



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

27 AUGUST 1996

**Tuesday, 27 August 1996**

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

### **PETITIONS**

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

By **Mr Hird**, from 34 residents, requesting that the battery cage system of egg production be abolished.

By **Mr Hird**, from 398 residents, requesting that the installation of a ramp and sliding doors to McDonald's Family Restaurant in Bunda Street, Civic be investigated.

By **Mr Osborne**, from 1,482 residents, requesting that the Assembly vote against the Government's proposed restricted shopping hours legislation.

By **Mr Hird**, from 30 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

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

### **Egg Production - Battery Cage System**

*The petition read as follows:*

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the battery cage system of egg production involves many cruel practices towards hens, including:

1. caging for their entire lives in cages where they cannot exhibit their natural behaviour, for example spreading their wings and scratching in dirt or litter;

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2. caging for their entire lives in cages with sloping wire floors, where the only possible position of comfort is to roost on the bodies of other hens.

Your petitioners therefore request the Assembly to: abolish the battery cage system of egg production in the ACT.

### **McDonald's Family Restaurant, Civic**

*The petition read as follows:*

To the Honourable the Speaker and the Members of the ACT Legislative Assembly:

The petition of certain residents of Canberra draws to the attention of the Assembly:

The lack of ramp access and automatic doors to McDonald's Family Restaurant in Bunda St Civic. The citizens below feel that this lack of easy access disadvantages specific groups such as the physically challenged, the elderly and parents with strollers.

Your petitioners therefore ask that your members investigate the installation of a ramp and sliding doors at the location stated above.

### **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.

## 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.

Petitions received.

### STANDING ORDER 52 - REFLECTIONS UPON VOTES

#### Statement by Speaker

**MR SPEAKER:** Before we move onto the business of the day, I have two statements I would like to make in relation to the interpretation of standing orders. The first concerns standing order 52, reflections upon votes. Over the past few months points of order have been raised concerning reflections upon a vote of the Assembly. Assembly standing order 52 provides:

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

This is the same in substance as House of Representatives standing order 73. The practice of the House of Representatives, to which we are linked through standing order 275, is:

This rule is not interpreted in such a way as to prevent a reasonable expression of views on matters of public concern.

That quote is from *House of Representatives Practice*, page 490. Other parliaments interpret the standing order more loosely. For example, in the Australian Senate the relevant standing order is seldom invoked, and in practice senators are not prevented from saying that a decision of the Senate was wrong. The reference is Odgers's *Australian Senate Practice*, seventh edition, page 231. Odgers states that the rule could be invoked against gross abuse of a past decision of the Senate, which would amount to reflections on the Senate itself.

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Having considered the matter, I intend - subject to any direction of the Assembly, of course - to allow references in debates and questions to previous votes of the Assembly, provided that they are clearly not critical of the vote or decision taken. I consider that to interpret the standing orders otherwise will simply invite points of order every time a member makes reference to a point of view which is contrary to that of a previous decision of the Assembly. I thus intend to follow the House of Representatives practice and allow debate to proceed in such a way as to enable a reasonable expression of views on matters of public concern.

**STANDING ORDERS 54 AND 55 - OFFENSIVE WORDS AND  
PERSONAL REFLECTIONS  
Statement by Speaker**

**MR SPEAKER:** In recent months points of order have been raised and rulings given concerning the use of unparliamentary words against a group or an organisation. For example, a member was prevented from accusing a Minister of being a liar, but subsequently accused the Government of being liars. In the past a remark having been made that reflects upon a group rather than an individual has not been ruled out of order.

Having considered the matter, I intend to prevent such occurrences in future. From now on, subject to any direction that the Assembly may give me, I intend to adopt the House of Representatives practice, as stated on page 487 of *House of Representatives Practice*, which quotes the following ruling by Speaker Snedden in 1981 which has been applied by successive Speakers in that house:

I think that if an accusation is made against members of the House which, if made against any one of them, would be unparliamentary and offensive, it is in the interests of the comity of this House that it should not be made against all as it could not be made against one. Otherwise, it may become necessary for every member of the group against whom the words are alleged to stand up and personally withdraw himself or herself from the accusation.

Accordingly, I call upon members to cease using unparliamentary expressions against a group or all members which would be unparliamentary if used against an individual.

**ARTIFICIAL CONCEPTION (AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister) (10.37): I ask for leave to present the Artificial Conception (Amendment) Bill 1996.

Leave granted.

**MRS CARNELL**: Thank you. I present the Artificial Conception (Amendment) Bill 1996.

Title read by Clerk.

**MRS CARNELL**: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill enables the genetic parents of a child who has been born as a result of a surrogacy agreement to become the lawful parents of their own child. It enables them to apply to the court for a parentage order. A parentage order has the effect of making them the legal parents of the child. Without this amendment, the law says that the woman who gives birth to a child and her husband are the legal parents of that child. It says that the commissioning parents have no legal claim to that child, despite the fact that they are the genetic parents. You can understand why the parents of baby Jessica, who was born on 7 August as a result of a surrogacy arrangement, are anxious to have their legal position clarified. They do not want any doubt that they are Jessica's legal parents.

By way of background, members will recall that the Substitute Parent Agreements Act 1994 prohibits commercial surrogacy agreements. It also prevents facilitation of pregnancy for the purpose of commercial surrogacy. However, it does not prohibit non-commercial agreements or the facilitation of pregnancy where there is a non-commercial agreement. As a result, doctors at the IVF clinic at John James Hospital have been assisting those who are infertile and they have developed a surrogacy program. This program involves facilitating the pregnancy of the birth mother through IVF where the genetic material has been totally donated by another couple - that is, the genetic parents. The genetic parents must be unable to conceive or bear their own child.

To reiterate, the aim of this Bill is for the child to become legally the child of the genetic parents. As the law stands, however, it is difficult for the genetic parents to become the legal parents of the child. It seems to me illogical that non-commercial surrogacy is legal but when the baby arrives it does not belong, at least in law, to the genetic parents. In effect, there are legal barriers preventing people from engaging in a legal activity. These difficulties start with the Artificial Conception Act. That Act provides that, where a woman gives birth to a child as a result of artificial conception, which includes IVF, she and her spouse are presumed conclusively at law to be the parents of the child.

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The donors of the gametes - that is, the genetic parents - have no legal relationship at all with the child. This also applies to de facto relationships, and that law is conclusive for all purposes. Thus no legal claim at all can be made to the child by the genetic parents. The Family Law Act of 1975, the Commonwealth Act, has similar provisions.

However, amending the Artificial Conception Act to simply make the genetic parents the legal parents of the child does not seem feasible, or, for that matter, appropriate. This would have the undesirable effect of making substitute parent agreements enforceable. This would be unacceptable because the principle that substitute parent agreements are not legally enforceable in themselves is a basic principle of the Substitute Parent Agreements Act. It is a principle to which I, for one, and I am sure everyone here, adhere. Under current law adoption is the only other way that a person who is not otherwise recognised as the legal parent of a child can become one. That person could also apply for a grant of custody and/or guardianship of a child under the Family Law Act. However, custody and guardianship give more limited legal care and control of a child. They do not change the parenthood of that child.

The Adoption Act 1993, however, says that the birth parents cannot name those whom they want to adopt the child unless those people are relatives of the child. The birth parents can nominate a specific person for adoption of their child only if they are a grandparent, sibling or aunt or uncle of the child. Where this is not the case, the child would come under effective guardianship of the Director of Family Services, who can place the child as he or she sees fit. The genetic parents would have no special claim to the child in adoption. They may have a difficult task in obtaining custody, guardianship or access to the child. Even if this were not the case, the adoption process is based on finding parents for a child already born. It is assumed that the birth parents and adopting parents involved are strangers. By contrast, surrogacy aims at finding a child for the genetic parents and they are known to the birth parents. Indeed, I believe that the fundamental difference in the circumstances surrounding surrogacy makes adoption inappropriate for legally recognising the genetic couple as the true parents.

It is my intention, through this Bill, to take another approach. It would allow genetic parents to obtain legal parentage of a child who has been born to another woman as a result of a surrogacy agreement. I believe that the most appropriate way to do this is to provide that the Supreme Court may make an order, a parentage order. This order would provide for a child born in the ACT to be treated in law as the child of the genetic parents under certain circumstances. The order would be made if the genetic parents meet five conditions.

Firstly, at least six weeks and no more than six months must have elapsed since the birth. Secondly, the child's home must be with the genetic parents. Thirdly, the birth parents must be in agreement freely and with full understanding of what is involved. In other words, the birth parents must agree. Fourthly, the genetic parents must be domiciled in the ACT when both the application and the order are made. Finally, both the genetic and the birth couple must have received assessment and counselling from a service other than the service carrying out the IVF procedure. However, the court may waive this last requirement if for some reason this independent advice has not been given. It may do so if it is satisfied that it is not otherwise contrary to the welfare and interests of the child to make the parentage order.



As I have stated, an application will not be possible before six weeks after the child's birth. This is in line with the principle that substitute parent agreements are not enforceable. The birth parents should have a period of time for revocation of any previous agreement. A similar cooling-off period is considered appropriate where the relinquishment of a child for adoption is concerned. It is also included in legislation in the United Kingdom which is similar to that which I am proposing today. Of course, the court must also be assured that the whole exercise is altruistic and in no way a commercial venture.

The effect of a parentage order would be similar in many ways to an adoption order. The child would become in law a child of the genetic parents and would cease in law to be a child of the birth parents. The relationship to one another of all persons would be determined on this basis from the date of the order. Once an order has been made, it is proposed that the registrar will enter the details of a parentage order in the parentage register and then reregister the birth of the child. This legislation is the best means available for establishing the names of the genetic parents on the child's birth certificate. It is thus the best means available for them to become the child's parents for the purposes of ACT law.

I am also proposing that similar provisions relating to property which apply to adopted children would apply to children who are subject to parentage orders. This means that the general law on property would apply to the new legal relationships, with appropriate exceptions as set out in the Bill. Provision is made for access to identifying information. This is, however, strictly limited, for the protection of privacy. This is similar to provision for access to information and privacy in the Adoption Act 1993. Court records and birth certificates are not to be made available to any person unless they are specifically given the right to these by law. In specified circumstances a child who has been subject to an order, and associated relatives, would be entitled to receive a copy of an entry in the register of births. However, any further identifying information would require the permission of both the genetic and the birth parents, as well as any third party involved. Medical information will be subject to the general law of confidentiality.

Mr Speaker, this legislation allows a couple who are otherwise unable to have a child the opportunity to do so. In doing so it fulfils several important policy criteria. It would be broadly consistent with legislation which provides a consistent legal approach to parentage throughout the country. It bypasses the requirements of placement in foster care, assessments and other adoption proceedings. These requirements are inappropriate where the couples know each other and parentage is determined by them.

However, the Bill provides court oversight to ensure protection of the interests of those concerned. The circumstances in which surrogacy agreements are recognised are limited - that is, to where the commissioning parents are both the genetic parents of the child, and the parties are domiciled in the ACT. It is part of a scheme providing protection for the child and the other parties. This scheme ensures the prohibition of commercial surrogacy. It makes quite clear that the birth parents are the legal parents of the child

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with parental control over the child. It ensures that the birth parents can decide to keep the child at any time before the parentage order is made, and it requires independent counselling and assessment of both the genetic and the birth parents. These restrictions and the other strict demands of the proposed legislation provide protection for both the child and the adults concerned.

Finally, I would emphasise that there is nothing in this Bill, or in any other legislation, which compels the birth mother to give up the child she has borne as a result of a surrogacy arrangement. That is not a matter for the law. As I have said all along, a surrogacy agreement cannot be enforced, and should not be able to be enforced. Rather, the success of a surrogacy arrangement depends on the quality of the relationships between the people involved and their commitment to each other and, above all, to the child. Both couples are involved because they openly and freely choose to be. That is why I refer to it as altruistic surrogacy. This Bill is basically straightforward. It simply clears the way for the child of such an arrangement to belong to his or her genetic parents. That is vitally important for the wellbeing of the child. I therefore ask all members to support the Bill. I understand that members could rightly have some questions to ask on this Bill. Apart, obviously, from approaching the Government, I suggest that they might like to speak to the people involved in the birth of baby Jessica.

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

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

Debate resumed from 27 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MS FOLLETT** (10.50): The Opposition will be supporting this Bill put forward by the Attorney-General. Mr Speaker, it is not a major issue that we are dealing with here, but I am sure that it is of considerable significance to members of the legal profession who, as matters stand without the passage of this Bill, may well have to carry two lots of indemnity insurance. I hope, Mr Speaker, that the clearing of their way on that matter will be reflected in reduced cost to their clients in due course.

The Bill deals with the requirement that solicitors have indemnity insurance before they can be issued with an unrestricted practising certificate by the Law Society. The Bill amends the existing law, as I understand it, so that the Law Society will now have some discretion to issue a certificate to a solicitor who does not hold professional indemnity insurance. It also allows a solicitor who is not in practice on his or her own behalf, and therefore does not have moneys held in trust, to hold an unrestricted certificate without having that professional indemnity insurance. I think the community would want to be assured that solicitors at all times had appropriate insurance; but, having studied the Bill, I believe that that will be the case if the Assembly passes it.

There appears to be something of an unintended consequence under the existing legislation. The relevant Act requires that solicitors must have professional indemnity insurance, as I understand it, from both the solicitors mutual indemnity fund and insurance approved by the Law Society, so in many cases they might actually be under an obligation to have two lots of indemnity insurance for, in fact, one risk. I do not think that is fair. The information I have is that the solicitors mutual indemnity fund is totally adequate in terms of indemnity insurance for the profession here in the ACT. Furthermore, the specificity of the Act and the constraints placed around insurance at the moment, as the Act stands, do appear to be anti-competitive and against the current spirit of deregulation and of competition that I am sure we all embrace, perhaps with different levels of warmth.

The Bill also removes the requirement for insurance for solicitors who are not practising on their own behalf or who are not practising within a partnership - for example, solicitors who work in a bank or in another organisation and really do not have the need of professional indemnity insurance that other solicitors might have. I think that is probably a sensible measure, and, again, a measure which will save costs to the profession, and I do hope that we see that saving in cost passed on to clients in future.

There is one other matter that I would like to address with my other hat on, and that is as the chair of the Scrutiny of Bills Committee. The Scrutiny of Bills Committee pointed out to the Assembly a possible editorial error in clause 4 of the Bill which does contain two references to section 76 of the Act. I have this morning received advice from the Attorney-General which confirms that that is indeed an editorial error, Mr Speaker, and that only paragraph 4(b) should refer to section 76. Given that that is a relatively minor editorial matter, I believe it is something that could be addressed by the Clerk under standing order 191, which says:

Amendments of a verbal or formal nature may be made, and clerical, grammatical or typographical errors may be corrected, in any part of the bill by the Clerk acting with the authority of the Speaker.

Mr Speaker, if you wish to exercise your authority on that matter, I think it would be an appropriate course of action. As I say, we support the Bill. It is a tidying up exercise, a necessary one, and I hope that the benefits that now flow to legal practitioners in the ACT will be reflected in future in their accounts to clients.

**MR MOORE (10.55):** Mr Speaker, although I support this legislation I must say that I have a number of doubts about it. The doubts have to do with a general principle, and that general principle is about the amount of power that is being given to professional bodies. I think there are questions that need to be asked. Generally, there seems to be an increase in the power given to professional bodies, yet in other areas we often are undermining the power of other organisations.

On the specific issue of professional indemnity insurance and giving power to the professional body to allow exemptions, we probably should have also given the responsibility. If a person to whom they have provided an exemption is not appropriately covered, then perhaps the responsibility ought to be on the society as a whole for any attempt to seek compensation. Maybe the Attorney-General can indicate whether I have

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missed something, but my understanding is that that is not in the Bill; that, where there is not indemnity insurance and an issue does arise, it will be up to the individual effectively to sue for compensation. A lawyer can defend himself in court but an ordinary person cannot. One of the reasons for having the indemnity insurance in the first place is so that there is a system in place whereby the lawyer is not going to be personally affected.

I do have some concerns about this issue. It would appear that the prime purpose, as Ms Follett said, is to ensure that people are not paying for two lots of indemnity insurance. If the situation arises where exemptions are being given to somebody so that they have no indemnity insurance, then I think it will be time for us to say, "Why is the Law Society doing that? If they are, they should be wearing the responsibility".

**MR HUMPHRIES** (Attorney-General) (10.58), in reply: I thank members for their support for the legislation. Picking up, first of all, the comments made by Ms Follett, let me indicate that I think she is right to refer to the need for a tidying up exercise here. The legal profession is changing over a period of time and amendments like this provide for it to be a more flexible profession to deal with the needs of its clients.

The legal profession particularly, I think, much like some other major professions such as the medical profession, inherited certain ways of doing things which go back into the distant past, not just in this country but, of course, in Britain. Some of the practices which are in operation are inappropriate, either in part or, in some cases, wholly, for a modern profession serving clients in a particular way. There has been, in fairness, much reform of the legal profession in recent years to accommodate a more outward looking approach, a more responsive approach, to the services it offers its clients. For example, just a few years ago it was not possible for lawyers to advertise. Now it is possible, and many lawyers do so. Similarly, there are restrictions still in place on the way in which lawyers may practise. They cannot incorporate themselves. They must practise either solely or in partnerships in the kind of way that this legislation talks about.

Mr Speaker, it is important in passing legislation of this kind that we generate a climate in which the legal profession can shed practices of the past which are no longer material or do not contribute to an appropriate level of service to its clients, and I would see this legislation as being of that nature. Clearly, the requirement of the past to obtain professional indemnity insurance was quite important, but it failed to account for the fact that today, with insurance practices changing, there are other ways of providing professional cover. I emphasise that this legislation does not allow any individual practitioner with an unrestricted practising certificate - the licence of a solicitor, so to speak, to practise on his or her own - to proceed to do that without having appropriate insurance cover. Every practitioner in the Territory with such a practising certificate needs to be covered for insurance, and this legislation will ensure that that is still the case. By passing the legislation today in this form we will make sure that there is not, in effect, a requirement for two forms of insurance to be in force at the one time. That clearly is an anachronism which needs to be rectified.

Mr Moore is not the first person to raise the question of the self-regulation of the profession and the way in which certain privileges attach to the profession by virtue of that privilege of self-regulation. As members would be aware, rather than a process that is, in a sense, more public or more structured for disciplining of people who breach provisions of the law in other professions, in contrast, in the legal profession there is a certain amount of internal self-regulation of the way in which members comply with the rules that the profession lays down, including the requirements of the Legal Practitioners Act.

Ironically, Mr Moore's former colleague, Ms Szuty, sits now on what I think is called the professional disciplinary tribunal. I forget its name, but it is the body that deals with the disciplining of lawyers. She is one of only two lay people on that board. It is a board consisting primarily of lawyers. The issue Mr Moore raises should, conceptually, be of concern to us all. How we tackle this issue needs to be addressed over a period of time; not in a random way on the floor of the chamber, but rather through some process which will see the issues thoroughly explored. The Legal Affairs Committee of the last Assembly looked at this issue at one point but found it fairly impenetrable and did not recommend any fundamental changes to the way in which the legal profession operated.

There is a need for us to ask ourselves what is the best means of getting people to comply with fundamental rules that deal with relationships between, in this case, professional people and their clients and of professional people one with another. Some would argue that self-regulation is the best form of regulation; others would argue that accountable external regulation is the best form of regulation. But, Mr Speaker, those issues are much too large to traverse properly in today's debate. I say simply, as a lawyer myself and as the Attorney-General, that I am not opposed to a suggestion that there should be review of that issue and I would be happy to engage in debate or in discussion with other members who are concerned about this issue to see how we might examine that question more thoroughly.

The important point is that we facilitate the best possible level of service to those people in the community who have need of legal advice. Their needs are the most important consideration. If we can generate a professional practice which facilitates that, then we are serving the community appropriately. If that is not achieved by the present Legal Practitioners Act, I am very happy to talk to members about a better way of doing that.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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## LIQUOR (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 27 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MS FOLLETT** (11.05): Mr Speaker, the Opposition will be supporting this Bill. The Bill presented by the Attorney-General represents a fairly full-blooded attempt, in my view, to crack down on the licensed liquor industry in the ACT. It is my opinion that such a crackdown is wellnigh due. There is no doubt whatsoever in my mind that a great deal of the time of not just this Assembly but also the administration and community organisations has been taken up in recent years with various attempts to control the aftermath of irresponsible actions by liquor licensees in the ACT.

For example, some years ago we saw the introduction of police move-on powers, amidst great controversy and fanfare, ostensibly at the time for the purpose of allowing the police to move people away from licensed premises when their behaviour became antisocial or bordering on the criminal. That did not work. We have also seen the introduction of the pubcard. Amidst great fanfare and controversy, and after a great deal of consultation, the pubcard was introduced in an attempt to restrict the sale of alcohol to those over 18, as the law requires. That has not worked. We now have before the Assembly and before the community a proposal to install surveillance cameras in public places in the vicinity of licensed premises. I do not think that will work either.

Mr Speaker, my view is that until licensees behave in a responsible manner and take responsibility for their customers, whether inside or outside their premises, we will continue to have a level of relatively petty crime and antisocial behaviour that the rest of the community finds unacceptable. This Bill, Mr Speaker, addresses the heart of the matter. It starts with an innovation that I do commend, and that is a clause which formally establishes the principle of the Liquor Act. That principle is:

... to promote and encourage responsibility in the sale and consumption of liquor through the establishment of a scheme of liquor licences and permits.

It is that element of responsibility that I think the Assembly and the industry, in particular, have to take very seriously, and I do not believe it has been the case to date. We have had various patch-up measures forced upon us as an Assembly and as a community because that responsibility has not been there in the past.

Mr Speaker, this is a quite complex Bill and I am aware that the Australian Hotels Association, the major spokesperson for the licensed liquor industry, had some grave concerns about it. I have discussed those concerns at length with representatives of the AHA. I have also discussed them at length with the registrar, and I thank the Minister for making the registrar available to brief me on these issues. There is one concern raised by the AHA that I think does merit at least our sympathy, Mr Speaker, and that is that they feel they have been somewhat disadvantaged in the consultation process over these matters. I know that the AHA had been aware for some time that the Government was intending to move in this way, but the drafts of legislation and documents that the AHA

saw were not, in their opinion, those presented to this Assembly. The AHA saw earlier drafts and other documents and went to considerable trouble, and I would guess considerable expense as well, to get legal advice on a clause-by-clause basis on those earlier drafts. They were somewhat annoyed when the final legislation that came before the Assembly was not precisely what they had seen previously, and I can understand that. It is confusing and worrying for people who are not familiar with legislation and who have difficulty reading it, as I do myself, to be presented with changes which may be of a technical or fairly minor nature but, of course, cause them great concern. So I have sympathy with them on that score.

On other scores, Mr Speaker, I think I have done what many members have to do, and that is listen to both sides of the argument and make the best judgment you can in all the circumstances. I listened to the AHA's concerns and I listened to the registrar's response to those concerns, and I have to say I have overwhelmingly come down on the registrar's side.

Mr Speaker, the Bill that is before the Assembly makes a number of changes to the way that the licensing scheme operates in the ACT. One of the biggest changes is to expand the Liquor Licensing Board from three members to five members. When our former colleague Mr Connolly first set up this board it was generally supported, and it was considered to be a good thing in getting regulation of licensed premises in the ACT on a firmer footer, and certainly in a more consultative arena. I support the expansion of the board, and I believe that it has served a very useful purpose.

I also support the inclusion of the registrar as a non-voting member of that board. I think this is the usual practice where you have some kind of an advisory board and an expert executive in charge. It is the normal practice that that executive be included on the board in some kind of ex officio capacity, and I see no reason why we should not move that way in relation to licensed premises. If there is a problem, or a problem does develop, I am only too happy to review that issue, but for the moment I do regard it as the normal course of events and I think it ought to be supported. Indeed, I think that the registrar will probably be the source of the greatest expert advice to the board and it is only appropriate, therefore, that he have some close involvement with the board.

There is also an issue, Mr Speaker, to do with occupancy loadings. The Bill allows for occupancy loadings to be determined for outdoor as well as indoor premises. I think this is a sensible innovation, particularly given the kind of outdoor cafe and entertainment industry that is so active in Canberra and is such a wonderful feature of Canberra. It is something that everybody here, I think, would be familiar with and would enjoy enormously, but I think it ought to be regulated in much the same way as any other aspect of the hospitality industry.

The issue of occupancy loadings has been a fairly fraught one before this Assembly. We have had great debate over it, but I think that everybody here would accept the authority of the Fire Commissioner in these matters. I think, therefore, it is quite appropriate, where a licensee wants to depart from or object to the Fire Commissioner's authority and ruling, that they bear the cost of finding other studies that might support

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their position. Mr Speaker, I think that is a fair system. After all, the Fire Commissioner and his work is a public expense and in the interests of community safety. If a licensee wants to make a change to increase occupancy loadings in their own commercial interest it is only appropriate that they should pay for that.

The Bill also gives a great range of powers to the registrar, in particular powers to refer a matter to the board where he believes there are grounds that the board might want to issue directions to a licensee. It includes grounds for suspension of a licence or a reprimand; it provides a new section which effectively tightens this up; and it specifies more clearly what the grounds are for punishing licensees.

