



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 SEPTEMBER 1996

Thursday, 5 September 1996

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The Assembly met at 10.30 am.

(Quorum formed)

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

COMMENCEMENT OF PROCEEDINGS

MR SPEAKER: Members, before we proceed with the business of the Assembly, I would refer you to standing order 28. In fact, all members, whether or not they are in the chamber, might like to listen to this. This standing order says:

The Chair shall be taken at the time appointed on every day fixed for the meeting of the Assembly, but if a quorum is not present, and if within 5 minutes, the bells having been rung, a quorum is still not present, the Speaker shall adjourn the Assembly: ...

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT) BILL (NO. 2) 1996

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.33): Mr Speaker, I present the Long Service Leave (Building and Construction Industry) (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

Mr Speaker, I am pleased to introduce into the Legislative Assembly the Long Service Leave (Building and Construction Industry) (Amendment) Bill (No. 2) 1996. The Bill, if passed by the Assembly as it is introduced, will do three things. First, it will increase the proportion of employer long service leave contributions which is transferred to the Construction Industry Training Fund from the current 10 per cent to 40 per cent. Second, it will apply this increase as if it had been in place since 1 January 1996. Third, it will repeal the whole of the division in the principal Act which establishes the Construction Industry Training Fund on 31 December 1997.

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At the heart of the amendments lies a Government commitment to employment, skill formation and business development in the ACT building and construction industry. The introduction of this Bill is a strong demonstration of the Government's faith in the ACT building and construction industry as an engine of economic development and job growth. By amending the Act in this way we are also demonstrating the Government's broader commitment to employment and training of our young people. It shows that we care about our young people who are finding it difficult to break into full-time employment in industries where there is a future for them.

Mr Berry: It will mean fewer employees. That is what it will mean.

MR SPEAKER: Order! Mr Berry, if you want to mumble, would you mind going outside and doing it in the lobbies, and allow Mr De Domenico to introduce the legislation.

MR DE DOMENICO: Thank you, Mr Speaker. It shows that, unlike those opposite, we recognise the importance of training and upskilling as a key factor not only in giving young people a competitive edge in the job market but also in assisting the whole building and construction industry work force to develop their skills base as a means of improving productivity and competitiveness in an increasingly competitive environment. This makes good business sense, and it makes good commonsense as well. By increasing the proportion of employer long service leave contributions which is transferred on a quarterly basis to the Construction Industry Training Fund, to be applied for training in the building and construction industry, the Government is acknowledging that the current availability of public and other privately sourced funds to support employment, training and skill development is inadequate at the present time.

The reason that current sources of funding are inadequate at present is that implementation of the training reform agenda appears to be peaking in this industry. I am receiving a steady stream of project applications through the Minister for Education and Training for approval for release of money from the Construction Industry Training Fund. All these projects are approved by the industry's peak advisory body on training, the ACT Regional Building and Construction Industry Training Council, which ensures they are of a high priority for the industry and have both employer and trade union support. Regrettably, at present, demand for funds considerably outstrips supply of funds. This is why the Government is acting now.

The Government also decided that, given the current demand for training resources, it would be sensible to apply the increase in the transfer of money to the Construction Industry Training Fund as if it had been in place since 1 January 1996. This feature of the amendment will have marginal impact on the Long Service Leave Board but a major impact on the availability of funds for training. What it will do is provide a one-off immediate increase in the amount of money in the Construction Industry Training Fund.

Mr Speaker, the decision to introduce these amendments has been taken with due regard to their impact on the Long Service Leave Board. The board's annual report to the Assembly for the year ending 30 June 1995 indicated that the board has accumulated assets which are significantly in excess of current and future liabilities. The board's balance sheet shows that the board's assets and total equity stood at \$18.86m

at 30 June 1995, derived by subtracting total liabilities of \$14.59m from total assets of \$33.45m. The implementation of these amendments will increase the amount of money transferred to the Construction Industry Training Fund from approximately \$90,000 in a full year to approximately \$360,000 in a full year - that is, an increase of approximately \$270,000. At the current surplus of \$18m, a small additional diversion to training of \$270,000 in a full year is entirely manageable.

Mr Speaker, this brings me to the third element of this set of amendments, which is the sunset clause. The Government has decided that, while it is prepared to use the existing mechanism to provide money for industry training as a short-term measure, this source of funding is not appropriate in the long term. The diversion of long service leave money to training was already regarded as a stopgap measure until a more appropriate alternative source of funding was developed. Other more equitable and inclusive mechanisms for funding the industry's training needs are available.

I am pleased to indicate to the Assembly that consensus on an alternative funding mechanism appears to be emerging, according to advice received from the ACT Regional Building and Construction Industry Training Council, and more recently from advice provided to me and the Minister for Education and Training by representatives of the major industry organisations. In this context it is appropriate that the Government signals to employers in the building and construction industry that their long service leave contributions will in future not be diverted to training. Mr Speaker, the Government considers that the timing of the repeal, that is, at the end of 1997, of the division in the principal Act which establishes the Construction Industry Training Fund provides sufficient time for the industry to develop an alternative funding mechanism for industry training and for Cabinet approval.

I expect to receive the triennial actuarial report on the Long Service Leave Board's operations in September or October this year. The passage of this legislation will enable me and the Government, armed with advice from the actuary, to set the long-term employer long service leave contribution rate at a level determined solely on the basis of the scheme meeting its long service leave liabilities without the need to account for a diversion of money to training. I expect, in the foreseeable future, to be able to reduce the employer contribution rate, thereby further reducing labour costs in the building and construction industry without in any way compromising the benefits to be enjoyed by employees and contractors in the industry with respect to long service leave entitlements. Mr Speaker, the inclusion of a sunset clause provides certainty to all interested parties and gives adequate notice to those charged with responsibility for ensuring there is in place a long-term sustainable source of funding for industry training.

The additional money for training to be generated by passage of the Bill will provide a significant fillip to employment and training opportunities, particularly for our youth, in the building and construction industry. The Government, in partnership with the industry, is currently developing a package of employment and training proposals which will be supported by the additional money in the Construction Industry Training Fund available as a result of the passage of this Bill. The employment and training package is being developed in a coordinated way so that it has wide support from the key industry stakeholders, and will require their direct involvement in management and implementation.

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The central objective of the package is a three-pronged approach to the employment and training of additional apprentices, including support for apprentices and trainees at risk of having their training agreement terminated due to economic conditions in the industry. As the Chief Minister says, Mr Speaker, I cannot see how any reasonable person in their right mind would object at this time to any government doing anything to increase employment in the building and construction industry, especially the employment of young people.

Mr Berry: If you were not misleading the community. You are misleading the community on this score.

MR SPEAKER: Order! You will have your chance to respond in due course, Mr Berry.

MR DE DOMENICO: Full details of the package, Mr Speaker, will be announced in the budget context. Just wait there and watch and see, Mr Berry, as they all rub their hands in glee when we introduce the budget. The initiatives we will be announcing, and other skill formation projects which have historically been funded by the Construction Industry Training Fund, simply could not be implemented without the availability of funds from non-public sources which complement the still significant level of funds provided by government for vocational education and training.

Mr Speaker, the private sector is to be commended for its practical demonstration of support for helping to meet the future skill needs of the industry through its preparedness to make money available through the Construction Industry Training Fund. It is the Government's role to assist in providing the necessary infrastructure, including legislative infrastructure, to assist the private sector in its endeavours. This is the purpose of this Bill.

The initiatives to be announced, which will be underwritten from the additional resources available to training when this Bill is passed, will result in up to 50 additional apprentices and trainees being employed in the building and construction industry in 1997. So there will be up to 50 new jobs immediately if this Assembly passes this Bill. This will be a major confidence booster to the construction industry and to those young people seeking a future in the building and construction and related industries. Mr Speaker, the initiatives to be implemented as a result of this amending Bill demonstrate what can be achieved when government works in partnership with industry - the employers, trade unions, associations and other key stakeholders.

Mr Berry: The greedy little hands rubbing together; the claws waiting to get into workers' funds.

MR DE DOMENICO: I will repeat that for Mr Berry because I think it is important. The initiatives to be implemented as a result of this amending Bill demonstrate what can be achieved when government works in partnership with industry - the employers, trade unions, associations and other key stakeholders. Mr Speaker, the Bill which

I present to the Assembly provides the important infrastructure to facilitate this partnership and to boost employment and training in the building and construction industry. I have very great pleasure, Mr Speaker, in commending the Bill to the Assembly.

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

TRADING HOURS (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General) (10.45): Mr Speaker, I present the Trading Hours (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill closes a potential loophole which Coles Supermarkets are intent on utilising to escape the clear intent of this Assembly in its passage into law of the Trading Hours Bill in June. The amendments clarify the definition of supermarkets being open for trade. Subsection 7(1) of the legislation at the present time says:

A person shall not keep a large supermarket open to the public for the purpose of trading at a time that is outside the applicable trading hours.

In Part II of the Act the Government believes that it is desirable to remove the words “to the public” where they appear. We seek to do this to preserve the intent of the legislation, which is to require that supermarkets in town centres not trade outside the hours set down in the Act.

Coles Supermarkets, in particular, are intent on developing ways of escaping the intent of this legislation, so the Government introduces these amendments today. I foreshadow that I will ask the Assembly to consider the legislation for passage this afternoon. The establishment of a Late Night Shoppers' Club by Coles is a stunt aimed at stifling competition with local centres and retailers outside the town centres. Coles are setting up this club solely for the purpose of enabling their stores in Belconnen and Tuggeranong to trade outside the Trading Hours Act. They are seeking a declaration from the Supreme Court to say that admitting members of the Late Night Shoppers' Club to their town centre stores will not contravene the Act - not members of the public; members of the Late Night Shoppers' Club.

Mr Speaker, what a cynical ploy! For \$10 you get the privilege of shopping in a Coles supermarket in a town centre late at night, free tea and coffee while you shop, and a 5 per cent discount on prices; but, Mr Speaker, only at night and only in town centre stores. Stores at places like Jamison and Curtin, which I understand would be

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open during the same hours, do not offer discounts to shoppers under this arrangement; it is just at Belconnen and Tuggeranong. If anyone needed any further proof that the large supermarkets are causing detriment and harm to the local centres, this is it.

Mr Speaker, this Bill removes any doubt, for Coles's benefit, that may allow supermarkets to open their town centre stores late at night for members of some special club. My message to people who might get caught by the Coles PR stunt is, "Do not waste your \$10". Membership of this club will not allow shopping in Coles's town centre supermarkets outside the hours that this Assembly, by a majority vote, has set. This Bill is about preserving the clear intent of the law passed by this Assembly. Anyone who doubts the intent should refer to comments made by all members on all sides in this chamber during the initial debate on trading hours in June 1996.

I hope, Mr Speaker, that members will agree with me when I say that, whatever the course of passage of legislation through this house, it is appropriate for all members to support respect for the law once passed and to encourage people not to break the law once passed. I hope that the spirit of the law was clearly reflected on the last occasion and that we will be able to uphold that spirit in amendments which I will put to the Assembly later today and which I hope the Assembly will pass. I commend the Bill to the house, even to the members for Coles and Woolworths opposite.

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

**LAND (PLANNING AND ENVIRONMENT)
(AMENDMENT) BILL (NO. 2) 1996**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.49): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill amends the Land (Planning and Environment) Act 1991 in relation to prescribed payments for the variation of leases. Paragraph 184(b) of the principal Act provides that the Executive shall not execute a variation to a lease where the variation of the lease would increase the market value of the lease, unless the lessee has paid the Executive the amount determined by the Executive as prescribed. Regulations 12 and 13 under the Act provide the basis on which the prescribed payment is determined. At present the Executive must first establish that a variation to a lease would increase the market value of that lease, prior to determining any payment in respect of the variation. However, regulations 12 and 13 refer to the use of added value to calculate the prescribed payment. Market value and added value assessments take different factors into account in their calculation, and reference to both creates an anomaly in the legislation.

Mr Speaker, the amending Bill clarifies paragraph 184(b) by removing the reference to market value, to ensure that the regulations properly allow the determination of betterment, soon to be known as the "change of use charge". The existing legislation inappropriately requires that payments in respect of variations to leases be determined by and made to the Executive. The Bill removes this requirement and provides that payments be made to the Territory. Consequently, subregulations (1) and (2) of regulation 13 are also amended to reflect payment to the Territory. Mr Speaker, this Bill clearly defines paragraph 184(b) of the Land (Planning and Environment) Act 1991 and will enable it to operate with a greater level of certainty. I commend the Bill to the house.

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

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

[COGNATE PAPER:

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

Debate resumed from 23 May 1996, on motion by **Ms Tucker**:

That the report be noted.

MR SPEAKER: I understand that it is the wish of the Assembly to debate this order of the day concurrently with order of the day No. 2, Assembly business, relating to the Government response to the Social Policy Committee's report on prevention of violence in schools. There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MS TUCKER (10.52), in reply: I think I am closing this debate, actually.

Mr Humphries: You are responding to the Government response, too.

MR SPEAKER: Yes, it is a cognate debate.

MS TUCKER: Mr Speaker, I have to say that I am very disappointed with the Government's response. There is growing awareness in the community that simplistic responses to violence are not going to work and that the earlier we get in with systemic responses to prevent violence the more successful we will be. There is growing acceptance that childhood experiences are critical, and I remind members that this week is child abuse prevention week. Tackling violence, including subtle forms of violence, is a challenging issue, and I disagree with the Government that this report by the committee does not make a significant contribution to policy on the issue.

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I was very surprised that the Government response was quite critical of the committee's work for what appears to be a rather inconsistent rationale. On the one hand they accept the committee's acknowledgment that violence is a complex issue and there are no quick fix solutions, but on the other hand they seem to criticise the committee for going too broadly. Mr Stefaniak said in his presentation speech that the committee seemed confused. He implied that this confusion arose because the committee did not understand the complex factors that lead to violence in schools, and that violence in schools cannot be separated from the broader issues of violence; but a bit later in his speech he went on to say that the Government agreed with the committee on the breadth and the diversity of factors leading to violence in schools. Mr Speaker, the committee went to great pains to examine the issue of violence in a broad fashion. It appears to be the Government that is taking the more simplistic approach by failing to acknowledge the importance of issues such as equity, the need for a comprehensive strategy for the provision and publicity of family support services and parent education, the need for more alternative models of education and the need for increased teacher training and support.

The fact is that a number of the recommendations in this report are consistent with the reports of other committees that have looked at violence, including the House of Representatives report on violence in Australian schools entitled *Sticks and Stones*. That committee did a lot of work, as did ours, and it is a credit to the secretary, Judith Henderson, that our report was so thorough. The *Sticks and Stones* report highlighted the need for intervention strategies at the earliest levels of schooling. It also contained a large section on the role of the family and the need for adequate family support services, in particular, preventative support services.

The National Committee on Violence also directed several recommendations towards assisting parents in developing non-violent means of discipline. The National Committee on Violence also recommended that corporal punishment should be banned by law in all schools, public and private. I am not only disappointed in the Government's response to this issue; I am also surprised at Labor's reaction as well, particularly as it was a recommendation of the prevention of violence in schools report. The Government quite strongly criticises the committee for acknowledging the links between equity and violence. I have to say again that the National Committee on Violence report stated explicitly that both victims and offenders of violence are drawn from the most disadvantaged socioeconomic groups. If school-based management can lead to a two-tiered schooling system, and it certainly has in the United Kingdom and New Zealand, it is quite legitimate for this committee to have asked the Government to examine very clearly its own proposals for school-based management and to identify any concerns there might be for equity implications in their model.

I would also like to say that the committee does acknowledge the important work that is taking place in some schools and in some areas of the department. In particular, we acknowledge that the Government is piloting a package of materials to address the issue of gender and violence in schools, and programs such as SCOPE - safe cooperative play environments. However, I have to comment about that. It is good resource material, but if that is not supported by a whole school approach with training it is not going to be a lot of use to teachers who are already very stretched. It was quite clear in the evidence we received that a whole school approach is really important. In fact, a systemic approach that is consistent is very important too. When you have students

moving from different sectors of schooling, whether it is from high schools to colleges, or from primary school to high school, if there has always been a consistent approach it is obviously much more useful for the students. We are also pleased that the Government supported the recommendation calling on the Government to work with the Australian Federal Police to develop guidelines for the reporting of incidents to the police, because it was clear that that area does need a little tightening up.

Of the recommendations in this report, the Government has really agreed to only about three outright. It seems to be quite common that the Government notes, or agrees to in principle, or supports the intention of certain recommendations, but uses this as a justification for the status quo and says it is already doing what the committee recommended. Obviously, the committee received evidence to suggest otherwise or we would not have made those recommendations.

The Government's response to both this report and the voluntary contributions report was that they would provide a school equity fund. This seems to be claimed to be the answer to equity issues. While we are very pleased that the Government has established this as a matter of principle, we are concerned about the way it intends to use the funds. We would have to comment that the \$55,000 allocated by this Government from within the existing budget is not going to solve all the problems of inequity in the school system. What is perhaps most disappointing is that the same issues keep coming up over and over again, with little action. For example, the issue of early intervention for students with behaviour problems is one that has been raised since 1991, yet we are still having "discussions" or replies such as "seeking to establish", but not much real action.

I would like to go through some of the recommendations and raise some specific issues of concern. I have also circulated a motion, or it will be circulated soon, which I will be seeking leave to move shortly. I have selected a number of critical issues from the Government's response on which we are asking for further explanation, information or reconsideration on the part of the Government. We hope that we get the support of the majority of members of this place for that motion.

The first recommendation called for further resourcing of off-line programs or similar flexible approaches for kids not coping in the mainstream. The Government response says its approach is already consistent with this recommendation. Each school receives 0.5 of a teacher, costing \$688,000; but, unfortunately, evidence suggested that this is not enough. The Government response also talks about each school receiving half a teacher for student welfare and career programs. They seem to have missed the point there. Career programs and work experience are not really about helping kids who are not coping in the mainstream. The Government says the School Without Walls is being refocused and a similar facility on the south side is being considered. That is an ongoing debate in this place at the moment. We are interested in knowing the timeframe, who is considering it, and so on. The Government also talks about funding for Marymead, the Richmond Fellowship, and Open Family for day programs for young people in substitute care. What about young people not in substitute care?

The second recommendation was that the Department of Education and Training and the Children's, Youth and Family Services Bureau develop intervention programs for students on suspension. The Government response says that the policy is already consistent with this approach. That is surprising because, in semester one 1995, 588 suspensions occurred in ACT government schools and 75 per cent were for violent behaviour. Even if the Government says it is going to have more in-school suspensions, that is a very worrying response. If in response to this committee's recommendations concerning students on suspension you are suddenly going to say, "Well, we will not suspend them any more; we will have in-house suspensions", that must be accompanied by some kind of increase in resources. Obviously, schools do not suspend students for fun. They do it because they cannot cope with those students in the school and they do not have the resources to deal with it. This must be a last resort, or I would certainly hope so. If you are going to suddenly say, "You cannot do that; we will have them in school", it has to be accompanied by some extra resourcing and perhaps more management training as well for the people dealing with it.

If suspension does remain an option, and your response does not say that it will not, we have to stress again that there is grave concern in the community that students who are suspended - 75 per cent of them for violent behaviour - are just left wandering the streets. There is no guarantee that they are going to be looked after by parents. I have been harassed by a student on suspension who wanted to clean my windows for \$5, I think it was, and when I said, "Why aren't you at school?", he said, "Oh, I am on suspension". He was having a great time and he was harassing people. So, obviously, that is not the duty of care of the Department of Education being met. The Government has requested a review of the suspension/exclusion policy. We, obviously, would be very interested to know when this will happen and whether or not you will be giving extra resources to deal with this, which is really the end. It is crisis management, once again, where you just throw kids out of a school.

The third recommendation was about examining more flexible and localised models of delivery of behaviour management support and withdrawal programs for primary school students. The Government noted this recommendation. It is seeking to establish a unit for students with severe emotional/behavioural problems at the Yarralumla Centre. This has been a recommendation since 1991. People working in the area, teachers, are very concerned to see that it has just been put off again. The early intervention program at Urambi is funded for 1996, but what about after this year? We are also wondering about Belconnen and Gungahlin, which have needs in this area as well.

The Government claims that 26 primary school students accessed programs in withdrawal units in 1995-96, and 63 students were assisted by student management consultant programs. How long is the waiting list, and what years do these figures represent? Is this over 1995 or 1996? We are glad to see that you are reviewing the timetabling at the Yarralumla Centre. That was obviously a critical need. As for the comment on regionalising the student management consultant service, we are wondering what the waiting time is to get support now. In its response on the alternative educational and

life skills programs, especially for students under 15, the Government supported this in principle and noted that they have a range of strategies operating in schools already. But what happens to those at the adolescent day program for whom integration is not an option, and what specific counselling programs are available now from the guidance and counselling service?

The fifth recommendation was that the Government ensure that all teachers participate in courses relating to behaviour management and refresher training. The Government agreed but does not appear to plan to do anything differently. It was quite clear from evidence given to the committee that teachers do not have adequate access to training for behaviour management and that they do not have enough opportunity for refresher courses. If you are talking about the part professional assault response training, it is quite clear that, hopefully, this is not needed by teachers very often in their working lives. The difficulty is that if they have done a course once it will not necessarily mean that they do not need refreshers. In fact, they do. It was quite clear in the evidence that if teachers are not using this all the time, and hopefully they would not be, they do need access to refresher courses so that on those occasions when they need them they have the skills. There also seems to be quite an amount of difficulty in accessing those courses. Of course, professional assault response training is just one aspect. Peer mediation and other sorts of skills for assisting students to develop non-violent ways of responding to frustration, abuse, or whatever, have to be critical in fostering a non-violent culture in our school system. We think that could be focused on much more.

We suggested or recommended that the youth connection program be evaluated after one year, and the Government agreed to that, which is good. We also asked for a research study to identify needs of disadvantaged school communities. The Government stated that they have already identified a study for term 4. That was interesting to the committee. We would like to know when you identified it, what the study is, and when the results will be known. The Government responded to the recommendation that it establish a fund to assist students whose parents cannot participate in activities. That is the schools equity fund response, of course, which I dealt with initially. We are concerned that that is the sort of stated response for the very complex issues around equity in our society and in the school system particularly. The school system is often seen to be the one place, hopefully, where you will have equal access. Once you have left school it is pretty obvious that that is not the case. That will apply more and more, of course, with the current Federal Government.

As for the equity implications of school-based management, the Government disagreed that there were any, which is extremely interesting, and we are asking for an explanation of how they can make that statement. If they do not think there are any, I do not see why they did not respond positively to that recommendation, explain their proposals for school-based management and show us quite clearly why there are no equity implications in it. Of course, we made a recommendation on corporal punishment, which, as I have already stated, is quite out of line with current thinking and is of concern to a lot of people in our community. I have covered the guidelines for reporting incidents to the police. We were happy to see the Government respond to that in a positive manner.

In its response to the recommendation asking that existing early intervention programs and further programs for students be developed, including parental involvement, the Government stated that it would maintain existing programs. An early intervention policy that services families has been launched recently. (*Extension of time granted*) This service is for families with children from birth to their entry into the school system only. Discussions are under way to establish a new program for primary age students with severe behavioural or emotional problems who require more intensive programs, and the program will offer opportunities for parental involvement. So, once again, we are having more discussions, which is very frustrating for people working in the field, and frustrating for people who spend a lot of time working on these committees. They come out with recommendations that have a good foundation of evidence, only to see that we are just getting more discussions.

We recommended that a strategy for the provision of family support services be developed. The Government apparently considers that it already commits considerable resources to this, although that conflicts with the preamble of this response because the Government stated on page 5:

Support for families will continue to be a government priority with emphasis given to the further development of family counselling and other family support services.

It is good when you read that in the preamble. "Further development" implies that there is going to be more work done in this absolutely critical area; but unfortunately, in their response to the recommendation, they contradict themselves there and claim that they already do enough.

Of course, the recommendation regarding the publicity campaign for these services that apparently do exist was not agreed to, which is also very disappointing. It is clear that it is not always easy for people to access information about services. This has come up in every Social Policy Committee inquiry we have had - the difficulty in accessing information, whether it is in disabilities, mental health, or aged issues. It is very confusing. We have so much information. Asking for a publicity campaign that really highlights in a clear way what services are available for parent support would seem to be a very constructive suggestion. I repeat that this is child protection week. I would have thought it would have been a great gesture from this Government to say, "Yes, we need to make very public what services we do have, and what services the community sector provides as well, of course, for parents who are having difficulties". We presented a recommendation regarding increased funding for counselling services and to provide greater access to family counselling. The Government supported the intent of this recommendation, once again, but it does not look as though anything particular is going to happen.

The last recommendation was about the untying of grants. At the moment it looks as though we are going to have a lot of these tied grants untied or broadbanded, and there is great concern because a lot of the equity programs in the ACT are presently funded by tied grants from the Commonwealth. Even though that money will be broadbanded, the committee was asking that you keep that money for those critical programs.

Your response seemed to indicate that you thought broadbanding or untying of grants to a specific program actually meant a cut in funding to that program. I really cannot believe that that is what you thought. Maybe you could explain that last response now. It obviously would not have to be interpreted that way. It is very disturbing if that is the way you interpret it. I will conclude with that point, but I will be moving a motion on this issue.

MR SPEAKER: Members, Ms Tucker, I am advised, has effectively closed the debate on order of the day No. 1 by speaking at this point. However, I think we can overcome the problem, with the consent of the Assembly, if leave can be granted for any member to speak on this order of the day. Is leave granted? There being no objection, leave is granted.

MR HIRD (11.12): As a member of the Social Policy Committee, Mr Speaker, I have read the Government's response very thoroughly and I believe the Government is on the right track in its response. The Minister, Mr Stefaniak, in presenting the Government's response to the committee's report, recognised the work that the committee had done and agreed with the majority of the recommendations. The Government is taking the issue of the prevention of violence in schools very seriously and is maintaining a very well considered approach to keeping the focus on preventing violence and violent behaviour. The Government is adamant in its agreement with the committee's recommendation that violence is a broader community issue. With this in mind, there is little point in throwing money at the problem in the hope that this, in itself, will eliminate it.

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 these factors are relevant to any realistic attempt to ensure that our schools and our community are safer places. The Government is also in complete agreement with the committee on the breadth and the 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, but the schools cannot do it on their own.

The safe schools policy framework, I understand, will be published soon and is a welcome initiative which will provide clear support and direction from our Government to school boards, principals and staff as well as the students. The framework emphasises positive student management and minimises violence and all forms of harassment. Schools are safe places. In fact, the committee acknowledges very clearly that it does not believe that, in general, violence in our schools is out of control and that schools are not coping. For some students school is indeed safer than home. I would refer members to page 1 of our report. It is well recognised that schools are safe places, and the Government wants to keep them that way. There are a number of policies, strategies and programs in place to reduce violence in the schools and in the playgrounds.

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The Government has taken, and is continuing to take, many positive steps to develop ways and means of promoting the concept of a non-violent culture within our school communities. The Government recognises the value of pre-service training and in-service teacher professional development which empowers staff and provides for the development of competence in the implementation of student management programs. New recruits to the teaching service in the Territory are required to address student management as one of the selection criteria for employment.

The consolidation in 1995 of the Children's, Youth and Family Services Bureau with the Department of Education and Training was a notable step forward. It created a workable structure and an important new opportunity for providing coordinated services to students, families and schools to improve educational outcomes for students with emotional or behavioural difficulties. Support for families will continue to be a Government priority, with emphasis given to the further development of family counselling and other family support services within the Territory. Following on from this administrative consolidation of children's services, a significant initiative, "Youth Connection: District Student/Youth Coordinating Service", provides an early interventionist approach for students with a range of complex needs. The emphasis is on prevention of truancy, school refusal and supporting students at risk with effective case management through one contact point. Fortnightly meetings of education, family services and health personnel discuss referrals and develop a case management approach leading to more positive outcomes for young people potentially at risk.

For students, peer mediation training - another very useful strategy which is supported by this Government - is another means of preventing violent solutions to problems. Peer mediation was strongly supported by students at forums held in April of this year as an early intervention strategy in the prevention of violence. Mr Speaker, 22 teachers from a number of government schools have been trained in this program. As I said at the beginning of my comments today, I believe that our Government's response to the Social Policy Committee's report on the prevention of violence in schools shows that we are on the right track in this very important area of concern for our young people, students and society as a whole. If there are points at which our Government's approach varies from that of the committee, those points are certainly not fundamental to the seriousness of the problem or the consensus that prevention is the only effective solution to this very complex problem. I commend the Government's response.

MR MOORE (11.18): Mr Speaker, as the preface to this report states, it is indeed a very complex set of issues. I recall the Committee on Violence in Australia reporting in 1992, I think, if my recollection serves me correctly. That committee, headed by Professor Duncan Chappell, also wrestled with a whole range of the same sorts of issues in principle and there were, of course, dissenting reports and dissenting views within that committee.

The particular strength of this report by the Social Policy Committee is that it is a unanimous report. I think that generally the Government's response to the report on preventing violence in schools has picked up the spirit of this report, although there are a number of issues that I know that Ms Tucker has referred to where there is extra room to move. Because of the complexity of these sorts of issues, I think it is highly unlikely that we will get overall agreement.

Recently the issue of corporal punishment has been raised. I indicated publicly, Mr Speaker, that I would be introducing legislation in this house to deal with the issue of corporal punishment in all Canberra's schools after the Attorneys-General reported on the issue. Their report, as Mr Humphries pointed out, actually did not advocate more corporal punishment, but said that where corporal punishment occurs it should occur only with the express written permission of the parents. However, that creates a situation where the community has condoned a formal form of violence by one person to another in the form of corporal punishment. Not only is it a formal acknowledgment of violence; it is also acknowledging that the violence can take place without due process. It is interesting that even our courts, after due process, do not allow that type of violence to be administered. It is a quite long time since we have had that sort of violence in our society, other than in specific schools.

It seems to me that we have a great opportunity in Canberra. It was my belief that no school administered corporal punishment, although I do note that the report refers to second-hand information, in that a number of academics from the Canberra University state that there is still violence in a small number of schools in the ACT in the form of corporal punishment. It seems to me that the notion that you can, on the one hand, say that we want to do what we can to prevent violence in schools and on the other hand allow corporal punishment is nonsense. It further exposes a view taken by both the Government and the Opposition that we cannot interfere with private schools on this issue of corporal punishment. It exposes them because, on the one hand, we are going to demand mandatory reporting of violence to children. Does that mean that if a teacher delivers some corporal punishment there is a mandatory requirement for other teachers to report them? I really think there is an inconsistency in the approach taken by the Government.

We are prepared to interfere, quite clearly, with what independent schools do. We are prepared to interfere, quite clearly, even in families when we have a violent situation. We already interfere with independent schools because we are going to mandate the teachers. I think Mr Stefaniak is in the process of mandating that teachers must report violence. If that is going to be the case, how can that be consistent with this approach?

I am using this opportunity to ask the Government and the Opposition to reconsider their position on the legislation on corporal punishment that I have proposed. Let me say that I am not fixed to the particular drafting instructions that I have given. I am conscious - it is in this report - of the method used by New South Wales. New South Wales will effectively get rid of corporal punishment by the end of this year. The method they are using in New South Wales is to require all schools to have a discipline policy, and that discipline policy must exclude corporal punishment. So there is a method there that forces this archaic teaching method out of our schools. As I have acknowledged publicly, not only have I been the victim of corporal punishment, I also administered corporal punishment as a teacher in my early days of teaching. It was interesting, Mr Speaker, that after a meeting the other day I was walking through the Canberra Centre and somebody stopped me and said, "Oh, you were one of my old teachers. I heard you on corporal punishment today". I had taught this chap back in the early 1970s at Daramalan. I said, "Don't tell me, don't tell me; I know", and he said, "Yep". He had indeed received a couple of swipes from me, and we laughed about it.

