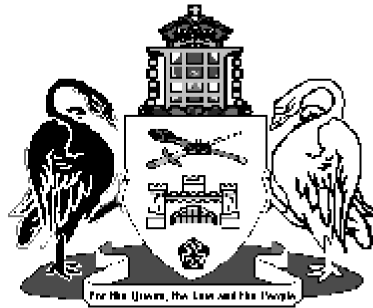

DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 DECEMBER 1996

Thursday, 5 December 1996

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Thursday, 5 December 1996

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

PETITIONS

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

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

By **Ms Horodny**, from 60 residents, requesting that the Assembly abolish the battery cage system of egg production in the Australian Capital Territory.

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

National Soccer Centre

The petition read as follows:

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Parliament that: the undersigned residents living in the Belconnen area can identify huge benefits to our community from the proposed project to introduce much needed community, sporting and other amenities by the Belconnen Soccer Club. This project is to be located in McKellar at Section 71, bounded by William Slim Drive and Owen Dixon Drive.
>
> Your petitioners therefore request urgent attention by the Assembly to approve this lease and development application.

Egg Production - Battery Cage System

The petition read as follows:

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: That the battery cage system of egg production involves many cruel practices towards hens, including:
>
> 1. caging for their entire lives in cages where they cannot exhibit their natural behaviour, for example spreading their wings and scratching in dirt or litter;
>
> 2. caging for their entire lives in cages with sloping wire floors, where the only possible position of comfort is to roost on the bodies of other hens.
>
> Your petitioners therefore request the Assembly to abolish the battery cage system of egg production in the ACT.

Petitions received.

CANBERRA TOURISM AND EVENTS CORPORATION BILL 1996

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.31): Mr Speaker, I present the Canberra Tourism and Events Corporation Bill 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, the Canberra Tourism and Events Corporation Bill is a significant step in maximising the social and economic benefits of tourism and events to the Territory through an enhanced legal and administrative framework. The Bill sets out the functions, powers, membership and staffing of the corporation. Other significant provisions deal with financial accountability and reporting arrangements for the corporation. By streamlining administrative procedures and giving the corporation a commercial charter, the Government will enhance the delivery of tourism marketing services and integrate the management and marketing approaches of the ACT's major government-funded events and festivals. Its principal function will be to market the Territory to interstate and international travellers.

Other features of the Bill are the seven-member structure of the corporation, with one member being a public servant; provision for a chief executive officer; the ability to contract consultants; the requirement for the corporation to comply with the Financial Management Act; and the requirement to provide information to the Minister on request. A key element of the Bill is the flexibility it provides to the corporation in relation to commercially oriented joint venture arrangements with the private sector. This partnership arrangement will assist businesses that have the potential to benefit from tourism to boost their returns - a key outcome in a sector which already employs many of the ACT's youth.

Mr Speaker, the Government sees the move to a statutory corporation in a positive light. It is anticipated that the Government will provide the corporation with similar funding over the next three years. However, in the long term it is expected that the flexibility provided by this Bill will see a much more self-sufficient industry. The Canberra Tourism and Events Corporation is not a Territory-owned corporation under the Territory Owned Corporations Act or a statutory authority with regulatory functions. It is a body corporate with the legal capacity of a natural person relying on common law notions within the framework of a corporation. It will have the same powers or subset of powers as a natural person. However, those powers are limited by the statutory provisions contained in the Bill. In general, these limitations relate to the employment power of the Public Sector Management Act, the provisions of the Financial Management Act and the requirement to have a detailed business plan. The Canberra Tourism and Events Corporation will be required to produce a business plan containing three-year financial projections and directions in order to provide the Government and the ACT with strategies and expected outcomes from tourism in the ACT.

The existing and new staff of the corporation will be employed under the Public Sector Management Act and the current enterprise bargaining agreement. It is intended that when the current enterprise bargaining agreement expires in September 1998 a new Canberra Tourism and Events Corporation enterprise bargaining agreement will be established. The nature of the corporation and the industry in which it operates is such that the industry must increasingly begin to reflect and respond to the peak periods of demand for its service - periods which are not necessarily relevant to the standard Public Service model. Mr Speaker, development of a corporate model has been undertaken in full consultation with the staff and the relevant unions. This process of constructive consultation will continue into the new organisation and in discussions regarding a new enterprise bargaining agreement to be operational in 1998.

Under the new arrangements the chief executive officer of the Canberra Tourism and Events Corporation will have the employment powers of a chief executive under the Public Sector Management Act. The current chief executive officer of Canberra Tourism has agreed to continue as the chief executive officer of the Canberra Tourism and Events Corporation, thereby demonstrating confidence in the new arrangements and adding stability in the time of transition.

With the new corporation will come a greater focal point for events management in the ACT. Mr Speaker, the success of the Rally of Canberra under the management of Canberra Tourism will be further enhanced with the transfer of other events to the corporation, thereby maximising the expertise and resources of that organisation.

Floriade management will be transferred to the new corporation as of 1 July 1997. The Floriade Festival is a major tourist drawcard. The next step which the corporation will facilitate is aligning the product to meet visitors' need, by integrating its promotion and marketing through effective packaging.

The Bill before the Assembly has the support of the Canberra Tourism Advisory Board and CanTrade, as it will have a positive impact on ACT business. It will provide a support service to the ACT tourism industry and not be in competition with it. Should the corporation wish to participate as a travel agent or other similar entity, it will have to do so on a competitively neutral basis, in accordance with the competition policy agreement, and pay tax equivalents, as does any other business. Not only does this issue confront the Canberra Tourism and Events Corporation but a similar tax equivalent regime faces all statutory bodies and their operations.

Mr Speaker, the new corporation will commence its operation on 1 July 1997, should this Bill pass. The Government intends to transfer the Canberra Visitor Information Centre lease to the corporation, as it is an integral part of the Government's asset base and tourism service. The transfer of this asset will take place in the same manner as a transfer of property between persons. All other formal contracts and non-land assets currently held by Canberra Tourism will be transferred to the new Canberra Tourism and Events Corporation.

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

HEALTH AND COMMUNITY CARE SERVICES ACT - DETERMINATION NO. 227 OF 1996
Motion for Disallowance

MR BERRY (10.37): I move:

> That Determination No. 227 of 1996, made under the Health and Community Care Services Act 1996, be disallowed.

Mr Speaker, this motion underlines some sloppy management in Mrs Carnell's health portfolio. The community deserves to understand that Mrs Carnell is incapable of maintaining proper administrative control over issues which concern millions and millions of dollars for the ACT community.

Mr De Domenico: This is a cheap political exercise.

Mrs Carnell: Basically, it is a windfall for private health insurance.

MR SPEAKER: Order!

MR BERRY: I thought Mr Moore would have been rising to my defence. This disallowance highlights the total inadequacy of Mrs Carnell's management of her health portfolio. Dozens upon dozens of charges set by determinations of the Health Minister under the Health Act are at risk and invalid. It becomes necessary, therefore, to keep the pressure on the Government to deal with proper processes in this place.

Let us look at the events. First of all, Mrs Carnell issued two determinations, Determinations Nos 106 and 136, to have effect from 1 July 1996. They well and truly revoked all charges before that time. This was identified by the Scrutiny of Bills Committee and questions were raised about the validity of those documents. It later came to pass that it was agreed that those determinations were invalid. Mr Speaker, the next step in the process to deal with any retrospective difficulties which arose from the invalidity of those determinations should have been a Bill in this place and a public debate about retrospective legislation. If Mrs Carnell had had the courage, she would have come in here and said, "There has been an administrative mistake". If she had placed a Bill before this house so that we could have discussed the question of retrospectivity, then the process could have been sorted out. But no. What did she do? She tried to cover it up with another determination which gave retrospective effect to dozens upon dozens of fees and charges.

That retrospective regulation is now being drawn into serious question because of the provisions of the Subordinate Laws Act. The Subordinate Laws Act makes it pretty clear. I will just read into the *Hansard* the relevant provisions. Section 7 states:

> A subordinate law shall not be expressed to take effect from a date before the date of its notification in the *Gazette* -

that is, a retrospective law -

> where, if the law so took effect -
>
> (a) the rights of a person (other than the Territory or a Territory authority) existing at the date of notification would be affected in a manner prejudicial to that person; or
>
> (b) liabilities would be imposed on a person (other than the Territory or Territory authority) in respect of an act or omission before the date of notification;
>
> and where any subordinate law contains a provision in contravention of this subsection, that provision is void and of no effect.

Mr Speaker, there is a lot of conversation going on in the chamber. It would be helpful, Mr Speaker, if you would - - -

MR SPEAKER: I cannot hear it.

MR BERRY: Perhaps if you were standing over here you would be able to.

MR SPEAKER: If members want to have private conversations, I remind them that there are lobbies available. Mr Berry complained about the noise, remarkably.

MR BERRY: Thank you for your protection, Mr Speaker. The Subordinate Laws Act makes it pretty clear that retrospective determinations such as the one issued by Mrs Carnell are suspect. So are many of the other things that Mrs Carnell does.

The next thing we have to consider, Mr Speaker, is why there is a need to put the pressure on the Government to deal with issues involving millions of dollars. If you have a look at the last health budget, you will see that it was overspent by about $22.3m. That shows the disregard Mrs Carnell has for public money.

Mrs Carnell: I take a point of order, Mr Speaker, on the grounds of relevance.

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

MR BERRY: That shows the disregard Mrs Carnell has for public money and that is why this motion has been moved here today.

Mr De Domenico: I take a point of order, Mr Speaker, on the grounds of relevance.

MR SPEAKER: Relevance, Mr Berry.

MR BERRY: This motion has been moved here today to ensure that the Government, unlike in the past, protects the money of the community. Mrs Carnell has not shown great respect for public money in the past, as has been shown by her health budget. Indeed, this year her health budget will be inflated by $37m.

Mrs Carnell: I take a point of order, Mr Speaker.

MR SPEAKER:. Sit down, Mr Berry.

Mrs Carnell: It is a relevance issue, Mr Speaker. You have already ruled on it. Mr Berry is totally disregarding your ruling.

MR BERRY: It is relevant, Mr Speaker, to raise - - -

Mrs Carnell: Mr Speaker, you have ruled on this already.

MR SPEAKER: I uphold the point of order, and I ask you to come back to the motion before the Chair, Mr Berry.

MR BERRY: Mr Speaker, the motion before the Chair is to clearly expose the incompetence of this Health Minister. This is a Health Minister who could not even put the date on a determination. That is very relevant, Mrs Carnell. That is behind the problem. You are not keeping your eye on your job. Millions upon millions of community dollars are at risk because of these determinations.

The Government could argue - I am sure that it will, of course - that this motion before the house today is out of order. They could say that the determinations that were made in the past were void and that you cannot disallow something that is void. I am not sure that they would come up with that sort of admission. What I offer to them is a chance to admit before this place that they have mucked this up. They have made retrospective determinations which, it appears, are not permitted under the relevant legislation which I mentioned a little while ago and which the expert committee on legislation in this place drew attention to.

It is a serious issue of revenue for the ACT. What the Government needs to do now is to admit that it has made the mistake, admit that there are millions of dollars at risk and come back into this place with a Bill in order that we can debate whether or not there ought to be retrospective requirements by a backroom determination. This is the issue. The serious issue - - -

Mr Kaine: I raise a point of order, Mr Speaker.

MR SPEAKER: Sit down, Mr Berry.

Mr Kaine: Mr Berry’s constant references to backroom and backdoor secrecy imply bad faith on the part of the Minister. He knows that there is no such thing, and he knows that the determination was subject to disallowance if he chose to move to disallow it at the time. To the extent that there is any problem, he is complicit in that problem.

MR SPEAKER: I uphold the point of order, Mr Kaine. You have moved disallowance, Mr Berry. The suggestion of “backdoor” is out of order. Withdraw it.

MR BERRY: Political points seem to be out of order too.

MR SPEAKER: Withdraw it.

MR BERRY: Political points - - -

MR SPEAKER: Withdraw it.

MR BERRY: Withdraw what?

MR SPEAKER: “Backdoor”.

MR BERRY: I withdraw it.

MR SPEAKER: Thank you. Continue.

MR BERRY: Behind closed doors - - -

MR SPEAKER: No, I am sorry.

MR BERRY: Okay, I withdraw that. The determinations which are made outside this chamber, Mr Speaker, do not enable members in this chamber to properly debate the issue of retrospectivity. For any parliament, retrospectivity is a serious issue. It is particularly serious if that retrospectivity is to apply to people who may not have paid bills at this point. It is particularly significant when it comes to the possible requirement of the Government to repay improperly collected fees.

Mr Speaker, these issues are important retrospective matters which ought to be debated in public. I know why the Government would be embarrassed and nervous about this. Mrs Carnell has been caught muddling again. That is what has clearly happened here. Two determinations have been brought into question by an expert committee, the first one because it was improperly determined and the second one because it was retrospective and at odds with relevant provisions of the Subordinate Laws Act. Those are the issues.

It comes back to whether or not members wish to allow determinations which are retrospective - that is, determinations by a Minister patching up a mistake in a retrospective way. If members want to allow Ministers the right to impose payments on people retrospectively, that is their choice. What Mrs Carnell proposes to do retrospectively is to make lawful what was unlawful. That is the serious issue at hand. Most honourable parliamentarians baulk at retrospective measures. They baulk at retrospective legislation, Mr Speaker. They certainly shy off retrospective determinations of the order of those which have been carried out by the Minister in this case. The Minister in this case was involved in a comedy of errors.

First of all, we had determinations made which were invalid. People make mistakes - one accepts that - but once you make the mistake it is better to fix it up properly than to try to patch it up in a hurried way and in a way which risks millions of dollars. The Labor Party would support a Bill to patch up these retrospective mistakes, if you like. We would support a Bill if the Government brought it forward, but we will not support a Minister being able to retrospectively remedy mistakes which have been identified by expert committees. You would understand that, Mr Kaine.

Mr Speaker, I am sure that the Government will say, "No, it is all right to do these retrospective things because we are the Government". It is not all right for people to take these retrospective actions. It is quite wrong. The fact is that these particular decisions have been drawn into question by an expert committee of this Assembly which is advised by experts. It is serious enough to warrant a disallowance of this determination. The Government ought to respond by introducing a Bill immediately to repair the damage. The damage has been done. It has been identified. The proper thing to do is to have a full and open debate in this place about retrospectivity. In these circumstances I, for one, will agree with that, and so will the Labor Party. It has to be fixed. There are millions of dollars' worth of revenue at stake. We saw millions of dollars' worth of revenue lost in the health budget last year. We do not want to see any more.

MR SPEAKER: The member's time has expired.

MR BERRY: We would support such a Bill. I urge members to support this motion.

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

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.52): Mr Speaker, that was one of the most irresponsible acts that I think we have ever seen in this place. Mr Berry regularly comes up with different approaches to things in this place.

Mr De Domenico: Different ways to personally attack you.

MRS CARNELL: Personal attacks. Rarely is he interested in the issue. He is more interested in politics. In this particular case he has gone right over the edge. He made the point that we need to ensure that public moneys are protected. We totally agree with that.

I do not believe that somehow, all of a sudden, I have a law degree and can tell whose legal opinion is correct and whose is not. Mr Berry is a little bit jealous of Mr Connolly, I think, and from now on wants everybody to believe that it is Master Berry - not Mr Business anymore, but Master Berry. Obviously, he believes that he knows more than the Scrutiny of Bills Committee, that he knows more than the Government Solicitor and that he knows more than the people who are trying to sort out this situation. For the interest of - - -

Mr Berry: Just adjourn it. Come back with a remedy.

MRS CARNELL: No; I am sorry. We are simply not willing to leave this issue hanging. As many would understand, there is a lot of money at issue here. Mr Berry has not bothered to tell the Assembly exactly what he is talking about here.

Mr De Domenico: It is because he does not know.

MRS CARNELL: It is probably because he does not know. Mr Berry spoke about two determinations that I made in June this year with regard to fees and charges for virtually all areas of health, from beds in our hospital system through to dental services and all sorts of other things. Mr Speaker, I made those determinations under the Health Act 1993. Those fees, as is the case every year, were due to come in on 1 July. Unfortunately, on 1 July 1996, as those here would realise, the Health and Community Care Services Act 1996 also came into effect, with the result that Part V of the Health Act 1993, allowing for the determination of fees and charges, was repealed. While the Health and Community Care Services (Consequential Provisions) Act 1996 allowed for the continuation of fees and charges determined under the Health Act 1993, it covered those fees and charges that were in effect before July 1996.

Because a number of incidents all happened together - the new fees were due to come in on 1 July and the new Act came in on 1 July - it was determined that the new fees and charges may not have been valid under the new Health and Community Care Services Act 1996. The Scrutiny of Bills Committee, appropriately, raised these issues back in July. We, again appropriately, sought legal advice on the appropriate approach from people who actually do have legal degrees. I suppose next time I should go and ask Mr Berry what I should do. Mr Berry could then give a legal opinion, and obviously

that would be significantly better than that of the Government Solicitor! Unfortunately, I made this horrible mistake of going to the Government Solicitor and asking the Government Solicitor for an opinion, instead of Mr Berry! I will certainly know better next time, Mr Speaker! No, I will not, I can promise.

Mr Speaker, the Government Solicitor gave us a legal opinion which suggested that we go down the path of the instrument No. 227 and retrospectively validate the fees and charges that were already in place, the fees and charges that had been determined in the June decision. This legal opinion, as I understand it, was actually provided to the Scrutiny of Bills Committee, so the Scrutiny of Bills Committee and Ms Follett are very well aware that the approach we took all the way through was based upon legal advice from the Government Solicitor, not from Mr Berry.

When Ms Follett tabled her Report No. 17 in the house yesterday or the day before, she rightly said:

> ... the committee has sought and obtained advice from the Government on that question of retrospectivity and on the subsequent question of whether or not those fees and charges were valid.

The committee suggested that section 7 of the Subordinate Laws Act may be a concern. Ms Follett suggested that the Government might like to get further advice to determine whether the legal opinion that Professor Whalan gave the committee or the legal opinion that the Government Solicitor gave is the appropriate way to go.

We have two opinions. The opinion from the Government Solicitor says that this is the appropriate way to go and that section 7 of the Subordinate Laws Act 1989 does not affect this determination, simply because the fees and charges that were paid by the people involved from 1 July were the fees and charges that had been determined. They have been paid, the services have been given and so on. On the other hand, the opinion of Professor Whalan suggests that there may be a problem. Ms Follett, appropriately, went on to say that the committee would like the Government to get back to the committee after getting further advice. The moment that report was tabled in the Assembly, my department sought further advice, not from Mr Berry LLB, not from Master Berry of the Supreme Court, but from somebody who actually does have legal qualifications. Obviously, that was another extreme mistake! We should have gone straight to Mr Berry and asked for the legal opinion!

We are talking about 24 hours ago; but rather than allowing the continuation of the process that was put in place by the Scrutiny of Bills Committee, that has been part of the whole approach all the way through, Mr Berry today moves for disallowance. He moves for disallowance of millions of health dollars. Interestingly, apart from coming from the community, a lot of these dollars come from private health funds and those sorts of entities. Those dollars actually keep our health system running. Mr Berry moves for disallowance because he wants to engage in a political stunt this morning in the Assembly.

Mr Berry talks about cover-ups. Mr Speaker, all of these things are gazetted. They are in the *Gazette*. How can you possibly have a cover-up in the *Gazette*? How can you have a cover-up of something that has been the subject of exchanges of legal opinions with an Assembly committee chaired, let me say, by a member of the Opposition? How can this be a cover-up, Mr Speaker? This is just patently ridiculous. I come back to where I started, Mr Speaker. It is irresponsible in the extreme. It wastes the time of this place.

Mr Berry said that those opposite would support legislation to fix this up if that is what we need to do, but we will know whether legislation is needed only after we get legal advice. My advice from the Government Solicitor this morning is that he does not believe that there is a problem with Determination No. 227, but we will look at it again. We will do the appropriate thing. We will do what Ms Follett and her committee asked us to do, and that is seek another opinion. What we will not be doing is what Mr Berry attempted to do. He attempted but failed to make political capital out of what, let us be fair, is a difference of opinion by two lawyers who are qualified to give an opinion. Mr Berry has decided that he knows more. Rather than wait for our legal fraternity to determine which way to go in this particular situation or which legal opinion is right, Mr Berry - Mr Business, Mr Berry LLB, Mr Berry who knows more than the Government Solicitor, Mr Berry who knows more than Professor Whalan - decides that he is going to move for disallowance of millions and millions of taxpayers' dollars, dollars that go straight back into health, produce hospital beds, pay nurses, pay doctors and pay all of the people who run our health system. That is what he is doing this morning.

I think this Assembly should throw this motion straight out and allow the process that is already in place, which Ms Follett, the Government Solicitor and the department have already put in place, to sort out this situation. The fact is that it will be sorted out. We do have to make the fees that are in place appropriately legal. They may be legal now or they may not be. In one way or another we have to get it right, but this is not the way to go. One thing we can guarantee, Mr Speaker, is that going down a path that would put at risk millions of dollars' worth of taxpayers' dollars, of health dollars, is nothing more than Mr Berry playing political games with something in respect of which he has no qualifications. Mr Speaker, I rest my case.

MS FOLLETT (11.03): I think members will be aware that in addressing this motion I actually wear two hats. I would like to speak, first of all, as the chair of the Scrutiny of Bills Committee, the committee which has raised the difficulty with the determinations which the Government has attempted to make. The Scrutiny of Bills Committee has traditionally operated and continues to operate in a non-party-political way. Indeed, as a committee we have not even addressed issues of policy. We confine ourselves to the detail and the technicalities of the legislation, the subordinate legislation, determinations and so on which pass through this place.

In looking at the determination of fees and charges which are the subject of debate today, the committee initially raised an insuperable problem with those determinations in that they were quite wrongly made. An error had been made, and that was pointed out to the Government. Despite attempts to remedy that error, it was the committee's view that there was again a technical difficulty with the determinations. We formed that view based on the advice of our expert adviser, Professor Whalan, a person of quite exceptional

experience and erudition in these matters. This is not the only parliament which Professor Whalan advises. I can certainly let any members know who do not already know that Professor Whalan is held in the greatest esteem nationally amongst all bodies who have anything to do with legislation and delegated legislation. Accordingly, I give Professor Whalan's advice due weight. In fact, Mr Speaker, I have no hesitation in saying that I would probably back Professor Whalan's advice against anyone else's. It was on the basis of his advice that our committee formed the view that the Government's response on these determinations was not adequate. We reported that in our report which was tabled in the Assembly on Tuesday.

In reporting those matters, I actually pointed out to the Government the view of the committee that the response, including the Government's legal advice, was still in contest, that the committee was not satisfied that the action the Government had taken was an effective remedy and that section 7 of the Subordinate Laws Act still posed a considerable problem for the Government in their determination on those fees and charges. In fact, as I said, it appeared that the action that the Government had taken was contrary to section 7 of the Subordinate Laws Act.

My role as the chair of the committee is to report to this Assembly the views and the conclusions of that committee, and that is what I have done. It is not my role as the chair of that committee to take political action. It is not my role as the chair of that committee to comment upon the policy underlying the Government's actions. I comment on the technical, black-letter legal aspects, on advice from an extremely learned and experienced adviser. That is what I have done.

Mr Speaker, it is not my role as the chair of the committee to prevent any member of this chamber from taking other action in relation to a report or a recommendation of the Scrutiny of Bills Committee. It is not my job to restrain people from making political points. I certainly would never want to do that. Indeed, that is a what great deal of our business here is about. Mr Speaker, it is not my role to say that the Government has done the right thing or not. I have reported the committee's view that the matter has not been remedied.

However, I now put aside my chairmanship of the Scrutiny of Bills Committee and speak in support of the action that Mr Berry has taken in moving to disallow this determination. There is no doubt in my mind that Mr Berry has grounds for moving this disallowance motion. It is a fact that the determinations which have been made impose liabilities on the Canberra community which would not have existed had those determinations not been made. I believe that it is up to the Government to remedy this situation. There has been a chapter of errors. I do not blame Mrs Carnell personally for that, but I do blame the health administration. I think it is time they had a sharp lesson in how to do things properly if they want to get legislation or subordinate legislation through this house.

I believe that it is very regrettable that this error has occurred, but I do not believe that it is unreasonable for Mr Berry to go to some lengths to point it out and to require that it be remedied. I also think, given the degree of retrospectivity - it is now some six months, half a year - that it is entirely legitimate that the Government be asked to bring forward legislation to remedy the situation. That, in my view, is the most appropriate remedy.

You could have it drafted today and put it in next week. On behalf of the Opposition, Mr Berry has given a commitment that we would support such legislation. It could be all over by the end of next week if you wish to act upon it swiftly and acknowledge that errors have been made.

Mrs Carnell: At this stage our advice does not agree with your advice.

MS FOLLETT: Mr Speaker, Mrs Carnell interjects that the Government's legal advice does not agree with the legal advice of the Scrutiny of Bills Committee. I believe I have spoken on that matter. I have spoken to the source of our advice and I have said that I will back our advice any day. I think it would be appropriate for the Government to own up and say, "Yes, it has been a chapter of errors". It started with the wrong document. The attempt at fix-up did not really work, and it is now time to put the matter into legislation so that this Assembly can debate the merits of retrospectivity, as Mr Berry has said, and make a decision.

Mrs Carnell has accused Mr Berry of irresponsibility. To continue with this chapter of errors is the height of irresponsibility. The responsible action here is to bring forward an instrument which says what it means, namely, that retrospectively we are going to determine that these are the fees and charges under this piece of legislation, and to ask this Assembly to vote on it. We have given a commitment, on behalf of the Opposition, to support such legislation. We have a history of supporting the Government's revenue measures. That is the responsible course of action.

Mrs Carnell: Except the budget.

MS FOLLETT: Mr Speaker, in relation to revenue Bills, we have supported them.

Mr De Domenico: What about the budget?

MS FOLLETT: Mr Speaker, I might point out to the interjectors from the Government that the budget is, in fact, an appropriation Bill for expenditure under various heads and not for the raising of revenue. I would suggest that Mr De Domenico and others go back to school on that matter.

The responsible approach is, of course, to support government revenue when it is clearly necessary to do so. Obviously, the loss of fees and charges for our health system, which would amount to some millions of dollars now, given that it is six months since the original error occurred, would be a severe loss to the Territory, a loss which we as an opposition are not prepared to condone. I put it to the Government that it should do the right thing. Fix this up; fix up your errors; teach your administration how to do things correctly; and teach them also that when a mistake has occurred there are appropriate remedies and there are inappropriate remedies. You have tried an inappropriate one. Now come forward with the one which will be supported by this side of the house.

MR MOORE (11.13): I rise to speak primarily on the issue of a retrospective determination. That is the thing that unnerves me most. All of us deal with retrospectivity with a great deal of care. It is quite common in money terms, in revenue Bills, for retrospectivity to be employed by all governments. There is a public announcement that a set of fees or taxes is going to be put forward, perhaps that the price of cigarettes will go up as of tomorrow or as of today. This is a normal process. Then, in a revenue Bill, we retrospectively put that into law. People know that it is going to be the case. What I hear from the Opposition today, and what I support, is the notion that there will be no change to the fees. No money is being put at risk by this motion of disallowance, provided the Government takes reasonable action.

There is no doubt that in putting this motion up today Mr Berry has been seeking to make some political capital out of it, as indeed he should. If an opposition can identify an inadequacy in the way the government has operated, then it is appropriate for the opposition to raise it. Indeed, the crossbenches also seek to test and scrutinise what the government is doing and to make political capital out of that. That is the task of ensuring that a government operates in the best possible way.

There is no doubt that some administrative errors have been made. The Chief Minister has conceded that some administrative errors have been made. There is also no doubt that a clear message is coming from this Assembly that if you have a Bill for health fees set under this determination you are going to have to pay it. There are two clear messages, but this debate is not about them. This debate is really about whether or not it is appropriate to have a retrospective determination.

Ms Follett said that Professor Whalan provided some advice. Law officers have provided other advice. I cannot think of a single situation where Professor Whalan has provided advice that I have disagreed with. However, it is still the advice of a lawyer and there is a second piece of advice. The Scrutiny of Bills Committee, I believe correctly, asked the Government for a further legal view on this issue. I believe that the most appropriate way to deal with this issue would have been for Mr Berry to wait for that advice to come in. We ought not to deal with this issue until such time as that advice has come to the Scrutiny of Bills Committee and they have dealt with it.

The unfortunate thing is that the motion of disallowance that Mr Berry has put up today is in some ways what I refer to as a time bomb motion. The days are ticking by. If this motion is delayed through the full period of 15 sitting days, then the determination is automatically disallowed. The motion has that effect. On the one hand, time is ticking away. On the other hand, we have no reply to the Scrutiny of Bills Committee. This puts us in a double bind. I think it was inappropriate for Mr Berry to put this matter before the Assembly in this way. If this motion is knocked off, we will wait for a report from the Scrutiny of Bills Committee. That may be some time in coming. On the other hand, if we leave this motion on the table by adjourning debate on it - and there has been some discussion in the chamber about that possibility - it will certainly set a fairly tight timeframe for the Government to respond to the Scrutiny of Bills Committee and for the Scrutiny of Bills Committee to deal with the issue.

The Government has one other alternative. That is the alternative suggested by Mr Berry and reiterated by Ms Follett - to bring legislation in to clarify the issue. I come back to the legal advice. We can always get legal advice and nobody is likely to contest it. But, if there are two pieces of contrary legal advice, then perhaps the Government and the Assembly as a whole have a responsibility to clarify the situation and say, "Let us forget about all the legal advice. Let us get legislation in and deal with this, so that there is no doubt about the situation for anybody". The Opposition have said that they would support such legislation. Indeed, I make a commitment that I would also support the legislation, although my support is a bit redundant. If the Government brings it in and the Opposition supports it, then it already has the numbers. That is probably the most appropriate way to go, particularly considering that there is a message from this Assembly that nobody is going to get away without paying the bill.