Mr Speaker, to conclude, as I said, I do support this Bill. I think it is a necessary tightening up of the licensing regime in the ACT. I know that the AHA is particularly concerned about the relations which they have with the registrar and the inspectors. That is a matter that I think ought to be addressed. I think there has to be a level of professional respect there, and I would like to see the Minister encourage that so that in future the legislation is treated with respect by both sides. I think that is what we ought to be working towards. Mr Speaker, we will support this legislation.

**MR MOORE** (11.15): Mr Speaker, I have significant doubts about this legislation, and to illustrate those doubts I thought, for a slight change, I would relate a little story about the Liquor Licensing Board and urinals. I think it illustrates a point very clearly. A couple of years ago, when Mr Connolly was in charge of this area, I approached him on behalf of a constituent who was trying to establish a restaurant quite close to here. That constituent came to me and said that the liquor licensing public servants were telling him that he had to change the urinals that were close to the restaurant because it was part of the regulations. It was in the manual and they had to be changed from porcelain urinals to stainless steel urinals. When they got the price it was in the order of \$20,000. It was a very substantial amount of money and it was going to be very difficult for the business to deal with. I wrote to Mr Connolly and said, "This seems to me to be ridiculous because there is only just over a metre of room. No additional people would be able to stand in this section. There are already two porcelain urinals and they are going to be replaced by a stainless steel one of just over a metre. What is the point of this?". A reply came back to me saying, "I am sorry, but it is clearly set out in the manual and therefore it is going to have to remain".

I sat on that for a day or two and thought, "Well, if the manual is there, I suppose we have to fit in with the regulations". Then I thought, "Damn that; I will ask who wrote the manual". I went up to Mr Connolly's office and I said to him, "Where did the manual come from? Who wrote the manual? Is it an agreement between the States?". He said to me, "I am almost sure it was put together as an agreement between States to ensure that these things are right, but I will get on the phone and ask". Right there and then, in front of me, Mr Connolly, who often did things like this quite efficiently, got on the phone and asked, "Who wrote the manual?". The reply was, "Actually, I did". In fact, the person who was saying, "No, you cannot do this because it is in the manual" was the same person who wrote the manual.



This particular issue made no difference whatsoever to health. In fact, my personal opinion is that the porcelain urinals are much cleaner and are easier to clean than the stainless steel ones, but that is an aside.

**Ms McRae:** Have you ever cleaned them? Here is a man who has cleaned one. Wow!

**MR MOORE:** I am getting interjections from Ms McRae about cleaning such things. Although it is genetic that men are not able to clean toilets, some of us actually have been able to overcome those sorts of problems occasionally, under great duress, and are able to do it. Now that that is public, I suppose everybody is going to think that I am much too thin.

Mr Speaker, that situation illustrates something to me and I have been watching out ever since. Is there too much power in the hands of this group, and does this legislation provide that public servants basically have too much power, particularly with reference to occupancy loadings and other issues? This issue of occupancy loadings has come up again and again. It has been the subject of a great deal of debate in this Assembly. The main argument for giving power over occupancy loadings up until now has been the fire issue. The arguments have been quite persuasive. Often they have been opposed by the Australian Hotels Association, who are saying, "Look, it is just an excuse; it is not really about fire at all". However, this Assembly has overridden that view and I have supported the Assembly decision to allow the fire officer to determine the loadings from a fire perspective - in other words, from a danger perspective.

We now see this legislation introduced to provide more power for public servants to say that there is a certain occupancy loading, and more power to say that restaurants and so forth in Canberra can sell liquor only so far out into a public area. On the surface, most of us would say it is appropriate that there should be a limitation on that, but effectively we are giving power to people who in the past have said, "No, you have to spend \$20,000 to change a couple of porcelain urinals to a stainless steel one", and I have real doubts about it.

That is just one story, Mr Speaker. I am sure members have heard many stories about problems associated with this particular section of the bureaucracy. There are always going to be stories, of course, because there is power in somebody's hands, and people who are being told what to do with their business will always bring out stories. We have to keep that in perspective as well. That is why, Mr Speaker, I want the Minister to tell us why he believes in this legislation, which also includes changes to the board. What other action has he taken to ensure that we will not have the sort of urinal decisions that we have had in the past? Unless he can assure me of that, I will be voting against this legislation.

**MS TUCKER (11.21):** The Greens will be supporting this legislation. I was interested to hear Mr Moore's story, but I am aware that there is an appeals mechanism, and the registrar, while being a member of the board, does not have voting rights. I am not totally convinced that it is totally fair in some ways. On the other hand, because the Greens recognise the alcohol-related harms in our community to be extreme, we applaud the fact that this is making quite clear that the industry dealing with alcohol does need to take great responsibility.

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I read some statistics in the scoping study provided to me by Mr Humphries on the regulation of trading hours. We all know that alcohol is a problem in the community, but it was very interesting to me to see the statistics on alcohol-related harms. In one of those studies alcohol was involved in 5 per cent of all deaths, 30 per cent of road deaths, 23 per cent of suicides, 51 to 73 per cent of assaults, 40 per cent of domestic violence cases, 77 per cent of street offences, 58 per cent of malicious damage cases, 59 per cent of noise complaints and 20 per cent of all medical work. So, as a community, we obviously have to take responsibility for alcohol abuse. While legislation is only one quite narrow aspect of addressing that problem, it is one that the Government and members of this place need to look at very carefully.

I support Ms Follett's concerns about the consultation with the Australian Hotels Association. I believe that the legislation was difficult to read because the explanatory memorandum did not match the Bill. This is something that needs to be looked at and hopefully avoided in the future. Generally, in conclusion, I will just say that I believe that we have a lot more work to do in looking at the issue of alcohol abuse in our society, and I hope that we will be able to reach a better situation.

**MR OSBORNE (11.24):** I have to say, firstly, that I was very pleased to hear Mr Moore tell us that he has cleaned urinals. It probably explains to me the smell that often permeates. Mr Speaker, it will be no great surprise to members that I will be supporting this Bill today. I agree with what Ms Tucker said. Alcohol is one of the most destructive elements in our society today, if not the most destructive. There is no need to exaggerate the damage that it does every day in our families and to young people in particular. The truth is unbelievable. I am pleased to see, though, that the Government is firmly committed to promoting its responsible use.

Mr Speaker, I think it is a fairly simple process to become a licensee. You apply for a licence, you agree to the conditions of that licence, you pay a fee, and away you go. The problem that we have here in Canberra, which I am sure is not ours alone, is that a small proportion of licensees - I stress that it is only a small proportion - have little regard for the obligation they have to obey the law. These rogue licensees have intentionally flouted the law for far too long and it is about time they were brought to heel. This Bill intends to achieve that purpose through giving the Liquor Licensing Board greater flexibility to deal with them appropriately. I just hope that some of the provisions here do not result in the board going soft on those licensees who regularly either will not comply or cannot be bothered complying with the terms of their licence. In my opinion, if a licensee cannot keep control over his establishment and keep it within the bounds of the law he ought not have a licence to sell alcohol any longer.

I am also pleased that the Minister has made a change to the terms of an offence regarding the serving of an intoxicated person. I know it has been a great source of frustration to the police in the past, in that this area of the law was virtually unworkable. As a result, successful prosecutions have been very few and far between. I certainly hope that this amendment makes a big difference to what has been a serious and growing problem.

Mr Speaker, the changes outlined in this Bill will not concern most licensees, as they already have no problems with consistently operating within the law. However, a few will prefer to call it draconian or even worse, and it is little wonder. I suggest that a far better term for us all to use would be "responsible". "Responsibility" is the key word here, and I think that what we are proposing today will be looked upon favourably by the majority. Licensees have a responsibility to the whole community, not just to each other or to themselves. There is only one reason why a licensee will intentionally carry on serving someone who is under age or absolutely legless, for want of a better word, and that is to line their pocket, knowing that the chances of being successfully prosecuted are pretty slim.

I believe that our liquor industry needs to be well regulated, and our licensees need to be very aware of their obligations and responsibilities to the whole community, not just to themselves. If the only way of doing this is with a big stick, they have only themselves to thank for it. I am hopeful, though, that through the passage of this Bill today the relationship between the Liquor Licensing Board and licensees will improve and that there will be a significant rise in voluntary compliance among those few licensees who seem to have regularly caused us problems. I commend the Minister for taking this action and the other members for speaking today, and I look forward to seeing it work.

**MR HUMPHRIES** (Attorney-General) (11.28), in reply: Mr Speaker, I thank members who have indicated their support for this legislation. I do not think I can overstate how important it is that the liquor industry in this town receive the strong message that members of this place do feel, to quote the words of the shadow Attorney-General, that a crackdown on the industry is wellnigh due.

It is true that in this city in recent years we have experienced a very large number of problems related directly or indirectly to the abuse of alcohol. The leader of the ACT Greens, Ms Tucker, indicated that very clearly, and I know that the community as a whole sees the extent of those problems. They do relate in large part, as Mr Osborne indicated, to conscious decisions, in many cases, by licensees to flout the laws that apply to them - laws that forbid the sale of alcohol to minors, laws that forbid the sale of alcohol to intoxicated people, laws that restrict the number of persons who might safely occupy particular licensed premises, laws that deal with standards maintained within licensed premises and the education of employees. Mr Speaker, I have to say that in many respects it is true that the industry itself has not taken a sufficiently responsible approach to dealing with those problems.

Ms Follett referred to consultation with the industry. I have spent a great deal of time in the last year and a half discussing issues of licensing and liquor trading with the Australian Hotels Association. I have had at least four meetings with the AHA, and I have had a large number of other contacts with them, both through my office and through the liquor section of my department. It is true that some in the industry have chosen not to get the signal which is being sent through measures such as this. I recall one particular meeting where I talked to the president of the Australian Hotels Association in the ACT about the problem of violence on or near licensed premises. The president of the association, who is the licensee of a prominent nightspot in Civic, said to me,

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“Well, what happened off our premises is not our concern”. I said, “A lot of what is happening is happening right outside your premises. People who have come out of your premises, very often intoxicated, have gotten into fights or engaged in other antisocial behaviour. You cannot pretend that this is not at least partly your responsibility”. He said, “Once they are off my premises they are not my concern”.

Mr Speaker, I have to say that that is precisely the attitude on the part of licensees which I believe the Assembly needs to change, and I hope that the strong support of the Assembly for this legislation today will send that signal. The industry must accept that dealing with problems flowing from the consumption of alcohol is a problem for the Government, for the police, for the Liquor Licensing Board and its inspectors, for the community as a whole, and very particularly for licensees themselves.

I have to note also that I have had a series of problems with the Australian Hotels Association representing hoteliers and on-licence establishments in the Territory. I have very few problems, in fact no problems at all, with the other side of the industry in the ACT, namely, the licensed clubs, who represent a very significant share of the market for the sale of alcohol. It has been very willing to comply with changes in the law and has worked very closely with the Government to achieve improvements in the outlook for the industry. The industry needs to ask itself how it is dealing with these issues and whether in fact it can lift its game. I hope that the members of the AHA executive who read the report of today's proceedings, who perhaps read the *Hansard*, will get the clear message that the Assembly means business when it says that the industry needs to clean up its act.

Mr Speaker, I will not detail the numerous consultations had with the Australian Hotels Association about this legislation, but there were contacts or other meetings with the association on 4 April, 22 May, 30 May, 5 June and 7 June, as well as more recent contact. The only change in the Bill before the house from the one that was sent to the AHA originally is the power for the board to impose a monetary penalty. Otherwise the industry has been closely involved in discussions. It has been frequently granted extensions of time to put responses to proposals the Government has developed, and I do not accept for one moment that the Government has not fully consulted with the industry, particularly the AHA.

Mr Speaker, I turn to the issue that Mr Moore has raised of the board having too much power. I accept that there has been a problem in the relationship between the Liquor Licensing Board and the liquor industry in the past in this Territory. There also have been some problems between those two components of the industry and the police, who are also an integral part of the process of enforcing liquor laws. I have been particularly concerned that there be a more active and cooperative partnership between the liquor licensing inspectors and the Federal Police to make sure that their roles are not antagonistic to each other, and I think we have achieved some of that in recent days. As between the enforcers of the law and those on whom the law is enforced, there have been some problems.

That point was made to me at one of my very first meetings with the AHA at the beginning of the time that we came to government. Indeed, the proposal before the house today to expand the board relates directly to an attempt to deal with that problem from two points of view. Firstly, it removes from the board the Registrar of Liquor Licences.

The logical and good reason put to me by the AHA was that the registrar sits on the board both as a judge on particular applications or prosecutions, so to speak, and also as the prosecutor, or at least is associated with the prosecution. It was logical, I think, therefore, to remove the registrar one step from the board. He will still advise the board. He will still have the right to attend the board and give it his advice. But the board members themselves, the five board members constituted under this amendment, will make the decisions without the registrar being part of that decision. That, I think, is appropriate.

The other arm of the plan to reduce this level of antagonism has been to offer, in effect, consultation with the industry - both the AHA and the Licensed Clubs Association - on the make-up of the board, so that one person on the board could be said to have come from that area of the industry. I am not saying that I am offering either the AHA or the LCA a place on the board. That would be inappropriate. But I have indicated to them that I would like to make an appointment which provides the board with some perception of the problems that licensees - both club and non-club licensees - face in order that when issues like this come before the board there will be an attempt to understand the problem from both sides of the fence. That was a suggestion made by the AHA and I have taken it up.

I hope to announce, after appropriate consultation with the Assembly committee concerned, who will be constituting that new board, and I hope that that will deal with that problem that Mr Moore raised. If Mr Moore believes there is too much power in the hands of the board, let me say that this Bill in fact does increase that power in some small regard. It does provide for the board to require people, before obtaining a licence or having a licence transferred to them, to undertake, if necessary, approved training in respect of the obligations of a licensee. It also gives the board the power to impose monetary penalties for contravention of the Act. It provides that the board can impose a lower penalty than the one sought by the licensing section and it does, in some other ways, Mr Speaker, create an environment where some of the weaknesses in the present legislation can be addressed. I make no apologies for that. There are some in this town for whom those sorts of measures are required and are appropriate. As members have said - as I think Mr Osborne said - those are, fortunately, a minority of members of the industry, but for them it is necessary to have those sorts of powers.

I think we can achieve a better cooperative relationship with the industry. I have had numerous meetings with the industry to work through some of the issues which concern them, such as the proposed trial of liquor trading hours. As members know, I took up a suggestion made by Mr Osborne originally to have a 3.00 am closing or a 3.00 am cessation of the service of alcohol. The industry came back and said they would prefer to have a 5.00 am closure. I put it to them that that would make a bit of a nonsense of any trial, since there were only a couple of traders in the whole town anyway who traded after 5.00 am; but, as a gesture of goodwill, I suggested that we might compromise on 4.00 am. I thought we had agreement on that subject, but I found that the AHA, after the announcement was made, came out and criticised the suggestion that there should be any closure time at all, and particularly 4.00 am.

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Mr Speaker, I think that the AHA is yet to receive the message that they cannot continue to operate in an environment where these issues will not be pursued vigorously by those in authority to ensure that we do not expose the community to some of the problems which are directly generated by the abuse of alcohol. Ms Tucker made reference to some of those problems. To those involved in dealing with liquor enforcement, including the police, those figures would come as no surprise. There is a major problem in the community with those sorts of issues and they are not helped when licensees continue to feel it is appropriate to serve alcohol to intoxicated people, to serve people in premises that are too crowded to appropriately accommodate the people concerned, and to serve people who are too young to purchase or to consume that alcohol. So, Mr Speaker, there is an issue to deal with there.

Concerning Mr Moore's comment about the person writing the manual having to enforce it, I do not believe that is surprising. It would have to be a very frequent occurrence in a small jurisdiction like the ACT. We have only 300,000 people. It is not surprising that basically one person within the Attorney-General's Department would effectively be given the responsibility for managing issues to do with liquor policy, or only a couple of other people at most, and it would be not at all surprising that the person who actually got down to writing the manual would then be in some position of having to enforce it. That is not a surprising situation at all, and I would ask Mr Moore to consider that there really are no alternatives to that state of affairs.

I strongly thank members for their support for this legislation and I strongly thank them for their willingness to send a signal to the industry that the Assembly, on behalf of the community, expects a high degree of compliance with these laws. Alcohol is a dangerous substance if abused. It can cost our community an untold amount every year. If those who are dealing in that alcohol respect and understand the law fully, we will be in a better position to deal with that abuse. If people who are selling it do not understand or respect the law, we have a serious problem.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (11.41), by leave: Mr Speaker, I move the following amendments which have been circulated in my name:

Page 2, line 7, clause 4, omit "section 8", substitute "section 9".

Page 2, line 9, clause 4, omit "sections 6, 7, 8 and 9", substitute "sections 8, 9 and 10".

These are minor amendments to deal with a flaw, which I think was picked up by the Scrutiny of Bills Committee, concerning some misnumbering of sections referring to provisions that call for some carryover of the provisions in the present legislation to the new arrangements. They are very minor, and I commend them to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

### **PERSONAL EXPLANATION**

**MS TUCKER:** I seek leave to make a personal explanation under standing order 47.

**MR SPEAKER:** Proceed.

**MS TUCKER:** Thank you. During Mr Humphries's response just then he referred to me as "the leader of the Greens". I do not know whether I missed the word "proposed" because I was speaking to Mr Stefaniak. I understand that the consultant's report on staff allocations has suggested that I be called the leader of the Greens, and that Mrs Carnell will inform me of this, but she has not told me so. So at this point I am not speaking in the capacity of leader of the Greens.

### **STUDENT OUTCOME DATA Ministerial Statement**

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

That the Assembly takes note of the paper.

**MS McRAE (11.44):** Mr Speaker, if Mr Stefaniak thinks that this is going to allay anyone's fears about literacy and numeracy in our schools, then I think he is sadly mistaken. His statement is disingenuous and even a little sad. What we are talking about in this statement is three tests - two at the primary school level and one at the high school level - to be done in 1997 and in 1998. I find the claims made in this paper about the effects of these three tests on literacy and numeracy in our schools to be a little staggering. It is sad if the Minister believes that this is going to make any difference to literacy and numeracy in our schools. To be fair, the Minister said in his statement that this is not the answer to everything, but subsequently he has proceeded to make a whole series of claims that I think are untenable and do not really offer any solution to the very serious issues that face some of our children - not many - in our schools. I would like to go through some of those issues and some of my criticisms.

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The paper claims that we will be able to make some points of comparison with other systems. I am afraid that my answer to that is: So what? If we find out that our children can read better than those in Elizabeth or read better than those in Brunswick or read better than those in Wattie Creek, so what? At the end of this testing program, we will be able to rank all the million or so children in the whole of Australia, from best reader in Australia to worst reader in Australia. So what? This means absolutely nothing in terms of learning outcomes for children. It will provide us with a set of statistical data which is relevant to one day, to one test at one time, and that is all. That is fine, but let us not get excited about one test on one day for one cohort of students. In the national debate people are querying the value of the testing. On balance, I have no problem with the actual testing being done, but let us not get terribly excited about what the impact of it will be.

I find disquieting the claims made in this paper that somehow these tests will assist our teachers. I fear that this reflects a lack of experience and understanding of how our systems actually work. I challenge the Minister to go to any high school in the ACT and ask the English teacher - it would not apply to every teacher, so let me not exaggerate - or to any primary school and ask any teacher there, "Who has literacy and numeracy problems in this class? How would you rank these kids from top to bottom?". I guarantee that those primary teachers and those English teachers are well aware of that information.

The Minister claims that testing will validate other data. It probably will. So what? The fact is that our teachers, our administrators and our parents are well aware of the problems facing students in their schools. I do not think that this proposal should be seen as any sort of solution, or even assistance, to the practical realities that are facing us in our schools today. That is what I want to challenge the Minister to have a look at. He should not get caught up with the push for national testing or with the obvious excitement of some administrators about having a better overall picture of the realities of our classrooms.

The paper makes great claims about moving to outcomes-based education. I defy anyone to tell me what else education is. It is one of the very few activities regularly administered by government that are completely outcome oriented. There is no other thing to be in school. If you are in Year 1, you are outcome oriented, because you are trying to get to Year 2. If you are in Year 3, the outcome orientation is trying to get to Year 4. There is a linear progression of learning within the school system and the system is tested publicly at the end of the process. I can think of no other government activity where outcomes are so thoroughly scrutinised. In our system just about everyone goes through to Year 12, so we are not missing many. The entire spectrum - I am talking about government activity in education, but the same applies to non-government activity as well - is outcome oriented. The outcome orientation applies to each year. No child can escape the outcome orientation of the education system. I find this new jargon very disturbing. It just clouds the issue. It sounds wonderful. I do not know what the reverse of outcome orientation in education is. I cannot think of an appropriate antonym to use. There is no way to go through education other than by being outcome oriented.



Perhaps achievement orientation is not always successful for some children. Maybe their outcomes are not always absolutely brilliant, but everybody progresses, everybody learns and everybody is focused on trying to achieve an outcome that is good for them. That is the depth and beauty of our education system. The Year 12 colleges offer every child an opportunity, be it in the R courses, the E courses, the vocational training courses, the accredited courses or the tertiary orientation courses. You name it - we have it for our kids. Everyone has an outcome orientation and comes out of our system with something. I really want to put a dampener on the enthusiasm of people using this new jargon. I do not think it does justice to what we are already doing.

Another claim that I find very disturbing is the claim that parents have a right to know how their children are progressing relative to other children and that the system needs to know. I find this a very strange right, particularly when you are talking about an education system. Why should you have a right to know that your Johnny is 10 marks ahead of your Elizabeth? What is the value of an inherent right to know whether you are dumb or you are smart or an inherent right to know whether your school is one that fails or another is one that succeeds? We have seen how these rights have operated in America. You know what the outcome has been: No funding for schools that fail and funding for schools that achieve; no students wanting to go to one school and other students wanting to go to another.

I cannot understand this as an inherent right. What I believe that every child has an inherent right to is an adequate education that fulfils their capacity to learn to the level that they are able to attain. What parents have as a right is that their student be given every opportunity to achieve to the level that they are able to. Whether that is better or worse than Johnny and Elizabeth is neither here nor there. What every student has a right to is to learn to the best of their capacity. I find this claim that parents have a right to know fraught with difficulty and disingenuous. Show me one student who is not assessed by their teacher and whose assessment cannot be given to the parents. Our entire system works on dialogue with parents and on accurate information on student progress. I can show you a drawer full of reports, having had three children go through the system. The children are reported on regularly and thoroughly.

There is absolutely no basis to the claim that parents need more accurate information about the progress of their children. Of course, some parents will have their vanity fed if their child can be shown to be in the top percentile of readers. Some parents will say, "I knew that little Johnny was a pest", and use his school results to further restrict and punish him if he is in the bottom percentile for reading. A right to know this information has absolutely no educational validity, and I would query the basis of the claim.

The Minister and the Education Department should not get too excited about all of this and worry too much. It is just a statistical process of analysis, after all. Rather, the Minister should make a statement to this house on how they are dealing with the real issues of literacy and numeracy. These issues are not new. The education world has been grappling with how to teach our children to read and write ever since there were mass education systems. We have endless libraries of data that show the likely markers of failure in this area. Surprise, surprise, the solutions come down to small classrooms for the beginning years. The first two years are absolutely crucial. The entire education sector has been saying this for years. Whilst we have been grappling with a difficult

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budget and can quite rightly point the finger at most education authorities and say, "You have not done it", that does not mean that we should not grapple with the problem and find a solution. Once you start talking about dealing with literacy issues, you cannot avoid the issue of smaller classrooms in the first couple of years of schooling. That has been shown time and again to be a marker that makes life extremely difficult for children who are potentially slow learners in reading and writing. The problems are sometimes with the child, sometimes with the class; but invariably a smaller class size helps in those first couple of years.

The other issues are much more complex and, again, well known to most education authorities. There is a constant correlation between what we would call social justice issues and learning outcomes. If a child comes to school inadequately fed, inadequately clothed and without enough sleep, they will not learn. Never mind your three tests. You can test them every year or even every day, but the situation is not going to improve. If the child is hungry, if the child is badly clothed or if the child does not sleep properly, it will not learn. It is not the responsibility of a teacher to make a child sleep, to make a child eat or to take care of it, but it must be the responsibility of the education system to take care of these children. Over the last 20 years we have seen numerous programs - most funded by governments of both persuasions, but the most recent ones funded by Labor - at the local level to try to come to grips with this. Local council authorities have had breakfast programs, spare clothing pools and club programs to allow children to experience another environment, to learn, to be warm, to be comfortable.

In the ACT we have those problems, and no amount of testing is going to improve the children's capacity to learn to read and write. We need small classrooms. There are inherent social justice problems, in that children, through no fault of their own, come to school unprepared for learning. I do not want to be judgmental about this. It is a fact of life. The schools know these children and deal with them very humanely. It is at that level that we have to deal with literacy problems, not by buying them more books or telling them, "Go home and read a book with mummy and daddy". We should deal with the child as it presents and at least try to alleviate some of their difficulties.