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It was part of a culture at the time which is something that we can well leave behind. I recall receiving, on one occasion, six strokes of the strap for something I had done. In the culture of the time, I did not see it as a violent act. I saw it as a normal thing. I did not feel particularly harsh about the teacher who was delivering it. That was the system; you expected it. However, the underlying notion that it was teaching us was that violence is a reasonable and acceptable way of resolving problems. What we are trying to do in our society, and what comes right through this report, is that violence is not an acceptable way of resolving problems.

One of the complexities of this issue, of course, is how to deal with boys in primary school. Boys in primary school invariably have experimented with each other in terms of tiffs. Very rarely in a primary school do boys seriously hurt each other. Tiffs happen constantly and it is appropriate for us to deal with those and to try to continue teaching that that is not an appropriate way to sort out problems. Often these tiffs are a form of playing, a form of testing just how far you can go with one of your mates without actually hurting each other. I think we have to be very careful to distinguish between that sort of play, which has about it a competitive edge which could be interpreted as violence, and a deliberate act of violence. Sometimes a deliberate act of violence is done verbally. Somebody may be mercilessly bullied verbally, and I consider that a much more serious consequence than one of these tiffs.

Worse still, of course, is where somebody is physically bullied, and that bullying is threatening. I am distinguishing specifically between that and the play and the tiffs that are very regular occurrences in our schools. Whilst I do not advocate that as a method of play, I do put a note of caution that we have to be particularly careful that we do not confuse what we mean by violence with what we mean by rugged play. To take it an extra step further, if we were to take this to extremes, we would have to set about banning all contact sports. People play these sports because they agree that that is the sport that they are going to play. I think we have to be very careful about how we define things and how we deal with them.

Mr Speaker, when we get to the motion that has been foreshadowed by Ms Tucker, it is my intention to move to adjourn the debate so that we have proper time to think about it. Ms Tucker and Mr Stefaniak have agreed that it is appropriate for us to sit around - I have not had time to get to other members - - -

Ms McRae: Are you sure?

Ms Tucker: I am listening.

MR MOORE: Ms Tucker has not agreed; okay. I apologise for misrepresenting the situation. We ought to have time to sit down with the Minister and his staff on this occasion and see what is the best way to implement what Ms Tucker seeks in her motion, and the things that I agree with. We have time to go through the appropriate process, and the Minister has indicated goodwill. I think this is an appropriate opportunity to go through that process. If the outcome is not the way we want it, this matter can come back to the Assembly at the next sitting and be dealt with there. Mr Speaker, I think this is a very important report that deserves careful reading by members of the Assembly and the public.

MR STEFANIAK (Minister for Education and Training) (11.29): I take it that no-one else wants to speak, Mr Speaker. As I said when I tabled our response to the report, we accept much of the thrust, many of the comments, and much of the factual stuff it contains. Indeed, we accept many of the recommendations, but some we do not, as detailed in our reply.

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 focused on one aspect, albeit a very important one, and that is the aspect of disadvantage, and has paid a lot of attention to solutions and strategies to alleviate disadvantage; but it is rather short on analysis and on strategies which focus on reducing violent behaviour. I will come to a couple of aspects which did concern me. I thought it would have been very handy for us, as a government, to have a little bit more detail and concrete suggestions in relation to a couple of very important problems associated with violence which we do come up against in schools. I will come up with that in a minute.

I want to refer to a couple of points that Ms Tucker raised. I think the Government's response in relation to corporal punishment is there, and I note that it is very similar to that of the ALP. Ms McRae made very similar statements to me in relation to that particular issue. I hope I have some good news for Ms Tucker on one point. I have heard, Ms Tucker, although it has not been confirmed, that in relation to the equity fund - you will recall how we were putting in \$55,000 to match the Commonwealth's \$55,000 - there may well be an increase in Commonwealth funding. If that eventuates - we are sorting that out at present - that would be very good news for everyone in our system.

Mr Moore talked at great length about corporal punishment. I will not go into that again. He also mentioned mandatory reporting. I was interested in and listened intently to his very sensible comments in relation to the primary schools tiffs and the need to distinguish. That is a very important observation from Mr Moore and I think anyone involved in education would tend to agree with him.

There are a couple of things in the report which I would like to address. The report indicates - I think everyone accepts this - at paragraph 2.3 on page 9, referring to a submission from Lyneham High School, that students do spend less than 20 per cent of their time at school and therefore it is mainly outside influence which contributes to violence in schools. I think that is something that we all accept. That is a very interesting and important point to note.

Mr Speaker, several other things in the report show that a lot is occurring in our schools. There are a lot of very good models in other schools which have programs on how to deal with violence. That is something that the schools tend to work out in terms of the departmental guidelines. They do tend to work out their own distinct strategies. They should show Ms Tucker and maybe the other members of the committee who think there is always a need to throw more money at a problem that there are other ways of doing it very effectively.

At pages 20 and 21 of the report there is a very good example of an anti-bullying program run by Richardson Primary School. It won the 1994 Violence Prevention Award. The program there involved student identification of bullying, recording by teachers of bullying incidents either observed or reported, and regular monitoring and reporting to students of the incidence of bullying and an agreed set of consequences. One of its reported strengths is enabling the issue of bullying to become public. I quote from the report:

As the school stated:

Children are free to tell staff that they “don’t feel safe” and seek help. Parents can ring the school to report events knowing that the school will take their concerns seriously and take steps to remedy the situation.

The reported outcomes of the Richardson Primary School program include:

- . a significant reduction in bullying;
- . a safer playground environment for all children;
- . almost total elimination of reports on racist comments;
- . the development of more positive ways of solving problems among students who were frequently displaying bullying behaviour; and
- . the development of an understanding of what constitutes bullying behaviour.

The committee indicated at page 21 that it hopes more schools will acknowledge the need to address bullying. Indeed, the Richardson model is something which I think a lot of schools could really take note of. It has been shown to be very effective without a number of the steps which Ms Tucker has suggested we would need to take over and above what we are doing at present.

Mr Speaker, a couple of points are also mentioned in conjunction with that. One is the buddy system, with older students looking after younger students in the playground. That is a very effective system. In a way, it is not terribly dissimilar to the old prefect system which used to exist in high schools. Older, more mature students had the responsibility of ensuring that younger students were not bullied or intimidated.

There are a couple of things which I would like to highlight and about which I think more guidance could have been given to the Government. Indeed, we are doing things which will help. The problem of unwelcome visitors is a very real one. In my travels around the schools I find that in some schools there is a very real problem these days with unwelcome visitors. In some high schools especially there is a lot of discussion as to the principal's power to remove unwelcome school visitors. Some schools reported serious problems, such as drug dealing and fights with visitors to the school grounds.

That is something that at present the Government is looking at with the department to see whether we need to change legislation or what other steps we can take to ensure that schools do have more power to counter that very real problem. I was a bit concerned just to read at paragraph 3.22 that the committee, whilst appreciating the problem, believes that giving the schools or the principals the authority to order unwelcome visitors to leave the school or its environs is not the best way to go and that really it should be a matter dealt with by the police.

I was also concerned to read what was said on page 16 in relation to possession of dangerous implements at school. It was said that that, again, should simply be a matter for the police, even though the police felt that certain things should happen in the schools in terms of empowering principals, if need be, to search school bags. Those are problems which do crop up from time to time. The problem of visitors to schools is very real. Yesterday there was some brief discussion in relation to the problem of drugs at school. Obviously, it is a very serious problem when some of these visitors are there for that purpose. Quite clearly, the schools need adequate powers to negate those types of problems.

Turning now to the strategies that we do have in place, they are combined with the continued promotion of non-violent behaviours. The solution to this will not come overnight. It involves, I suppose, a good policy within the school in terms of addressing the situation, early intervention and a long - - -

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

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

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

MR STEFANIAK: Mr Speaker, there certainly are no quick fix solutions. It is an ongoing problem. As the committee realises, it is something more than just within the school community. It is a societal problem and needs addressing in a number of ways, and that is what the Government is doing.

As our response clearly demonstrates, Mr Speaker, the Government has initiated many strategies aimed at preventing violence, and it has many programs already in place which address disadvantage, which we do not for a moment deny is a very important concern. The report actually acknowledges those very important programs. For example, have a look at page 37, which deals with a number of important programs outside the school system which address this issue. Mr Speaker, we need to be discussing the issue of prevention of violence from the perspective of changing cultures and attitudes about violence - something that we are endeavouring to do within our school system.

The Government welcomes the committee's recognition that violence is a broader community issue and relates to a number of factors, including such things as early childhood experiences, cultural factors, schooling experiences, the influence of media and film, and alcohol or other substance abuse. None of these factors can be underestimated in any way, including the issues relating to domestic violence and child abuse.

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Mandatory reporting of child abuse - a requirement introduced into the ACT by this Government last year and to be implemented in 1997 - will assist in enforcing the message that violence towards children, whether by other children or by adults, is simply not acceptable. It is significant that we are having this debate during national child protection week, because I think this Government has already achieved more in the area of child protection than the previous Government did in its two terms of office. We have consolidated the Children's, Youth and Family Services Bureau into the Department of Education and Training. That certainly has positioned the department very well in terms of addressing a range of factors which contribute to violence in schools. We are now in a strong position to identify effectively the needs of our young people in a holistic and coordinated way, and to move towards meeting those needs. (*Extension of time granted*) By reorganising these services for young people we have put in place an improved coordinated system of service delivery to students, to their families, to schools and to teachers. This integrated approach will assist in improving the school environment, students' life opportunities and their educational outcomes.

The Government accepts that there is a connection between inequity and violence. It is focusing on prevention of violence but is dealing with inequities in different ways. I have already talked about the schools equity fund and the possible good news that might come in relation to that. Although there is some correlation between equity and violence, it is through policies, professional development, interagency collaboration and community support that the Government is seeking to establish a culture of non-violence.

The Government has policies in place which support and address the prevention of violence in schools. Access to a safe and productive learning environment is a major planned outcome identified in the "Education Plan for ACT Government Schooling 1995-97". Relevant strategies to achieve this outcome include coordination of support services, review and evaluation of behaviour management strategies, and continuing initiatives to eliminate harassment. Staff development has a strong focus on the fostering of safe school environments, to strengthen leadership, to improve specific teacher competencies and to develop relevant curriculum aiming to promote safe schools. Staff development is terribly important, Mr Speaker, in ensuring that teachers adopt the right strategies when incidents occur.

The Government is enthusiastically promoting the concept of safe school environments and is seeking to have this message kept well in mind by students, school staff and the wider school community. The safe schools policy framework will be released shortly and will provide clear support and direction from the Government for ACT government school boards, principals and staff. The framework emphasises positive student management and seeks to minimise violence and all forms of harassment.

Members of the Assembly will know that every school board, with the principal, staff and student body, is required to develop a policy, using departmental guidelines, for the management of student behaviour. These policies are regularly reviewed and schools are required to adopt preventative policies and strategies such as protective behaviours, gender awareness and human relationships programs to raise staff, student and community awareness of relevant legislation, policy and procedures. I think it is quite clear,

Mr Speaker, from what I have said earlier, that some of those programs are going very well indeed, especially the Richardson Primary School program, which obviously has achieved very significant results in reducing violent behaviour and harassment in that school environment.

I think we all agree, Mr Speaker, that this is no easy problem. There has always been violence and harassment in schools. It would be nice to say that we can totally eliminate it. I do not think that is entirely realistic, but we can certainly do a lot to minimise it. The Government has in place a large number of strategies in relation to that. There are further steps being developed, some of which I have outlined here, to address this ongoing problem.

Attitudes have changed over many years. Mr Moore spoke of his experience as a student and also as a teacher in terms of corporal punishment. Attitudes to that have certainly changed since Mr Moore and I were at school. Attitudes to a large number of things that occur at schools and which impinge on violence also have changed over a 20-year period. Attitudes of students in relation to a number of issues which can have some relevance to violent and harassing behaviour have changed over the years. Changes to attitudes do take time, Mr Speaker.

I commend the Government's response to this inquiry. It has been a useful inquiry; no-one will deny that. There are things we feel could have been said but were not. Certainly, there are a few things that we do not agree with, but a large number of things that we do. I think that is probably the case with many reports on such complex issues like this which come before the Assembly. The Government will be supporting Mr Moore's motion to adjourn debate, and I look forward to talking to Mr Moore and Ms Tucker in relation to the points she has raised in her motion.

Question resolved in the affirmative.

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

Debate resumed from 27 August 1996, on motion by **Mr Stefaniak**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

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

MS TUCKER (11.45): I ask for leave to move a motion relating to the Government's response to the report by the Social Policy Committee on the prevention of violence in schools.

Leave granted.

MS TUCKER: I move:

That, in relation to the Government Response to the Report by the Standing Committee on Social Policy on the Prevention of Violence in Schools, this Assembly calls on the Government to prepare a report to be presented to the Assembly which will include:

- (1) a thorough assessment of the equity implications of school based management including the ability of schools to provide high standard support to students at risk;
- (2) details of the progress that has been made in establishing a new program for primary aged students with severe behavioural/emotional problems who require more intensive programs and how this meets the needs of Belconnen and Gungahlin;
- (3) a more detailed justification for the response to the recommendation calling on the Government to develop intervention programs for students on suspension from Government Schools;
- (4) information about how and when "further development of family counselling and other family services" will occur (page 5 of the Government Response); and
- (5) an explanation of why the Government does not agree that greater publicity needs to be given to services provided by the Government and community based agencies supporting parents and families at risk.

The purpose of this motion is not to call on the Government to redo the whole Government response, which was the tactic that Mr Moore used last time. This motion just pulls out a few Government responses which I am not at all happy with, and I think it is important that we make that quite clear. That is why I am proposing this motion. I will not speak at length on all the issues because I have already done that; I will just briefly cover what the motion says.

We are asking that the Government present to the Assembly a thorough assessment of the equity implications of school-based management, for reasons which I think I pretty well covered before. I keep talking about what has happened in the United Kingdom and New Zealand. Basically, with a devolved system, with resourcing formulas similar to what the Government is proposing in their document released last week, equity often stops at the school door. The three trends of school-based management from other places are loss of heterogeneity in student populations, increasing differentiation in quality and resources available to schools, and loss of diversity of options and effective curriculum choices. This is what has happened in other countries. We wait to be reassured that it will not happen here. That is all that that recommendation was about. That is the first point of my motion.

The second point is that we ask for more details about the proposed program for primary age students with severe behaviour or emotional problems who require more intensive programs, and how this will meet the needs of the Belconnen and Gungahlin areas. The third point is that we ask for a more detailed justification for the response to the recommendation calling on the Government to develop intervention programs for students on suspension. I have covered that already this morning. It is very important. It is of concern. It is a community issue as well as a school issue, so we are asking that you reconsider that response.

The fourth point of the motion asks the Government to prepare a report which will include information about how and when further development of family counselling and other family services will occur, which is what you stated at the beginning of your response but contradicted later on. The fifth point seeks an explanation of why the Government does not agree that greater publicity needs to be given to services provided by the Government and community-based agencies supporting parents and families at risk. These do not necessarily have huge resource implications. A lot of it is about information. I heard Mr Moore say that he would like to have a discussion about it first and adjourn the debate accordingly. Really, we are not doing anything like throwing the whole report back. We are asking for fairly clear responses here. We do not need a round table discussion. I will not support Mr Moore's motion for adjournment because I think it is quite clear that these things need to be addressed. I ask members to support this motion.

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Motion (by **Mr Moore**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Consultation with Assembly Committees

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

That the report be noted.

MR HIRD (11.53): Mr Speaker, Report No. 13 of the Standing Committee on Public Accounts is a well-documented report. Indeed, it should be borne in mind that our Government has been very open with the parliament regarding appointments generally. In all other jurisdictions throughout Australia it is recognised that such appointments are the prerogative of the Executive. This is in accordance with the principles of accountability and ministerial responsibility to the parliament. However, this Government has operated within the spirit of the principles of open and accountable government by consulting outside the terms of the current legislation.

There is a benefit in keeping this process informal, but little real benefit in giving the process a statutory basis. The committee does indicate an emphasis on process rather than on outcomes. There are a number of advantages in keeping the process of consultation informal rather than resorting to statute. This is particularly the case with TOCs. As commercial entities, TOCs operate in an environment distinct from other areas of government. The report fails to recognise that a different framework - that of the Corporations Law - applies to TOCs. Appropriate accountability arrangements are built into this legislative framework, and the vehicle for applying them is the memorandum and articles of association. The Minister, who has the power to appoint and remove directors of TOCs under their articles of association, is ultimately accountable to the parliament.

If the Government ignores the views of the committee or fails to consult informally, in accordance with current practice, the Assembly can censure the Minister or, in extreme cases, cast a no-confidence vote in the Minister or, indeed, the Government. Therefore, Mr Speaker, while supporting the majority of the report, I will not be supporting item (iii) of the recommendations, which reads:

... that the Government introduce legislation to amend the Statutory Appointments Act to provide that:

...

(iii) an instrument by which an appointment to the board of a Territory Owned Corporation is made be a disallowable instrument for the purposes of the Subordinate Laws Act 1989.

Mr Kaine: You are publicly disagreeing with me?

MR HIRD: Yes.

MR WOOD (11.56), in reply: Mr Hird seems to be speaking for the Government on this matter. I know that some correspondence has transpired; but I am just a little surprised that Mr Hird is standing up and speaking with the full authority of the Government - - -

Mr Hird: I am not speaking with the full authority of the Government. I am saying that that is where there are problems.

MR WOOD: It certainly gave me that impression. If that is the Government policy, it would be a disappointment, because I think - - -

Mr De Domenico: You are yet to receive the Government's response.

MR WOOD: Yes. There would be logic in the recommendations made by our committee. These were proposals initiated in the first instance when we were in government. The present Government ought to be consistent, I believe, with the proposals it made at an earlier date.

Question resolved in the affirmative.

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PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 7 of 1995

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

That the report be noted.

MR DE DOMENICO (Minister for Urban Services) (11.58): Mr Speaker, the Government has already presented its response, so I need say no more.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1995

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

That the report be noted.

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

SOCIAL POLICY - STANDING COMMITTEE
Statement on Inquiry into Use of Skateboards

MS TUCKER: I seek leave to make a statement as chair of the Social Policy Committee.

Leave granted.

MS TUCKER: I have already made a statement regarding the inquiry into the use of skateboards in Canberra; but I felt that it was probably necessary to restate what the committee is doing there.

There has been some confusion in the community because of public statements by Mrs Carnell, who gave the impression that such an inquiry was not necessary because of the national road rules which are being developed at the moment. Mrs Carnell has actually enjoyed attacking Mr Berry over the past few days for his inaccuracy in the media; but I think, in this instance, Mrs Carnell did not do her homework before she attacked me and the committee. That is unfortunate, because I thought that all members in this place did actually respect the work of the committees and did not like to see them in any way denigrated unnecessarily.

The fact is that there are national road rules being developed. They are in draft form, and will be for probably at least another two years. The section that deals with small-wheeled toys, as they are called in that particular forum, so far only in draft form, has been left to local authorities to decide upon. So, it is probably not something that is going to be dealt with in the national road rules. We also have to deal with the fact that Mr Hird has proposed legislation to restrict the use of skateboards in the ACT. So, it is obviously quite appropriate that we continue to look at this matter.

I would like to take the opportunity to inform members of the Assembly that the committee will be holding a public inquiry on Friday at Lake Tuggeranong College. This hearing will give young people an opportunity for direct input into the inquiry and a chance to participate in one aspect of the parliamentary process, which is very important, because so often young people feel alienated from the processes of politics. We have already had some young people talk to us. They obviously felt very pleased that politicians were listening to their views on this issue which is very important to them.

SOCIAL POLICY - STANDING COMMITTEE
Statement on Inquiry into School Without Walls

MS TUCKER: I seek leave to make a statement concerning the Social Policy Committee's inquiry into the proposed restructure of the School Without Walls.

Leave granted.

MS TUCKER: This inquiry has come about as a result of the Government's plan to refocus the School Without Walls and move it to Dickson, the community's response to that, and the fact that it links in quite clearly with our report on the prevention of violence in schools. I notice in the Government's response that, on two occasions, it actually refers to the refocusing of the School Without Walls as a good initiative of the Government. We would like to see, as a committee, exactly what this restructure is going to be and whether it meets the needs of alternative education in the ACT.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Statement on Section 2, Bruce

MR MOORE: Mr Speaker, I seek leave to make three statements on behalf of the Standing Committee on Planning and Environment.

Leave granted.

MR MOORE: Mr Speaker, section 2 in Bruce is sometimes referred to as the Huntley estate. The Planning and Environment Committee is extremely concerned about developments affecting residents in Bruce, section 2. The developments have caused residents of Bruce, section 2, to contact planning authorities and MLAs to express frustration and bewilderment. The Planning and Environment Committee sought a briefing by officials on the development, and a briefing took place on 19 August 1996.

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I want to extend our thanks to the Minister for arranging such briefings, which he often does with his department at very brief notice. I must say that it has always been the practice in this Assembly - both when both Rosemary Follett and Trevor Kaine were Chief Minister, and under the current Government. What the committee was told at this briefing has led it to seek this opportunity to make a statement. The basis of the residents' concern is that land behind their homes is being developed for residential sites, despite the residents' understanding that significant buffer zones, or green space, were to be provided. The Planning and Environment Committee considers that some unfortunate decisions by planning authorities have led to this sort of concern by residents.

Briefly, the background appears to us to be as follows. In 1986 the National Capital Development Commission identified the site as "technology park", "high-technology industry", and "possible future technology park". In October 1991 the draft Territory Plan was released for public comment. It identified that site as "general industrial", or high-tech light industry uses. In November 1992 the ACT Planning Authority gazetted Approved Plan No. 4750, which applied to the area. It permitted residential or technology park development up to three storeys. The land was identified as "defined" land. One of the principles and policies for the development of the land required that "each housing area shall be visually screened from adjacent non-residential uses by landscape treatment". In September 1993 the Territory Plan was gazetted. It showed the area as residential with a B1 area-specific policy to permit three-storey development. It also stated that the area was "defined" land.

The committee understands that, when the Territory Plan was gazetted in September 1993, Approved Plan No. 4750 was not revoked. I think it is important for the Minister, in particular, to understand that that plan was not revoked. This appears to have been an oversight. The effect of not revoking it is that the principles and policies of that approved plan actually coexist with those of the Territory Plan. So, the fact that Plan No. 4750 was not revoked actually adds a complication to this issue. Since 1993, the area has been developed as wholly residential. Since this means that there will be no technology park uses, the proposed landscape buffers to separate residential from non-residential uses are no longer applicable.

The problem is now easily seen: Residents were under the impression that the landscape buffers were a feature of the whole development. Those landscape buffers are primarily in the form of trees, shrubbery and growth. Thus, they have expressed frustration and bewilderment at now being told that the landscape buffers are not required - meaning that residential development is being allowed right up to the backyard fences of the existing residences. The committee is seriously concerned that a situation has been allowed to arise where Canberra ratepayers have been led to believe, even if inadvertently, that green space requirements once insisted upon are found to be no longer required. The committee considers that the Planning and Land Management Group of the Department of Urban Services - the successor to the ACT Planning Authority - should take particular care to ensure that other incidents of this type do not occur.

Lastly, the committee observes that the development affecting Bruce, section 2, once more raised the problem of defined land. The committee's predecessor, the Standing Committee on Planning, Development and Infrastructure, was also keenly aware of the problems that can be caused by the application of the defined land policy.

In particular, its application means that decisions about the detailed layout of the area are left to officials, and there is no opportunity for public input into those decisions. In the case of Bruce, section 2, the application of the defined land policy meant that residents were caught, it seems unawares, by a change in the landscape provision applying to the area. As an aside, I would comment that perhaps the defined land policy does need to be reviewed, in the light of community expectations in 1996.

Mr Speaker, I seek leave to move a motion that the statement be noted.

Leave granted.

MR MOORE: I move:

That the Assembly takes note of the statement.

Ms McRae: Mr Speaker, on a point of order: If Mr Moore gets leave to make three statements and then moves a motion in the middle of it, it does mess things up a little. If there is a motion now in front of the house that the paper be noted, people might like to speak to it; but leave has been given for three separate statements to be made. Could you please clarify that.

MR SPEAKER: Mr Moore, would you mind withdrawing that motion for the moment. Continue your statements, if you are going to speak to the other two.

MR MOORE: What I would prefer to do, Mr Speaker, is withdraw the request for leave to make three statements, having made one statement. I will seek leave for each of the other statements, if the Assembly will allow me to do that.

MR SPEAKER: If there is no objection, I will allow that course to be followed.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (12.10): I want to make a few comments on the motion by Mr Moore to take note of the paper, Mr Speaker. The matter Mr Moore has just spoken to the Assembly about has been raised with me, both through his writing to me as chair of the committee and through Ms McRae writing to me on the same subject, and some residents have also written to me. I have reviewed this matter in the last couple of weeks and am rather concerned about the implications. What Mr Moore has described to the Assembly is true as to the way in which what was originally zoned as a buffer between residential land and commercial uses of land has changed to remove that buffer.

Mr Moore: Except that 4750 still remains; it has not been revoked.

MR HUMPHRIES: Indeed, variation 4750 has not been revoked. My understanding, on reviewing the matter, is that, because of the way in which the variation was originally put forward, because the variation made reference to the fact that there was a proposed use of the land on the other side of the buffer for commercial uses, and because the

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variation was expressed in such a way that it was possible to construe that, if the use of that other land no longer was dedicated to commercial purposes, the reason for the buffer might disappear, there is an argument, and I am told a strong argument, that the developer of the Huntley estate is entitled not to proceed with the provision of the buffer.

I accept the advice that has been given to me on that subject, namely, that the buffer is not required and that the developer is within its rights to remove the buffer; but I am concerned by the implication of that fact. It has always been my view that, where there has been in the Territory Plan designation of a certain kind - for example, that there will be residential use or in some cases, and Nudurr Drive springs to mind, a road should be designated on a particular site - people who build houses close to such facilities in the knowledge that those facilities are provided for on those sites ought not to be heard to complain later when the proposed use for those sites proceeds.

This, in a sense, is the reverse of that situation. People were clearly under the impression when they purchased houses in Tauss Place, adjacent to the land in question, that they would be able to enjoy green space adjacent to their homes in the proposed buffer zone. Whether that was quite what the variation to the Territory Plan would have led them to believe is, perhaps, irrelevant. There is no doubt at all that those who sold them the land, the real estate agents and others promoting the estate, would have made much of the existence of that buffer. It is always an attractive feature from the point of view of people who seek to buy land, and the existence of a buffer would be a matter of some attraction to those who were seeking to build there. It concerns me that the variation to the proposal should occur such that the buffer can be removed.

My advice is that the use by the Government of the only device available to it to stop this happening, which is refusal of design and siting approval for houses in the buffer, or for a road in the buffer, for that matter, would be an occasion for compensation to be payable to the developer for the loss of the land which he could have sold, and that therefore would cause us to pause on taking that course of action. However, I think the issue raised is a very important one which we need to avoid in future. It does lead us to the point of asking to what extent we should leave descriptions of what is going to happen on land in a particular precinct or vicinity in the hands of real estate agents and others who derive a commercial benefit from it. There are countless examples that have come to my attention, and perhaps to other members' attention as well, of people who have bought land with certain things told to them about what adjacent land would be used for, only to find that that was not exactly what the plan had to say. We cannot force people to read the Territory Plan, and perhaps if they did they would not understand it. Mr Speaker, I note the concerns raised by the committee and I intend to pursue with officers ways of avoiding these sorts of problems occurring in the future.

MS McRAE (12.15): I listened with great interest to Mr Humphries, and I would like to add a couple of points to the debate. When the first development was finished, which I believe was done by Rosin, the developer could not finish it until he had built the green zone. It does seem to me that it was a lot more than just real estate agents promoting the issue, that there was a very serious sign-off requirement from the initial developer. I note your concerns about compensation, but I seriously urge you to have your advisers look at it and see whether there is a compromise way through. I know that

there are some people who fervently believe that, and I sincerely hope you test that to its utmost limits. There are certainly people with very serious and good intent who do believe that at least some of it could be saved. Could you follow that idea and, at the very least, test the notion that there might be some level of compromise that could be had.

The further question Mr Moore raised about a future definition of all of this, I think, is an important one. In particular, this estate has the potential to hold over 1,000 townhouses, and the notion of wall-to-wall townhouses with absolutely no green zones, just because that is what residential rules generally allow, seems a bit unlivable with. I would again strongly urge your advisers to provide you with an alternative approach even to just this site, never mind every site in the ACT, because this does have a unique and special place. There have not been many variations of the size of this one for townhouse development, and it is one that always had the potential to be an extremely beautiful and expensive development which was further amplified by the notion that the green zones would be there. It is a site where a developer is going to be able to get a lot of money for the townhouses, so the notion that he cannot sell quite as much land may not be as pressing as it is on smaller sites that are surrounded by ordinary urban amenities.

On those points, I would urge you to relook and talk again to your advisers to ensure that, because they are frightened of compensation, they have not clouded their decision on a possible compromise. I would not think it was the end of the world if some level of compensation in this case was considered because of the uniqueness of this particular site and the potential for what is yet to develop on that site. Of course, I defer to your advisers and your judgment on that because, clearly, it is in the Government's hands if it is left in a position of having to pay compensation. The green zone, may I point out to all members, is green, well and truly alive and thriving. It is not just an arbitrary collection of tiny trees. It is a very visible, beautifully planted area of trees and grass and has become a feature that is a bit more than a wish. It becomes slightly more painful to remove it than would the removal of such zones on the rest of the site. I thank you for your thoughtful consideration of the issues and urge you to consider further the issues that have been raised.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Statement on Developments affecting Kingston, Section 25

MR MOORE: I seek leave to make a statement on behalf of the Standing Committee on Planning and Environment on developments affecting Kingston, section 25, blocks 4, 5 and 6.

Leave granted.

MR MOORE: I make this statement on behalf of the Standing Committee on Planning and Environment. The committee has been disturbed by reports in the press, subsequently confirmed by officials, about developments on the above site.

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The developments concern the operation of a private hotel and public restaurant on the site, despite the provisions of the variation to the Territory Plan applying to the site and despite lease conditions. The committee questioned officials on this matter at a public hearing on 26 April 1996. The officials told the committee that, although the original approval was for residential apartments, they can be used for rental on a long-term basis, even extending to use as a private hotel. The officials said that the definition of "residential" in the Territory Plan included boarding houses and, in fact, uses the term "private hotel".

When this committee's predecessor considered the draft variation for this site in November 1993, it understood that the site would be used for residential uses, most likely by owner-dwellers, and not as a hotel. In light of what has happened since the Standing Committee on Planning, Development and Infrastructure made its decision, which was in most respects accepted by the then Government, the Planning and Environment Committee is concerned at the inability to draw a distinction between serviced apartments on a scale approaching a hotel and serviced apartments on a smaller scale.

The problem of definition in the Territory Plan does not give the committee confidence that the distinction between apartments for tourism and for residential on, for example, the Starlight Drive-In site in Watson will be capable of being enforced. I say as an aside, Mr Speaker, that that was a major part of the committee's consideration on that variation to the Territory Plan. The problem of definition also appeared to give unexpected results, such as serviced apartments not being allowed on a site having entertainment, accommodation and leisure land use, although a motel apparently is acceptable. The definitional problems and subsequent compliance difficulties are likely to cause public lack of confidence in the planning and land management systems.

The committee has written to the Planning Minister about this matter. Our letter was dated 7 June 1996. We have not yet received a response, although I understand that the Minister has a response in his hand. The purpose of this statement is to alert all members of the Assembly to this matter and to urge the Minister to address the issues and report speedily on what he perceives as the solution.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I was going to make a statement, but I might just table a letter I am sending today to Mr Moore on the subject.

MR KAINE: Mr Speaker, I seek leave to make a short statement on this matter.

Leave granted.