What Mr Berry did is inappropriate and an affront to the Assembly committee. I do not take the same view as Ms Follett. I think it was, in at least one sense, an affront to the committee not to let the normal process operate. However, it has now been done, the time bomb is under way and I think the best way to deal with this situation is for the debate to be adjourned and for the Government to respond very quickly. We are talking about 15 sitting days. There are only three sitting days left this year, and there are another half-a-dozen in February, which takes the number to nine; so the Government has right through until the sitting in April to find this information and get it to the Scrutiny of Bills Committee so that the committee can deal with it. That is enough time. Alternatively, the Government could bring legislation on even next week. There is a commitment from the Labor Party that they will support it and deal with it very quickly, provided they have enough time to look at it. I think that would be a satisfactory solution. Indeed, if an adjournment motion were put, I would be prepared to support that. Failing an adjournment motion, I would be forced to vote against Mr Berry's motion, in order to allow the Scrutiny of Bills Committee to do its work.

MR HUMPHRIES (Attorney-General) (11.20): Mr Speaker, I do not disagree with much that Mr Moore has said. I just want to add a few points to what he has had to say. I do not think retrospectivity is the issue before the Assembly today. The members of the Assembly - - -

Ms Follett: Yes, it is.

MR HUMPHRIES: No, it is not. Mr Berry is urging us to abandon the course of action the Government is taking in relying on a retrospective determination. Instead, he suggests that we should have retrospective legislation. The issue is not retrospectivity. It is whether we do it by regulation or by legislation.

Mr Whitecross: That is right.

MR HUMPHRIES: Mr Whitecross acknowledges that that is the issue. The Government's position is this: To be frank, we do not really care whether it is done by determination or by legislation. If it proves to be necessary to do so next week, we will not have any problem in bringing forward legislation in this place.

I have looked at the opinion of Professor Whalan and I have looked at the opinion of Mr Jarvis of the Government Solicitor's Office. Although I am a lawyer myself, I do not indicate any preference for either view. Mr Berry has a very clear view of what is the right view, but I, as a humble trained lawyer and Attorney-General, do not express a view about it. I really would not like to guess which of those two gentlemen, both of them learned in the law, is correct. In fact, I should point out that even as late as today Mr Jarvis, a principal legal officer in the Government Solicitor's Office, has confirmed - - -

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

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

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

MR HUMPHRIES: Mr Jarvis, as late as today, has confirmed his view that the determination made by the Chief Minister is, in fact, a valid way of effecting this change. I quote his advice:

> Finally, if there is a problem it can be dealt with by legislation - but we need - - -

Ms Follett: Hear, hear! Do it.

MR HUMPHRIES: Let me read what he goes on to say:

> but we need to await the legal advice to see whether that is really necessary. My preliminary advice is that it is not.

Mr Speaker, I pose the question to the Assembly: What is the point of the Government employing a small army of lawyers if we choose to disregard their advice on the basis of what the Chief Minister has accurately called a political stunt on the floor of the Assembly from the Labor Party? Our advice says that the course of action we have taken is the right one. Professor Whalan does not say that the course of action we have taken is certainly wrong. He says, and I quote from his report:

> The Committee respectfully suggests that the validity of the retrospective effect of Determination No. 227 be reconsidered.

That is what he says. He does not say that it is certainly wrong. I know from service on the Scrutiny of Bills Committee that Professor Whalan very rarely says that the Government or a particular piece of legislation is certainly wrong. He says, "I suggest that there be reconsideration". Sometimes Professor Whalan has suggested reconsideration, has been told that the reconsideration has resulted in an affirmation of the original course of action and has accepted that point of view. This may be the case here. The point is that I do not know. I do not know which it is. I do not think the Assembly should be asked to sit as a court of appeal and decide between two different legal opinions. The appropriate course of action - - -

Mr Berry: We are the legislators.

MR HUMPHRIES: But there is another course of action, a much more sensible course of action, open to us, and that is to await further advice and confirm whether the course of action we have already taken is the right one or the course of action that Professor Whalan suggested might be better as the course of action we should take. That is what I say we should do.

However, let me emphasise that I think that the motion put forward by Mr Berry today is very inappropriate. I ask the Assembly not to adjourn it but to reject it today. Mr Berry has come forward and said, "We are going to teach you a lesson or make a point by not just urging you to urgently engage in the process of getting a second opinion or a third opinion" - we are already doing that; we do not need to be told to do that - "but by actually disallowing the collection of fees under that determination as our way of making this point. We are going to disallow the determination of fees". I want to emphasise to members how very dangerous that course of action is. What it means is that, even if we legislate retrospectively next week, say on Thursday next week, having introduced a Bill on Tuesday, there will be a period of one week in which the Government, strictly speaking, is illegally collecting those extra fees. What Mr Berry presumably urges us to do - - -

Mr Whitecross: We might be already.

MR HUMPHRIES: As I say, our advice is that we are legally collecting those fees at the moment.

Mr Whitecross: But you might not be.

MR HUMPHRIES: We might not. That is right. Mr Berry's motion makes it certainly illegal to collect those fees. At the moment they may or may not be legal. Mr Berry is saying that we should certainly make them illegal.

Mr Berry: No.

MR HUMPHRIES: You are, Mr Berry. That is what you are saying. You are saying that we should render the collection of the fees for the next week illegal. We might remedy that problem in a week's time by passing legislation to make them legal retrospectively, but Mr Berry is saying that we should actually contemplate the need to make retrospective legislation by making it certain that we are going to have the need. Why? What is the point of doing that? There is no point in doing that. It is a silly course of action. It is bad law-making. I would urge the Assembly not to go down this path. Reject this motion and let us come back next week with either an affirmation of our original determination or legislation to fix the problem that was not fixed before.

MR WHITECROSS (Leader of the Opposition) (11.27): Mr Speaker, I had not originally intended to speak in this debate because it seemed to me that the issue was reasonably clear and the process was reasonably clear; but I have been forced to my feet by some of the remarks made, particularly those made by members on the Government side and Mr Moore. Mr Speaker, what Mr Berry has undertaken today is a completely appropriate procedure. On Tuesday, into this Assembly came a report raising very serious concerns about the validity of some determinations made about fees. That report contained information that fees determined earlier in the year and to have effect from 1 July were in fact invalid, that the Government had been collecting fees illegally from July to October at the very least, and that, on the face of it, it would appear that the determination that attempted to fix up that error may itself have been illegal because it contains a provision which is retrospective and, according to section 7 of the Subordinate Laws Act, a provision with retrospective effect is void and of no effect.

Mrs Carnell: That is not true. That is not what it says.

MR WHITECROSS: Void and of no effect.

Mrs Carnell: It does not say that.

MR WHITECROSS: Mrs Carnell, you go and read it. That is what it says. Mr Speaker, this is a very serious matter. Professor Whalan may have chosen to couch his remarks in the moderate language of a legal adviser, but the seriousness of the issues he raises cannot be denied. At the end of the day I do not really care what individual members of this place think about the Government Solicitor's advice or about Professor Whalan's advice. The fact is that a real question, a significant question, exists over the validity of these determinations. The only way we are going to resolve this, if we do not take up the advice of Mr Berry to the Government and introduce retrospective legislation, is when someone goes to court and contests the fees. Then it will be too late. We can avoid the uncertainty. We can avoid the need for a process of litigation through the courts about this by the Government admitting that there is a potential problem and fixing it.

Mrs Carnell: Why did Mr Berry not bring forward a motion asking us to legislate?

MR WHITECROSS: Mr Berry, quite appropriately, put on the notice paper a motion saying that we, for our part, are concerned that this - - -

Mrs Carnell: That is not what it says. It just disallows.

MR WHITECROSS: Mr Speaker, do you ever call the Chief Minister to order?

MR SPEAKER: Yes.

MR WHITECROSS: Try now.

MR SPEAKER: She is not talking. You have the floor.

MR WHITECROSS: Mr Speaker, Mr Berry's motion says to the Government, "We are very concerned about this. We think you should take up the advice of the - - -

Mrs Carnell: I raise a point of order, Mr Speaker. I would like to know where the motion says that. It is not on my sheet.

MR WHITECROSS: That is not a point of order, Mr Speaker.

MR SPEAKER: There is no point of order.

MR WHITECROSS: The motion says that you should take up the advice of the committee, carefully reconsider this and, in our opinion, bring forward retrospective legislation. I agree with one thing that Mr Moore said, and that is that we should not bring this to fruition today. Having made the point to the Government that we think this is a serious matter, we should adjourn the debate on this disallowance motion. We should give the Government a chance to come back to us with the appropriate legislation. That is what I believe should happen. As we have said and Mr Moore has acknowledged, if the Government takes that course we will support retrospective legislation to confirm the fees that have been invalidly determined by the Government's original determinations, as even their solicitor agrees and, on the face of it and in the opinion of Professor Whalan, also invalidly determined by Mrs Carnell's more recent determination.

The Attorney-General said one extraordinary thing which I cannot ignore. He said that it is not for this house to decide whether the determinations are valid or not valid. We are the parliament. This is our legislation. This is legislation made under our laws. It is the law of this parliament. It is absolutely appalling that the Attorney-General can come into this place and say that it s not for us to determine whether we agree with this legislation or do not agree with this legislation. I think it is a responsibility of members of this parliament to ensure that a significant piece of legislation, namely, the determination of fees and charges in relation to the use of the hospital, is valid and that when the people are billed they are billed validly so that we can protect the revenue of the Territory and avoid senseless and needless litigation about that validity down the track because Mr Humphries and Mrs Carnell are too stubborn to put this matter beyond doubt. To me, that is what the matter is about. It is about putting this matter beyond doubt.

As I said, we are not going to move to disallow it today. That was never our intention. Our intention was to make it clear to the Government that we do not agree with the course that they have followed. We want this confirmed by retrospective legislation so that the validity of the fees and charges can be put beyond doubt. The Labor Party will be moving an adjournment to ensure that the Government, having received a message from this house, Mr Moore and others, will go away and have a serious look at this. It is not good enough for Mr Humphries to leave this as a debate between lawyers. We need to be sure. This is about us in this parliament being sure that we have got a valid law about the fees and charges. I commend the proposal to adjourn the debate. I urge the Government not to get themselves bound up in some sort of desperate need to save face over this matter but just to accept the challenge of making sure that the fees and charges are valid.

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

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Reference - Consultation on Legislation

MS McRAE (11.35): Mr Speaker, I move:

> That the order of the day listed under private members business on the notice paper in my name, relating to consultation on legislation, be referred to the Standing Committee on Scrutiny of Bills and Subordinate Legislation for inquiry and report by the last sitting day in June 1997, with particular reference to the viability and usefulness of the process outlined.

This is a matter of quite some interest and importance, on which we began a debate, but which I believe deserves far closer and perhaps more detailed scrutiny than we were going to obtain in the debate. Certainly, as it has been well over six months since we had the debate, my words ring true. The Assembly has had other things to consider and other issues before it so this matter has not come to a head.

The area of concern here which I believe would be greatly enhanced by the scrutiny of the Scrutiny of Bills and Subordinate Legislation Committee is what level of consultation occurs before legislation comes before the parliament. It is an area that is not new. It has been looked at and acted on by a great number of other parliaments. I believe that an inquiry such as I have outlined, to be completed by June 1997, would greatly enhance the debate when it does come back to the Assembly and I would then be able to have my original motion come to a conclusion. I commend the motion to the house.

MR MOORE (11.37): Mr Speaker, I have some difficulty with the motion referring the matter to the committee. I am working on my recollection of the - - -

Ms McRae: You supported me when we spoke on it. Come on! You do not know what you are talking about.

MR MOORE: I am working on my recollection of the motion, because I cannot find it in the notice paper. Mr Speaker, you might indicate to me the number.

MR SPEAKER: It is item No. 9, on page 1109.

Ms McRae: Michael, you said in debate that it needed further scrutiny. You said it. It is in *Hansard*.

MR MOORE: Indeed, Mr Speaker. I must say that I have some difficulty with this. Since I spoke last time in the Assembly, I have given this quite some thought. The difficulty I have is that the members of the Assembly can request that each piece of legislation and subordinate legislation put to the Assembly have the following information:

A list of organisations and individuals who were consulted; a list of those who undertook the consultation; an indication of when the consultation occurred; the response that was provided to the organisation; further plans for consultation and feedback that have been made in regard to any possible changes made by the Assembly; and an explanation, if no consultation took place.

Mr Speaker, I have no intention of doing that myself. I have no intention whatsoever, with the legislation that I have presented, of providing the consultation information. Indeed, the motion does not require me to. It simply requires it of the Government. I feel that it would be duplicitous of me, then, to demand of the Government what I am not prepared to provide myself. However, there is a difference. I think this is one of the points Ms McRae makes. There is a very large difference between those who have been elected to government and those who are working from the backbench - although, in this particular instance, there is a general issue of the consultative process.

Ms McRae indicated by way of an interjection that in my earlier speech in the Assembly I said that this needs more discussion and broader consideration. Indeed, one way of doing that is to refer it to a committee. Another way of doing it is the way that I have already been doing it myself, and that is talking to other members and generally discussing the issue. I am very reluctant to refer things to a committee where I believe that there is not going to be any change in outcome. For my own part, if other members of the Assembly feel that there is going to be a change in outcome and they may well be prepared to support this, I think it would be a very sensible approach for them then to put it through the committee process. Personally, sometimes I am interested in who was consulted on a piece of legislation. Generally, I am not. Therefore, it is not of great moment to me. So, I cannot see myself supporting this extra demand and the extra costs associated with public servants' time to ensure that this motion goes through.

Mr Speaker, it is my perception that the concept would not enhance the work of the Assembly in demanding it in respect of each and every piece of legislation. It is appropriate, with particular pieces of legislation, that members ask for this kind of information. I do not have a problem with this. As for putting it down as a general rule, I think the advantages are far outweighed by the disadvantages in terms of costs, in terms of processes that are necessary, and I think it just adds a layer of administrivia that will, as a general rule, add very little to the processes that are in place.

Labor did not use this technique. They did not put this in place when they were in government. It is still appropriate for them to now say, "This is a normal part of the evolutionary process that we are now at; so we are putting it up". I do not have a problem with that. Nevertheless, it is worth noting that they were not prepared to do it. They obviously perceive that they will be in government before too long and will have to meet these same demands. I think a better process is for them to demonstrate how they can do it when they are in government and then put it into place at that point.

For those reasons, Mr Speaker, I will not be supporting this motion, primarily because I am not prepared to take that kind of action myself. I am not prepared to present that information to the Assembly myself and I think that, on balance, the extra work outweighs the advantages of the information being provided.

MS FOLLETT (11.43): Mr Speaker, I would like to add briefly to this debate and support Ms McRae's motion. I will speak briefly, first, as the chair of the Scrutiny of Bills Committee and say that, as chair, I have no difficulty with the committee undertaking an evaluation of the proposal that Ms McRae has put forward. Members may be aware that there is something of a precedent for this kind of action being taken by the Scrutiny of Bills Committee. It is a fact that, since the Assembly has passed the Statutory Appointments Act, the Scrutiny of Bills Committee has been quite adamant in its requirement that the Government's explanatory memorandums set out which committee it was that was consulted on those appointments. That is now stated in the Government's explanatory memorandums, at the request of the Scrutiny of Bills Committee. Where that statement is not made, the Scrutiny of Bills Committee has gone back to the Government and requested that it remedy that situation.

So, in terms of that kind of consultation, the Scrutiny of Bills Committee has already required that some action should be taken by the Government in informing the committee - and therefore the Assembly, more generally - as to who was consulted. I think that is an appropriate course of events, Mr Speaker. So, as the chair, I have no difficulty with extending our scrutiny in the way which Ms McRae has suggested. It may be, of course, that the committee, upon considering these matters, will decide not to support the proposal. It may well be that that is the outcome. But I have no difficulty with our examining the question.

Mr Speaker, if I set aside that hat and take on my member of the Assembly hat, I can advise the Assembly that during the period when Labor was in government the information that Ms McRae has requested there was, indeed, pretty much set out on the front of every Cabinet submission, in the form cover of every Cabinet submission. So, as a government, we certainly did consider those issues and we did require that there be some evidence of consultation; some evidence of the results of that consultation, as to whether the matter was agreed or disagreed; and, if so, who was on each side. We also required that, where there was a social justice impact, that also be the subject of consultation and a statement be made on each Cabinet submission to that effect. So, whilst we did that within the confines of Cabinet, it was certainly information which we had a great interest in.

The step which Ms McRae is now seeking to take would expand that information gathering exercise and make it available to the whole of the Assembly. That is a step which I acknowledge we did not take in government; but I do think it is an appropriate step to take if we have a genuine interest in open and consultative government and in informing the Assembly fully of the impact of all proposals that come forward from the Executive. Mr Speaker, from a policy point of view, I think that Ms McRae is taking an entirely reasonable second step in furthering open and consultative government. So, I will be supporting the motion, and I urge other members to do so as well.

MR HUMPHRIES (Attorney-General) (11.47): Mr Speaker, may I advise members about a piece of information which has just come to my attention? I am told that the Senate has just passed the legislation enabling the partial sale of Telstra, which members might have different views about but which will certainly be very good news for the Australian environment, if nothing else.

Mr Speaker, let me indicate that the original intention of the Government was to support the motion put forward by Ms McRae to refer this matter to a committee. I have to confess - in large part, because the Government thought and thinks that the substantive motion is a silly motion, because it urges on, obviously, the present Government a level of consultation on issues which in some cases would be very onerous and which in other cases, I think, would be unnecessary, and because it is certainly quite at odds with the standards applying to the former Government, a member of whom is moving this motion - that we were inclined to move it to the Scrutiny of Bills Committee, I suppose, as a way of putting it on ice for a period of time.

But, to be frank, the argument that Mr Moore put - about not really believing that sending matters to committees for the sake of killing them off is an appropriate way of doing things - is, I think, a good point to be made. We have seen in other parliaments, certainly, occasions when matters have been referred to committees as a de facto way of rejecting them. That is not really a course of action that we have taken often in this parliament. Therefore, I think it is better to be up front about our position on it; to indicate, as we feel, that the motion is inappropriate; and not to beat around the bush by sending it to a committee.

MS TUCKER (11.49): Mr Speaker, the motion about consultation on legislation has been on the notice paper for some time. I think it is appropriate for the Scrutiny of Bills Committee to examine the issue in more detail and advise the Assembly on the usefulness and viability of the original motion. What we are debating is the level of input the community can have into the formation of legislation and disallowable instruments. It is about the accountability and representativeness of the Government and formalising consultation procedures throughout the bureaucracy. At the moment, Bills are presented with an explanatory memorandum, which includes the financial impacts of the Bill in question, but no other impacts.

This is obviously something the Greens would like to address at some stage. We are advocates for giving equal weight to social and environmental indicators in policy formation to that given to economic or financial indicators. There are obviously a number of issues that need to be looked at; but I would also like to take this opportunity to remind members that the Social Policy Committee has produced a discussion paper on community consultation on social policy issues and is working on putting together a report. So, it would be appropriate for the two committees to consider collaboration on these issues, to assist in making our work as efficient as possible.

At the time, I supported the spirit of the motion; but I was feeling uneasy about the practical nature of its application. So, it is a pleasure to support this reference to the Scrutiny of Bills Committee. I hope that they will look at models from elsewhere in the course of their inquiry. It was interesting, when I was with the CPA group at a seminar in Sydney recently, that one of the sessions was on the participation processes that are available in various areas. A man from the New South Wales Law Foundation addressed the delegation from the Commonwealth Parliamentary Association group. He spoke of very similar attempts by other parliaments to look at this issue. I do not think it is silly at all. I think it is really important. I have actually asked him to give me copies of work that he is aware of which has occurred already. I have one in front of me now,

which is unfortunately still in draft form; but I am happy, if it is not published, to give that to this committee for its interest. That came out of New South Wales as recently as 1995. It was prepared for the office of social policy in the New South Wales Law Foundation, and the New South Wales Cabinet was involved in that. So, it is obviously something that other parliaments consider is worth looking at, and I think it does raise very important issues about ownership and participation for the community. I welcome this reference.

MR SPEAKER: Order! It being 30 minutes after the extension of Assembly business, the debate is interrupted, in accordance with standing order 77. The resumption of the debate will be made an order of the day for the next sitting.

FIREARMS BILL 1996

[COGNATE BILL:

PROHIBITED WEAPONS BILL 1996]

Debate resumed from 3 December 1996, on motion by **Mr Humphries**:

> That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Prohibited Weapons Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MS FOLLETT (11.53): Mr Speaker, the Opposition will be supporting these two pieces of legislation brought forward by the Government. It is, indeed, with some pleasure that we do so. The Bills which Mr Humphries has brought forward are the final Bills which give effect to the agreements reached at the Police Ministers Conference which took place immediately after the tragic events at Port Arthur. I think it is fair to say, Mr Speaker, that, although some little time has passed since that tragedy occurred, the horror of those events, the memory of those events, has not faded, and I doubt that it ever will. So, I think it is entirely appropriate that, as a legislature which has agreed unanimously to move to restrict even further the availability and use of firearms in our community, we move again unanimously to support the legislation that has come forward.

The overall purpose of the legislation, as I said, Mr Speaker, is to reduce the availability of guns in our community and, therefore, to reduce the incidence of gun-related crime and increase community safety. Those are certainly objectives which the Labor Party supports most strenuously. I do not want to go into the detail of the Bills, because they are extremely detailed and they have also been the object of some consultation and some negotiation between the parties. In the course of my own study of the Bills, I was impressed by their comprehensiveness. Indeed, I had a great deal of difficulty in coping with the incredible number of clauses and the impact of those clauses.

But, Mr Speaker, if I could speak just briefly, it is still my view that firearms in our community should be very much the exception rather than the rule. I believe that in the ACT, whilst we have always had pretty strong gun laws, we also have a fairly sorry history of the use of guns for crime in our community. We have only recently had two people sentenced for a murder which involved firearms. I am sure that members will be aware that perhaps one of the most shocking aspects of that crime was the extreme youth of the offenders involved. In fact, Mr Speaker, the crime occurred while at least one of them - I think, two of them - were minors. It is very sad indeed to find, even in a community like the ACT, where I am quite sure there is a universal wish to control guns, that such a crime could still be committed and that people, even though they are extremely young, would still have access to firearms and be able to use them to commit an extremely serious crime of murder.

So, Mr Speaker, it is my objective to see as few guns in our community as possible. If I thought it were possible, I would ban them completely. I know that that is not possible because, for some people, firearms form a part of their sporting life, their cultural life and so on. So, the Bills do make provision for the legitimate use of firearms in those sorts of circumstances. The Bills still place very severe restrictions upon even sporting shooters, and I believe that that is appropriate. I do not think it is in any way a difficulty for people who are genuine sporting shooters to prove that. Indeed, I think our community would require that that be the case. The provisions that we have before us are quite onerous on sporting clubs. I think that is entirely appropriate.

Mr Speaker, I also think it is appropriate that the registrar have some discretion over the issue of licences. The registrar ought to be able to make a judgment about whether a person is a fit and proper person and about whether there is a community safety or public interest question to be considered in the issuing of licences. I also think it is entirely appropriate that, for a person who has had a domestic violence or restraining order of some sort placed against them, the question be asked - and asked over and over - whether that person is an appropriate holder of a licence at all.

So, Mr Speaker, I will be supporting the legislation. I hope that the legislation will be matched with sufficient resources in the implementation and the policing areas, so that we do not see a black market developing, but that we do see very strict gun laws being adequately upheld within our Territory. I also think that there is some point in having a degree of uniformity in the gun laws, particularly between the ACT and the surrounding territory of New South Wales. Indeed, the Bills in many respects reflect that sort of uniformity. I understand that many shooters, particularly hunters, conduct the greater part of their shooting activities outside the ACT. I am very pleased to know that, Mr Speaker. But I think that does argue for a greater degree of uniformity than might otherwise have been the case.

Mr Speaker, I think it is incumbent on the Assembly to continue with our bipartisan approach - or our multipartisan approach, might I say - on the question of gun control, because there is no doubt in my mind that all of us in this Assembly share a common view that guns must be permitted only to a privileged few people who can be trusted to use them responsibly and that, if there is any question about the responsible use of firearms,

then they will not be permitted. That is my view, and I am quite sure that it is a view shared by this Assembly. The control of weapons is part of a broader objective, again which I believe would be shared by everyone in this Assembly, and that is the reduction of violence in our community.

Mr Speaker, for those reasons, the Opposition will be supporting the legislation. I would like to commend everybody who took part in negotiations on the various amendments. I think that was a useful exercise. Obviously, amendments will be spoken on as they are moved and so on. But, again, Mr Speaker, there was a spirit of multipartisanship in that exercise, which I think is appropriate on an issue such as this.

MS TUCKER (12.01): The Greens also will be supporting this Bill, which puts in place the new regulatory regime for firearms following the resolutions of the Australian Police Ministers Council. Coming to these resolutions was quite a landmark for many States. Unfortunately, it came about only as a result of the very tragic events at Port Arthur. Needless to say, it is a great relief to the majority of people in this country that Australia has chosen not to go down the path of the United States. The danger was, though, that after initial strong statements after Port Arthur there could have been a gradual watering down and loopholes could have emerged in the various parliaments' legislative responses.

Mr Speaker, I fully concur with the Minister's comments that firearms ownership is a privilege, not a right. Already thousands of guns around Australia have been handed in as a result of the new laws. Fewer guns can only mean a safer community, and I am very pleased to hear that already about 1,500 weapons have been handed in here. That is a great achievement, and I congratulate the Government for acting so quickly to enforce the new laws banning certain types of firearms. We were certainly one of the quickest of the Territories and States off the mark. Accordingly, earlier, the ACT received one of the highest ratings from the National Coalition for Gun Control - that was an A-minus - for our relatively tough stance on guns up to date. They did a report card for all of the States and Territories, and gave them a rating according to their response. We hope that that high rating will continue after this Bill has been debated today.

After a further careful reading of the Act over the weekend, we realised that the Bill did not enforce the five-year minimum exclusion period for domestic violence offenders agreed to by the Australian Police Ministers. One of my staff members alerted other members and the National Coalition for Gun Control to this fact. I am very pleased that we have reached agreement that there should be a prohibition on domestic violence offenders obtaining a firearms licence for 10 years. This is in line with New South Wales. I will be moving amendments to this effect. It is very important because, although these resolutions arose out of the events at Port Arthur, the Police Ministers, in their deliberations, say that not only will Australians not tolerate massacres such as occurred in Port Arthur but also they will not tolerate the continual violence towards women and children in domestic situations. Of course, we also have the very serious incidence of suicide and the relationship between successful suicide and the use of a firearm for that purpose.

As members will be aware, the Greens argued earlier in the year that we should go further, that we should be moving towards a system where guns are largely out of people's homes. I spoke then about the work of the New South Wales Department of Health on that question and the survey that they undertook. The result of that was that there was a large majority of people who did think it was much more appropriate that weapons were not kept in the home at all. At some time in the future we hope to examine the possibility of pursuing that.

Mr Speaker, we cannot afford to forget the number of deaths in this country associated with guns, how many of those deaths are by someone that is known by the victim, and the high incidence of suicide and also accidental death by firearms. Britain and Canada have also been grappling with the issue of firearms and have been passing legislation to tighten up their gun laws. Canada, fortunately, has chosen to go down a different path from its neighbour, the United States. Britain looks like going a step further in response to pressure on the Government following the tragedy in Dunblane last March, when 16 children and a teacher were killed at school by a man using two semiautomatic pistols.

Some enthusiasts argue that restricting weapon use will not solve the underlying causes of violence in our community. I agree that restricting gun use on its own will not reduce violent behaviour. We had a debate in this place yesterday on these issues when we were discussing the need for some kind of prison in the ACT. I spoke then about the causal factors of violence in our community. It is absolutely imperative that, as a community, we support young children who are victims of any kind of abuse or young children who are in families who are at risk or who are troubled. If we can support those families and support those children, it is less likely that they will grow up knowing about only violence as the method of resolving conflict.

So, I support that argument from gun enthusiasts; but I also believe that restricting gun use, along with having laws that are well enforced, can only reduce the number of deaths by guns that come about because they are in the wrong place at the wrong time or because there is no genuine reason for that person to have a gun. This Bill makes it quite clear that we will not go down the line of the United States and say, "You have the right to own a gun because you want one, you want to protect yourself or whatever", because we have seen the dire consequences of that in the United States.

In this new legislation, an applicant is required to prove genuine reason. Mr Speaker, the Government circulated a number of amendments late last week. As members are aware, the Greens believed that the amendments the Government was proposing were opening up loopholes whereby genuine reason could be proved more easily. It was a fairly lax definition of "genuine reason". That is because the genuine reason for getting a licence for sport target shooting or recreational hunting could simply be being a member of an approved club. This definition of "approved club" included organisations that directly or indirectly were involved in promoting or encouraging the sport of shooting.

A number of organisations were also listed. This was the same as the definition in the existing Weapons Act. It was not our view that it was appropriate to have organisations listed in legislation, and members have agreed that that is not appropriate. So, I am pleased that we have been able also to agree with other members about our definition of "approval", which I will move later, which we took from the regulations in New South Wales. So, there are definite criteria within the Act about what the registrar needs to refer to before he or she approves a club.