The third issue, one that the school authorities are acutely aware of, is that some children have learning difficulties, whether they come from a poor home or a wealthy home, a resource-rich home or a resource-poor home. There is a series of learning difficulties that children encounter when they try to learn to read and write and to deal with school. If we are going to talk about improving literacy and improving numeracy, we must come to grips with the need for specialist teachers, for specialist support. The system already has quite a few specialist teachers, but realistically, if you listen to teachers, there are not enough. If you listen to principals, if you go into our schools, you will hear that the resource support is insufficient, mostly because in the learning difficulty area they are also trying to deal with social problems and an amalgam of kids.

Never mind all this testing. What I would like to hear from the Minister is how we are going to improve our social welfare support so that we remove some of the problems from teachers. How are we going to refine our learning assistance so that we focus more closely on the specific learning difficulties that children have? How are we going to put confidence back into what is an excellent system? We do not need tests; we do not need appraisal across Australia. The outcomes of our system are well known and well shown.

I am very anxious about the level of downtalking of our system in this paper. We do not have a crisis in literacy and numeracy. We have a crisis with the management of a few children - and they are serious problems. We do not have an absence of data. You only have to walk into any classroom in the ACT. The data is there. We do not have a problem with the teaching of literacy and numeracy. We have well-trained teachers.

We need to come to grips with the other problems that make a teacher's life impossible, that make it difficult for them to deal with the day-to-day problems that are there in front of them. We need to deal with those problems humanely, instead of finger pointing and saying that the system has somehow failed. It has not. I would like to hear from the Minister about a far deeper and more thorough appraisal of the real difficulties that beset some of our students, not a grand statement about how three sets of tests are going to improve literacy and numeracy in the ACT.

**MR MOORE** (12.00): Mr Speaker, the point that Ms McRae makes most validly is that it is a question of priorities. We are always being told by this Government that we have to set our priorities and spend our money in the most appropriate place. Very eloquently, Ms McRae pointed out that when we are spending money on testing we are not spending money in other areas that will actually assist students with their literacy and numeracy.

That having been said, I would like to spend some time in dealing with the Minister's statement and working out just what we would find if these testing procedures were carried through. There is no doubt that the data that comes out of such testing will be useful. Ms McRae correctly points out that there is data available in schools at any given time. That data is focused on the children and the individuals involved. Of course, that is exactly what teaching is about. It is about enhancing the learning of every individual as opposed to improved overall standards. However, none of us are so naive as not to seek ways to improve the overall standards in our education system, provided we do not limit ourselves to simple questions of literacy and numeracy. We expect much more of our schools and our education system than literacy and numeracy.

When we are looking at testing, it is very important that the testing be focused on the children. There is always a risk that testing can have a negative effect on individual children. The handful of people who do extremely well in tests will have their self-confidence enhanced and their self-concepts improved and go on to learn further. For the other 80 per cent of the students, testing could well have a negative effect, depending on how the results are handled and whether the results are focused on individuals or the data is collected generally to be used generally. Most important in the testing are the students. I think the Minister would agree that the whole reason for doing it in the first place is to provide an enhanced environment for the students so that we can be sure that we are improving their literacy, numeracy and a series of other skills that the Minister mentioned in his statement. I think it is very important to keep that in perspective.

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After discussing this issue with the P and C Council just last week, I understand that the testing being considered is not simply a one-off test. The Minister may correct me on this, but I was rather pleasantly surprised that what was being considered was having students work on a unit which they would normally work on but constructing the unit in such a way as to draw from it literacy and numeracy conclusions. Such tests are provided by ACER, the Australian Council for Educational Research. Such a method of testing seems to me to be far more effective than one-off testing.

In Canberra we have the joy of seeing the way we test our students going into Year 12. We do not have the single one-off test that many other States have. Canberra Grammar retains one-off testing and goes in with New South Wales for their one-off test. I think most of us realise that our students do far better, and are seen to do far better, in their later years at university, instead of just working very hard for three or four weeks leading up to an exam, as I certainly did, because it was a method at university as well as a method at school. Indeed, that is how I got through all my exams. It meant that you could cruise the rest of the time. The big disadvantage of a one-off test is that individuals only have to be feeling off for that test or have something go wrong and their results can be skewed substantially. That is highly unlikely to be the case when somebody is tested over the time he is doing the work, as happens in our Year 11 and Year 12.

Another part of the statement of the Minister that it is interesting to consider is the issue of opting in and opting out. Using a whole unit, we could assess what is actually going on in school, not just literacy and numeracy, even though they are very important. In your statement, Minister, you pointed out that we ought not to just focus on literacy and numeracy but look at what we are doing with the whole child. Keeping that in mind, it is important for us to consider this whole opt-in, opt-out issue. Rather than allowing people to opt in and opt out of a unit, which would be very difficult, it may be appropriate for us to allow parents to opt in on how we use the data rather than on the collection of the data in the first place. My discussion with the P and C Council indicates that we still have to resolve where we should opt in and where we should opt out, if indeed testing is accepted. In the context of what Ms McRae said, is testing the best expenditure of our money, or would it be far better to expend our money in other ways?

We need to take our children through enhanced literacy, through enhanced numeracy and beyond. As Ms McRae said, we can effectively assess literacy and numeracy at the Year 12 level. When we are looking at data, it is important to be conscious of the fact that some students come to their literacy and their numeracy skills later than others. It is a perfectly normal part of growing up. Some children are numerate from a very early age and some are literate from a very early age. Others will pull together reading skills, speaking skills and writing skills at a much later stage. It may well be in the first couple of years of high school that that finally comes together for some students. When students are not completely literate at Year 3, should we be saying that we have a major problem? If they are not able to read at the end of Year 1, do we have a major problem? Probably in many cases we do not. In a small class at kindergarten or Year 1 level, it certainly is worth the teacher assessing what it is about a student that is affecting their literacy or their numeracy so that the issue can be pursued, but I think we have to be very careful about how we draw our conclusions. We should ensure that this is done within the professional concept of readiness theory to determine whether these students are ready.

Another important issue is that we are funding up to 80 per cent of the cost of non-government schools. The Minister says that non-government schools will be invited to participate in this testing procedure. This has to be put in the context of the Minister stating:

... reporting on student outcomes enhances the achievement of the social objectives of schooling.

If that is the case and we do not have a general compliance by the non-government school sector, should we be reassessing the processes of this system? If the Government is putting in the money - it comes from the Federal Government and goes through our budget out to the private schools - should we be assessing just what it is about students right across the community that is having an impact on literacy and numeracy? I think we certainly should. The real focus should be on children. What actions can we take and how can we best spend our money in order to enhance the learning of our students? That is the issue that, as this debate continues, we have to keep as our prime focus.

**MS TUCKER (12.10):** I support the comments made by Mr Moore and Ms McRae. They have highlighted a lot of issues that I agree with them on. I understand from Mr Stefaniak that this reference group will be reporting at the end of September, so I wait with interest to see what they actually recommend. As Ms McRae stated very well, what is happening in schools is already known by the schools and, I would hope, also known by the government agencies. In the Social Policy Committee report on the prevention of violence in schools, we recommended mapping disadvantaged schools in the ACT, and disadvantaged communities within schools as well, not just generally across a suburb.

This sort of information possibly would be useful if it were an opt-out system rather than an opt-in system - although I am not even clear on that. If only selected people are part of this testing, you are not going to get a really good picture of the school. You will get just individual results. You could use these sorts of results, respecting privacy of course, and perhaps not making public information about particular schools if that was seen to be in some way inadvisable, and I suggest that it probably would be, because you would probably get a mass exit from any school that looked like it was not doing a terrific job. On the other hand, you could see if a school was not doing a terrific job and students at that school needed more assistance. I would stress, as other members have, that monitoring is all very well. Perhaps it is not necessary, but if you do monitor it has to be with a commitment to resource appropriately schools or individual students shown to be falling behind.

Mapping of disadvantaged schools, as recommended by the Social Policy Committee, is another tool that the Government could use to try to address the inequality or inequity in schooling in the ACT. I went to an interesting seminar that the Australian Education Union ran recently on equity in education. There were academics there showing very clear maps of the connection between socioeconomic disadvantage and outcomes of all kinds. I also support what other members have said about outcomes being very narrowly defined in the area of numeracy and literacy. Obviously, numeracy and literacy are very important, but there are so many other indicators that need to be looked at in measuring the so-called success of the education system.

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I wonder exactly what the process will be. I have asked the Minister what it will be once the report comes out. I hope that if there is dissension within the group it will be explored further. In this time of extreme financial restraint, we need to know that the money being allocated is actually being usefully spent. I am not personally convinced that this is the way to be spending extra resources in education.

**MR STEFANIAK** (12.14), in reply: I thank members for their comments. Mr Speaker, I will deal firstly with a few things which Ms McRae mentioned. I do not think anyone would expect any plan such as this to be the be-all and end-all. There are a number of very complex issues, but I would have to disagree with her when she says that this will make no difference. What is being proposed and what is being worked through by the reference group is going to assist. I really cannot see how Ms McRae could say that it will not assist in any way; that it will make no difference. It may not be the be-all and end-all, but students and parents do have a right to see the system improve. The reference group is currently going through the process.

We need to confirm teacher judgment, which is informed but does need to be supported. The criticism in the past has been that teacher judgment has not necessarily been supported enough and that there are gaps in students' learning in literacy and numeracy. We are always hearing of students who slip through the gaps. It is not a case of schools knowing exactly what needs to be done and there simply being other problems which are not being properly addressed. People do slip through the gaps. That does not happen just in Canberra; it happens nationwide. The P and C often bandies about a figure of up to 20 per cent for students having literacy and numeracy problems into high school. I can accept what Mr Moore says. Yes, students do develop differently and at different ages. That is very true, but I do not think anyone here can seriously dispute that there are students who fall through the gaps.

Ms McRae asked how we can possibly say that students and parents have a right to know how students are progressing against others. I do not think it is quite as simple as that bland statement, Ms McRae. How can you assist those who need assistance if parents do not know how their children are actually going in such things as literacy and numeracy? They do not necessarily have to know how somebody else in the class is going. There could well be a very important question of privacy. They are the issues which the group is looking at. I certainly think parents and students have a right to know how students are going and especially whether they need additional assistance.

Both Ms McRae and Mr Moore spoke of testing. The group is looking at best practice in assessment. I think that is important too. It is simply not just one-off testing, as Mr Moore quite appropriately pointed out. We are looking - and this is included in the terms of reference - at the most appropriate assessment instrument for the ACT. The reference group is looking at that, given the use of national profiles and our curriculum frameworks in the context of school-based curriculum development.

Mr Speaker, the Government has made a commitment to the ACT community that it will report on student learning outcomes, commencing next year in primary schools and in 1998 in high schools. As I have said before, the ACT is the only Australian jurisdiction that does not provide to the community or parents any independent information about the learning performance of its students. Accordingly, we are presently engaged in consultation with the community through this reference group.

As members know, the reference group comprises all the key stakeholders. The non-government schools are participating on the reference group as observers. At this stage they have not formally joined the process but they are contributing. There are three people from the non-government system - Catholic and independent - who are contributing to the process. We look forward to seeing whether those schools will be part of this assessment system either immediately or perhaps a year or so down the track. That issue still has not been decided, but it is good to see significant representation from that important group, which forms a third of our school community.

The reference group commenced its meetings in July, and their work is progressing at a rapid rate, as I know a few members are well aware. As Ms Tucker has indicated, they will be reporting their recommendations to the Government by the end of September. They are going to advise on the most appropriate and educationally sound method of conducting assessment in our schools. The terms of reference are comprehensive and will provide the Government with the views of all relevant parties to the reporting process. As I have said, the reference group will address such things as the most appropriate assessment instrument for the ACT. They will also report on the year levels at which this assessment will take place. They will consider the most appropriate times in a student's primary school career to collect the information that is most useful to parents and to schools and positioning them in such a way as to improve learning outcomes for all students. They will also address the format for reporting student achievements to parents and schools. We must ensure that any information collected complements the reporting processes already in our schools. This Government has made a commitment that any assessment measures introduced will enhance the monitoring and reporting of student outcomes, especially in the areas of literacy and numeracy.

Another term of reference concerns arrangements for parents to choose whether or not their child participates in the reporting process. This also must be determined. Parents will have the right to have their child included in, or exempted from, the process. The reference group will also address the appropriate use of data and take into account the privacy of students and parents, along with the privacy responsibilities of schools. I think Ms Tucker raised a very valid point in relation to that particular point, which naturally is of concern to a number of people in our system. A draft policy to protect the rights of individual students and teachers in schools has already been developed. All other States have established provisions for confidentiality in this reporting process. This Government is firmly committed to ensuring that the procedures adopted by our schools in the ACT are absolutely watertight.

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Establishing a relationship between data collection and the social objectives of schooling will also be closely considered, assuring the very best outcomes for our students. As we all know, students who have well-developed skills in literacy and numeracy have the greatest chance of making a successful contribution to our society. We also know that the assessment alone will not make the difference. However, the sensitive and informed targeting of educational resources will have the capacity to support students at risk and enhance their educational opportunity. The implementation of assessing and reporting will greatly expand our access to data across the system. The only system-wide information we currently have is the data from the learning assistance program. The assessment procedures for this program were established to generate teaching resources for students having difficulties with their learning. They are home grown and have not been validated against reliable norms. Mr Speaker, the data is not collected for the purpose of reporting on student outcomes. We need more reliable information than this about all of the students in our schools. We need information about the very bright and capable students in our schools; we need it for the majority of our students who work soundly at an average level; and we need it in relation to our students who are experiencing difficulties with their learning.

There are clear benefits of this assessment and reporting initiative for all members of our community. Firstly, parents of a student will be provided with an indication of their child's literacy and numeracy development in relation to the learning of the whole ACT year group. They will be provided with a further indication of aspects of their child's learning in literacy and numeracy that may require assistance and a further indication of aspects of their child's literacy and numeracy learning where the child may need to be extended when performing well. Secondly, our teachers will be provided with a further indication of individual learning of students and those requiring assistance from the school or school system and a further indication of the area of learning in literacy and numeracy that they need to focus on in their curriculum development, program planning and classroom teaching for a particular class group.

Last but certainly not least, the ACT Government will be provided with a basis on which resources may be allocated in an equitable manner, information on the effectiveness of our schooling in terms of literacy and numeracy outcomes, data to enable the comparison of student learning outcomes over time and statistically valid data in order to debate with other States and Territories and lobby for Commonwealth resources. It is good to see that the new Federal Minister seems to have a very real commitment to improving schooling in this area. The partnerships these three tiers of the community form seek a simple but vital bottom line with the implementation of assessment and reporting, and an improvement and growth of our students' learning so that they can participate effectively in our society. It is not the be-all and end-all, but I think we would be neglecting our duty if we did not go down this path. It will lead to considerable improvements in literacy and numeracy.

Question resolved in the affirmative.

**Sitting suspended from 12.24 to 2.30 pm**



## QUESTIONS WITHOUT NOTICE

### Housing - Commonwealth Budget Cuts

**MR WHITECROSS:** My question is to the Chief Minister, Mrs Carnell. Mrs Carnell, in the Federal budget last week the Liberal Government reported, under the subheading "Housing Assistance to Other Governments", that "State Fiscal Contributions - Payment from the States and reductions in Commonwealth funding to the States" yielded them \$10.4m. A footnote further explains that this is a "component relating to reduction in Commonwealth-State Housing Agreement Specific Purpose Payments, as nominated by the States". On closer examination, it appears that the State that nominated this reduction was, in fact, the ACT. In fact, Mr Stefaniak was reported in the *Canberra Times* as saying that it was not his fault; Mrs Carnell made him do it.

**Mr Stefaniak:** You have an interesting style of reading, Andrew.

**MR WHITECROSS:** You said it, Mr Stefaniak. Mrs Carnell, \$10.4m is the same amount as you agreed, on behalf of the ACT, to pay back to the Commonwealth this financial year to satisfy Howard's and Costello's budget cuts. Why did you decide that public housing would pay the full cost of that? How do you justify this cut to the housing program when you previously used the same \$10.4m cut by Howard and Costello to justify increases in payroll tax and sales tax?

**MRS CARNELL:** If only the cut was only \$10.4m, Mr Speaker; if only! I think I made the comment at the time I spoke about the changes in payroll tax particularly that the increase in payroll tax would be along the lines of the New South Wales Labor Government increase; it was going to pay for only some - and I repeat "some" - of the increase. Unfortunately, the ACT finds itself in a position where the cuts from the Federal Government are closer to \$25m. On top of that, Mr Speaker, we have a situation where the reduction that the ACT is facing is an actual reduction in revenue as a result of a very sluggish economy at this stage.

Add to that the significant wage pressure as a result of the enterprise bargaining agreements. If those opposite had got their way when they were supporting the unions' 9 per cent fully budget funded increase, as they were, then I can tell you, Mr Speaker, we would not have been able to spend any money on anything; we would not have had a housing program at all. The fact is that we did not go down that path, and we have managed to come up with agreements with the trade unions to enterprise bargains that I think have at least addressed the problems of both sides; in other words, a good negotiating approach.

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That still means, Mr Speaker, significant wage increases over the next 12 months - wage increases that will come at a cost to the budget. In fact, the pressure on the budget for increases in wages and other things could be as much as \$40m. We have a situation in which we have less own source revenue, \$25m less from the Commonwealth and pressures on the budget of, possibly, in the vicinity of \$40m. If only, Mr Speaker, we had a \$10m problem! Unfortunately, we do not have a \$10m problem, and the Government has had to look, and will continue to look, at ways to plug the significant hole, to solve the significant problem, we have in our budget. We will do that in ways that, wherever possible, will not affect service delivery.

What we have already said is that Education will receive a CPI increase on top of their budget from last year. We do not walk away from that. We have significant pressure, as we always do, in Health. We have more patients wanting to be serviced. Ms Tucker is forever talking, as she should, about pressures on disability services. All of those areas need to be addressed. The one area where we did believe, Mr Speaker, that there was capacity to move is the housing area. That does not mean that we are moving away from our obligations to housing. I think we are committed to spending in the vicinity of \$28m this financial year on new public housing. So it is certainly not as if the Government is saying, "Shock, horror! We are not going to spend any more money on public housing; we are getting out of it".

What we can do, Mr Speaker, is change our mix. That can produce certain outcomes for the Government which I believe will be positive both for Housing Trust tenants and for the budget generally. As those opposite should know, we have a lot of pressure in housing for more one- and two-bedroom types of accommodation and for more aged persons accommodation. We do not have pressure at all for some of the somewhat ageing three-bedroom accommodation. What we need to do is build more one- and two-bedroom units and more aged persons accommodation and move from the three-bedroom style of accommodation to a new form of accommodation. Obviously, Mr Speaker, from the perspective of any government and the perspective of Housing Trust tenants, that has to be a good thing.

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

**MR WHITECROSS:** Thank you, Mr Speaker. Mrs Carnell has confirmed that she is doing this because of her own budget problems, not Mr Howard's.

**MR SPEAKER:** No preamble, Mr Whitecross, if you remember.

**MR WHITECROSS:** I was just observing that in passing. I know that you were listening carefully to the question. Mrs Carnell, now that you have indicated in your answer that you are going to change the housing mix to, instead of more houses, some houses and some thin air because you are taking \$10.4m out of the housing and construction budget, what public consultation took place to establish the consequences of your decision to reduce the housing budget by \$10.4m for people who use public housing? Why was your Minister unable to give any information on this decision, even after the Federal budget announced it last Tuesday? We were told that it was secret.

**Mr De Domenico:** What a blockbuster!

**MRS CARNELL:** It is a bit of a blockbuster. As I just said, Mr Speaker, yes, we will be selling some Housing Trust accommodation - not all of it, as those opposite wanted to tell various media outlets - and we will be building new Housing Trust accommodation of a value in excess of \$28m. Yes, the mix will change, as it should have changed under the previous Government. Unfortunately, they did not take the bull by the horns and address the absolute ultimate in consultation with Housing Trust tenants - ask them what they want. They tell us that they want more one- and two-bedroom accommodation and more aged persons units. The requests for three-bedroom homes, which often need a lot of maintenance, are down significantly. That is ultimate consultation, giving people what they want. That, I believe, is a very sensible approach of actually - wait for this, Mr Speaker - responding to the customer. The customer is the Housing Trust tenant. That is what we are doing.

### **Housing - Commonwealth Budget Cuts**

**MR MOORE:** Mr Speaker, my question is also on housing, but I direct it to Mr Stefaniak now that the Chief Minister has admitted in this house that she has given away \$10.4m from the housing budget. Now that the \$10.4m has gone, Mr Stefaniak, I presume that you have managed to ensure that there are no waiting lists for public housing. We already know that there are pressures on for one- and two-bedroom units. I presume that there is no waiting at all for maintenance on public housing and that is why it is that you are able to let \$10.4m go from your budget.

**MR STEFANIAK:** I thank the member for the question. I wonder whether the member would like, say, \$2.5m of that, perhaps, to come from Education, another \$2.5m from Health, or whatever. The fact is, Mr Moore, that the Government was able to do that simply because, in the long run, it does not make any great difference. Our tenants are still protected; their rights are protected; it is something we can actually manage without any considerable pain, as any other option would involve. As the Chief Minister has said, it is more than \$10.4m in terms of what we did not get from the Commonwealth. I think it is something more like about \$25m, and with revenue shortfalls we are talking about a lot more. I think people have to realise we have a severe budgetary problem in this Territory.

Mr Moore, you talked about waiting lists. Yes, there are people on the waiting list. I am pleased to say, though, that it has come down considerably in the last 18 months. The figure is a little less than 4,000. In fact, the other day I was listening to a person from ACT Housing who said it was something like 3,000. My understanding is that the figure was about 6,000 or 7,000 when the previous Government were in office. But yes, there is a waiting list, Mr Moore; and, hopefully, when the States and Territories finally negotiate and iron out the long-term Commonwealth-State Housing Agreement, which is due to come into effect some time in the second half of next year, that will ensure that waiting lists drop even further because of the inherent flexibility in the model B approach there.

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Yes, Mr Moore, there are still people waiting for maintenance, but that situation is improving. We have trialled a number of things in Housing since I have been Minister and since we have been in government. Two things have been trialled at Belconnen. One was basically ensuring that customers got better service and office procedures were improved. That has led to improvements in terms of maintenance. Another thing which is being trialled now, Mr Moore, and which will, hopefully again, assist in terms of things such as maintenance, is a housing officer being responsible for about 300 to 320 properties. They get to know the properties and they can be effectively a one-stop shop to deal with things such as tenancy matters and, indeed, issues of maintenance. I would expect that procedure - which I announced last week, I think, or the week before, and which is currently undergoing a three months trial - to prove quite effective and to assist in terms of addressing things such as maintenance.

**MR MOORE:** I have a supplementary question, Mr Speaker. How, then, is the loss of \$10.4m going to assist in reducing the number on the waiting list from 4,000 and reduce the maintenance period from whatever it is that you still have not told us?

**MR STEFANIAK:** Mr Moore, as the Chief Minister has stated, and I will state as well, the Government has a considerable building program. It is a renovation program; it is new houses; it is new units - about 200 new and renovated properties for our tenants. That is, I think, in anyone's book, a very substantial building program over the course of a financial year. As the Chief Minister has stated, it is also a better mix of housing. The demography of Canberra is changing and we find there is a much greater demand for one- and two-bedroom units and APUs. That, in itself, I think, will certainly assist in terms of providing more appropriate housing for our clients.

### **Public Housing - Sales**

**MS FOLLETT:** I address a question to Mr Stefaniak in his capacity as Minister for Housing. Minister, I refer you to an article in the *Canberra Times* of 11 August 1996 which is headed, "ACT stands to reap millions from public housing sell-off". Minister, the article says, in part, that such a sale:

... provides the cash-poor ACT Government with a timely opportunity to sell some portion of the 12,000 housing properties without the current requirement under the agreement to reinvest proceeds into new housing.

Minister, will you give an unequivocal commitment that the proceeds of all sales of housing stock will be reinvested in new homes?

**MR STEFANIAK:** I thank the member for the question, Mr Speaker. Under the current Commonwealth-State Housing Agreement, every time we sell a property we have to reinvest the proceeds in new homes. Model B is something which Brian Howe, the former Deputy Prime Minister and former Federal Minister for Housing, and hardly a member of the H.R. Nicholls Society, put forward at Housing Ministers conferences last year; it is very much a brainchild which emanated from his office. Model B is a more

flexible scheme which is being worked on at present by the various bureaucrats in the system. It is due to come in during the second half of next year and basically enables the States and Territories to be the managers of the property and the Commonwealth, effectively, gives a rent subsidy for the tenants. That gives a lot more flexibility in terms of management of the scheme. As I said to Mr Moore, that in itself enables tenants to access the private rental market because their ability to pay is simply going to be topped up. I think it is important that members realise what that is.

**Mr Berry:** On a point of order, Mr Speaker: Was the Minister's answer no?

**MR SPEAKER:** No; the Minister is answering the question. There is no point of order.

**MR STEFANIAK:** I am answering the question. Mr Speaker, I think we need to put - - -

**Ms Follett:** With respect, he is not.

**Mr Berry:** Is the answer yes?

**MR SPEAKER:** I cannot hear the Minister. If I cannot hear the Minister I will probably have to ask him to repeat the answer.