MR KAINE: Mr Speaker, I have some real concerns about the development of this site in Kingston. I was a member in 1993 of the Planning, Development and Infrastructure Committee which considered it initially, and there was great public concern and opposition to this development taking place in the first place. They were so persuasive that I, as a member of that committee, did not support the development. I put in a dissenting report, and I did so on the grounds that the public arguments against this development were strong and persuasive.

The original proposal pushed the development envelope for that site to the limit. The plot ratio, as defined in the Territory Plan, as far as I can recall was exceeded; the encroachment on the boundaries was exceeded; and there were two or three ways in which the proposal contravened and went beyond the specifications in the Territory Plan. Adjacent residents took exception to that and voiced their opposition to it very strongly. During the entire hearings in connection with this matter, there was no mention of hotels, serviced apartments on the scale of a hotel - nothing like that. This was low-cost residential accommodation.

It is a little disturbing, two or three years later, to discover that there is a hotel on the site. Let us be clear: It is a hotel, no ifs or buts. All you have to do is drive past it. In fact, the sign on the front of the building says that it is a residential hotel. I am confused as to how, with all the emphasis that has been placed on the Territory Plan and the lack of public confidence in the processes of planning, this can occur. It is the kind of development that causes people living out in the suburbs to have no confidence whatsoever in the planning processes.

The second aspect is that there is a public restaurant on the site. There was never any mention of a public restaurant on the site when the proposal was being discussed by the Planning, Development and Infrastructure Committee; yet we have a publicly accessible restaurant there. When you ask the officials to explain to you how this all occurs, it is clear that the administration seems to think there are huge loopholes that can be driven through in interpreting what can be done and what cannot be done. Nobody has yet explained to me how it is that the proprietor of that place got a licence to run a publicly accessible restaurant in which liquor is served, for a start. That was never envisaged, never included in the plan; yet there it is. You get no satisfaction when you call officials before the committee to explain how this all happened. It is obvious that everything is very obscure, it is not clear, they are not too sure how it happened; yet there it is.

I have great concerns about it. It is a classic case of a development from which the members of the community can reasonably assume that development is out of control. That is not what was originally put forward; it has evolved into something totally different from what was originally envisaged and what was considered by the Planning, Development and Infrastructure Committee. I submit that, if the other members of the Planning, Development and Infrastructure Committee had known at the time that this was the intention, I would not have been the only dissenting member of the committee at the time. It is a bit disturbing.

The other aspect of it goes way beyond this development. There is an inability, as Mr Moore has pointed out, to differentiate between residential apartments, where somebody turns their house into a couple of apartments and rents them off, on the one hand, and a massive development like this which, all of a sudden, becomes serviced apartments and, indeed, a residential hotel. It raises questions, as Mr Moore has pointed out, in connection with at least one other development that has already been approved, the old Starlight Drive-In site. Approximately half of that was to be serviced apartments and the other half was to be residential accommodation. We raised the question at the time: How are you, the officials, going to ensure that only X number of

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these units will be used for tourism as serviced apartments and the rest used for residential accommodation? There was a question there of how many residential units there were to be in the whole North Watson development, and the residential units as part of this development were part of that total. We were told, "Everything is right; no problem". Now we are told that there is a problem; you cannot differentiate between the two.

I think it is a matter that requires further attention. It is not good enough to let this thing just drift along in the hope that it will sort itself out. It will not. I ask the Minister to take that particular matter of definition under review, to make sure that we do not get another camel that everybody thought was going to be a horse. Until we can have some surety about that, you can understand why people in the community say that the thing is out of control, planning is not controlled, it is certainly not controlled in the interests of the community. We need to dispel that illusion as quickly as possible.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE Statement on Contaminated Sites Report

MR MOORE: Mr Speaker, I seek leave to make a statement on a matter involving the report of the Standing Committee on Planning and Environment on contaminated sites.

Leave granted.

MR MOORE: I make this statement on behalf of the Standing Committee on Planning and Environment to express the committee's concern about a matter raised in the committee's report, *The Adequacy of Processes Relating to Identifying and Managing Contaminated Sites in the ACT*. Members will recall that the report was tabled in June this year and made 15 recommendations for the improved identification and management of contaminated sites in the ACT. Recommendation 9 of the report called on the Government to announce urgently its remediation plans for contaminated land, identifying the mechanisms and the timetable for remediation, as well as how contaminated land is to be transported and stored. In the case of the contaminated land at Theodore and Watson, the committee considered that the Government's remediation plan should be announced during August 1996. The last sentence is the reason for this statement.

The Government has not yet announced its remediation plans for Theodore and Watson, which means that residents of these areas are left wondering what the Government's intentions are. Some residents are left in the limbo-land of not being able to sell their properties at all. They may not even be able to rent them until the Government makes up its mind, in that prospective tenants are worried about the extent of contamination and the lack of knowledge about the way the Government intends to deal with it. This is causing considerable anguish to some residents, and the Minister is aware of a number of cases, one of which I must say he has dealt with extremely positively.

I say as an aside that there are still situations that are causing residents considerable anguish. I am aware of one resident who has been offered a promotion to a job in another town and is in a position where he and his family are not able to sell that house. Not only is there a problem in terms of renting them as far as contaminated sites go, but also getting insurance cover to rent a house on a contaminated site apparently proves impossible. So there are real issues that need to be resolved as a matter of great urgency. The committee noted in its report that the Theodore sites had not yet been remediated, despite being vacated for over a year.

In making this request for urgent attention by the Government to recommendation 9 of the committee's report, the committee is not asking the Government to address all of its recommendations immediately. The committee is in receipt of a letter from the Minister for the Environment, Land and Planning, Mr Humphries, advising that the Government will respond to the committee's report by 25 September - in other words, in the next sitting. At this time, the Government will also respond to matters raised in Report No. 5 of the Auditor-General entitled *Management of Former Sheep Dip Sites*. The committee is pleased that the Government will respond to both of these issues at the one time. I think it is a very sensible way to go about it. But the proposed date is still three weeks away, and some Canberra residents are being seriously inconvenienced by each day that passes. The committee calls on the Government to finalise its response, particularly to recommendation 9 of the committee's report, within the next week.

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

Leave granted.

MR HUMPHRIES: Mr Speaker, I note the concern Mr Moore has raised on behalf of the Planning and Environment Committee and indicate that the delay in being able to settle on a policy with respect to remediation concerns me as well. I must indicate that I believe the Government has taken as many steps as are possible to deal with this matter in the timeframe available. Members will be aware that at the moment there are buyouts occurring in respect of properties in Theodore, and, indeed, in other places in the Territory. The Government has had some considerable discussion with representatives of residents in Watson about the way in which the remediation or buyout of sites there may occur. The particular problem with Watson, of course, is that the contamination on those sites is potentially, at least, partly naturally occurring as well as man made, and a policy needs to be developed which will take account of issues such as the bio-availability of contamination in a form where it is naturally occurring rather than man made.

Members will know that an expert group chaired, I think, by Professor Michael Moore has been established. It has been involved in supervising testing of the sites and assessment also of the bio-availability of naturally occurring arsenic. Those tests are not yet completed, and it remains my view that it is essential to have the results of those tests to be able to form a view about the extent of buyouts and/or remediation of sites there.

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I have also asked, as urgently as possible, for comprehensive legal advice on the position of buying out land where naturally occurring arsenic occurs, at least in part, on sites. As soon as that information is available I hope to be able to assure residents of those sites what the position is.

I have met on two occasions now with residents of the Watson sites and also on other occasions with the residents at Theodore and other sites that are contaminated. I will continue to engage in a dialogue with residents in those positions. I acknowledge completely the extremely unfortunate position those residents find themselves in. It is true that in many cases they cannot make realistic decisions about their future while a position from the Government is not yet available. I regret that, but I do not believe that it would be responsible for the Government, for example, simply to agree to buy out all sites concerned on the basis of whatever contamination might be found on the site or the origin of the contamination; nor would it be responsible, as I have been urged, simply to clear all sites by giving them a clean bill of health, indicating that there is no level of concern about the contamination on these sites. However, Mr Speaker, I can assure the Assembly that the Government will move as quickly as possible to form a view that is responsible and in the interests of the broader community.

Sitting suspended from 12.35 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Child Abuse

MR WHITECROSS: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Children's and Youth Services. Minister, in answer to my question on 29 August you said that, if there was an increase in the incidence of reported cases of child abuse following the introduction of mandatory reporting, you would assess the need for resources. Given that there has been an increase in phone calls reporting alleged child abuse in this week's Operation Paradox, will you be providing additional resources to investigate these complaints?

MR STEFANIAK: I thank the member for the question. One would naturally expect, Mr Whitecross, during our Operation Paradox, an increase in incidents reported. What the Government is doing in a coordinated way is looking at the incidence of reporting as a result of our training of the trainers and the gradual introduction of training in all areas of Canberra, so that we can properly assess what additional resources are needed. One of the areas, of course, where there is a concurrent need, obviously, for an increase in resources as a result of such things as mandatory reporting of incidents of child abuse is in terms of having proper places for children who cannot stay in a family situation as a result of the abuse. I think I indicated on the last occasion that in the 1995-96 budget we were making available \$228,000 additional in relation to payments to foster carers and for foster carers in the ACT. In relation to any concurrent increase in the incidence of reporting of child abuse, that is something the Government is monitoring. If need be, during the financial year, we will make adjustments accordingly as a result of need.

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

MR WHITECROSS: Mr Speaker, my question actually related to resources for investigating complaints, not the foster carers. Minister, my supplementary question is: How many days does it take your department to begin investigating reports of suspected child abuse after the initial report is received?

MR STEFANIAK: I hardly think that is a supplementary question, Mr Speaker. I think my department has a very good record on reported incidents of child abuse. That would really be on a case-by-case basis. Some things can be investigated virtually immediately; others might take a little longer.

Mr Whitecross: What is the average, then?

MR SPEAKER: You do not have to answer this. It is really a second question.

Police Services

MR HIRD: Mr Speaker, my question is to the Minister for Police and Emergency Services, Mr Humphries. I heard our colleague Ms Follett on the radio over the weekend saying that the ACT Government had to be sure that the Commonwealth's budget cuts to the Australian Federal Police national budget do not impact on police numbers and services within the Territory. Minister, I wonder whether Ms Follett's concerns are real, or was it just another cheap headline grabbing effort from her?

Ms Follett: Mr Speaker, on a point of order: I have taken issue with Mr Hird about so-called courtesy address or courtesy titles. I think you should pull him up for continuing to deliberately mispronounce that.

MR SPEAKER: I uphold the point of order. Please refer to members and Ministers by their correct titles.

MR HIRD: Ms.

MR SPEAKER: Whatever their courtesy titles may be. If Ms Follett wishes to be known by that title, please do so.

MR HIRD: I apologise, Mr Speaker. Minister, I wonder whether Ms Follett's concerns are real, or was it just another cheap headline grabbing effort from Ms Follett?

MR HUMPHRIES: I thank Mr Hird for that question. I also heard Ms Follett's comments on the weekend. She was basically saying that the cuts to the Commonwealth budget for the Australian Federal Police pose some potential problem for the ACT. She was seeking assurances from the Government that we would defend the line or ensure that any cuts to the ACT were compensated for by extra spending by the ACT.

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Let me say, Mr Speaker, that, from a person who is both a former Treasurer of the Territory and a former Minister for Police for the Territory, I found those comments very surprising. They were surprising because Ms Follett would surely be aware that in July 1990 the ACT signed an agreement with the Federal Government for the supply of police services to the Territory. Under that agreement the ACT pays for 689 officers of the Australian Federal Police to provide a service to Canberra. We actually pay for only 594 of them because 95 come, in a sense, for free, to account for the fact that we supply services to the Commonwealth through our police, a la three weeks ago at Parliament House.

The effect, of course, Mr Speaker, is that the ACT provides a budget for its community policing, and any reductions in spending at the Commonwealth level on Federal policing have no impact at all on the ACT because we buy the services that we need directly from the Commonwealth. There is no question of our sharing resources which are going to get cut. We pay for what we need. If the Commonwealth cuts back on those services we pay less. Therefore, there is no cost to the Territory. There is no proposal, of course, to cut back on the Territory's allocation of resourcing, and that is the position this Government has taken.

I must say that I find the comments made by Ms Follett a little hard to accept, however, given that during the period 1991 to 1995, while she was in office, resources to the Australian Federal Police in the ACT were cut by 6.4 per cent; every year a 2 per cent cut to the Federal Police budget. If after shaving something like \$3.5m off the Australian Federal Police she now feels confident in turning back to the community and saying, "The Federal Government must not cut the police budget; the Federal Government cannot get away with cutting the police budget", I suspect a lot of people would be a little sceptical about the value of her contribution to a debate like that.

Housing Trust - Sales

MS FOLLETT: Mr Speaker, I have a question for Mr Stefaniak as the Minister for Housing. Minister, in the Assembly on Wednesday, 28 August, you stated that the Government has sold 226 public housing dwellings over the past three years. In 1995-96, 64 dwellings were sold; in 1994-95, 80 dwellings were sold; in 1993-94, 82 dwellings were sold. You also informed the Assembly that the Government was planning to sell approximately 200 dwellings in this financial year. Can you tell the Assembly, Minister, why you are increasing the sales of public houses by triple the average number of the past three years?

MR STEFANIAK: Talk about boring and repetitious questions and, probably, boring and repetitious answers! Ms Follett, it is not nearly triple. I think the Government indicated it was probably going to sell somewhere between 150 and 200 houses and build up to 200 new houses this financial year. Quite clearly, as has been indicated in the various debates we have had on housing over the last two weeks, there is ample capacity for the Government to do that as a result of the very significant and often inappropriate housing stock we have. Accordingly, we are in a very good position to be able to do that.

MS FOLLETT: By way of a supplementary question, Mr Speaker, I would ask the Minister: What is your estimate of receipts from the sale of double to triple the number of houses? Will those receipts be used solely for the construction of new dwellings?

Mrs Carnell: And maintenance.

Mr De Domenico: And maintenance.

MR STEFANIAK: And maintenance as well, as a couple of people here are saying. Ms Follett, as you are well aware, under the current agreement, in terms of any stock we sell, we must use the money either for the purchase of new stock or for maintenance. Accordingly, that means, Mr Speaker, that, if we sell between 150 and 200 houses and we build about 200 new properties, the money is there for those new properties. A lot of the money from those sales will go towards those new properties. Other moneys will go towards maintenance. Ms Follett, we do have a significant maintenance bill of about \$15m a year, and that is primarily paid for by way of such things as tenants' rents. I think it is important that we use some of the money from sales for the very important maintenance we do need to do, on some of our old stock especially.

Ms Follett: What a pathetic answer!

MR STEFANIAK: What a pathetic question!

Wild Dogs - Control

MS HORODNY: My question is directed to Mr Humphries as Minister for the Environment, Land and Planning. The Minister would have seen the Conservation Council's media release today and would be aware of concerns that have arisen among rural lessees adjacent to Namadgi National Park about wild dogs coming out of the park and attacking sheep. I understand that you established a working group over a month ago to determine a policy for dealing with these wild dogs, which group should have reported to you by now. The Greens have also received information that your departmental officers have recommended that, rather than continue the current practice of dog trapping, these wild dogs be controlled by surface spreading of meat baits containing 10/80 poison along the boundary of the park and extending four kilometres into the park. If this is the case, then some 68 per cent of the park could be affected by the baiting program. Given that the management plan for Namadgi National Park says that wild dogs should be controlled only within one kilometre inside the park boundary and that poison baits laid on the surface of the ground could be eaten by native animals, particularly the threatened tiger quoll, could you tell us exactly what you intend to do about the wild dog issue; and either confirm or deny that you intend to allow ground baiting within four kilometres inside the Namadgi National Park boundary?

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MR HUMPHRIES: Mr Speaker, I consider myself a bit of an expert on wild dogs after having spent a day recently in a utility thundering around that area and looking at the problems.

Mr Osborne: Where was the gear stick?

MR HUMPHRIES: I will ignore any interjections on the subject. I am quite happy to debate with Ms Horodny the question of what to do about wild dogs. Let me say that I also do not intend to anticipate, as standing orders do not require me to, Government policy. I have asked a working group to give me views about how to deal with the wild dog problem. The working group has just reported to me, and my officers have just received a copy of the report. I have not yet read the report. I have not discussed it with anybody as yet, and I do not intend to make any decisions on it in the near future. I can say, simply, to Ms Horodny, that the process will go through the appropriate channels. Those who should be consulted will be consulted. I have no doubt at all that the Conservation Council will also have their say in this process. When a decision is to be made on the basis of that consultation, she will be one of the first to know.

Works and Commercial Services - Corporatisation

MR BERRY: My question is directed to Mr De Domenico in his capacity as Minister for Urban Services. On Tuesday of this week, in answer to a question on the transferring of staff from Works and Commercial Services to Totalcare as a result of making the decision and then consulting with the workers - - -

Mrs Carnell: Governments do that; they make decisions.

MR BERRY: Mrs Carnell interjects, "Governments do that and then make decisions". But you do not brag about consultation at the same time, Mrs Carnell; that is where you got the mix wrong.

Mrs Carnell: No; you consult about how to do it, not what you are going to do.

MR SPEAKER: Ignore the interjections, Mr Berry.

MR BERRY: You got the mix wrong. You were asked a question in relation to who would be responsible for any voluntary redundancy payments on the transfer of these staff to Totalcare. You answered that any redundancies would be paid out of the central redundancy pool. Minister, would you confirm that it is Government policy for redundancies in Territory-owned corporations to be paid for out of the central redundancy pool?

MR DE DOMENICO: The short answer to the member's question is no, it is not.

Ms Follett: You were wrong.

MR DE DOMENICO: No, I was not wrong.

Ms Follett: Yes, you were.

MR DE DOMENICO: No, I was not. Could you just tell Ms Follett to sit down and listen, Mr Speaker?

MR SPEAKER: Please listen to the Minister's answer.

MR DE DOMENICO: What we did say, and what we will confirm again and again, Mr Speaker, is that 600 DUS workers will be transferred to Totalcare under existing EBAs. They will be transferred to Totalcare in accordance with the EBAs. In answer to Mr Berry's question, the transfer of business units from Works and Commercial Services to Totalcare arises as a legitimate decision of the Government. As much as the CFMEU wants to bleat and moan, Mr Berry, the community has elected this Government to make Government decisions. If the CFMEU wants to make decisions in government, let Mr Wasson or somebody else put his name on your how-to-vote card, stand for preselection and win preselection. That is all you have to do if you are Mr Wasson, because he has the numbers. Mr Whitecross would know that. Then perhaps the community would listen to him. But the community, unfortunately for you, Mr Berry, has elected this Government to make decisions. This Government will make decisions, and not ask the CFMEU before we make those decisions. We will abide by the EBA. Any voluntary redundancies out of the 600 members that are transferred will be paid for out of the central pool.

Mr Berry: One asked a question about the Government's policy on using funds out of the central pool for redundancies. I would like the Minister to stick to that, so that we can get a clear understanding of the Government's position.

MR SPEAKER: There is no point of order. Mr De Domenico, in fact, was answering it while you were on your feet taking a point of order.

Ms McRae: He should not have been doing that.

Mr Whitecross: He should not have been doing that because it is in breach of the standing orders.

Ms McRae: It is most discourteous.

MR SPEAKER: He was answering the question.

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MR BERRY: Mr De Domenico says, “No, it is not the policy”. I take it - - -

MR SPEAKER: Is this a supplementary question?

MR BERRY: Indeed it is, Mr Speaker. You might have recognised it because it follows the substantive one.

MR SPEAKER: Mr Berry, you must understand that, if you want to take a point of order, you say “point of order”; if you wish to ask a supplementary question, you say “supplementary question”.

MR BERRY: Indeed. If one raises a point of order one expects the person whose behaviour - - -

MR SPEAKER: Except that you did not say you were taking a point of order; you just got up and started talking.

Mr Kaine: On a point of order, Mr Speaker - - -

MR BERRY: Sit down, you silly old goat. Mr Speaker, if redundancies - - -

MR SPEAKER: Sit down. There is a point of order.

Mr Kaine: Mr Speaker, I would like to take a point of order. The member is not entitled to argue with you about your ruling. Tell him to sit down or invite him to leave.

MR SPEAKER: I uphold the point of order, Mr Kaine. Do you have a supplementary question, Mr Berry?

MR BERRY: Indeed I do, Mr Speaker. If redundancies are not normally paid for out of the central redundancy pool, is not the Government’s decision to pay for the redundancies for staff transferring from Works and Commercial Services an acknowledgment that this is not necessarily in the best commercial interests of Totalcare and really is a sneaky way of shifting responsibility for sacking workers to somebody else?

MR DE DOMENICO: Once again, the press release has probably already gone out, Mr Speaker. Mr Berry says that we are going to sack workers. For Mr Berry’s edification and for his - - -

Mr Berry: You just reminded me; it had slipped my mind for a minute.

MR DE DOMENICO: No; put out the press release. This is for Mr Berry’s edification, because he needs to learn a lot of things. If Mr Berry were around his shadow portfolio responsibilities as he always makes believe that he is, he would realise that every worker going from DUS to Totalcare is still subject to the Public Sector Management Act.

Therefore, should there be any voluntary redundancies, they have to be met out of the central pool. Mr Berry, that is a fact that even you should have known. All those workers will still be members of the Public Service. Any redundancies will be voluntary. Any voluntary redundancies, in accordance with Government policy, will be paid for out of the central pool. You have had two goes.

Mr Berry: On a point of order, Mr Speaker: One part of the supplementary question was, "Is not this a sneaky way of shifting the responsibility to somebody else to sack somebody?". I just want to repeat the question I asked.

MR SPEAKER: You are wasting the Assembly's time. Resume your seat. You have asked your question and your supplementary question. Mr De Domenico has answered both.

Housing Trust Properties - Maintenance

MS REILLY: My question is to Mr Stefaniak, as Minister for Housing. What is the auditing process for maintenance that has been undertaken on public housing? How can residents and the community be assured that the work is always of excellent quality and to requirement and that the best price has been obtained for the work undertaken?

MR STEFANIAK: All government departments are regularly audited. That is just as a matter of course, Ms Reilly. It is interesting that you raised that question as if there is something wrong with the work being undertaken on public housing.

Ms Follett: There is.

MR STEFANIAK: "There is", says Ms Follett. That is interesting, Mr Speaker, because I sat here during a debate on public housing only a couple of days ago in relation to the Commonwealth-State Housing Agreement and the new arrangements, and I heard the Leader of the Opposition, Mr Whitecross, praising public housing; saying how good the terms for tenants were; that things did get attended to; how dreadful it was in private enterprise; how lucky we were that we did have a public housing system - this was on the MPI, I believe, on Tuesday - and the necessity for keeping it that way. Now, only a couple of days later, here we have Ms Reilly indicating, "No; there might be some great problems there". No, Ms Reilly; I think Mr Whitecross actually is right there. We have a very good record in public housing.

MS REILLY: I have a supplementary question, Mr Speaker. What follow-up action is taken by ACT Housing when there are complaints about maintenance or the lack of it? Is a log kept of complaints that are received about poor or slow response to maintenance requests?

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MR STEFANIAK: ACT Housing does follow up any complaints made in relation to various matters. Indeed, as Minister, I frequently get concerns expressed by people when they think their complaints have not been taken up quickly enough or seriously enough. That is something that ACT Housing does try to address as best it can. We are constantly, Ms Reilly, as you would know if you listened to the various reports in the media, trying to improve our services.

Last year, I announced a pilot program in Belconnen in terms of speeding up the service for the people who came into the office about all manner of problems, including maintenance problems. The new service we are trialling in Belconnen, where there will be a manager responsible for about 320 houses or properties, who will go around, get to know the tenants, get to know the problems and be able to look after maintenance concerns, will also, I think, be very effective in terms of speeding up any problems people do have with maintenance; or, indeed, maintenance where perhaps the people who were meant to fix the item that was damaged did not do a good enough job or did not do something to the standard which perhaps the tenant actually required.

We are constantly trying to improve our system. I think those two systems I mentioned - the improvements made generally to the Belconnen office, which has now been expanded throughout the regions in Canberra, and the current three-month trial in relation to property managers being responsible for a number of properties and getting to know those properties, the tenants and the maintenance needs - will further improve the system, Mr Speaker.

ACTION Bus Services - Gungahlin

MR KAINE: Mr Speaker, through you, I have a question to the Minister responsible for ACTION, Mr Tony De Domenico. Minister, I have some concerns about an article which appears in this week's Canberra *Chronicle* reporting delays in the extension of route 511 to Harcourt Hill. A Mr Whitecross is quoted extensively throughout the article as blaming both you and ACTION - - -

Mr Humphries: Surely not.

MR KAINE: Yes. This is the imperceptible Mr Whitecross, I think. He is quoted as blaming both you and ACTION management for continuing to delay the provision of this service. Has the imperceptible Mr Whitecross got it wrong yet again?

MR DE DOMENICO: I thank Mr Kaine for his question. The short answer to Mr Kaine is of course; of course he has it wrong. This is nothing new, mind you. Members may be aware of the plan to extend ACTION bus route 511 to include the suburbs of Harcourt Hill and Nicholls, too, Mr Kaine.

Mrs Carnell: Is that an extra service?

MR DE DOMENICO: It is an extra service, yes. Members may also be aware of some delay in the commencement of the extension. He has it right so far. Mr Whitecross, never one to shy away, obviously, from a Canberra *Chronicle* story, is in the photograph. Look at that - a nice little photograph of him waiting for the bus to arrive. It is a nice picture. He is never one to shy away from a story. It appears in this week's edition. It strongly criticises the Government, and me in particular, and ACTION for continuing to promise the new service but failing to deliver. The article says:

“The residents of Nicholls and Harcourt Hill have a right to be upset about the lack of services being provided by ACTION in their suburb,” Mr Whitecross said.

Mr Whitecross was commenting on the Government's lack of concern for some Nicholls residents who still have not been provided with a proper bus service, despite ACTION putting in the bus stops.

There is even a very statesmanlike photograph, that I have just shown members, of Mr Whitecross, looking most indignant, next to one of these bus stops. The article continues:

“Mr De Domenico has in the past run the spurious argument that he has not cut services in Belconnen, Tuggeranong and Weston Creek but just relocated them to Gungahlin. If this is true then where are they and why can't Nicholls residents have a proper bus service.”

It seems a fair enough question, Mr Whitecross. It is a very good question. Let me provide you and other members with the answer. Of course, Mr Whitecross did not ask me that question. He just went to the newspaper, making all these spurious arguments: “Woe is me. The Minister is a dunce. ACTION buses are useless. Here am I waiting at the bus stop, but there is no bus”. Here is the short answer, Mr Whitecross. The reason why the bus is not there is three letters: TWU, the Transport Workers Union.

Quite obviously, ACTION had to wait for the connecting roads to Gungahlin to be constructed before the bus service could be provided. You have to have the roads first, before you can put the buses on the roads. Right? Okay?

Mr Whitecross: Yes.

MR DE DOMENICO: You acknowledge that. That is good. Those roads were completed in May of this year. We finished the roads in May. At that time ACTION began planning a variation to route 511 to Ngunnawal and Amaroo to divert through Harcourt Hill. It also planned to divert route 511 through Ginninderra Village, to provide a regular service to the tourist attractions in the area. That is a most sensible way of redirecting a bus route, a new one especially.

The original implementation date for the extension of the service was 26 August, as mentioned in the Canberra *Chronicle* article. This date was not able to be met, solely because of the objections raised by the Transport Workers Union. Drivers are claiming, Mr Speaker, that the changes to their shifts which are necessary to pick up passengers at the new shops in Harcourt Hill are unacceptable to them. They do not want to change a shift because they do not like the shift change. Mr Speaker, do not get me wrong; these drivers have every right to raise work-related objections with management. That is what industrial democracy is all about. ACTION have followed and will continue to follow the dispute resolution process set out under the EBA signed by the TWU. It expects the matter to be heard by the Industrial Relations Commission in the near future. All going well, the extension to route 511 will be operating in October; all going well, and if the TWU agrees.

The interesting thing to note, Mr Speaker, is that the acronym TWU does not rate a mention in any of Mr Whitecross's quotes in the article in question. It is all ACTION this and De Domenico that. The TWU does not rate a mention. This is a beauty! The article states:

“Mr De Domenico should get out of his office once in a while and look around the city to see what is going on. ...

That is what Mr Whitecross says. Can I suggest, Mr Speaker, that it is Mr Whitecross who does not know what is going on. If he had bothered to talk to the union, the TWU, and all his union mates at the TWU, he may have realised that the problem does not lie with the Minister or ACTION management. The reason the residents of Harcourt Hill are not being serviced by the 511 bus route is quite simply that the drivers do not want to go there.

MR KAINE: I have a supplementary question, Mr Speaker. From your comprehensive answer, Minister, it seems pretty obvious - - -

Opposition members interjected.

MR KAINE: Can I throw the chooks another handful of wheat? It seems pretty obvious that it is neither the Minister nor ACTION that is at fault. I would ask the Minister to confirm that it is, in fact, the TWU drivers that have caused Mr Whitecross's problem. If this is true, why do you think it is that Mr Whitecross has not bothered to mention them in his article?

MR DE DOMENICO: I thank Mr Kaine for the excellent supplementary question, Mr Speaker. The answer to the first part of Mr Kaine's question is yes. In relation to the second part, I am told that Mr Whitecross actually tried to ring the TWU. They said, “Andrew Whitecross? Who the hell is he?”. That tells me that he is known in the TWU as well as he is known out in the community. The other thing I am told is that even if Mr Whitecross had come up with an opinion the TWU were not interested in it anyway.

Women's Information and Referral Centre

MS TUCKER: Mr Speaker, my question is for Mrs Carnell as Minister for Health and Community Care. I did give Mrs Carnell some notice of this question. Can the Government guarantee that the Women's Information and Referral Centre's forced move from the North Building will be to a location which ensures the same standard of client access and service delivery as in the present situation; for example, access to public transport, no stair entry and so on?

Mrs Carnell: That is actually in Mr De Domenico's area.

Mr Berry: He has something left?

MR DE DOMENICO: I have a lot left, mate. There is one thing we have that you do not, and that is government. That is pretty important, I have to tell you. That is pretty important, mate; and do not hold your breath about coming back to this side. You might shift places across the other side of the chamber; but it will be a long time before you come over this side, I have to tell you.

Mr Speaker, I will not listen to the chooks on the other side; instead, I will answer Ms Tucker's very sensible question. The Government is obviously committed to continuing the valuable services provided by the Women's Information and Referral Centre to almost 8,000 members of the Canberra community each year. There are no plans for changing the current level of service or means of delivery of that service. The Women's Information and Referral Centre is currently located on the ground floor of the North Building, which will become part of the Canberra Cultural Centre. Work on the centre is expected to start this calendar year, Mr Speaker. The Department of Urban Services is currently examining options for alternative accommodation for all tenants on both the ground and first floors of the North Building. This includes the Women's Information and Referral Centre, which will require accommodation which is easily accessible and highly visible but which is able to protect the confidentiality of its clients, quite obviously. A government-owned or currently leased space is obviously preferable. I expect suitable accommodation will be identified and the WIRC relocated within the next three months. That, I think, answers your question.

Students - Personal Hygiene

MS McRAE: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Education. Minister, following the general public's concern about the outbreak of hepatitis A in the ACT, could you inform the Assembly of what is the Education Department's policy on ensuring that soap is available to children to wash their hands properly at school? Since many illnesses are passed on by contact, what safeguards do you have in place to assure parents that personal hygiene is dealt with appropriately in schools?

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MR SPEAKER: I call Mr Stefaniak.

Mr Berry: Close the school. It is a very healthy place.

Mr Kaine: The same safeguards as were in place when you were in government.

Ms McRae: This has broken out since then. Ha, ha!