Mr Humphries had some disagreement about the amendments initially; but, as I said, I am very glad that we have all agreed to work together on this very important issue. I support Ms Follett's sentiments on that. The end result is good. It was, indeed, a very constructive meeting last night. I thank other members for their cooperation. Now we have a streamlined set of amendments. It is a very good example of members working well together on this important issue. I think the only point of disagreement still is in the definition of active membership of a club. The aim of that, obviously, is to show that a member of the club is genuinely participating in the activities of that club and that they participate in competitions or whatever at those clubs on at least six days. We wanted six. Other members think that four is more appropriate. We can have that discussion here today.

We have modified some of our amendments. Mr Humphries has agreed to withdraw some of his and also to amend some, such as the proposal to extend from six hours to three days the time for providing a licence when you are not carrying it with your weapon. I think the compromise there was 24 hours. We have also agreed not to proceed with our amendment about minimum age for minors. Firearms permits, we understand, will appear in the regulations.

Mr Speaker, the people of Australia were given the clear impression that all governments would take appropriate action to reduce the number of guns in our society. To quote from that meeting, "Together these reforms mean fewer guns. Fewer guns mean a safer Australia for all Australian families". I am very happy that members of this Assembly have worked together to ensure that we do have that safer community.

MR KAINE (12.11): Mr Speaker, the Government's Firearms Bill 1996 implements in the ACT the uniform national program to regulate the possession of firearms throughout Australia after the Port Arthur disaster. The Prohibited Weapons Bill 1996 replaces the old Weapons Act 1991 as a consequence of the new Firearms Bill. No Australian in his or her right mind would disagree that it is essential that governments regulate the keeping of weapons. The question is: How far should that regulation extend? It has been said that it is people, not guns, that kill. There is a range of means by which one human being can take the life of another. It is not only guns. The family home is packed with potential weapons - from the knife that father uses to carve the Sunday roast, to the electric current in the lamp that lets him see what he is doing; from the axe with which he splits the logs used to fuel the slow combustion heater, to the cleaners that mother uses to clean up the house.

In a world filled with dangerous artefacts and substances, we learn to live with them in harmony. Weapons are dangerous artefacts, but we have to remember that, as well, they are useful tools for some. People who shout invective about firearms simply because they are tools for killing fail to understand, seemingly, that in this country there are some people for whom firearms are legitimate tools. Most of those people, however, are no more likely to use them for illegal purposes than dad is to pick up the carving knife or mum is to use the chemical cleaners. When somebody makes an irrevocable decision to kill another human being, the laws regulating the possession of weapons cease to serve as a behavioural control, and other laws must come into play. Every civilised polity since the Sumerians, who built Ur of the Chaldeas, the world's first city, has prohibited the taking of human life except in furtherance of national policy, and every civilised polity has allowed its population to possess weapons.

The Firearms Bill now before the Assembly continues to allow the people of the ACT to possess weapons. But, wisely, it requires applicants for firearms licences to demonstrate a genuine reason for possessing or using such a weapon. The specifications that applications must satisfy are, in my view, sensible. The Bill does not ban gun ownership. We should make that clear. It merely says that you have to have a good reason for having one. There are certain kinds of guns that you have to have a better reason for owning and there are other types of guns that you can own only under specified conditions. Finally, there are certain kinds of guns that you may not own at all.

These last guns, of course, are those of a kind that would fill a military need - guns designed to confront an advancing enemy with a curtain of fire. I am absolutely certain that no competent shooter needs the massive firepower that soldiers need. No civilian has any need to own such a weapon. There is no justification whatsoever for allowing civilians to possess firearms capable of laying down such a curtain of fire. In hunting or in vermin or feral animal control, no animal in Australia is such that it should require more than one well aimed shot from somebody who knows what he is doing. I would think most shooters take pride in their ability to do the job with one shot. They know that a gun is a tool and not a toy.

We live in an imperfect world among other mere mortals capable of losing control of their emotional stability and going out to kill strangers. It is part of our national ethos that we do not ask people to prove that they are sane or that they are emotionally stabilised. We have to wait until their behaviour gives cause to examine their fitness to be at large amongst the community. This, as much as controls on access to firearms less stringent than the Bill now proposes, is the real underlying cause of what happened at Port Arthur. Did any medical practitioner have prior knowledge of the emotional condition of the unfortunate young man who took so many innocent lives without apparent reason? Was such a medical practitioner afraid to come forward and notify a responsible authority of his concerns? This Bill would have provided that practitioner with total protection that he might not have had under the laws in force before the day of the shooting.

Would it have made any difference at Port Arthur if a responsible authority had been aware of the young man's emotional condition? I am afraid we cannot make any valid conjectures about that. But we must understand one thing. No amount of gun control or psychological evaluation will totally eliminate the risk of people using guns to kill other people, no amount of amnesty or compensation will persuade certain gun owners

to surrender weapons which the Bill makes illegal, no amount of diligent police work will uncover all the illegal guns kept in hiding, and no amount of public horror will guarantee that this county will never again have to mourn innocent victims of some future shooter firing at random. Those things this Bill cannot deliver.

The Bill can only regulate those people of goodwill and commonsense who accept that its provisions constitute an acceptable limitation of what was formerly a civil liberty. It is unlikely to have much effect on gun owners who have seen too many bad movies or who believe that it is appropriate in Australia to emulate the pressures applied to the US Government by the National Rifle Association under the constitutional right of people in that country to bear arms or those who proclaim their patriotism in their willingness to take to the bush and wage guerilla warfare if Australia is ever invaded.

These people had too much attention in the media, Mr Speaker. Their inability to accept that their arguments are untenable is enormously frustrating. Their refusal to accept the decision of the majority is gravely distressing. The Bill offers them the chance to move into the mainstream of Australian opinion about guns. That opinion, clearly, is that no civilian in the country needs a firearm of the kind that the military use. The Government's Firearms Bill provides the mechanism for expressing that opinion as the law of this Territory, and I expect that every member of the Assembly will join with me in voting for it.

I have similar expectations, Mr Speaker, about the Prohibited Weapons Bill, which complements the Firearms Bill. This Bill is much more simple. It simply says no to a range of nasties with a capacity to kill or maim without making a loud noise. No responsible citizen has any need of these implements for self-defence. People who carry them as weapons of aggression deserve the full punishment, as the Bill provides. People who use them against other people deserve the heaviest penalties that are available for a court to order. Mr Speaker, I repeat: No amount of law-making or political piety will absolutely prevent people from killing each other. But, by imposing controls on the possession and use of tools that are capable of killing, these two Bills, I believe, will play a significant role in reducing the incidence of those crimes. For that reason, Mr Speaker, I support them totally.

MR OSBORNE (12.18): I would like to echo the words of most of the members here today, especially the very well thought out words of Mr Kaine. I thought that it was a very balanced and sensible argument. Mr Speaker, I will be very brief. I will be supporting everything here today. However, there are a number of questions I still have in my mind and a number of issues that have been raised with me that I intend to pursue further. Some issues were raised with me this morning, but that is something that I will take up with Mr Humphries in the new year.

I think that the vast majority of law-abiding shooters have, unfortunately, been tarnished by this whole debate. I suggest that the vast majority of them are sensible, law-abiding citizens who have been pushed into a corner somewhat. However, I think that what is proposed here today is, firstly, very much needed. Secondly, I think this whole gun debate perhaps has been used somewhat to ease the pain of Port Arthur. As I said, unfortunately, some people have been placed into a hole that they are probably not deserving of. Nevertheless, I will support all that has gone on here today.

I know that there is one issue that still has not been resolved, and that is the issue of Mr Humphries's amendment to Ms Tucker's amendment in relation to members of shooters groups. I look forward to hearing from the Attorney-General on that. As I said, a number of issues have been raised with me which I intend to look at and try to be sensible about. If amendments need to be made and, if they are sensible, I am prepared to look at them. Overall, it is good to see that this Assembly will, I presume, vote together and, more than anything, I think, rid this country of many unwanted firearms, although I doubt that they will get rid of them all. I am quite sure that there are many weapons out there in the community which will stay out in the community and which we will never be able to find. That is why I think that perhaps this legislation will hurt or affect only people that it is not designed to hurt or affect. But, I think, overall it is needed, and I will be supporting it.

MR MOORE (12.22): Mr Speaker, it gives me pleasure to rise today to support this piece of legislation, along with all other members of this Assembly. I think that anybody who looks at this *Hansard* would do well to go back and look at the debate we had previously on weapons when the first stage of this legislation was introduced, where members ran through the sorts of issues that were important in general principle. I must say, Mr Speaker, that since that time I have been lobbied by quite a number of people on both sides of the argument. There has been a very strong argument put that, if I can summarise it, goes along the lines that it is not guns that kill people; it is people that kill people. That argument is sometimes taken to a ridiculous extreme by saying, "If you are going to ban guns, you should ban cars as well, because they kill more people than guns". I think actually using that example illustrates very clearly the difference, because what we are all seeking to do is to find a safer and healthier society. As I think most of us would recognise, if indeed we did ban cars there would be far fewer deaths in Australia. But there are very good reasons why we cannot, will not and do not set about banning cars.

On the other hand, guns are a very different issue indeed. They are not fundamental to the way our society runs. They are not fundamental to the way we operate. There is no fundamental requirement to have a gun. Therefore, just as reducing the number of cars in society would mean fewer accidents and fewer people dying, reducing the number of guns in society would also mean less danger associated with guns. I hear the argument and I have read a sociological report that was passed to me by some lobbyists and that put a view that people carrying concealed hand guns in the United States - as I recall, it was Chicago, which is one of the major cities in the United States - would make for a safer society. Indeed, Mr Speaker, that may well be the case in a society where there are so many guns. The argument was that it has a deterrent effect.

In our society, though, it is not a normal thing for people to carry guns. For example, I do not know anybody at all who has a hand gun. I presume that some people do, apart from police officers, who we know have them in their official duties. Other than that, I do not know anybody who has a hand gun. I imagine that the vast majority of members here would not know a single person who has a hand gun. I know very few people who actually own guns. I know some, but I know very few people who actually own guns. When I lived in Canada and when I visited the United States, the people I spoke to all presumed that everybody has a gun; that almost everybody around them has a gun; that it is the unusual family that does not.

I think there is a major lesson for us there. We are at a point where we can make a choice of going down the sort of path that the United States has gone down, where guns are getting bigger and better, or of going down the path which this Assembly is unanimously choosing to go down and which I know our society overwhelmingly supports - having a restriction on guns. If there are fewer guns in our society, we will have a safer society. At the same time, I think the Assembly recognises - and I have argued it in other ways - that prohibition in other areas has been a failure. I believe that most members would agree that, in this case, if we tried to go down a path of complete prohibition, that would simply exacerbate a whole series of other problems and would not achieve the goals that we want to achieve. It is far better to recognise that there are people who are using their guns sensibly and who will continue to do so, and to try to facilitate those people who will do that. Indeed, this legislation does do that. It is exactly what it does.

Mr Speaker, I think that, because of this legislation and because of the national agreement, instead of seeing an escalation in the number of guns in our society, if we were even to achieve the capping of the number of guns at the level we have now, it would be a huge achievement. But we are aiming to go further than that. We are aiming to reduce the number of guns in society. We are aiming to reduce particular types of guns in society. That can only provide for a safer and healthier society. I think that in itself, Mr Speaker, is a strong enough reason for us to support this sort of legislation. I think that we can all stand with pride today in ensuring that the legislation goes through, more so because this Assembly has indicated that it is going to do so unanimously.

MR HUMPHRIES (Attorney-General) (12.28), in reply: In closing this debate, let me indicate my appreciation to members of the Assembly for the support they have given for this legislation. I remind members again of what I said when the first stage of the legislation was passed earlier this year, and that is that changes such as this would have been completely unthinkable only one year ago. Much smaller issues in respect of gun control in the community generally - I do not mean just the ACT - have attracted great controversy and been the subject of much debate, and, in fact, have been reacted to slowly by most parliaments around the country. Port Arthur changed all of that, and the strong perception Australians have gained from Port Arthur is that there needs to be a much greater measure of control over the use of guns in this community.

The legislation we are passing today is the completion of the package the ACT puts in place to respond to that issue, and I think members deserve congratulations for their capacity to retain their solidarity on the question of control of guns in this community. We have had some disagreements about elements of the amendments coming forward, as Ms Tucker correctly notes. The amendments that will be put forward will be broadly agreed by all members of the Assembly, with one or two exceptions. I believe, therefore, that we can all take pride in and credit for the legislation that will be enacted after today.

Working together is a vitally important part of the process of ensuring that the community as a whole - particularly those who disagree with the legislation and believe that it should not be enacted, indeed should be rolled back - understand that in a sense there is nowhere politically to turn to to achieve that outcome. The consensus of the mainstream,

if you like, of political belief, of community belief, in this country today is that these changes should be made and should stand as a permanent reaction to the problems of which Port Arthur has been only the most extreme example. I thank members for their contributions, from Mr Kaine's erudite rendition of the role of the Sumerians, through to Mr Osborne's reflections on the people the legislation will hurt. I think all members genuinely believe that this kind of change is appropriate.

I want to make two brief comments in addition to that. I emphasise again that there are two things this legislation does not do. One is that it does not purport to brand gun owners as being inherently irresponsible people. The point has been made frequently to me, and I have no doubt to others, that banning these weapons and restricting access to weapons that are not banned is a reaction that inherently brands people who own those weapons or have owned those weapons as being irresponsible and likely to abuse and misuse them. The argument, I think, is a false argument. The reason Australian governments are moving to take this step is not that we believe that any more than a very small minority of gun owners are likely to abuse the privilege that ownership of their gun confers; rather, it is an acknowledgment of the fact that gun ownership is a right or a privilege - I think "a privilege" is now the correct description - which carries with it dangers for others in the community.

Nobody can be certain when they own a gun that the gun will never be misused, by other people outside their own family, by other members of their own family, or even by themselves. The facts are that many offences committed in our community have been committed by people who have long histories of responsible ownership but who have on occasions faced moments of crisis and been placed under pressures, often relating to domestic breakdown, which have led to changes in their attitude and, on occasions, to abuse of those guns. To remove dangerous weapons of certain kinds from the community is not to say that everybody is likely to misuse their guns, but to say that, on those occasions where they do come under the temptation to misuse guns, the guns may not be there. It is the same argument as asserting that people should be required to wear seat belts. Seat belts do not brand every driver an irresponsible driver, but they are an appropriate protection against those who sometimes are.

The second point I want to make is that I do not believe that this legislation should be seen as the harbinger of prohibition. Mr Moore has made some very valid points as to why prohibition is a generally unsatisfactory policy, particularly in respect of an item or items which have been in circulation and use in our community for a very long period of time. It is worth making the point that guns do have a useful purpose, indeed are an essential feature of our community, and it would be, I suggest, many years, centuries, in fact, before this community could look at a situation where it did not have the need to have guns or weapons in its possession. I think gun owners have expressed the view, the fear, that this legislation is just the beginning of the slippery slide and that it is only a matter of time before all the other categories of weapons are eaten up. That may be the wish of some people. It is not the Government's wish, and the arguments against doing that are quite overpowering.

Finally, there has been some doubt expressed about the effectiveness of the legislation, particularly the legislation we passed in May, which makes it an offence to own semiautomatic and automatic weapons. I am pleased to report to the Assembly that, of the approximately 3,600 weapons in that category that have now been banned and that were registered in the ACT, something in the order of 2,580 have, as of today, been surrendered by members of the community who owned them. The total number of surrendered weapons overall has been 2,892. That, of course, includes weapons that are not in those prohibited categories. Interestingly, of those that were surrendered, 306 were unregistered weapons. An unregistered weapon before the legislation was passed was illegal, and it is still illegal with the passage of this legislation.

You could argue that those 306 weapons are guns people had lying around at home - perhaps they had belonged to someone's father, or perhaps they had forgotten about them or had not thought much about them in recent days. The fact that those weapons have now been handed in, I think, is an acknowledgment, even by many gun owners, that the mood of this country has changed and it is appropriate not to have those weapons unless there is a very good reason to own them. I have spoken to gun owners who have said that, although they are not happy with the gun laws in some respects, they accept that this is now the right thing to do. They do not believe that it is appropriate to attempt to wind back what has been decided by Australian governments.

Through this chamber, I thank those members of the gun owning community who have handed in their weapons. I look forward to a majority of gun owners who are affected by the changes in the law complying with the law, not necessarily happily but nonetheless fully. I hope we will see, as a result of this, consensus in the community about how far we have come and a basis for the future on which to build on the strengths this provides to the community for the management of issues, particularly the issue of violence.

Question resolved in the affirmative.

Bill agreed to in principle.

Debate interrupted.

Sitting suspended from 12.37 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Chief Minister's Department - Purchase Agreement

MR WHITECROSS: My question is to the Chief Minister and Treasurer. Minister, have you received a report from the Chief Minister's Department on performance under the purchase agreement between you and the department? If so, can you advise the Assembly how the department is performing against its performance measures?

MRS CARNELL: The answer is yes. I have received a report from the department on how it is tracking. I have also received a report from the chief executive on his performance contract. I am very happy to brief anybody about that document. Obviously, it is a very large document and it is not the sort of thing, I suspect, I could stand here and recite.

MR WHITECROSS: I ask a supplementary question. I appreciate the Chief Minister's offer to brief us. I wonder whether the Chief Minister would be willing to table a copy of the report in the Assembly, and indeed reports from other agencies, and whether she would consider asking her Ministers to do the same as well.

MRS CARNELL: I am very happy to look at that issue. I will get back to the Assembly later on today on that issue.

Environment - Funding from Telstra Sale

MR KAINE: Mr Speaker, through you, I put a question to Mr Humphries, Minister for the Environment. Minister, I note that the Senate this morning passed legislation to sell one-third of Telstra. Can you explain to the Assembly, first, how the environment generally will benefit from this sale and, secondly, whether the ACT stands to benefit from the coalition's commitment to inject over a billion dollars into the environment?

MR HUMPHRIES: I thank Mr Kaine for that question.

Ms McRae: The Greens are not here.

MR HUMPHRIES: They are not here. It is a great pity. Perhaps someone could ask me the question again and I will repeat the answer when they come in. I would be very happy to do so. Mr Speaker, we are into recycling on this side of the chamber, so we are very happy to say these things again.

I thank Mr Kaine for this question, because it is really an issue of quite enormous significance for our environment that that legislation has passed. The sale of one-third of Telstra will be facilitated by that legislation. Members might be aware that that will raise about $8 billion, of which just under $7 billion will be used to retire debt of the Commonwealth Government. However, that leaves about $1.1 billion that the Commonwealth will use to establish the National Heritage Trust, which will be used directly by the Commonwealth and which, through allocations in States and Territories, will enormously benefit the environment. This is the largest injection of capital into the environment ever. It dwarfs anything undertaken by the former Labor Government at the Federal level, and it is probably the most significant national environment initiative since the protection of the Great Barrier Reef - an initiative of a former Liberal government. Over the next five years the Commonwealth will provide new funding for a range of initiatives - - -

Mr Berry: The next thing you will be telling us is that Fraser Island is named after Malcolm Fraser.

MR HUMPHRIES: I know that Mr Berry does not like this. I know that Mr Berry would rather the environment suffer for the sake of Telstra, but we on this side of the chamber happen to be very keen on these changes. I realise that Mr Berry's party would rather have sold 100 per cent of Telstra. I realise that he is disappointed about the fact that they have sold only a third of Telstra, but perhaps we can come back to that at another time.

Over the next five years the Commonwealth is going to provide funding for a range of new initiatives: $259m, over a quarter of a billion dollars, for Landcare; $318m for the national vegetation initiatives; $163m for the Murray-Darling 2001 initiative - - -

Mr Berry: Mr Speaker, we are most interested in what is going on nationally, but really - - -

MR SPEAKER: Is this a point of order?

Mr Berry: Yes. Really, the Minister can respond only on issues which affect the ACT.

MR SPEAKER: There is no point of order. Mr Humphries is talking about the Murray-Darling Basin, which has an effect upon the ACT - very much so.

MR HUMPHRIES: I think it does, Mr Speaker. We know that Mr Berry's grasp of geography is not all that good. We know how he told us that Mururoa was nearer to Australia than China was, so we know that he is not very good on geography. For his benefit, the ACT is the only jurisdiction in Australia that lies wholly within the Murray-Darling Basin. We are the largest community in that basin. We have the most impact on that basin. The Murray-Darling 2001 initiative will be a very important project for the ACT and every citizen who lives here. Funding of that order to provide initiatives to rehabilitate that basin will be tremendously important to the ACT, as much as to anybody else. The funding generally is to rehabilitate degraded land, protect and improve water quality, protect biodiversity and provide sinks for greenhouse gases. Significantly, there will be an emphasis on on-ground works, partnership arrangements between the Commonwealth and the States and Territories, and regional-scale implementation and funding, in which of course the ACT is very important.

Officers from my department have already had discussions on these issues with their Commonwealth counterparts. Interestingly, the Conservation Council and Greening Australia have also been involved in these discussions, and we will continue to work closely with them to ensure the successful implementation of this initiative in the ACT. The ACT, of course, is very well placed to take advantage of these initiatives and to benefit perhaps more than most from the National Heritage Trust funding. We are well advanced with catchment and regional planning for natural resource management. We have also built up a very strong network of community Landcare groups that will be able to assist in implementing on-ground work such as tree planting, weed removal and remnant vegetation conservation.

The ACT's environmental grants program, I am pleased to announce, will be aligned with the National Heritage Trust fund applications in the first half of next year to maximise the benefits available from the additional funding. To give you an idea of that additional funding, even if the ACT benefits only to the extent of a pro rata apportionment of the $1.1 billion available in spending here - and I think we actually stand to benefit rather more heavily than that because of our very good position on things like Landcare applications - this means an injection of funds into the ACT in the order of $22m. That is a trebling of our environment budget in a single year. That is an enormous benefit to the ACT, and we have an enormous amount to gain from this process. I hope that all members will put aside their petty political jealousies on this question, will cease to sulk on this question and will recognise the huge benefits to the ACT community. The continued commitment of the ACT Government through the ACT environment grants program, agency actions and other initiatives will combine with the increased Commonwealth funding from the partial sale of Telstra to ensure that this and future generations of Canberrans live in a sustainable and well-managed environment.

Public Service Redundancies

MR BERRY: Back to the ACT, my question is to the Chief Minister. In September you claimed that your budget was about jobs. Your commitment to jobs in the past is not encouraging. There are 5,600 fewer jobs and 2,700 more unemployed since Mrs Carnell came to office. There has been over 50 per cent youth unemployment for three months in a row. That is a pretty deplorable performance. Of course, 640 jobs were lost in your own Public Service in 1995-96. As well, your future commitment to jobs has been found to be wanting. Chief Minister, do you still maintain that this is a jobs budget? If you do, how can you explain the $1.3m of your redundancy pool which has already been spent?

MRS CARNELL: I am absolutely stunned. Those opposite spent something like $34m on public sector redundancies, including, I think, $17m in just one year. It is those opposite who voted against the skills centre and the apprentice training - 80 new jobs. Those opposite have just been negative the whole time. How can Mr Berry complain about $1.3m in redundancies, all voluntary redundancies, all for people who want to leave, when his Government spent something like $34m on redundancies, including $17m in one year? Mr Speaker, you can only say, "What a joke!".

This Government has always indicated that part of becoming significantly more efficient and being able to live within our means means restructuring within our public sector. We are not going to do things the same as we have always done them. As we have already done in the public sector areas - you can see it in our financial accounting and in many areas - we are looking at trendsetting for Australia in these areas. That means restructuring in some areas, and I believe that some voluntary redundancies are the appropriate way to go.

Mr Speaker, in the Government's 19 months or so in office employment has actually grown by some 600 jobs. Mr Berry just wants to whinge.

Mr Whitecross: What has happened in the last 12 months?

MRS CARNELL: Mr Whitecross, or Mr Who, had to spend $30,000 on a brochure to tell people who he is. People ring my office and say, "Who is this bloke Whitecross on the brochure that has your photo on it?". It is fairly amusing.

Mr De Domenico: The printer is still waiting for his photo. He thought it was a mock-up.

MRS CARNELL: That is certainly true, Mr Speaker. When those opposite come up with one new idea on how to create a job, maybe we will listen to them; but they have not come up with one yet.

MR BERRY: When will you admit that the loss of 5,600 jobs in the last 12 months, 2,700 more people on the unemployment list, a growth in unemployment to 8.5 per cent since you came to office, more than 50 per cent youth unemployment for three months in a row, 640 jobs lost in our own Public Service in 1995-96 and $1.3m in your redundancy pool all blow a big hole in your so-called jobs budget, and when will you table details of the number of jobs lost, and from which agency, and how many more will be lost in your Public Service during 1996-97?

MR SPEAKER: This is very hypothetical.

MRS CARNELL: Mr Speaker, it is very hypothetical.

MR SPEAKER: In fact, it is almost impossible.

MRS CARNELL: It is almost impossible, Mr Speaker. I think the bottom line really is that there are 600 more jobs in our system at this stage. We brought down a budget that had $1.547m in labour market programs, including $200,000 for three open access centres, $165,000 on Youth Joblink, $116,000 on the new futures in small business program, $250,000 for 50 additional temporary trainees within the ACT Public Service, and $114,000 on the women's work force development scheme. Six hundred extra jobs have been created over the last 19 months.

Also in the budget there were significant new initiatives for business, to get business up and running, to get business employing. Those opposite, when they were in government, made the point regularly that the future of employment growth in this city was in the private sector. Ms Follett said that regularly. Over the three years she was Chief Minister, in 1992-93, 227 staff accepted redundancies worth $8.668m; in 1993-94, 453 staff accepted redundancies worth $17.85m; and in 1994-95, 339 staff accepted redundancies worth $11.235m. I made the point before that it was $34m-plus. The actual figures for the three years of the Follett Government from 1992 to 1995 are that 1,019 staff accepted redundancies worth $37.753m. Mr Berry, before he gets up and makes a fool of himself again, should understand the figures. I come back to the point I made before. Those opposite cannot come up with one new idea to show that there is a better way. This Government is getting on with it. This Government is showing that our approach is in line with the interests of the community.

Electricity Generation

MS TUCKER: Mr Speaker, my question is to Mr De Domenico as Minister for Urban Services. It was good to hear an announcement about the installation of electricity generators at Canberra's two landfills this week; but I would now draw your attention to another area where the Government, through ACTEW, could actually improve its environmental performance in relation to electricity generation, and that is through buying electricity generated by local houses and businesses. There is a person in Mawson who has installed a solar power system on the roof of his house which supplies most of his electricity. Sometimes during the day he generates more than he needs, which he feeds back into the electricity grid. Unfortunately, ACTEW is not prepared to pay him for the electricity which he supplies to ACTEW. There are not many good interactive houses like this in Australia yet, although I notice in the latest issue of *Renew*, which used to be called *Soft Technology Magazine*, there is an article on other grid interactive houses around Australia. It is definitely the way that things will be moving. I am interested to know how you, as a shareholder of ACTEW, believe that ACTEW should respond to this growing phenomenon in relation to actually buying environmentally sound electricity which is going to be produced more and more locally.

MR DE DOMENICO: I thank Ms Tucker for her question. I did - - -

MR SPEAKER: Just keep it formal. You are not allowed to ask for an expression of opinion, Ms Tucker.

MR DE DOMENICO: I realise that. Nor am I going to get into a highly technical diatribe. I am not competent enough to do that. It is true that a Mawson resident has installed a solar power system on his roof which supplies much of his household's need for electricity. Ms Tucker should be aware that ACTEW staff assisted with that installation. ACTEW has also sponsored Canberra entries in the World Solar Challenge for solar-powered vehicles, and local seminars on such vehicles and photovoltaic power, that is solar cells, in general.

At the Mawson house that Ms Tucker is talking about there is not quite enough solar power available to cover all the annual power needs, so some electricity is still bought from ACTEW. That is my information. When the house is using less energy than is being generated by the solar cells, the electricity meter is driven backwards. So he is getting credit when he is putting something back into the grid. During times of higher power demand and at times when the sun is not shining, electricity is supplied by ACTEW and the meter runs forward again. The net result in winter is that the house has lower electricity bills. There is more than enough generated in the summer months, and zero bills will be sent by ACTEW until the meter starts going forward again. Effectively, the grid is being used as an energy store or battery on a daily and seasonal basis and the resident is being credited for the power generated.

In direct answer to Ms Tucker's question, I advise that, while technically achievable, the concept sadly is not yet economically viable. The owner himself estimates that it will take more than 100 years before the value of the energy generated equals the cost of the system. It is hoped that current university research in both Canberra and Sydney will lead to cost reductions in solar cells that will make these systems more cost effective.

There are some safety concerns also about such installations. Solar-generated electricity can be just as deadly as any other form of power. Persons intending to install similar installations should consult with the departmental electrical safety staff or ACTEW. They should also approach ACTEW so that the low readings are not suspected of being due to meter tampering. Whilst we would love to be able to do that all the time, based on current technology, it will take about 100 years to pay back the cost of installation. Once technology gets better, quite obviously, ACTEW will be in the forefront of any improvements.

Arts Grants

MR WOOD: My question is to Mr Humphries. I refer to the Government's intention to add a further layer to the arts grants process, namely, to require Cabinet consideration of grants, with all the extra work and complications that that brings. Minister, the reason offered to a disbelieving arts community for this change is that the process needs to be more efficient. I emphasise "efficient". Minister, yesterday we received the Auditor-General's report into the ACT cultural development funding program, that is, the arts grants program. In view of the very positive findings of that report in respect of both effectiveness and efficiency - I repeat "efficiency" - will you now reverse the decision to change and to complicate unnecessarily what is a demonstrably efficient program?