**MR STEFANIAK:** Mr Speaker, I think we have to appreciate what the new Commonwealth-State Housing Agreement is, the philosophy behind it, what it is aiming to do, the fact that a lot has to be worked out yet, and actually where it all started from. That is important in terms of this question: Are we always going to basically replace housing on a one-for-one basis? There may simply not be the need for that, Ms Follett, as a result of the new Commonwealth-State Housing Agreement, because it does give a lot of flexibility. We will need to see how a number of things pan out. They include, basically, how the rental rebate which will be given to the tenants affects tenants who are on a low income and who would have greater access to other schemes, apart from just government housing. On that basis, Ms Follett, I cannot say yes, we will always replace a unit of property with another unit of property. Under the new scheme there is a lot more flexibility there. What this Government is going to do - and I hope you would, if you returned to these benches - is carefully monitor how the new scheme works, so that it does not apply detrimentally to our public tenants.

I can certainly assure you, Ms Follett, that there will always be a number of people who will be dependent on public housing. There will always certainly be - and I would think this applies in Canberra - a considerable demand for appropriate types of public housing and various types of public housing, because there will simply be some sectors which I do not think will have access to the private sector or the private sector would necessarily take up. Quite clearly, there will be, for the foreseeable future, public housing in the ACT. What we aim to do is ensure that it is appropriate, that it is delivered as cost effectively as possible, that our tenants' rights are respected and that we can provide the best possible housing for them in the circumstances. The new scheme will give a lot more flexibility to the provision of public housing Australia-wide.

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**MS FOLLETT:** I have a supplementary question, Mr Speaker. Two days later, Minister, you were quoted, again in the *Canberra Times*, on the question of the sell-off of public housing. On this occasion you said that the ACT Government would not flood the market with a public housing fire sale. My question is: Exactly how many houses do you plan to sell, and how many would, in fact, constitute a fire sale?

**MR STEFANIAK:** As Ms Follett is no doubt aware from reports in the media, that has been blown up from “We are selling all of our public housing stock” to “Just a sensible sale of stock over a period of time”.

**Ms Follett:** Put the record straight. How many are you selling? Now is your chance.

**MR STEFANIAK:** Ms Follett, I think I can tell you that in relation to this financial year, which is about as far out as we go, we are looking at building about 200 new properties, as the Chief Minister indicated, and we are certainly not considering selling any more than that. Indeed, it may well be a little less. In terms of outyears, Ms Follett, that is something that has to be worked out over a period of time. I have already indicated to you the nature of the philosophy between the new Commonwealth housing - - -

**Ms McRae:** We will count them. Watch out if you have it wrong. If it is 205 you will be in trouble.

**MR SPEAKER:** Order! You will have a chance in a moment, Ms McRae.

**MR STEFANIAK:** “About”, Ms McRae. Get it right. In outyears, though, that is something we have to assess. It would be utterly pointless and, I think, totally impractical and quite wrong for huge numbers of houses to be put on the market in any one year. It is something that has to be carefully worked out in conjunction with the new agreement and how that agreement works. What the new agreement does, though, is give the flexibility for that. As you must realise, Ms Follett, we do have a fair amount of inappropriate stock, the three-bedroom houses, and some stock that is unusable and very difficult to let. There are some opportunities in terms of our being able to sell some inappropriate stock. We will always have a need, as far as I can see, to build new stock as well, to build different types of stock more appropriate to our tenants' needs. I think that situation will continue into the foreseeable future.

### **Year 2000 Computer Problems**

**MR KAINE:** I have a question for the Chief Minister. Chief Minister, I have been reading in the media lately about - - -

**Mr De Domenico:** A lot of newspaper reading has been going on.

**MR KAINE:** Yes, I can read. I have been reading some information about an agreement that you signed with Unisys relating to the year 2000 problem, or the millennium problem. I prefer the term “millennium problem”, frankly; it sounds more ominous and more

intriguing. In the information that I have been reading there are predictions of upwards of 1,000 jobs involved. Chief Minister, can you provide the Assembly with details of this project - just what it means - and can you confirm the accuracy of these predictions in connection with job opportunities?

**MRS CARNELL:** Thank you very much, Mr Kaine, for the question. I think it is really quite tragic that those opposite cannot even embrace what is a very exciting proposal for the ACT and one that will give a lot of people an opportunity for jobs. Mr Speaker, they simply cannot let something like "This is positive for Canberra" come out of their mouths; they cannot make it come out of their mouths.

The agreement signed with Unisys yesterday is a statement of intent which commits both parties to developing a training and business services centre in Canberra to address the year 2000 problem. This is an exciting opportunity for Canberra, Mr Speaker. At a time of job-shedding in the public sector it has the capacity to generate more than 1,000 training employment opportunities for Canberrans.

**Mr Berry:** Not jobs.

**MRS CARNELL:** More than 1,000 jobs.

**Ms Follett:** For Canberra?

**MRS CARNELL:** More than 1,000 jobs for Canberrans.

**Mr Berry:** All for Canberra?

**MRS CARNELL:** That is right. Whether or not you can accept that, it is the case. I repeat: It is more than 1,000 training employment opportunities for Canberra. That is based upon industry assessments, not our assessments, Mr Speaker. Those words were not used by us until industry themselves said that. Actually, they believed that was a very conservative figure.

A further advantage is that the vast majority of these opportunities will be on a consulting and contract basis and will provide a great deal of flexibility, Mr Speaker. That flexibility will allow for women who might want to stay at home, to work a few hours a week, through to people who want to work 100 hours a week, if that is what they want to do. It is an agreement that plays on our strengths. It draws upon Canberra's reputation of educational excellence, our skilled work force and our vibrant and growing information technology industry. Mr Speaker, again I say that those opposite are just having a moan and a groan about something that produces real jobs for this city. We are working with Unisys Australia to address the year 2000 problem. We are the first government in the country, I think, to take this problem seriously. It puts Canberra in the box seat to win a big proportion of the anticipated thousands upon thousands of jobs to be created by efforts to fix the problem.

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Members may be wondering just what the year 2000 problem is, Mr Speaker. In a nutshell, it relates to the problems most computers will have in coping with the new millennium. For the most part, computers use a short cut when it comes to recording dates, using two digits instead of the four that you would normally use. For 1996, they use 96. The year 2000 will simply be recorded as double zero. Many computers and electronic control devices will record that year as the year 1900, not the year 2000; and this will potentially wreak absolute havoc, Mr Speaker.

**MR SPEAKER:** Sort of *Back to the Future*.

**MRS CARNELL:** Mr Speaker, what it means is that databases simply will not know where to store information. It will throw databases right off immediately. It is not a simple problem to fix.

**Ms Follett:** What this is is an abuse of question time, Mr Speaker. This should be a ministerial statement.

**MR SPEAKER:** The Chief Minister is giving an answer to a question.

**Ms Follett:** What she is doing is abusing question time,.

**MR SPEAKER:** It is a detailed answer. It is an important answer.

**Ms Follett:** No, it is not; it is a ministerial statement.

**MR SPEAKER:** Continue, Chief Minister, and ignore the interjections.

**MRS CARNELL:** Mr Speaker, I am depressed about the other side of this house, quite seriously. Industry experts estimate that the cost will run into billions of dollars in Australia alone because it will require millions of lines of computer code to be checked and revised. The cost, the industry believe, is a dollar a line; and, as many people who know anything about computers would know, many applications have millions of lines of computer code involved. We are talking about a lot of money here. It has been estimated that by the end of 1996, just a few months away, there will be a shortage of people with the skills needed to fix this problem, which is why our agreement with Unisys is so significant.

**Mr Berry:** Mr Speaker - - -

**MR SPEAKER:** Is it a point of order, Mr Berry?

**Mr Berry:** Yes, Mr Speaker. There is a requirement in the standing orders to keep answers concise. I think you should lean on the Chief Minister and require her to keep her answer concise. The Chief Minister has the option open to her at any time to make a ministerial statement, and she ought not abuse question time by giving these long and drawn out answers which, of course, have been the subject of a media presentation before today. Mr Speaker, if there is to be an answer to a question, I hope that you would lean on the Chief Minister about the length of it.



**Mr Humphries:** Mr Speaker, on the point of order: I would have to say that you have repeatedly ruled, I believe, in this place that “concise” does not mean “staccato, brief”; it means “full and succinct”, and that is precisely the way the Chief Minister is answering the question. It is very distressing to think that those opposite would find so much misery in the news that 1,000 new jobs are being created in this town. They should just sit back and enjoy the good news the Chief Minister has to offer.

**MR SPEAKER:** I uphold Mr Humphries's point of order that “concise” does not mean a brief yes or no. This is a fairly detailed response. It needs to be detailed because there are a number of aspects of it that - - -

**Mr Wood:** You shut us up all the time, but they can talk forever. Two rules operate here.

**MR SPEAKER:** Order! People may not understand and it is necessary to spell out the reasons. We are talking about 1,000 jobs. It is reasonable that the Chief Minister explain why there should be that number of jobs. In her response, she is explaining why this is necessary. Personally, I am finding it very interesting. Therefore, I do not uphold Mr Berry's point of order. I do uphold Mr Humphries's, and I call on the Chief Minister to continue.

**Mr Kaine:** I did ask for the details, Mr Speaker.

**MR SPEAKER:** Indeed, you did, Mr Kaine.

**MRS CARNELL:** Mr Speaker, Unisys believes that by the end of 1996, which is just a few months away, there will actually be a shortage of people with the skills needed to fix this problem, which is why the agreement with Unisys is so significant. Just recently we had some discussions with another major computer operator who was considering that they may have to send their work overseas because of a lack of trained people here in Australia. That, in itself, indicates a real opportunity here in Canberra.

We will be working with Unisys to develop accredited training courses at the Canberra Institute of Technology. The outcome will be a pool of skilled labour to tackle the year 2000 problem. Hopefully, that will mean that people will not have to send work offshore, which, as I say, at least one major computer company was considering doing. Members will already be aware that CIT's strong track record in tailoring training courses to meet industry needs is exemplary. This is a further example of partnerships in action - one that promises to generate major benefits for Canberra.

**Ms Follett:** This is still concise, would you say, Mr Speaker? We are still on the concise track, are we?

**MR SPEAKER:** Order! This is germane.

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**MRS CARNELL:** The training courses for the Unisys project will be developed over the next two months, and we envisage that they will be up and running before the end of the year, Mr Speaker. Courses will vary in length between a few days and several weeks. They will be at three different levels; that is, there will be program managers, program analysts and technicians.

**Mr Berry:** This is an abuse.

**Ms Follett:** This is a ministerial statement.

**MR SPEAKER:** Order!

**MRS CARNELL:** Right from people who have a very small amount of computer skills through to people who have quite significantly higher computer skills.

**Mr Berry:** You should not be frightened of this woman, Mr Speaker.

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

**Mr Berry:** She is not. She is making a ministerial statement and we really do not need it. If she wants to table it, put it in *Hansard*. I think it would be a good idea.

**MRS CARNELL:** It means a range of training and job opportunities for people.

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

**MRS CARNELL:** They just cannot stand good news for Canberra, Mr Speaker. It is good news for Canberra, and it is all too hard. Mr Speaker, my understanding is that everybody gets a question, no matter how long it takes.

**MR SPEAKER:** Indeed; that is correct.

**MRS CARNELL:** Their only complaint can be that they do not want to hear good news.

**Mr Berry:** On a point of order, Mr Speaker: My complaint, just to clarify it for the Chief Minister, is that I expect question time to be addressed in a way which is consistent with the standing orders. Mrs Carnell is quite obviously abusing the right to be in this place and operate under those standing orders. Mr Speaker, you ought not be concerned about your future by enforcing the standing orders.

**MR SPEAKER:** Which standing order are you referring to, Mr Berry?

**Mr Berry:** Mr Speaker, if you cannot remember the standing order which refers to the requirement for an answer to be concise, I direct your attention to standing order 118(a).

**MR SPEAKER:** It is standing order 118, actually.

**MR KAINE:** Mr Speaker, I have a supplementary question. There were so many interjections during the answer that I did not quite hear all that the Chief Minister said. Chief Minister, I understood you to say that these 1,000 jobs, or more than 1,000 jobs, are only the first stage and will lead, over the next four years, to a great many more jobs than that. I think you made reference at one stage to many millions of dollars to be spent, a lot of which, I imagine, will translate into jobs. Is that correct? Is my understanding correct that these 1,000-plus jobs are only the first stage, to allow the problem to be defined and solutions to be identified, and that the actual correction of the problem will require perhaps many thousands of jobs Australia-wide?

**MRS CARNELL:** Mr Speaker, the number of people that will be needed to solve the problem at all levels is simply unknown at this stage. Unisys believe that 1,000 jobs is a first stage and is, I suppose, a very small number in comparison to what really could be needed to deal with this significant problem. Mr Speaker, at a time when we have a number of Commonwealth public servants taking redundancies, I would have thought that this place would have believed that opportunities to retrain and develop new careers for those people would have been a very real positive. The reason this deal came about was - - -

**Mr Kaine:** On a point of order, Mr Speaker: Mr Berry objected to the answering of the earlier part of the question. He might at least listen to this part, instead of turning his back on the Chief Minister.

**Mr Berry:** Mr Speaker, you might ask Mr Kaine to which standing order he refers which requires us to listen to long and boring answers.

**MR SPEAKER:** I uphold Mr Berry's point of order. I do not know of any standing order, Mr Kaine, that can compel me to make Mr Berry listen to anything.

**MRS CARNELL:** Mr Speaker, this arrangement with Unisys came off simply because this Government has been out there talking to business all over Australia - big business - and selling Canberra to those companies. This particular arrangement came about as part of one of those meetings. When we were doing a sales pitch for Canberra about the things we had to offer - trained people and all those sorts of things - Unisys came back to us and said, "Well, we might have something we can talk about". It turned out that we did. Now we have some real opportunities for Canberrans, and those opposite just want to whinge and moan.

### **Disability Services - Infection Control Procedures**

**MS TUCKER:** My question is to Mrs Carnell in her capacity as Minister for Health and Community Care. Mrs Carnell, a few weeks ago this policy on infection control in disability services, dated August 1996, was given to my office in response to questions I had been asking for some time about the lack of appropriate infection control procedures in group houses for people with a disability. This policy was flawed in fundamental ways. For example, there was no acknowledgment of employee responsibility. The policy contradicted itself regarding instructions to staff on contaminated waste. It was obviously put together hastily; it was a cut and paste job.

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There was no consultation. The union were unaware of it, as were the occupational health and safety delegates in the houses. Apparently, this policy has been withdrawn and another draft policy is being circulated and, for the first time, staff in this area are being consulted. Can you please explain why there was no policy in place until I started asking questions and why senior bureaucrats were unaware of the contents of the first flawed policy which has been withdrawn?

**MRS CARNELL:** As Ms Tucker has said, our policy has recently been revised - that is, in August 1996 - to comply with "Infection Control in the health care setting - Guidelines for the Prevention of Transmission of Infectious Diseases". That is a National Health and Medical Research Council, NHMRC, and Australian National Council on AIDS publication of April 1996. What we have is the NHMRC and the ANCA, in a joint publication in April 1996, bringing down some guidelines. Between April and August is not such a bad timeframe for us to bring down a revised approach by the ACT Government. We have done that in line with those two national publications.

Professional advice from occupational health and safety specialists has been sought in the revision of the policy, and consultation with relevant unions and staff has occurred, Mr Speaker. The ACT Community Care Service's Infection Control Committee is the forum through which the specialist advice has been provided and where draft versions of the revised policies have already been tabled. Far from it not having gone through a process at all, a process certainly has been gone through, and Ms Tucker may have been better advised to talk to the ACT Community Care Service's Infection Control Committee. The August 1996 infection control policy covers the legislative framework for infection control, exclusion and inclusion principles, infection control procedures for the workplace, including the management of laundry and contaminated linen, disposal of sanitary waste and occupational exposure. The policy provides staff with the contact telephone numbers for the ACT Government disease control section and the sharps hotline for advice on high-risk or emergency situations.

The disability program encourages staff to protect themselves from infection. Hepatitis B vaccines are available from the Canberra Hospital staff clinic for staff at no charge, and the disability program provides supplies of the necessary protective gloves, detergent, disposable paper towelling for hand washing and cleaning surfaces and plastic aprons for sorting and washing soiled linen and clothes. Mouthguards and face shields are provided for protected mouth-to-mouth resuscitation under circumstances where that is required. The principle in the disability program is that ongoing information sessions are run to reinforce policies and to keep staff up to date on changes. All new staff are provided with policy guidelines. Information sessions for staff on the revised infection control policy have been arranged and copies will be available for access by all staff and, of course, by parents as well.

**MR SPEAKER:** I call Ms Tucker to ask a supplementary question.

**MS TUCKER:** Apparently, this is a revised policy which none of the union or occupational health and safety delegates were aware of. I would like to actually see the policy that it is a revision of. My supplementary question is: Can the Minister, then, acknowledge that, as this policy has just come into place, her department has failed in its duty of care to staff and clients to this point?

**MRS CARNELL:** Mr Speaker, as I made clear, the policy has been revised. It has been revised in line with NHMRC and ANCA guidelines. Those guidelines were brought down in April 1996. Professional advice was sought from occupational health and safety specialists. The ACT Community Care Service's Infection Control Committee is the forum that handles it. They have seen drafts of this policy; draft versions of the revised policy have been tabled in that particular committee. Mr Speaker, I think that is a very appropriate approach. Possibly Ms Tucker has spoken to different people, but my understanding is that there have been information sessions and that we do encourage staff to protect themselves from infection by using proper procedures. I do not know what else Ms Tucker thinks the Government should do.

### **Dental Services**

**MR BERRY:** Mr Speaker, I have a question to Mrs Carnell in her capacity as Minister for Health. My question flows from the recent election of the Howard Government. We all recall Mrs Carnell's glowing support for the election of Mr Howard to government - a government that was going to be "for all of us". It seems to be that "for all of us" excludes a few. My question relates to an issue which concerns one small group that has been excluded by this cruel, unfair budget which will have savage impacts on the Australian Capital Territory. Mr Speaker, my question to the Minister for Health seeks to draw her out on how she will deal with the impacts of what Mr Howard has done to the Territory and to those people who are not included amongst "all of us". If Mrs Carnell would refer to the forward estimates she would note that the Keating Government provided a large subsidy for the dental program in the ACT. I think the current grants heading in the forward estimates talks about \$1m in 1995-96. We know now that Mr Howard, quite contrary to his "all of us" promise, has excluded those - - -

**Mr Kaine:** On a point of order, Mr Speaker: Mr Berry was complaining before that the answers were too long. Should not the questions be just as concise as the answers?

**MR BERRY:** Mr Speaker, I draw your attention to your ruling on answers to questions without notice. You really interpreted "concise" to be a relative term. I suggest to you that a fair response to Mr Kaine's point of order should be that "brief" should be regarded as a relative term as well. One has to ensure that all of the issues relative to the question being posed to the Minister are drawn out, and that ought to be fairly described as a brief question.

**MR SPEAKER:** I will be the judge of this. First of all, standing order 118 refers to answers to questions; so, it is not relevant. I have been listening carefully to Mr Berry. Unfortunately, there is nothing to say that the question does not have to be too long, Mr Kaine. However, I am interested to know when we are going to get to the point that affects Mrs Carnell because, until now, it relates to Mr Howard. Therefore, Mr Berry, it will not be ruled in order unless you somehow link this to Mrs Carnell and her responsibilities.

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**MR BERRY:** Mr Speaker, I am disappointed that you did not gather the connection, because I did make the point earlier that Mrs Carnell was fulsome in her praise for Mr Howard before his election.

**MR SPEAKER:** I took that as a compliment, Mr Berry.

**MR BERRY:** I think that is an important issue that Mrs Carnell might deal with in the context of answering this question. Will Mrs Carnell give the Australian Capital Territory people an unequivocal commitment that she will maintain funding to dental services in the ACT following the Howard Government's withdrawal from this area? I ask that question in light of Mrs Carnell's fulsome praise for Mr Howard. I ask her, therefore, to try to uphold his promise, that is, that this budget is for all of us.

**MR SPEAKER:** The tail of the question is not relevant, Chief Minister.

**MRS CARNELL:** I think that I put out my press release, shall we say, panning the hell out of the decision to reduce the Commonwealth dental scheme the day before Mr Berry put out his release on this particular decision. Mr Speaker, I think it is a hopeless decision; I think it is a decision that deserves absolutely no support whatsoever. I made that extremely clear in the media the day before Mr Berry worked out it was even there. But that is by the by, Mr Speaker.

I am sure that Mr Berry, of course, because of his obvious support for Paul Keating, also supported the sale of Qantas, the Commonwealth Bank and all those sorts of things.

**Mr Berry:** Now that Mrs Carnell has raised it, no and no.

**MR SPEAKER:** Order!

**MRS CARNELL:** The answer, then, to the question of whether I support the Commonwealth Government's reduction in their dental funding is no, I do not; I do not support that at all. Mr Speaker, I think it is very important, though, to realise exactly what happened here. The Commonwealth dental health program was initiated in 1992 as a four-year program. It was initiated quite definitely as a program to address the significant waiting lists in adult health that existed all around Australia. That four-year program is going to be able to run its course. The funding will not be stopped immediately; it will be stopped, I think, towards the end of the year when the four years expires.

That does not in any way make it any easier either for the ACT or for any other State, Mr Speaker. I can guarantee, though, that the funds that we provide to the ACT dental service will not be cut. We will ensure that our funding to dental health is continued.

**Mr Berry:** On a point of order: I think Mrs Carnell has misunderstood me. I asked her would she give an unequivocal commitment to maintain the full level of funding.

**MR SPEAKER:** I think Mrs Carnell fully understood your question. She is answering the question.

**MRS CARNELL:** Mr Speaker, there are two programs here. There is the Commonwealth dental health program that they are discontinuing funding for later this year. It is not our program. There is the ACT dental service which, yes, we do have a responsibility for. And, yes, we will be continuing the funding of it. That is the reality.

**Ms McRae:** It is a shameful answer.

**MRS CARNELL:** No; it is actually the real answer. The fact is that we will not be cutting funding from our dental health program; it is that simple.

Also, Mr Speaker, we will give an undertaking that emergency dental care will not be affected by the Commonwealth's decision. The ACT dental service has made arrangements for the in-house management of approximately 400 emergency services that were being referred to the private sector each week. Members may not be aware that the Commonwealth dental health program actually used private dentists. It was a program which gave certain people with pension and health care cards access to private dentists at a particular rate. We are taking on board the 400 emergency cases that would have gone through that scheme in the past. Inevitably, though, the increase in emergency appointments will directly affect the amount of restorative treatment that can be provided by our service. We believe very strongly that what we have to make sure we do is cover those emergencies as first cabs off the rank.

Mr Speaker, in my view, that will probably mean that waiting lists will start to increase again, as they did under the previous Government. Waiting lists in the dental area have come down significantly; in fact, they are down now to a very manageable level. Mr Berry is absolutely right. They came down not only because of better management in the ACT dental service and better use of our resources but also because the Commonwealth came in with a four-year program to address waiting lists. But the reality is that that program will be discontinued at the end of that four-year period. I believe that will cause significant problems in terms of waiting lists blowing out as they did in the past.

**Mr Berry:** That is your fault. It is up to you.

**MRS CARNELL:** Mr Speaker, it is interesting that Mr Berry said, "It is your fault". The fact is that those waiting lists were enormously long under him as Minister, until the Commonwealth came in with the extra money. Does that mean, Mr Speaker, that when waiting lists got out to 100 months at some stage under Mr Berry it was his fault? The fact is that you cannot have it both ways. We do not support the Commonwealth Government's decision. It is not a good decision for Canberra; it is not a good decision for health in Australia.

**MR BERRY:** Mr Speaker, I have a supplementary question. Of course, Mrs Carnell should realise that it was a 1993 Labor election promise, which was kept, which provided that funding. I ask Mrs Carnell: Will you give an unequivocal commitment that the salaries, which appear in your budget for the 1995-96 year at \$2,911,000, and the administrative expenses of \$799,000 will be maintained?

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**MRS CARNELL:** Mr Speaker, I cannot pre-empt actual figures in my budget, and I would not have thought any Treasurer would be asked to do so. What I have said, and I think it is a pretty reasonable undertaking, is that the ACT dental service will not be cut.

### **Household Waste - Recycling**

**MR HIRD:** Can the Minister for Urban Services, Mr De Domenico, inform the parliament whether recent figures, data, showed Canberra leading the rest of Australia in recycling household waste through its programs?

**MR DE DOMENICO:** Mr Speaker, I thank the member for his question. It is one that, indeed, represents an exciting development in the Government's waste reduction strategy. Once again, from this side of the house, we have positive questions, Mr Speaker. Members may be interested to know that the latest figures compiled by the city operations section of the Department of Urban Services reveal a huge jump in the amount of materials recycled in the ACT over the past year. Unlike others at other times in this place, this Government has gone about achieving real gains in reducing the Territory's waste. These figures clearly reflect the commitment we have to preserving the Territory's pristine environment.