MR STEFANIAK: Do we have to have this carping from those opposite? Grow up! Anyway, it is a good question from Ms McRae; I will give her that, Mr Speaker. There has been an increase in the incidence of hepatitis A within the ACT this year. Unfortunately, some school age children have been diagnosed with the condition, as well as adults in the general community. The disease is usually transmitted by a breakdown in personal hygiene where there is close contact between people. Schools have been advised to emphasise the importance of good hygiene, particularly hand washing, and ensure there are adequate supplies of soap or detergent and handtowels in toilets and in areas where food is being prepared. Staff at special schools will be vaccinated as the need arises, in line with the National Health and Medical Research Council immunisation guidelines. I would like to thank the Department of Health, which has worked very closely with my department in this matter.

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

MS McRAE: Yes, Mr Speaker. So, what specific provisions have you made to ensure that schools actually have the soap, Mr Stefaniak?

MR STEFANIAK: Schools have been advised to emphasise the need to ensure that there are adequate supplies of soap. Ms McRae, if you have an incident where a school is not doing that or where there are not adequate supplies of soap, you tell me, because I would be very concerned about that.

Ms McRae: I will, but not here.

MR STEFANIAK: Good. I would not expect you to.

Northbourne Oval

MR OSBORNE: Mr Speaker, my question is to the Minister for the Environment, Land and Planning, Mr Humphries, and is in regard to the issue of Northbourne Oval in Braddon. Minister, as most people are probably aware, there has been a dispute going for a number of years over who should have the use of Northbourne Oval. Could you briefly outline for us the history of this dispute; where it is at now; what options are being considered; and what action you have taken or considered taking to see it resolved?

Mr Moore: Answer that one, Solomon.

MR HUMPHRIES: And all in three minutes. I am happy to, Mr Speaker. Members will be aware that there is a matter before the Supreme Court.

Ms McRae: Again?

MR HUMPHRIES: Again, yes. "Still" is a better word. My department and I have met with both the ACT Rugby League and the ACT Leagues Club to try to resolve the dispute on several occasions, but my charming manner and excellent mediation skills have not been successful on this matter so far. Mr Speaker, the ACT Leagues Club has recently moved away from further negotiations to resolve an acceptable subdivision proposal. I have spoken to a solicitor for that club, and I understand that he has stated that they are now seeking a quick resolution of the ownership dispute through the courts.

I asked my department to seek advice from the ACT Government Solicitor. I asked my department to seek that advice on 13 August, and the advice was received. I am working through the issues that the advice has given rise to. I hope that it will be possible to agree with the parties that a variation to the Territory Plan should be initiated which would allow for the continuation of the club at one end of the site and for the use for general sporting activities, particularly related to one proposed new user, on the rest of the site. Mr Speaker, the issue is complicated by the fact that at this point the parties are not able to agree on how that should proceed. Did you ask about car parking, Mr Osborne?

MR OSBORNE: No; that is all right. Thank you for that, Mr Humphries. My supplementary question is: At what stage in the history of this dispute was the Government approached about changing the lease to allow the oval to become a car park during the day?

MR HUMPHRIES: Thank you for that supplementary question. Mr Speaker, members will be aware that Northbourne Oval, in part, is being used to allow paid car parking on it - at least car parking which comes at a cost, in the sense that something has to be done to hand over money. As with other sporting facilities, car parking is permitted on the lease for users of the oval and members of the Leagues Club.

Some time ago my department received complaints about parking at the oval. It was alleged that people working in Civic were getting, effectively, discount parking by being able to pay some money to the club for the right to park on the lease. That gave rise to some concern. The suggestion was that, in effect, the Leagues Club instituted a special category of membership which would allow members to park on the site whether or not they were using the club's facilities. That does give me some concern, Mr Speaker, and I have indicated that I wish the issue to be followed through. If that is what is happening, if, effectively, subsidised car parking is being provided, then the practice must cease. Use of the car park should be related solely to use of the club and not otherwise. Using club membership to access the car park is a bit like belonging to, say, the late night shoppers club at Coles. Mr Speaker, I will be tracking that down if I can, and as soon as I have advice on the best way to proceed I will follow through with members who are interested.

Sale of Commonwealth Bank - Compensation

MR MOORE: Mr Speaker, my question is to Mrs Carnell as Treasurer.

Mrs Carnell: I thought I was going to go through a whole question time without a question.

MR MOORE: I am sorry about that. I understand that some \$12m has been received from the Commonwealth Government as part of the compensation for the sale of the Commonwealth Bank. Can you verify that this is correct; and, if so, has the money been assigned to Consolidated Revenue to assist in filling the black hole in the budget so that you can pretend to have a balanced budget this year?

MRS CARNELL: It is anticipated that approximately \$12m will be forthcoming from the Commonwealth as a result of the sale of Commonwealth Bank shares. That is an agreement between the ACT Government and the Commonwealth because, under normal circumstances, the Commonwealth may not pay the ACT for this sort of share transfer process. So, yes, that is an agreement. Yes, it has been paid into Consolidated Revenue; and Mr Moore will be very pleased to see in the budget exactly what we plan to do with it.

Futsal Stadium

MR WOOD: Mr Speaker, my question is to Mr Stefaniak as Minister for Sport. It relates to the futsal stadium. Mr Stefaniak, while noting that the Government has finally agreed to additional public works to help compensate for the disastrous Federal budget, would you answer three questions: Firstly, how much will the stadium cost? Mr Stefaniak writes this down; I am, therefore, hopeful I will get an answer that is not just off the script. Secondly, what are the arrangements for its financing, since it is not in the current budget? Thirdly, what process was followed to determine its priority over other projects?

MRS CARNELL: Thank you very much, Mr Wood; I will handle that one, as Treasurer. Mr Speaker, the cost of this multipurpose project is approximately \$250,000. This includes the construction of a retaining wall, adequate drainage, connections for power and water utilities, optic fibre cable linkages and other telecommunications equipment lines, and landscaping.

Opposition members interjected.

MR SPEAKER: Order! Mr Wood asked a question. He deserves an answer.

MRS CARNELL: I was trying to answer it for Mr Wood; but, obviously, those opposite do not want me to.

MR SPEAKER: I think that the least his colleagues could do is give him the courtesy of listening in silence.

MRS CARNELL: He did indicate that he wanted an answer. This also, Mr Speaker, includes landscaping to ensure that the site is in keeping with surrounding areas. The site is on land that is under the control of the National Capital Authority, as those opposite would know. The NCA was consulted about the proposal and agreed to the location of and the plans for the multipurpose facility. The stadium is only temporary and can be used by the community at any time for a variety of ball games, in-line skating, hockey, concert facilities or events related to such things as the Masters Games next year. This facility will be able to be used for all sorts of things. Temporary seating can be added at short notice to transform the venue into a mini stadium seating something like 2,000 patrons. The only permanent feature will be the concrete base surrounded by the appropriate retaining wall. The site has been chosen for a number of reasons. I suppose the major one is its lack of proximity to residential areas and the fact that it is right there in the centre of the city; particularly near Floriade, with accessibility to public transport and so on.

Mr Speaker, the second part of that question was to do with financing. As those opposite may or may not have remembered, we have not actually brought down the budget at this stage. As much as Mr Wood obviously forgot for a moment that the budget has not been brought down, such issues will be looked at in relation to the budget. But, as those opposite would also realise, \$250,000 is very much in the area of minor capital works. It is a quite minor amount of money for a facility that will bring so much to the ACT. The first of those events, of course, is the four-nation futsal championship this month, from 26 to 29 September, at which stage we will have four teams - the Australian team; the world champions, Brazil; Canada; and Japan - in the ACT. The final will be televised by SBS television.

Mr Berry: These are the dearest aeroplane tickets we have ever bought.

MRS CARNELL: I heard Mr Berry say that this is a very expensive approach. Mr Speaker, I would have thought, for an international event followed by such things as the Masters Games, all sorts of other - - -

Ms McRae: They could have played it on the Hawker oval.

MRS CARNELL: That is interesting. The Opposition spokesperson on sport said, "Who would possibly play there?". Mr Speaker, the reality is that, at the launch yesterday, we had the person who heads up tennis in the ACT saying that he thought that would be a great site. We had the person who is currently looking after the Masters Games saying, "What a great site" and "Will not this be a wonderful place to play?". We have had people from soccer, we have had people from all sorts of sports in the ACT say, "What a great site" and "Yes, we will use it". As well as that, Mr Speaker, there are all sorts of capacities in the area of the arts. We could easily have outdoor concerts. We could have all sorts of things in that arena.

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Mr Humphries: Sittings of the Assembly.

MRS CARNELL: Yes, we could have sittings of the Assembly. We could have volleyball, beach volleyball, artistic activities, cultural activities and all sorts of things, in a venue that will be unique to Canberra. From the venue you can see Parliament House; you can see the lake. I think what we have to see in this place is the stopping of the knocking all the time. We have a proposal for \$250,000 of minor capital works money, with a real capacity - - -

Ms McRae: You sound very defensive to me. No-one knocked.

MRS CARNELL: I get really enthusiastic and really excited, Mr Speaker, that we have convinced the National Capital Authority to agree with this approach that will be very positive for Canberra.

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

MR WOOD: Yes, I do.

MR SPEAKER: Proceed.

MR WOOD: This is in addition to your announced capital works program. Since this city so urgently needs a large increase in the public works program, what other announcements will you make arbitrarily to increase the volume of work in this town?

MR SPEAKER: The question is out of order.

MRS CARNELL: When I was down at this site this week, Mr Speaker, I counted 15 people working on the site. We will be making all sorts of potential decisions - surprise, surprise! - that will create jobs in this city, that will bring tourists to Canberra and that will create business in this city. That simply has to be the bottom line.

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

PERSONAL EXPLANATIONS

MS McRAE: Mr Speaker, I seek to make an explanation under standing order 46.

MR SPEAKER: Proceed.

MS McRAE: As I interjected, I said no such thing. What I did interject was that perhaps they could use the Hawker oval. There are other ovals with enclosed seating. May I put on record that I have never knocked the project. My public comment did not knock the project. I have never said a thing against it. If Mrs Carnell would like some further support from this house, she may choose to invite people to such events.

MR SPEAKER: Order!

MS McRAE: It is a personal explanation. She should inform this side of the house of public works that are going ahead of schedule. When public money is spent, I believe that I would be in a much better position to offer supportive comments and welcoming comments if this Government had the honesty to inform people appropriately.

MR SPEAKER: Ms McRae, that was a well put together personal explanation. I commend it to other members.

MR WHITECROSS (Leader of the Opposition): I want to make an explanation under standing order 46.

MR SPEAKER: Proceed.

MR WHITECROSS: Thank you, Mr Speaker. Mr Stefaniak, in answer to a question by Ms Reilly, deliberately misrepresented some comments I made in the debate on Tuesday about public housing; and I want to set the record straight on that. Mr Stefaniak suggested that I was saying that public tenants had no problems with maintenance and that, therefore, there was some inconsistency - - -

Mr Stefaniak: On a point of order, Mr Speaker: I was not saying that at all. I would ask him to withdraw “deliberately misleading” and to read what he has there and accurately quote me, which he is not doing. I said that only half an hour ago.

MR WHITECROSS: Before Mr Stefaniak interrupted I was explaining how I had been misrepresented, so that I could set the record straight. Mr Stefaniak created the impression that I had said that Housing Trust tenants did not have any problems with maintenance and that, therefore, there was some inconsistency between what I said on Tuesday and what Ms Reilly asked in a question today in which she suggested that there were problems. Mr Speaker, I will read one part from what I said on Tuesday which will make clear my position on this. I said:

All of us, I am sure, have had complaints from time to time about ACT Housing’s treatment of individual tenants. No doubt, some of those complaints have been justified; but, overall, it is unquestioned that public tenancy is a much more pleasant experience for the tenants than private tenancy and whatever problems public tenants might have in getting maintenance done -

that does not sound like a ringing endorsement of maintenance -

on their properties would pale into insignificance compared to the difficulties lots of private tenants have in getting maintenance done on their properties.

That does not seem to me, Mr Speaker, like a statement that the public tenants have no problems.

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Mr Speaker, while I am on my feet, I also want to make a personal explanation under standing order 46, as I was misrepresented by Mr De Domenico.

Mr De Domenico: Everybody misrepresents you.

MR WHITECROSS: Mr De Domenico said that everyone misrepresents me. If the Government is surprised by the number of personal explanations, that is because they do keep misrepresenting people at question time. It is a new technique that they have developed this week and - - -

MR SPEAKER: Order! Get on with the personal explanation, Mr Whitecross.

MR WHITECROSS: We are not going to let them get away with misrepresenting us.

MR SPEAKER: Order! Get on with the personal explanation; otherwise, I will sit you down.

MR WHITECROSS: Mr De Domenico, in answer to a question from Mr Kaine, suggested that I did not have my facts right when I suggested that there was a problem with a bus service which had not been provided by ACTION in Nicholls. Mr Speaker, the fact is that residents of Nicholls have been seeking to get that bus service for four months and ACTION has consistently - - -

MR SPEAKER: Order!

MR WHITECROSS: Bear with me, Mr Speaker. ACTION has told them that the bus service is coming next week. When my office contacted ACTION, which operates the bus services in Canberra, they told us that the bus was coming next week. The bus did not come. Mr Speaker, if Mr De Domenico's department keeps telling people that the buses are coming, when they have not completed consultation with the Transport Workers Union, that is their problem; not mine. I do not conduct staff relations with the Transport Workers Union. That is Mr De Domenico's job.

OFFENSIVE LANGUAGE - WITHDRAWAL

MR SPEAKER: Mr Berry has drawn my attention to comments that were made yesterday in the house. I have checked the *Hansard*. Mrs Carnell, at one point, in what was a fairly feisty exchange - it is quite possible that is how the comments were made - - -

Ms Follett: The comments were totally defamatory.

MR SPEAKER: Order! Mrs Carnell, there is a statement at page 59 of the *Hansard*, which I will read:

Mr Speaker, I am not sure who is telling fibs in this situation, but it is certainly one Labor Health spokesman. It might be the previous Health Minister and it might be the current spokesman on health.

Mr Berry has taken offence at the implication.

Ms Follett: So he ought to.

MR SPEAKER: Just a moment. Hear me out. Also, we have a small problem in relation to the previous Health Minister, who is now, as we know, Master of the Supreme Court. I wonder whether you would mind withdrawing the word “fibs”.

Mrs Carnell: I withdraw it.

Mr Humphries: Before Mrs Carnell rises, I would have to say that what Mrs Carnell was clearly saying was that either one or the other was not telling the truth. With respect, I think it was fairly clear from what Mrs Carnell’s remarks were overall as to who it was she believed was not telling the truth. I have to suggest, Mr Speaker, that, therefore, because she was not saying that either of them was telling the truth, she was not defaming Mr Connolly. If anything, she was making a reference with regard to Mr Berry which might have to be withdrawn.

Mrs Carnell: I am happy to withdraw any implication that Mr Connolly was not telling the truth.

Mr Berry: Mr Speaker, I ask you to call on her to withdraw the accusation that I was lying as well.

Mrs Carnell: Somebody has to be. There are two bits of paper.

Ms McRae: Then, put a motion, as you should. Mr Speaker, there is a very clear course of action if one wants to put a motion about any one of us who may have misled, and that is what Mrs Carnell should do. There is no room within the standing orders to impute that anyone lies. If that is the case, put a motion.

MR SPEAKER: Chief Minister, where are we?

Mrs Carnell: Mr Speaker, I have two pieces of paper that are absolutely at odds with each other.

Mr Berry: I ask you to order Mrs Carnell to withdraw the imputation.

Mrs Carnell: I did.

Mr Berry: No; you did not.

MR SPEAKER: Against you, Mr Berry?

Mrs Carnell: Against you, you mean?

Mr Berry: Yes.

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MR SPEAKER: It has been withdrawn against Mr Connolly; I am happy with that.

Mrs Carnell: Absolutely; there are no problems there.

MR SPEAKER: Chief Minister - - -

Mrs Carnell: I am happy to withdraw. If this house would rather handle it in a different way, I am very happy to.

MR SPEAKER: Thank you, Chief Minister.

Mr Humphries: You cannot both be telling the truth.

MR SPEAKER: Order!

Mr Humphries: Mr Speaker, it is astonishing that a man, who just a moment ago pleaded for the application of standards in this place, then used a one-finger sign across the chamber to members in this place. That may not be against the wording of anything in the standing orders, but I would suggest that it is conduct which is entirely unparliamentary, and Mr Berry ought to live by the standard he urges on this place and be asked to withdraw those sorts of gestures in this chamber.

Mr Berry: Mr Speaker, I withdraw the gratuitous body language.

MR SPEAKER: Thank you.

Ms Follett: Mr Speaker, if I could just have a word on Mr Humphries's point of order: In Mr Berry's defence, I should say that he was responding to an interjection by Mr Humphries repeating the self-same defamatory statement that Mrs Carnell just had to withdraw, and that was, "You cannot both be telling the truth". The Chief Minister was shamed into withdrawing that imputation. The Chief Minister has been forced to withdraw that imputation. I think it is totally out of order for the Attorney-General then to repeat it across the floor of the Assembly.

MR SPEAKER: I did not hear the comment, I must admit.

Ms Follett: I certainly did.

MR SPEAKER: Mr Attorney, I certainly did not hear the comment.

Mr Kaine: Mr Speaker, can we all stop being so precious and get on with the business of the Assembly?

MR SPEAKER: Thank you, Mr Kaine; at last some sense. This is worse than preschool.

Mr Berry: Mrs Carnell has been forced to withdraw.

MR SPEAKER: I did not hear Mr Humphries's comment.

Mr Kaine: No; nor did I.

Ms Follett: I did.

**PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS AND
PERFORMANCE AGREEMENTS
Papers and Ministerial Statement**

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of the contracts made with Tim Keady (performance agreement only), Allan Eggins, Michael Wright, Michael Sullivan, Peter Burnett, John Turner (performance agreement only), Bruce Dockrill, Gary Prattley, Robyn Read, Ken Horsham, Greg Burgess, Barbara Norman, John Thwaite, Gordon Davidson, Jane Wolfe, Colin Adrian, Glenys Beauchamp, Annabelle Pegrum (performance agreement only), Damian Farrell, Mick Lilley, Neil Morgan and Geoff Ellis. I ask for leave to make a very short statement about the contracts.

Leave granted.

MRS CARNELL: Mr Speaker, I present the next set of executive contracts. The contracts are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts. You will recall that I previously tabled contracts on 29 August. Today I present 19 contracts and three performance agreements. The performance agreements are for the chief executives of the Department of Urban Services and the Attorney-General's Department and the Executive Director of Cabinet and Policy Coordination in the Chief Minister's Department. The associated contracts have been tabled previously. The contracts are for executive officers, and include four from the Chief Minister's Department and 15 from the Department of Urban Services.

Finally, I would like to alert members to the issue of privacy of personal information that may be contained in the contracts and performance agreements. I ask members to deal sensitively with the information and respect the privacy of individual executives.

**WORKFORCE STATISTICAL REPORTS - FIRST AND
THIRD QUARTERS 1995-96
Papers**

MRS CARNELL (Chief Minister) (3.26): For the information of members, I present the government workforce statistical reports for the first and third quarters of 1995-96, dated October 1995 and May 1996 respectively. I move:

That the Assembly takes note of the papers.

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I am tabling, for the information of members, the workforce statistical reports for the first and third quarters of the 1995-96 financial year. Members should note that these reports are different from previous reports, as they are based on the program structure that came into effect in July 1995. Fewer details are included for ACTEW and Totalcare, which are now separated from the other agencies due to their status as Territory-owned corporations. The numbers show a fall of 143 employees, from 20,690 at June 1995 to 20,547 at October 1995, and a further fall of 470 to 20,077 at April 1996.

Question resolved in the affirmative.

COMMUNITY LAW REFORM COMMITTEE - SURROGACY INQUIRY Paper

MR HUMPHRIES (Attorney-General) (3.27): Mr Speaker, I present the terms of reference for the Community Law Reform Committee's inquiry into surrogacy. I move:

That the Assembly takes note of the paper.

I apologise for the short notice. Essentially, what the Government is seeking to do is to refer the issue of non-commercial or altruistic surrogacy to the Community Law Reform Committee. Members will recall that there is a motion on the notice paper from Ms Follett, which was listed yesterday under private members business, to refer to the Community Law Reform Committee the legislation presented to the Assembly last week by the Chief Minister. It is my view that the issue ought to be referred to the Community Law Reform Committee, and I believe that that represents the view of most, if not all, on the floor of the house. I have taken the view, therefore, that that reference should be made immediately, rather than waiting until the Assembly resumes at the end of this month.

The terms of reference cover not only the Bill Mrs Carnell has presented in this place but also the general issue of the two pieces of legislation that provide for the operation of surrogacy in the ACT. I hope there will be agreement on the floor that this reference is appropriate and that the reference can assist the Assembly ultimately to form a view on the appropriate long-term direction for surrogacy legislation.

The difference between what I have tabled today and what Ms Follett is suggesting is that this reference is proceeding independently of any process of dealing with this matter on the floor of the Assembly, that is, the Bill that is presently before the Assembly. It is, of course, open to the Assembly, when it resumes sitting later this month or perhaps at some later point, either to pass or to reject the legislation presently on the table.

If the Assembly does at some point in the future come back and consider and pass the legislation that is before the house at the moment, I propose to amend the terms of reference to the CLRC to make reference to the amendment to the Artificial Conception Act rather than simply to the Bill. If, alternatively, the Assembly does not pass the legislation when it resumes to consider it, then this reference will stand in the present form. However, it would be appropriate to make the reference to the CLRC sooner rather than later.

Members will see that I have referred three Acts to the CLRC. They are the Substitute Parent Agreements Act 1994, the Artificial Conception Act 1985 and the Adoption Act 1993, in particular as it relates to non-commercial surrogacy. The committee is being asked particularly to address anomalies and inconsistencies between the Acts as they impact on or relate to non-commercial surrogacy; the provisions of the Substitute Parent Agreements Act, the Adoption Act and the Artificial Conception Act as it is proposed to be amended by the Bill that is before the house; and any other related matters that appear to the committee to be relevant. I hope this will pick up the issues and interests that members in this place have identified. I hope it will guide the Assembly in its long-term deliberations about these issues.

I emphasise in making this reference that, if the Assembly happened to pass the legislation that is now before the house, that would not prevent, and should not be seen as preventing, the CLRC from making recommendations that might touch on these issues, indeed, that might be inconsistent with the view of the house. I will be conveying to the chair of the CLRC that it is my intention that there should not be any view that the Bills, once passed, have become law and should not be reconsidered by the CLRC. It is a law reform body. Naturally enough, it will have the power to recommend that changes to the law might occur, notwithstanding that they have been only recently considered by the Assembly.

MS FOLLETT (3.33): Mr Speaker, I support Mr Humphries's move to refer to the Community Law Reform Committee the issue of non-commercial surrogacy and the Artificial Conception (Amendment) Bill introduced by Mrs Carnell. I had hoped that my motion asking the Government to make such a referral would have been debated in the Assembly yesterday. As Assembly business turned out, we were not able to get to that motion, and I think it is appropriate that the reference go to the Community Law Reform Committee at the first opportunity.

There is a fairly major difference between the wording of Mr Humphries's referral and the motion I had proposed to the Assembly. However, I still think it is worthwhile proceeding. Mr Humphries's referral, in effect, asks the Community Law Reform Committee for a legal opinion on the Artificial Conception (Amendment) Bill in relation to other existing Acts affecting parentage. I would have asked, had my motion been debated, for a rather broader reference and asked the Community Law Reform Committee to consult widely and as they saw fit on this whole issue. However, I believe the important thing is that the Community Law Reform Committee start work on the issue, and I therefore am not going to take issue with Mr Humphries's rather narrower request of that committee.

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We have a fundamental difficulty in debating Mrs Carnell's Bill. As matters stand, Mrs Carnell's Bill applies at this time to only one person, one child. I believe that it is extremely difficult for a political forum such as ours to debate a matter knowing that it is really only one child's fate that is at issue. That puts us under an enormous amount of pressure, and I believe that it runs the risk of making for bad law. There is also the very grave risk that any adverse comment on the Bill or on the circumstances surrounding the Bill may well be taken to be adverse comment on the parents, the surrogate, the child, and so on. It personalises the whole debate in a way that I think is most undesirable.

I understand that there are some dozen additional couples going through the IVF surrogacy arrangement that Dr Stafford-Bell is pioneering. It is my understanding that they are all from interstate. I believe that we should not be forced into a rushed debate on this matter simply because we have been presented with a *fait accompli*, in the form of one child born under the program. I have the greatest sympathy for that child and for all the adults involved. Indeed, I know as well as anybody does the difficulties of not being able to have children. Nevertheless, I do not think we should fall into the trap of making poor laws.

One of the biggest problems I had with Mrs Carnell's Bill was that it overturns most of the underlying principles in relation to children and their parentage that are present in other laws dealing with such matters. The underlying principle has always been that the woman who gives birth to a child is its mother, and that is a principle I have always adhered to very strongly. There is another underlying principle, and that is that in all matters relating to children the welfare of the child must be paramount. It seems to me that, in looking at the whole of the surrogacy arrangement, you are in fact looking at the welfare of parents rather than of children, primarily. I would hesitate, therefore, to go down the track Mrs Carnell has indicated with her Bill without a good deal of advice from the community, from experts, and from representatives of organisations with an interest in the matter. In fact, I am not prepared to go down that path without having heard from a much broader range of people.

A large number of legal questions hang over the Bill Mrs Carnell has put forward, which the Community Law Reform Committee may well be able to shed some light on. The biggest question in my mind is why Mrs Carnell did not use the Adoption Act rather than create a new Act. Under the Adoption Act, it is possible to fast-track an adoption order where there is a relationship between the baby and other persons, such as its grandparents, siblings, uncles and aunts, and so on. I would have thought it would make far more sense, as an interim and fairly cautious step, to use the Adoption Act, even if we had to amend it to include a broader range of persons who might be fast-tracked as adoptive parents. The Adoption Act has tremendous advantages, one of which is that there does exist a whole national and international protocol around adoption that safeguards predominantly the child's interests. There is a national minimum set of principles for adoption, which has been adopted by States and Territories right round the country. The general principles state:

- (1) The interest of the child is the paramount consideration.

I support that view.

They continue:

- (2) Adoption is a service for children, not for adults wishing to acquire the care of a child.

I support that view. They go on:

- (3) Adoption is only one of a range of substitute care services.

That is certainly the case. As I said, I do not understand why we have not used the Adoption Act in this case, and that is one matter that I think needs to be explored a great deal further. In discussion with Dr Stafford-Bell in the Legal Affairs Committee on the question of surrogacy, from the notes I have of our discussion I understood very clearly that we would be looking at an amendment to the Adoption Act to cover babies born under his program, not some completely separate set of legislation.

We also need to look at why we have not used the Family Law Act to deal with children born out of these surrogacy arrangements. It is entirely possible under the Family Law Act to make custody and guardianship orders, including permanent custody and guardianship orders. Again, I need to see why that has been considered an unsuitable course of action to take. I accept that the Family Law Act is a Commonwealth Act, not an ACT Act. Nevertheless, it is an Act that has been tried and tested over many years now, and I believe that it could have been a preferable course of action to take.

There are other issues, both practical and philosophical, beneath the surface of this issue that we could debate at length, and I am sure that the Community Law Reform Committee will want to look at some of them. One that concerns me is that the Bill Mrs Carnell has introduced appears, contrary to all other practice, to confer rights on the donors of gametes - I shall call them gametes, but they are in fact any sort of anatomical specimens - rights that do not exist in other circumstances, and I think this is worth exploring as well. People who donate blood do not expect to have any rights over the person who receives their blood; people who donate bone marrow do so from purely altruistic impulses, as do people who donate a kidney. You do not expect to have any control over the life of the person to whom you have made the donation. But, in the case of a surrogacy arrangement, the donation to a surrogate of the sperm and ova and what have you by its very nature does impose rights on the donors, and I find that a strange set of circumstances.

I also do not believe that it can be said in every case that this is a purely altruistic arrangement. By allowing non-commercial surrogacy, it may well be that we are simply turning a blind eye to what could be a quite commercial relationship, and there is no way of our knowing whether that is the case. In relation to donation of other organs and bodily fluids and so on, it has long been the tradition in Australia that there should be no payment, nor should there ever be any sale or commercial transaction in those organs. I think the surrogacy arrangement we are looking at here sails very close to the wind in terms of a commercial transaction. There is a principle there that needs to be explored much more thoroughly than I am equipped to do and much more thoroughly than perhaps we have the time to do.

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In 1994, when the whole question of surrogacy was being debated, there was very wide consultation. The Women's Consultative Council consulted widely and advised on the results of their consultation. In a letter to the director of the human rights and community law section they make a statement that I think is very revealing. They say:

Further, surrogacy re-interprets the status of a child to that of a product or commodity which may be "sold" or "given". Council would find a practice with these implications unacceptable. Both exploitation and commodification are concerns whether commercial or non-commercial arrangements are involved.

I think that lies at the heart of the difficulty I have with Mrs Carnell's Artificial Conception (Amendment) Bill. There is that element of commodification - that one woman is really just a womb for hire. In fact, in her speech Mrs Carnell referred to the donors as the real parents, and I have difficulty with that concept. It may well be that that is the concept the community wants adopted, but I think we need to hear extensive debate within the community, particularly the legal community, the ethical community, the professional people, who will undoubtedly have a view on this matter. Once we have that information, I, for one, will feel in a much better position to debate the Bill as it stands, but I could not support it at this moment.

MRS CARNELL (Chief Minister) (3.45): Briefly, Mr Speaker, because I could speak for a very long time on this issue, Ms Follett raised a couple of very important issues that do need to be clarified right now. One was the issue of why we did not use the Adoption Act in this case. The fact was that we set out to use the Adoption Act in the first instance and spent quite a lot of time attempting to do that. The reason the Adoption Act was not used in the end was that, from a national perspective, it was perceived that directed adoption would undermine the very basis of adoption.

In adoption as it stands, the adoptive parents and the adopting parents do not know each other. There is not a relationship between the birth mother and the adopting mother, and to have a situation of directed adoption, with the birth mother being able to direct whom her baby goes to, under an Adoption Act, was going to cause some significant cross-border problems and some significant problems with regard to national agreements on these sorts of issues. It was determined that that was not an appropriate way to go, but it certainly was my initial view that the Adoption Act would be the appropriate way to go. Directed adoption, as those opposite would know, is available only inside immediate families. You can direct an adoption to a brother, sister, aunt or uncle, but not to a best friend, and that was the reason. So yes, we would like to have gone down that path, but it turned out not to be legally possible.

On the second issue - as to why the Family Law Act was not used - Ms Follett actually answered the question herself. It is a Federal Act, and in this particular case we were looking for an outcome that would make the genetic parents the legal parents of the child, not only guardians of the child. A lot of these issues were looked at in depth. I have no problems with the referral. A lot of the work that I am sure the Community Law Reform Committee will cover has already been done; so, hopefully, this will expedite the process.

Question resolved in the affirmative.

BUILDING AND DEVELOPMENT APPLICATION PROCESSES REFORM
Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.48): Mr Speaker, I seek leave of the Assembly to incorporate in *Hansard* a ministerial statement on the building and development application processes reform.

Leave granted.

Document incorporated at Appendix 3.

MR HUMPHRIES: I present the following paper:

Building and Development Application Processes Reform - ministerial statement, 5 September 1996.

I move:

That the Assembly takes note of the paper.

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

PEST PLANTS AND PEST ANIMALS - USE OF CHEMICALS
Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.49): I ask for leave to incorporate in *Hansard* a ministerial statement on the investigation by the ACT Commissioner for the Environment into the ACT's use of chemicals for the control of pest animals and pest plants.

Leave granted.

Document incorporated at Appendix 4.

MR HUMPHRIES: I present the following paper:

Investigation by the ACT Commissioner for the Environment into the ACT's use of chemicals for the control of pest plants and pest animals - ministerial statement, 5 September 1996.