MR HUMPHRIES: Mr Speaker, I think that the Opposition is scrambling for questions today. They are asking rather paltry ones. They must have said, "Let us find a report somewhere. Find a report to ask a question about, quick, quick". I am sure that if I went to the Auditor-General and said to him, "Mr Auditor-General, do you think that the grants process, while good, is perfect?", he would say to me, "No". If I asked him, "Could we do better, particularly by looking at grants not just in the arts by themselves but across all the areas of government where grants are made?", I think he would be very likely to say, "Yes, there is some potential for improvement there". Mr Speaker, that is what the Government is doing.

Mr Wood should not focus on just what is happening in the arts. It is not just about improving the efficiency of arts grants. It is about grants in all areas of government where assistance is provided directly to the community in the form of grants. I think this is a trial worth having. Across the board I think it is more efficient to try to look at a centralised way of managing the grants process, to see where duplication is occurring, to look at ways in which we can better and more centrally manage the allocation of grants, the collection of grants and accounting arrangements for grants. That is what this trial is all about.

Mr Wood, I suppose, is behaving like an archconservative here. He is saying, "Nothing should change. It is perfect the way it is. Let us not look at more efficient ways of providing services". We in this Government believe in looking at constantly improving the way government delivers services. That means thinking about new ways of doing things. This should result ultimately in there being more money for grants and less money spent in the administration of grants.

MR WOOD: I ask a supplementary question, Mr Speaker. That was a lot of hogwash to disguise the fact that he wants the philistines to take over.

MR SPEAKER: What is your supplementary question?

MR WOOD: My supplementary question, Mr Speaker, is that the Minister mentioned a great deal about efficiency and how it can be more efficient. Yes, indeed, it can be more efficient. The Auditor-General on pages 5 and 6 of his report makes a few quite sensible and modest suggestions that I would encourage you to look at.

MR SPEAKER: Ask your question.

MR WOOD: They do not involve the taking over of the process that you envisage.

MR SPEAKER: Ask your supplementary question without preamble, Mr Wood.

Mr Humphries: There is not one.

MR WOOD: I have said what needs to be said, so I will ask a question. Minister, instead of pouring a bucket on the credibility of the arts community as you did, will you assure them that you will look at those suggestions on pages 5 and 6, which set out what the Auditor-General thinks ought to be done, and forget your own silly proposals?

MR HUMPHRIES: Yes to the first half of that question; no to the second.

Social and Community Services Award

MR HIRD: Mr Speaker, my question is to Mrs Carnell in her capacity as Minister for Health and Community Care. I refer the Minister to criticism by the Opposition, particularly Ms Reilly, over the Government's progress towards assisting community organisations in assessing the impact of the so-called SACS award, the social and community services award, in the ACT. Can the Minister inform the parliament, for my benefit and for Ms Reilly's benefit, about what progress has been achieved in identifying and responding to the needs of these communities?

MRS CARNELL: Thank you very much, Mr Hird, for the question. Mr Speaker, for some time now the ACT Government has been working with services who have been logged or are likely to be logged under the social and community services, or SACS, award. It has been clear from the outset that what is needed is a long-term approach to managing the introduction of the award and assessing the impact on community service groups. I think Ms Reilly would agree with that. We were also conscious of the need to take a whole-of-government approach, to ensure that our response is both consistent and uniform across all of our agencies.

With this in mind, Mr Speaker, the Department of Education and Training and the Department of Health and Community Care jointly commissioned a detailed consultant's report which examined various classification and costing models for non-government organisations which have been logged under the award. I can also advise the Assembly that representatives from both of these agencies will be participating in a Commonwealth, State and Territory working group which has been established to look at issues surrounding the SACS award more generally.

The Government will continue to seek financial support from the Commonwealth to offset the impact of supplementing the award on the Territory's finances, which, as those opposite will know, could be quite significant if we do not get this right. I realise that these responses are in contrast to the bull-at-a-gate attitude taken by Ms Reilly, who came into this Assembly demanding that the Government simply supplement every organisation for whatever it thought might be appropriate - "Just write the cheque, and the Government will produce the money". As with the issue of mandatory reporting, this Government believes that the Reilly ultimatum of "just write the cheque" would be a recipe for absolute disaster.

I should mention one particular association, the Woden Community Service, because I know that they have been advising Ms Reilly and some parents that they were likely to go under because of the SACS award. I can advise Ms Reilly and other members today that earlier this week the Government agreed to provide the Woden Community Service with non-recurrent funding of $80,000 for this financial year to assist in the transition to the new award. Mr Speaker, $80,000 is not an insignificant amount of support - - -

Ms Reilly: Is it enough to cover the backlog of 12 months?

MRS CARNELL: Ms Reilly is still complaining.

MR SPEAKER: Order! The question was asked by Mr Hird. He is entitled to have an answer.

MRS CARNELL: That is certainly true. Mr Speaker, $80,000 is a not insignificant amount of support from the same Government that Ms Reilly claims is turning its back on the community sector. I tell you that $80,000 does not look to me like we are turning our back. What it means is that this Christmas, like all other Christmases, it will be business as usual for the Woden Community Service, which will be able to run their normal respite care, recreation and other programs to help individuals and their carers in our community.

Mr Speaker, do you hear a deathly hush here? Do I hear, "Thank you" from Ms Reilly or, "Well done, Government."? No. There is absolute deathly silence. If they cannot whinge or criticise the Government, then you get nothing from those opposite. Far from doing nothing as Ms Reilly continually claimed, the Government has provided additional assistance to groups such as the Woden Community Service and is developing an appropriate and sustainable strategy to respond to the pressures that the new SACS award may impose. We will continue to monitor its introduction, work together with our agencies, work with community organisations and work with other governments to address this issue. In other words, we will get this right the first time. I make a final point. I have heard and read many times in recent days that the Opposition believes that there is a better way. Mr Speaker, at least under this Government there is a way. Ms Reilly, it is a way forward.

Sports Funding

MS McRAE: My question is to the Minister for Sport, Mr Stefaniak. Minister, can you confirm that the recommendations of the Sport and Recreation Council in regard to funding allocation for sport and recreation groups are going to be completely ignored? The new proposal for the allocation of funding to such groups requires all allocations to be reviewed by the Chief Minister's Department and Cabinet. Minister, my question is: Why have the Sport and Recreation Council look at the allocation of funding at all?

MR STEFANIAK: You really are barking up the wrong tree, Ms McRae. The Sport and Recreation Council have done a particularly good job over the years in making recommendations to me and my predecessors on sports funding, and their role will continue. If you had been listening to Mr Humphries's reply to Mr Wood, you might have learnt that the whole idea of having a look at all the grants is just to ensure that money is used appropriately and efficiently and to streamline funding. As you would appreciate, Ms McRae, the grants process is very much between agencies. An official from OFM who went to the various meetings was highly impressed with the way the sports grants are administered. In fact, they are probably the best administered of all the grants.

Ms McRae: So why are you not paying attention to them? It is outrageous.

MR STEFANIAK: Basically, they are a bit of a yardstick for the rest. We are looking at grants as a whole, Ms McRae, not just at one particular agency. The role of the Sport and Recreation Council will continue. The council does a particularly good job. It will not be ignored. Its role will continue because it does do a very good job in the allocation of grants to sporting and recreational groups.

MS McRAE: I ask a supplementary question. Are you confirming that their recommendations will not be overturned and that political patronage or backroom bureaucrats will not have sway over the decisions of the Sport and Recreation Council?

MR STEFANIAK: Maybe you like to talk about political patronage, but the Sport and Recreation Council do a very good job. Certainly, I have been highly impressed. I do not think this Government is into political patronage, backroom deals or letting bureaucrats run away stupidly - unlike perhaps the previous Government. All we are doing, Ms McRae, for the whole of the grants process is to make it more efficient.

Ms McRae: Will you or will you not overturn their decisions? Answer the question. You cannot, can you? You are going to, are you not?

MR STEFANIAK: Ms McRae, they do a very good job. It is recognised by the Government that they do a very good job and obviously - - -

MR SPEAKER: Do not answer hypothetical questions.

MR STEFANIAK: I am sure that the Sport and Recreation Council will continue to do the sterling job it has done this year, last year and in previous years in recommending grants. The Government acknowledges the very good job that they do. I put on record again that, of all the grants programs, the sport and recreation one is certainly the best. That is going to help other government agencies when we take a whole-of-government approach.

Armed Hold-ups

MR OSBORNE: My question is to the Minister for Police. I might add, Mr Speaker, that in my question the word "Minister" has been typed in lower case because we all know that he is not really the Minister for Police, but I will give him that title anyway. Minister, I refer you to the recent increase in armed hold-ups in Canberra, especially the ones aimed at the banks and financial institutions. I think it is important to distinguish between the armed hold-ups at the banks and the armed hold-ups at the supermarkets, because they are being committed by different elements in the criminal world. My question is specifically about the hold-ups obviously done by the professionals. Minister, what is being done about this worrying trend? Also, what is being done by the banks? Have you had any correspondence with the banks about them pulling their weight and increasing their security arrangements? Would it be a fair comment that the abolition of the Major Crime Squad last year has resulted in a lack of specialised police officers who would have more successfully tackled this problem?

MR HUMPHRIES: I thank Mr Osborne for the question. I think the distinction Mr Osborne makes between armed robberies of service stations, supermarkets and so on and armed robberies of places like banks is a valid distinction. The fact is that very often the robberies of banks and other financial institutions are professional jobs by people who have carefully planned them. Often they come from interstate. Often they are people who have made a conscious decision to plan and execute a robbery, very often with high degrees of resolution and sometimes a willingness to use considerable levels of violence.

Very often those who rob service stations and so on are people such as drug addicts who need money for a hit, who need money quickly and who do not mind if they clean up only $150, $200, or whatever, because it is enough to buy them a small amount of drugs. That is not always the distinction, but the fact is that the very large sums of money often available in banks are a reason for a high degree of professionalism.

It has concerned me in recent days that there have been armed robberies, including armed robberies of banks. I view that as a very concerning trend, but I think it is worth saying that it is very difficult for the Government to take preventative action in respect of those sorts of robberies. It is very hard to develop, for example, a community strategy to prevent an armed robbery of a bank. Unless you post an armed policeman at each bank entrance, there is very little else that it is possible to do to prevent the robbery of banks.

Mr Speaker, I think the real answer to turning the corner on bank robberies is to get the banks themselves to acknowledge a role in hardening the targets that they represent. It is my perception that if you go to Sydney, for example, most banks you visit will have very secure arrangements. Often you are not able to make physical contact with a teller. Sometimes there will be guards in the foyer of the bank, particularly in larger banks, and there will be a high degree of security for those institutions. I was told about a person visiting a bank in Italy where people entering the bank were required to have a digital encoding of their fingerprints. There were also metal detectors and armed guards. I do not think we need to go to that stage, but it points out that if the target itself is too soft people will be more tempted to take advantage of the money that is available there.

I think the banks need to harden the targets, particularly in this city. I have not made that point by correspondence to the banks, but I will take the suggestion which is inherent in Mr Osborne's question and I will take that issue up. Even if the banks do not care about the money they lose in robberies, I hope that they do care about the staff who are put at risk when a robbery takes place. Unfortunately, they have become more frequent in recent days. The hardening of the target is a very important element in this process. The hold-up at the Belconnen shopfront recently, which resulted in a large sum of money being stolen, has resulted in the Department of Urban Services spending something like $40,000 to upgrade security at all shopfronts in the ACT. I think that kind of an investment would be a wise investment by many banks in the city as well.

MR OSBORNE: I ask a supplementary question. I would like the Minister to answer the last part of my question in regard to the abolition of the Major Crime Squad. Would it be fair to say that the abolition of the Major Crime Squad has resulted in a lack of specially trained police who could have more successfully tackled this problem?

MR HUMPHRIES: I apologise for omitting to answer that part of Mr Osborne's question. I do not believe that the abolition of the Major Crime Squad has been a factor in those armed robberies. I do not think that those who carefully plan armed robberies think, "There is no Major Crime Squad. There is only a major crime team that will be formed if I rob this bank. Therefore I will rob the bank". That is extremely unlikely.

Mr Speaker, I think that if you speak to most policemen or policewomen in this city they will quickly acknowledge that the old clique-based operation of running the police service in this Territory was a mistake and should not be gone back to. That kind of approach is unsound. I was speaking to members of the executive of the Australian Federal Police Association the other day. They confirmed that their view is that, although on occasions there are some problems with the present system, the old system simply should not be contemplated as an alternative. We have established an operational team which is investigating leads from a recent series of armed robberies. I hope that they will turn up information. Of course, we have recently launched Crime Stoppers in the ACT. The telephone number is 1800 333 000. Note that down on your pads. People should use that number if they want to report information about major crimes in the city, or indeed any crime at all.

Gungahlin - Sports Facilities

MS FOLLETT: I have a question for the Minister for Urban Services. Minister, given that expressions of interest were asked for in July, can you explain to the Assembly why work on the Gungahlin sports precinct has not yet begun?

MR DE DOMENICO: I cannot answer that question, Mr Speaker, but I will get the details for Ms Follett and get back to her as soon as I can.

MS FOLLETT: I ask a supplementary question. Could I ask the Minister to supplement his answer on notice. I ask the Minister whether he could also advise the Assembly what action he is taking to ensure that Gungahlin residents have speedy access to sporting facilities in their own area.

MR DE DOMENICO: Yes.

Yarralumla Brickworks Site

MS HORODNY: My question is to the Minister for the Environment, Land and Planning, Mr Humphries. It relates to the future of the Yarralumla Brickworks. When you closed down the brickworks site recently, it was reported in the media that there were at least three developers interested in the site. In a letter to us recently you also said that there were commercial groups interested in the Yarralumla Brickworks site. Could you tell us who these developers are and what some of the proposals for the site might be?

MR HUMPHRIES: For Ms Horodny's information, since the Yarralumla Brickworks ceased to be a brickworks 15 or 20 years ago at least, there has been continuous and intense interest in that site by all sorts of developers. In fact, I would doubt whether there is any major developer in Canberra who has not at one stage expressed an interest in wanting to do something at the Yarralumla Brickworks. I have had many expressions of interest informally about the brickworks and no doubt Mr Wood, my predecessor, had as well. There has been an approach - - -

Ms Follett: We thought we had sold it; that Holding sold it.

MR HUMPHRIES: Anyway, I have had certain expressions of interest. Perhaps Mr Wood did not, but I certainly have had some. People have said that they would like to develop the brickworks site. Obviously, they are talking, for the most part, about being able to develop housing on that prestigious location. There will always be that kind of interest. It is one thing to say that that interest is there and expresses itself from time to time. It is another thing to say that there is active consideration of, or active planning towards, a particular proposal being adopted or developed. This Government remains prepared to discuss issues with anybody, but there is no likelihood of any particular proposal being developed in the near future.

I do not know whether it is appropriate for me to name to you the people who have come forward and said that they would like to talk about things that could happen at the brickworks. What they have done is, in a sense, made a commercial-in-confidence approach about what they would like to do. If we were going to contemplate such a development and put it on the table, we would do so publicly and you and your colleagues would have plenty of opportunity to look at it. I emphasise that anything that happens at the brickworks site has to happen in a way which respects the heritage issues in many of those old buildings, particularly, the buildings that were recently closed to public access. Nobody is going to have the right to develop the site by knocking down the brickworks or those parts of the brickworks which are heritage protected. That is out of the question. There is no need to state that, but I probably should anyway.

I emphasise again that the decision to close public access to that site very suddenly was a decision I did not enjoy having to take but I felt there was simply no alternative. We were told unequivocally by the Fire Commissioner that that site was dangerous; that access to that site could constitute a threat to public safety. We on this side of the chamber believe in occupational health and safety issues very firmly. I hope everybody in the chamber does. When the Fire Commissioner says to you, "This site is dangerous, Minister; close it", you have no alternative but to do so. I know that some people like to make capital out of that fact. Mr Berry would like to let people get access to sites which are dangerous. A brick on the head - - -

Mr Berry: No; you just like to close things. It does not matter what it is - schools, hospitals - - -

MR SPEAKER: Order! It is Ms Horodny's question. She is entitled to an answer that she can hear.

MR HUMPHRIES: A brick on the head is neither here nor there, as far as Mr Berry is concerned. Public safety comes a poor second to being able to score political points, as far as he is concerned. Mr Speaker, the fact is that we took that seriously. We have closed the site, but do not expect to see any signs and bulldozers there in the near future. I very much doubt that that is going to happen.

MS HORODNY: I ask a supplementary question. I just wonder why your adviser was quoted as saying that there were three developers who were interested. Was it a misquote or where did that come from? Are you saying that the Government has absolutely no plans for that site at the moment?

MR HUMPHRIES: I am aware of only one, but if my adviser was aware of three people who expressed an interest I am sure that is accurate. There are no Government plans. I can guarantee that absolutely. The Government certainly has looked at issues. The Government has had proposals put before it from time to time, but none of that constitutes anything other than an offer to look at something. Nothing has yet transpired which I would call concrete and likely to proceed to any changes to the brickworks. If there are such changes, of course I will advise the Assembly.

Housing Trust Properties - Maintenance

MS REILLY: My question is to the Minister for Housing.

Mrs Carnell: You are not going to ask about the SACS award today?

MS REILLY: It would be good if you listened when I ask questions. Mr Stefaniak, despite your claim that ACT Housing has increased maintenance funding to $15m, is it not the case that outstanding and critical maintenance would require a budget of $65m just to catch up on the backlog; that you were deliberately letting ACT Housing properties, which are public assets of considerable value, run down; and that some tenants have been informed that they will not get any maintenance at all done? Minister, what measures are in place to ensure that the gap between what is presently being spent on maintenance and what should be spent on maintenance is bridged?

MR STEFANIAK: I thank you for the question, Ms Reilly. I do not quite know where you get $65m from. I think it must be painfully obvious to everyone now that we have a very large housing stock. Some of it is very old and it does require a lot of maintenance. Whilst we would love to be able to do 100 per cent of everything that everyone wanted, that sadly is probably never going to be the case. However, I am pleased to see that we are spending $14.9m on maintenance this year. I am also pleased to see a couple of other things occurring. It seems that the project in Belconnen, for example, where - - -

Mrs Carnell: It is $12,500 for every house.

MR STEFANIAK: It is a fair bit. Under the project we are trialling in Belconnen, an inspector has to look after maintenance and tenant issues for 320 properties. Already we are noticing not only improvements in maintenance being done but also, funnily enough, some efficiencies and savings. That is good because that is all money that can be churned back into the system.

Ms Reilly, it is never easy, but a significant amount of money is being spent on maintenance. We are trying to get more cyclical maintenance done, more planned maintenance rather than reactive maintenance. It is always an ongoing problem. I do not know where you got the figure of $65m to do everything up. Anyone on this side would love an extra $65m in their budget. We could do a hell of a lot with it. I do not know the basis for that. I will certainly have Housing check that out. I am interested in it. Maybe you can tell me where you got that from.

We are keen to improve our maintenance. There are some fairly healthy signs that that is occurring. I am pleased to see the pilot in Belconnen showing some more efficient ways of doing things and attending to tenants' needs more quickly. I am also very keen to progress further the planned maintenance, which obviously really starts to pay dividends down the track when there is less reactive maintenance. That is indeed a good thing. Ms Reilly, as I think I said during the budget debate, unfortunately satisfying everyone is impossible.

MS REILLY: I ask a supplementary question. Minister, are you supplementing ACT Housing's maintenance budget by a bit of creative accounting, by adding additional charges to maintenance bills sent to tenants, and are you taking them off again when the tenants object, as I brought to your attention last week?

MR STEFANIAK: I would be very surprised if that is coming into the equation at all. As for creative accounting, Ms Reilly, certainly there is such a thing as tenant maintenance. That is made well known to tenants when they sign an agreement. It is made known on occasions through the tenants' newsletter. Any money we get from tenants' maintenance I do not think is a huge amount. The tenants are made well aware of what their responsibilities are and also what Housing's responsibilities are in providing maintenance. That is reinforced on a regular basis so that people are aware of their rights and responsibilities.

Heritage Garden

MR MOORE: Mr Speaker, my question is directed to Mr Humphries in his capacity as Minister for Heritage. Minister, can you confirm that the property known as Sir Harold and Lady White's Garden in Red Hill has been removed from the ACT Heritage Places Register? Can you indicate what the grounds for the decision were and whether this previously heritage-registered property will now be liable for redevelopment into high-density dwellings? Finally, Minister, what action are you taking to ensure that other heritage items in the ACT will receive better protection than Sir Harold and Lady White's Garden has under your administration?

MR HUMPHRIES: Mr Speaker, I thank Mr Moore for this question. It is a quite timely question. I have visited Sir Harold and Lady White's Garden on open days in the past. When I saw it, it was a magnificent specimen of garden design and landscaping, certainly a quite spectacular place and richly deserving of its gazettal as an item on the interim Heritage Places Register back in 1993. The Heritage Council removed the place from the interim register on 2 November 1996. Note that it was the Heritage Council which made that decision.

The place remains on the interim Heritage Places Register as part of the Red Hill heritage precinct, however, which means that there is some impact of that listing on the garden, although it is not perhaps as intense or as direct as it was for the listing originally in 1993. The problem with the garden is that, unlike, say, a building or an object, gardens can very quickly deteriorate. Mr Moore, I am sure, will be aware that, if he happens to be busy in the Assembly for three or four weeks in the warmer months of the year, his garden pretty quickly deteriorates and goes to pot. My garden at the moment is a very good - - -

Mr Moore: Your garden goes to pot, does it?

MR HUMPHRIES: Perhaps with Mr Moore's garden that is not such an inappropriate suggestion. I withdraw any suggestion of illegality or drug use, Mr Speaker. This highlights a problem we have at the moment, which is that a heritage place such as a garden, whose values are the design, intrinsic layout and maintenance of the garden, can easily deteriorate if there is no requirement on a person to maintain it at a particular level. This is the same for any heritage garden in the ACT. It is the fact that the garden at Red Hill has run down. The owners, for whatever reason, did not maintain it at the level maintained by Sir Harold and Lady White. The result is that the Heritage Council did not hesitate to remove it from the list. That is, I think, extremely sad. The council is liaising closely with the National Trust, the Garden History Association and the Australian Institute of Landscape Architects to develop an approach to the registration and documentation of heritage gardens that I hope will be workable and realistic; but the fact is that it cannot force garden owners to maintain the garden in a certain way.

Perhaps the answer to this problem is one that we here in the Assembly should be looking at. Perhaps the answer in managing heritage places in the ACT is to provide some incentives for private owners of gardens that are listed to maintain those gardens. For example, the suggestion has been made to me informally by members of the Heritage Council - and I am very seriously considering the suggestion - that we should provide a rebate on the water rates of heritage-listed gardens, to encourage those who have such gardens not to stint on the watering of the gardens and with the money they save from that perhaps to invest in maintenance of the gardens. Ultimately, unless we actually acquire the property and manage it ourselves - an attempt was made to do that, I understand, when the garden was sold a few years ago - it is impossible to maintain the gardens.

Mr Speaker, I regret very much that there has been a decline necessitating the removal of the garden from the list. Just to reassure Mr Moore slightly, I understand that the proposal which has been put forward or at least mooted in respect of the garden is not for a multidwelling development; it is for a single residence. That may or may not be reassuring to Mr Moore.

MR MOORE: I have a supplementary question, Mr Speaker. I presume that it is Mr Humphries's joint that actually goes to grass rather than to pot. Mr Humphries, you mentioned providing incentives. In order to ensure that people actually have faith in the protection of the heritage register and the whole process, can you tell us when you will make a statement about the issue of incentives for people to whom we are giving that responsibility? I probably should declare some interest because I have a house in a heritage area which has a garden such as that we are talking about.

MR HUMPHRIES: I am sure, Mr Speaker, that one day Mr Moore's house will be heritage listed for other reasons. The suggestion was made to me a few weeks ago. I have asked officers of the Heritage Unit to investigate it. I hope to be able to make a decision on that early next year. I have to consult with my colleagues, particularly the Minister for Urban Services, about issues such as rebates on water rates; but I think the idea is a good suggestion. Although this does not affect gardens, do not forget also that with the opening of the Canberra Cultural Centre, hopefully in about 12 months' time, we will see a capacity to house some heritage objects of the Territory which are presently in private ownership but which might be better under public control. However, acquiring a garden for the sake of preserving it is a much bigger exercise. I am not sure that that can be contemplated, but I will make a statement in due course if that suggestion can be taken on.

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

AUDITOR-GENERAL - REPORT NO. 10 OF 1996
Implementation of 1994 Housing Review

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 10 of 1996, entitled "Implementation of 1994 Housing Review".

MR HUMPHRIES (Attorney-General) (3.26): Mr Speaker, I ask for leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

MR HUMPHRIES: Mr Speaker, I move:

> That the Assembly authorises the publication of Auditor-General's Report No. 10 of 1996.

Question resolved in the affirmative.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY - Implementation Report 1995-96

MRS CARNELL (Chief Minister) (3.27): Mr Speaker, for the information of members, I present the ACT Government's 1995-96 Implementation Report on the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody. I move:

> That the Assembly takes note of the paper.

Mr Speaker, I am pleased to table in the Legislative Assembly today the 1995-96 ACT Government Implementation Report on the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody. I also intend to speak about the importance of the process of reconciliation between Aboriginal peoples and Torres Strait Islanders and the non-indigenous members of the ACT community.

From the time of self-government this Assembly has supported an apolitical approach towards Aboriginal and Torres Strait Islander issues in the ACT. Mr Speaker, I trust that this approach will continue, as I believe it will, as the motion that we will look at passing later was put together jointly by this Assembly today. I hope that this approach will continue so that we can all work together to reduce the historic disadvantage experienced by Aboriginal peoples and Torres Strait Islanders and work towards reconciliation between the indigenous and non-indigenous members of the community.

First of all, I would like to inform members of the progress made in implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody. These are outlined in the 1995-96 Implementation Report. There has been a lot of work done towards improving service delivery and creating opportunities for improved economic development. There has also been a strong focus on providing access and advice to government by Aboriginal peoples and Torres Strait Islanders.

I want to emphasise that this Government intends to keep progressing the implementation of the royal commission's recommendations in partnership with the Aboriginal and Torres Strait Islander Consultative Council which I appointed in July 1995. Indeed, monitoring the Government's commitment to the royal commission's recommendations is one of the consultative council's most important roles. This work is critical to the effective implementation of the recommendations. A senior officer has been appointed to provide policy advice to the council in its monitoring role. This position has been funded by an ATSIC grant.

Ministers and chief executives have met with council members to discuss implementation. As a result, the council is developing a work plan to audit relevant programs in each agency and will provide an independent report to me. One of the outcomes of the meetings with Ministers is that there will be specific recognition of issues relating to indigenous people in the Government's customer commitment program. In future, relevant executive performance contracts will include a performance measure relating to the implementation of the recommendations of the royal commission.

The consultative council has considered a wide range of issues and has held discussions on specific service delivery matters with agencies; advised the Government on a number of service delivery issues; provided submissions to inquiries on local and national issues affecting indigenous people in the ACT; contributed to the draft of several pieces of legislation; been briefed on a number of issues, including the budget; and disseminated information throughout the indigenous communities in the ACT.

In addition, agencies have a range of mechanisms to consult with Aboriginal peoples and Torres Strait Islanders on issues such as policing, education, sport, culture and heritage. An interagency indigenous issues group has been established to promote and monitor Aboriginal and Torres Strait Islander policy and service delivery issues across government.

Mr Speaker, one of the most important indigenous policy developments this year has been the signing of the historic agreement on Aboriginal and Torres Strait Islander health. This agreement provides the framework for the provision of health services for indigenous people in the ACT and the surrounding region. It will also lead to the development of a regional health plan. An identified Aboriginal and Torres Strait Islander position has been created in the Department of Health and Community Care to assist in the development of the plan. An ACT forum has been established under the agreement, involving the department, the Commonwealth Department of Health and Family Services, ATSIC, the Aboriginal and Torres Strait Islander Consultative Council and the Winnunga Nimmityjah Aboriginal Health Service in the ACT. The membership will ensure continued participation by Aboriginal peoples and Torres Strait Islanders in decision-making.

A project to identify the mental health needs of the indigenous was conducted by an indigenous research consultant. The final report is expected to be released shortly and the development of services is expected to reflect the recommendations of the report. The Government will continue to support the important work of the community-controlled Winnunga Nimmityjah Aboriginal Health Service here in Canberra. This service is used by most members of the ACT Aboriginal and Torres Strait Islander communities and really is a model, Mr Speaker, for the rest of Australia. There has been continued improvement of access to mainstream services such as dentistry, immunisation and breast screening. The Alcohol and Drug Service continues to have close links with Winnunga Nimmityjah. The Canberra Hospital Aboriginal liaison officer shares case management with Winnunga Nimmityjah whenever appropriate.

Mr Speaker, I now want to turn to the Human Rights and Equal Opportunity Commission's national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families. The Government provided an interim submission to the inquiry and a team of officials appeared before the inquiry to give evidence. The Government also provided follow-up information as requested by the commission. As ACT self-government came well after the period of forced separation policies, the Government's interim submission outlined our current responsibilities and provided information that might help local Aboriginal people trace their families. In addition, the Government waived fees and charges for access to ACT records for people affected by separation who wished to trace links with their families or communities. The Government also responded to the advice from the consultative council and implemented the council's service delivery recommendations.