**Mr Wood:** Who developed the waste recycling program? It was not you lot.

**MR SPEAKER:** Order!

**MR DE DOMENICO:** I will get to that in a minute. In the past 12 months more than 265,000 tonnes of product was recycled in the ACT, compared to just under 137,000 tonnes in the previous financial year. Last year it was 137,000 tonnes; this year - under the Carnell administration - it is 265,000 tonnes. This figure proves, Mr Speaker, that the Canberra community has participated strongly in using the comprehensive range of recycling services available, implemented by the Government, including kerbside collections of paper and containers, garden waste composting, demolition waste processing, clothing collection, metal and oil recovery, as well as landfill salvage by Revolve. For example, the kerbside recycling program, alone, recovers an incredible 24,000 tonnes of material per year, or 220 kilograms per household per annum. These figures make a mockery of the Opposition's criticism of the Government's environmental policies.

The Greens, too, as we all know, have been critical of the Government's environmental record. In fact, at the launch of Canberra Milk's new satin bowerbird friendly black lids for its two-litre plastic bottles two weeks ago, the Greens got it wrong - yet again - when they claimed that coloured lids could not be recycled. Let me assure the Assembly, Mr Speaker, that the entire bottle - once again, the entire bottle - including the lid, is recyclable under a contract the Government has with Browning-Ferris Industries, signed by the previous Labor Government. The Territory's recycling program now boasts



a participation rate in excess of 98 per cent - the highest participation and resource recovery rate for any kerbside recycling system in Australia. This is something for Canberrans to be proud of. Since the introduction of the domestic environmental levy in January - one that was much maligned by members opposite, by the way - this year - - -

**Ms McRae:** And rightly so, too.

**MR DE DOMENICO:** And rightly so, Ms McRae says. Since then there have been major increases in recycling in the Territory. Since we introduced the environmental levy there have been increases in recycling in the Territory - but much maligned by members opposite, and Ms McRae confirmed that - including large increases in the volumes of garden organics being recycled.

The Government's commitment to recycling such organic waste is also reflected, Mr Speaker, in the operations of the organics research centre at the Belconnen landfill which I opened almost three months ago. Mr Whitecross and Mr Berry, I think, were there, especially when the television cameras arrived. The main feature of the centre is the working model of a commercial worm farm where organic wastes are broken down by worms which are now proving to be a key waste reduction tool. Again, Mr Speaker, the ACT is at the forefront of this work.

The recycling results I have outlined clearly reflect the community's enthusiastic attitude towards recycling which will go a long way to help to achieve the ACT's target of a no waste society by the year 2010. Recycling is good not only for reducing waste but also for job creation. Seventy full-time jobs in resource recovery were created in the Territory over the past five years. Mr Speaker, the recycling policies of the Carnell Government make not only good sense but also good economic sense.

### **Schools - Sales**

**MS McRAE:** My question, Mr Speaker, is to Mr Stefaniak in his capacity as Minister for Education. Minister, is the Government considering a proposal to sell the Territory's schools - and I am talking about schools that are operating and with the children in them - and then lease them back, thus providing an investor or speculator with the opportunity to make a huge windfall profit at the community's expense if the school is closed?

**MR STEFANIAK:** I think the short answer to the member's question - by "selling the Territory's schools" I take it she means our existing schools, and I did not quite catch what she said about children being in them or not - is that, to my knowledge, Ms McRae, there is no such proposal before the Government in terms of our current schools at this point in time.

**MS McRAE:** Thank you, Mr Stefaniak. Will you give an unequivocal commitment to the Assembly that not only has the sale and lease-back of the Territory's schools not been considered, but you will not do so during the rest of the term of this Government?

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**MR STEFANIAK:** I would think, Mr Speaker, that if there were proposals in relation to that which were beneficial to everyone, we would certainly have to look at them. I do not think I could possibly reject that out of hand, Ms McRae; but certainly, from what I understand in relation to selling and leasing back of schools, there are a number of problems with it, a number of things you would need to closely consider before you went down that track. I am certainly not going to reject that out of hand, but we would have to look at any proposal very carefully before we went any further.

### **Demonstrations at Parliament House - Injuries to Police Officers**

**MR OSBORNE:** I would like to thank Mr Moore for stealing half of my question earlier.

**Mr Moore:** On housing.

**MR OSBORNE:** Yes, on housing. My question is to the Minister for Police, Mr Humphries. Minister, are you able to inform the Assembly just how many ACT Region AFP officers were involved in the riots around Parliament House last week? Also, what impact did it have on policing for the two days throughout the rest of the Territory with so many officers off the road? Just how much did last week's exercise cost ACT taxpayers?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Osborne for that question. I must say that I share what I assume is a concern on his part about the impact of demonstrations like those on resourcing for policing in the ACT. Members will be aware that the demonstrations on 19 and 20 August, last week, resulted in a very significant impact on ACT policing, in that the police officers who attended those demonstrations to provide the security around both the Old Parliament House and the new Parliament House were officers from ACT Operations. I do not know the exact number of officers who were present on those occasions, but they would certainly number in the hundreds on both days. I attended the Old Parliament House on 20 August to inspect some of the police there. They were involved in some very ugly scenes. There must have been at least 120 officers there at that stage, and that was after the worst of the demonstration.

Mr Speaker, I am happy to take on notice the question of exactly how many police were involved there, but I can inform the house that, during the demonstrations on 19 August, 88 police officers were injured, including one officer who was admitted to hospital for treatment and was released the following day. I think it was a female officer. On 20 August, 27 police officers were injured during scuffles with protesters; five were treated at hospital and were discharged. Over the two days' protest, 115 police officers reported injuries, and one of those needed to be detained overnight in the Canberra Hospital. In response, 52 people were arrested, although almost all of these people were released almost immediately on entering into an agreement to keep the peace. A small number, I understand, have been charged.

Mr Speaker, the impact on policing during the period the demonstrations were going on was obviously significant but not extremely damaging to ACT Operations. We accept it as part of our lot to provide resourcing to the Federal Government in these circumstances. Indeed, the Federal Government resources us to the tune of about 90 officers of the 689 that we buy from the Commonwealth every year to account for our contribution to the Commonwealth's policing requirements for those sorts of things. Nonetheless, Mr Speaker, resourcing of the police regions in Canberra at that stage was fairly basic and it obviously had a fairly serious impact over the next few days on things like overtime requirements. Officers were working fairly long hours to make up the resources.

The cost to the community Mr Osborne asked me about is an issue I will not be able to answer properly for some time to come. Although the Commonwealth, as I said, pays the ACT for some of those costs by paying for some of the police that we use in the Territory, the fact is that there are other costs which are not accounted for by that process - the cost of destroyed or damaged uniforms, the cost of equipment that was destroyed or damaged and particularly the cost of criminal injuries compensation which officers will claim and which could be quite considerable. I have heard an estimate, which may or may not be accurate, of \$300,000 for those costs to the Territory. Those are costs that the ACT taxpayers, under the present arrangements, will bear by themselves.

I have written to my counterpart, Mr Williams. I think the Chief Minister has written to the Prime Minister on the same subject, to argue for some revision of those arrangements to take into account the cost that flows to the Territory. This is not, of course, the first major demonstration that has occasioned cost to the Territory. Mr Speaker, those costs will be worked out over a period of time, but they will be quite considerable. I hope we will not be bearing them entirely on our own score. I do not think I could finish the answer without commenting, of course, on the very sad fact of the demonstrations and the way in which they transpired. I hope all members would share my view and the Government's view that it was a sad day for Australian democracy to see what happened last week at the forecourt of Parliament House.

### **Youth Services**

**MS REILLY:** Mr Speaker, my question is to Mr Stefaniak as the Minister responsible for youth services in the ACT. I assume these are the youth that have not been sold off. As all youth centres are going to be tendered out when existing funding runs out, will you ensure that any service providers that are awarded the new contracts will, as a minimum requirement, be obliged to meet the conditions of the community services award?

**MR STEFANIAK:** I thank the member for the question. The Government is, of course, giving the new award detailed consideration. It has already been the subject of consultation in relevant portfolio areas, and that certainly applies to the youth and community services areas. A first look at the organisations involved indicates that it relates to health and community care; it has some ramifications in education and training, and certainly youth, children's and family services. They are already consulting with the community organisations.

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I think, Ms Reilly, there is a real need for information on the impact of this award. I understand that both Confact and ACTCOSS held information sessions on the award and its implications several months ago. It is my view that the community sector should look at all the implications before considering moving staff under the new award. Services operating in the community sector which are funded by the ACT Government will need to examine their structures and operations in order to reduce the cost of the award implementation. Non-government organisations which move staff under the award will also need to establish that their translation is a reasonable one. Once the necessary information is available, the Government will be working to develop a strategy for addressing this matter.

The Government is purchasing a consultancy to establish a reasonable benchmarking of the award's translation for the current logged services. This will provide an external independent point of reference for the Government, for the boards of management and for organisational staff. We are expecting to have that in October. It is certainly an issue that the Government is very aware of, and we are working through that with the various organisations.

**MS REILLY:** I have a supplementary question, Mr Speaker. What I am trying to work out from what you have just said, Mr Stefaniak, is this: Does that mean that when you award contracts you are not going to take into account the rates of pay for those who will be working under them, as you have made no decision at this stage on those rates of pay that you will comply with?

**MR STEFANIAK:** The rates of pay are terribly relevant, Mr Speaker, because the award means that provisions have to be made for pay.

**Mr De Domenico:** If they are logged.

**MR STEFANIAK:** Exactly; if they are logged. Some organisations have logged them; others have not. Things such as rates of pay are very important to take into account, and that is what the Government is currently working through with these organisations. As you can appreciate, Ms Reilly, not all organisations in the sector have been logged or, indeed, are actually seeking funding in relation to those awards. Those are the sorts of things that have to be worked through as organisations consider their position in relation to the award, and the rates of pay are absolutely crucial.

### **Public Sector - Job Cuts**

**MR WOOD:** Mr Speaker, my question is to the Chief Minister. Chief Minister, on 16 April, in response to my question, you indicated that the Office of Financial Management was modelling the likely impact on the ACT economy of the Federal Government's job cuts. Further, you said:

... we have identified the sorts of costs that would occur to the ACT if some of the, I believe, outlandish figures that some people, including some of those opposite, have been bandying around ...

Now that the Federal budget has been brought down, what does the OFM modelling indicate will be its impact economically on the ACT; and is it as disastrous as many believe? Does the Chief Minister still maintain that the figures, particularly relating to job cuts, were outlandish?

**MRS CARNELL:** Mr Speaker, I think probably the outcome for the ACT has not been unexpected. It is certainly very much in line with what we did expect. It is as tough as we expected it would be. I think one of the things, though, that it really does show is that all the claims of 30,000 redundancies and all these sorts of things were absolutely ridiculous.

**Mr Whitecross:** Mike Taylor repeated it in the paper on Saturday.

**MRS CARNELL:** Yes; well, it just shows you what silly things some people will write in newspapers. I am quoting directly from the budget papers.

**Ms McRae:** No, you were not; you were quoting Mike Taylor.

**MR SPEAKER:** Order! Mr Wood asked the question.

**MRS CARNELL:** The budget papers quite categorically say that the number of redundancies that are expected in this financial year, Mr Speaker, is about 10,500. In fact, it is exactly 10,500 over this next 12 months. That is right around Australia, Mr Speaker. At worst, that would run at around about 3,500 from an ACT perspective. My understanding, in discussions with a number of my Federal colleagues, is that a lot of the ACT redundancies have already occurred; so, a lot of the central office rejigging has occurred. It does not make it any easier, Mr Speaker, and it does not mean that we will support it any more than we do. We think some of the approaches that have been taken are, if nothing better, bad management; but certainly comments about 30,000 and so on are way off the side of the graph and certainly not in line with the budget papers themselves.

Mr Speaker, a lot of the problems that occur for the ACT as a result of this budget are quite obvious. First and foremost, of course, there is the \$10m reduction in standard funding; there is the \$10.4m in Beazley black hole money; and then there are the reductions that will occur as a result of the specific purpose payments reductions. Those opposite would be aware, if they bothered to stay informed, that the States have yet to be fully informed about what we actually have in our SPPs. It would be impossible to have done any modelling because we actually do not have the figures at this stage. Mr Howard gave an undertaking that those reductions would not be more than 3 per cent across the board. Other figures that have been bandied about suggest about 2.5 per cent. I understand that in Health it could be in the vicinity of 4 per cent, Mr Speaker. It is a little difficult at this stage to do any modelling about the impact of the budget without any final and definite figures on SPPs.

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Mr Speaker, if those opposite had bothered waiting for my statement a bit later today they would realise that I will be saying in that statement that I am approaching the Federal Government directly, asking for some more detailed information about a number of the areas in the Federal budget in which it is extremely difficult at this stage to work out just how they affect the ACT. What we do know is that we have \$10m plus \$10.4m and, we believe, about \$5m in SPPs, without any specific figures. That is about \$25m there, Mr Speaker. Of course, there are the indirect costs to the ACT economy. The Federal Public Service redundancies have caused a significant drop-off in revenue for Canberra. It has meant, as those opposite would have seen, the huge drop-off in revenue that occurred in the ACT for the last five or six months of the last financial year. We do not believe that that situation will improve particularly over the next 12 months. We will be looking to a significant reduction in revenue, particularly in the areas of land sales and home sales - the sorts of areas that are very flat in the economy right now. As I said earlier, the other major pressure on the ACT economy, of course, is wage increases.

Put all those things together and you get a bleak picture for the ACT. Of course, that has to be balanced against the very exciting announcements we have made, such as the one yesterday with regard to Unisys, which means significant new jobs for Canberra. Just yesterday we turned the sod for a new building for the Royal Life Saving Society - \$6m, Mr Speaker. In fact, over the last five months we have approved some \$300m worth of new capital works for Canberra. All of that means real jobs, as those opposite were always very happy to talk about capital works producing real jobs. All those sorts of things are happening for Canberra, Mr Speaker; and it is really up to this place to stop being so negative about everything. Yes, we have problems; but we really do have some very real opportunities as well. But to get those opportunities you have to get out there and make them happen, Mr Speaker.

**MR WOOD:** I have a supplementary question, Mr Speaker. At least the Chief Minister is finally conceding that there are problems, whereas a little while ago she would not acknowledge that.

**MR SPEAKER:** No preamble. Ask your supplementary question, Mr Wood.

**MR WOOD:** Yes, the rhetoric is beginning to move on to some criticism of the Federal Government. Chief Minister, my question today, as it was in April, related to the economic impact on the ACT and not specifically, as another question could well do, to the economic impact on the ACT budget. You responded in terms of the budget and noted, of course, that it was bleak; but you did not spell out, as I sought, the details of that bleakness.

**Mr Humphries:** She said she could not do that, from the information we use.

**MR WOOD:** The Chief Minister was saying in April - - -

**MR SPEAKER:** Order! Just continue with the supplementary question.

**MR WOOD:** It is an interjection that needs a response, Mr Speaker.

**MR SPEAKER:** It is out of order. It is an out-of-order interjection. Just keep to the supplementary question.

**MR WOOD:** You did not pull him into line at that stage, Mr Speaker. If you had pulled him into line I would not have been inclined to answer it.

**MR SPEAKER:** Are you going to ask the supplementary question?

**MR WOOD:** I will also point out to the Chief Minister in this supplementary question - - -

**Mr Kaine:** On a point of order, Mr Speaker: You have twice asked the member to have regard to standing orders and to ask his supplementary question without the preamble. He is still ignoring you. I suggest that there is a course of action available to you, Mr Speaker.

**MR SPEAKER:** Mr Kaine, I will take note of that. Ask your supplementary question, Mr Wood.

**MR WOOD:** I think my question, Mr Speaker, is much shorter than anything from across there.

**MR SPEAKER:** Never mind about that. Ask your question.

**MR WOOD:** Referring to the 30,000 job cuts that the Chief Minister dragged up, I do not know where they came from; I never mentioned them. The only thing I mentioned was the 2,500 job cuts across Australia that had John Howard's signature underneath them. Does she concede that the 3,500 jobs to be lost in Australia is well in excess of the "promise" that was given by Mr Howard? In particular, my supplementary question relates to that modelling and, I repeat, modelling of the impact on the ACT economy, not specifically, on this occasion, the budget. Will she release that modelling so that we can see what the assessments of that impact are? Will she come up with some more detail?

**MR SPEAKER:** You do not answer the question relating to Mr Howard, Chief Minister.

**MRS CARNELL:** Thank you, Mr Speaker. I thought I made it very clear that the ACT Government was expecting a virtually no-growth scenario over the next 12 months. I think I made that very clear in my answer, and I assume that is what the member opposite was after.

### **Nature Conservation - Vulnerable or Endangered Species**

**MS HORODNY:** My question is directed to the Minister for the Environment, Land and Planning, who has not had a question so far today, and relates to the provisions of the Nature Conservation Act. Under that Act a species or ecological community can be declared vulnerable or endangered. Once this declaration is made, the conservator is required under the Act to prepare an action plan to identify and protect the species or community and to minimise the impact of any threatening processes. You will recall, Mr Humphries, that you made a declaration in March this year of a number of vulnerable and endangered species and of an endangered community, being natural temperate grasslands. Given the immediate threats to the small remnant areas of native grasslands in the ACT, particularly in the developing areas of Dunlop and Symonston, can you advise when these action plans will be released and how they will be incorporated into Government decision-making over development proposals in these areas?

**MR HUMPHRIES:** I thank the co-leader of the ACT Greens for her question. I am not sure what to call her, but that will do. Ms Horodny is quite right to raise the issue of protection of endangered species and habitats. She also recalls correctly the decision which I announced earlier this year to establish the first of those endangered species and one endangered habitat and to proceed with the process through the Conservator of Flora and Fauna protecting the environment in which those species and that habitat exist.

Mr Speaker, to make it clear to Ms Horodny, having declared a particular species, for example, to be endangered or threatened does not then entail an automatic decision that every place in the Territory where that species might be found is somehow a de facto reserve which is free of any activity on it to prevent any threat to that particular species, whether it is endangered or threatened. The Government is committed to the goal of protecting the biodiversity of the ACT and to ensure that, in general, the conservation of animals and plants that are considered threatened with extinction is a priority which comes before other considerations.

The fact, however, is that with all decisions of this kind a balance needs to be struck between the needs of the environment and those particular species or habitat and other considerations. Ms Horodny, for example, has made reference to the West Belconnen problem, with the discovery of an area of wet themeda which, potentially, is the host to a number of, if not endangered or threatened, at least unusual or rare species of plant. Mr Speaker, my response to that problem has been to isolate, as much as possible, that area from further development, until we have further information about what the impact on the environment may be of a decision to proceed with a development in that part of West Belconnen.

I have taken that decision in consultation with my colleague the Deputy Chief Minister. It is a decision which will be, I am sure, one that we will have to balance, over a period of time, with the other considerations. Considering the value of that site to the environment versus the value of that site to the construction industry in the Territory - and I say that both of those things are important; I do not put one higher or lower than the other - there will need to be a consideration of those issues. I see Ms Horodny is upset with that fact.



I consider the creation of jobs and the meeting of obligations in respect of that land as being some kind of failing, but I have to say that the Government takes the view that there is an issue of allocating priorities between different things, and that is part of that process.

I would think, Mr Speaker, that the process will go on for quite some time. As Ms Horodny indicated, there is now under way work on the strategies for the protection of each of those four plant species which have been declared endangered and the two animal species which have been declared vulnerable, and that work is proceeding as quickly as possible. As I have said, protection of that area of wet themeda at West Belconnen, I hope, for the time being, will allow us to proceed with that other work without threatening that particular environment or ecological community, if you like. But at the end of the day we are going to have to make a decision about how we balance all those considerations. Protecting every conceivable place in the Territory where one of the - but not in this case - not even endangered or threatened but rare species might be found could be a very costly decision, which I think the community as a whole would find difficult to bear.

**MR SPEAKER:** Do you have a supplementary question, Ms Horodny?

**MS HORODNY:** Yes. I would suggest that we cannot afford to not protect them, Mr Humphries, but my supplementary question is: When will the Government be releasing its nature conservation strategy, also required under the Act, also considering that section 15S of the Act says that this strategy must be prepared as soon as possible after the commencement of the amending legislation in 1994?

**MR HUMPHRIES:** The strategy referred to is a matter which I believe is under way at the moment within the Government. I will take on notice the question of when it is likely to arrive. I also note the comment you made about not being able to afford not to protect these species. Let me say that I think this is a matter very much in your hands as much as anybody else's. The legislation we have which operates to protect these sorts of threatened species and ecological communities is the creature of this Assembly. It was not a requirement when the legislation was passed that every habitat identified be protected automatically. But you are a legislator; you make laws in this Territory. If you feel that every site must be protected automatically, I strongly urge you to put an amendment forward now, or when you can do so, to change the Nature Conservation Act. I think that will be going too far. But you may have the numbers when the time comes. I suggest that you not just blame the Government for operating within the framework of the law, but seek to change the law if you feel it is not appropriate.

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

### **Traffic Management - North Belconnen**

**MR DE DOMENICO:** Mr Speaker, during the last sittings, Ms Horodny asked a question regarding traffic calming measures on Owen Dixon Drive. In my response I stated that at that time I had not had any representations from anyone about Owen Dixon Drive. It has since been brought to my attention that my office had received correspondence from two residents of Owen Dixon Drive. I immediately wrote to those two residents and I wrote to Ms Horodny or telephoned her office. I now apologise for that oversight in the Assembly.

### **PERSONAL EXPLANATION**

**MS HORODNY:** Mr Speaker, I wish to make a statement under standing order 46 in regard to an answer Mr De Domenico gave to Mr Hird's question on waste.

**MR SPEAKER:** Is it a personal explanation, Ms Horodny?

**MS HORODNY:** Yes, Mr Speaker.

**MR SPEAKER:** Leave is granted. Proceed.

**MS HORODNY:** Mr De Domenico spoke yet again about the black plastic bottle tops, which he continues to say are recyclable. I have never said - - -

**Mrs Carnell:** On a point of order, Mr Speaker: This is not a personal explanation at this stage.

**MR SPEAKER:** I uphold the Chief Minister's point of order. This is not a personal explanation to date, Ms Horodny. Standing order 46 states:

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

**MS HORODNY:** Mr Speaker, I keep being misquoted by Mr De Domenico. He has again misquoted what I have been saying on this issue, and I would like to make an explanation.

**MR SPEAKER:** If you claim that Mr De Domenico is misquoting you, that is perfectly in order under standing order 46. I think it is probably the way you are phrasing what you are saying, Ms Horodny. Just say that you believe that Mr De Domenico is misquoting you.

**MS HORODNY:** Mr De Domenico keeps misquoting me. Mr De Domenico keeps saying that I have been saying in the media and in this Assembly that the black plastic bottle tops are not recyclable. I have never said that they are not able to be recycled.

I have always said that they are able to be recycled. The fact is that they are not currently recycled. The bottles are squashed. They are sent out of Canberra and at their destination the tops of the bottles are cut off and dumped. That is a fact that needs to be made very clear because, obviously, the Minister is not aware of what is happening in his own area of responsibility.

### ANSWERS TO QUESTIONS ON NOTICE

**MS HORODNY:** Mr Speaker, I raise a matter under standing order 118A. My question is to the Minister for the Environment, Land and Planning. I would like the Minister to explain why he was unable to provide an answer to my question on notice No. 276 within the required 30-day period, as set out in the standing orders. The question having been taken on notice on 27 June, the answer arrived in my office only just before question time today, which is 58 days after notification.

**Mrs Carnell:** Mr Speaker, she cannot use that if she has actually got the answer, I would have thought.

**MS HORODNY:** I am seeking to find out why it took 58 days instead of the required 30 days under the standing orders.

**MR SPEAKER:** There is no question under standing order 118A. If you have received the answer, Ms Horodny, you may certainly ask of the Minister at some time, if you wish, why it was late, but you cannot do it under standing order 118A. You have received the answer already.

### LEGISLATION PROGRAM - SPRING SITTINGS 1996 Paper

**MRS CARNELL** (Chief Minister) (3.57): Mr Speaker, for the information of members, I present the spring 1996 legislation program, and I move:

That the Assembly takes note of the paper.

I table the Government's legislative program for the spring 1996 sitting period. The program provides an overview of the legislation the Government intends to introduce into the Assembly in the second half of this year. In formulating the program, the Government has kept in mind that the spring 1996 session is of six weeks' duration only and, of course, in that period we will be bringing down the budget. The Government also plans to table all annual reports in the spring session, so we have a very busy few months coming up. In this context, the program is a very focused document. The Government does not intend to waste the Assembly's precious time over the next few months introducing legislation just for the sake of it. As I have repeatedly said, this Government is not a legislation factory.

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Members will note that the program is in the same format as the autumn 1996 program and contains two main sections, referred to as category one and category two. Category one consists of those legislative initiatives which have been accorded the highest priority and which are capable of introduction during the spring sittings. It is intended that as many as possible of these initiatives be introduced and, hopefully, passed by the Assembly before the end of the spring sittings. Category two consists of those items the Government aims to be introduced into the Assembly during the spring sittings.