I move:

That the Assembly takes note of the paper.

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

QUESTIONS WITHOUT NOTICE

Mental Health Expenditure

MRS CARNELL: Mr Speaker, I table the answer to a question I took on notice in the Assembly on 3 September, when Ms Tucker asked me, in part, where the Mental Health Service spent some \$400,000 of Commonwealth funding.

DISABILITY SERVICES - HEALTH MANAGEMENT Discussion of Matter of Public Importance

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

The issue of health management in group houses run by Disability Services in ACT Community Care.

MS TUCKER (3.50): Mr Speaker, I am raising this matter of public importance today because, after the last series of questions to Mrs Carnell, I am not at all satisfied that this issue is being taken seriously. Questions have been dodged and one question was taken on notice, so I will have to wait 30 days for a response. Yesterday, in an attempt to dodge another question, Mrs Carnell showed a total lack of understanding of the reality of some of the issues of these group homes. One thing I agree with Mrs Carnell about is that these are people's homes, which is all the more reason to make sure that the resources are available to support the people who live in them and the staff who work there.

I am also very concerned because I first raised these issues with Mrs Carnell in April and brought to her attention serious allegations concerned with misconduct by some staff, serious mismanagement by Disability Services, allegations of occupational health and safety problems, including staff being inadequately protected from infection because of lack of training and unclear purchasing procedures for protective gear, as well as staff being the victims of violence, allegations of inappropriate placement of clients in homes, and allegations of clients being the victims of sexual and physical violence.

I suggested to Mrs Carnell at that time that it may be appropriate to call for a thorough inquiry into the delivery of services to people with a disability. Mrs Carnell assured me that this would not be appropriate as the Health Complaints Commissioner was there for that very purpose and these were allegations which needed to be substantiated, with which, of course, I agreed. I received assurance that I would have full access to the Health Complaints Commissioner's report and that extra resources would be granted to him should his office not be able to handle the investigation. Mr Patterson has recently

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announced that he will be undertaking a thorough inquiry to further investigate these allegations. I am concerned at the time it is taking and I am concerned at the lack of confidence some parents have in the Health Complaints Office. However, I have been assured by Mr Patterson that he will conduct a thorough investigation, and Mrs Carnell seems to have total confidence as well, so I am happy to wait and see how that investigation works out.

Because of the length of time the inquiry has taken, in early August I again raised the issue of infection prevention with Mrs Carnell's office as she was on holidays. They assured me it was in hand and gave me the infection prevention policy dated August 1996. It was not marked "Draft" and, as I have already stated in this place, it was an appalling document - an appalling document that, it appears, senior management had not checked, the occupational health and safety committee had not seen, certainly people working in the houses were not aware of, and the union was not aware of. Apparently, Mrs Carnell had not read it last week either, when she referred to it as current policy. She would have been surprised to read in it that clients could be excluded from their homes by having a runny nose or high temperature. She would have been surprised also, I hope, to see no acknowledgment of employer responsibility in maintaining high standards of occupational health and safety. This is in clear contradiction to the spirit of the Occupational Health and Safety Act. She also, I hope, would have been concerned to see the contradictions regarding contaminated waste.

This policy was withdrawn and a new draft circulated, and for the first time staff are being properly consulted. From June of this year practice instructions manuals have been put into all houses and, while this is also a positive step, I am left with some very serious questions about management processes and policy formulation in Disability Services. I am also left with grave concerns about the apparent disregard this department has had for client and staff welfare in group houses in the past. The 50-odd pages that were tabled last week to represent past policy, of which the 1 August edition was apparently a revision, was a collection of various draft policies for hepatitis B and hepatitis A, some family planning documents and various other things. It does not indicate a particularly coordinated approach in the past to this aspect of accommodation for people with a disability.

Why did it take political pressure to get what should be basic and essential policies and procedures in place? I recognise that things are apparently improving, and I have been assured by senior management that things used to be much worse; but I still have to ask why political pressure was necessary to get these basic improvements. Why is Mrs Carnell still avoiding the question of how houses are assessed in terms of their needs, and why will she not identify which policy states the processes by which staff are to know how they are to purchase infection prevention materials? It was stated last week that it was referred to in the policy, but I certainly cannot find it. I would like to know where it is.

On 18 August I was assured that a minute was going out to group houses on this matter. It appears that it has gone to management, but most staff in the houses are not yet clear about the directions. The memo I read out yesterday in question time is certainly clear enough. The finance manager was obviously most unhappy about the amount of disinfectant being purchased and used. It is curious to think that staff should be chastised

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for cleaning too much. I do not imagine they do it for fun and, if they are using the wrong concentration of the disinfectant, that is obviously a matter to be dealt with in the ongoing training sessions that Mrs Carnell claims occur regularly and the detail of which will not be available to me for 30 days now, even though it was a question without notice.

Mrs Carnell spoke passionately yesterday about how these are people's homes and not institutions, and how these people have the same rights as other people. I could not agree more. Staff and clients do have a right not to be exposed to unnecessary risk of illness. This is also a right. This means Disability Services has a responsibility to ensure that the individual needs of clients are met in regard to infection prevention. If staff have to deal with blood, faeces, semen, mucus or bodily fluids of clients, there is a risk of infection. Whether or not a place is a home or an institution is much more about the approach of staff, the culture, than about whether certain mechanical barriers are used in some circumstances to prevent infection. Is it not entirely reasonable that, if you are showering a fully grown person who has been hurt in some way and is bleeding or who has defecated on himself or herself, you have an apron and gloves, and protection for eyes if necessary, for splash protection. The relevant section in the practices manual implies that it is necessary now.

Most of the staff in Disability Services are extremely caring and some are working in very difficult situations. They do try to make a homelike atmosphere. Parents who have contacted me are mostly not at all critical of staff in the houses. They are very appreciative of their work and care, but they are not always so complimentary about management. Concerns of parents and staff have turned out to be quite similar. The Social Policy Committee is, of course, looking at the Commonwealth-State Disability Agreement, and we have Mr Patterson's inquiry going on. I understand that parents are also meeting to discuss their concerns this month. Obviously, there are problems in the service.

Another issue that is of great concern to me is that last week a note was sent to all houses in Disability Services from senior management which said:

It was recently quoted in the Tuggeranong community newspaper "The Chronicle" that several staff have come forward to highlight certain matters of concern in relation to the operations of the Accommodation Support Service.

This is of great concern to me as it does not reflect well on the organisation and its staff when such allegations are reported in the press.

I would like to remind all staff that as public servants we all have to ensure the professionalism and integrity of the ACT Public Service. All staff have a responsibility to act appropriately in accordance with the Code of Ethics (Section 9 of the Public Sector Management Act 1994) which states the minimum acceptable standards of behaviour officers are expected to demonstrate in carrying out their roles.

It finished:

If staff have knowledge of misconduct and irregular practices they have a responsibility to report those practices to either myself or the Regional Managers who will take appropriate action.

That would be fine if as well it had said, "You also have a complaints mechanism in place which, if you do not feel your complaints or concerns have been addressed by management, you can use", and informed staff of the inquiry that is being undertaken by Mr Patterson.

Staff were very intimidated by this note because it was also implying that it was incorrect procedure to have talked to the *Chronicle*, which it quite probably was, but that therefore other people should be reporting this if they knew who did it. I faxed that to Mr Patterson; he shared my concern because he had said to me at the beginning of our meeting, when we first discussed this whole inquiry, that he regarded any intimidation of witnesses or people talking to him as a serious allegation and that these complaints mechanisms should always be available for people. I understand that another note has been sent to all the houses, informing staff of their right to contact the Health Complaints Commissioner. Another rumour that is going around is that, if this fuss continues, the whole service is going to be privatised. I really hope that is an incorrect rumour.

I will not go into other aspects of Disability Services which are of concern at this stage. I want to focus today on this particular one because I think it is a good indication of where we have problems within the service. The Social Policy Committee will be reporting on many issues, of course, as will Mr Patterson. I acknowledge that the transition from institutions to community-based care is still in the early stages, but it is critical that this transition is appropriately resourced and managed, or we will hear more cries - there are cries already - from some parents saying, "Give us back the institutions. What has happened to the community-based care? Where is the community support? This is a cost cutting exercise". That is a very sad state of affairs because we all agreed that the institutions were not a good solution for anybody.

The question of adequately resourcing this transition is critical, and I have to ask that Mrs Carnell give much more serious consideration to these issues. It would be reassuring if Mrs Carnell would acknowledge that she needs to take more interest in the detail of her Health portfolio rather than just talk about money saved and waiting list numbers. Health is also about people with a disability and their carers. It is the responsibility of the Minister to ensure an improvement in this area. It is quite obvious that there have been failures, and these people are suffering. We need to be much better resourced so that management has a better opportunity to do the work they have to do, and it is indeed very challenging. Perhaps we need another Minister for Health, who has time for the job.

MS REILLY (4.03): I would like to raise some of the concerns that have come to my attention in relation to health management of group houses by Disability Services. Mrs Carnell, in answer to various questions, has made comments about how these houses, which are in her Disability Services area, are people's homes. How many people in the ACT live in houses where they have no written rights of residence? How many people in the ACT have this lack of tenure?

Those people who live in Disability Services houses have no tenure. They have no rights of residence. They have no right to the security of having these places as their home. They can be moved from house to house without discussion and they can be moved from bedroom to bedroom. They have no contract and no lease arrangements. Is this good management for the people in supported accommodation and does this insecurity mean good health outcomes? What would be the quality of life of these people? What would be the quality of life of most people in the ACT if from night to night they did not know where they were going to sleep? Most people know where their homes are; they know where they will be sleeping on any one night. But if you live in a Disability Services home there is some doubt about it. There seems to be some expectation within Disability Services that you do not need to discuss with these people what their home life might be like.

People living in other public housing or in private rental accommodation have contracts or leases that people in Disability Services houses do not have. There may be head leases between ACT Housing and Disability Services, but this does not seem to bring in the residents of these Disability Services houses. It is almost as though they are clients but they are not residents, and they cannot consider this as their home because they do not know for how long any particular address will be their home. If the new CSHA is signed next year, a code of consumer practice for Housing Trust residents will be formed. I hope the people who live in Disability Services houses will have the opportunity to be included in this code of consumer practice. One hopes also that whenever the new Residential Tenancies Act sees the light of day these people can be included in some way. They need some tenure and they need some legal redress if they have to move or leave those houses.

There is a model practice in Australia that could have been considered. I have recently worked in the Commonwealth aged care program, where residents in Commonwealth-funded aged care facilities have rights of residence and there is an agreed charter of residents' rights and responsibilities. ACT Disability Services could have looked at this and considered whether they wished to take on that model. The residents in Commonwealth-funded aged care facilities have rights to residence and they have rights whereby they have a contract between the individual and the home in which they live. This means as well that they cannot be moved from bed to bed within that facility without discussion and without the agreement of the resident. There are also limits to how many moves can be made in any one year, even with agreement. You cannot say that someone agrees to move from one bedroom to another bedroom one week and then the following week move them around again. People know where they are going to be sleeping; they know where they live.

People cannot be moved from one nursing home or hostel to another nursing home or hostel without the agreement of that individual. There are contracts or tenancy agreements between the individual and the nursing home in which they live. Any change to that place of residence has to be agreed by the residents themselves. This gives the people in Commonwealth-funded nursing homes and hostels some security of tenure and some rights, but there seems to be a failure within ACT Disability Services to ensure that people have the same rights. If, for some reason, a person living in a Commonwealth-funded hostel or nursing home wishes to terminate the agreement or

the owner of that nursing home or hostel wants to terminate the agreement, there are processes that have to be gone through. There has to be consideration of any grievances and there has to be consideration of why this tenure should be stopped. It is not a matter of stopping the tenure on a whim. There are agreed processes.

Further to that, there is also a recognised complaints process, and compliance with an open complaints process is part of the outcome standards for Commonwealth nursing homes and hostels. It means that residents and their relatives have some idea where to go if they wish to make a complaint, and there is a process for various stages of complaints and for dealing with grievances. If nursing homes and hostels do not stay with that complaints process, they can lose the right to remain open. In relation to Disability Services houses, no-one seems to know where to go if there are any complaints to be made. One of the excuses is, "We do not want to put up notices; it might not be homelike", but there are ways of ensuring that people are aware of their rights. Obviously, there is the Health Complaints Commissioner, whom some people who are resident in Disability Services houses have used, but it is not widely known that that recourse is open to those residents and their relatives if there are concerns about what happens within those houses. I think it is important that people know how and where they can go if they have complaints about the service and the quality of service they receive.

There is another aspect of the management of these houses about which I have concern. The workers in Disability Services houses are ACT Government employees but there appears to be a reluctance on the part of the employer to provide a safe workplace. There seems to be a reluctance on the part of the employer to provide the necessary equipment for the workers in those houses, to make sure that the residences, when they are set up, are safe places in which to work, and to ensure that they provide sufficient funds for those places to be safe workplaces. You have to ask who has the responsibility for the supply of essential equipment such as gloves, aprons, overshoes and disinfectant, because these are essential in these types of houses. You cannot use the excuse that these are people's homes and, consequently, they would not need them. It is the responsibility of the employer to supply such equipment because that ensures that the employee is able to work in a safe place. It is a recognition of the needs of the people within those houses. It is not saying that they are not providing the same sorts of things as any other community house; it is recognising that these people have needs that require the use of such equipment, in the same way as people need lifters and other sorts of equipment. It is accepted that aids to assist mobility are provided, but the everyday disposable items and consumables are said to be the responsibility of the residents. In other words, they can buy them out of their dinner money.

One wonders who is responsible if one of the workers in a Disability Services house has an infection that they got at work. Would they be eligible for workers compensation and sick leave, or would it just be seen as somebody getting sick at work and it does not matter? Consider the situation where, say, an aged person or a person with a disability living in a private residence - maybe a residence they own themselves - employs someone to come in and take care of them. One would expect that employer, the owner of the house, the person requiring the assistance, to buy equipment. I cannot see the difference when the employer is the ACT Government, which does not feel any obligation to provide the essential equipment and consumable items necessary to allow staff to fulfil their duties.

The crux of it is the security of tenure that people in Disability Services houses operated through the ACT Government have. What right do they have not to be moved from house to house, not to be moved from bedroom to bedroom, so that they have some opportunity to develop their own networks and to know which community they will be living in for any length of time? I think it would be really good if Disability Services considered the models that are around and tried to ensure that there is security of tenure and that these people have the opportunity for a good quality of life within the ACT community. (*Quorum formed*)

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.14): The disability program, like similar programs all over the world, is undergoing significant reforms while endeavouring to provide the best possible services for people with disabilities. It is very unfortunate that we have had the sorts of comments we heard today about the level of service to people with disabilities in the ACT. Yes, there are some problems; there will always be problems, and we will be doing all we can to overcome those problems. But the reality is that we have a very good service in the ACT in comparison - and you have to compare - with most other parts of Australia.

Recent changes in community attitudes towards people with disability support the move to more inclusive societies which recognise the rights of all people to participate as valued citizens. These changes are also reflected in the way that services are provided and the factors that are emphasised in service provision. In particular, it is critical to maintain a balance between duty of care and respect for the rights of people with disabilities to develop their autonomy and to experience something that I believe this whole debate has forgotten, and that is the dignity of risk. The reality is that, as a society, we have to accept that people living in residential accommodation, people with disabilities, are exposed to a level of risk. They must be, by the very nature of allowing them to develop to the greatest extent possible, to have their autonomy. If we wanted to remove all risk from their lives, we would remove all autonomy from their lives. That is the whole basis of the residential model.

The 1994 Dell report recommendations provided a basis for the program of reforms in the services that make up the ACT community care disability program. The direction and details of reform have also been influenced by the views and concerns of clients, their families and advocates, and by staff members who work with clients on a day-to-day basis. The level of community consultation, the level of consultation with families, with clients and with staff has been enormous, as those opposite should know. The Dell report, which came down in 1994, was supported by the previous Government, I understand, and certainly it is supported by this Government as well.

In 1993, accommodation support services were provided, I understand, for 132 clients. Some 47 of these people lived in two hostels and the remaining 85 people lived in 21 group houses. In a clear response to indications about the many problems associated with large accommodation services for people with disabilities, John Knight Hostel was closed in 1995 and replaced by a number of more appropriate houses.

Currently, 142 people receive accommodation support services, 12 people with high support needs live at Chapman Hostel, and 130 people are accommodated in 37 group houses spread across the ACT. What we have is an increase in group houses from 21 in 1993 to 37 for people with disabilities today. That is a quite impressive record.

The health of clients is an important factor affecting quality of life and, therefore, is of central concern to the disability program from all sorts of perspectives. Through the reform process, a number of actions have been taken to improve the health status of clients and to establish systems where good health, in its broadest sense, is promoted by staff and clients. I think one of the things Ms Tucker particularly forgets is that people with disabilities are living in residential accommodation, residential accommodation that is their home, in situations where they have the same rights as everybody else. Their health is not necessarily worse than anybody else's in the community; in many cases, it may even be better. The fact is that they have not horrible infectious diseases that require them to be kept at arm's length from the community. They have exactly the same problems as the rest of us in the community. That means that occasionally they get a cold, occasionally they might get something a little more infectious. As in any family situation, when somebody has an infectious condition, they may be excluded from the rest of the family so as not to allow the infection to spread, but in normal circumstances that simply is not the case.

In normal circumstances, the support staff in those houses are there to support them, not to be their keepers, not to don plastic aprons, not to put on face masks and goggles every time somebody may be incontinent or whatever. The reality is that mothers all over the community, and fathers, for that matter, change nappies every day and do not don full protective clothing when they do so, the reason being that there is no need to. Sensible hand protection, sensible disinfection and normal hygiene are quite enough to handle almost all circumstances in a residential situation. There is no need, with proper, sensible hygienic training, with sensible basic first aid equipment, to go to any further lengths. The fact is that we are not talking about people in a hospital. We are not talking about a situation where these homes are rife with staphylococcus or any nasty infectious diseases.

Ms Tucker: I acknowledged all that, Mrs Carnell. You did not listen to what I was saying.

MRS CARNELL: I have absolutely no idea, then, why on earth Ms Tucker continues to go on with comments about plastic aprons, masks and all sorts of other equipment.

Mr De Domenico: Is someone leaking to her?

MRS CARNELL: We will not even get into that situation. We had today from the Greens a press release which indicated that people in Disability Services - the clients, the staff - were at risk. It made a number of allegations. In Ms Tucker's speech she acknowledged that they were allegations. She acknowledged that these things simply were not proven and that there is an appropriate mechanism going on to determine whether some of these allegations are true or false.

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That did not stop Ms Tucker today coming out and indicating that these serious allegations were the truth, that they must be the truth. I think she actually said that it is quite obvious that I, the Minister, have failed these people. Does that indicate that they could be allegations? Does that indicate for one moment that these statements about staff and clients - - -

Ms Tucker: I talked about allegations. It says "allegations".

MRS CARNELL: That is a straight quote from your press release.

Ms Tucker: Allegations to be substantiated by the Health Complaints Commissioner.

MRS CARNELL: Spot on: Allegations to be substantiated in a proper inquiry situation. What we have, very definitely, is a proper procedure, a procedure that is improving regularly, a situation that is substantially better than it was when we started to deinstitutionalise a number of years ago, one that is improving and is one of the best in Australia.

Ms Reilly said that people in these houses somehow did not know what complaints mechanisms or complaints approaches were available to them. I am informed that there is a notice up in every house telling them exactly what they have to do if they want to complain. It is nicely up there on the wall already, Ms Reilly. There are no problems there at all. I am told that there are monthly OH and S meetings. I am told that every region has an OH and S representative and they meet on a monthly basis to talk about these sorts of issues.

Ms Reilly also made the comment that necessary supplies were not provided. I have said in this place, so often lately that I am sounding like a broken record, that necessary protective gloves, detergent, disposable paper towels, cleaning materials, plastic aprons - all those things - are provided to the houses. The things that need to be bought out of the housekeeping budget - not the food budget, as Ms Tucker likes to call it, but the housekeeping budget - are things that you would expect to come out of anyone's housekeeping budget, the sorts of things you use to clean surfaces, the sorts of things you use for normal everyday housekeeping. Special equipment that is needed for special houses is provided from central stores. The decision on whether extra equipment is needed is made by the people who work in the houses, people who know what is happening in those houses.

Yes, there are some people who are not happy. There will always be people who are not happy in any service such as the disability support area. There are people who have significant problems in that area. Our service does everything in its power to ensure that people are in houses with people they get on with, and so on. Ms Reilly, we do not move their bedrooms; we do not make them move around in houses without consulting them. In fact, we very rarely make them move at all because their bedrooms are their own. They have their own furniture there. It is their home. Why would a service require people to move without asking them?

The reality is that the service and the staff are doing everything in their power to give these people an opportunity to live a life that is as full and as complete as possible. They are attempting to change a clinical model into a residential model, and they are doing a very good job at that. They are support people; they are not people who are trying to take the role of nurses, doctors, carers or minders. They are there to support people with disabilities living in an accommodation service and living to the best of their abilities in that service. Yes, there are still problems, but we are doing everything in our power to overcome those problems.

MADAM DEPUTY SPEAKER: The discussion is concluded.

PAPER

MS TUCKER: I seek leave to table this document, which is a memo from the Department of Health and Community Care stating quite clearly “Food Item” and “Food Money”.

Leave granted.

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1996

Debate resumed from 29 August 1996, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (4.27): The Opposition will be supporting this legislation. In the course of the latest bit of the Commonwealth Bank float, the Commonwealth have invented a kind of tradable security which was not contemplated by the legislation. In order to ensure that we do not miss out on our share of the stamp duty, we need to amend the legislation. That is obviously a highly desirable thing, and I commend the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

EXECUTIVE BUSINESS - PRECEDENCE
Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent the order of the day, Executive business, relating to the Trading Hours (Amendment) Bill 1996 being called on forthwith.

MR MOORE (4.28): I think it is an appalling situation that a Minister should stand here and introduce a Bill this morning and then suspend standing orders to bring it back on this afternoon. It reflects the appalling manner in which this whole issue has been handled. It is a half-baked piece of legislation. It was a half-baked idea in the first place. To suspend standing orders now is also a half-baked idea. This issue is not even on our daily program. The most we see on the daily program is notice No. 2, which reads:

Trading Hours (Amendment) Bill 1996 - Mr Humphries ... to present Bill.
Agreement in principle to be moved. Debate to be adjourned.

That was done. Mr Humphries now comes back into the Assembly, less than four sitting hours after introducing that Bill, and says to us that he wants to suspend standing orders in order for us to consider the Bill. He is likely to add, "It is not such a big problem, because after all we are only removing a couple of words. We are only going to remove 'to the public' from a couple of sections". We need to be sure that removing those words is done consistently throughout the legislation; that the original legislation will have the impact that Mr Humphries wants and not have broader impacts. Those matters need to be considered.

This Government went to the last election saying that they were going to consult widely. Great consultation! We have had four sitting hours. To be fair to Mr Humphries, he gave us a draft version of this Bill yesterday. The Minister says that the Bill is just about three words, but we find that there is a change. We have, for the first time that I can recall, a commencement clause that says:

This Act commences, or shall be taken to have commenced,
on 9 September 1996.

I have not seen that in any other piece of legislation.

Mr Humphries: I hope not.

MR MOORE: I have not seen that style of commencement provision in any other legislation at all. Mr Humphries comments, "I hope not". I presume that refers to the fact that it is a specific date. We are being asked to suspend the standing orders in order to consider this. I consider that a most inappropriate way to deal with things.

The Greens have come into this Assembly again and again saying to us, "Please give us appropriate time to consider legislation". Again and again the rest of us have gone along with them and said, "Yes, that is what we will do, because it is appropriate that we consider legislation carefully. It is appropriate that legislation go through the Scrutiny of Bills Committee". I have not seen a Scrutiny of Bills Committee report on this piece of legislation. I think I am correct in saying that as yet it has not been done.

Ms Follett: Yes, it has. It has not been tabled.

MR MOORE: It has been done but not tabled. Mr Speaker, I would appeal to my Green colleagues - the Government is obviously set in their way of doing this - to recall the number of times they have asked me to support them in asking for time to consider Bills. We need time to look at this Bill and to consider the precedent and ramifications of a commencement clause in this particular form. The normal commencement provision is that the Act commences when it is gazetted or that, if it has not commenced in six months, it is considered to have commenced. That is a very long time in the future. This Bill sets an entirely new precedent which none of us have discussed.

To suspend standing orders now, a few hours after we got this piece of legislation, is entirely inappropriate, especially when it actually sets a new precedent. Mr Humphries, who I know has always been concerned about precedent, ought to reconsider whether this is an appropriate thing to do this afternoon. Rather than push it through, it would be better to let Coles form their club for a couple of weeks.

MR SPEAKER: The member's time has expired.

MR BERRY (4.34): Mr Speaker, I move:

That the debate be adjourned.

We have not seen the committee report in relation to this Bill.

Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

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MR SPEAKER: I call Mr Humphries.

Mr Moore: I raise a point of order, Mr Speaker. I wonder whether you are aware that, since Mr Humphries actually moved the motion, he will be closing the debate. Normally, we give other people an opportunity to have a say.

MR SPEAKER: Mr Humphries is a generous person. He is quite happy to allow Mr Whitecross to speak. Is that correct?

Mr Humphries: Absolutely, Mr Speaker.

Mr Berry: Mr Speaker, you have never tested that.

MR SPEAKER: Yes, but you do not have the call, Mr Berry. Mr Whitecross has the call.

MR WHITECROSS (Leader of the Opposition) (4.40): Mr Humphries is trying to bring on this afternoon a Bill which he introduced only this morning, and he has abandoned the Executive business paper in order to do that. It is interesting to note that we were not afforded the normal courtesy of advance notice through the daily program.

Mr Humphries: I told you that it was going to happen.

MR WHITECROSS: Yes, you did, in the chamber when you introduced the Bill, but you did not prior to that.

Mr Humphries: I did yesterday.

MR WHITECROSS: It was a different version. The original legislation was introduced on 20 June and rammed through this parliament in the wee small hours of 28 June - only a week later - in order to satisfy an obsession of Mr Humphries and his parliamentary colleagues with closing supermarkets early, against the wishes of their customers. Now they have found that their legislation was inadequate, and here they are again introducing a Bill in the morning and trying to ram it through on the same day, hoping that there is not another mistake in it which we will find out about next week. In fact, such is their state of panic over this that they are inventing whole new precedents about how legislation commences in order to cover up their last-minute mad scramble panic about their handling of this legislation.

There is no excuse for this. If the Government had taken the advice of the Opposition and the Independents in the first place and allowed the Planning and Environment Committee to look at this matter before they passed the legislation, then we would not be in this state now. We would have had a more considered piece of legislation. For all their trumpeting about consultation, they are happy to introduce a piece of legislation that the

vast majority of the community do not want and that is unlikely to produce any benefits for the small business people they pretend to be helping. They have produced not one single jot of evidence that it will help the small business people for whom they claim to be working.

These people who claim to have some reverence for the committee process, who said in their election platform what a great thing the committee process was and who earlier this year brought into the chamber a reprehensible document about governing Canberra, are once again trumpeting the benefits of the committee process. Yet when they had the opportunity to put this to a committee, when they had the opportunity to get input from the community and to think through properly the drafting of this legislation and the implications of this legislation, they chose instead to ram it through. Now we are being asked once again - - -

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

Question put:

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

A vote having been called for and the bells having been rung -

Mr Moore: I raise a point of order, Mr Speaker. I wonder whether you could read the question upon which we are going to vote, so that I am very clear as to the exact standing orders we are suspending in order to bring on this legislation. There is a motion to suspend standing orders. Is that a motion to suspend all the standing orders, or is it a motion to suspend so much of standing orders as would not allow us to consider this matter?

MR SPEAKER: Mr Humphries moved that "so much of" standing orders be suspended. The question is: That the motion to suspend standing orders to call on the order of the day, Executive business, relating to the Trading Hours (Amendment) Bill 1996 be agreed to.

Mr Moore: I raise a point of order, Mr Speaker. Under standing order 6, I was asking you to read the full motion upon which we are about to vote.

MR SPEAKER: Very well. Mr Humphries moved: That so much of standing orders be suspended as would prevent the order of the day, Executive business, relating to the Trading Hours (Amendment) Bill 1996 being called on forthwith. Is that clear?

Mr Moore: Thank you, Mr Speaker.

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The Assembly voted -

AYES, 9

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

NOES, 8

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

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

Mr Moore: I raise a point of order. That motion is inconsistent with standing order 148, which defines what an order of the day is. It states:

An order of the day is a bill or any other matter which the Assembly has ordered to be taken into consideration on a particular day.

I do not believe that this matter has been ordered to be taken into consideration on a particular day. In fact, Mr Speaker, we heard about it only as of today.

MR SPEAKER: While I am considering the point of order, we might allow Ms Follett to present the report of the Scrutiny of Bills Committee.

Debate interrupted.

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

MS FOLLETT: As standing orders are suspended, I seek the leave of the Assembly to present a report from the Scrutiny of Bills Committee.

Leave granted.

MS FOLLETT: I present Report No. 13 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a regrettably brief statement on the report.

Leave granted.

MS FOLLETT: Mr Speaker, Report No. 13 of 1996 contains the committee's comments on one Bill, that Bill being the Trading Hours (Amendment) Bill 1996. As there was some debate on the matter, I can confirm that the Bill under debate by the Assembly at this moment is identical to the Bill that was scrutinised by the committee.

EXECUTIVE BUSINESS - PRECEDENCE **Suspension of Standing Orders**

Debate resumed.

MR SPEAKER: In relation to your point of order, Mr Moore: This morning the debate on the Bill was adjourned, and the adjourned debate was made an order of the day for the next day of sitting. However, the motion that Mr Humphries moved - that so much of standing orders be suspended as would prevent the order of the day, Executive business, relating to the Trading Hours (Amendment) Bill 1996 being called on forthwith - has in fact just been carried by this Assembly, and that overturns the previous decision of the Assembly this morning. There is no point of order.

TRADING HOURS LEGISLATION **Declaration of Urgency**

MR HUMPHRIES (Attorney-General) (4.53): Mr Speaker, I declare that the Trading Hours (Amendment) Bill 1996 is an urgent Bill. Mr Speaker, I will speak very briefly in support of that move. The Government has presented the Bill today because of a loophole which appeared in the legislation only in the last couple of days - - -

Mr Moore: Not because a loophole appeared; because of your inadequate Bill. Where did the loophole appear from - from nowhere?

Mr Osborne: You stuffed up again.

MR HUMPHRIES: I must confess that I did not personally draft this piece of legislation. I am a little sorry that the reference to drafting being "stuffed up" might be viewed as a reflection on the skills of the parliamentary counsel who drafted this legislation for the Government. I commend this declaration to the Assembly.

MR MOORE (4.54): Mr Speaker, it continues. We had a lousy policy followed by a lousy Bill that this Minister now attempts to blame on some draftsman. The Minister who brings a Bill into this Assembly and tables it is the Minister who is responsible for it. If it has a hole in it, it is not the drafters who are responsible; it is you or your colleague sitting next to you, if indeed he was the one. Up until now, Mr Humphries, you have always taken responsibility for your own legislation, as we all do. To try to flick pass it to your parliamentary counsel is entirely inappropriate. We have a couple of holes in the original legislation and a lousy process, followed by a process whereby an amending Bill is introduced this morning. Standing orders are suspended to bring it back on this afternoon. If that is not enough, a last-minute change that sets a brand new precedent is thrown into it. Then this Minister comes in and declares it an urgent Bill.