Turning to law and justice matters, during 1995-96 an average of 3.3 per cent of the total ACT prisoner population was identified as being of Aboriginal or Torres Strait Islander descent. Of the 991 people on community-based orders under the supervision of ACT Community Services at June 1996, 6.7 per cent identified themselves as of Aboriginal or Torres Strait Islander descent. The 1991 census statistics remain the basis

for information on the indigenous population in the Territory, where 0.6 per cent identified as being of Aboriginal or Torres Strait Islander descent. This is thought to be an under-representation of the indigenous population. The 1996 census figures are not due to be released until around July 1997. From this we may conclude that there is over-representation in the justice system, although we cannot accurately determine the exact percentage. This is an area we will need to keep a close watch on, to ensure that alternatives to full-time prison are fully developed and utilised. A list of law and justice initiatives is outlined in the report. I would like to mention the successful employment scheme conducted by ACT Corrective Services. Indigenous custodial officers are now employed at the Belconnen Remand Centre and have made a significant difference to the service provided there.

In education, Aboriginal and Torres Strait Islander studies programs continue in schools. This is a very important area for young people to develop an understanding of Aboriginal and Torres Strait Islander culture - a key aspect of reconciliation. Many schools now focus their Aboriginal studies programs around NAIDOC Week. Pilot programs in the Ngun(n)awal and Wiradjuri languages have been piloted in the koori preschools this year and these programs are currently being reviewed. The CIT Yurauna Centre has been refurbished and is continuing to provide its bridging courses and support function to indigenous students attending CIT.

In the area of employment, I want to focus on two programs. One is the annual employment grants program which is designed to improve employment and training options for unemployed people in the ACT. A minimum of $40,000 is set aside for indigenous people this year. The second is the ACT Public Service indigenous employment strategy which was announced in the budget. The main element of this strategy is career development. There is a recruitment target of six indigenous people in 1996-97.

Mr Speaker, I am pleased to be able to report that the redevelopment of the facilities at Boomanulla Oval has been completed and that I handed over the keys of the new building last month. The new facilities are expected to make Boomanulla Oval a focus for a wide range of activities for ACT indigenous communities. The ACT koori sport and recreation program completed its second year of operation in 1995-96. It has been well received by both the indigenous community and the wider sporting community in the ACT. During 1995-96 the program has facilitated the accreditation of Aboriginal people and Torres Strait Islanders in coaching and administration. It has also created some exciting new initiatives in indigenous sport and recreation, such as the traditional games leaders package and the indigenous women in action project. The successful community sport and recreation newsletter, *Nangi News*, continues to provide a valuable linking role between the indigenous community and mainstream sport and recreation.

An area of disappointment for me is the lack of progress on the Aboriginal and Torres Strait Islander Cultural Centre, Mr Speaker. I am sure that all of those opposite, except possibly Mr Berry, would agree with me. The Government is committed to the development of the centre, using the $2.5m allocated from the casino premium.

Planning began in 1995 for the centre to be based on Acton Peninsula with the Gallery of Aboriginal Australia and the Australian Institute of Aboriginal and Torres Strait Islander Studies but was put on hold during the Assembly's land swap inquiry. Work is still on hold until the Commonwealth's siting study for the National Museum of Australia is completed and the site for the gallery and the institute is announced. If suitable arrangements can be made, there does not seem to be any reason why the centre could not start to operate from a temporary site in the meantime. Whether the permanent centre is co-located with the two Commonwealth facilities will be determined once the Commonwealth site is decided. When siting issues are resolved, the consultative council will become closely involved in the planning and development of the centre.

The Aboriginal and Torres Strait Islander Cultural Centre has the potential to become a primary focus for reconciliation in the ACT. It could be a great asset in the community for developing an understanding and appreciation of indigenous culture and art by the non-indigenous population. I would like to add that the Canberra Theatre Trust has always supported the work of Aboriginal peoples and Torres Strait Islanders in the performing arts. The many productions that the trust has been involved with and supported since 1990 have all dealt with reconciliation and affirmative action issues. Artists and productions featured in 1995-96 include the Bangarra Dance Theatre, *Corrugation Road*, and *The Seven Stages of Grieving*. Members of the Assembly who saw those productions will understand that they were very good and were very useful in reconciliation generally.

Looking at NAIDOC Week, it is becoming a significant week in the ACT calendar. This year there were many activities throughout Canberra, including those organised by government agencies. NAIDOC Week, when Aboriginal peoples and Torres Strait Islanders celebrate their culture, provides another focus for the development of understanding between indigenous and non-indigenous members of the community. Members will recall the presentation to the Assembly during this year's NAIDOC Week of the Aboriginal artwork, "Past, Present, and Future Aboriginality in the Canberra Region", which hangs in the corridor outside the committee rooms. This work, which commemorates the International Year of the World's Indigenous Peoples, is much admired and, I am sure, appreciated by all who are here in this Assembly. Its emphasis on hope for the future is a fitting reminder for us all to keep working to improve the wellbeing of our Aboriginal and Torres Strait Islander communities, and to do all we can to facilitate reconciliation between the indigenous and non-indigenous members of the ACT community.

I would like to finish by foreshadowing that I intend to move a motion in support of the process of Aboriginal reconciliation and to endorse the Council for Aboriginal Reconciliation's vision which was originally adopted by the Second Legislative Assembly on 20 April 1994. I would like to thank Mr Whitecross, who has added significantly to this motion by putting to me the words that Mr Patrick Dodson, the chairperson of the Council for Aboriginal Reconciliation, put to all members of this Assembly.

Jointly, we have put together a motion which brings together the initial motion put forward on 20 April 1994 and the words suggested by Mr Patrick Dodson. I hope that all members of the Assembly will be able to support this motion. I believe strongly that it is essential that these sorts of issues are dealt with in an apolitical manner. I think this Assembly can be very proud of the approach we have taken in this area up to date, and I am confident that that will continue in the future.

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

RATES AND LAND TAX LEGISLATION
Exposure Draft and Paper

MRS CARNELL (Chief Minister and Treasurer) (3.44): For the information of members, I present the exposure draft of the rates and land tax amendment legislation, together with the key points of a new ACT rating system. I move:

> That the Assembly takes note of the papers.

Mr Speaker, I am pleased to announce to the Assembly a proposal for a new rating system for the ACT. It is the result of the most comprehensive overhaul of our rating system ever conducted. It draws upon the results of two major rates reviews and it follows the Assembly's direction earlier this year that the Government's preferred option of simply increasing rates by the forecast CPI in 1997-98 was unacceptable.

Mr Speaker, the issue of volatility in the rating system that existed under the previous Government caused considerable concern in the community. This Government gave a commitment to do something about the large fluctuations that many ratepayers had experienced, as well as making sure that the system provided predictability and fairness. The rating system that I am presenting today meets those objectives. Its introduction will achieve better equity, with the rates burden distributed more evenly to reflect both the capacity to pay of property owners and the level of services received; more certainty for ratepayers, with fluctuations in the rates bills from year to year minimised; and administrative efficiency and cost effectiveness. This system does not in itself increase the total amount of revenue derived from rates. That is a revenue target set annually by the Government. In line with our commitment, we will restrict the overall increase in rates revenue to the forecast CPI increase of 3 per cent used in the 1996-97 forward estimates.

Members will recall that in 1994 the previous Government conducted a rates review. One of the key recommendations of that review was that, in order to reduce the volatility of the rates system, a three-year average of unimproved capital values should be considered. On coming to government last year we commissioned a further rates review with a brief to consider more radical changes to the system. The recommendations from that review included the introduction of a fixed charge payable by all ratepayers, to raise up to 50 per cent of rates revenue, to reflect the cost of providing services. The consultant's recommendation was rejected on the basis that it would lead to big increases in rates liability for ratepayers with property values at the lower end of the scale.

Indeed, the consultant's proposal resolved only part of the problem while creating further inequities in the system. To provide stability and certainty, the Government's policy in the past two years has been to simply apply a CPI increase to every ratepayer's bill. This approach was rejected by the Assembly for the 1997-98 rates situation. The Assembly has asked the Government to bring forward an alternative rating system.

Mr Speaker, the system that the Government is now proposing has the following key features: A fixed charge; an ad valorem charge based on unimproved valuations; a rolling three-year average of unimproved property values which will apply to both rates and land tax liabilities; a threshold to apply to property values; and separate revenue targets for the residential and non-residential property sectors. I will briefly address each of the key features.

The fixed charge of $220 partly reflects the cost of a wide range of services that are provided to all suburbs in Canberra. These include waste management, roads and traffic signals, local parks, streetlighting, stormwater and drains. The amount of $220 is significantly lower than the average cost per property of providing these services. The fixed charge also reduces the amount of the rates bill that is based on the property value, and hence reduces the potential for fluctuations in rates liabilities from year to year. It will not apply to rural properties, in recognition of the lack of direct services provided to these ratepayers.

The adoption of rolling three-year averages of unimproved valuations, as recommended in the 1994 rates review, acts to further reduce annual fluctuations. The introduction of a rates-free threshold means that the ad valorem component of rates is paid on only the amount of the valuation above the threshold. For example, a property with an unimproved value of $60,000 would pay rates on only $41,000, plus the fixed charge. The rates-free threshold makes it possible to protect owners of lower valued property from the adverse effects of the introduction of the fixed charge. This addresses the key problem with the recommendations from the 1995 rates review.

Mr Temporary Deputy Speaker, the exposure draft I am tabling today also introduces separate revenue targets for residential and non-residential sectors. This will stabilise the amount of revenue contributed by each sector annually and will put an end to the trend of recent years where the residential sector was shouldering an increased share of the rates burden. In 1997-98 the residential sector will contribute 85 per cent of total rates revenue and the non-residential sector will contribute 15 per cent. In recent years this ratio has moved from 80 : 20 to the current 85 : 15. We believe it is time to stabilise that trend in the interests of equity.

To illustrate the impact of the proposed system, tables providing suburb-by-suburb comparisons have been modelled by the Office of Financial Management. These tables compare this year's average rates with the proposed system, a flat CPI increase, and a return to the old system that applied under the previous Government. Two important points need to be made about this comparative exercise. The notion of capacity to pay, as reflected by higher property values, still has an influence under the proposed system. Where property values have risen, rates rise by more than the CPI, as in North Canberra. However, the degree of volatility as compared to the old system is

markedly reduced under the impact of the combination of a fixed charge and rolling three-year variations. Under the old system that change in average rates liabilities varies from an increase of 18 per cent, or $346, in Reid, to a reduction of 21 per cent, or $139, in Spence. Under the proposed system this range narrows down to an increase of 10 per cent, or $188, in Reid, to a reduction of 8 per cent, or $52, in Spence.

It is the Government's view that, given that the level of municipal services varies little from year to year or suburb to suburb, it is not equitable to have rates in one suburb jump by 18 per cent and rates in another suburb drop by 21 per cent. That is why we have sought to come up with a system that narrows that range of variations, while still being progressive and reflecting capacity to pay. The Assembly, of course, rejected the Government's original proposal of a straight CPI increase, which we would argue was also equitable and progressive.

Mr Temporary Deputy Speaker, as I have outlined, the proposed system is markedly different from the way that rates have been previously assessed. There has already been extensive community consultation on the issue of rating systems during each of the two rates reviews which I referred to. This proposal draws on the outcomes of both of those reviews. However, it is being introduced as an exposure draft in order to give members of the Assembly and the community adequate time to fully examine the proposal before it is debated in the autumn sittings.

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

BELCONNEN SOCCER CLUB
Ministerial Statement and Paper

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): I seek leave to make a ministerial statement about section 71, McKellar.

Leave granted.

MR HUMPHRIES: I thank members. Mr Temporary Deputy Speaker, I want to make a statement and table a document in response to a number of issues raised in correspondence with the Assembly's Standing Committee on Planning and Environment. The correspondence concerns the current public environment report which has been lodged in relation to the proposed grant of a lease over part of section 71, McKellar to the Belconnen Soccer Club. The statement I am making now has been prepared in response to a letter I received from the chair of the committee, Mr Moore, seeking an opportunity for the Assembly to debate the proposal before I make any decision on the public environment report.

The background to this proposal is that on 16 September 1994 the Belconnen Soccer Club applied for a lease over part of section 71. On 15 March 1995 a preliminary assessment was triggered and the former Environment and Land Bureau was designated as proponent. That was because the land presently is unleased. The Belconnen Soccer Club prepared a preliminary assessment, which was notified for public consultation

in August 1995. One hundred and seventy comments were received, and on 27 September 1995 it was determined that further assessment would be required in the form of a public environment report. The directions said that the public environment report should address potential contamination across the site, potential noise impacts, traffic and parking, and the appropriateness of the scale of the development. The directions also stated that a round table conference should be convened to consider the findings of the studies.

As part of the process of ensuring a clear understanding by all parties of the extent of the scoping, a round table conference was convened. Apart from the proponent, the conference included representatives of the Belconnen Soccer Club, the Conservation Council of the South-East Region and Canberra, the Belconnen Community Council, the Ginninderra Wetlands Care Group and the Concerned Residents Network. This earlier round table conference met on four occasions between November 1995 and January of this year. Its meetings were characterised by a high degree of acrimony and, rather unusually, by a failure to identify common ground between the various parties. The process ultimately broke down without any consensus having been reached.

In the light of the concerns raised by residents' representatives and, I might say, against the wishes of the Belconnen Soccer Club, I wrote to the proponent expanding on the original scoping and asking that the public environment report also address a number of other issues. Those were water quality impacts, wetlands impacts, leasing of an alternative block of land for the purpose of providing a sports facility, socioeconomic impacts, lighting impacts, convenience of access to the site of public transport, health impacts and open space impacts. A public environment report addressing each of these issues was prepared by Gutteridge Haskins and Davey on behalf of the proponent, that is, at ACT Government expense. The additional work cost approximately $70,000 and was lodged with my delegate on 8 November this year.

Mr Temporary Deputy Speaker, under Part IV of the Land (Planning and Environment) Act I am now required to seek further information or revision of the work within 42 days after the report was lodged, or to complete a statement evaluating that report within 56 days. My delegate convened a round table conference on the report on 28 November and, while there was no consensus achieved, I now have a comprehensive report of the issues raised by the various groups represented there. My evaluation must include an assessment of the adequacy of the report, a statement of any environmental impacts which I identify, reports of the round table conferences, and my recommendations for any conditions subject to which the proposal might be approved. This is a statutory process and will involve my absorbing and responding to a great deal of complex and technical information. The process will also involve my making judgments about the adequacy of the various technical studies in identifying and responding to potential impacts.

It is in this context that some of the community groups involved have sought to pre-empt my decision by direct involvement of the Planning and Environment Committee. I have been asked to make a response to the matters raised by various parties to the committee. I have agreed to table a response prepared by my officials, in the hope that it will lay to rest some of the more extreme claims by some groups involved in the process.

Mr Temporary Deputy Speaker, I have just tabled that response by officials to the issues raised. I circulated that to members of the Assembly over lunch in order to allow a debate to occur today on the issues raised in that paper and in the statement.

I have not yet made a decision in respect of that public environment report. The report is a complex document and I received it only in the last couple of days. I have yet to read parts of the documents prepared. I will indicate, Mr Temporary Deputy Speaker, that I believe a decision is warranted on this matter very soon. The application to issue a lease on that site was originally made more than two years ago. Exhaustive public consultation processes have been engaged in in respect of that site, including a preliminary assessment under the Land (Planning and Environment) Act and a public environment report. The latter has cost the taxpayer some $70,000. I believe that, while a large number of issues have been raised in response to that report, it is now appropriate for a decision to be made on that report, and I urge members of the Assembly to indicate their views on the appropriate course of action which the Government might take.

I will indicate to members that my preliminary view is as follows: That the club has demonstrated to the required extent that the proposal will not have an unacceptably adverse impact on the environment or on the amenity of people living in that part of Belconnen. I indicate that my inclination, on the basis of what I have read so far, is to accept the thrust of the environment report and to grant the lease to the club. However, I remain anxious to hear the views of members of the Assembly, as requested by the Standing Committee on Planning and Environment, and I look forward to comments made by members in that context. I move:

> That the Assembly takes note of the paper.

MS McRAE (4.01): The process we are involved in today is a little unusual because it did involve a request in the middle of a process for the reassessment of this decision that is to be made by the Planning and Environment Committee. In addressing the issues that Mr Humphries has raised today, I want to talk about what I will be saying, first of all, to the Planning and Environment Committee and then in regard to this issue in general.

We have been lobbied fairly thoroughly to take this on as an inquiry to ensure that the process has been a fair and open one and to ensure that the best possible decision is going to be made on the basis of the information before us. What we found ourselves with was a series of contradictory claims, a whole lot of open-ended questions with things that were not quite clear, from a series of letters that the committee had received, that Mr Moore had received separately, that I had received and that the Minister had received. So the committee undertook to send all that back to the Minister so that we could be absolutely sure of the facts before any final decision was made. In fact, as I understand the process, today will be an airing of whether committee members are willing to take it on as an inquiry, first up, and then also an airing of our general party views about the proposal thus far, which, as I say, is an unusual process, because, in the normal course of events, these things have their own process of preliminary assessments which go public, further PER reviews, and other avenues by which the Minister can gather information before making a decision.

I want to put on record that the people who have been lobbying me have been doing it in good faith and with a great deal of concern for their own community both in the short term and in the long term. I in no way disrespect their views or take lightly what they have brought before me. I think it is quite fair that they tested the possibility of putting this sporting venue in a series of other places. There were actually 19 that were mentioned. They tested with a great deal of strength all the matters that were of concern to them. This was done in a round table discussion and then by way of instruction, and further followed up in the preliminary environment report. I did find that their arguments were compelling. Their concerns were very genuine and were driven by an interest in both the immediate impact of this proposed development on McKellar and the surrounding streets of the suburb and the long-term impact potentially because of the capacity for the site to grow. I respect their views. I found that they were acting, quite clearly, in the best interests of their neighbours and the rest of Belconnen.

I think it is also important to put on record that the context within which McKellar residents are working towards getting a good outcome for this site is one which is complicated by the traffic arrangements around McKellar. One of the roads has become a reasonably major arterial road to Gungahlin, so for people coming into and out of McKellar there is a level of frustration already being experienced which I believe spills over into the anxiety about the soccer site. They are already dealing with traffic problems. Those traffic problems will be relieved in time as decisions are made about John Dedman Parkway and Owen Dixon Drive, as the further road development is going ahead there. I believe that that is one of the complicating factors in the current decision, because people are already experiencing a level of difficulty that perhaps the rest of us do not experience.

However, having seen their concerns and having attended quite a few public meetings and been part of this process, I think that the Minister and his advisers have acted with great sincerity and a great level of care to follow up each of the concerns that have been raised and now have produced for us in writing a response, not only in amplification of what was already in the PER, but following through a different range of issues which came on board after the PER was completed. I have read this response. I think it allays my concerns. I am sure it will not allay some of the people’s concerns, and I respect their right to retain their anxiety; but I think, given that this level of work has been undertaken, that each of their concerns has been taken seriously and in writing, and I think there should be no further impediment placed to the Minister granting this lease.

The site was originally proposed to take a 12,000-seat capacity. That seemed to me to be the basis of the greatest level of concern and anxiety within the community. It is now to stop at 6,000. The parking capacity within the site is well and truly large enough to contain most of the traffic. The other anxieties that the community has about the movement of traffic, I think, will be allayed in time, as I said before, by the further roadwork development that is proposed, but also by the great care which the proponents of the project are taking in terms of responding to the concerns that have been raised.

One accusation that was made and that I thought from the beginning was perhaps a little unfair was that the PER was biased towards the proponents. My reading of it did not yield that. I think further examination of the further evidence presented has shown, as much as possible, that a very fair, analytical and thorough account has been given of the responses to the concerns that have been rightly raised by the residents of McKellar and other people in Belconnen.

I know that a numbers game is going to be played with petitions. I am aware that there was some level of activity this morning about 600 signatures that have been gathered. I want to put on record that we have added up all the other signatures that have been gathered for the proposal, and there are at least 1,000 that are for it. This numbers game could go on forever and I do not think it sways the decision that is being made. I think there is clearly a support for the project which is warranted. I think a need for the project has been demonstrated. As much as the Minister can, with the support of his advisers through the bureaucracy, he has genuinely, openly and thoroughly responded to each of the concerns that have been raised. I recognise that there will be people who are still anxious; but I do think, on balance, that there is neither a need for further inquiry by the Planning and Environment Committee nor any further need to make other demands of the Minister in regard to this site.

I think that in the long run this will be an initiative that will be greatly applauded by a great many people in Belconnen. It is situated in an excellent place to service outer Belconnen - Fraser and Charnwood and the outer areas. Also, the roads that bug people are the very roads that are going to be extremely good for the site because it is at an intersection and will deal, in the short term, with a lot of the needs from Gungahlin as well as outer Belconnen, and in the long run it will be a facility that is well overdue for Belconnen, as anybody who has used the Hawker site is well aware of. It will produce an excellent sporting facility for futsal players, God help me! Having said something in support of futsal, Mrs Carnell, are you listening? It will be really good for futsal. It will be excellent for soccer. It will provide a recreational facility which is much needed. It will provide comfortable stadium seating for parents who have long suffered on the verges of the Hawker oval, and the licensed club will provide entertainment and a pleasant place for adults to meet and spend time.

I think some of the future hopes of the club are grandiose and likely never to be realised, but I applaud them for their vision and their longer-term plans. I do not think it is wrong for a club to want the very best and the very biggest for their own particular sport. I will be the first one to eat my hat if some of the claims ever come through, because some of them are grand beyond expectation; but I think that is more to be applauded than to be condemned. Having now seen the care with which the concerns have been dealt with, I sincerely hope that any further concerns can be dealt with and the lease can be finally let.

MS HORODNY (4.11): Mr Temporary Deputy Speaker, I have some concerns about the process used to assess the environmental impact of this proposal. I have to question whether the public environment report that has been produced can really be accepted by the Government as fully meeting the requirements of the Land Act. It is a shame that Mr Humphries is not here to listen to the response.

Mr Moore: He is, actually.

MS HORODNY: Is he? Okay. I am doubtful whether the PER meets the scoping requirements agreed at the round table conference and included in Appendix A of the PER, and also the regulations under the Land Act which prescribe the general matters which must be covered by a PER. We need to get back to the basics and look at what should actually be assessed here.

The Belconnen Soccer Club has requested from the Government the grant of a lease over section 71, McKellar, for the purpose of building an enclosed soccer stadium for at least 6,000 people, a sports hall big enough for four futsal courts, a licensed club of 2,500 square metres, two training fields, and a car park for over 1,000 cars. The decision that is being assessed is whether a lease should be granted. The proponent for the environment assessment is not the Belconnen Soccer Club, but the land allocation section of the Department of Urban Services. Surely it is the responsibility of the Department of Urban Services to look a bit wider than at just what the Belconnen Soccer Club wants to do with this site and to look, in fact, at the potential use of this site in terms of what would be in the best interests of Canberra as a whole. The fundamental questions that you would think that Urban Services should ask are, firstly, whether there is a need for a sports facility of this large a scale in this part of Canberra; and, secondly, if there is a need, whether this is the best site for it and whether there are better sites. For example, I understand that National Soccer League games have started to be held at Bruce Stadium. Given that this is the type of game that the Belconnen Soccer Club was hoping to attract, perhaps the building of a larger special purpose soccer stadium in Canberra would be redundant.

The third question is whether there are other potential uses of the McKellar site that could not proceed in the future if it were given over to soccer, and perhaps a smaller-scale public playing field might be more appropriate. It certainly would have a much lower impact on that area. When you read the regulations under the Land Act which prescribe what should be covered in a PER, the emphasis is on the assessment of alternatives. It is always difficult to determine absolute measures of environmental impact; but it is possible to look at the relative impacts of different options or measures to achieve a particular end, and that is why the consideration of alternative approaches should be important to the assessment process.

When you read the PER you get the distinct impression that it could have been written by the Belconnen Soccer Club. It is all about the soccer club's requirements and how these can be met on the McKellar site and no other. There is very little discussion of the broader planning questions that I have just gone over; nor is there a comprehensive assessment of alternative sites; and there is no discussion of possible alternative uses of the McKellar site. The Canberra community is given the choice of either a huge soccer stadium on the site or nothing.

Apart from these broader concerns with the PER process, there are technical aspects of the PER which I have some concerns about. I do not think the assessment of the parking impact has been adequate, particularly the situation when all the proposed facilities on the site are operating at once. There is also an assumption that people will actually use the parking facilities as provided, but the residents of O'Connor know full well that when football games are being held at Bruce Stadium people still park on the streets of O'Connor, right along Dryandra Street and even further down, which are quite long distances from the event. They park there because it can be more convenient just to walk across the hill rather than deal with the traffic when the game ends.

The noise impacts from sporting events are also not adequately addressed. The PER bases its assessment on a comparison with one study of an Australian rules football match at an oval in Perth in 1992. That was at the Subiaco stadium. Surely there must have been better ways of assessing the potential noise levels. It seems totally inadequate to base it on one other event. The closeness of the site to Lake Ginninderra and the low-lying nature of the site would indicate that water drainage and export of pollutants and the protection of the ecological values of the surrounding open space could be major issues; yet I do not think these aspects have been given serious enough attention in the PER.

It is interesting to note that, under section 123 of the Land Act, the Minister is supposed to direct the proponent about the matters to be included in the PER and relative emphasis is to be given to each matter. However, in his notice in the *Gazette* on 29 September 1995 the Minister did not give any indication of the relative emphasis to be given to different aspects of the assessment. It would be good if the Minister addressed that next time he makes a statement on this issue. I note that the Minister has the power, under section 130 of the Land Act, to request the proponent to revise a PER, and I hope that he uses this power to force a more comprehensive assessment of the soccer stadium proposal.

I would like to use this opportunity to say that I am not suggesting that the McKellar site should not be developed. Obviously, something needs to happen on that site. Areas of that site have been used as a waste dump in the past and it certainly needs to be cleaned up. The natural drainage lines into Lake Ginninderra and the wetlands area also need to be rehabilitated and protected. Local residents would also benefit from being able to access this site for recreation. It is more a question of determining the type and scale of development and ensuring that the environmental impacts are minimised.

We do not believe that just accepting the Belconnen Soccer Club's proposal in its entirety is necessarily in Canberra's best interests. I have to say that I am disappointed in Mr Humphries as the Minister for the Environment because I do not believe that he has a very good understanding of the environmental implications here. I think there are serious issues that need to be addressed in having a Minister who is responsible for planning and the environment. I think there are serious considerations there because the Minister takes on planning issues without considering issues of the environment, and that is a real shame.

Earlier today I heard Mr Humphries talking about the Telstra sale and how good that will be for the environment and how good that will be for Landcare. Mr Humphries, you need to understand that Landcare is also about water care and about bush care. There are real issues about the watertable on this site and the Ginninderra catchment generally. I think you need to go back and take a good look at those issues and perhaps listen to the people who do have concerns. I do not think you have taken those issues on very seriously as Minister for the Environment. Perhaps you could take off your Planning Minister's cap, at least for five minutes, and put on your Environment Minister's cap, because I think there are issues there that you have neglected to look at.

MR MOORE (4.20): As chair of the Planning and Environment Committee, I have taken quite some interest in this issue. I have been approached by a large number of people in Belconnen from the soccer side of things and also residents who are setting out to protect their amenity. One factor that cannot be missed, and is not missed by any of those people, is that the site was originally set out and signposted to be used as a sporting facility. To be fair to everybody there, I do not think anybody is debating that. What is being debated is the size. What happened in the initial instance was that many people believed that the proposal was going to be a proposal to cater for in the order of 12,000 people. What has been made very clear, as part of the negotiations, is that that has been reduced to 6,000 people. There is a concern there in regard to protecting residential amenity.

Our committee has expressed that same concern on a number of occasions. Our leasing system in the past has not been able to protect an area because of its failure to police leasehold. This is an issue that we have raised with the Minister on a number of occasions in our reports. I guess there is still a concern there. There are also a number of other concerns about the proposed development, but nobody that I am aware of is saying that the site should not be developed. I just heard Ms Horodny say in her speech that she also is not saying that. It is a question of scale and how it is developed. The committee, in dealing with this, decided not to take the issue on for consideration but rather to write to the Minister prior to a time when we would consider taking it on. We decided to write to the Minister and say, "These are the concerns that have been raised with us. What is your response to these concerns?". Today Mr Humphries has drawn our attention to the way those concerns have been addressed. He was kind enough this morning to distribute to members a response to the issues raised in correspondence to the Planning and Environment Committee, and I appreciate that.

When I looked through that response over lunchtime I felt that we were going to achieve very little extra by having the committee now take this issue on for consideration. Ms Horodny has raised a number of issues, some of which I agree with and some of which I disagree with. If we were to take it on, I believe that all we would be doing is creating a false hope for members of the community. I had the same view, I must say, with reference to the Chisholm Revival Centre church. I had some concerns about whether it was out of scale with the surrounding suburban areas. In the end I felt that, if the committee took it on, we would create a false hope that there was going to be a different outcome, and we would put the community through a great deal of anguish in raising issues that already had been raised. Referring particularly to McKellar, these concerns already have been dealt with by the Minister. All that creating false hopes does is extend the agony, and I am not prepared to be part of that.

I believe that the Minister's responses this afternoon are largely adequate. They are adequate enough for me to say that there is nothing that is going to be achieved by having this matter referred to the committee and the committee studying it in detail. I know that there are a number of members in this Assembly who do not necessarily work just to outcomes. They are quite comfortable dealing with processes much more than outcomes. That is my perception of the way they work. I prefer to have a look at the outcomes and put the effort in where I think I can make a difference.

As far as this goes, I thank the Minister for his response, and basically I have accepted that the committee will not look into it further. The responsibility falls where it actually belongs, on the Minister, and he has to make his decision based on the evidence that is before him. I hope that his decision is enhanced by the questions that the committee asked him to respond to, because he has more evidence before him. It may well be that, as a result of the issues raised by Ms Horodny, Mr Humphries also asks for further pieces of information that address some of those extra issues that have been raised by Ms Horodny. In the end the decision is with Mr Humphries and the Government, and that is, I think, the appropriate place for it under these circumstances.