Members will be aware that, apart from providing information to the Assembly about forthcoming proposals, the legislative program also assists the Public Service to progress longer-term legislative proposals and provides guidance to the Parliamentary Counsel's Office in organising its resources. In this context there is another category, category three, which forms an adjunct to the program. Category three items are proposals for which business planning has commenced but underlying policy has yet to be settled. Category three will be used for internal planning purposes only. This will assist the Parliamentary Counsel's Office in organising competing priorities on drafting resources, including the drafting of Bills for non-Executive members. As members will be aware, a large number of routine amendments are being developed and researched at any given time. All these projects represent preliminary work only. Members would appreciate that such projects are not appropriately included in a legislative program. Its focus is on outcomes for the spring session. This approach reflects the Government's commitment to an achievable and focused legislative program.

Mr Speaker, members are aware that in order to accommodate emerging issues, legislative proposals may also be added to the program through the course of any sitting period. Similarly, the categorisation of initiatives presently listed on the program may be subject to change. This was definitely the case with the autumn 1996 program, which had to be substantially reclassified to take into account the enormous drafting resources required for the financial management framework legislation.

Turning now to the direction of the spring legislation program, the spring sittings will, of course, focus on the budget to be brought down on 24 September. Apart from the Appropriation Bill, the budget Bills will include the amendment to the Stamp Duties and Taxes Act and the Debts Tax Bill. There are also a number of other key items of legislation the Government plans to introduce into the Assembly. These include amendments to the Workers Compensation Act which will bring the ACT in line with best national practice; amendments to the Motor Traffic Act, which will include giving legislative force to the rules for heavy vehicle parking in residential areas agreed by the joint Government-industry-community working party; the Weapons Firearms Bill, which will encompass a comprehensive review of existing legislation and provide for the New South Wales model to be adopted in the ACT; a continuation of the process of reviewing pre-1980 legislation; an amendment to the Land (Planning and Environment) Act, which will pick up recommendations by the Stein board of inquiry into the leasehold system; and the Environment Protection Bill, which is the integrated legislation that will replace a number of other Acts. I trust that members and the public will find the document informative and a useful guide to the Government's legislative initiatives for the forthcoming Assembly sittings.

Question resolved in the affirmative.

**SOCIAL POLICY - STANDING COMMITTEE**  
**Report on Inquiry into Prevention of Violence in Schools -**  
**Government Response**

**MR STEFANIAK** (Minister for Education and Training) (4.03): Mr Speaker, for the information of members, I present the Government's response to Report No. 2 of the Standing Committee on Social Policy entitled *Prevention of Violence in Schools*, which was presented to the Assembly on 23 May. I move:

That the Assembly takes note of the paper.

The Government welcomes the standing committee's attention to this crucial issue. However, we believe that the report would have presented a more compelling argument and delineated a more productive policy framework if it had focused more directly on the cause and effect of violence in schools. It has paid a lot of attention to solutions and strategies to ameliorate disadvantage, but it is rather short on analysis and on strategies that focus on reducing violent behaviour.

What is required is a comprehensive program based on clearly articulated policy which deals with the problem on all fronts in the school community. This, I believe, is what we have in place in our school system. As our response clearly demonstrates, the Government has already initiated many strategies and has many programs in place that address disadvantage, which we do not for a moment deny is a very important concern. We are implementing many programs which also address directly the problem of violence in schools. We have introduced a schools equity fund for 1997, with at least \$110,000 to assist schools with students whose parents do not have the capacity to meet all the costs of the additional and extracurricular activities that enrich children's experience at school. We are actively promoting a climate of non-violence in schools by providing a balance of competitive and non-competitive and physical education activities, with an increased emphasis on cooperative learning and social skills development.

However, while the Government's response gives non-competitive activities and physical education a significant role, a clear role for competitive sport in promoting a non-violent school environment also remains valid. It is interesting to note that during the recent and, thankfully, now concluded industrial bans, I received a number of letters and spoke to a number of people who indicated that, because one aspect of the school curricula, the interschool sport, was not occurring, it was leading to a lot of tension and some potentially aggressive and violent situations as a result. So, whilst it is terribly important to have non-competitive activities, there is also a very strong role for a number of other people for competitive activities as well.

We have in place as a matter of course many programs to encourage students to be non-violent and to assist them develop personal and group strategies to deal with tension and conflict in non-violent ways. We have developed a playground package, SCOPE - safe cooperative play environments - which is designed to enable primary schools to provide safer environments for all students. It includes strategies to promote cooperative play and to deal with violence related to bullying, gender, race and homophobia.

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The student support service section maximises learning outcomes for students by providing educational, psychological and behaviour management support to school communities. Mandatory reporting of child abuse, a requirement introduced last year by this Government, will assist in enforcing the message that violence towards children, whether it be done by children or by adults, is not acceptable.

As well, our response addresses the issue of violence in schools across the committee's groupings of common issues and areas of responsibility. We are adamant in our agreement with the committee's recognition that violence is very much a broader community issue. However, the Government is surprised by the apparent confusion on the part of the committee, and this confusion appears to be borne of an error in understanding just what are the most effective ways of dealing with violence in schools. Violence in schools and in the wider community is related to a number of factors. These include early childhood experiences, cultural factors, schooling experiences, the influence of media and film, alcohol and other substance abuse. All of these factors are relevant to any realistic attempt to ensure that our schools and our communities are safer places. Violence in schools cannot be separated from the broader issues of violence in our community, and it is crucial that all factors contributing to the incidence of violence in schools are addressed.

In addition to the strategies for the prevention of violence I have spoken of earlier, the Government has also taken other significant initiatives which have already proved effective in addressing factors that contribute to violent behaviour in schools and, indeed, in society in general. One of these was the Government's initiative last year of consolidating the Children's, Youth and Family Services Bureau into the Department of Education and Training. This has positioned the department well to address the range of factors that contribute to violence in schools.

We are in a strong position to identify effectively the needs of our young people in a holistic and coordinated way and to move towards meeting these needs. By reorganising services for young people in this way, the Government has put in place an improved coordinated system of service delivery to students, to their families and to schools and teachers. This integrated approach will assist in improving the school environment, students' life opportunities and their educational outcomes. This initiative again addresses issues of potential disadvantage as well as issues of prevention. The new district student-youth coordination service, Youth Connection, which has been established this year, is an example of the success of this new structure. It is also an example of the sort of localised flexible programs the committee has called for in its recommendations. This service provides a coordinated case management approach for students with a range of complex needs.

As I said earlier, the Government is in complete agreement with the committee on the breadth and diversity of factors leading to violence in schools and, indeed, in the wider community. We do not underestimate either the role of schools in preventing violence or the significance of the community's concern about this issue. Therefore, the Government will continue to collaborate with the community to provide family support programs. We will also continue to pursue vigorously the needs of students and families in managing the behavioural and emotional issues that so often lead to violence in schools and in the general community.

In line with the committee's recommendations, we will provide training for our school staff. This training will aim to develop and raise awareness about strong leadership, teacher competencies and curriculum issues. In fact, we are already providing programs which support teachers facing violent behaviour among students and specific training which helps teachers to manage violent behaviour. Skills in these areas are essential in providing safe school environments and in ensuring that our school staff feel as safe as our students at school. As well, the Government will emphasise to students, staff and the wider community the critical importance of maintaining safe school environments. The safe schools policy framework will soon be published. It will provide clear support and direction from the Government, the school boards, principals and staff. The framework emphasises positive student management and minimises violence and all forms of harassment. These are enhancements, provided in response and parallel to the committee's recommendations, to the many strategies we already have in place in schools to reduce the incidence of violence.

The Government supports the report on the inquiry into the prevention of violence in schools, but the emphasis, from the Government's point of view, is definitely on prevention, and we remain to some extent disappointed at the lack of specific emphasis given by the standing committee to this, the most effective tool available to address violence in schools. The many programs we already have in place and the strategies we have added and will continue to pursue in response to the report are designed to intervene early in the prevention of the difficulties that lead to violence in schools. I commend to the Assembly the Government's response to the report of the inquiry into prevention of violence in schools.

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

## **LIQUOR TRADING HOURS - EVALUATION OF PROPOSED TRIAL -STAGE ONE Paper**

**MR HUMPHRIES** (Attorney-General) (4.11): Mr Speaker, for the information of members, I present "An Evaluation of the Proposed Trial of Restricted Liquor Trading Hours in the ACT - Stage 1: Literature Review and Scoping Study". I move:

That the Assembly takes note of the paper.

In the Assembly debate in March this year on the restricted liquor trading hours trial, the Government undertook to carry out a review of the research and literature on liquor trading hours. We also advised the Assembly that the proposed protocols for measuring the effectiveness of the trial would be tabled before such a trial went ahead, and that is what I am doing today.

The evaluation for the trial was put to tender, and the consultants contracted to undertake the evaluations are Mr John Walker and Mr David Biles. Both have many years' experience in criminological research. The evaluation has been designed over three stages: Stage one is a literature review and scoping study, and it is the stage one report that I now propose to table; stage 2 relates to the collection of baseline data; and stage 3 relates to the evaluation of the effect that restricted liquor trading hours have on antisocial behaviour. In tabling the stage one report, I note that the consultants reviewed relevant research and literature and recommended proceeding with the trial. They note that the literature findings are not always consistent, with some research indicating that an increase in the availability of alcohol leads to increases in criminality, while other research points to a lessening of crime and rowdiness resulting from the abandonment of traditional trading hours. It is likely that the dynamics governing the alcohol-related antisocial behaviour around late night entertainment areas are complex and probably to a large extent are idiosyncratic to a specified area, so it is not surprising to find some inconsistency among the research. Given that some research points to benefits from limited availability and given the likely idiosyncratic nature of some of the problems germane to the ACT, the recommendation to proceed with a fully evaluated trial is sound.

In the scoping study section of the report the consultants recommend that the evaluation should use a range of measurement protocols. These include evaluating existing strategies prior to the commencement of a trial; measuring pre and post levels of public nuisance, crime and fear of crime using a random survey methodology; using structured interview techniques, measuring licensees' expectations, experiences and perceptions during and after the trial; applying similar measures interviewing shopkeepers close to late night entertainment areas and interviewing taxi drivers; and consultation with the Australian Federal Police and liquor licensing section and using their incident data to analyse trends with respect to the type of incidents, timing of incidents, where incidents occur, and comparing this data with pre-trial data ranging back over recent years.

The consultants advise that this broad-based approach is necessary as it is unlikely that just one set of data would produce a reliable measure by itself. This broad approach is supported by the Government, although it will obviously have some cost implication. Because of the 12-month sunset clause voted in by the Assembly in the initial debate and the fact that we are required first to carry out a literature review, the trial itself cannot run for 12 months, obviously. The timeframe for the trial will be from 1 September 1996 to 31 March 1997. I table the stage one report and I commend its findings to the Assembly.

**MS TUCKER (4.15):** The Greens were arguing for some kind of literature search of this nature for the trial of regulation of trading hours, so I was interested to look at it. I have to say that I would have made a different interpretation of the references that were cited in this report. Even in the executive summary, I note that the consultants say that the most relevant literature concludes:

... that small variations in the hours of trading have little impact on overall levels of alcohol problems, but cites evidence purporting to show that the incidence of traffic accidents and assaults are closely associated with hours of trading with a peak occurring after closing time.



The consultants note at this point:

One of the challenges of this project will be an endeavour to see if this observation applies to the Australian Capital Territory.

The authors of a report which was the result of a project supported by the European office of the World Health Organisation, also cited in this consultants' report, claim that sufficient cross-cultural evidence exists to suggest that conclusions are generally applicable. The Darwin study showed an overall increase in alcohol consumption and an increase in serious and aggravated assault in the wider areas of Darwin. Of the 28 references cited here, 13 did not really address the issue of regulation of trading hours, eight appeared to see regulation as counterproductive, and the rest were fairly inconclusive. In other words, from these references, which have really not substantiated the validity of a trial, for some reason the consultants come out saying, "We think we should go ahead with the trial anyway".

I already noted this morning what I thought was of value in this. One of the things that were of value was the statistics on alcohol-related harms, and I will repeat them. Mr Humphries said, "Of course the police are well aware of this", but I was very shocked and I will repeat it so that it is on the record again: 5 per cent of all deaths, 30 per cent of all road deaths, 23 per cent of suicides, 51 to 73 per cent of assaults, 40 per cent of domestic violence offences, 77 per cent of street offences, 58 per cent of malicious damage, 59 per cent of noise complaints and 20 per cent of all medical work are related to alcohol harm. It is also stated in the same reference that the Commonwealth generates \$3.6 billion per year from alcohol and tobacco taxes but the percentage return to the community is very small. The Alcohol and other Drugs Council of Australia also released a report recently, about which the consultants say:

The ADCA report calls on all Australian governments to:

- \* increase funding available for prevention, research, education, intervention and treatment of drug related problems;
- \* ensure that adequate treatment programs and services are available to all people experiencing drug related problems;
- \* involve non-government organisations, local communities and consumer groups in decision making, especially in service delivery, research, policy development and planning; and
- \* provide increased professional support (training and professional development, terms and conditions, career options) for people working in the drug field.

On my reading of this report, the most consistent evidence is that it is recognised that the more useful reforms in drug-related harm were responsible serving practices, which came out in quite a few of the references; and training of crowd controllers. Quite a few of them were consistent in commenting that, whatever the closing time, that is where you will find the traffic accidents and the violence.

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I guess I have to conclude that the Government really wanted to have this trial and, regardless of what this report says, they are going to do it. I am asking now that the evaluation mechanisms in place, which do look quite good, are not complicated by a synonymous closed-circuit TV trial occurring, because obviously that would complicate the evaluation, and that perhaps it should be for 12 months, not six months. I notice that your consultant says that that is appropriate because of the seasonal variation. I understood that you were saying six months. I am not quite clear whether you are sticking with that, but the consultant thought for seasonal variation reasons it would not make the result of the trial valid if it went for only six months.

Another thing that was referred to in this report and in quite a few of the studies was the swill mentality. That was also discussed in the initial debate. Another issue is transport. If you are going to be throwing a lot of people, who are probably very drunk, onto the streets at the same time, it is very important to have transport.

**Mrs Carnell:** They are not closing. They are just stopping serving alcohol. No-one is being thrown out on the street.

**MS TUCKER:** The people who are in the business inform me that they cannot afford to stay open if they are not selling alcohol. I have had police ring me who say there is no way they can monitor it. They do not have the resources, if a no serving of alcohol policy is in place, to monitor whether the hotels and so on are open but not serving alcohol.

To return to my final point, if you have a great number of people needing to leave the city at the same time it is very important that transport is provided. It came out very clearly in the Northern Territory trial that it was a disaster until extra bus services were put on or there was some extra accommodation of the transport needs of people who were most likely highly intoxicated. We await with interest the results of this trial, even though I am not quite sure that it was the right thing to do.

**MS FOLLETT (4.22):** Mr Speaker, I would like to make a brief comment on the documents that the Minister has tabled. I think the Assembly is well aware that I was opposed to the trial when it was first mooted, and my reservations about it are pretty well known. To reiterate them briefly, I am worried about the swill effect, with people trying to cram in as many drinks as they possibly can before the shut-off hour for the serving of alcohol. I think that is a danger that has to be guarded against very strenuously in the course of the trial.

I am also concerned about possible displacement of antisocial and perhaps criminal behaviour. I mean by that that people who are going to misbehave as a result of overindulgence in alcohol will simply move themselves to an area where they can do so away from the clubs and the pubs which are the subject of the trial and where the police may have a better chance of controlling that sort of behaviour than they would elsewhere, say in the parks and around private homes and so on. I am also concerned about transport issues, as is Ms Tucker. I believe that the ceasing of the service of alcohol at a particular hour will put a strain on our transport systems in the ACT. I sincerely hope that the strain on buses, taxis and so on does not result in people using private cars or perhaps hitchhiking when they are under the influence of alcohol. Both of those things would obviously be very dangerous.

I accept that the trial is going ahead. I trust that it will be comprehensively and objectively evaluated, and I will be very interested to see the results of that evaluation. I notice, in the very quick reading I have had of this literature search, that some of the extracts, or perhaps precis, of the literature the Minister has presented support some of the points I have just made. There are clearly two sides to this issue, and I think it is foolhardy for anybody to pretend that it is black and white and that one thing will work and another thing will not.

We have taken a very significant step this morning in forcing a lot of the onus for the responsible serving of alcohol back onto the industry, and in my view that is where a lot more pressure could be brought to bear. I am well aware, and I am sure everybody in this Assembly is, of some liquor outlets in the ACT which consistently cause trouble. It is a very small number, but they consistently cause untoward incidents, either inside or outside those premises. I believe that it is the licensee who should be made responsible and accountable for his or her actions as a licensee and brought to book for them. I think we have taken a significant step in that direction this morning.

Mr Speaker, I am also aware that there is still at least one outlet in the ACT which, in my opinion, is continuing to advertise irresponsibly for younger drinkers to drink in a manner that I do not regard as within the bounds of accepted practice. I have discussed that matter briefly with the registrar. I know that he is interested in that outlet and will keep a very close eye on it. It is an establishment that puts out a newsletter the obvious purpose of which is to attract young drinkers to behave in a manner they would not normally behave in unless they were under the influence of alcohol, and I think that is quite reprehensible.

There is one other issue I want to mention. When licensed premises are serving alcohol, I believe that it ought to be incumbent upon them to serve non-alcoholic beverages at all times. I am aware that many of our liquor outlets do not give their patrons access to free supplies of drinking water, and I believe that that ought to be the case. I know that many people, if they are drinking in a smoke-filled atmosphere and eating chips and peanuts and other salty snacks, are thirsty. The licensee relies upon that to sell them more alcoholic beverages. In fact, what may satisfy their thirst is a non-alcoholic beverage like a glass of water or a cup of coffee. If those kinds of beverages were freely available, as they are in many of our licensed places, without charge, we might see less of an incidence of overindulgence.

I might be being a bit naive, but I think we should at least give people the option of drinking water in particular. I know that this is a bit of an issue with licensed premises. They do not want to incur the cost, small though it is, or the staff time that is involved in allowing people free access to water. I think that is regrettable, and it is something that perhaps we might want to take up in the fullness of time. It is a major difference between, say, the pubs and clubs. The clubs, in my view, are much more patron friendly by virtue of the fact that they have tea, coffee, water and things like that available freely, and usually without charge.

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One other aspect of the trial that I wanted to mention is a matter that has come to my notice in our committee inquiry into the use of surveillance cameras. That matter is the paucity of reliable and objective statistics on just what the problem is that we are trying to get under control. I would urge the Government, in its evaluation of this trial, to have the closest regard to statistical information. In particular, I want statistics on the severity of offences or behaviours that are observed and that are regarded as problems. For instance, we have some statistics available under the heading of assault. We do not know how serious that assault was. Was it a slap on the cheek or did it put somebody in hospital? Was it life threatening? We need to know whether it is just a bit of pushing and shoving or an index finger to the shoulder, which often happens during a heated argument, or a much more serious matter.

We have also seen statistics on general disorder, which can vary from loud arguments to urinating in public and so on - a whole lot of what you might regard as reasonably victimless crimes. It is bad behaviour rather than criminal offences, the sort of bad behaviour that, if you had an alcohol-lubricated party at your home, you would worry about and try to ensure did not happen. You would try to make sure, if you had a large number of people drinking at your home at all hours of the day and night, that none of them got so drunk as to get into a serious argument or forget their usual social graces. We need to tease out those statistics and have a good look at just what it is that is causing offence, what it is that is causing danger, what it is that is taking up police time, what it is that we believe the licensees should be accountable and responsible for, and then insist that they are.

I accept that the trial will go ahead. Now that it is going ahead, let us make it a useful exercise, not just a political exercise in law and order one-upmanship. The tendency to have those kinds of debates on law and order issues has been very much to the detriment of the real safety of our community. I make no bones about saying that the debate that took place during the recent New South Wales election, I thought, was utterly without purpose and had very little to do with the true safety of the community and a lot more to do with political point-scoring. Let us not do that. Let us make this trial a real exercise in community safety, and for that we need extremely reliable and detailed statistical information.

**MR MOORE (4.31):** Mr Speaker, it gives me pleasure to follow on from Ms Follett. I think most of us would find the issues she raised and the way she put them very useful indeed and would agree with what she had to say. Her premise was that she would prefer not to have had a study in the first place, and I accept that, but she also went on to say that a quick scan of the literature that was included in the literature review and scoping study the Attorney-General tabled indicates views either way. I must say that my own reading prior to this has revealed exactly the same thing. In fact, I have oscillated on this issue quite a number of times. One issue I have felt most uncomfortable with. I was chair of a committee of the Assembly that brought down a report, referred to in this literature review, which said that we should have a restriction on trading hours. After it came down, I did even further study, a number of people spoke to me and I did more reading, and I said that I thought I had made the wrong decision and that I was prepared to change my mind on it.

It is clearly not a black-and-white issue. There are good arguments on both sides. We simply do not know. When Mr Osborne was suggesting this in the first place as a solution, I said to him and to the Attorney-General as well that if we are going to entertain it at all it should be done as a study and it should be a real study. The only study I am interested in is the sort Ms Follett described - a very careful study, one based not on a media whip-up of what the harm is that we are trying to deal with but on genuine information about the sort of harm that is being done.

I have known one of the consultants for some years and I have a great deal of respect for that consultant, and I believe that we can expect to see a very good job done. I would like to emphasise, and I am conscious that he is sitting in the gallery, that it is very important that the issues raised by Ms Follett are carried through. In the end, if the restrictions, which are causing some difficulty for licensees, are achieving nothing in real terms, even if they appear to be handy for a political debate, then we ought not to entertain them. Members of this Assembly have on quite a number of issues been able to work together to see beyond that political grandstanding. On many issues, of course, we have gone for the political grandstanding, and certainly I have been part of that, too.

**Ms Tucker:** Now and again.

**MR MOORE:** Just occasionally. On quite a number of very difficult and complicated issues, and I will use the issue of prostitution as one good example, the Assembly very carefully avoided the political grandstanding and went for a very careful consideration, a long process that came up with laws that have been no trouble to any member of the Assembly since, even though they were very radical laws compared with what was going on in the rest of Australia. Slowly, other parts of Australia seem to be following that. I have seen a report from the South Australian Parliament just recently making a recommendation. This study does need to be a very good study and does need to give us the opportunity to see, as closely as we can measure, that the harm associated with alcohol is being reduced. The clear message coming from everybody who has spoken today is that we should be looking at how to reduce that harm and at the same time allow people who are going to use alcohol sensibly to do so. I look forward to the study being carried out carefully and coming up with a result we can all study and, hopefully, then draw appropriate conclusions from that will be helpful in giving us a healthier society.

**MR HUMPHRIES** (Attorney-General) (4.36), in reply: I indicate my thanks to members for what was generally support for the concept of this trial. I note that the debate previously about Mr Osborne's Bill, which facilitated this trial, was a slightly different debate from the one we are having now. There seems to be an acceptance by members that the trial is a good thing and ought to go ahead.

**Mr Moore:** Accepting that the trial is going to go ahead, now they are saying, "Let us make the best of it".

**MR HUMPHRIES:** Indeed, that is true. I note Ms Follett's comments that it is very foolish to pretend that this is a black or white issue. I would agree with that point of view and say that holding a trial is acknowledging that fact. If you do not hold a trial you can never find out whether we are in the black or in the white on this sort of issue.

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I simply note that the Labor Party was in strong opposition to the idea of this trial in the first place. We will not know whether the examples in this literature of the success of restricting trading hours would be an applicable precedent for the ACT unless we have a trial of this kind. As the authors of the review note, there is an idiosyncratic impact of trading hours in particular contexts, and I honestly could not say whether the examples cited from this literature would be more likely or not to apply to the ACT. There is one way of finding out, and that is by having a trial of this kind, a trial that is carefully evaluated and the details of which I have already outlined.

I take members' comments about political options and not being prepared to grandstand and make political points about this sort of thing. I indicate that I have no strong perception of its succeeding or failing. If the indicators are that the trial has not been a success, I will take that in my stride. If it is a success, I will be pleased about that but also accept that that is a result we have had to find out the hard way by conducting this trial. I wonder whether other members, particularly those who have opposed a trial, are quite so prepared not to take advantage of a failure of the trial to produce any evidence. A wry raising of the eyebrows by Ms Follett suggests to me that she may not be quite so prepared to eschew the result if it goes her way.

I was asked by Ms Tucker whether there would be any coincidence of the trial of safety cameras - she did not actually use the words "safety cameras", but I do - with the trading hours trial. I think the report suggests that we ought to have a trial which stretches over a longer period. I think it might suggest that 12 months is the appropriate period for the trial. We cannot do that because the Assembly has given us only 12 months from go to whoa and the time for this to operate has already begun to run. We are going to have to limit the trial to a total of seven months, from 1 September to 31 March next year. That is not as long as I would like, but I think it is necessary in the circumstances. It is not my intention to have that period coincide with the trial of the safety cameras.