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It is very important for people to understand that an urgent Bill is not just a Bill that we are going to finish today. An urgent Bill is a Bill that limits the rights of members in this Assembly to speak on, argue against or deal with the full range of issues associated with the Bill. I hope my Green colleagues are listening to this. Ms Tucker is not even here. Ms Horodny is, I am pleased to say. I hope she is listening to this. I hope Mr Osborne is listening as well. The declaration of urgency limits the rights of members to have a full discussion on this particular legislation. As I recall, we have not had an urgent Bill in this Third Assembly.

Mrs Carnell: We did in the Second Assembly, and you supported it.

MR MOORE: We did in the Second Assembly, yes. We have had a precedent, but you have to understand that an urgent Bill limits the amount of time that members have to discuss the legislation. This is consistent with the way the Liberals operate. The Liberals say, "We want to have as broad a community consultation as possible. We want to have as much discussion as we possibly can, because we are the open Government. We are the Government that is prepared to stand up and be part of the community. We are the Government that does all these things". When it comes to crunch time, half-baked policy is rushed through. There was hardly any community consultation on the specific policy of closing down half of our major shops in the evenings.

Mrs Carnell: Half?

MR MOORE: About half - less than half. They are closing the shops in the major town centres in the evenings, supposedly to save small retailers in suburban centres. Of course, that is absolute nonsense. Then, in a half-baked way, they refer it to the Planning and Environment Committee and say, "But you cannot consider retail space, because we are going to continue with retail space".

There is a question to be asked of this Minister and this Government about how many deals have been done. Have any deals been done or understandings reached between you and Woolworths about major shopping centres such as Manuka? Mr Humphries or Mrs Carnell ought to answer that on behalf of their Government. Has an understanding been created in terms of Woolies and the particular site in Manuka which they would love to have but which should be for open tender? I have raised that issue so that you can answer it straightaway.

Mr Humphries: The answer is no.

MR MOORE: I will put that straight on the record. I heard Mr Humphries interject "No". But these issues are raised and I think it is worth making sure that they are dealt with. The whole idea of bringing on an urgent debate and limiting members' opportunities to debate this issue is appalling. It really will limit debate to a significant extent, unless the Minister gives a very broad range of times for this Bill. We have not had an indication yet, in a cooperative way of working, as to the times the Minister is going to set for this urgent Bill. Apparently, other members have but I have not. That is great!

MR WHITECROSS (Leader of the Opposition) (4.59): Mr Speaker, this really is most extraordinary. The Government have brought the Bill on. Now they are trying to tell us it is urgent. Let us just pause for a moment and think about why this Bill is urgent. What would happen if we did not pass this Bill today? The answer is that a couple of customers might be able to shop at a Coles supermarket after 7 o'clock next Monday.

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 put:

That the Assembly do now adjourn.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

TRADING HOURS LEGISLATION Declaration of Urgency

Debate resumed.

MR WHITECROSS: Mr Speaker, this matter is not an urgent matter. There would be no harm done by this Bill sitting on the table for a few more weeks. The fact is that people are going to shop at Coles tonight after 10 o'clock, and there is no reason why they should not be able to shop at Coles after 10 o'clock next Friday night either. The world will not come to an end if - - -

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MR SPEAKER: No; but the member's time has expired.

MR WHITECROSS: Mr Speaker, can I get an extension of time?

MR SPEAKER: The maximum I could give you is 2½ minutes.

MR WHITECROSS: I will take it. (*Extension of time granted*) There can be no possible urgency to this matter. The fact is that the world will not end if this legislation is not passed today. All that will happen is that some shoppers will be allowed to shop. That is not what I would call an urgent matter. There are some urgent issues which might motivate the Minister. One is the urgent requirement of the Government to get the embarrassment of having introduced a bad law to close town centre supermarkets early over with. There is an urgency in the Government getting over the embarrassment of having messed up the original legislation. Of course, they also want to get over the embarrassment of the fact that Mr De Domenico, who introduced the original legislation, did not get his legislation right and now Mr Humphries has to take over the matter and fix up the mistakes in Mr De Domenico's legislation. It should be noted that a piece of legislation introduced by Mr De Domenico in June is now being amended by his colleague Mr Humphries only two months later.

The only reasons for urgency are the embarrassment of the Government about trying to close supermarkets early, the embarrassment of the Government about having got it wrong and the embarrassment of the Government about the fact that Mr De Domenico had to be taken off the case because he was not up to the job. They are the embarrassments. This is urgent today only because of their stuff-ups. They are not good enough reasons for us to be treating this as an urgent matter. Instead, we ought to be telling this Government that we will come back when we have had a proper chance to have a think about this and a proper chance to consider the implications. Declaring something urgent should be done only when there is a genuine urgency, when something bad is going to happen if we do not pass the legislation, when there is some big threat to the revenue, not so that Mr Humphries can get his own way and can cover up his embarrassment about this dreadful policy. It is an embarrassment not just to the Government but, unfortunately, to the people of the ACT, who all disagree with this legislation.

Mr Berry: And the Greens.

MR WHITECROSS: It is an embarrassment to the Greens as well, as Mr Berry says. Mr Speaker, this is not an urgent Bill, and it should not be treated urgently.

MS HORODNY (5.07): Mr Speaker, I think it is very fair for this to be called an urgent Bill. We have had the substantive debate about whether shops in the town centres should or should not stay open. That debate has already gone on in this place and this Assembly agreed - it was an Assembly decision - to - - -

MR SPEAKER: Miss Horodny, the time for the discussion has concluded.

Question put:

That the Bill be considered an urgent Bill.

The Assembly voted -

AYES, 9

NOES, 8

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

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

Question so resolved in the affirmative.

Allotment of Time

MR HUMPHRIES (Attorney-General) (5.11): Mr Speaker, I move:

That the following times be allotted for consideration of the Trading Hours (Amendment) Bill 1996:

- (a) for the agreement in principle stage - until - - -

Mr Moore: Work it out now, Gary.

MR HUMPHRIES: We had to fill it in when we knew that the declaration of urgency was passed.

MR SPEAKER: Would you be quiet, Mr Moore, so that everybody can hear.

Mr Moore: No.

MR SPEAKER: Then you will be dealt with.

MR HUMPHRIES: I move:

That the following times be allotted for consideration of the Trading Hours (Amendment) Bill 1996:

- (a) for the agreement in principle stage - until 6.15 p.m. this day; and
(b) for the remaining stages - until 6.30 p.m. this day.

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MR BERRY (5.12): Mr Speaker, I move:

That the debate be adjourned.

The debate should be adjourned until we get this motion in writing and have time to consider it.

MR MOORE (5.12): Mr Speaker, I believe that Mr Berry has moved that the debate be adjourned, and for good reasons. He explained the reasons. He has moved that the debate be adjourned so that we can have this motion in writing.

Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

MR BERRY (5.16): The Labor Party is opposed to this, because this is an outrageous abuse of process, one that you would expect from the Liberal Party but not from the Greens. The Greens profess to be soft-centred and members of the social justice movement who care about people and, most importantly, proper consideration of issues. They also claim to uphold due process. They also claim to care about people's social justice entitlements. One of the most important entitlements is a job. There are moves afoot to protect the jobs of around 100 people, as I recall. If this Bill is rushed through this evening, the attempts to preserve those 100 jobs are going to be lost. The Greens are going to have to wear the responsibility for that. People who voted for you expected you to protect their environment. An important part of their environment is being able to have a fair job. Ms Horodny smiles, as if she just could - - -

Mr De Domenico: She is happy.

MR BERRY: Yes, that is right. She is happy if people lose their jobs. She could not care less. I think the Greens need to wear the responsibility for this. They will not get away with it. Each of those people whose jobs could have been saved and are now lost will remember that the Greens could have stopped this. It will just keep going all the time. You would expect the Liberals to do that, but the Greens could have stopped this. The urgency declaration on this Bill is an abuse of process and it is an abuse of community trust. The community expect these things to be debated widely. There is an option under the Bill to set up other arrangements which would ensure that those 100 or so jobs are saved. The community would expect a reasoned debate around that issue. There is not - - -

Mr Humphries: We have already had the debate. We had it on 20 June.

MR BERRY: Mr Humphries interjects and says, "We have already had the debate". We have never had the debate around this issue. This issue is about preventing a private club, a private association, from providing amenities to its members and preventing members of that private association from getting around the trading hours. If the people who want to join that private club or association pay their money and join, they get the discounts and amenities which are provided by the club, and it becomes quite legal.

Because Mr Humphries's law left this arrangement open, he wants to jump on it. He is embarrassed now because somebody has found a way around it and a quite sensible way to provide individuals in the community with private access not normally available to the community. I suggest that the bank would have to stay open late at night to pick up the \$10 subscriptions, because there would be lots of people lined up to buy their \$10 worth of discounts at Coles supermarkets.

Mr Humphries: Not after today, there will not be.

MR BERRY: Mr Humphries gloats and says, "Not after today, they will not be". What a type! What do you think all the other private associations around the ACT might think about this?

Mr Moore: What ramifications is it going to have for all our clubs?

MR BERRY: Indeed. What would they think about this? The Government and the Greens, if they take it into their heads to have some sort of mad fit of frenzy over this issue, are likely to cramp the ability to provide facilities and services to the community, just because it does not suit the mood of the Greens and the Liberals. The Greens have behaved shamefully on this issue. They have made a shameful attack on jobs. Overall, 300 have gone.

Mr Humphries: It was 100 a minute ago.

MR BERRY: This particular move takes away the right of Coles to protect 100 jobs. Shame on you, Mr Humphries, and shame on the Greens!

MR SPEAKER: The member's time has expired.

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MR MOORE (5.21): Yes, Mr Speaker, indeed it is a shameful thing for Mr Humphries not only to run this through as an urgent Bill but also to propose only a tiny bit over an hour for debate. Members wanted only five minutes each for the in-principle stage.

Mr Humphries: We do not want five minutes.

MR MOORE: Mr Humphries does not want five minutes. He does not need five minutes, because he is not interested in the full ramifications for everybody else in the Territory. If every member wanted just five minutes, there would not be enough time. If everybody who was opposing this Bill wanted to speak for five minutes, we would not even have enough time for that.

Mr Humphries: Yes, you would.

MR MOORE: Not by 6.15 pm.

Mr Humphries: Yes, that is enough time.

MR MOORE: We would get through the in-principle stage. Once we get through the in-principle stage, then of course we are going to have the detail stage. For the detail stage, Mr Humphries is allowing 15 minutes. I am drawing up an amendment to try to deal with clause (2) of the Bill. This is an appalling infringement of the rights of members to have their appropriate say. It is within standing orders; there is no question about that. Nevertheless, you have had to suspend standing orders in order to be able to get to this stage.

Mr Speaker, I think the time proposed is inappropriate. Clearly reflecting the will of the Assembly to have an urgent debate, I move the amendment circulated in my name. I typed it in a rush because of the limited time we have had. I move:

Paragraph (a), omit "6.15 pm", substitute "10.15 pm".

That will give us an appropriate time this evening, if it is necessary. Then the time for the remaining stages should be until 6.30 am on the next day of sitting, so that if we need to go further we will have appropriate time for the detail stage. Even as I stand here, I can see that there may well be a problem, in that this effectively negatives the second part of the motion; so I will just modify that and put "6.30 am". In paragraph (b), omit "6.30 pm this day" and substitute "6.30 am on the next day" or, to make it clear, "6.30 am on 6 September".

MR SPEAKER: The time for the discussion has concluded. Therefore, I will put the amendment moved by Mr Moore. The Clerk has suggested that you might like to move your amendments together, Mr Moore.

Mr Moore: Why do I have to do that, Mr Speaker? I think you should deal with paragraph (a) and then deal with paragraph (b), but thank you for your suggestion. I think we should deal with them separately. We should deal first with the paragraph that relates to the in-principle debate. If I may just clarify it, the reason I would like to deal

with them separately is that I can see that some members may feel that my amendment to paragraph (b) would allow the debate to go on for too long. They may not be happy with that, but I think that most would be content to ensure that we have adequate time for the in-principle debate.

Question put:

That the amendment (**Mr Moore's**) be agreed to.

The Assembly voted -

AYES, 8

NOES, 9

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

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

Question so resolved in the negative.

MR SPEAKER: I ask that there be no interjections during divisions. It makes it very difficult for the Clerk. Mr Moore, is it your wish to move your amendment to paragraph (b)?

MR MOORE (5.30): Yes, Mr Speaker.

MR SPEAKER: You will need leave to do so, because the time for the discussion has expired.

MR MOORE: Mr Speaker, rather than ask for leave, I move:

That so much of the standing orders be suspended as would prevent Mr Moore from moving a second amendment to the motion concerning the allotment of time.

I would now like to speak to my motion. The reason I move to suspend standing orders is that it will give me the opportunity to explain clearly why it is that I would prefer to move now from 6.30 pm. It is to ensure that we have adequate time to debate the detail stage of this Bill. It may well be the case that we do not need all the time that I propose. In fact, I hope that we do not need all that time to deal with the detail stage. I want to be sure to protect members' rights. I would hope that you would, too, Mr Speaker. So often you take the move yourself to protect members' rights in so many ways, and I would hope that in this case, too, Mr Speaker - - -

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

That the question be now put.

Mr Moore: I raise a point of order, Mr Speaker. I draw your attention to the standing order on the gag. Unfortunately, the number slips my mind. It allows you a discretion. I seek your protection. I had hardly started speaking.

Mr Kaine: The question has to be put without debate.

MR SPEAKER: Yes, indeed.

Ms McRae: On a point of order: The Speaker has the prerogative. Please exercise it.

MR SPEAKER: It is in my discretion. There is one small problem associated with Mr Moore's amendment; that is that he has omitted "6.30 pm this day" and substituted "6.30 am on the next day of sitting".

Mr Moore: No, Mr Speaker, that is not correct.

MR SPEAKER: You have amended it?

Mr Moore: Yes. Perhaps the Clerk will give you advice on this. I was quite specific about the date.

MR SPEAKER: I know, but the point is that if I accept the gag motion the opportunity may not be there for anything to be done about it - and I do accept the gag motion, Mr Moore.

Question put:

That the question be now put.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

Question put:

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

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

Question put:

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

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

TRADING HOURS (AMENDMENT) BILL 1996

Debate resumed.

MR WHITECROSS (Leader of the Opposition) (5.40): Mr Speaker, this is legislation that we should not be debating today. The Liberals have used every sledge-hammer tactic in the book in order to ram through a piece of legislation which does not need to be debated now and which is completely unnecessary. They have suspended standing orders in order to bring on a Bill which they introduced only this morning and which they circulated only yesterday in a different form. They have declared it an urgent Bill and they have reduced the time allotted, so that the Assembly cannot properly debate this matter.

Mr Speaker, there is no excuse, no excuse whatsoever, for what the Government has done. The explanation, and it is not an excuse, Mr Speaker, is that they want to cover their own embarrassment over what has been a fiasco from start to finish. The Government was wrong in closing town centre supermarkets at great cost to the consumers of Canberra, and it did so for no policy benefit. Mr Speaker, what they are doing with this Bill is seeking once again to stop town centre supermarkets from offering to their customers a way of shopping after 7 o'clock at night.

Mr Wood: Stopping private enterprise.

MR WHITECROSS: Stopping private enterprise. Exactly. This is the Government which talked about being open for business, but not if you are a supermarket, Mr Speaker. If you are a business that wants to set up a supermarket bigger than 400 square metres in a town centre and offer a product to the public that the public want to buy, namely, late night trading, what does this Government do? It says, "Never mind that you have customers flowing through the doors saying, 'Yes, we want this product'; never mind that you have made a commercial decision that it is worth your while to open and there are customers there to service. Never mind all that". This Government says that it is open for business, but actions speak louder than words. No, you are not. You are closed. That is what this is about.

We are here today to debate a Bill which is simply designed to block off one more avenue for businesses in this town to offer a service to their customers; nothing more, nothing less.

Mr Stefaniak: Rubbish!

MR WHITECROSS: Mr Stefaniak says, "Rubbish", but that just shows how little he understands about this Bill. This Bill is completely nonsensical, Mr Speaker. As we all know, what we are doing today is blocking off Coles. Coles got extensive mention in Mr Humphries's introductory speech.

Mr Moore: It is legislation for one group.

MR WHITECROSS: As Mr Moore rightly says, we are apparently now legislating to affect one particular company which had an idea. Mr Speaker, we are being asked to say to Coles, "No, you cannot offer a service to your customers if you have a shop in Belconnen; but, if you have a shop in Jamison, go for your life. No, you cannot offer a service to your customers if you have a shop in Tuggeranong; but, if you have a shop in Curtin, go for your life". What a nonsensical Bill! Somehow or other, according to this Government, it is not hurting small business if you shop at Coles at Jamison, but it is hurting small business if you shop at Coles at Belconnen; it is not hurting small business if you shop at Woolworths at Kippax, but it is hurting small business if you shop at Woolworths at the Tuggeranong Hyperdome or the Belconnen Mall. What a nonsense, Mr Speaker! Once again we see this Government punishing a company that simply wants to offer a service to its customers.

This Government have made much of the fact that they think, in Mr Humphries's opinion, and apparently in Mrs Carnell's opinion, the late night trading club is bad value for money. They have told us that on a number of occasions. We heard it mentioned in the speech tonight that it is bad value for money. They have said it across the chamber. If it is bad value for money, people will not take it up, Mr Speaker. Let them have the strength of their convictions. Let them try. We will see whether the customers think it is bad value for money or not. But the Government do not want to try. The Government do not have the guts to let it take its natural course, because they know that customers do want late night trading in town centre supermarkets. They know it for a fact. So, because they know it, they will not try it. They will not test their own judgment that this is bad value for money, because they know that the customers will not agree.

Mr Speaker, it is a simple fact that what the Government has done flies in the face of every principle of contemporary views about how commerce should be conducted. I want to remind people again of what the Australian Consumers Association had to say about this Government's legislation to restrict trading hours. We are not talking about the friends of big business here, Mr Speaker; we are talking about the people who represent the customers. The people I am worried about are the customers, the people who want the right to choose. This is what the Australian Consumers Association said:

Moves to restrict trading hours in Canberra town centres flies in the face of consumer choice and will not solve the problems of Canberra business. Changing lifestyles, particularly longer working hours and an increase in the number of relationships where both partners work, mean flexibility in trading hours is critical for many consumers. Whilst the plight of small business is of concern to Canberra residents, the Government's other initiatives such as the helpShop program offer a better chance to support local business than artificially creating demand through the restriction of choice.

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Mr Speaker, that is what this legislation is about. It is about restriction of choice. It is not about helping small business. It is not helping, and it will not. Mr Speaker, I have talked to many small business people who sell food in group centres in Canberra and they say this will not help. It will not make any difference. Mr Speaker, that is the reality.

The Government had a perfectly good program to help small business through initiatives such as the helpShop program. They should have had the strength of their convictions. They should have had confidence in their policy and allowed that policy to work. They did not even give the helpShop program a chance to work. They did not even give it a chance to work before they went in with their sledge-hammer and their heavy-handed tactics and started closing down town centre supermarkets. They were not even willing to give their own program a chance to work before they closed down the town centre supermarkets. That is how much confidence the Government have in their own policy. That is how much of a mishmash this policy is. They will not even try the direct route before they start restricting customers' choice.

Mr Speaker, let me talk a bit more about customers' choice because I think it is the crux of what this is about - the Government's insistence on restricting the choice of consumers. Mr Speaker, the September edition of *Choice* talked about supermarkets and what the cheapest supermarkets were. It is interesting, Mr Speaker, that among the cheaper supermarkets in their survey are town centre supermarkets in Belconnen and Tuggeranong.

Mr De Domenico: Which ones?

MR WHITECROSS: Mr Speaker, there are quite a few actually - Franklins, Woolworths, Coles. They are town centre supermarkets, Mr Speaker.

Mr De Domenico: Read them all out.

Mr Hird: Yes; what about Jewel?

Mr De Domenico: What about Jewel?

MR WHITECROSS: Jewel Food Barn in Tuggeranong, another town centre supermarket which you are closing at 7 o'clock when they currently trade until 8.00 pm.

Mr De Domenico: Read out some more. What about the ones in Belconnen?

MR SPEAKER: Order!

MR WHITECROSS: Thank you, Mr Speaker. Mr De Domenico, not content with interjecting, is now interjecting from someone else's seat. Thank you, Mr De Domenico, for drawing my attention to the fact that Jewel, in the Tuggeranong Hyperdome, another town centre supermarket, is also offering cheap groceries in Canberra.

Mr Speaker, let me read out a few of the things that *Choice* concluded about what customers are looking for in supermarkets. No. 1 on the list is that they like supermarkets that are near to their home or their workplace. That is a very important factor. What is this Government doing? It is closing down supermarkets near the workplace of tens of thousands of Canberra citizens. Tens of thousands of Canberra citizens who work in the Belconnen Town Centre and the Tuggeranong Town Centre are going to have supermarkets convenient to where they work closed. That is the reality, Mr Speaker. So there are no marks on that criterion. But, Mr Speaker, it gets worse.

They are also closing down town centre supermarkets which are the local supermarket for people who live adjacent to the town centres, in places like Greenway and Bonython in Tuggeranong, Braddon and Reid in the city, and Emu Bank and Florey in Belconnen. Those people have had their local supermarket, the supermarket convenient to where they live, closed down by these people opposite at 7 o'clock at night. So much for their rights! When someone comes along and says, "We have a way of offering a service to these people", those opposite say, "No, we are not interested in businesses offering services to their customers. Close it down".

Mr Speaker, what else do people say? Another conclusion of the *Choice* survey is this: People are prepared to travel further to a store that offers a wide variety of products at competitive prices. In other words, Mr Speaker, people do not always want to go to the shop down the road. Sometimes people are willing to get in their car and drive or get on the bus and travel to get to a supermarket which offers a wide variety of products at competitive prices. Mr Speaker, what supermarkets do you think might offer a wide variety of products at competitive prices? Which supermarkets would they be? They are the ones in town centres, Mr Speaker. They are the ones that offer a wide variety of products, and they are the ones that offer competitive prices, Mr Speaker. They are the ones that the Government wants to close down at 7 o'clock at night.

Mr De Domenico: And Erindale, Calwell, Kippax, Jamison.

MR SPEAKER: Order!

MR WHITECROSS: Thank you, Mr Speaker. Mr Speaker, may I take a point of order?

MR SPEAKER: Yes.

MR WHITECROSS: I cannot think of anything more disorderly, Mr Speaker, than a member of parliament, a Minister in fact, interjecting from somebody else's seat. I think he ought to be spoken to severely about that.

Mr De Domenico: I will come and interject from my own seat, Mr Whitecross.

MR SPEAKER: You will do nothing of the sort. Continue, Mr Whitecross.

MR WHITECROSS: Thank you, Mr Speaker. First of all, they flunk the convenience test, then they flunk - - -

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Mr De Domenico: It is your time, mate. Keep going.

Mr Berry: Mr Speaker, he has done it again. You ruled that he will not do it any more.

MR SPEAKER: Order, Mr De Domenico!

Mr Hird: The halo is getting a bit tarnished.

MR WHITECROSS: Mr Speaker, these two consistently defy your rulings. You should deal with them.

MR SPEAKER: Order! We are not contributing anything to the debate by these inane interjections.

MR WHITECROSS: “Inane” being the operative word. Mr Speaker, they flunk the convenience test. They also flunk the test because the supermarkets they are closing down are the supermarkets where *Choice* says - - -

Mr De Domenico: You flunk the recognition test.

Mr Berry: Mr Speaker!

MR SPEAKER: Order! Keep going, Mr Whitecross.

MR WHITECROSS: Mr Speaker, you should deal with them. His name is Mr De Domenico, if you want to name him.

MR SPEAKER: Continue.

MR WHITECROSS: Mr Speaker, the fact is that people are willing to travel to a supermarket that offers a wide variety of products at competitive prices, and Mr De Domenico and his colleagues want to close them down at 7 o'clock at night so that they cannot shop there. Brilliant! What else do customers like, Mr Speaker? Surprise, surprise; they like convenient hours. Well, well, well, well!

Ms Follett: Too bad about that.

MR WHITECROSS: Too bad about that. Exactly. So much for convenient hours!

Mr Hird: When do you shop?

Mr Berry: Mr Speaker, we have another member in somebody else's chair interjecting. They are just ignoring you, treating you with contempt.

MR SPEAKER: Order! I would remind members that, apart from interjections being out of order, they are even more out of order if you are out of your seat. I know it is a testing time and we are all tired. We are going to be finished this section of the debate in 20 minutes' time. That is as far as it goes. I would hate, at this point in time, to have to name somebody.

MR WHITECROSS: Name Mr De Domenico.

MR SPEAKER: It may affect the vote, quite seriously.

MR WHITECROSS: It is okay with me. Name Mr De Domenico.

MR SPEAKER: Mr Whitecross, continue.

MR WHITECROSS: Thank you, Mr Speaker. As I was saying, high on the list of things that customers want is convenient hours. We have just got to another of the cruxes of this debate, Mr Speaker. As if convenient location and stores offering a wide variety of products at competitive prices are not enough, people want convenient hours, Mr Speaker. What are these people doing? They say, "Close at 7 o'clock. Close. No more".

So much for convenient hours, Mr Speaker! If you live adjacent to a town centre, it is bad luck if you want to go to the shops after 7 o'clock. You have to drive all over the place to find a supermarket, when you had a perfectly good supermarket down the road offering a wide variety of products at competitive prices. You are not allowed to shop there. You are not allowed to shop at that supermarket because Mr De Domenico and this Government are trying to make life hard for you.

What if you are working late and you want to shop on the way home? That is a kind of convenience. As *Choice* said, with changing lifestyles, longer working hours, and an increase in the number of relationships where both partners work, flexible trading hours are crucial. So what do they do? Bad luck! You just miss out. You are not going to be able to shop after 7 o'clock. You have to leave work early if you want to go to the shops now. Mr Speaker, so much for convenient hours!

What else do people like? Plenty of parking. Town centres score pretty well on plenty of parking. They also like a wide variety of products and brands. Once again, Mr Speaker, it is inevitable that a big supermarket like a town centre supermarket is going to meet that criterion, and the Government wants to shut down some of these supermarkets.

Mr De Domenico: Or Dickson, Calwell - - -

MR WHITECROSS: Mr De Domenico mentions Dickson. I am sure that people who live in Braddon or Reid and have a perfectly good supermarket just down the road from them are going to be really pleased to hear Mr De Domenico tell them that they have to go all the way to Dickson to shop. I am sure they will appreciate it. I am sure the people who live - - -

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Mr Moore: It will be environmentally sound! They will jump in the car and - - -

MR SPEAKER: Order!

MR WHITECROSS: Since they do not know anything about greenhouse, they would not even care about that either. Mr Speaker, so far the Government have flunked all the criteria of what *Choice* reckons matters to customers. They have flunked them all with this legislation.

Mr Moore: But they are consultative!

MR WHITECROSS: They did not consult them. It is not surprising, Mr Moore, that they do not know that they have flunked them all, because they never consulted them.

Mr Speaker, this is a completely unacceptable piece of legislation. It is a cynical attack on consumers. The pain of this will be borne by consumers who have been denied the right to choose where to shop. Mr Speaker, my view is a simple one. Anyone who is in business and who wants customers coming through their doors and trading has to offer the customers something that they want. If they are not offering something that they want, they should not be running off to the Government and asking them to close everybody else so that they do not have any choice, which is what this is about. Mr Speaker, it is an unacceptable thing.

It is even more unacceptable, Mr Speaker, when you contemplate a couple of the other aspects of this. What we had here was an attempt by Coles Supermarkets, by their own declaration, to find a way to keep offering service to customers and also to keep employing their staff. You would have thought that the Minister for Employment, Mr De Domenico, after reading how the unemployment figures keep going up and up, and after reading the stories about how Mrs Carnell and Mr Howard keep declaring people redundant, albeit voluntarily, would be happy about a business in Canberra that was trying to find a way of keeping 106 people on their payroll, but apparently not.

Mr De Domenico: It has gone down from 300 to 106 now.

MR WHITECROSS: No, it has not gone down, Mr De Domenico. I am talking about Coles. Woolworths is a different story. Coles is talking about 106. Coles has thought of a way of keeping 106 people on the payroll. Mr De Domenico does not care. According to Mr De Domenico, let them eat cake. He is not interested in jobs in Canberra. He can put a few more people out of work. He has put so many out of work. Unemployment has gone up so much since Mrs Carnell came to government. Mr Howard is helping with his extra 5,000 or so. What is an extra hundred, according to Mr De Domenico. We need not worry about that. Of course, he has his head in the sand on that as well. As we recall, Mr Speaker, a spokesperson for the Deputy Chief Minister was reported when the first Bill went through as saying:

The Government does not believe the restricted trading hours at Town Centres will have a negative impact on employment.

He has his head in the sand. You can close a shop and it does not matter. None of the employment will disappear. That is how Mr De Domenico is in the real world - nowhere.

Mr Berry: That is why Mr Humphries is living with it.

MR WHITECROSS: But Mr Humphries has not been doing much better than Mr De Domenico on this. Mr Speaker, the other reason why it is so appalling is that we are talking about businesses which actually pay payroll tax, revenue to the Government. Mr Humphries said in his explanatory memorandum that this will not have any revenue impact. I cannot see how 106 - - -

Mr Moore: He should explain to us how he has not misled the Assembly on this.

MR WHITECROSS: Exactly, Mr Moore. There are 106 people off the payroll at Coles and he is saying that there is no revenue impact. Payroll taxpayers are no longer going to be paying payroll tax on 106 employees and Mr Humphries tells us an amazing story, saying that this will not affect the revenue of the Territory. It is a disgrace.

MR SPEAKER: The member's time has expired. I call Ms Horodny.

Mr Moore: I take a point of order, Mr Speaker. I was on my feet well before Ms Horodny. You would be familiar with the standing orders, Mr Speaker.

MR SPEAKER: Is that so?

Mr Whitecross: Yes. Absolutely.

Mr Moore: I am sorry about that, Ms Horodny, but that is the way it goes. We have a limited amount of time. Mr Speaker, I was on my feet from the time Mr Whitecross's time ended.

MR SPEAKER: If Mr Whitecross indicates that, proceed. I will not argue.

MR MOORE (6.02): Thank you, Mr Speaker. Mr Speaker, this is indeed rushed legislation. It was rushed through in the first place and that is how we got this problem. That Minister, Gary Humphries, wound up with this problem. The hard part is trying to work out whether the problem was actually created by Mr Humphries or by Mr De Domenico. We are not quite sure where the incompetence lies. It seemed that Mr De Domenico introduced the Bill but then Mr Humphries took responsibility for it. It seems to me that the incompetence lies across both shoulders. The fact is that they managed to allow this loophole to get into this legislation.

A very serious issue is raised by this amendment today, Mr Speaker, that I do not think we have had enough time to consider, and that is the definition of a supermarket. In the original legislation, under "Interpretation", the only interpretation we have is that "large supermarket" means a supermarket that exceeds 400 square metres, but, in fact,

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we have not defined “supermarket”. So the logical thing to do is to go to a dictionary and see what people normally mean by a supermarket. A supermarket is a thing that is down the road where you do your shopping and so on. But we have a new, very interesting situation now, Mr Speaker, that we have a proposal in Canberra for a supermarket club.

Is a supermarket club covered by this legislation? I put it to you, Mr Speaker, that it is not. This definition as to what times the public can go in or out or any supermarket can open is fine, but that does not stop a supermarket club from opening - a club in which the members are involved, in which the members have some advantage, and to which the members have to pay a membership fee. This is not what is meant by a supermarket. Mr Humphries, if you said to your wife, “Are you a member of the supermarket?”, she would say, “What are you talking about?”. If you said, “Have you paid for membership of the supermarket?”, she would say, “No; you do not have to pay for membership of a supermarket”. Of course you do not. To have to be a member of a supermarket is an absolutely ludicrous notion. That is not a normal definition, Mr Speaker, or Mr Humphries, or Ms Horodny, of what a supermarket is.

We know that Coles is particularly litigious, and my guess is that they will be getting this to court to test whether or not a supermarket is different from a supermarket club. It may be called the corner club.