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation) (4.26): As one of the members for Ginninderra, and also as the Sport Minister, I welcome this project. This project had its genesis a long time back, some 13 or so years back. I have seen the signs there for that period of time as I have, on occasions, driven past the site.

The proposal for the construction of an enclosed oval and club at McKellar was first put forward in 1985, and the development is consistent with the very long established land use policy for the site. Apparently, the NCDC asked the Belconnen Soccer Club to prepare a development plan for the McKellar site in 1986, after a 1983 application to lease the Hawker oval was rejected by the ACT administration. My friend and colleague Mr Hird apparently was one of the driving forces behind all that that long ago, so he knows a lot about the history of these things. I understand, Mr Temporary Deputy Speaker, that the first concept plans were submitted to the Government in 1987. Certainly, the Belconnen Soccer Club has never made any secret of its plans. Once the plans were prepared in 1988 they were circulated to households in the North Belconnen area.

The Belconnen Soccer Club, established some 25 years ago, opened its licensed club at Hawker 16 years ago. It has a significant current membership of over 3,000 and a significant asset base. It has poured a lot of money into local soccer over the last 10 years and has done very well in recent times by winning the first grade premiership and a number of other premierships at senior levels. It has provided support facilities for a wide range of community projects and institutions over the years, apart from soccer, including such sports as hockey, golf, darts, basketball, weight-lifting, cricket, individual sportsmen and sportswomen, and girls and boys representing the ACT and Australia. It has also supported community organisations such as Calvary Hospital, the University of Canberra, Cranleigh Special School, Evatt Primary and Belconnen High, and has provided a home base for Rotary, Lions, View and other community groups. It is very much a community club.

The proposal complies with the Territory Plan. The site is an old builders' spoil tip and its potential uses are, in fact, very limited. That is something Ms Horodny should think a little bit about. Its land use is really very limited. The land use policy for the site was established as being for clubs, community uses and sportsgrounds, and it was signposted more than 10 years ago. The club's proposals are entirely consistent with the policies of the Territory Plan.

Mr Temporary Deputy Speaker, a number of delays have occurred, a number of things have happened over the years, and a number of proposals have been put forward. Some delays initially occurred due to road gazettal and adjustment of fill levels, which took the project through to about 1992 and was actively promoted by the club. A new development plan was lodged in September 1994 and this has been the basis of negotiation since that time. This facility essentially involved the construction of an enclosed oval, at that stage seating up to 12,000, a licensed club and ultimately an indoor sporting facility. The adjoining district playing field site was to be developed to provide open training fields.

This proposal has been through extensive evaluation by planning agencies and has been subject to an exhaustive process of public consultation, moving through several stages. There has remained a very vocal but apparently reasonably small group of residents who have consistently opposed the project. This has forced the PALM group and the Department of Urban Services to take the process to the current stage of preparing a public environment report. I commend my colleague the Minister for the Environment on a very thorough process in terms of assessing concerns. It is a thorough process. A lot of work has been done in relation to this site. The club, quite sensibly, has addressed the main problem, and that was that 12,000 people might have been too many and 6,000 was more realistic. From what I can gather, the main concern of local residents, and a realistic one too, was a fear of parking problems. That, I think, has been addressed by limiting the seating to some 6,000. The club's proposal has been modified to that extent in deference to the legitimate community concerns. The most significant change is to reduce the oval's capacity to 6,000.

The project is to include a licensed club of up to 2,500 square metres and up to 12 accommodation units, primarily for visiting sporting teams. I think the project can be seen as a valuable enterprise on the part of sport to provide quality facilities. It will provide an enclosed oval, two training fields and, later, an indoor sports centre for both the proponent, soccer, and other sectors of the sporting community. All of this is to be carried out at no recurrent cost to government, although I understand that some assistance may be sought through SLISS, the sports loans interest subsidy scheme. It is primarily a proposal funded by the Belconnen Soccer Club. Figures in the range of about $13m to $15m are spoken of here. That is a considerable amount to be spent by that club to the benefit of the community.

Canberra has a number of very good facilities. We have a number of enclosed ovals which quite comfortably can take 1,000 to 2,000 people, seated and standing around. When you look past that, what do we have? We have Manuka and Phillip, which can take probably about 10,000 at present, seated or standing, and then Bruce Stadium, with about a 25,000-person capacity. This proposed oval will fill a niche we have at present

in Canberra. It will take 6,000 people. It will be a very welcome addition to the Canberra sporting scene. It will benefit not just the Belconnen Soccer Club and local soccer. It will benefit not only the people of Belconnen. Quite clearly, they will largely benefit from this. It also will benefit the wider Canberra sporting community. It will be a very valuable asset.

Mr Speaker, the legitimate concerns of residents have been taken into account as a result of the exhaustive studies and the consultation process that the Minister has gone through. Those concerns mainly centred around parking. Mr Hird, who on a daily basis in this Assembly has been handing in petitions from people in favour of the proposal, has handed me a letter. It is from people who live opposite the proposed site and they say:

> The site in question has been a wasteland for far too long. Already our eldest child has grown up without any local amenity. This is something we will always feel angry about.

They went on to say that the concerned residents group did not represent their views and were people who mainly feared parking problems and excessive noise. They said that the issues of noise and parking were important and should be addressed, but they believed that the project had many benefits that far outweighed those inconveniences. I think the issues of noise and parking have been addressed by the Minister and by the revised proposal by the Belconnen Soccer Club, and addressed very adequately indeed. This letter went on to say what a great facility it would be for the young and for everyone in that immediate area. I am certainly inclined to agree with that, Mr Speaker.

I think there is absolutely no point in delaying this any further. This has been in gestation since before 1985. Probably it goes back to 1983; but certainly, in terms of this particular proposal, it goes back to 1985. How much more discussion do we need? I think all the relevant checks and balances and controls have been put in place. The issues have been looked at, and looked at again in a very detailed way, especially in the most recent process which the Minister has gone through. This quite clearly satisfies the legitimate concerns that any residents might have.

Mr Speaker, I think we need to note that a large number of residents have always been very keen to see this proposal go ahead. I think the legitimate concerns of those who had qualms about it and those who might have opposed it have been addressed. You are never going to satisfy everyone. There will always be a small minority, I think, who will continue to oppose anything even though the real concerns have been addressed, and I believe they have been. I think most people who had some initial concerns about this will have had their fears allayed.

Ms Horodny talked about the old tip ground not being suitable. It is not suitable for too much, but I seem to have read somewhere, or heard from an environment expert, that this proposal to make this into a sportsground will tend to lead to less seepage into Ginninderra Creek and Lake Ginninderra. I would imagine that all those environmental concerns were well and truly looked at by my colleague’s department, and I am aware of some positive environmental effects from the building of such a ground.

The main issue was the parking, and that has been addressed. I think it is time now to get on with this project. I think it will have immense benefits for the Territory as well as for the residents of Belconnen. I commend the Belconnen Soccer Club for its initiative. I also commend my colleague the Minister for his detailed analysis of this, which has brought us to this point on what will be, I think, a most valuable resource for the whole Canberra community.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.36), in reply: Mr Speaker, I am very grateful to members for their comments on this matter, and they will be of assistance in making a decision next week. Most members have been supportive of the issuing of the lease, but Ms Horodny has been critical of that proposed decision. I will look at the issues raised, particularly by Ms Horodny, before making a decision. I should indicate to her that a number of issues need to be examined carefully. This is not a decision which is all black and no white, or all white and no black, depending on your point of view. I do not think any decision which appears to be straightforward is one that is likely to engage debate on the floor of this Assembly on any occasion, and this is no exception.

Mr Wood: Mr Stefaniak has made the decision for you.

Mr Stefaniak: I just support going ahead, Bill. It is fairly simple.

MR HUMPHRIES: Mr Stefaniak has been very forthright in his support. I think it is interesting to note, Mr Speaker, that the members for Ginninderra have not been afraid to speak in this debate. There is a cost to be carried by them if the proposals are approved by the Government, and I appreciate the forthrightness of those members on both sides of the house.

I want to make one brief response to one of Ms Horodny's comments. The suggestion, essentially, was that being a Planning Minister means that on occasions such as this I cannot be Environment Minister. I find that a very odd suggestion. It could equally be said that if I am the Environment Minister I cannot really be the Planning Minister; that my Environment Minister's hat would somehow displace my Planning Minister's hat and it would mean that I would not approve an application such as this. The whole point, Mr Speaker, of every government in the Assembly, I think, having given the planning and environment portfolio to the same person is that you can integrate issues of planning and development with issues of management of the environment. That is the approach that the Government intends to take on this issue as well - not to approve development for the sake of it if that comes at the expense of the environment, and that will be a very critical issue in this decision. I can advise members that, having taken the comments on board, I will be in a position to advise the Assembly next week of a decision on this matter.

Question resolved in the affirmative.

ABORIGINAL RECONCILIATION
Vision Statement

MRS CARNELL (Chief Minister) (4.38): I ask for leave to move a motion relating to Aboriginal reconciliation.

Leave granted.

MRS CARNELL: I move:

> That this Assembly:
>
> (1) re-affirms its commitment to the goals and processes of Aboriginal reconciliation and the importance of reconciliation to the future of the nation;
>
> (2) endorses and shares the vision of the Council for Aboriginal Reconciliation which was originally adopted by the Second Legislative Assembly on 20 April 1994;
>
> (3) consistent with paragraph (e) of the Preamble to the *Council for Aboriginal Reconciliation Act 1991*, calls on all Australian governments to accept an ongoing national commitment to address Aboriginal and Torres Strait Islander disadvantage and achieving their aspirations and to agree to set down benchmarks by which to measure the performance of all governments in honouring their commitment;
>
> (4) welcomes the Council for Aboriginal Reconciliation's intention to convene an Australian Reconciliation Convention in Melbourne in May 1997 on the 30th anniversary of the 1967 Referendum to consider the benefit to the Australian community as a whole of a document or documents of reconciliation between the Aboriginal and Torres Strait Islander peoples and the wider Australian community; and
>
> (5) undertakes to support the work of the Council for Aboriginal Reconciliation in the fulfilment of its obligations under the Act.

Mr Speaker, in my speech earlier, I went over most of the issues involved in this motion, and I thanked Mr Whitecross for his help in putting together a motion that covers all the issues we need to cover. I also indicated that Mr Whitecross had alerted me to the words Pat Dodson had put forward as being words that he believed were appropriate for this motion. I have added to those the words from the initial motion that was passed in this Assembly over 30 months ago. I do not believe that there is anything else I need to say about this, except that I believe it is absolutely central to the community in the ACT for us

to continue to work to ensure that Aboriginal reconciliation is of real importance to our community, not just about lip-service but about reality. Certainly, that is the approach this Government will continue to adopt, and I believe, as I said earlier, that it is to the credit of this Assembly that it is an approach the Assembly as a whole has always adopted, certainly in my time here.

MR WHITECROSS (Leader of the Opposition) (4.40): Mr Speaker, it gives me pleasure to speak to this motion. I commend the Chief Minister for her initiative in proposing this motion today. I am glad that she and I were able to work together to come up with a set of words that appropriately express the sentiments of people in this place about this issue. The words of the motion are, as Mrs Carnell indicated, words that parliaments were encouraged by the Council for Aboriginal Reconciliation to use in reaffirming their commitment to the reconciliation process, and I think it is a sign of the maturity with which these issues are viewed in the Assembly that we have been able to listen to the encouragement of the council and its chairperson, Pat Dodson, and adopt his words in this motion today.

The vision statement of the Council for Aboriginal Reconciliation says that its aim is to achieve "a united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage, and provides justice and equity for all". Patrick Dodson, in a speech earlier this year to the National Press Club, put this in another way. He said that Aboriginal reconciliation "must mean some form of agreement that deals with the legacies of our history, provides justice for all and takes us forward as a nation". I think that notion of taking us forward is fundamental to understanding Aboriginal reconciliation, because Aboriginal reconciliation is a process. It is not a concept or an idea; it is not a proposition we can all agree with. It is a process of bringing us together and taking us forward as a nation.

Sir William Deane, the Governor-General, during the inaugural Vincent Lingiari Memorial Lecture to the Northern Territory University, referred to these steps as signposts. He identified, using the example of Gough Whitlam's 1975 return of land to the Gurindgi people at Daguragu, eight signposts. These were acknowledgment of the past; recognition of the need for redress; Aboriginal right of choice; the heart or spirit of reconciliation; representation of the relevant parties; recognition that reconciliation can progress even though there are things that remain undone; consensus about how we move forward; and some formal ceremony or recognition of what we have achieved at each stage in the process.

These steps need to be understood and supported and to be actively promoted. It is important that Australians not only understand that Aboriginal reconciliation is a process but also understand the steps and support those steps. Governments play an important role in promoting the steps of Aboriginal reconciliation and so do parliaments. The Federal Government has done this through the Council for Aboriginal Reconciliation. The ACT has played its part, under both the current and the former governments, through the Aboriginal and Torres Strait Islander Advisory Council as one step in that process.

It is not the role just of governments to promote and support Aboriginal reconciliation, however. Individuals also play an important role. As Patrick Dodson says:

> Reconciliation can mean different things. It might be as simple as a handshake with your Aboriginal neighbour, or, more broadly, better relations between indigenous communities and other Australians in all the places we share across this land.

There are important principles to be understood in considering the process of Aboriginal reconciliation. As the Council for Aboriginal Reconciliation says, we have to understand the importance of land and sea in Aboriginal and Torres Strait Islander societies. We need to work constantly to improve relationships, to value cultures, to share history, and to recognise that, in sharing history, our understandings and our experiences of that history have been different.

For some of us, that history has been a history of progress, and for others, at times that history has been a history of suffering and disadvantage. We have to consciously and deliberately address disadvantage if we are to advance the process of reconciliation. A specific way we have to do that is our continuing attention to the issue of addressing custody levels in our gaols. That is just one example of how we can advance the process of addressing disadvantage. We have to find ways of giving Aboriginal people and Torres Strait Islanders greater control over their destinies. ATSIC obviously plays a part in this at a Federal level, but there are things we have to consider at our own level.

Ultimately, we need to consider some formal ways of acknowledging the reconciliation process. Mrs Carnell has adopted Mr Dodson’s words in her motion, and clauses 3 and 4 in particular set out some ways in which we can move forward. They talk about setting benchmarks by which to measure the performance of governments in honouring their commitment to reconciliation and they welcome the intentions embodied in the Australian Reconciliation Convention to be held next year, which, among other things, will consider the benefit to the community as a whole of a document or documents of reconciliation between Aboriginal and Torres Strait Islander peoples and the wider Australian community. These are important issues that have been identified by the Council for Aboriginal Reconciliation, and I think it is a welcome sign that we in this Assembly can affirm the importance of those things and commit ourselves to them in the way set out in the motion.

The process of Aboriginal reconciliation has been going on for some time. It goes back to the referendum in 1967, to the handing over of the first land by the Federal Government to the Gurindgi people in 1975, to the decision to establish the Council for Aboriginal Reconciliation with bipartisan, unanimous support in the House of Representatives, and, more recently, to the passing of the Native Title Act in 1993 and other actions since then. This Assembly has always had a proud role in this matter. In 1994 the Chief Minister’s predecessor, Rosemary Follett, moved a motion committing the ACT Assembly to a process of constructive reconciliation between indigenous and wider Australian communities. In passing that motion, this Legislative Assembly became the first State or Territory parliament to pass a motion supporting the reconciliation process. As I understand it, that motion too was passed unanimously.

In moving forward, we have to acknowledge the past and we have to look to the future. A lot of progress has been made by the Council for Aboriginal Reconciliation in the last five years in starting a dialogue about reconciliation issues, crystallising issues and the path by which we can move forward. We are in an historic process now, and we can continue that process and build on the work the Council for Aboriginal Reconciliation has done or we can allow the recent so-called race debate and the remarks of people like the member for Oxley, Pauline Hanson, to pull us back. The environment we are in is one where it is fundamental that we renew our efforts and renew our commitment to keeping this process on track. The words proposed by the Council for Aboriginal Reconciliation, which we are considering today, are words they proposed in a context where they felt that the reconciliation process was under threat. I think it should be a source of encouragement that the forces for tolerance and progress in our community have striven to ensure that those negative forces do not prevail. But it is an ongoing struggle and a struggle in which we must all play our part.

Sir William Deane, the Governor-General of Australia, played a useful role in this debate when he spoke in August 1996 on the reconciliation process. He filled a leadership vacuum and helped to focus the Australian community on the importance of the reconciliation process. I think that leadership is leadership on which we all need to reflect and seek to emulate in our own way and in our own place. Governments and parliaments play a key role in the reconciliation process in ensuring that it is a process, not just hollow words, that is advanced. Each of us as individuals also play an important role. The racist overtones of the current debate must be resisted. All parliamentarians and all citizens have a role in showing leadership in this resistance. In the words of the Governor-General:

> ... reconciliation between Aboriginal and Torres Strait Islander peoples and our nation as a whole should be in the forefront of our national aspirations between now and the year 2001.

Mr Speaker, it is with pleasure that I commend the motion to the house.

MS HORODNY (4.53): The Greens are very happy to support this motion. I spoke recently in this Assembly about Aboriginal reconciliation when the Assembly passed the anti-racism motion Mrs Carnell put up a few weeks ago. I welcome Mrs Carnell's motion because I believe that it is critical for political leaders, as well as other community leaders, to voice openly and regularly their commitment to Aboriginal reconciliation. As well as speaking out about this important justice issue, we must act, both as a community and as individuals within the community, to ensure that reconciliation is not just about paying lip-service, not just about token actions. Reconciliation is about healing and it is about learning. It is also not about guilt. We hear a minority of individuals in our society very defensively making statements about guilt. Truly, there is no value at all in guilt. What is important is empathy, compassion, and a genuine willingness to understand and to listen.

Some three or four years ago, I had the privilege of camping on Cape York with the indigenous community at Cape Bedford for a period of seven to 10 days. The community is about seven hours' drive north of Cairns, so it is fairly isolated from the general community. I was given, in that short period of time, an amazing amount of information and knowledge about practices and the lives of the Aboriginal people.

Most of the information I was given came in the way of stories. There was general storytelling every day in various parts of the camp, and it was a real honour to sit and listen to the stories people told. I learnt a lot in that very brief period of time - obviously, only a tiny amount of what there is to be learnt. The elders in that community were very impressive. At the end of that week I had not just learnt the information that was given to me; more importantly, I had developed a much stronger sense than I previously had of what Aboriginal communities are about. I certainly learnt a bit about the men's and women's business and issues such as that that I had not really understood in any way before that.

I was very humbled by my experience, and I must say that I felt some reluctance to come back to Canberra and leave behind the people with whom I had spent that very important time in my life and who had in a very trusting manner given me so much of themselves and their customs and traditions. When I came back, I wondered why I had not been given any of this information or any of this learning as a child in school. I have spoken recently to a number of teachers in ACT schools and asked about the status of Aboriginal studies in the ACT schooling system, and it is disappointing, I must say. What I have gleaned from speaking to people is that those studies are not routine and they are not consistent across different schools. It appears to be up to the initiative of different teachers in different schools. That is a little disappointing, and I would like to see, perhaps as part of this motion, the Government take some further action to ensure that we get to a fundamental learning level on these issues and that schools right across the ACT have Aboriginal studies incorporated in their curriculum. I think it is essential.

Even though we feel that, as a society, we have moved forward and that we have learnt a lot about Aboriginal issues in the last decade, if there is not a commitment to ensure that young people in schools are picking up on those very important issues about culture and history and how Aboriginal people have fared in the past in this society, there is a danger that there could be people in our society who come through the system without knowing some of those fundamental things about Aboriginal history and society. We had the discussion about racism a few weeks ago.

Debate interrupted.

ADJOURNMENT

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

> That the Assembly do now adjourn.

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

Question resolved in the negative.

ABORIGINAL RECONCILIATION
Vision Statement

MS HORODNY: On the issue of racism, to make a case about racism towards Aboriginal people in particular, I can remember very clearly that when my parents came to this part of the country as migrants they were treated very poorly. Yet they were appalled at the way the general white community treated Aboriginal people in this part of the world, and that was only 30 to 40 years ago. So there is a lot to learn.

I do not think we should fear going back to the past; rather than feeling guilty, we should learn from what has happened in the past. I think it is important to remind people that reconciliation is not about making people feel guilty; it is about recognition of past atrocities and overcoming our problems with a genuine commitment - including resources and education, which I think is critical - to Aboriginal people and Aboriginal culture, not to be afraid to look at the past but to learn from it and as a society to grow towards total reconciliation.

MR MOORE (5.01): I spoke to this issue at length in the debate leading to the vote in the Assembly on 20 April 1994 and my position has not changed since that time. The views I expressed then adequately express my feelings and opinion on this matter. I think it is appropriate for me not to waste the Assembly's time by repeating, effectively, what I said at that time.

Question resolved in the affirmative.

FIREARMS BILL 1996

Debate resumed.

Detail Stage

Clause 1 agreed to.

Clause 2

MR HUMPHRIES (Attorney-General) (5.03): I move:

> Page 1, line 9, subclause (2), omit ", or respective days,".

I present the supplementary explanatory memorandum for this and other amendments I will be moving.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4

MS TUCKER (5.03): I move:

> Page 2, line 34, subclause (1), after the definition of "acquire" insert the following definition:
>
> "'active', in relation to a member of an approved club, means a member -
>
> (a) who, in the case of a club that includes amongst its regular activities the shooting of firearms, participates in an activity of the club that involves the shooting of firearms on at least 4 days in each calendar year; or
>
> (b) makes a personal contribution (not being a financial contribution) to the club in a manner and to an extent that satisfies the Registrar that he or she is an active member of the club;".

The point of this amendment is to ensure that only people who are genuine sporting shooters are eligible to get a licence. Following discussions last night, we have removed the part referring to collectors clubs. The areas where the definition of "active membership" will apply are target sport shooting and an application for a licence under the category of "recreational hunting/vermin control". In the spirit of the Australian Police Ministers Council resolutions, we are proposing that an applicant must demonstrate to the registrar an active involvement in the sport of shooting in order to be eligible for a licence. The intention of the Police Ministers Council resolutions is clearly that licences should be available only to people who are genuinely involved in the sport of shooting. It is simply not enough to be a member of a club to get a licence, and that was why we were concerned about this initial amendment.

My office in the last few days has taken a number of calls about our proposed amendments, and some very interesting arguments have been put forward - that we would have to build more shooting ranges, for example. That is basically an admission that many people who want to have licences will not be genuine shooters, which the Police Ministers agreed and this Assembly endorsed. Another argument is that you should be able to have a gun if you want a gun. This is also not the basis for the new laws. Quite obviously, the basis for most of the arguments is that these people do not agree with the Australian Police Ministers Council resolutions, so they are trying to get politicians to water them down.

Under the definition we are proposing, which is based on the South Australian regulations, to be an active member of a club it will be necessary to be part of a club which includes amongst its regular activities the shooting of firearms and that the member participate in a shooting activity of the club on at least four days in a calendar year, otherwise an applicant will be obliged to demonstrate to the registrar that he or she makes a personal contribution, not being a financial contribution, to the club in a manner and to an extent that satisfies the registrar that he or she is an active member of the club.

Other members expressed an opinion that six days was onerous, and we have agreed to amend that to four, so everyone is in agreement on that issue. As I said earlier, the amendment is based on the South Australian regulations, and we are happy that all members will support it.

Amendment agreed to.

MS TUCKER (5.07): I move:

> Page 3, line 18, subclause (1), after the definition of "ammunition" insert the following definition:
>
> "'approved club' means a club declared by the Registrar under section 14A to be an approved club;".

The definition the Greens are proposing for "approved club" is different from what was proposed. Rather than listing a number of groups, we are proposing to use the guidelines from the regulations in New South Wales. I believe that we also have agreement from all members on this amendment.

Amendment agreed to.

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

> Page 3, lines 19 and 20, subclause (1), definition of "authorised member", omit "a prescribed", substitute "an approved".
>
> Page 4, line 36, subclause (1), definition of "firearms dealer", omit "a prescribed", substitute "an approved".

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6

MR HUMPHRIES (Attorney-General) (5.08): I move:

> Page 9, line 13, paragraph (2)(e), omit "a prescribed", substitute "an approved".

Mr Speaker, I have not spoken to any of these amendments so far and I do not intend to speak to most of them. They were discussed extensively between members yesterday, and it will take quite a while to deal with this Bill if we discuss each of them. If members wish to debate them, I am happy to put forward arguments; otherwise I propose just to move the amendments.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 7 to 14, by leave, taken together, and agreed to.

New clause 14A

Amendment (by **Ms Tucker**) agreed to:

Page 11, line 22, after clause 14 insert the following clause:

"Approved clubs

14A. (1) The Registrar may, on application in writing by a club, declare the club to be an approved club.

(2) A declaration under subsection (1) shall be by notice in the *Gazette.*

(3) A declaration under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(4) The Registrar shall not make a declaration under subsection (1) unless satisfied that the club -

(a) conducts regular shooting competitions or other like activities requiring the use of firearms; and

(b) is a company, or an association, society, institution or body incorporated under the *Associations Incorporation Act 1953*, that is formed or carried on for the purpose of directly promoting or encouraging the sport of shooting, whether or not its activities are carried on in whole or in part in the Territory.

(5) In determining whether to make a declaration under subsection (1), the Registrar shall have regard to -

(a) whether the club operates a shooting range or has club premises; and

(b) the membership rules of the club.".

Clauses 15 to 19, by leave, taken together, and agreed to.

Clauses 20 and 21, by leave, taken together

MS TUCKER (5.11), by leave: I move:

Page 15, lines 5 to 29, paragraph 20(5)(d), omit the paragraph, substitute the following paragraph:

"(d) the applicant -

(i) was, within the period of 10 years preceding the date of his or her application, a person in respect of whom -

(A) an interim restraining order was made under the *Magistrates Court Act 1930;*

(B) an interim protection order was made under the *Domestic Violence Act 1986*; or

(C) a corresponding order was in force; or

(ii) has, within the period of 10 years preceding the date of his or her application -

(A) been subject to a recognisance, entered into in the Territory or elsewhere, to keep the peace or to be of good behaviour; or

(B) had his or her licence suspended or cancelled.".

Page 16, lines 12 to 17, paragraph 21(1)(a), omit the paragraph, substitute the following paragraph:

"(a) if the applicant has, within the period of 10 years preceding the date of his or her application -

(i) been a respondent to a restraining order within the meaning of Part X of the *Magistrates Court Act 1930* or a corresponding order (other than a restraining order or corresponding order an appeal against the making of which has been upheld); or

(ii) been the subject of a protection order under the *Domestic Violence Act 1986* or a corresponding order (other than a protection order or corresponding order an appeal against the making of which has been upheld);".

These amendments are about the ability of the registrar to refuse to consider an application for a licence because the applicant has committed a domestic violence offence. The Greens have proposed that there should be a 10-year prohibition period for anyone who has had a domestic violence restraining order put in place. I agree with Mr Humphries that there has been extensive discussion on this, and we have agreement from all members.

MR HUMPHRIES (Attorney-General) (5.12): Mr Speaker, these are fairly significant amendments, so I thought I should comment on them. Previously, it was possible for a person to have an order made in this respect taken into account by the registrar before issuing a licence under the originally proposed arrangements. The suggestion inherent in the amendment proposed by Ms Tucker is that an order in the preceding 10 years is an absolute bar. An interim order in the preceding 10 years is a matter that will weigh on the registrar's decision to issue an order. Those are very heavy restrictions, and I put on the record that on occasions there will be people who will unfairly lose the opportunity to obtain a licence in those circumstances.

However, I believe, first of all, that it is better in these circumstances to err on the side of caution, acknowledging the reality that, whether it has been the case in the past or is the case only now, ownership of a firearm is a privilege and not a right and, therefore, there needs to be clear understanding by the community that that privilege is deserved in particular circumstances. I think on most occasions it is better to err on that side than to make it automatically possible to obtain such a licence.

Amendments agreed to.

Clauses, as amended, agreed to.

Clause 22

Amendment (by **Ms Tucker**) agreed to:

> Page 17, Table (item relating to Sport/target shooting, second column), omit "a current member of a prescribed shooting", substitute "an active member of an approved".

MS TUCKER (5.15): I move:

> Page 17, Table (item relating to Recreational hunting/vermin control), omit the item, substitute the following item:

"Recreational hunting/vermin control	In the case of recreational hunting or vermin control on rural land, the applicant shall -
	(a) produce evidence of permission by the owner or occupier of the land to shoot on the land; or

(b) be an active member of an approved club, state that he or she intends to use the firearm solely for the purpose of taking part in recreational hunting activities conducted by the club and produce evidence that -

(i) the principal objects of the club are to conduct recreational hunting activities requiring the use of the firearm for which the licence is sought; and

(ii) the club has the permission of the owner or occupier of the land to conduct those activities on the land.

In the case of recreational hunting or vermin control on land within a reserved area under the *Nature Conservation Act 1980* - produce evidence of permission given by an officer of the ACT Parks and Conservation Service or ACT Forests or a prescribed authority, to shoot on the land.".

This amendment was the compromise position we reached. The Government circulated last week an amendment that said an applicant for a recreational hunting or vermin control licence would no longer have to produce individual evidence or permission by a land owner or occupier if they are members of an approved club and state that they intend to use the firearm solely for the purpose of taking part in recreational hunting activities, that is, collective permission. This concerned us, so we propose to amend it to make sure that it is an active participant of the club.