**Mr Moore:** Surveillance cameras.

**MR HUMPHRIES:** I think when Ms Follett installed them they were safety cameras, so I will use the same terminology that no doubt she would have used if I had asked her about them at the time she put them in the Belconnen bus interchange. Nonetheless, I do not think we should have much overlap. It may be necessary to make sure we can have these two trials before the end of the life of this Assembly; given that we have been given these restrictions to operate them, there may be some small overlap. I would suggest that no more than one or two months' overlap would be the maximum. If possible, we will try not to have any overlap at all, but it may not be possible in the short time we have available to conduct these two major trials and properly evaluate them before decisions need to be made.

Mr Speaker, I also support the correction of the paucity of statistical information about the problems with crime, to which Ms Follett referred. This exercise in part is all about that, but it may not provide everything she referred to. The issue of non-alcoholic drinks being served is an interesting one which had not occurred to me, not being a frequenter of

these sorts of places. When I do, I usually buy non-alcoholic drinks; but, not having been to one recently, I could not say whether that is true or not. If it is true, we should perhaps look at that question to make sure that it is corrected. I thank members for what, I think, is their support for the trial and I look forward to seeing the result of the trial.

Question resolved in the affirmative.

## **SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, instruments of appointments, a street nomenclature, management standards, a revocation of a determination, regulations and Supreme Court Rules. I also present a notice for the commencement of the Liquor (Amendment) Act 1996.

*The schedule read as follows:*

Administrative Appeals Tribunal Act - Determination of fees and charges applicable in the Administrative Appeals Tribunal and the Tenancy Tribunal - No. 167 of 1996 (S183, dated 26 July 1996).

Animal Diseases Act - Determination of fees (issue of emergency tail tags) - No. 109 of 1996 (S143, dated 27 June 1996).

Animal Welfare Act - Determination of fees -

(Animal welfare) - No. 110 of 1996 (S143, dated 27 June 1996).

(Issue of emergency tail tags) - No. 109 of 1996 (S143, dated 27 June 1996).

Architects Act - Determination of fees - No. 124 of 1996 (S144, dated 27 June 1996).

Betting (ACTTAB Limited) Act - Determinations of the -

Level of ACTTAB deduction to be paid monthly to the Territory - No. 137 of 1996 (S151, dated 1 July 1996).

Level of ACTTAB deduction to be paid annually to the Territory - No. 138 of 1996 (S151, dated 1 July 1996).

Bookmakers Act -

Determination of directions for the operation of a sports betting venue - No. 150 of 1996 (S162, dated 11 July 1996).

Determination to vary the directions for the operation of the sports betting venue at the Bruce Outdoor Stadium as outlined in Determinations Nos 18 and 33 of 1996 - No. 164 of 1996 (S182, dated 26 July 1996).

Determination to vary the directions for the operation of the sports betting venue at the Bruce Outdoor Stadium as outlined in Determinations Nos 18 and 33 of 1996 - No. 182 of 1996 (S198, dated 9 August 1996).

Building Act - Determination of fees - No. 134 of 1996 (S148, dated 28 June 1996).

Building Services Act - No. 121 of 1996 (S144, dated 27 June 1996).

Bushfire Act - Determination for the variation of the Rural Fire Control Manual - No. 188 of 1996 (S210, dated 16 August 1996).

Business Franchise (Tobacco and Petroleum Products) Act - Determination of fees - No. 184 of 1996 (S200, dated 14 August 1996).

Cemeteries Act -

Determination of fees - No. 126 of 1996 (S144, dated 27 June 1996).

Instrument of appointment of Chairperson of the ACT Cemeteries Trust - No. 190 of 1996 (S215, dated 22 August 1996).

Chiropractors and Osteopaths Act - Determination of fees - No. 169 of 1996 (S186, dated 29 July 1996).

Clinical Waste Act - Determination of fees - No. 159 of 1996 (S176, dated 22 July 1996).

Competition Policy Reform Act - Competition Policy Reform (Savings and Transitional) Regulations - No. 16 of 1996 (S178, dated 22 July 1996).

Coroners Act - Determination of fees and charges applicable in the Magistrates Court, the Small Claims Court and the Coroner's Court - No. 166 of 1996 (S183, dated 26 July 1996).



Credit Tribunal Act - Instruments of appointment of acting members and acting Chairpersons of the Credit Tribunal -

No. 174 of 1996 (S195, dated 8 August 1996).

No. 175 of 1996 (S195, dated 8 August 1996).

No. 176 of 1996 (S195, dated 8 August 1996).

No. 177 of 1996 (S195, dated 8 August 1996).

No. 178 of 1996 (S195, dated 8 August 1996).

No. 179 of 1996 (S195, dated 8 August 1996).

Dangerous Goods Act - Determination of fees - No. 185 of 1996 (S202, dated 15 August 1996).

Dental Technicians and Dental Prosthetists Registration Act - Determination of fees - No. 189 of 1996 (S213, dated 20 August 1996).

Dog Control Act - Determination of fees - No. 122 of 1996 (S144, dated 27 June 1996).

Electoral Act - Determination of fees - No. 191 of 1996 (S218, dated 23 August 1996).

Electricity Act - Determination of fees - No. 129 of 1996 (S148, dated 28 June 1996).

Energy and Water Act - Determination of fees - No. 130 of 1996 (S148, dated 28 June 1996).

Freedom of Information Act - Variation of Declaration and determination of fees and charges set out in Determination No. 132 of 1995 - No. 168 of 1996 (S184, dated 26 July 1996).

Gaming Machine Act - Determination of fees for gaming machine repairers' certificates - No. 140 of 1996 (S152, dated 1 July 1996).

Gas Act - Determination of fees - No. 158 of 1996 (S175, dated 22 July 1996).

Hawkers Act - Determination of fees - No. 123 of 1996 (S144, dated 27 June 1996).

Health Act - Determination of fees - No. 136 of 1996 (S149, dated 1 July 1996).

Health Professions Boards (Procedures) Act and Nurses Act - Instruments of appointment to the Nurses Board -

No. 145 of 1996 (S161, dated 5 July 1996).

No. 146 of 1996 (S161, dated 5 July 1996).

No. 147 of 1996 (S161, dated 5 July 1996).

No. 148 of 1996 (S161, dated 5 July 1996).

No. 149 of 1996 (S161, dated 5 July 1996).

Health Professions Boards (Procedures) Act and Medical Practitioners Act - Instruments of appointment to the Medical Board of the ACT -

No. 155 of 1996 (S169, dated 18 July 1996).

No. 156 of 1996 (S169, dated 18 July 1996).

No. 157 of 1996 (S169, dated 18 July 1996).

Health Promotion Act - Instrument of appointment to the ACT Health Promotion Board - No. 186 of 1996 (S204, dated 15 August 1996).

Lakes Act - Determination of fees (use of power boats - Molonglo River) - No. 111 of 1996 (S143, dated 27 June 1996).

Land (Planning and Environment) Act -

Instrument of Appointment to the ACT Heritage Council - No. 151 of 1996 (S164, dated 15 July 1996).

Determination of fees - No. 131 of 1996 (S148, dated 28 June 1996).

Land Titles Act - Determination of fees - No. 152 of 1996 (S166, dated 17 July 1996).

Liquor Act - Appointment to the Liquor Licensing Board of the Australian Capital Territory - No. 128 of 1996 (S147, dated 28 June 1996).

Liquor (Amendment) Act - Notice of commencement (1 August 1996) of sections 4 to 8 (S185, dated 29 July 1996).

Lotteries Act - Determination of fees for lottery applications - No. 139 of 1996 (S152, dated 1 July 1996).

Magistrates Court Act - Determination of fees and charges applicable in the Magistrates Court, the Small Claims Court and the Coroner's Court - No. 166 of 1996 (S183, dated 26 July 1996).

Motor Omnibus Services Act - Determination of charges - No. 141 of 1996 (S156, dated 4 July 1996).

Motor Traffic Act -

Determinations of fees -

Vehicle licences and permits - No. 114 of 1996 (S144, dated 27 June 1996).

Administrative charge for parking and traffic infringements - No. 115 of 1996 (S144, dated 27 June 1996).

Drivers' licences - No. 116 of 1996 (S144, dated 27 June 1996).

Number plates - No. 117 of 1996 (S144, dated 27 June 1996).

Parking labels - No. 118 of 1996 (S144, dated 27 June 1996).

Registration of motor vehicles - No. 119 of 1996 (S144, dated 27 June 1996).

Motor Traffic Regulations (Amendment) - No. 13 of 1996 (S145, dated 28 June 1996).

Motor Vehicles (Dimensions and Mass) Act - Determination of fees - No. 127 of 1996 (S144, dated 27 June 1996).

Nature Conservation Act - Determination of fees (keeping of native animals and plants) - No. 108 of 1996 (S143, dated 27 June 1996).

Occupational Health and Safety Act - Instruments of appointment to the Occupational Health and Safety Council -

No. 160 of 1996 (S177, dated 25 July 1996).

No. 161 of 1996 (S177, dated 25 July 1996).

No. 162 of 1996 (S177, dated 25 July 1996).

No. 163 of 1996 (S177, dated 25 July 1996).

Ozone Protection Act - Determination of fees - No. 181 of 1996 (S196, dated 14 August 1996).

Pesticides Act - Revocation of Determination No. 88 of 1994- No. 142 of 1996 (S157, dated 5 July 1996).

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Pharmacy Act - Determination of fees - No. 183 of 1996 (S199, dated 14 August 1996).

Plumbers, Drainers and Gasfitters Board Act -

Determination of fees - No. 125 of 1996 (S144, dated 27 June 1996).

Instruments of appointment to the Plumbers, Drainers and Gasfitters Board -

No. 153 of 1996 (S167, dated 18 July 1996).

No. 154 of 1996 (S167, dated 18 July 1996).

Pounds Act - Determination of fees (dog pounds) - No. 113 of 1996 (S143, dated 27 June 1996).

Public Place Names Act - Street nomenclature in the Division of Ngunnawal - No. 170 of 1996 (S188, dated 1 August 1996).

Public Sector Management Act - Management Standards - No. 12 of 1996 (S165, dated 17 July 1996).

Radiation Act - Instruments of appointment to the Radiation Council -

No. 143 of 1996 (S158, dated 5 July 1996).

No. 144 of 1996 (S158, dated 5 July 1996).

Roads and Public Places Act - Determination of fees -

No. 120 of 1996 (S144, dated 27 June 1996).

No. 135 of 1996 (S148, dated 28 June 1996).

Stock Act - Determination of fees (stockmarks and brands) - No. 112 of 1996 (S143, dated 27 June 1996).

Supreme Court Act -

Determination of fees and charges applicable in the Supreme Court - No. 165 of 1996 (S183, dated 26 July 1996).

Supreme Court Rules (Amendment) -

No. 10 of 1996 (S129, dated 28 June 1996).

No. 11 of 1996 (S128, dated 28 June 1996).

Supreme Court (Remuneration and Allowances) Regulations  
(Amendment) - No. 14 of 1996 (S155, dated 5 July 1996).

Surveyors Act - Determination of fees - No. 133 of 1996 (S148, dated 28  
June 1996).

Taxation (Administration) Act - Stamp Duties (Marketable Securities) -  
Determination No. 187 of 1996 (S209, dated 16 August 1996).

Tenancy Tribunal Act -

Determination of fees and charges applicable in the Administrative  
Appeals Tribunal and the Tenancy Tribunal - No. 167 of 1996  
(S183, dated 26 July 1996).

Instruments of appointment of Acting Presidents of the Tenancy  
Tribunal -

No. 171 of 1996 (S194, dated 8 August 1996).

No. 172 of 1996 (S194, dated 8 August 1996).

No. 173 of 1996 (S194, dated 8 August 1996).

Unit Titles Act - Determination of fees - No. 132 of 1996 (S148, dated 28  
June 1996).

Water Pollution Act - Determination of fees - No. 180 of 1996 (S196, dated  
14 August 1996).

Weapons Act 1991 - Weapons Regulations (Amendment) -

No. 12 of 1996 (S132, dated 8 July 1996).

No. 15 of 1996 (S170, dated 22 July 1996).

No. 17 of 1996 (S187, dated 1 August 1996).

Weapons (Amendment) Act - Notice of commencement (22 July 1996) of  
section 38 (S171, dated 19 July 1996).

Housing Assistance Act - Variation to Public Rental Housing Assistance  
Program - Corrigendum - Determination No. 76 of 1996 tabled in the  
Assembly on 18 June 1996 and published in *Gazette* S107, dated 31 May  
1996.

## PAPERS

**MR HUMPHRIES** (Attorney-General): For the information of members, I present the ministerial travel report for 1 April to 30 June 1996 and the following papers, which were provided to members when the Assembly was not sitting and in some cases in accordance with the recommendations of Report No. 3 of 1993 of the Standing Committee on Public Accounts as accepted by the Government and noted by the Assembly on 14 April 1994:

June 1996 report on the implementation of the ACT Legislative Assembly motion on French products.

Treasurer's monthly financial statement for the month of June and year to date period ending 30 June 1996.

Statement of expenditure from the Treasurer's Advance at 30 June 1996, pursuant to subsection 47(2) of the Audit Act 1989.

Statement on variations to 1995-96 appropriations.

Pursuant to section 49B, an instrument made under subsection 49(1) of the Audit Act 1989 relating to the transfer of funds and an instrument under section 49A relating to the increase of funds issued in accordance with the Appropriation Act 1995-96.

Finally, for the information of members, I present the following:

A document prepared on the Internet, with 256 e-mail signatures, urging the ACT Government to reject the development of legislation to regulate and control the on-line community and, in particular, the Internet.

Members will be aware that that is being tabled because it did not comply with the usual requirements for a petition, since the names were Internetted in rather than signed.

Pursuant to subsection 9(3) of the Betting (Totalizator Administration) Act 1964, a direction by the Minister relating to long service leave to ACTTAB casual staff.

The Woden Valley Hospital and Calvary Public Hospital information bulletins relating to patient activity data for May and June 1996.

It may be misdescribed slightly, but that is what is on the piece of paper.

**FEDERAL BUDGET 1996-97 - IMPLICATIONS FOR THE A.C.T.  
Ministerial Statement**

**MRS CARNELL** (Chief Minister and Treasurer): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the implications for the ACT of the 1996-97 Federal budget.

Leave granted.

**MRS CARNELL:** Mr Speaker, the 1996-97 Federal budget contained no major surprises. It was expected to be extremely tough, and it was. It was clearly the toughest Federal budget since the ACT was granted self-government in 1989. Given that Federal Government spending is the single greatest influence on the ACT economy, it makes preparation of this year's ACT budget more difficult than any since self-government.

From a national perspective, Mr Speaker, the 1996-97 budget has been structured to show an underlying deficit of \$5.6 billion, reducing to \$1.5 billion in 1997-98. This is a major improvement from the \$8 billion black hole left by Keating, Beazley, Willis and co. Mr Speaker, the Federal budget is premised on national forecasts that indicate that economic growth will continue to be strong, but slightly lower than in previous years; inflation will be firmly controlled, falling from 4.2 per cent in 1995-96 to only 2 per cent in 1996-97; investment is expected to remain strong, with business investment rising from 9.7 per cent in 1995-96 to a steady 14 per cent in 1996-97; the housing industry is not expected to recover until after 1996-97; employment growth will moderate, from 2.6 per cent in 1995-96 to only 1.5 per cent in 1996-97; and unemployment will not dramatically improve, remaining at 8.5 per cent.

Mr Speaker, from an ACT perspective, we have been well aware for some time that the spending cuts required to produce the dramatic reduction in the Federal deficit would have a significant impact on the ACT economy. The Federal Government certainly has not done us any favours in this budget; but it must be said that, after six months of rampant speculation about the scale and likely impact of public sector cuts, it is a relief to have the Federal budget behind us. We can now get on with the job of rebuilding confidence in the future of our city; that is, if those people opposite would be a tiny bit positive occasionally as well.

As Treasurer, I am well aware that our own ACT budget will play an important role in that confidence-building process. I can assure members that the Government has been mindful of the changing economic circumstances in the ACT over the past eight months in framing our budget, which is due to be brought down next month. The combination of cuts in Federal grants to the ACT, Federal public sector cutbacks and reductions in revenue due to lower levels of economic activity has required a reassessment of the Government's budget strategy. The Federal budget has only confirmed the need to give higher priority to commitments we have made to promote private sector growth, to maximise the benefits of tourism and to look at our own resources to manage a dramatically changed outlook.

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The Government will ensure that our budget takes into account the pressures being placed on the ACT. It is more important than ever to create an environment that will promote private sector investment and new job opportunities. I intend to give much greater priority to ensuring that the resources we have are used to support service delivery. This includes giving priority to a more strategic approach to the use of our assets to ensure greater effectiveness. I note already, however, that business leaders have made a positive response with statements of confidence in the future of the ACT economy. I can only reinforce that confidence. Certainly, the immediate outlook is very difficult; but the Government is confident of the underlying strength in the local economy.

Mr Speaker, as I forecast after the recent Premiers Conference, the ACT is taking a firm stand with regard to the Commonwealth paying its way in Canberra. The Federal budget reinforces the need for the Commonwealth to recognise that, as part of this city, it should meet its real obligations in relation to paying for services and complying with the regulations of the city. To that end, I have written to the Prime Minister reinforcing the ACT Government's view that the Reserve Bank should be required to pay financial institutions duty on the same basis as other financial institutions. I have also drawn to the Prime Minister's attention other specific issues, such as parking and registration of Commonwealth vehicles and pay parking in Commonwealth areas. The revenue forgone by the ACT for registration alone is estimated to be in the order of \$1m a year. To expedite these matters, I have requested that the Prime Minister establish an ACT-Commonwealth task force to develop a strategic approach to these taxation and funding arrangements.

Mr Speaker, in line with the outcome of the Premiers Conference, the Federal budget cuts around \$25m from grants to the ACT. It goes without saying that absorbing a cut of that magnitude will be extremely difficult. Out of that \$25m cut, just over \$10m will come from housing grants. In view of the current excess supply of private housing in the ACT and likely changes to the Commonwealth-State Housing Agreement that will mean a shift towards rental assistance, we will be able to absorb this cut in housing grants and still maintain a supply of public housing at well above national average levels. The same could not be said if we were to absorb that magnitude of cut in health or education programs, or, Mr Speaker, in any other program at all. I can reassure members that a substantial public housing construction program will still be included in the ACT budget. It will involve construction of between 180 and 200 new dwellings, at a cost of more than \$28m.

Mr Speaker, the budget provides the broad parameters for a reduction of some 10,500 Australian public servants nationally between June 1996 and June 1997. Further reductions in staffing levels of the Australian Public Service are likely in 1997-98, but have not been detailed by the Commonwealth in the budget papers. Any assessment of the full impact of these cuts on the ACT economy is made difficult because there is no clear breakdown between cuts in central office functions in Canberra and reductions in other cities or regional areas. Mr Speaker, I will continue to pursue the Commonwealth for more detail. However, I reaffirm my concern that, while the ACT has not been singled out for cuts, public sector cutbacks will still have a far greater impact on Canberra than on any other city in Australia, as I am sure everybody here agrees.



With regard to construction projects, the budget is a mixed bag for Canberra. It includes expenditure of \$105m this year on the Russell Offices project and the Australian Geological Survey Organisation headquarters; refurbishment of the War Memorial, Old Parliament House and the Administrative Building in Parkes, with a total value of more than \$70m; and the National Gallery extension, which is \$1.8m this year and a total of \$7m.

**Mr Berry:** What about the National Museum? Tell us about that.

**MRS CARNELL:** That is just what I am going to tell you about. All you have to do is actually listen.

On the downside, a number of projects, totalling approximately \$27m, have been cancelled, including the redevelopment of the National Film and Sound Archive at \$11.6m. I note, however, that the cancellation of buildings for the Department of the Environment, Sport and Territories and the Australian Federal Police in Barton will remove concerns shared by many members over the shifting of large numbers of jobs from Civic to Barton. The National Museum of Australia receives \$1.5m for a siting study, which is well short of the commitment to a construction timetable that we were looking for. See, Mr Berry; if you had waited, you would have got to that bit.

On a positive note, the Commonwealth Government has indicated in the budget's wake that it is considering our proposal for the upgrade of Canberra Airport to international status in order to take overflow from Sydney Airport and to become a freight hub for the region. I am hopeful that they will provide funding of \$1m for a full environmental impact study for this project. We will also be looking for a favourable response from the Federal Government to the high-speed rail link between Canberra and Sydney when the current evaluation by a joint ACT, New South Wales and Federal Government committee is complete.

There are other positive measures, Mr Speaker. Canberra families will benefit from the family tax package, and there are significant assistance measures for small business. Incentives for private health insurance should help ease some of the pressure on our public health system; that is, if they encourage more Canberrans to take out and use private health insurance. We certainly hope that they do, Mr Speaker. An \$80m expansion of vocational training programs in high schools will include development of vocational programs in ACT colleges. There are opportunities for the ACT Government and the private sector to take advantage of outsourcing opportunities arising from the Commonwealth proposal to sell off a number of functions. Canberra's growing information technology industry should be able to access a range of new and continuing IT acquisitions by Federal departments, totalling approximately \$71m.

Indeed, Mr Speaker, one of the more positive aspects of the budget was that foreshadowed cuts of up to \$350m in Federal IT purchasing did not eventuate. That is good news for Canberra's IT businesses. I believe that outsourcing also presents tremendous opportunities for Canberra's private sector and provides us with a powerful marketing tool to attract new business to the ACT. I will be holding discussions with the Prime Minister to ensure that ACT-based companies are given every opportunity to

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tender for the provision of work being contracted out. In fact, just the other night the Prime Minister gave me an undertaking to have such meetings. Canberra's skilled work force and the fact that ACT businesses are right on the Federal Government's doorstep are real competitive advantages that we can use to generate new jobs in the private sector. Mr Speaker, the agreement that I signed with Unisys this week is an example of the type of business that can be attracted to Canberra by our highly skilled work force. It is also an example of the type of business that this Government will be pursuing in order to generate new jobs for Canberra.

Returning to the budget, Mr Speaker, I am disappointed about the decision to discontinue funding for the Commonwealth dental health program. This will have a serious impact upon waiting times for Canberrans seeking public dental treatment. The decision amounted to a cut of more than \$1.1m in money available to the ACT dental service to treat clients who could not otherwise afford private treatment. The ACT Government and the dental service will be doing all we can to provide treatment for clients; but people who are eligible for publicly-funded services have to understand that the loss of this funding will certainly mean that they will have to wait longer. As I said in question time, Mr Speaker, the ACT dental service will not be cut and it certainly will be able to handle emergency cases.

**Mr Berry:** Will be cut.

**MRS CARNELL:** Will not be cut.

Mr Speaker, new measures in relation to superannuation arrangements regarding a contributions surcharge for high income earners will impact on senior public servants in the ACT Public Service; but the measure is aimed largely at salary sacrifice in private sector executive salary packages. The Commonwealth will consult the States and Territories on the application of this measure to public sector schemes, including the CSS, the PSS and the scheme for Legislative Assembly members. Mr Speaker, contrary to pre-budget speculation, there was no announcement that the PSS will be closed.

A further disturbing aspect of the Federal budget, Mr Speaker, is that the 1996-97 budget papers are silent on the extent of SPP funding to each jurisdiction. It is impossible to isolate the impact on the ACT directly, as it is difficult to reconcile the statement in the budget papers that SPPs will increase by 5 per cent from 1995-96 with the Federal Treasurer's claim that SPPs have been reduced by 2.5 per cent. As a consequence, it is impossible to identify the 3 per cent cuts forecast at the 1996 Premiers Conference, and this will require clarification prior to finalising the ACT budget. I intend to raise this matter with the Federal Treasurer directly.

Mr Speaker, can I conclude by saying that this Federal budget makes it clear that Canberra can no longer rely on the Commonwealth to generate growth and new jobs. It, therefore, poses an historic challenge, not just to this Government, but to every member of this Assembly and, indeed, to the whole Canberra community. It is the challenge of truly taking responsibility for our future, after 70 years of growth fuelled by Federal government expansion. It is the challenge to maintain the Canberra that we all love and to create new opportunities for our work force, both old and young.

I believe that the Canberra community is up to the challenge, and I look forward to the support of this Assembly as we embark upon the process of rebuilding confidence in our city, our economy and our future. I present the following paper:

The implications of the 1996-97 Federal budget for the ACT - ministerial statement, 27 August 1996.

I move:

That the Assembly takes note of the paper.

**MR WHITECROSS** (Leader of the Opposition) (5.00): Mr Speaker, I was interested to hear Mrs Carnell finish her speech by repeatedly referring to challenges. We all know that what Mrs Carnell means when she says that the ACT faces challenges is that they are in deep trouble and she is trying desperately to look on the bright side of it. It is only up from here - that is what she is trying to say - because it could not get any worse.

Debate interrupted.

#### ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

#### FEDERAL BUDGET 1996-97 - IMPLICATIONS FOR THE A.C.T. Ministerial Statement

Debate resumed.

**MR SPEAKER:** I call Mr Whitecross - reluctantly, I think.

**MR WHITECROSS:** Thank you, Mr Speaker. I am sorry that you feel so reluctant about it. I was about to marvel at Mr Humphries's unbelievable generosity in giving the Opposition a chance to have a say.