Ms Follett: Call it a coffee club.

MR MOORE: Indeed. I think the “evening corner club” of Coles would be an appropriate thing. This is a club that offers tea, offers coffee and offers a 5 per cent discount on goods. The interesting part about this supermarket club is that it shares the location of a supermarket. In the daytime it is a supermarket but in the evening it changes its form to a supermarket club.

It is quite clear to me, Mr Speaker, that there is yet another loophole that can be explored, and no doubt Mr Humphries will come rushing back into the Assembly on 23 September, crying, “Ah; the courts have said that they have a supermarket club. It is different from a supermarket. We have to put into the legislation a definition to say what a supermarket is, because we do not have one, and this is clearly different. We are going to have to make sure that Coles behave and act according to what we intended by the law, not the law that we wrote”. The law was incompetently written. It is more embarrassing for Mr Humphries because he had to take over from his colleague Mr De Domenico. His habit is to point his finger at parliamentary counsel. He will not point his finger at Mr De Domenico, who introduced the legislation. It is even more embarrassing for Mr Humphries, who is a lawyer, and so it should be.

But that is not enough. He then has to rush this through. He has to rush it through, Mr Speaker, and in so doing he also introduces a brand-new precedent for commencement clauses because he wants to make sure this commences at the same time as the rest of the legislation he has gazetted. He has to be very careful, so he puts in this brand-new commencement clause. What a great precedent! It is the end of my using

other commencement clauses in private members Bills, or of anybody using them in private members Bills, that require gazettal. Forget about gazettal. You do not need that anymore. From now on, if this goes through, all legislation that I deal with will have a commencement date on it and we can eliminate - - -

Mr Humphries: It still has to be gazetted, Michael.

MR MOORE: No, the Act will start. This says - - -

Mr Humphries: It still has to be gazetted to start.

MR MOORE: This Bill says:

This Act commences, or shall be taken to have commenced,
on 9 September 1996.

Whether it is gazetted or not is the implication, and that is - - -

Mr Humphries: I am trying to tell you something.

MR MOORE: No, no; you will have your turn. You control that man, Mr Speaker. Mr Humphries, you will get your turn later to explain why I am wrong, because we have not had time to consider that. You are trying to interject, saying to us, "Oh, no, Michael, that is not right. After all, you have had four hours - - -

MR SPEAKER: Mr Moore, I cannot control Mr Humphries if you keep provoking him. Address the Chair.

MR MOORE: Thank you, Mr Speaker. Mr Humphries will say, "Oh, it is all right, Mr Moore; you have had four hours to consider this. You should know the full ramifications of this". The Greens, of course, will support him. Lucy Horodny sits there with a smug smile on her face. But at least she is here for the debate. Ms Tucker only comes down for the votes. That is all she is good for. She does not want to listen to the debate. She does not want to know anything about the legislation. She just wants to appear for the votes and do what she is told.

Ms Horodny: Mr Osborne is not here either.

MR MOORE: Ms Horodny interjects, "Mr Osborne is not here either". Why would he bother? Why would he bother, Ms Horodny? You are sitting there, along with those Liberals when they happen to attend. Let me tell you, Mr Speaker, that they are not here. Mr Humphries just made it back in here before I sought leave of the Assembly to dispose of this matter forthwith. Let me tell you, Mr Speaker, that I would have done it and we would not have had this debate. We finally got Mr Humphries back into the chamber, Mr Speaker.

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People who read the *Hansard* of this debate will be horrified to know that Mr Humphries is the only member of the Government in the chamber, because they do not care. They will crunch through this bit of legislation that I believe is shonky. I believe that holes will be found in it. I gave one example that I found after only four hours - about the supermarket clubs. Mr Humphries will bring another Bill before this Assembly, with the same gall with which he has brought this one, showing no remorse, showing no embarrassment. He should be so embarrassed and so red that he is just about a communist, but he is not and - - -

Ms McRae: That would take some doing.

MR MOORE: Indeed, but it is embarrassing enough for Mr Humphries to go to that extreme. Mr Speaker, it seems to me that this legislation has been presented to us in a very rapid way and it is being forced through. I will not repeat what Mr Whitecross went through about the appalling method that has been used to diminish speakers' rights in this place, Mr Speaker - their right to have their say, to explain their concerns about this legislation, to present arguments as to why they do not have a problem with any particular clause or why they think that the legislation as a whole is appropriate.

Mr Speaker, I want to turn to the omission of the words "to the public" in a series of places in the legislation. The Trading Hours Act 1996, Mr Speaker, has a definition which deals with a large supermarket being "open to the public for the purpose of trading". We are now going to make it read "open for the purpose of trading". That seems a very simple amendment, on the face of it. It appears a couple of other times in the legislation as well. It appears also in the interpretation section, section 4. Section 6, Mr Speaker, says that "large supermarkets may be open to the public for the purpose of trading", and that the Minister may, by instrument, specify the period. In subsection 6(3) they identify what those times will be when no instrument is in place. This is the substantive part of the Bill, Mr Speaker. It is interesting that we can still have the times set here, but a Minister, at will, can change those times.

Mr Speaker, I draw your attention to the fact that Mr Kaine and Mr Hird have now come back into the Assembly to be part of this debate, although it is still the case that Ms Tucker has not made it back.

Ms McRae: They will be back for the vote, Mr Moore; I believe, in two minutes' time.

MR MOORE: I believe they will be here in two minutes' time. I will do my best to summarise my concerns about this Bill, Mr Speaker. I must say to you, Mr Speaker, that I do feel put upon because I have had such an inadequate amount of time to express my view on this legislation. Even with an inadequate amount of time, I have drawn the Minister's attention to the issue of the definition of a supermarket. I would like to know what the Minister is going to do about a supermarket club, which clearly is a very different thing, in my mind, from a supermarket. I would be very comfortable about going into court and saying, "Yes, a supermarket is a very different thing from a supermarket club that serves teas, that you have to pay to join and that gives a 5 per cent discount on goods".

Also, Mr Speaker, I point out to you that the issue of how much it is open to the public is something that, unfortunately, I have not been able to go through in detail, although I have scanned the legislation a couple of times to see whether there are any further occurrences of the phrase “to the public”. Because of commitments I had before this Bill was tabled and because I got the draft copy only yesterday, and it was different from the one we got today, I have not had time to sit down at my computer and do a search for those words, but I hope that Mr Humphries has. I suspect that he has not, Mr Speaker. The indications are that he would not have been competent enough to sit down at his computer and do that. My bet is that he has not sat down at his computer and done it, Mr Speaker, because this has been so rushed. It is a trashy piece of legislation that the Minister has introduced today. It was a silly piece of legislation in the first place. The pretence that Mr Humphries and Mr De Domenico put up was that they wanted to protect shops. At least the Greens said, “If you really want to protect shops, you have to do this to all the supermarkets”. These two parties, the Greens and the Liberals, are the ones who have tried to make a religion of consultation, but they know that this is against what everybody else thinks. They just believe that they have some God-given right to dictate - - -

MR SPEAKER: Order! It being 6.15 pm, the debate is concluded.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9

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

NOES, 7

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (6.18): Mr Speaker, I move:

Page 1, lines 7 and 8, clause 2, after “commences” omit “, or shall be taken to have commenced, on 9 September 1996.”, substitute “on the day on which this Act is notified in the *Gazette*.”.

The amendment is to the second clause in the Bill, headed “Commencement”. As I pointed out, it sets a precedent, I believe, that we have not had time to debate. I think the appropriate thing to do, Mr Speaker, because we have not had time to debate it or time to consider it appropriately, is to go back to a conventional commencement clause and at least not set a precedent. Ms Follett may correct me, but my understanding is that this issue was not discussed in detail, or discussed at all, in the Scrutiny of Bills Committee. It may well be that it is something that the Scrutiny of Bills Committee would like to consider in more detail. That may or may not be the case.

Mr Speaker, it seems to me that this is a particularly neat precedent for private members legislation. From now on we can cut out the Government altogether as far as this goes. By doing that, Mr Speaker, we will have the advantage of not worrying about whether there is a Minister to gazette the legislation or not. We will simply have the situation that each of my private members Bills in the future will be set with a date on it. It may well be, if it sits on the notice paper for some time, that at the last minute we will need to slightly amend the specific date - that is not a difficult thing to do - in the debate. So the legislation in future will be taken to have commenced on a specific date.

One of the problems associated with this is demonstrated clearly by something that went in a way that I did not particularly like. Mr Speaker, you may well remember that in the last Assembly I put up legislation which included the medicinal use of cannabis. That legislation, Mr Speaker, was passed in this house but was not gazetted. This house, unlike most houses in Australia, does not have a method of checking. We do not have a double-checking process by having an upper house. Further, we do not have a triple-check process by having royal assent, or assent, as they have in the Northern Territory, by the Administrator. If we have done something hastily, and the legislation before us today is hasty legislation, the only double-check we have is this process of gazetting legislation, and that is being done away with as far as this legislation is concerned. We now have a new precedent set, as this Act commences, or shall be taken to have commenced, on a specific date. What would have happened, Mr Speaker, had this been the legislation on medicinal cannabis that the previous Assembly decided, albeit wrongly as far as I am concerned, to overturn? The date would have been set, Mr Speaker, and the Bill would have become an Act. It would have become legislation without this final small double-checking method, and it has gone.

Mr Speaker, we have not heard Mr Humphries explain to this Assembly that I am wrong on this issue. I must say, to be fair to him, that Mr Humphries has often discussed at length with me issues of precedent. We have always been concerned about issues of precedent. We have always considered them to be particularly serious issues.

This is a particularly serious issue of precedent that I believe has not yet been given a great deal of consideration. In fact, we know that it has been given a very small amount of consideration because yesterday there appeared on our table a draft copy of the legislation, which I must say I appreciated. It arrived yesterday afternoon. Some time after that legislation was circulated Mr Humphries got a note and, to be fair to him, he delivered it as soon as he received it, because I could tell from the time on the fax. It was delivered to members very quickly. The note was from parliamentary counsel saying, "Look, we have a problem with the way this legislation goes. It might not be able to start on exactly the same day as the Act itself and therefore it may be better to do it this way". I am paraphrasing, but that is the implication of what was said, and I believe I have presented that fairly to the Assembly. That being the case, Mr Speaker, we know that Mr Humphries barely had time to look at this himself before he distributed it to members. That does not stop him looking at it later and then coming back to members and saying, "No, we have had a change", as he had done with the original piece of legislation that he had provided for us.

Mr Speaker, it seems to me that this is a significant precedent. It is something that we cannot deal with lightly. As much as I would like to stop this legislation completely, I have moved this amendment because I consider it a serious matter. Setting a precedent is always a serious matter for members to consider. Considering that the issue has been raised in most members' minds for only less than an hour, we ought to have time to consider it. The best way to deal with it, of course, would be to postpone the legislation, and I am very happy to do that if the Minister will agree. Failing that, Mr Speaker, we should at least consider this amendment seriously and go back to the conventional commencement time instead of the commencement time that we have here.

Mr Speaker, the reality is that Mr Humphries and his colleague Mr De Domenico have introduced some shonky legislation. The original legislation was the subject of a great deal of debate on the fundamental issue itself, and that had holes in it. As I recall, members in this Assembly were warning you that the legislation was inadequate. I am warning you again - I warned you again in the last debate - that the legislation is inadequate. I warned you in the previous debate that the legislation was inadequate in terms of its definition of "supermarket", and you have not plugged that hole yet.

I believe that we should adjourn this debate and come back to it. This further bit of shonky legislation sets a brand-new precedent by saying, "This Act commences, or shall be taken to have commenced, on 9 September 1996". Not only that, Mr Speaker; Mr Humphries a little while ago interjected and said, "Yes, but it still has to be gazetted".

Mr Humphries: That is right.

MR MOORE: He now nods his head and says, "That is right". But that does not appear here in the legislation as well, so from now on can we put anything in there and it still has to be gazetted? Mr Speaker, can you control that man? I am the one with the floor, not Mr Humphries. If he wants time to speak he will have to extend the time for this debate, Mr Speaker. He has prevented members from speaking. A whole series of questions still need to be answered, and he is not going to be able to answer them for members, he is not going to be able to answer them for the public, and he is not going to be able to answer them even for his own backbench.

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Mr Speaker, a bit of shonky politicking has been going on. Mr Humphries points the finger - can you believe it? - at Coles Supermarkets for using the legislation that he has put in. He says that they miss the spirit of the legislation, as though people are supposed to operate in the spirit of the legislation instead of by the letter of the law. What sort of legislation are we passing here, Mr Speaker? What sort of legislation did we pass last time? I will tell you. It was shonky legislation. I am proud that I voted against it, because that is what I believe it to be. I am going to be voting against this legislation, too, because I believe it to be shonky legislation as well.

The Greens should be very embarrassed. They are sitting there on their hands. They should be very embarrassed about preventing themselves and other members from having an opportunity to speak on this. We have not heard from Ms Horodny. We have no idea why she is going to support this legislation. She has not said a word.

Ms Horodny: I did not get an opportunity. You did not give me a chance to speak.

MR MOORE: She interjects. Can you believe it, Mr Speaker? She interjects and says to me, "Give me a chance to have a say". She says that to me. How dare you! That is absolutely shameless. Your vote limited this speech. For heaven's sake, how dare you! Your vote, along with their votes, limited the opportunity for members to speak here. Nobody else. You did. How dare you interject and say, "Give me a chance to speak"! At least Ms Tucker is embarrassed, Mr Speaker.

MR SPEAKER: Mr Moore, would you address your remarks in what is left of your time to the Chair.

Mrs Carnell: The time is up.

MR MOORE: It is not 6.30 pm yet. There is a minute and a half to go.

MR SPEAKER: You have one minute.

MR WHITECROSS (Leader of the Opposition) (6.29): Thank you, Mr Speaker. I thought Mrs Carnell was doing her well-known trick of pretending that she has the call instead of me. Mr Speaker, the Opposition will be supporting this amendment. I think Mr Moore quite rightly has set out the reasons why this amendment is important.

Mrs Carnell: Why did you support the stamp duty legislation?

MR WHITECROSS: Mrs Carnell shows her own ignorance. If Mrs Carnell were to look at the stamp duty legislation she would discover that the commencement clauses in the stamp duty legislation are not the same as the commencement clauses in this legislation, so Mrs Carnell - - -

MR SPEAKER: Order! The time allotted for the consideration of the remaining stages has expired.

Question put:

That the amendment (**Mr Moore's**) be agreed to.

The Assembly voted -

AYES, 7

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

NOES, 9

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

Question so resolved in the negative.

Bill, as a whole, agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 7

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

Question so resolved in the affirmative.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Paralympians

MS McRAE (6.33): Mr Speaker, I rise to speak on the issue we debated yesterday in relation to the Paralympian parade buses and provision for transport of children to Civic Square. During the debate, Mr De Domenico got terribly excited when I said that I had spoken to Mr Don Allan. I had spoken to Mr Don Allan, and I would now like to go into that in a little more detail. I had spoken to him only about who the Paralympians were and what medals they had. I had not spoken to him at all about the buses. Further conversation today about the buses reveals that part of my original thesis still holds, and can I just say that I am still very disturbed about the article in the *Chronicle*. The money is to pay for the subsidised buses - there is no question about that - but my point about why on earth those buses have to be paid for at all still holds. I leave that question dangling because I still think it is an ungracious and unfair process. But okay, the \$25 is supposed to go to the buses.

What is also further revealed is that what I was calling for yesterday is indeed going to happen: If there is any extra money raised it is to go to the Paralympians. I would very much like to reiterate my original statement that, if that is the case and if the Paralympic Federation is able to donate the money to the Paralympians, the Government should go out of its way to ensure that the buses do not have to be paid for by the Paralympic Federation. I accept Mr De Domenico's point that it began by being a generous gesture of the council, but I also think the people of the ACT would feel even warmer about it if he could find an elegant way not to accept that money. For most schools, there is no question that people are happy to donate that money.

Mr De Domenico: We have.

MS McRAE: I am glad to hear that, Mr De Domenico. The point still is that we have had an unfortunate article in the newspaper, and this is now something the Government could take up. Perhaps not of the making of either Mr Don Allan or Mr De Domenico, the impression is still being given that, unless this money is collected, somehow the parade will be impacted. As I said before, that was not the intent of the newspaper article, Mr Don Allan, Mr De Domenico or anyone else involved, but I think it is worth putting on record that my interpretation of it is exactly the general public's interpretation of it and that perhaps some remedial action on the part of the Government would be worthwhile. In a short press release, it could indicate exactly what the financial arrangements for the buses are and what the new arrangements for these donations are. People are being asked to give \$25 specifically for school buses. That is what they are being asked for.

I know that it may not be anyone's intention to give any sort of idea that this Government is stingy - heaven forbid, what a lovely generous government! - but that is the outcome of that particular article. That is what people think; that is the impression that has been given. Quite apart from carrying on about all my supposed point-scoring, Mr De Domenico should settle down and consider finding a way to put on track the notion that Paralympians are not being treated in any way differently from anybody else and to somehow put the whole of the community behind the Paralympian parade, as we all urged him to do yesterday.

Lower Molonglo Water Quality Control Centre

MR MOORE (6.37): Mr Speaker, I rise in the adjournment debate today on the issue of the Lower Molonglo Water Quality Control Centre, also known as the sewerage works, and a letter I received today from Mr De Domenico. Mr De Domenico answered a series of questions with reference to a letter I wrote to him on 31 July on overflows from the Lower Molonglo Water Quality Control Centre. I must say that I am pleased that the extra reservoir there is now going to be able to be used. We have been waiting for that to come into place so that we will see fewer spills into the Murrumbidgee.

My last question Mr De Domenico answers in this way:

Finally, you queried whether ACTEW is pursuing a defamation action against Mr Alby Schultz on this matter.

Mr Alby Schultz, as you would recall, Mr Speaker, is a member of parliament for the surrounding region, and I wanted to know from Mr De Domenico whether ACTEW had decided to put out a defamation action against a member of parliament who was concerned about his constituents and overflows from the Lower Molonglo Water Quality Control Centre. I indicated to Mr De Domenico a couple of minutes ago that I would be asking this question. Mr De Domenico's answer goes on to say:

This is an issue for the ACTEW Board on which I am unable to comment.

When I supported the corporatisation of ACTEW, I also said that, as far as I am concerned, the Minister is still responsible and, if I have a question to ask, the Minister will answer it for me. If he will not, I am quite happy to bring ACTEW legislation back into this place and put it back on the same footing as it was before. If I ask a question, I want a straight answer. Mr De Domenico, the reason I indicated a warning was that I want an answer and I want it in this Assembly now. I believe that we have a right to ask questions and get straight answers.

Minister for Health and Community Care

MR BERRY (6.39): Yesterday, I think it was, Mrs Carnell talked about a press release of mine which she said took the cake. Well, I have found a corker. It has the heading "The Honeymoon May Soon Be Over", and it talks about my former colleague Mr Connolly. Guess who it is from. Mrs Carnell. She talks about the then Opposition, the Liberals, asking the new Health Minister a series of questions about two important issues affecting Canberrans. She asks:

Why has the number of doctors at the Civic Health Centre decreased from four-and-a-half staff to only two? Why is there no female doctor on staff?

Why are new patients no longer being accepted at the Civic Health Centre?
Why are existing clients having to wait at least a week before getting an appointment?

What did she do about it when she got into government? Not only did she fix up the doctors at the Civic Health Centre; she fixed them up at every other health centre that had salaried medical officers as well. I can tell you now that there is no point in going to the Civic Health Centre to get an appointment because Mrs Carnell has cleaned them all out. What a corker of a press release! But it gets better. She says:

The Opposition also asked about the Government's oft-repeated promise to establish a cardio-thoracic unit ...

For how much longer would 350 people have to be sent to Sydney every year for cardio-thoracic surgery? Why have no staff yet been recruited or any concrete plans put in place to establish the unit?

What does Mrs Carnell do with that? She promises the electorate that she is going to make sure they get a cardio-thoracic unit if they elect a Liberal government. In the first budget, \$500,000 was put aside to establish the unit. What happened to the \$500,000? It just evaporated in Mrs Carnell's budget turmoil in the health system. The budget-blowing Liberal Health Minister soaked up the \$500,000. Not one jot of it went to the establishment of a cardio-thoracic unit. What will happen, I wonder, with the \$4m or so that was set aside in the miraculous three-year budget to provide for the cardio-thoracic unit? I wonder whether we will see that again, or will that evaporate in the scheme of things as well?

Mr Speaker, this one is better than taking the cake. This is a corker. This is a press release where Mrs Carnell goes on about salaried general practitioners in government health centres, and we know the history of it. She knocks off the lot of them, wipes them out of all the health centres. What I did not mention a minute ago was that she demolished the health centre as well. Guess where the health centres are that are of most interest to Mrs Carnell. Belconnen, of course. Belconnen has been hit hard. But the classic, of course, is the cardio-thoracic unit. What a corker of a press release!

May I also put on record that Mrs Carnell went to great lengths to point out in the *Canberra Times* how this Assembly was going to be fixed up in this sitting with the best set of figures you have ever seen, the most information that has ever been put before this Assembly in the history of the place. They were introduced, of course, but they were exposed as being interim figures, not to be relied on, not worth two bob. Mrs Carnell's figures were like a two-bob watch. We cannot rely on them. What happened to the quarterly report to the end of June? There was no sign of it. There was no sign of the report to the end of June about the performance of our hospital system.

How outrageous for Mrs Carnell to hide those figures again! Again and again she hides those figures. We know that there are problems in the health system, and Mrs Carnell, in her claim of open government, was misleading the community. There is no question about that. We have a very clear situation where the Health Minister has misled the community on the provision of information in this place, because it has not turned up. She is keeping it from public scrutiny. Once these things hit the table, of course, the public become interested in the performance, or lack of it, of the health system. There is only one reason why she would be keeping them secret. We know what Mrs Carnell would do if they had any good news in them. There would be a press release as quick as a flash. They would roll out the cameras. We would get another dose of Carnell cuteness. Mr Speaker, there has been a lamentable lack of health figures and a corker of a press release.

Works and Commercial Services - Corporatisation

MR WHITECROSS (Leader of the Opposition) (6.45): Mr Speaker, I want to speak in the adjournment debate on the industrial dispute which the Government is having with unions in Works and Commercial Services because of the precipitate decision to transfer workers to Totalcare without any consultation. In the Industrial Relations Commission yesterday a decision was made which I think the members here will be interested in, given the discussion about this matter that has gone on in this place. The commission decided, pursuant to its powers for the prevention and settlement of industrial disputes, to recommend as follows:

- (i) that the parties to this dispute enter into immediate discussions in relation to the ACT Administration's intention to transfer certain functions from DUS to Totalcare Industries by 1 January 1997;
- (ii) that the parties proceed on the basis of consultation provided for under the recently concluded enterprise bargaining agreements entered into between them -

which the Government temporarily forgot about -

- (iii) that these discussions canvass and resolve the form and timetable of the consultation process;

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- (iv) that the Unions proceed to prioritise their areas of concern and be provided with confirmation of undertakings as to terms and conditions of employment given by the ACT Administration -

Mr Speaker, it gets better -

- (v) that the consultation processes include full exchange and provision of information sought -

this is where it really gets good -

- (vi) during the course of these discussions, each party should address each other's concerns in a positive and constructive way -

which would be a first for the Carnell Government -

this will include the ACT Administration being prepared to properly consider any viable option that the Unions may wish to put forward as an alternative to or variation of the Administration's intention to proceed with the transfer by 1 January 1997 -

in other words, they should consider these things in a positive way -

- (vii) in keeping with the spirit and intent of (vi) above, during the period agreed between the parties for these consultations to occur, no action should be taken by the ACT Administration to make its decision to proceed with the transfer irrevocable.

The commissioner concludes:

The purpose of these recommendations is to give the parties a basis for some reasoned discussions so that legitimate concerns about terms and conditions of employment and job security can be addressed, and to invite the parties to re-commit themselves to the enterprise bargaining agreements -

which Mr De Domenico temporarily forgot about -

that they recently signed. Issues of the kind raised today will best be addressed by the parties operating within the framework of these agreements and applying themselves collectively to seeking solutions.

You would have thought that that was a pretty reasonable state of affairs; that they were sensible recommendations. What was the Government's response to the unions? What did they say to the unions about this? This is what they said to the unions:

In general the Government is prepared to accept the Commission's recommendations and agrees with the Commissioner's opinion that they give the parties a basis for reasoned discussions on legitimate concerns about terms and conditions of employment and job security. However, you should note that the Government did decide to transfer most of Works and Commercial Services on 1 January 1997, and that the start date was set in the main to allow consultation of the nature and on topics envisaged by Commissioner O'Shea.

The Government does not want there to be any misapprehension that it considers these recommendations to relate to the decision itself. It fully agrees they cover legitimate industrial interests of terms and conditions of employment and job security and on that basis looks forward to early and productive consultation.

In other words, the Government is not willing to accept a constructive and productive basis of negotiation under which it would consider alternatives put forward by the unions. It is not willing to approach these negotiations in a positive way, and it is taking absolutely no notice of Commissioner O'Shea's ruling that they not proceed to make the transfer irrevocable. They are saying, "Come what may, come hell or high water, this transfer will happen on 1 January 1997. We do not care what the Industrial Relations Commission thinks; we do not care what the unions think; we do not care what our own workers think. We will do this, come hell or high water."

Even in the face of an admonition from the Industrial Relations Commission that they take seriously their own enterprise bargaining agreement and, I might add, their own election promise, we still have a situation where consultation with the Carnell Government means one thing and one thing only, and that is consultation on the things that the Government wants to consult on, not on the things that both parties want to consult on. If you have a disagreement with the Government, the Government reserves the right to take absolutely no notice of you, regardless of how good your ideas might be.

**Lower Molonglo Water Quality Control Centre : Paralympians :
Works and Commercial Services - Corporatisation**

MR DE DOMENICO (Minister for Urban Services) (6.50): Mr Speaker, let me answer three things. Mr Moore, quite rightfully, will get an answer to his question. I do not know whether the ACTEW board has sued Mr Alby Schultz for defamation, but I will find out, Mr Moore, and let you know.

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Ms McRae mentioned finding a gracious way of not making Paralympians pay for their buses. That has been done already. I take your point, Ms McRae, but the point I want to make is that I will not tell Don Allan or the Paralympic Federation how they raise funds for their organisation. That is something Mr Allan has control of and that is - - -

Ms McRae: Yes, we take your point, but the buses could - - -

MR DE DOMENICO: The buses were offered for nothing. Mr Allan did not accept that offer. I am not going to tell him what to do or what not to do. He can have them for nothing if he likes. Luckily, some other organisation has agreed to pay for the buses. That is the way things go. But thank you for making the point.

Mr Whitecross rose to talk about his interpretation of the CFMEU's interpretation of what the Industrial Relations Commission said yesterday.

Mr Whitecross: I read it verbatim.

MR DE DOMENICO: He read it verbatim but then he put on his spin. I know you have to do that, Mr Whitecross, because if it were not for the CFMEU you would not be sitting where you are. However, let us look at the reality.

Mr Whitecross: If it were not for lots of voters, I would not be sitting here.

MR DE DOMENICO: Not too many voters, Mr Whitecross. You told them how to vote, but let us not get into that. You were elected fourth or fifth in Brindabella. Perhaps that is good for you.

Ms McRae: It is better than six or seven, Mr De Domenico.

MR DE DOMENICO: It is, but it is not as good as No. 1, Ms McRae. But that is another story.

Mr Whitecross: That was last time, not next time.

MR DE DOMENICO: We will have a little bet on that as well, but never put money - - -

Mr Whitecross: I do not think you are allowed to bet on elections, are you?

MR DE DOMENICO: Yes, you are, I think. You and I could have a quiet one. Let me demolish your argument first and we will talk about the pleasant things outside. The trade union movement, like any other interest group within the community, is entitled to disagree with decisions of the Government, but let me say again that the transfer of business units from Works and Commercial Services to Totalcare Industries Ltd arises from a legitimate decision of the Government, and the Government will not resile from that legitimate decision. Whether the CFMEU likes it or whether it does not, we do not care, Mr Whitecross.

Mr Whitecross: You do not care.

MR DE DOMENICO: I will say it again. I do not care what the CFMEU thinks of this Government's decision. Imagine if I were to say to the millions of people in Australia, "The only reason why the Government will not do this is that the CFMEU disagrees". This is the same mob, Mr Whitecross, that went up to Parliament House three weeks ago and trashed the shop there. This is the same mob whose secretary here, the secretary of the Trades and Labour Council, on national television said, "Yes, I am responsible. I take the blame". Members of this union or people wearing caps that said "CFMEU" - they may have been caps that they found along the way - are the same mob that went up there and started beating people up. This is the mob that beat up policewomen, Mr Whitecross. This is what we are talking about.

Notwithstanding who they are, Mr Whitecross, this Government will make policy decisions. We will not, in advance, ask the CFMEU or any other union whether we can take on a policy. I know that you have to do that. Before you say anything in this place, it has to get the tick from the CFMEU. We know that. You have to live with that. We will continue to make decisions. If you do not like those decisions, Mr Whitecross, you have a lot of avenues through the standing orders of this Assembly to try to bring this Government down. I invite you to do that on this issue and say in your speech, "You are going to do it because the CFMEU disagrees". If you have the guts to do that, I will take my - - -

Mr Whitecross: I do not take advice from you, Mr De Domenico.

MR DE DOMENICO: Yes, you do, Mr Whitecross. You know exactly - - -

Mr Whitecross: I do not take advice from you.

MR DE DOMENICO: That is not what they say.

Mr Whitecross: I do not take advice from you.

MR DE DOMENICO: You take advice from the CFMEU, though. Come on, deny that.

Mr Whitecross: Mr De Domenico, I do not take advice from you.

MR DE DOMENICO: Do you take advice from the CFMEU?

Mr Whitecross: I take advice from my staff and other members of the Labor Party.

MR DE DOMENICO: Dead silence. The Australian Industrial Relations Commission heard the views of the trade union movement on this matter yesterday and has issued a series of recommendations, which Mr Whitecross read out, supportive of the position adopted by the Government. The Government wrote to the trade unions on 29 August

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and informed them of the decision to transfer these business units to Totalcare and of the Government's intention to consult with them over the implementation of that decision. The trade union movement responded with industrial action; so we said, "This is what we want to do. Let us talk".

MR SPEAKER: The Minister's time has expired.

MR DE DOMENICO: Mr Speaker, very quickly, we will never ever take advice from the CFMEU.

Mr Whitecross: Mr Speaker, I raise a point of order. Are you going to make him comply with standing orders? He has been defying your rulings all day, Mr Speaker.

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

Works and Commercial Services - Corporatisation : Hospital Activity Report

MR HUMPHRIES (Attorney-General) (6.56), in reply: I want to make a couple of small contributions to the debate. On the question of the unions, did I hear Mr Whitecross say "divide and conquer"? I have a copy of a motion which apparently was passed today by the Trades and Labour Council. I would like to read it, because it is quite interesting. It says:

The Trades and Labour Council condemns the Carnell Government -

and here is the interesting bit, Mr Speaker -

and their collaborators for executing a secretive attack on the employment security and conditions of workers at DUS.

I wonder who the collaborators might be, Mr Speaker. It sounds like they are people on their side who are not quite on their side. The motion goes on:

Council resolves to support the CPSU, AMWU, CFMEU, TWU, and the plumbing division of the CEPU, in their campaign to oppose corporatisation and its inevitable hardships for members.

The interesting thing about that second part of the motion is: What are the missing unions' names? Why are all of the unions involved in this process not in that motion? There are some missing unions. There are some unions involved that also presumably oppose corporatisation and its inevitable hardships for members, but they do not seem to be prepared to associate themselves with this motion or at least be part of it. Who, I wonder, are the collaborators? Obviously, divide and conquer is a principle that the Government does not need to be involved with, because members of the trade union movement seem to be quite capable of engineering it for themselves.