MR HUMPHRIES (Attorney-General) (5.16): I should comment briefly on this one. There was some debate publicly and in our meeting yesterday about whether it was appropriate to require members of clubs that were engaged in recreational hunting or vermin control to have to individually obtain permission from landowners to shoot on the land or whether that could or should be a collective activity that members of that club could engage in by belonging to a club which in turn had permission of an owner or occupier of land to shoot on that land. As Ms Tucker has indicated, there is a compromise here. This allows for collective permission to be obtained; but, in turn, the member of the club who has that collective permission has to be an active member of that club. Merely being a nominal member of that club, a paper member of that club, is not sufficient to provide them with the right to have that licence for the purpose of recreational hunting or vermin control. I would suggest that this is an appropriate balance that will ensure that we do not unduly place a burden on landowners to administer a scheme of allowing access to their land.

Members will recall that the Assembly, in the Weapons (Amendment) Bill 1996, took out the requirement for shooters to prove that they were shooting on particular land before they could be issued with a licence that was related to hunting. That has now been reinserted in an appropriate form to acknowledge the decision of the Police Ministers meeting. We also ought to acknowledge that, at least as proposed by the Police Ministers originally, the proposal was unworkable because it would have placed a very significant burden on landowners to regulate the flow of people who can shoot on their land. I suspect that most landowners are not interested in doing that, and this proposal is a worthwhile compromise that meets both objectives.

Amendment agreed to.

MR HUMPHRIES (Attorney-General) (5.18), by leave: I move:

> Page 18, table (item relating to Firearms collection, second column), omit "a current member of a prescribed collectors' society or prescribed club", substitute "a member of a collectors' club or association approved by the Registrar under paragraph 27(a)".
>
> Page 19, lines 5 to 7, paragraphs (5)(b) and (c), omit the paragraphs, substitute the following paragraphs:
>
> "(b) the extent to which that permission operates;
>
> (c) the manner in which that permission is to be produced as evidence by the applicant; and
>
> (d) the nature of any additional evidence to be provided in support of an application.".

These amendments deal with firearms collectors and represent also a compromise reached last night. They provide that, in order to be eligible to qualify for a licence, a person needs to be a member of a collectors club or association approved by the registrar under paragraph 27(a). That process of identifying appropriate organisations is done by the registrar, and membership of that club needs to take place. There was some question about whether it should be active membership of that club, but there is acknowledgment that many of those collectors clubs have limited appeal or interest, particularly in an area like the ACT, and that some of them do not have meetings of the club in this Territory at all. It would be inappropriate to require people to travel long distances to take up an active membership in a particular club.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 23 agreed to.

Clause 24

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

Page 20, line 5, paragraph (b), insert “prescribed” after “produces”.

Clause, as amended, agreed to.

Clauses 25 and 26, by leave, taken together, and agreed to.

Clauses 27 to 58, by leave, taken together

MR HUMPHRIES (Attorney-General) (5.20), by leave: I move:

Page 20, lines 31 and 32, clause 27, paragraph (a), omit “an approved collectors club or association”, substitute “a collectors club or association approved by the Registrar”.

Page 23, line 15, clause 34, subclause (2), omit “2”, substitute “7”.

Page 28, line 27, clause 45, paragraph (3)(a), omit the paragraph.

Page 30, line 24, clause 48, paragraph (2)(c), omit “a prescribed”, substitute “an approved”.

Page 30, line 29, clause 48, paragraph (4)(b), insert “training” after “pistol”.

Page 32, line 4, clause 48, paragraph (5)(b), add “or participating in a shooting competition approved by the Registrar”.

Page 34, line 17, clause 55, add “grip firearm”.

Page 34, line 17, clause 55, add the following subclause:

“(2) In subsection (1) -

‘pistol grip firearm’ means a firearm, other than a pistol, that is fitted with a pistol grip or a stock designed to fold, swivel, telescope or be readily detachable.”.

Page 35, line 20, clause 58, paragraph (c), omit “a prescribed”, substitute “an approved”.

Page 35, line 24, clause 58, paragraph (c), omit “prescribed”, substitute “approved”.

These amendments do a number of things, which I will not go into. I will take pity on people and not mention what they are about; but believe me, Mr Speaker, they are worth supporting.

Amendments agreed to.

Clauses, as amended, agreed to.

Clause 59

Amendment (by **Ms Tucker**) agreed to:

> Page 35, line 38, paragraph (3)(a), omit "a member of a prescribed club", substitute "an active member of an approved club".

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

> Page 35, line 38, paragraph (3)(a), omit "a prescribed", substitute "an approved".

Ms Follett: On a point of clarification, Mr Speaker, looking at amendment No. 8 from the Greens, which was passed, I believe that that therefore makes redundant Mr Humphries's amendment.

Mr Humphries: I seek leave to withdraw my amendment, Mr Speaker.

Leave granted.

Amendment (**Mr Humphries's**), by leave, withdrawn.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

Amendments (by **Mr Humphries**, by leave) agreed to:

> Page 46, line 30, clause 75, paragraph (2)(c), omit "on" (first occurring), substitute "specifying".
>
> Page 50, line 33, clause 80, subclause (2), omit "a prescribed", substitute "an approved".
>
> Page 55, line 23, clause 91, paragraph (3)(b), omit "6", substitute "24".
>
> Page 57, line 26, clause 96, subclause (1), insert "possess", after "not".

Page 59, lines 22 and 23, clause 97, paragraph (5)(b), omit "is a member of the club, and, at the time of the sale, the person", substitute ", at the time of sale,".

Page 64, line 3, clause 103, paragraph (1)(b), omit "6", substitute "24".

Page 64, line 15, clause 104, insert ", without reasonable excuse," after "not".

Page 67, line 15, clause 112, paragraph (a), omit the paragraph.

Page 67, line 16, clause 112, paragraph (b), omit "(4) or (10)", substitute "(1)".

Page 67, line 19, clause 112, paragraph (e), omit "paragraph 40(2)(c) or subsection", substitute "subsection 40(2) or".

Page 68, line 5, clause 113, paragraph (1)(a), omit "(a) and".

Page 73, line 17, clause 125, after subclause (3) insert the following subclause:

"**(4)** The regulations may make provision of a savings or transitional nature consequent on the enactment of this Act.".

New Part XII

Page 73, line 31, after clause 127, insert the following new Part in the Bill:

"PART XII - SAVINGS, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

Interpretation

128. In this Part -

'commencement day' means the day referred to in subsection 2(2);

'former Act' means the *Weapons Act 1991*.

Declaration of approved clubs

129. A declaration that immediately before the commencement day was in force under paragraph (b) of the definition of 'approved club' in subsection 4(1) of the former Act shall be taken to be a declaration under paragraph (b) of the definition of 'approved club' in subsection 4(1) of this Act.

Licences

130. **(1)** Subject to subsection (3), a licence granted under the former Act and in force immediately before the commencement day continues in force after that day -

(a) for the remainder of the period for which the licence would, but for this Act, have remained in force; or

(b) until the next anniversary of the date of birth of the licensee;

whichever is the lesser period.

(2) The former Act continues to apply in relation to a licence continued in force under subsection (1) as if the former Act had not been repealed.

(3) Where a person holds more than 1 licence of the kind to which subsection (1) applies, each of those licences shall be deemed to be renewable on the earliest of the dates for renewal of those licences.

Extended application of section 37

131. If a licence renewed under section 49 of the former Act and continued in force under subsection 5(1) of this Act expires -

(a) before the next anniversary of the date of birth of the licensee after the commencement date - the Registrar may, despite section 37 of this Act, issue a licence under that section for a period exceeding 5 years.

(b) after the first anniversary of the date of birth of the licensee after the commencement date - the Registrar may, despite section 37 of this Act, issue a licence under that section for a period less than 5 years.

Pending applications for licences

132. An application for a licence made under a repealed provision of the former Act that was not finally determined before the repeal of the provision by this Act is cancelled and does not have any operation with respect to this Act.

Requirements of applicants for certain licences

133. An applicant for a licence under this Act who has completed to the satisfaction of the Registrar a course of instruction approved by the Registrar under the former Act is not required to complete a firearms training and safety course referred to in paragraph 20(3)(b) of this Act before being issued with the licence.

Existing exemptions under the former Act

134. **(1)** The possession or use of a weapon pursuant to an exemption under regulations in force under the former Act -

(a) shall be taken to continue as if a permit were issued under Division 3 of Part III of this Act or Part III of the *Prohibited Weapons Act 1996*, as the case requires, corresponding with that exemption (as determined by the Registrar); and

(b) unless the permit is sooner surrendered or cancelled, continues in force until -

(i) the expiry of the term of the permit; or

(ii) the end of the period of 12 months commencing on the date of commencement of this section;

whichever first occurs.

(2) For the purposes of paragraph (1)(a), the Registrar shall issue a permit under Division 3 of Part III of this Act or Part III of the *Prohibited Weapons Act 1996*, as the case requires, to the person to whom the possession or use relates.

Consequential amendments of other Acts

135. The Acts specified in Schedule 3 are amended as set out in that Schedule.".

Schedule 2 -

Page 76, column 2, paragraph (c) (item relating to Category C licence (prohibited except for occupational purposes), omit 'repeating action (eg pump action)', substitute 'pump action'.

Page 77, column 2, paragraph (4) (item relating to Category D licence (prohibited except for official purposes), omit 'repeating action (eg pump action)', substitute 'pump action'.

New Schedule 3

Page 78, after Schedule 2 add the following Schedule:

"SCHEDULE 3 Section 135

AMENDMENTS OF OTHER ACTS
Crimes Act 1900

Subsection 349D(1) -

Omit 'dangerous weapon or restricted weapon', substitute 'firearm'.

Subsection 349D(2) -

Omit 'weapon', substitute 'firearm'.

Paragraphs 349D(2)(a) and (b) -

Omit 'weapon' substitute 'firearm'.

Subsection 349D(2A) -

(a) Omit 'dangerous weapon or a restricted weapon', substitute 'firearm'.

(b) Omit 'weapons', substitute 'firearms'.

Subsection 349D(2B) -

Omit all the words after 'has not been made;', substitute the following:

'the firearm shall be returned to the person on whose licence the firearm is registered'.

Subsections 349D(2C) -

(a) Omit 'weapon' (wherever occurring), substitute 'firearm'.

(b) Omit '*Weapons Act 1991*', substitute '*Firearms Act 1996*'.

Subsection 349D(3) -

(a) Omit 'subsection (1) or (2)', substitute 'this section'.

(b) Omit '*Weapons Act 1991*', substitute '*Firearms Act 1996*'.

Domestic Violence Act 1986

Subsection 14A(1) -

Omit '*Weapons Act 1991*', substitute '*Firearms Act 1996*'.

Subsection 14A(3) -

Omit 'dangerous weapon or restricted weapon', substitute 'firearm'.

Subsection 14A(5) -

Omit '*Weapons Act 1991'*, substitute '*Firearms Act 1996*'.

Paragraph 14A(5)(b) -

Omit 'dangerous weapon or restricted weapon', substitute 'firearm'.

Subsection 14A(6) -

Omit the subsection, substitute the following subsection:

'(6) In this section -

"firearm" has the same meaning as in the *Firearms Act 1996*'.

Subparagraph 19(1)(c)(i) -

Omit 'Weapons', substitute 'Firearms'.

Subsection 19(3) -

Omit 'Weapons', substitute 'Firearms'.

Magistrates Court Act 1930

Subsection 206D(1) -

Omit '*Weapons Act 1991*', substitute '*Firearms Act 1996*'.

Subsection 206D(3) -

Omit 'dangerous weapon or restricted weapon', substitute 'firearm'.

Subsection 206D(5) -

Omit '*Weapons Act 1991*', substitute '*Firearms Act 1996*'.

Paragraph 206D(5)(b) -

Omit 'dangerous weapon or restricted weapon', substitute 'firearm'.

Subsection 206D(6) -

Omit the subsection, substitute the following subsection:

'(6) In this section -

"firearm" has the same meaning as in the *Firearms Act 1996*'.".

Page 1, Long title, omit "**and for related purposes**", substitute "**to make savings and transitional provisions, and to make consequential amendments of other Acts**".

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

Bill, as amended, agreed to.

PROHIBITED WEAPONS BILL 1996

Debate resumed from 3 December 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1996

Debate resumed from 21 November, on motion by **Mr De Domenico:**

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (5.25): Mr Speaker, this Bill is the legislation to implement the Government's budget initiative for a road rescue fee. Members will recall that this was the subject of a great deal of debate through the Estimates Committee process, and the Government have indicated that they will be accepting the recommendations of the Estimates Committee with respect to the road rescue fee. This Bill is only the enabling legislation. The actual implementation of the rescue fee depends on subordinate legislation. We will be supporting this legislation and will be looking with interest and great attention to the subordinate legislation to ensure that the Government implements the Estimates Committee's wishes.

The only other thing that I would say is that this is essentially a revenue measure. It is a way of raising funds to help provide some of the services of the Government. It is a flat-rate fee, and in that sense it is probably not the most progressive way of raising revenue for the Government. The road rescue fee and the policy that surrounds it in relation to ambulances throw up some questions about the cost of ambulance cover. While we have moved things forward in relation to ambulance cover for people who are involved in motor accidents, it still leaves a category, albeit a diminishing category, of circumstances in which people who may need an ambulance could find themselves in the position of not having any insurance to cover the cost of that ambulance. I believe that on balance the Bill is a good one. The Opposition will be supporting it and looking with interest at the regulations in due course.

MR HUMPHRIES (Attorney-General) (5.28): I welcome the support of the Opposition and, I assume, that of the crossbenches for this important Bill. Yesterday there was a very serious motor vehicle accident in the ACT in which one person died. Unfortunately, there have been a number of such accidents in the ACT in recent days. I think that it behoves us at this point in time to look at how we can improve the profile of our road rescue function in the Territory to ensure that that function adequately meets the changing demands of a community which is getting larger and more diverse, which has more visitors than it once had and whose roads in some areas are getting old. I hope that this road rescue levy will provide the means of doing that.

Mr Berry: There are more holes in them.

MR HUMPHRIES: Holes develop under any government, Mr Berry. Unfortunately, I know of no hole that gets smaller because, for example, a Labor government is in place. Perhaps a few black holes are created in those circumstances, but we - - -

Mr Berry: No; you would notice a difference straightaway. There would be more courtesy on the roads.

Mr Whitecross: The sun would shine more brightly.

MR HUMPHRIES: Yes, there would be less rain and so on. Mr Speaker, we need to make sure we can resource that task. That is about things like creating a full-time fifth ambulance crew - - -

Ms McRae: And we would have Christmas more than once a year.

MR HUMPHRIES: That is true. Under Mr Osborne's government we would have Christmas more than once, but Mr Osborne's government is not here yet. Trust him, Mr Speaker. There will be more than one Christmas under Mr Osborne.

Mr Speaker, resourcing an extra ambulance, providing ambulance services in new areas of the ACT such as Gungahlin as they come on stream, improving the level of emergency trauma medicine at our hospitals, particularly at the Canberra Hospital, and increasing the level of training and proficiency by the emergency services generally, the Fire Brigade, police, ambulance and so on - all that is possible.

Mr Berry: It is us you are talking to. Cut it out.

MR HUMPHRIES: I am obviously stirring the cockles of Mr Berry's heart, so I do not want to say much more. This is a worthy piece of legislation which I commend to the Assembly.

MS HORODNY (5.30): Mr Speaker, we acknowledge that this Bill implements a Government initiative in the budget to increase revenue for use in establishing a fifth ambulance crew in the ACT and generally to improve road rescue services. This is certainly a desirable objective. Given the financial problems of the Government, we have no objection to this revenue-raising measure to meet the increased demands for road rescue services in Canberra, particularly as it is directed at road users who stand to benefit from these improved services.

We are concerned, however, about the way the Government has introduced this revenue measure, which is basically a $15 increase in motor vehicle registration charges. We would have preferred that the Government had been completely honest about this, rather than trying to gloss over it and giving it the nice-sounding name of a road rescue levy. Calling a revenue measure a levy usually implies that the money collected is going directly into the purpose for which the levy has been imposed, and it is more palatable to the public.

Mr Humphries: It is going into the purpose.

MS HORODNY: No, not entirely. It is not entirely going to the Ambulance Service. It sounds better to the public than calling it a tax, because the public can never be totally sure about where their taxes will end up being spent. The Government has called this a levy, but it has not hypothecated this levy into road rescue services entirely. The revenue raised is going into Consolidated Revenue. Although the Government has at the same time increased spending on emergency services in the budget, there is no direct relationship between the revenue from the levy and the increased expenditure, and there is nothing to stop the Government from using the revenue from the levy for another purpose

in next year's budget or cutting the emergency services budget. In fact, it is quite possible. The money expected to be raised by the levy - which is $1.4m this year and $2.4m next year, I understand - is considerably more than is needed to run a fifth ambulance service, which the Government told us during the Estimates Committee process would cost $800,000 per year.

A further point I want to make is that there could have been a more equitable way of raising this money than a flat increase in registration charges. This flat increase takes no account of how much people drive their cars. From an environmental perspective and even a road safety perspective, it is not the ownership of cars that is the main problem but how they are used. It may have been more equitable, for example, to increase the petroleum franchise fee on petrol sales at a rate that would generate the same amount of revenue. This would equate to about a half-cent increase in the price of petrol. It would have been more equitable, because it would relate directly to how much driving people do. To put it on the petrol rather than the registration is a fairer thing to do. However, we think the benefits of improving road rescue services outweigh our criticism of the way the Government has handled this initiative, so we will be supporting the Bill.

MR DE DOMENICO (Minister for Urban Services) (5.34), in reply: We called it a road rescue fee. Ms Horodny does not like the word "fee" or the word "levy". She can call it what she will. The bottom line is that the fee, levy or tax will be $15. It will be collected at the time each motor vehicle is registered but remain a fee distinctly separate from registration fees imposed on ACT motorists. It is as simple as that. The fee will not apply to trailers. In light of what Mr Whitecross suggested and what the Estimates Committee recommended, the fee will not apply to trailers, including caravans, or to veteran, vintage and historic vehicles. Under the Vienna Convention diplomatic and privileged registered vehicles are exempt from paying the fee, I am advised.

Current vehicle registration statistics indicate that the road rescue fee has the potential to increase government revenue by $2.7m annually. ACT motorists who already have ambulance insurance cover will still require that insurance cover in the event of having an accident outside the ACT. The road rescue fee is intended to offset the costs of all road rescue services provided by the ACT, not only ambulance services as some people have suggested. I thank all those members who have contributed to this debate and thank the Assembly for seemingly supporting this move.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 26 September 1996, on motion by **Mr De Domenico**:

> That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (5.36): Mr Speaker, I have been deserted by my crossbench colleagues.

Mr De Domenico: They wanted to refer it to a committee.

MR WHITECROSS: That is okay. We can still refer it to a committee. The Labor Party will be supporting this Bill in principle. This idea of introducing a competency-based approach to driver training as an alternative to, rather than a substitute for, the existing system of testing of learner drivers prior to issuing a licence has been around for some time. There are a number of other issues raised in this Bill to do with changes to the probationary period. I have seen a number of amendments circulated by some of my colleagues, dealing with other issues to do with how the road rules might apply to learner permits. Mr Osborne is concerned to know everyone's gender, I notice from one of his amendments.

Mr Speaker, the Labor Party will be supporting this Bill in principle. I understand that there is a proposal to refer it to the Legal Affairs Committee for further consideration. The Labor Party will be supporting that in due course. If there is one thing which has concerned me about this proposal, which is modelled on a scheme in South Australia, it is the lack of information about evaluation of the South Australian scheme. Neither in the Estimates Committee nor in private briefings have I been able to obtain any real information about what the South Australian experience is. I am led to believe that evaluations are being undertaken of attitudes to the new scheme and of how it has worked in practice. It would be interesting to see some evaluation of this scheme before rushing into change. In principle, the proposed changes seem like an improvement. For that reason, we will be supporting the Bill in principle and we will be supporting the proposal to refer it to the Legal Affairs Committee.

MS HORODNY (5.38): Mr Speaker, this Bill represents a quite radical change to the way that learner drivers are tested for their licence. It establishes an accreditation system for driving instructors and allows accredited instructors to issue to their students certificates of competency which are then taken to the Motor Registry and used as justification for issuing a drivers licence. The certificates of competency are obtained through the introduction of a logbook system whereby learner drivers taking lessons from an accredited instructor will complete a logbook in which the instructor will sign off each driving competency as it is achieved until all the required competencies have been attained. Learner drivers will still have the option of being taught informally by family and friends and of having a one-off driving test conducted by the government examiner.

We support moves to improve the skills of learner drivers. Given that 17- to 24-year-old drivers are involved in 40 per cent of accidents, it is absolutely essential that young drivers receive as much training as they can before they are allowed onto the roads by themselves. We are probably all aware of car accidents in which young drivers have been

involved because of their inexperience or their lack of maturity in driving. Unfortunately, it is the case that many learner drivers believe that they can adequately drive before they are really ready. I understand that 50 per cent of learner drivers currently fail their first driving test. The reason for this is that too often they are so keen to get onto the road that they feel they can rush through the driving test itself. For these reasons, it is important that any new system for testing learner drivers enhance and not reduce the standard of newly licensed drivers.

In introducing this legislation, Mr De Domenico argued that the proposed changes would improve road safety by producing a greater level of competence in newly licensed drivers. However, this claim is untested. The proposed logbook system is currently in place only in South Australia, where it was introduced some 3½ years ago. We have tried to find out what studies have been done in South Australia, but we have been told that even after 3½ years it is still too early to have sufficient statistics to see whether this new system is having any impact on the number of road accidents involving young drivers.

We contacted the Australian Automobile Association and the NRMA to get their views on this scheme; but they were not in a position to give it a clear endorsement, because of the lack of information available about its effectiveness. The South Australian Royal Automobile Association endorses the scheme; but they were involved in its implementation and they run their own driving school, which participates in the scheme, so they are not totally neutral on this issue. I understand that the NRMA is currently funding a study which is assessing the impact of the South Australian system on driver competence, and a report is expected in March of next year. An officer of the South Australian agency responsible for driver testing told us that at least five years' data would be needed to make a full evaluation of the system, which means that we would have to wait until 1998 for an evaluation.

We are, therefore, reluctant to support this Bill in its entirety without solid evidence that it will improve road safety. We see no reason to rush the introduction of this new system. Given the road safety implications, we want to make sure that this system really works. Otherwise, young lives, and the lives of other road users, could be placed at risk. I would think that is something that you would take very seriously, Mr De Domenico, and not flippantly.

Mr De Domenico: I take it very seriously. They would, if we also sat on our hands, Ms Horodny, and did nothing. Have a look at what has happened over the past week and a half.

MS HORODNY: Mr De Domenico, there is no evidence that there is any benefit in this system. That is what you have not shown yet.

The main aspect of this Bill that really concerns us is that it gives commercial driving instructors the power to test their own students. We have no problem, Mr De Domenico, with setting up an accreditation system for driving instructors. This should lead to better standards of instruction. We also have no problem with a logbook system which allows learner drivers to work through the achievement of a structured set of driving competencies at their own pace. Accreditation and training of instructors and a continuous assessment system may indeed produce better outcomes. What we do not

like is the last step, and that is that a learner driver can obtain a licence merely on the basis of the completion of a certificate of competency by the driving instructor and without an independent test. I was planning to move an amendment to ensure that we still have that final driving test in place, but we are now sending the Bill to a committee and I think that is a very good idea.

In South Australia 70 per cent of learner drivers have chosen to be assessed by their instructors. Students, on average, take 12 to 15 lessons at a cost of about $500. There is clearly a reduced role for government examiners, in that they will audit only 10 per cent of the private driving tests, which I understand involves the examiner sitting in on only one of the driving lessons. They will also continue the one-off testing for those learner drivers who choose not to use an accredited instructor. South Australia has gone further than the ACT proposal by allowing private driving instructors also to do audit tests on other driving instructors. We understand that the ACT Government is considering doing this in the future.

The question that needs to be addressed is whether commercial driving instructors should have the power to assess their own students. Given that there is a direct financial relationship between the private instructor and the student, there is a potential for a conflict of interest and possible corruption of the process. Driving instructors may want their students to have more lessons than they really need, so that they can generate more income. Alternatively, students may seek to bribe their instructors to get their logbooks completed before the student has shown the necessary driving competency. These concerns are not just my idle thoughts, Mr De Domenico.

Mr De Domenico: I have said nothing, Ms Horodny. I am still sitting here listening in awe.

MS HORODNY: Do listen. You should have read in the *Canberra Times* that in 1990 the New South Wales Independent Commission Against Corruption inquired into such allegations. There were corrupt practices surrounding New South Wales licence examiners. It was found that there was rampant corruption among examiners and private driving instructors.

Ms McRae: Not in the ACT.

MS HORODNY: In New South Wales they also probably said, "Not in New South Wales". In fact, it appears that some $3m changed hands in these corrupt dealings. Of course, we are not suggesting that the examiners and driving instructors here are corrupt, but the potential exists and we need to make sure that the system used in the ACT prevents this.

The Government says that the audit system will maintain the standard of driving lessons, but the audits will pick up only one in 10 cases and we could still end up with many bad drivers slipping through the net and increasing the risk of road accidents. The Government also says that students will always have the choice of going to different driving instructors or going for the one-off test, but this may be too late for the student who has already paid out more than they need to in driving lesson charges.

We really have to question why the Government wants to push these changes through. It seems that the primary motive for their introduction is to implement the Government's agenda of opening up government activity to private sector competition. The Government is, in effect, privatising the testing of learner drivers. It matches the move to random vehicle testing and private inspection of cars, which I understand came out of the same review of transport regulations. The new system will cut administrative cost, but at the expense of probably six of the 10 government examiner jobs which are likely to be lost as a result of the changes. In South Australia the number of examiners dropped from 51 to 21 after their system was introduced.

In conclusion, let me quote from the *Canberra Times*, which I am pleased to say has agreed with our view on this issue.

Mr De Domenico: You must be right if the *Canberra Times* agrees with you!

MS HORODNY: It is quite rare for the *Canberra Times*, Mr De Domenico. They do not often agree with us, but they did in this instance. They say:

> There is no good economic or administrative reason for privatising licence testing. If licence testing is costing the Government money, it should just increase the fee. In matters of safety and competence, there is a need for objective government standards and testing.
>
> There are no benefits to be gained from competition or privatisation that are not grossly outweighed by the detriment of slipping standards and the potential for corruption. Audits are not enough.

I support this whole issue going to the Legal Affairs Committee. I think that is very appropriate.

MR DE DOMENICO (Minister for Urban Services) (5.49), in reply: Mr Speaker, I was going to be very brief. I probably will still be very brief, because I need to go upstairs and take a Valium tablet, I think. There are a couple of statements that should not go without comment or challenge. Ms Horodny stood up and said that this is a radical change because it offers people choice, because we are accrediting motor vehicle driving instructors and because certificates of competency are going to be issued. What makes that so radical I am blowed if I know. We are talking about choice, accreditation and competency. I would suggest, Ms Horodny, that after reading newspapers and driving along and seeing bunches of flowers on the side of the road, you should realise that there is one thing that this Government will do, with the help of the Assembly, I hope. We will change the way things are being done at the minute, because notwithstanding - - -

Ms Horodny: Where is the benefit?

MR DE DOMENICO: The benefit, Ms Horodny, with the greatest of respect, is that perhaps fewer lives will be lost on the road.

Ms Horodny: Where is the proof of that?

MR DE DOMENICO: Where is the proof? The proof, Ms Horodny, is that, if you support this Bill right now and do not lobby to send it to an Assembly committee, we could perhaps start tomorrow or the day after or very shortly. But no; we will support sending it to a committee, just to satisfy you, Ms Horodny. But please do not come into this place and accuse driving instructors, people from the NRMA, the Government and everybody else who moves of being either corrupt or capable of being corrupt. You have no proof of that either, with the greatest of respect. If you have, table that proof and we will act upon it.

Ms Horodny: There is a potential.

MR DE DOMENICO: I am not interested in potential things. You table the proof of your accusations. You have gone all over the media and attempted to slur the competency of driving instructors in this town without one skerrick of evidence, but I will not comment on the things that you have said in the media.

Let us get to the facts. I am glad that the Opposition has agreed to support the Bill in principle. The work was started off by Mr Lamont, the Deputy Chief Minister in Ms Follett's Government, copying very fine work done in South Australia by a previous Labor government. Ms Horodny's talk about privatising and all sorts of things on competition policy is absolute bunkum and nonsense.

Ms Horodny: No, it is not.

MR DE DOMENICO: If you want to come in here and spout Green ideological rubbish, do so; but do not expect me to stand up and agree with you. Pardon me for getting so angry, Ms Horodny, but I must admit that some of the stuff you said was - - -

Mrs Carnell: It is frustration.

MR DE DOMENICO: It is just frustration at some of the nonsense that I hear coming from the crossbenches. There is a strong and growing consensus amongst the driver licensing authorities across the board in Australia that a continuous assessment of driver competencies over time is likely to be more effective in producing a safe novice driver than is the one-off practical driving test. That is not said by me, not by bureaucrats, but by people out in the field who are testing, doing nothing except instructing - - -

Ms Horodny: Why does the NRMA not support that?

MR DE DOMENICO: Ms Horodny, with the greatest of respect, I did listen to you - very painfully, but in silence. I would expect the same courtesy from you.

The people out there doing this every day, day in and day out, tell us that in their opinion it is likely to be more effective in producing a safe novice driver than is the one-off practical driving test. Not wanting to believe that, this Government offers choice, as did the South Australian Labor Government, so we have that covered as well.