Mr Speaker, Mrs Carnell started her speech desperately trying to say that she has been dealt a cruel blow by her friend Mr Howard and that, in spite of her many visits to the House on the hill, she has been stabbed in the back. But, interestingly, Mr Speaker, you only have to prod a little bit to get Mrs Carnell to start defending Mr Howard.

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You do not have to try too hard for Mrs Carnell to start trotting out the Howard and Costello rhetoric about how it is not their fault either. Mrs Carnell cannot really distance herself from the Federal Government, and she really agrees with what the Federal Government has done here, Mr Speaker. That is her fundamental problem. She agrees with what Howard and Costello have done, because she is doing exactly the same things in the ACT as those which she is trying to criticise Mr Howard and Mr Costello for doing federally.

Mr Speaker, you only have to look at Mrs Carnell's last budget and at this Federal budget, and the picture is perfectly clear. You can look at capital works and the commitment of the Howard Government to spending money on capital works in this Territory, to investing in this Territory; and then you can look at Mrs Carnell's record on spending money on capital works, on commitments to this Territory, on keeping this Territory going. You can look at the Public Service and Mr Howard's cuts to Public Service numbers, his lack of belief in the public sector; and you can look at Mrs Carnell and her cuts to Public Service numbers, her lack of belief in the public sector. You can look at Mr Howard's cuts to social services that ordinary families depend on, whether it is dental services, child care or tertiary education; and you can look at Mrs Carnell's own record of cuts to community services in this Territory. The parallels are there, Mr Speaker. Mrs Carnell cannot distance herself from Mr Howard's actions in this budget because Mr Howard is following the model that Mrs Carnell laid down last year.

Mr Speaker, I can agree with one thing that Mrs Carnell said in her speech. The best thing that can be said about the budget is that the Federal Government did not cancel the capital works for Russell Offices and the Geological Survey Organisation office. Given that the buildings were already committed, they agreed to keep funding them. Mr Speaker, I have to say that I am relieved that they agreed to keep funding them, because they are important projects. But it is really a bit of cold comfort when you consider the capital works that they have abandoned. They have abandoned the National Film and Sound Archive. They have abandoned the national headquarters for the AFP. The Minister for Territories, the Federal Minister who is responsible for the ACT, who is meant to be looking after our interests around the Cabinet table, could not even persuade them to build his own new headquarters building in Canberra. That is how effective Mr Smith is. That is how effective Mrs Carnell's lobbying for this Territory is. Mr Smith, the Minister for this Territory, could not even persuade them to go ahead with his own building, let alone any of the other investments which this Territory desperately needs. Mr Speaker, it is not a good record.

That is leaving aside the Museum of Australia. Mr Humphries and Brendan Smyth, the former member for Canberra, stood on the foreshore at Yarramundi and created the impression for all and sundry that a vote for the Liberals was going to be a vote for a national museum at Yarramundi. What happened when it transpired that, in fact, they had no intention at all of doing that? Mr Humphries went on ABC radio and said, "Oh, but you did not read the fine print. If you had read the fine print, you would have known that we were not going to build the National Museum; we were just going to think about it". So, we have \$1.5m to think about it some more; but no building, no investment in Canberra and no jobs for Canberrans in the construction industry. That is the reality.

Mr Speaker, the parallel with Mrs Carnell's record, as I said, is clear. Mrs Carnell started off the fight last year in bringing down the budget with fewer capital works than in previous years. But, not satisfied with committing to fewer capital works, she kept cancelling them. In February it was \$8.8m - - -

Members interjected.

**Mr Wood:** I rise on a point of order, Mr Speaker. When the Chief Minister was speaking, you quickly, and no doubt properly, called to order members on this side of the house who were interjecting. I notice that you are not taking similar action when those members from across the way are interjecting. Would you give that some thought, sir?

**MR SPEAKER:** I would. The one person I did not call to order was Mr Wood himself, who was carrying on a conversation for some time. But I will bear it in mind.

**MR WHITECROSS:** Mr Speaker, it was \$14.1m in April, \$14.2m a bit later in April, \$15m in May, and \$20m by the end of the financial year. That is the Carnell Government's commitment to capital works, to investment in this Territory, to jobs in this Territory. Mr Speaker, we cannot be surprised, of course, that Mr Howard will not spend money here. He does not even want to live here.

Mr Speaker, the Liberal Party has an agenda of sacking public servants. In the budget papers they have a number - 10,500 - which translates to about 3,500 public servants here in Canberra. That is public servants employed under the Public Service Act. That is not counting the people who are going to lose their jobs from DAS enterprises. That is not counting reductions in staffing in Telstra. That is not counting all the other public servants who have gone. And that is just this financial year. That is not next financial year or the financial year after that. While we do not know the numbers, what we do know is that in each of those subsequent three years there will be a 3 per cent cut in running costs. Mr Speaker, you cannot cut 3 per cent in running costs every year for four years without cutting Public Service numbers. That is their record - fewer public servants in Canberra.

Mr Speaker, for every three public servants they sack, another person in the private sector, who makes a living out of servicing those people, will lose his or her job as well. So, if 3,000 public servants lose their jobs, that is another 1,000 who will lose their jobs in the service sector in this city, servicing those public servants. That is the reality, Mr Speaker. Mrs Carnell might like to put her rose-coloured glasses on - and close her eyes, just to be on the safe side - but the reality is that this Federal budget will do devastating things to the economy in this Territory.

Mr Speaker, Mrs Carnell cannot really launch this kind of stinging criticism, which she ought to, of what Mr Howard is doing to this Territory. She cannot, because it is her own policy. She, too, is going around looking for opportunities to downsize here, there and everywhere in the ACT Public Service. She never misses an opportunity to reduce the number of public servants. One of her first actions on coming into government

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was to put on a recruitment freeze to drive down the number of public servants in the Territory. Mr Speaker, she has her Minister for Urban Services, Mr De Domenico, going through area after area of his department, trying to shave 10 per cent here and 15 per cent there off the numbers.

**Mr De Domenico:** You mean to make it more efficient?

**MR WHITECROSS:** Mr De Domenico confirms my comments. He says "make it more efficient". Mr Speaker, the point is not whether we can make it more efficient; the point is that, with every job he sheds, there are fewer employment opportunities for people in Canberra and fewer employment opportunities for young people leaving school. That is the reality, Mr Speaker. Mrs Carnell cannot criticise Mr Howard for it, because it is her reality, and her words ring very hollow in the ears of Canberrans when she herself is such an enemy of the public sector in Canberra.

But the similarities between Howard and Carnell do not just end with their lack of commitment to the Public Service, public sector employment or investment in capital works. They also extend to the services that we expect to receive from government. There is \$620m out of road funding, Mr Speaker - a broken election promise. But you would not expect these people to criticise reductions in road funding. You have only to look around Canberra to know what their attitude is to reductions in road funding. Mr Speaker, there are the dental services. We have less money being spent on dental services by the Commonwealth. But Mrs Carnell herself has been busy winding back the school dental services. So, she cannot criticise other people.

Mr Speaker, her own actions demonstrate her lack of commitment to the community. While Mr Howard is slashing funding for child care and increasing the cost of pharmaceuticals, there is less money for public hospitals, higher education - it will cost more to go to university - and research and development. These are all things that Australians expect from their Government. Mr Speaker, this Government has the same policies of not spending money on community services, whether it is reductions in ACTION bus services or whatever else. These people are committed to smaller government. We can talk about services for the unemployed. We can talk about services for young kids on the street. We can talk about services for children. Mr Speaker, these people are not committed to maintaining funding for those services; so their protestations about cuts by the Federal Government ring very hollow indeed.

Mrs Carnell got the government that she asked for. She went out and campaigned for this Government. She said that this Government would be good for Canberra. How wrong she was! This Federal Government is implementing the same policies as Mrs Carnell has been implementing in the ACT. So, Mrs Carnell campaigned for them; Mrs Carnell got them. They are doing the same things as Mrs Carnell did in her budget last year. Mr Speaker, she cannot complain. If people think that the Liberal agenda is going to be good for the ACT, they are sadly mistaken. Neither Mr Howard nor those opposite have any real vision for Canberra. They offer no hope. There is one thing that is plain to see: The Howard and Costello budget, like Mrs Carnell's budget, shows that Liberals do not care about Canberra and that Liberals are not good for Canberra.

**MR KAINE (5.15):** I have heard a lot of statements made in this place over the last eight years, and I think that was the worst response to a significant financial statement made by a leader of the government that I have heard from any side of the house. Once again we have seen a lacklustre performance from the Leader of the Opposition, this pretender to the chief ministership. As I said earlier today to the media, I think it is about time Mr Berry made his move. He cannot be worse than the present leader.

Mr Speaker, the reason why that response was so pathetic is that Mr Whitecross refuses to see the reality of the economic and financial circumstances of the Territory and of the Commonwealth. We cannot look at what those financial and economic circumstances are without looking at the reasons why we are in this parlous state. Mr Whitecross constantly criticises both this Government and the Howard Government on the basis that they are attacking the ACT economy. The facts are that at the Federal level for 13 years we had such irresponsible financial and economic management that we ended up with a black hole of \$8 billion.

The figure is bandied about and everybody argues about whether it is or is not \$8 billion; but nobody has a look at why it is \$8 billion. The reason why it is \$8 billion is that for 13 years the Labor Government at the Federal level spent more money than it had. It continued to create a bigger and a bigger deficit year after year. And why did it do that? It did that to lull the community into a false sense of security, along the lines that somehow or other the Federal Government had an inexhaustible and bottomless pit of money that it could spend on everything that Mr Whitecross and his cronies demanded. It did not matter what it was - more education, more welfare, more everything. The attitude was, "There is plenty of money. Whenever you make a demand, we will spend it". The net result was that after 13 years we ended up with an \$8 billion deficit. If the Howard Government had not won the last election, no doubt we would be heading for a \$10 billion budget deficit next year and a \$12 billion one the year after that. Sooner or later you have to pay the piper for the tune.

**Mr De Domenico:** It would have made John Cain look like Scrooge.

**MR KAINE:** That is exactly right. So, we now have a responsible government at the Federal level that has taken the economic and financial circumstances under notice and is attempting to do something about them. One of the things that you have to do is reduce the expenditure side of your budget. You cannot continue to spend at the rate at which Labor governments increasingly spent over a 13-year period. Somewhere you have to start cutting your expenditure. Let us take the reduction in the capital works program. In the short term, it is good policy to stop spending on those things until you have the money in the bank to buy them with. In other words, get away from the credit card philosophy, where you can spend it this year and, hopefully, you will be able to pay it back the next year. That is why the Labor Party at the Federal level was so irresponsible and that is why the Howard Government is having to take some fairly hard decisions to get our economy and our financial situation back on track.

Mr Whitecross criticised the Chief Minister for saying, "But it is good for Canberra". Yes, it is; but not this year, Mr Whitecross, because we have to make up for the 13 years of waste and deficiencies of Labor governments to get it right. But, once it is right, it will be good for the country and it will be good for the Territory.

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The Chief Minister told us about some of the objectives in this year's budget at the Federal level. We have to get rid of this \$8 billion budget deficit that the Labor Party created and at the same time, as I heard the Chief Minister say, economic growth will continue to be strong, inflation will be firmly controlled, investment is expected to remain strong - and that is what will determine our future - and employment growth will be moderate. So, this Federal Government is taking a responsible course of action, which is maintaining the essential elements of our economy and creating a new foundation on which, in the next few years, it can build a healthy economic and financial Australia again.

All that these people over there do is whinge and complain. They will not recognise the fact that it was 13 years of irresponsibility at the Federal level under Labor that created the situation. It is like Mr Kennett in Victoria. They whinge and complain about what Mr Kennett has had to do down there; but Mr Kennett did what he had to do after yet another rampaging Labor government left the State in tatters. You can hardly say that Victoria is in tatters today. It is in a far better economic and financial situation. Even Mr Whitecross has to acknowledge that. So will the Federal economy be in three or four years' time. So much for the Federal situation that Mr Whitecross tried to attack!

There are major similarities between that and our economy. The Chief Minister and Treasurer is, right now, struggling to make good five years of financial and economic mismanagement by another Labor government - one which left us, at the time of the last election, with not one cent of reserve money left. We had spent the lot. Not only had we spent all the reserve money; but our Consolidated Fund was down to virtually zero. In other words, the Territory was virtually insolvent. Yet they could not cut down the expenditure side of the budget. The expenditure side of the budget still kept going up, just like at the Federal level. Their attitude was, "We do not care about cutting down the expenditure side of the budget. We shuffle the books. We defer this. We take windfall gains there. Then, at the end of the day, we claim responsible financial management". There was no responsible financial or economic management in this Territory over the last five years of Labor government.

The Chief Minister and Treasurer and the Government sitting before me today have the same problem here in the Territory as John Howard and his Government have at the Federal level and as Kennett had in Victoria five years ago. They have to deal with the economic and financial chaos that several Labor governments have left behind. I cannot accept this business of Opposition members sitting over there, carping and whingeing and complaining about the things that have to be done to get our economy in good shape and to get our financial management under control, when they themselves created the position that we are trying to deal with. It is interesting, is it not? We saw it in Western Australia; we saw it in South Australia; we saw it in Victoria; we are now seeing it at the Federal level; and we are suffering from the same problem ourselves. They are exactly the same circumstances. Governments, year after year, would not do the things that had to be done to keep the economy in good shape and would not take the hard decisions that keep our financial management within reasonable bounds. Then they sit there and whinge and complain and accuse people of doing things that are not good for Canberra.



It is quite fascinating. While Jeff Kennett is trying to get Victoria straight, while John Howard is trying to get the Commonwealth straight and while Kate Carnell is trying to get the Territory straight, what is Bob Carr doing? He is doing exactly the same things - selling off public assets where they are no longer required, cutting the expenditure side of his budget and privatising the TAB. Is that not fascinating? Wayne will love that, I am sure. He might have something to say about that.

I began by saying that I had listened to the worst response to a major financial statement I have heard anybody make for eight years in this place. I reiterate that. I would be much happier, and I think the ACT community and the ACT taxpayers would be a lot happier, if we saw some constructive comment coming from the Opposition, instead of this constant carping, nagging and complaining that the whole world has fallen apart and we cannot sustain the hard decisions that have to be made to pull it back into a reasonable state again. I know that Jeff Kennett is doing the right thing, that John Howard is doing the right thing and that Kate Carnell is doing the right thing. Let us get together and help her make the right decisions, instead of just criticising her every time she makes one.

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

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

**MS FOLLETT:** Mr Speaker, I present reports Nos 10 and 11 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the reports.

Leave granted.

**MS FOLLETT:** Report No. 10 of 1996, which I have just presented, was circulated when the Assembly was not sitting on 24 July 1996, pursuant to the resolution of appointment of 9 March 1995. Report No. 11 of 1996 contains the committee's comments on 27 pieces of subordinate legislation.

I would like to make two very brief comments on the contents, largely, of report No. 11. The first of my comments relates to subordinate legislation and, in particular, the making of determinations. The committee has, very reluctantly, had to report to the Assembly that we are seeing, in the making of determinations, the repetition over and over again of mistakes which the committee has reported on. Mr Speaker, I would urge those who are responsible for administering the making of determinations to be just a little bit more scrupulous in the content and format of those determinations, because it is becoming a source of some irritation in the committee and it makes us think that the Assembly is not taking our work seriously.

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There is another matter, again that has been reported on before, and that is the question of consultation that has been undertaken under the Statutory Appointments Act. The committee has mentioned previously, I believe, that we would like to see any consultation that has been undertaken in the terms of the Statutory Appointments Act mentioned in the explanatory memorandum for legislation that is brought forward, appointments that are made and so on. I would encourage the Government to make that clear. The Assembly was very deliberate in its actions in introducing the statutory appointments legislation, and we would like to see it implemented.

**Mr Humphries:** Which you opposed.

**MS FOLLETT:** Mr Humphries interjects that I opposed it at the time. Indeed, I did; but I bowed to the will of the Assembly in regard to that and have taken that legislation very seriously, in deference to the Assembly's very clear wishes on the matter.

There is another matter, which I will mention briefly, Mr Speaker, and that relates to appointments under the Medical Practitioners Act - a matter which is drawn to attention in the Scrutiny of Bills Committee's report No. 11. There appears to be a significant element of retrospectivity in relation to three appointments to the Medical Board. In fact, those three appointments have been backdated for some months. Mr Speaker, all three of those appointments are, in fact, reappointments of people to the Medical Board, and the question that arises is whether or not the Medical Board operated on a "business as usual" format during the period when those appointments had, in fact, not been made and they have now been backdated to cover that period. If that is the case, and the three reappointed members actually took their place on the board in the absence of an appointment, and if, in fact, there were decisions taken or actions agreed upon during that period and those actions or decisions adversely affected any person, then there is a real question as to the legitimacy of those decisions or those actions in view of the retrospective nature of the appointments.

Mr Speaker, as a general comment, we are seeing appointments being made later and later. I think it is very remiss to have to backdate appointments by several months, or a couple of months, as has occurred on this occasion. So, again, I would urge the Ministers responsible for such appointments and the relevant parts of the administration to be somewhat more scrupulous in getting those actions undertaken before the expiry of appointments. Of course, we will have to wait now on the Attorney-General's advice as to whether the failure to make those Medical Board appointments on time actually does have an impact on the work of the Medical Board. I commend the reports to the Assembly.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### Olympic Athletes Parade

**MRS CARNELL** (Chief Minister) (5.30): Mr Speaker, I would like to take this opportunity to reflect briefly upon yesterday's parade of Olympic athletes through Canberra's city centre. By all accounts, the parade was a great success and a chance for some 20,000 Canberrans, both young and old, to come to Civic and to support our Olympic heroes. The parade demonstrated quite clearly to the Australian Olympic Committee and its marketing agents that the national capital could turn on an event that would rival any other held around Australia in the past fortnight.

On behalf of the Government, I would like to thank the many individuals and organisations who helped to make the parade such a success. First, there is a big thankyou to Jenny Adams from the Project 2000 Secretariat, who worked very hard over the last couple of weeks to coordinate local involvement in the parade. Mark Owens, the general manager of the Bureau of Sport, Recreation and Racing, and his staff also provided great assistance, as did the many athletes from the ACT Academy of Sport who participated in yesterday's parade.

A big thankyou also should go to a service that often does not receive its share of thanks; that is ACTION and its drivers. ACTION provided transport for 4,000 schoolchildren to and from the parade, at an extremely reasonable cost to government. The Australian Federal Police did an excellent job, as always, in ensuring the safety of both spectators and those taking part in the parade. Australia Post helped out with their motorised posties, and the Department of Urban Services played its part by assisting with barricades and, of course, in the big clean-up. You would all have noticed that the clean-up trucks were there almost before the people had left yesterday.

I say thank you, too, to the teachers and principals who got behind the parade and organised their students superbly, ensuring that there were no problems. Finally, I say a big thankyou to every Canberran who got out there and clapped and waved and cheered our athletes. It was great to see so many kids and to see the enthusiasm in their eyes that the achievements of these athletes have generated - not just for young Canberrans but for Australians as a whole.

In the last couple of weeks, Canberra has had its fair share of knockers, who said that we could not draw a big enough crowd to warrant our own welcome home for Australia's athletes. I know, from speaking to both athletes and the AOC officials yesterday, that the parades in both Canberra and Queanbeyan have certainly silenced the critics.

### **McDonald's Family Restaurant - Access Ramp**

**MR HIRD** (5.33): Mr Speaker, earlier today I tabled, via the Clerk, a petition, which came to me out of session, from concerned students of the Kaleen High School and also their parents. It was to do with a problem which came about when a disabled student tried to enter the McDonald's fast food outlet at Bunda Street, Civic. This student was a student of Kaleen High School. Being one of the local members, along with Mr Stefaniak, I approached the McDonald's franchise owners and the Canberra Centre management to improve access for these people. McDonald's and the Canberra Centre have now agreed to share the costs for a ramp to allow not only physically challenged people but also mothers pushing prams and the elderly wishing to gain access. This is a wonderful result for the community. It is a result of community-minded students from the Kaleen High School and their parents, in conjunction with their elected members of this Assembly. The management of the Canberra Centre, McDonald's and the students of Kaleen High School are to be commended for their community spirit.

### **Dental Services**

**MR BERRY** (5.34): Mr Speaker, I would like to take this opportunity to read something to you:

The budget I present today is a first for ACT and Australian governments. It is an Australian first because we are releasing a realistic three-year budget. Gone are the simplistic forward estimates that have borne no relation to reality, as has been clearly demonstrated in previous years. In their place are real, achievable bottom lines that we will live within. It is an ACT first because there is now a government that can deliver a budget strategy to put the Territory back in the black. This budget has nothing to do with politics -

ho, ho! -

and everything to do with reality.

Ho, ho, ho! It continues -

It is a tough budget, but it is not a horror budget.

What an outrage! We heard a little while ago Mrs Carnell saying that the ACT dental service will not be cut. This is more of the doublespeak. Let me explain, Mr Speaker. The ACT dental service consists of salary expenditure of \$2,911,000, administrative expenses of \$799,000, and total recurrent expenditure of \$3,709,000. Mrs Carnell says that that will not be cut. In the same breath, Mrs Carnell says that we cannot provide the level of services we previously supplied because there is going to be a cut of over \$1m as a result of the cuts by the Howard Government - remember, the Government that Mrs Carnell helped push into office.

Mr Speaker, I cannot imagine how this budget will not be cut when the \$1m is taken out, even though Mrs Carnell says that it will not be cut. The fact is that Mrs Carnell has refused to hold that budget at its present level and, of course, is now going to blame Mr Howard because of the reduction in funding - - -

**Mr Whitecross:** Which she agrees with.

**MR BERRY:** Which Mrs Carnell agrees with. Mrs Carnell cannot have it all ways on this issue. The fact is that there is a dental service required there. She has to say that she does not have the heart to put the funds in to support the level of services which is already there; she cannot keep blaming Mr Howard. Mr Howard has come down like a tonne of bricks on the ACT; but Mrs Carnell has to accept some responsibility for these things as well. Let us not forget that it is Mrs Carnell who has also been “amalgamating services”. I think that is the term which is used within the department. We all know what that means. That means closing some, does it not? So, there have been child dental clinics out there in the community that have been closed down.

**Ms Follett:** He knows all about it!

**MR BERRY:** I was just reminded, Mr Speaker, that you have suffered some amalgamation in your area as well, if the predictions are carried through. So, Mr Speaker, you would understand the horror of imposed amalgamations.

Mrs Carnell has to be dragged out repeatedly and exposed for the misrepresentation which usually flows from her words in relation to questions on issues of importance. At question time, Mrs Carnell was evasive, at best; and, during the course of the debate about the Federal budget, it became clearer what was intended for our dental services. They are going to be cut. That is the answer. They will be cut. Mrs Carnell has to say, “They will be cut”, if that is what she means.

So, Mr Speaker, if Mrs Carnell had been fair dinkum at question time, she would have given us an answer which contained the words she used in her criticism of the Howard budget. It would have been clearer to us then and it would have been a proper response in question time. The fact is that Mrs Carnell intends to see fewer services provided in the ACT for people who are having dental problems. They are the people that Mr Howard wanted to hit with his budget. They are the people who have been hit by the Carnell budget as well.

### **Retail Trading Hours**

**MR HUMPHRIES** (Attorney-General) (5.39), in reply: If Mrs Carnell were exposed every time Mr Berry rose in his place to say that Mrs Carnell must be exposed, she would either have died of hypothermia or have been arrested a long time ago for indecent exposure.

Mr Speaker, I want to speak of something a little bit more serious, and that is the problem that some interstate chains of supermarkets in the ACT are creating by misleading their customers about the effect of legislation passed by the Assembly in June. Mr Speaker, whatever one might say about the legislation, the fact is that it has now been passed, and I would have thought that it would have been in the interests of members of the retail community to make clear to their customers what the new state of affairs will be. But, in fact, what we have going on is a deliberate misleading of the customers, particularly of Coles and Woolworths supermarkets at Belconnen, in an effort to maximise the disruption caused with the implementation of the new shopping hours changes at their supermarkets on 9 September 1996.

I will record for the record that Coles has signs up saying "open 24 hours until further notice" and Woolworths has signs up saying "open from 7 am till midnight every day". Mr Speaker, those signs, I understand, have only recently been installed in the stores. It is clear that the supermarkets will be required to close earlier than they do right now. They were told on 15 August that they would be required to effect the new, very clear, changes to the trading hours from 9 September. Despite that advice of 12 days ago, those supermarkets have engaged in a rather shabby deception of their customers by pretending that nothing is going to change. If I were a supermarket proprietor, I would want to tell my customers at the first available opportunity what was going to happen, not mislead them and cause the maximum amount of confusion on the day when the new trading hours come into force.

Mr Speaker, I hope that they will take the message that inconveniencing and disrupting the affairs of their customers in this way is unacceptable and that they will make some effort to advise their customers as soon as possible that these measures do have the support of the elected representatives of the community in this place and will be enacted from 9 September. If they had hoped to rely on the promises of Mr Whitecross that the whole edifice is going to come crashing down, that the National Competition Council is going to save their bacon, they are very severely mistaken. They should accept what the law now says, comply with it, and tell their customers at the first available opportunity, and not muck them around.

Question resolved in the affirmative.

**Assembly adjourned at 5.42 pm**