Let me also enter another part of the earlier debate on the adjournment, Mr Speaker, when Mr Berry lambasted - - -

Mr Whitecross: I raise a point of order, Mr Speaker. Mr Humphries has not told us the names of the unions yet.

MR SPEAKER: I beg your pardon.

Mr Whitecross: I was waiting for Mr Humphries to tell me the names of the unions.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: Mr Whitecross, if you do not know the names of the unions, I am afraid I cannot help you very much.

Mr De Domenico: The unions do not know his name either. That is the problem.

MR HUMPHRIES: That is the point. It is a mutual lack of recognition, Mr Whitecross.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: Mr Speaker, I note with some amusement Mr Berry's call on Mrs Carnell to provide the quarterly activity reports from the public hospital system. The intriguing part about that call - - -

Ms McRae: Because she has not.

MR HUMPHRIES: She has not yet. The intriguing part about that call by Mr Berry is that he had to be forced by a motion of this Assembly to table those reports at all when he was Health Minister in, I think, 1992. Mr Berry insisted that the tabling of those reports - I think these are the words he used - would damage the public hospital system.

Mr Whitecross: Ancient history.

MR HUMPHRIES: "Ancient history", says Mr Whitecross. I think Mr Whitecross is in a very good position to talk to us about ancient history, because his leadership will be ancient history, I suspect, before very much longer.

Ms McRae: You wish!

MR HUMPHRIES: I can hear the member of his subfaction coming to his aid, but I do not see anybody else on the floor of the chamber or elsewhere springing to his defence.

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Ms McRae: The room is ringing and the building is ringing with affirmation.

MR HUMPHRIES: The only thing this building will be ringing with in the coming days on the first floor will be the ringing of knives clashing on each other as members vie to stab each other in the back.

Question resolved in the affirmative.

Assembly adjourned at 7.00 pm until Tuesday, 24 September 1996, at 10.30 am

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

Question No. 279

Public Service - Remuneration Packaging Consultancy

MR WHITECROSS - Asked the Chief Minister upon notice on 27 August 1996:

In relation to the appointment of McMillan Shakespeare Consulting Pty Ltd as an adviser to the ACT Public Service -

- (1) What tendering process was followed.
- (2) When was the consultant awarded the consultancy.
- (3) When was the appointment gazetted.
- (4) What fee is to be paid (a) to the consultant, and (b) by which agency.
- (5) Over what period will the consultant be advising the Public Service.
- (6) What terms of reference have been given to the consultant.
- (7) Does the company normally maintain an office in Canberra - (a) if so, at what address; and (b) if not, why was a Canberra consultant not used.

MRS CARNELL - The answer to the Member's question is as follows:

- (1) There are only two firms in Australia providing these services. Recent tender processes in Western Australia and South Australia were used to establish that the McMillan Shakespeare Group could provide the full range of remuneration services to the ACT Public Service at a lower price than the competitor. Performance checks were made with the South Australian Health Commission, the Western Australian Department of Health and the Victorian Directorate of Education.
- (2) The Chief Minister's Department informed the McMillan Shakespeare Group on 19 March 1996 of their selection.
- (3) Arrangements are being made to gazette the consultancy in accordance with standard procedure.

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- (4) The expected cost of the consultancy is \$20,000.

The company is responsible for the ongoing administration of remuneration packaging services in the ACT Public Service at no cost to the Territory. An annual administrative fee of \$275 is borne by each employee participating in these arrangements.

The cost of the consultancy is shared by the Department of Urban Services, the ACT Health and Community Care Service and Calvary Hospital Inc. (Public Division).

- (5) The McMillan Shakespeare Group will be advising the ACT Public Service from 8 July 1996 to 30 June 1998.
- (6) The terms of reference were to provide a consultancy service and administration bureau service to assist the Territory to develop and administer a remuneration packaging process for officers of the ACT Public Service who are eligible for such benefits.
- (7) The McMillan Shakespeare Group does not maintain an office in Canberra. The Group has accredited five Canberra-based financial planners/accountants as “remuneration consultants” to provide advice to employees about the structure of their remuneration package.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No 280**

“Meet the Minister” Program

MR WHITECROSS - Asked the Chief Minister upon notice on 27 August 1996:

In relation to your response to question on notice No. 261 (specifically questions 2 and 5) concerning the location and costs of the Meet the Minister program:

1. Where specifically was each Meet the Minister clinic held between June 1995 and 30 June 1996?
2. What was the cost of room hire for each of these Meet the Minister clinics?

MRS CARNELL - The answer to the Member's question is as follows:

1. In the period from June 1995 to 30 June 1996 there were a total of 51 Meet the Minister sessions held. The specific details of each of the venues are given in a table at Attachment A.
2. In answer to a previous Question on Notice No. 261, from Mr Whitecross, the costings for venues was given at \$222.00. Incomplete information was available at that time. All accounts have now been received and they indicate that a total of \$401.00 has been spent on Meet the Minister venues during the period June 1995 to 30 June 1996. The cost associated with each particular venue is also given in a table at Attachment A.

LOCATION OF MEETINGS

Attachment A

Month	Kate Carnell Stefaniak MLA MLA Venue	Room Room Hire	Tony De Domenico MLA Venue	Room Hire	Gary Humphries MLA Venue	Room Hire	Bill Venue	Hire
June	Women's Information nil and Referral Centre Crescent North Building London Circuit CANBERRA CITY	nil	Belconnen Community Centre Cnr Swanson Court Streets MACQUARIE	\$39	Weston Creek Community Centre Parkinson Street WESTON	nil	Kippax Hardwick HOLT	
July	Wanniassa Community Centre Cnr Sternberg Crescent Crescent and Comrie Street PALMERSTON WANNIASSA	\$18 nil	Woden Library Corinna Street PHILLIP	nil	Ngunnawal Neighbourhood Centre Yarrowonga Street NGUNNAWAL	nil	Gungahlin Hall Tiptree	
August	Woden Library Corinna Street PHILLIP Street	nil	Tuggeranong Community Centre Cowlshaw Street GREENWAY	\$27	Erindale Library McBryde Crescent WANNIASSA	nil	Weston Creek Community Parkinson WESTON	\$30
September	Belconnen Library Library 12 Chandler Street Crescent BELCONNEN	nil	Palmerston Community Hall Tiptree Crescent PALMERSTON	nil	Downer Community Hall Frencham Place DOWNER	nil	Erindale McBryde WANNIASSA	
October	Dickson Library Dickson Shopping Centre DICKSON	nil	Tuggeranong Community Centre Cowlshaw Street GREENWAY	\$27	Hughes Community Centre Wisdom Street HUGHES	nil	Ground Floor Westfield Centre Benjamin Way BELCONNEN	nil

	Kate Carnell Stefaniak MLA Month	Room Room Hire	Tony De Domenico MLA Venue	Room Hire	Gary Humphries MLA Venue	Room Hire	Bill Venue	Hire
<i>November</i>	205 Anketell Street Government TUGGERANONG Near Tuggeranong Churches Centre	nil nil	Hughes Community Centre Wisdom Street HUGHES	nil	Griffin Centre Bunda Street CANBERRA CITY	nil	Civic Shopfront East Row CANBERRA	
CITY								
<i>December</i>	Weston Creek Library Room) Street	\$36 nil	205 Anketell Street TUGGERANONG Near Tuggeranong Churches Centre	nil	Meeting Room I Griffith Library Blaxland Crescent GRIFFITH	nil	Tuggeranong (Community Cowlshaw GREENWAY	
<i>January</i>	No Meet the Minister Hall Crescent		Ngunnawal Neighbourhood Centre Yarrowonga Street NGUNNAWAL	\$36	Level 2 (Front Entrance) Westfield Shopping Centre Benjamin Way BELCONNEN	nil	Ginninderra Community Fullagar HIGGINS	nil
<i>February</i>	Nicholls Community Community Hall Anne Clarke Avenue Crescent shops) (next to Child Care NARRABUNDAH Centre)	nil \$45	Meeting Room I Weston Creek Community Centre Parkinson Street WESTON	\$32	Weston Creek Community Centre Parkinson Street WESTON	nil	Southside Service Boolimba (opposite	
<i>March</i>	Family Southside Community nil Service Boolimba Crescent (opposite shops) NARRABUNDAH	\$45	Dickson Library Dickson Shopping Centre DICKSON	nil	Tuggeranong Hyperdome Anketell Street TUGGERANONG (Ground Floor, near Lowes Menswear)	nil	O'Connor Centre 4 Finn Street O'CONNOR	

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	Kate Carnell Stefaniak MLA Month	Room Room Hire	Tony De Domenico MLA Venue	Room Hire	Gary Humphries MLA Venue	Room Hire	Bill Venue	Hire
<i>April</i>	Kippax Library nil Hardwick Crescent HOLT	nil	Tuggeranong Hyperdome Ground Level (near Centre Stage) Anketell Street TUGGERANONG	nil	Belconnen Library Chandler Street BELCONNEN	nil	Jamison Cnr Redfern & Bowman MACQUARIE	
<i>May</i>	Pearce Community nil Centre Collet Place PEARCE	nil	Level 3 (near NRMA) Westfield Shopping Centre Benjamin Way BELCONNEN	nil	Ngunnawal Neighbourhood Centre Yarrowonga Street NGUNNAWAL	\$36	O'Connor Centre 4 Finn Street O'CONNOR	
<i>June</i>	Community Room 1 Griffith Library 25 Blaxland Crescent Street GRIFFITH	nil \$30	Upper Level Woden Plaza (outside Sussans) Keltie Street PHILLIP	nil	Causeway Hall Spinfex Street KINGSTON	nil	Conder House 55 Beaumaris CONDER	
TOTAL		\$99		\$161		\$36		\$105

**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 281

Land Rates - Exemptions

MR MOORE - Asked the Treasurer upon notice on 27 August 1996:

- (1) Are exemptions for land rates provided to religious organisations in the ACT.
- (2) If so -
 - (a) which organisations are granted exemptions;
 - (b) (i) what is the amount of money exempted for each organisation;
(ii) what is the amount of exemption for each property of each organisation;
 - (c) what are the total exemptions given in the ACT Budget for religious organisations; and
 - (d) what other organisations are exempted from land rates.

MRS CARNELL - The answer to the Member's question is as follows:

- (1) Yes - Under paragraph 6(1)(c) of the *Rates and Land Tax Act 1926* sites of churches and other buildings used exclusively for public worship are exempt from general rates charges.
- (2)(a) All religious institutions that have a lease of land in the ACT are exempt from the imposition of general rates.
 - (b)(i) The amount of revenue foregone by way of general rates exemptions provided to religious institutions is not available. Due to the statutory entitlement to an exemption imposed by the legislation, sites occupied by religious institutions are not valued and charges for general rates are not assessed for exempt properties.
 - (ii) This information is not available as stated in my previous answer.
 - (c) This information is not available as stated in my previous answer.
 - (d) Pursuant to Section 6(1) of the Act the following land is exempt from the imposition of general rates:

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- (a) commons and public parks and public reserves not held under a lease or licence;
- (b) sites of cemeteries, public hospitals, benevolent institutions, and buildings used exclusively for public charitable purposes;
- (c) sites of churches and other buildings used exclusively for public worship, and free public libraries;
- (d) land leased from the Commonwealth that is occupied by, or used in connexion with a registered school under the *Education Act 1937-1971*; and
- (e) Crown lands which are not leased and are unoccupied.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 284

Kippax Health Centre

Ms Horodny - asked the Minister for Health and Community Care - In relation to the Kippax Health Centre (28 August 1996):

- (1) What are the terms and conditions of lease for the existing private tenants.
- (2) Who is (a) responsible for attracting compatible health and community services as tenants; and (b) what has been the success rate in attracting appropriate tenants.
- (3) Why is existing vacant space not being made available for (a) urgently needed community meeting rooms; and (b) other community purposes.

Mrs Carnell - the answer to the Member's questions are:

- (1) There are four private tenants of the centre. One has a current standard Territory sub-lease with a term expiring in May 1997. The term of the leases of the other tenants have expired and are therefore on monthly tenancy agreements. These tenants have declined offers to renew their sub-leases.
- (2) ACT Community Care is responsible for finding tenants for the building. Advertisements for private medical practitioners failed to attract interest in Kippax. A private physiotherapist did show some interest but did not take up the option to lease space. Subsequently, Richard Ellis, Real Estate Consultants, were contracted to conduct an assessment of the facility, market analysis and action required to attract suitable tenants. Further action is dependent on the recommendations of this report. A draft of which was provided to the Department on 6 September 1996.
- (3) Community groups are welcome to use the facility for meetings. This can be arranged through the Asset and Facility Manager of ACT Community Care.

**MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR HEALTH AND COMMUNITY CARE**

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 286

Canberra Institute of Technology - Medical Advice Contract

MR WHITECROSS - asked the Minister for Health and Community Care on Notice on 29 August 1996:

In relation to Gazette No. 31 of 7 August 1996, page 669, purchase reference XPM 6003 -

- 1) What medical advice was provided to the Canberra Institute of Technology's staff by the ACT Government Health Services at a cost of \$15,000.
- 2) What tender process was followed in awarding this contract to ACT Government Health Services.
- 3) Since July 1 1995, what (a) other "medical advice" has been provided by ACT Government Health Services to agencies and departments; and (b) at what cost.

MRS CARNELL - my answer to Mr Whitecross' question is:

- 1) The words "ACT Government Health Services" in Gazette No. 31 was incorrect and should have read "Commonwealth Health Services". The advice provided by Commonwealth Health Services covered medicals for permanent appointment, medical assessments for existing staff, and a variety of tests pertaining to staff employment.
- 2) The Gazette notice should have also had an asterisk and explanation that the amount was for a period order.
- 3) As the question relates to Commonwealth Health Services, I am unable to answer this part of the question.

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NUMBER 287**

Canberra Institute of Technology - Deputy Director Position

MR WHITECROSS - asked the Minister for Education and Training on Notice on 29 August 1996:

In relation to Gazette No. 31 of 7 August 1996, page 669, purchase reference YDO 6006 -

- 1) Can you itemise the expenditure of \$22,965.90 for "Advertisement for Deputy Director Position".
- 2) Was any expenditure, including fees to executive search consultants or other agencies, and including travel and accommodation expenses, incurred in making this appointment.
- 3) In relation to the successful candidate -
 - a) what process was followed in selecting the candidate;
 - b) who was the candidate; and
 - c) what was his or her previous position.

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

- 1) The Deputy Director position was advertised in the following newspapers per the costs as indicated:

Newspaper	Edition	Date	Size	Cost
Canberra Times	Saturday	10/12/94	18 x 4 CCMS	\$640.80
The Weekend Australian	Saturday	10/12/94	18 x 4 CCMS	\$3198.24
Sydney Morning Herald	Saturday	10/12/94	18 x 4 CCMS	\$3621.60
Melbourne Age	Saturday	10/12/94	18 x 4 CCMS	\$3151.44
Adelaide Advertiser	Saturday	10/12/94	18 x 4 CCMS	\$1771.20
The West Australian	Saturday	10/12/96	18 x 4 CCMS	\$2268.00
Brisbane Courier Mail	Saturday	10/12/96	18 x 4 CCMS	\$1937.52
Hobart Mercury	Saturday	10/12/96	18 x 4 CCMS	\$824.40
New Zealand Herald	Saturday	24/12/94	18 x 4 CCMS	\$2371.73
Straits Times (Singapore)	Saturday	24/12/94	18 x 4 CCMS	\$2918.88
TOTAL				\$22965.90
Balance of purchase order (not committed)				\$262.09

- 2) There were no executive search or consultancy fees.

Travel costs for the interviews of 6 interstate applicants were paid totalling \$4,415 80.

- 3) a) ACT Public Service candidate selection procedures as stipulated in Public Service Management Standard No. 8;
- b) the successful candidate was Dr Douglas Blackmur; and
- c) Head of the School of Management, Human Resources and Industrial Relations at Queensland University of Technology.

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 289

Olympic Swimming Pool

Ms McRae: asked the Minister for Sport and Recreation - In relation to the bubble roof covering Canberra Olympic Swimming Pool

- (1) On what date is the bubble roof for the Olympic Pool (a) removed and (b) replaced each year.
- (2) What is the cost of (a) removing and (b) replacing the bubble roof (including the loss of revenue for the period of time the pool is closed for this procedure to take place).
- (3) What are the entry numbers for the Olympic Pool per month, from 1 July 1995 to 31 July 1996.

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

- (1) The air dome is dismantled in early October and erected between late March and early April each year.
- (2) The cost of removing and replacing the air dome is approximately \$9,000 including salary costs and equipment hire.

Revenue lost cannot be accurately calculated because the pool has never been open during this time. Prior to the air dome being purchased, the pool was a seasonal pool only, closed from mid March through until late October each year.

- (3) Entry numbers for the Olympic Pool per month, from 31 July 1995 to 31 July 1996 are as follows:

July 1995	8153
August 1995	8289
September 1995	8220
October 1995	11683
November 1995	14723
December 1995	21226
January 1996	24652
February 1996	16730
March 1996	11230
April 1996	5595
May 1996	9678
June 1996	8268
July 1996	8916

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 290**

Department of Education and Training - Chief Executive Position

MS McRAE - To ask the Chief Minister:

What was the process that was followed after the appearance of the advertisement for the Chief Education Officer on August 3 1996, specifically

- (1) How many applications were received from (a) the ACT; and (b) elsewhere.
- (2) Who was on the selection panel.
- (3) On what days were the interviews conducted.
- (4) Who was consulted prior to the announcement of the appointment.

MS CARNELL - The answer to the Member's question is as follows:

- (1) There were 2 expressions of interest from the ACT.
There were 20 expressions of interest from elsewhere and a further 5 potential candidates through the executive search process.

- (2) The selection panel comprised:

Mr John Walker, Chief Executive, Chief Minister's Department
Mr Tim Keady, Chief Executive, Attorney-General's Department
Ms Linda Webb, Commissioner for Public Administration.

The panel was assisted by the executive search consultant.

- (3) By 20 August 1996 these expressions of interest had been evaluated by the executive search consultants in liaison with Chief Minister's Department. Three were assessed as final contenders but two of the three declined to proceed for personal or family reasons. A final interview took place on 23 August 1996.
- (4) Following the final selection interview, the name of the nominee was provided to the Chief Minister and the Minister for Education and announced by way of a joint press release.

5 September 1996

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 293

Birthing Centre

Mr Berry - asked the Minister for Health and Community Care upon notice on 3 September 1996:

In relation to the Birthing Centre -

- (1) What is the staffing structure of the Birthing Centre
- (2) Has this structure changed in the last year and if so, in what way(s) has it changed.
- (3) Are there any proposals to change the staffing structure and if so, what are these proposals.
- (4) How many nursing shifts has the centre had for (a) each of the last 6 months and (b) how many are proposed for the next 6 months.

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

- (1) The Birth Centre is staffed with a mix of registered nurses, level 1 and level 2. The mix varies depending on availability of staff. There are two registered nurses rostered for the morning and evening shifts and one registered nurse rostered for the night shift.
- (2) No.
- (3) Many of the principles of the Community Midwives Project are to be incorporated into the Birth Centre. This will result in a net staff increase of two full time equivalents.
- (4) There are three nursing shifts each day in the Birth Centre. The morning shift runs from 7am to 3.30pm, the evening shift from 2pm to 10.30pm and the night shift from 10pm to 7.30am. There is no proposal to alter these shifts.

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 319

Traffic Management - Fyshwick

Mr Wood - asked the Minister for Urban Services

1. What was the cost of changes to the traffic lights at the corner of Newcastle and Gladstone Streets, Fyshwick, adjacent to the new McDonald's outlet
2. As access to McDonald's is substantially dependent on the new arrangements, what amount of money was provided by the lessee for the lights and associated works.
3. Were any lease or planning changes required for McDonald's to occupy the site and if so what were they.

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

- 1 & 2. All costs for changes to the traffic lights and associated works were borne by the lessee McDonald's. McDonald's also paid for improved pedestrian facilities at this location.
3. No changes to lease or planning requirements were made, all works were allowed under the existing lease conditions.

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APPENDIX 3: Incorporated in Hansard on 5 September 1996 at page 3173.

**BUILDING AND DEVELOPMENT APPLICATION
PROCESSES REFORM**

TO BE DELIVERED BY:

**MR GARY HUMPHRIES MLA
MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

SEPTEMBER 1996

5 September 1996

2.

In June 1995 I spoke in the Assembly of reforms I wished to achieve in the Territory's planning and land management approval processes. I sought four milestones -

1. to introduce integrated processes for development and building approvals;
2. to overhaul cumbersome appeals mechanisms;
3. to instigate a strategic review of planning for the ACT; and
4. to trial for 12 months the model of Local Area Planning Advisory Committees (LAPAC's).

With the enthusiastic assistance of officers in my Department and other agencies, who are committed to reform, the first milestone was met on 1 July 1996; the second initiative on appeals is on the legislative agenda for later this Session; the third step is occurring now with finalisation of the National Capital Beyond 2000 Study and I will be speaking to the Assembly about Beyond 2000 in October. The LAPAC trial is now being evaluated and I expect to receive the results in October.

Members may know that one of Australia's most influential businessmen, Mr Ken Baxter, national director of accountancy firm KPMG and the most senior bureaucrat under the NSW Carr Labor Government, recently highlighted that

3.

Victoria and the ACT were the only governments "seriously (addressing) a policy of reforming the planning and development process".

I believe that is high praise for this Government's approach, given the additional level of decision-making which the ACT's leasehold system can bring to planning and development approvals for investors unfamiliar with the Territory's land management system.

The interplay of leasing and planning is not easily understood but together they provide powerful tools for an integrated land management system. They can facilitate investment and provide much needed facilities and services while protecting urban amenity and balancing commercial competition.

Members will recall that in June this year I announced the establishment of a Planning and Land Management Group - known as PALM - within the Department of Urban Services. PALM brought the leasing, district and Territory planning, land infrastructure, estate development, building control and development management functions into a single administrative body.

4.

PALM started operations on 1 July 1996. It is a streamlined organisation with three arms - development management, metropolitan planning and land supply, and building services. It is focussed on administering integrated planning, development and building processes.

After careful investigation and trialling, taking the best elements of existing ACT and interstate practices, the Government also introduced on 1 July an integrated Development Application process (the DA) and a single Building Application process (the BA). These are the first embodiments of the serious reforms to which Mr Baxter refers. More combined processes are being devised.

It is difficult to underestimate the time and monetary savings being gained by industry, the community at large and individual Government agencies through the new DA and BA processes. They are not simply new ways of moving paper: they combine a series of separate leasing, design and siting applications, building plan approval, licence and permit applications; the DA and BA processes establish vastly improved methods for staff to work in teams; staff are using computerised information and procedures; they will electronically transfer that material; and will be empowered to give responses within guaranteed timeframes.

5.

The DA and BA processes, and all accompanying legislation, Territory Plan and the geographical information data base, are computerised. Every officer in PALM has computer access to legislation and procedures, updated daily if necessary. Much of the software for the legislation and the Territory Plan was developed by an ACT company, Softlaw, who developed the E-Publish software at their premises in the Downer Business Centre.

A DA application covers a range of land use requests - erecting, altering or demolishing a building; changing the permitted uses of the land or its buildings; subdivision or other boundary changes; Public Works Implementation Plans; displaying signs or advertising material; seeking a licence to use unleased land; and conducting one's business from home. The DA includes work involving a property listed on the Interim Heritage Register.

The BA replaces separate processes for a series of building plan, permit and licence approvals.

Decision timeframes have been slashed. For example, prior to the new DA process, the statutory period for assessing and delivering a decision on a lease variation application was 14 weeks without a need for public notification and 20 weeks with notification.

6.

From 1 July the target is 30 working days without notification and 45 working days with notification. Those targets will be formalised in amendments to the *Land (Planning and Environment) Act 1991* I will introduce later this Session.

The Assembly may be aware of recent reports in New South Wales where the Department of Local Government found that their average processing time was 70 days, not the 40 days mandated by the State legislation. The criticism was that time delays were exacerbated by referrals to other agencies and the serial processing of applications, each application passing from officer to officer.

The ACT has avoided these problems with a team approach to Development Applications.

When an Development Application is lodged it is quickly assessed by a senior level committee, a decision given on the extent of public notification required, and then the application is given to a project team from the North, South or Rural Sections of the PALM Group. Importantly, each application has one officer responsible - he or she is the contact with the applicant, providing a continuity of service and information about the progress of the application. That contact officer works within a multi-disciplinary team to assess the application and

7.

applicants are no longer required to go from officer to officer, agency to agency, to provide or seek information.

This is an initiative to which the Government committed itself so as to promote a one-stop shop case-management system of business.

Like the computer analogy of "garbage in / garbage out", the streamlined DA and BA require comprehensive and accurate information to be lodged with the application.

The new timeframes recognise that the previous processes relied on assessment of whatever information was lodged with an application. Particularly with regard to leasing or design and siting matters, it was often necessary to "stop the clock" on the process because more or better information was needed because the application was deficient. A "stop clock" will no longer be available unless there is a statutory need for a Preliminary Assessment or unless the applicant requests it. If the applicant does wish to "stop the clock" he or she can only do so for a maximum of six months.

My officers have compiled a detailed set of information, checklist and guideline packages for applicants which enable applicants to present comprehensive and

8.

workable applications. There are thirteen DA information packages, covering everything from dual occupancy and multi unit developments to rural lease changes and the erection of signs.

Applicants are given guidance on consistency of their proposal with the Territory Plan; merits of the proposed use of land; impacts on the site and surrounding people and land; parking and access; design and siting considerations such as setbacks and shading; environmental issues; heritage matters; compliance with the existing lease; and the process for notifying the public and dealing with their comments or objections. There is a similar information package for BA's.

In addition, potential applicants can take advantage of a pre-application meeting with technically experienced and professional planning and leasing staff from my department and other agencies, such as ACTEW or the Bureau of Arts and Heritage, who will canvass the issues required for inclusion in the DA when it is lodged and ensure all potential issues are addressed.

I am especially pleased with the pre-application meeting initiative. Members are no doubt aware of problems encountered in the past when applications were lodged but assessment delayed. Key information was found to be missing or, mid-way through assessment, it was deemed necessary for the proposal to be

9.

supplemented by a Preliminary Assessment (of environmental concerns) or be referred to the former National Capital Planning Authority for their agreement. This lack of overview and some subsequent bureaucratic hurdles caused consternation and increased costs to applicants. It engendered a degree of distrust in the community at large because the process was seen to stop and start frequently.

Members may know that public notification has been streamlined also. An Applications Secretariat within PALM handles the yellow signs, letters to neighbours and press advertisements of notification centrally. We had found certain deficiencies about who was notified when applicants were asked to do the notification. The Secretariat can now ensure that and ensure also that people who seek details of an application are given full information and assistance to interpret it.

A further initiative is that the decision of each application is accompanied by a detailed Statement of Reasons for that decision and an assessment of any objections or comments raised through notification. The openness of this process is a mark of this Government's commitment to accountability.

10.

The processes for DA's and BA's did not stop with their introduction on 1 July.

They are subject to a continuous improvement program as steps are refined and, especially as PALM investigates new computer systems. Each officer in PALM can feed into this continuous improvement process and have their ideas incorporated.

PALM is benchmarking these processes against best practice elsewhere in Australia and, as has been reported, the ACT is in the forefront.

I remind Members there are other processes in the planning and land management field which will be integrated in a similar manner. These include the way we make changes to the Territory Plan; how new sites are selected for community and commercial activities; and how the process for planning new greenfields developments can be streamlined.

It is an exciting time and I should acknowledge to the Assembly my appreciation of the dedication and commitment shown by the staff of the Planning and Land Management Group to implement this exciting and progressive series of initiatives.

APPENDIX 4: Incorporated in Hansard on 5 September 1996 at page 3173.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
GARY HUMPHRIES MLA

MINISTERIAL STATEMENT ON

INVESTIGATION BY THE A.C.T. COMMISSIONER FOR THE
ENVIRONMENT INTO THE A.C.T.'s USE OF CHEMICALS
FOR THE CONTROL OF PEST PLANTS AND PEST
ANIMALS

Mr Speaker,

Members will recall that on 28 February 1996 a resolution was passed in the Assembly calling on the Government to set up a public inquiry into the use of weed and pest control chemicals in the A.C.T.

The resolution set out in detail the range of issues to be addressed, specified arrangements for input from interested community sectors and required that the inquiry be chaired by the Commissioner for the Environment.

The Government supported this resolution and I subsequently wrote to the Commissioner making some additional resources available to assist in carrying out the intent of the Assembly's resolution.

I understand from the Commissioner's office that there has been considerable community interest in this issue already, particularly from members of the community concerned about possible health impacts from the spraying of weed and other pest control chemicals.

In the course of proceeding to establish the inquiry, the Commissioner's office became aware of doubts as to the Commissioner's powers to hold an effective public inquiry.

Section 12 of the *Commissioner for the Environment Act 1993* gives the Commissioner the power to conduct investigations.

To enable the Commissioner to discharge the function of investigation effectively, the Act confers on him certain powers including the powers to require the production of documents and provision of information.

However, section 15(3) qualifies the Commissioner's powers by providing that investigations are to be conducted in private.

Given the community interest in this issue, but a legal requirement for a private investigation, the Government and the Commissioner have jointly considered the best way to proceed.

We believe the best approach is for me to direct the Commissioner to conduct an investigation (which must be in private) but also to direct him to include in the report the detail of the submissions received.

This will ensure that the Assembly and the community are aware of all the matters raised in the course of the investigation.

I have added to the groups included in the original Assembly resolution and the final committee now comprises:

- . Conservation Council of the South East Region and Canberra;
- . national Director of Landcare Australia;
- . Public Health Association;
- . Australian Chemical Trauma Alliance;
- . CSIRO (for both an entomologist and a plant biologist);
- . ACT Trades and Labor Council;
- . Chemicals Safety Unit in the Commonwealth Department of Health;
- . National Health and Medical Research Council;
- . National Registration Authority for Agricultural and Veterinary Chemicals;

- . Worksafe Australia;

- . ACT Workcover;

- . Professor Michael Moore of the National Research Centre for Environmental Toxicology; and

- . Chief Health Officer (or her nominee).

This membership will provide for comprehensive coverage of all the community's interests and will also provide for expert advice to be available to the Commissioner.

I have also invited Professor Michael Moore of the National Research Centre for Environmental Toxicology and the Chief Health Officer (or her nominee) to be part of the steering committee to ensure that the health concerns already raised by some members of the community can be adequately addressed.

The steering committee has several functions.

First, the committee is to advise on the terms of reference for the Commissioner's investigation.

The Commissioner has since advised me that the committee has settled on terms of reference that are closely based on the Assembly's resolution and I table these now for members' information.

Second, the committee will confirm that the Commissioner's report of his investigation addresses the approved terms of reference.

Of course, committee members will also be invited to make individual submissions as part of the Commissioner's investigation.

I now intend to issue a formal direction to the Commissioner passing on the approved terms of reference and directing him to conduct an investigation in accordance with his powers under the *Commissioner for the Environment Act 1993*, and specifically, to:

1. conduct an investigation consistent with the finalised terms of reference;
2. advertise and seek written and/or oral submissions from the community at large;
3. seek information and submissions from each of the members of the steering committee;

4. prepare a comprehensive report on the outcome of his investigation including the detail of all submissions received;
5. obtain confirmation from the steering committee that the report addresses the approved terms of reference; and
6. report within six months or such further period as I agree.

With regard to future investigations of a similar nature, it would seem sensible that the Commissioner for the Environment should be able to hold investigations in public, if so directed.

The Government will be proposing an amendment to the Commissioner for the Environment Act to this effect.

The Government looks forward to receiving the Commissioner's report and to achieving the best possible environmental outcome for the A.C.T.

(END OF SPEECH)