Committee for its

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commitment and contribution to community safety and crime prevention in the ACT.

I am pleased to say to the Manuka Community Safety Committee that this Government supports its efforts, we shall work with it closely, and we wish it well as it now takes up the running on safety issues in its own community.

APPENDIX 12: Incorporated in Hansard on 27 June 1996 at page 2312.

1996

THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

REVIEW OF THE OPERATION OF THE
ACT ELECTORAL LEGISLATION
FOLLOWING THE 1995 ELECTION FOR
THE ACT LEGISLATIVE ASSEMBLY

TABLING STATEMENT

Circulated by authority of

Gary Humphries MLA

Attorney-General

27 June 1996

**REVIEW OF THE OPERATION OF THE ACT ELECTORAL LEGISLATION
FOLLOWING THE 1995 ELECTION FOR THE ACT LEGISLATIVE ASSEMBLY**

I wish to table before the Assembly the ACT Electoral Commissioner's review of the operation of the ACT electoral legislation following the 1995 election for the ACT Legislative Assembly

The ACT Electoral Commission has prepared this review of the ACT's electoral legislation in accordance with the Commission's function under the *Electoral Act 1992* of providing advice to its Minister and the Assembly on matters relating to elections.

Regular reviews of the electoral legislation after each election are listed as one of the Commission's key strategies in its 1996/98 Strategic Plan.

The review examines the operation of the Electoral Act and related legislation following the conduct of the 1995 ACT Legislative Assembly election. It also takes into account developments in electoral practices in other Australian jurisdictions.

The review is divided into two sections. The first section looks in detail at significant issues that could give rise to some debate. The second section raises less contentious, more technical issues.

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Significant issues raised in the review include:

- canvassing mechanisms to put the Electoral Commission more at arm's length from Government (a concept which this Government supports in principle);
- the possible establishment of an Assembly electoral matters committee to oversee the operations of the Electoral Commission, review the operation of the electoral legislation and inquire into the conduct of elections and referendums;
- clarifying the delineation between the Electoral Commission and the Electoral Commissioner;
- maintaining consistency between the ACT and Commonwealth funding and disclosure requirements;
- the inconsistency between formality rules and instructions on the ballot papers;
- ordinary voting by pre-poll voters;
- bringing forward the election timetable; and
- the effects of Robson rotation on preference distributions.

I am sure all Members of the Assembly will take an interest in the issues raised in the Commission's review of the electoral legislation. The Government will respond to the recommendations made by the Commission in due course.