The problem with the one-off practical driving test, we are told, is that learner drivers are taught practical driving skills by relatives, friends and/or professional driving instructors to pass the practical driving test rather than to learn how to drive. Listen very carefully. Under the continuous assessment approach, the one-off practical driving test is no longer the main focus, and learner drivers are taught how to drive through achieving each of the 22 driver competencies - not one competency, but 22 competencies. We expect, therefore, that the competency-based training and assessment scheme will improve road safety by producing a greater level of competence in newly licensed drivers - competence that may prevent the young people from, as they did the other day, driving a 4.1-litre Falcon at up to 150 kilometres an hour around the bend, and you saw the tragedy of that.

Mr Speaker, statistics show that over 90 per cent of accidents involving fatalities are attributed to driver error, with only 5 to 10 per cent being due to vehicle defects. They are not my statistics; they are Australian road safety and other statistics. The competency-based training and assessment scheme will place emphasis on the importance of driver attitude in reducing road accident statistics. Driving instructors who wish to become accredited under the scheme will complete a two-week training course which focuses heavily on the importance of promoting good driver attitudes in novice drivers. Notwithstanding that these people have been out there for years and years doing this job, they still go through this training course anyway. Private driving instructors will be required to gain accreditation through a government-approved training course, to prevent any inklings of corruption that you might think are there, Ms Horodny. There is accreditation through a government-approved training course at their own cost if they wish to be authorised to certify learner drivers for a provisional licence.

A comprehensive computer-based audit process will monitor the performance of accredited private driving instructors. We have the audit in there from day one. The auditing function will be performed by government-licensed examiners, who will ensure that driver licensing standards are maintained. As we are aware, South Australia was the first jurisdiction in Australia to introduce a competency-based training and assessment scheme for learner car drivers. Their scheme was introduced on 19 April 1993 and there has been strong community acceptance of the new option for gaining a provisional car drivers licence. Approximately 70 per cent of learner car drivers in South Australia are choosing the option of achieving their provisional licence through the competency-based training and assessment scheme. Ms Horodny, your statement was wrong. Seventy per cent are choosing the competency-based scheme, and 30 per cent are choosing the scheme that you said 70 per cent were; so you got it wrong.

The ACT will be the second jurisdiction in Australia to introduce the option of a competency-based training and assessment scheme for learner car drivers. New South Wales and Victoria are also considering similar arrangements. In the ACT our aim is to produce safer drivers. The introduction of the competency-based training and assessment scheme early next year, hopefully, if the committee so decides, will help to achieve this. The NRMA and the Australian Driver Trainers Association fully support the introduction of competency-based training and assessment for learner car drivers in the ACT.

I am not going to go on and comment on some of the stuff that the Greens have said publicly - - -

Ms Horodny: The NRMA did not even know you were doing it locally.

MR DE DOMENICO: I will not even listen to that comment, Mr Speaker. I am quite happy to refer - - -

Ms Horodny: No; because it is embarrassing.

MR DE DOMENICO: Do not talk about embarrassment, Ms Horodny. I have just shown how you quote figures willy-nilly. You come in here and come up with all sorts of nonsense and garbage. You are like fairies at the bottom of a garden, for heaven's sake. If no-one agrees with you, it means that you have a monopoly on anything from sanctimonious environments to driver competency. You know nothing. You cannot get it right, even when you stand up in this place and start spouting utter nonsense. Do not talk about that sort of rubbish.

The bottom line is that the previous Labor Government in South Australia did it because it believed it was good. The Labor Government here started the process. We agree with them. The NRMA agrees with us. The Australian Driver Trainers Association fully supports it. The only people who do not seem to be convinced about this are the two Green members of the ACT Legislative Assembly. If that is the case, so be it. Knock off the Bill; vote against the Bill. You can use that democratic right.

Mr Speaker, I commend this Bill to the Assembly. I believe that anything this Government or any other government can do to produce safer drivers on our roads ought to be applauded. I applaud Mr Lamont, and did so when he started this scheme off. We applauded the South Australian Labor Government. One would hope that every member of the Assembly would support this Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

MR DE DOMENICO (Minister for Urban Services) (5.58): Mr Speaker, pursuant to standing order 174, I move:

> That the Motor Traffic (Amendment) Bill (No. 2) 1996 be referred to the Standing Committee on Legal Affairs for inquiry and report.

Question resolved in the affirmative.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Gungahlin - Sports Facilities

MS McRAE (5.58): Mr Speaker, I want to wave this around and read out a little of what this story says.

MR SPEAKER: You may read it, but do not wave it around.

MS McRAE: This little quote reads:

> With planning of the Gungahlin Town Centre well under way, development of the nearby recreation, education and entertainment precinct is the next hurdle facing the ACT Government and a community starved of sports facilities.

Members may recall that a little earlier today I asked a question - in fact, I think it was Ms Follett who asked the question - - -

Mr De Domenico: Ms Follett asked the question.

MS McRAE: Yes. I wrote the question. We do these things. She asked why the Gungahlin sporting facilities had not begun. The Minister said he had no idea and he would take it on notice. It is a little disturbing to us when a paper as important as the *Gungahlin Chronicle* features it on their front page and the Minister for Urban Services knows nothing about it. The expressions of interest closed on 4 September. I would like to point out that today is 5 December. It is a matter of grave concern to the community that nothing is happening - if one had bothered to read the story. The people are looking forward very much to having something for their youth to do and are very much in support of this proposal. One can only wonder how it is that the Minister responsible for this, who called for expressions of interest on 4 July, and expressions closed on 4 September, can still not enlighten us today, 5 December.

Mrs Carnell: Mainly because we do not have anything to do with tender processes. They are at arm's length from government.

MS McRAE: I think the Minister ought to read the *Chronicle* and I think the Minister ought to pay a bit more attention to the demands of the Gungahlin community. It is most disconcerting to find that he is so ill-informed about what is happening in this electorate that he is unable to answer the question. Similarly, in the same vein, it was a school in Gungahlin that was most concerned about the absence of a fire blanket and a fire extinguisher in its school. Have we heard yet from our other Minister? No, no, no.

I think it is gravely reprehensible. It is of grave concern that we have matters of the utmost importance to the community, and what do our Ministers do? Take them on notice and not respond. I think it is time we heard and found out whether Mr De Domenico is keeping his finger on the pulse and reading important publications such as this, which accurately portray the sorts of concerns our community has.

National Capital

MRS CARNELL (Chief Minister) (6.01): Mr Speaker, very briefly, I would like to table the response I sent today to the *Australian*. Yesterday Mr Moore asked me a question with regard to the article published by a former Prime Minister, Malcolm Fraser. I mentioned at that stage that I was going to write to the *Australian*, and I have done so. I would like to read the way I start this letter, because I think it is very important for all of us. It is a quote, interestingly, from Sir Robert Menzies, and it reads:

> Old nations have old capitals, rich in history and the beauty of age: London, Paris, Rome. But for a new nation the problem is different, for it must consciously create a capital with all its history to come.

That is a great statement, and it is the sort of thing Robert Menzies said because he believed in Canberra. It is a great pity that Australia's second longest-serving Liberal Prime Minister does not appear to have similar views.

Volunteers Day

MR STEFANIAK (Minister for Education and Training) (6.02): I would like to put on record that today in the ACT is Volunteers Day. I commend the magnificent work volunteers do in so many areas of our community. I had the pleasure today of going out to the Volunteer Centre at Curtin and handing out a number of certificates, not only to people who have done a lot of work as volunteers but also to some people who have been there for a long time training up volunteers as well. There are many volunteers in our community. They range from volunteers in sporting organisations through to people who go into schools and people who help the elderly. In every facet of life in the ACT you will see citizens helping others, and I would like to put on record my appreciation for the fantastic job all of our volunteers do here in the Territory.

Liberal Party Emblem

MR BERRY (6.03): Mr Speaker, I would like to read onto the record a brilliant letter that appeared in the *Canberra Times* a couple of days ago. It is headed “A Good Metaphor After All”. It reads:

> It is good to see that our elected leaders are showing the depth to which they know their subject. For example, Gary Humphries, a “corroboree frog man” (nothing to do with the yellow stripes, of course), stated that the corroboree frog would be a good emblem for the Liberal Party as it “hops to it, and gets the job done”.
>
> ... As Mr Humphries should be aware when giving his valuable endorsement, a little research wouldn’t go astray. Unfortunately (for Mr Humphries, not the beautiful amphibian) the corroboree frog crawls rather than hops, is a cryptic species that prefers to do things hidden away from the gaze of the public, makes subtle noises that hint at its activity, and lives in a rather frosty habitat.
>
> Perhaps it is a good metaphor for the local Government after all.

Thanks to Mr McElhinney. I think that was well worth reading onto the record.

Volunteers Day : Gungahlin - Sports Facilities

MR DE DOMENICO (Minister for Urban Services) (6.04): To take the debate back to a serious and important note, as Mr Stefaniak said, members would be aware that today is International Volunteers Day, and at such a time we recognise the wonderful efforts of those volunteers who work for various community organisations throughout our society. Volunteers serve a very important purpose, not only in Canberra but throughout all communities, either in helping those less fortunate than others or in assisting the elderly. Their efforts reflect the best parts of human nature.

I am pleased to say that this Government fully appreciates the work of volunteers, and today the Government announced a proposal that will allow free parking in government-owned car parking areas for volunteers for various community organisations throughout Canberra. We did not crawl to do that; we hopped right in and did it, unlike our predecessors, who had five years and did not do it. The proposal is similar to another proposal the Government recently announced which extends parking arrangements for people with disabilities. Once legislation is in place early next year, holders of disabled labels will be entitled to park free of charge for two hours at meters and in voucher car parks where the posted time is 30 minutes or less, and free of charge for an unlimited time if the posted time is greater than 30 minutes. That applies in time-limited areas as well. The proposed changes will extend these parking initiatives to volunteers, so that the holders of volunteer labels will be able to park free of charge for two hours at meters, voucher car parks and where the posted time is less than two hours. I expect that the new arrangements will take effect from March next year.

Secondly, Ms McRae read something out of the newspaper that she brought into this place. She then said that she wrote a question for Ms Follett, which Ms Follett asked me earlier this afternoon, complaining bitterly about a process the Government started in June or July this year which called for expressions of interest about sporting facilities in Gungahlin and the fact that those expressions closed on 3 September this year - three months ago. She asked how come we had not, all of a sudden, made a decision and started building a sporting facility. In other words, let us take no account of the planning issues involved and take no account of the financial issues involved for the people putting in the tenders. Let us take no notice at all of the process; let us do things so that we can get onto the front page of the *Gungahlin Chronicle* and tell people how wonderful we are.

Can I say to Ms McRae that we do not operate in that way. We make sure that, once we agree to building any facility, that facility is based as much as possible on the needs of the community involved. We will also make sure that we protect that community and the taxpayer of the ACT by making sure that the facility is built competently by people with the financial backing to enable it to be built in a competent way. We will also make sure, Ms McRae, that before we make the final decision - - -

Ms McRae: I do not think you know what you are talking about.

MR DE DOMENICO: Can I say, Ms McRae, that I am a member of Cabinet, as are my colleagues. None of us has made a decision yet and, before we do make a decision, Ms McRae, we will make sure that it is the right decision. This is the better way. If you want to see a better way, look across the table. We will show you what that way is, and that way is always forward.

Administrative Appeals Tribunal Membership : Retail Trading Hours

MR HUMPHRIES (Attorney-General) (6.08), in reply: Mr Speaker, in closing this debate, I rise to make a few remarks on what I note is the seventh anniversary of the election of the Alliance Government.

Mr Berry: Who would want to remember it? Although, it was a bit of a horror story; it would be hard to get out of your mind.

MR HUMPHRIES: Someone had to note it. We all have different memories, some better than others. Mr Speaker, I want to do a couple of things on the adjournment. One is to correct what might otherwise be a misleading impression I have created in some remarks I made, I think in September, when I tabled the Administrative Appeals Tribunal (Amendment) Bill and the Land (Planning and Environment) (Amendment) Bill (No. 3). Members will recall that, in introducing the Administrative Appeals Tribunal Bill in September, I said in the presentation speech that all members of the Land and Planning Appeals Board would be offered appointment to the tribunal. The intention was that the

board's members would be appointed to the tribunal for the remainder of their term of appointment to the board. That term of appointment expires shortly. The presentation speech reflected the intention that the Bill be introduced into the Assembly in an earlier sitting than it actually was, which would have provided the board's members with a meaningful period of time on the tribunal prior to the expiry of their term of office. In the event, of course, introduction of the Bill was delayed, and the speech did not reflect that delay.

At this stage, I believe that it is appropriate to appoint Dr Elizabeth McKenzie, chair of the Land and Planning Appeals Board, and Dr Don McMichael, a member of the board, to the tribunal. Dr McKenzie had already been appointed earlier this year as a member of the tribunal, and that appointment expires on 6 December, although I think there has been agreement by members of the Assembly to an extension to 31 January next year, I think for all members who are presently members of the board. Dr McKenzie was appointed to the tribunal in contemplation of the transfer of the board's functions. I do not propose, however, after consultation with Professor Curtis, the president of the tribunal, and Dr McKenzie, necessarily to appoint all the other members of the Land and Planning Appeals Board to the Administrative Appeals Tribunal. I would like to see how the workload of the board is handled by the tribunal and what areas of expertise Professor Curtis, the president of the tribunal, sees as being necessary to add to the membership of the tribunal to provide a balanced range of skills for the tribunal in both the land and planning division and the general division of the tribunal. Obviously, before we make any decisions about appointments to the tribunal I will, as usual, consult with members of the Assembly about proposed appointments.

Finally, I want to mention, in respect of a matter discussed yesterday, the trading hours legislation. I also want to quote onto the record something that has been published in recent days. A press release from the Confederation of ACT Industry reads:

> "The ACT Government is to be congratulated on reaching a sensible decision about Christmas trading hours ... This is a pragmatic solution to a vexed issue, but it recognises both the needs of the major centres and their satellite businesses, as well as those of the suburban shopping centres who are concerned about the impact of extended trading by the centres", Mr Alves added.

That is Mike Alves. He continued:

> "It is to be hoped that all parties can see the commonsense approach the government has taken over this issue, and that the decision is fair" ...

He concluded:

> "What Canberra now needs is a bumper retail period, with business and the community sharing in a renewed prosperity".

Question resolved in the affirmative.

Assembly adjourned at 6.13 pm until Tuesday, 10 December 1996, at 10.30 am

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 320

Act of Grace Payments and Debt Write-offs

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996 in relation to act of grace payments writing off or waiving rights to money under section 43 or 124 of the Audit Act or any other Act between 1 December 1995 and 31 August 1996 -

(1) Who was or were the beneficial recipients of the decisions.

(2) What was the amount of money involved.

(3) On what date were the decisions made.

(4) What was the reason for each decision.

MRS CARNELL - The answer to the Member's question is provided in the attached documents. I should mention that in respect of write offs, there is no beneficial recipient when a decision is made to write an amount off. Consequently, the information provided addresses the amount, date and reason for each decision.

ATTORNEY GENERAL'S DEPARTMENT

ACT OF GRACE PAYMENTS

NIL

WRITE OFFS

AMOUNT	**DATE OF DECISION**	**REASON**
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
96.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
22.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
142.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
22.00 .	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
22.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
22.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
8.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
22.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
124.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
87.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
124.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
22.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
106.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
49.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
38.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
62.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
60.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
90.00	30/06/96	Dishonoured cheque. Uneconomical to pursue.
0.10	30/06/96	Uneconomical to pursue.
175.00	29/08/96	Undischarged bankrupt.
185.10	29/08/96	Uneconomical to pursue.
195.00	29/08/96	Uneconomical to pursue.
180.00	29/08/96	Uneconomical to pursue.
160.00	29/08/96	Uneconomical to pursue.
180.00	29/08/96	Uneconomical to pursue.
190.20	29/08/96	Uneconomical to pursue.
276.90	29/08/96	Uneconomical to pursue.

AMOUNT	**DATE OF DECISION**	**REASON**
185.10	15/07/96	Uneconomical to pursue.
190.20	15/07/96	Uneconomical to pursue.
35.90	15/07/96	Uneconomical to pursue.
302.20	15/07/96	Uneconomical to pursue.
175.00	15/07/96	Uneconomical to pursue.
180.00	15/07/96	Uneconomical to pursue.
180.00	15/07/96	Uneconomical to pursue.
215.70	15/07/96	Uneconomical to pursue.
205.50	15/07/96	Uneconomical to pursue.
180.00	07/06/96	Uneconomical to pursue.
205.50	07/06/96	Uneconomical to pursue.
295.00	07/06/96	Uneconomical to pursue.
180.00	07/06/96	Uneconomical to pursue.
285.00	07/06/96	Uneconomical to pursue.
175.00	07/06/96	Uneconomical to pursue.
293.50	07/06/96	Debtor deceased. No estate.
190.20	24/05/96	Uneconomical to pursue.
215.70	24/05/96	Unable to locate debtor.
255.00	24/05/96	Uneconomical to pursue.
20.00	16/05/96	Uneconomical to pursue.
348.30	16/05/96	Uneconomical to pursue.
180.00	16/05/96	Uneconomical to pursue.
180.00	16/05/96	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
200.40	16/05/96	Uneconomical to pursue.
180.00	16/05/96	Uneconomical to pursue.
180.00	16/05/96	Uneconomical to pursue.
180.00	16/05/96	Uneconomical to pursue.
135.00	24/01/96	Uneconomical to pursue.
245.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
4.70	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
190.00	24/01/96	Uneconomical to pursue.
131.25	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
251.40	24/01/96	Uneconomical to pursue.
180.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
195.30	24/01/96	Uneconomical to pursue.
185.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
345.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
180.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.

AMOUNT	**DATE OF DECISION**	**REASON**
175.00	24/01/96	Uneconomical to pursue.
256.50	24/01/96	Deceased. No estate.
175.00	24/01/96	Uneconomical to pursue.
195.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
180.00	24/01/96	Uneconomical to pursue.
145.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
175.00	24/01/96	Uneconomical to pursue.
210.00	24/01/96	Uneconomical to pursue.
190.20	24/01/96	Uneconomical to pursue.
210.00	24/01/96	Uneconomical to pursue.
200.40	24/01/96	Uneconomical to pursue.
230.00	24/01/96	Uneconomical to pursue.
45.00	24/01/96	Uneconomical to pursue.
180.00	24/01/96	Uneconomical to pursue.
180.00	24/01/96	Uneconomical to pursue.
297.30	24/01/96	Deceased. No estate.
175.00	15/05/96	Uneconomical to pursue.
5.10	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
139.00	15/05/96	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
251.40	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
25.00	15/05/96	Uneconomical to pursue
180.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
230.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
195.30	15/05/96	Uneconomical to pursue.
241.20	15/05/96	Uneconomical to pursue.
185.10	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
25.00	15/05/96	Uneconomical to pursue.
190.00	15/05/96	Uneconomical to pursue.
25.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
225.90	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
195.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
276.90	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
155.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
120.00	15/05/96	Uneconomical to pursue.
256.50	15/05/96	Uneconomical to pursue.
276.90	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
87.60	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
215.00	15/05/96	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
200.40	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
191.25	15/05/96	Uneconomical to pursue.
220.00	15/05/96	Uneconomical to pursue.
105.00	15/05/96	Uneconomical to pursue.
195.30	15/05/96	Uneconomical to pursue.
195.30.	15/05/96	Uneconomical to pursue.
275.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
368.70	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
190.00	15/05/96	Uneconomical to pursue.
215.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
185.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
205.00	15/05/96	Uneconomical to pursue.
175.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
261.60	15/05/96	Uneconomical to pursue.
190.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
200.40	15/05/96	Uneconomical to pursue.
360.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
236.10	15/05/96	Uneconomical to pursue.
165.00	15/05/96	Uneconomical to pursue.
195.00	15/05/96	Uneconomical to pursue.
200.40	15/05/96	Uneconomical to pursue.
195.30	15/05/96	Uneconomical to pursue.
236.10	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.
180.00	15/05/96	Uneconomical to pursue.

LEGAL AID OFFICE

Between 1 December 1995 and 31 August 1996, the Office formed the view that it was unlikely to be cost effective for it to recover $66,890.00.

NOTE The Legal Aid Office is unable to provide any further information given the secrecy provisions contained in the *Legal Aid Act 1977.*

WAIVERS

MAGISTRATES COURT

During the period 1 December 1995 and 31 August 1996, there were 51 applications totalling $6,483.00 waived. In all cases, fees were waived due to financial hardship.

OFFICE OF THE PUBLIC TRUSTEE FOR THE A.C.T.

Under the office fees determination, will fees of $50 for a single will or $75 for wills for partners are charged. However, during the relevant period, where persons have been able to produce a pensioner concession card, the fees have been waived.

SUPREME COURT OFFICE

During the period 1 December 1995 and 31 August 1996, the Registrar of the Supreme Court has waived $25,754.00 in Court filing fees in respect of 62 applications to the Court. These fees have been waived in accordance with section 37 B of the *Supreme Court Act 1933* on the grounds that payment would impose hardship on the person liable to pay the fee or on the ground that the person liable to pay the fee was receiving legal aid from an approved legal aid scheme or service.

NOTE The Supreme Court and the Magistrates Court are unable to provide any further information given the secrecy provisions of their relevant legislation. In the case of the Office of the Public Trustee, the information required is not readily available. Accessing this information would involve the use of considerable resources within the Office. However, the Office has undertaken to make changes to its system so as to facilitate the retrieval of this information should it be required sometime in the future.

CHIEF MINISTER'S DEPARTMENT

ACT OF GRACE PAYMENTS

RECIPIENT	AMOUNT	DATE OF DECISION	REASON
I BANNERMAN	1,452.50	28/04/96	Payment in respect of duty paid on transfer of an interest in property at Gordon. Court order stipulated a transfer to take place by 30 October 1992. However the transfer was completed in November 1992. Judged to be inequitable for Mr Bannerman not to receive stamp concession.
NATIONAL AUSTRALIA BANK GROUP SUPERANNUATION FUND A	110,810.60	18/06/96	Payment in respect of duty paid on the transfer of shares. The substance of this transfer was a change in investment managers.

WRITE OFFS

AMOUNT	DATE OF DECISION	REASON
500.00	13/03/96	Attempts to recover unsuccessful. Uneconomic to pursue.
1,560.00	13/03/96	Uneconomic to pursue further.
117.00	13/03/96	Irrecoverable.
96.00	13/03/96	Uneconomic to pursue further.
96.00	13/03/96	Uneconomic to pursue further.
595.00	18/06/96	Irrecoverable.

NOTE Write Off data for Chief Minister's Department do not include amounts relating to other areas of the ACT Government - there is no effect on the total amount of public money of the Territory.

DEPARTMENT OF BUSINESS, THE ARTS, SPORT AND TOURISM

ACT OF GRACE PAYMENTS

NIL

WRITE OFFS

AMOUNT	DATE OF DECISION	REASON
140.00	29/06/96	Company wound up. Territory unsecured creditor.
775.00	29/06/96	Company wound up.Territory unsecured creditor.
775.00	29/06/96	Change of ownership, unable to locate owners.
60.00	29/06/96	Unable to locate debtor.
1,750.00	29/06/96	Change of ownership, unable to locate owners.
163.50	29/06/96	Dispute over authorisation to place advertisement.
163.50	29/06/96	Dispute over authorisation to place advertisement.
163.50	29/06/96	Dispute over authorisation to place advertisement.

WAIVER

NIL

DEPARTMENT OF EDUCATION & TRAINING AND CHILDREN'S YOUTH & FAMILY SERVICES BUREAU

ACT OF GRACE PAYMENTS

RECIPIENT	AMOUNT	DATE OF DECISION	REASON
MS E JOLLY	3,179.75	26/03/96	Payment of Ms Jolly's long service leave entitlements upon the closure of Charnwood High School - insufficient funds in Parents and Citizens account.

WRITE-OFFS

AMOUNT	DATE OF DECISION	REASON
168.00	07/05/96	Disputed charge. Uneconomical to pursue.
3,153.50	20/02/96	Outside Statute of Limitations.
3,445.00	20/02/96	Outside Statute of Limitations.
43.50	20/02/96	Uneconomical to pursue.
9.00	20/02/96	Uneconomical to pursue.
400.00	20/02/96	Uneconomical to pursue.
40.00	22/12/95	Uneconomical to pursue.
40.00	22/12/95	Uneconomical to pursue.
40.00	22/12/95	Uneconomical to pursue.
40.00	22/12/95	Uneconomical to pursue.
30.00	22/12/95	Uneconomical to pursue.
30.00	22/12/95	Uneconomical to pursue.
157.00	22/12/95	Uneconomical to pursue.
70.00	22/12/95	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
17.50	22/12/95	Uneconomical to pursue.
35.00	22/12/95	Uneconomical to pursue.
104.60	17/06/96	Uneconomical to pursue.
85.30	22/07/96	Uneconomical to pursue.
132.20	09/02/96	Discrepancy in balancing revenue with documentation.
6,852.50	15/02/96	Cash, cheques and bankcard payments stolen from safe.
20.00	01/03/96	Discrepancy in petty cash.
371.20	12/03/96	Discrepancy in petty cash.
4,885.00	06/05/96	Cash and cheque stolen from desk drawer.
50.00	31/05/96	Roll of $2 coins misplaced.

WAIVER

RECIPIENT	AMOUNT	DATE OF DECISION	REASON
I HORVATH	4,226.98	15/12/95	Overpayment of salary. Hardship to be caused if recovered.
S BENSON	1,573.26	23/03/96	Salary overpayment as a result of an administrative error(incorrect increment date). Waived as hardship would be caused if recovered.
M JORDAN	6,880.99	26/04/96	Salary overpayment as a result of an administrative error. Waived as hardship would be caused if recovered.

DEPARTMENT OF HEALTH AND COMMUNITY CARE

ACT OF GRACE PAYMENTS

NIL

WRITE-OFFS

AMOUNT	DATE OF DECISION	REASON
60.00	23/04/96	Unable to trace.
26.00	23/04/96	Uneconomical to pursue.
65.00	23/04/96	Unable to locate debtor.
10.80	23/04/96	Uneconomical to pursue.
83.20	23/04/96	Unable to locate debtor.
18.20	23/04/96	Uneconomical to pursue.
91.00	23/04/96	Unable to locate debtor.
998.40	23/04/96	Unable to locate debtor.
338.00	23/04/96	Unable to locate debtor.
96.20	23/04/96	Unemployed. Social worker recommended as irrecoverable.
10.40	23/04/96	Uneconomical to pursue.
59.40	23/04/96	Unable to locate debtor.
83.20	23/04/96	Unable to locate debtor.
20.80	23/04/96	Unable to locate debtor.
20.80	23/04/96	Unable to locate debtor.
10.40	08/08/96	Uneconomical to pursue further.
156.00	08/08/96	Overseas tourist. Unable to locate.
26.00	08/08/96	Debtor deceased. No funds in estate.

AMOUNT	DATE OF DECISION	REASON
65.00	08/08/96	Debtor on Social Security pension. Irrecoverable.
13.00	08/08/96	Uneconomical to pursue.
20.80	08/08/96	Unable to locate debtor.
39.00	08/08/96	Unable to locate debtor.
31.20	08/08/96	Social Security pensioner. Recommended as irrecoverable by welfare.
145.60	08/08/96	Social Security pensioner. Recommended as irrecoverable by welfare.
20.80	08/08/96	Debtor on Social Security pension. Irrecoverable.
107.00	01/12/95	Overseas visitor. Unable to locate.
22.98	01/12/95	Overseas visitor. Irrecoverable exchange rate variation.
103.00	01/12/95	Unable to locate debtor. Irrecoverable.
4,795.60	01/12/95	Overseas visitor, unable to locate. Irrecoverable.
25.00	01/12/95	Unable to locate debtor. Irrecoverable.
11.07	01/12/95	Interest charge outstanding from settled account. Uneconomical to pursue.
15.40	01/12/95	Unable to locate debtor. Uneconomical to pursue.
7.39	01/12/95	Interest charge outstanding from settled account. Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
7.39	01/12/95	Interest charge outstanding from settled account. Uneconomical to pursue.
1,506.26	01/12/95	Unpaid account from third party settlement. Unable to locate debtor. Irrecoverable.
4,590.00	07/12/95	Unable to locate debtor. Irrecoverable.
74.25	12/02/96	Debtor deceased. No funds in estate.
31.87	12/12/96	Overseas visitor. Irrecoverable exchange rate variation.
122.20	12/02/96	Unable to locate debtor. Irrecoverable.
59.76	12/02/96	Interest component of finalised account. Uneconomical to pursue.
150.00	12/02/96	Unable to locate debtor. Irrecoverable.
275.90	12/02/96	Overseas visitor. Irrecoverable.
45.00	12/02/96	Three sick children. Social worker recommended write off.
170.77	12/02/96	Unable to locate debtor. Irrecoverable.
194.00	12/02/96	Unable to locate debtor. Irrecoverable.
369.60	12/02/96	Unable to locate debtor. Irrecoverable.
67.50	12/02/96	Unable to locate debtor. Irrecoverable.
29.75	12/02/96	Interest component of finalised account. Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
30.60	12/02/96	Write back of amended account.
161.72	12/02/96	Debtor pursued since May 1992. Unable to locate. Considered uneconomical to continue.
389.74	12/02/96	Debt incurred Feb 1992. Whereabouts unknown. Irrecoverable amount.
188.18	12/02/96	Debtor pursued since April 1993. Unable to locate. Irrecoverable.
9,110.38	12/02/96	Write back of balance of Third Party Injury account, where claim reduced through contributory negligence of person.
367.66	12/02/96	Continued efforts to trace since July 1991 have been unsuccessful. Irrecoverable.
237.43	12/02/96	Debt unpaid since Dec 1991. All efforts to trace unsuccessful. Irrecoverable amount.
110.06	12/02/96	Continued efforts to trace since Oct 1991 have been unsuccessful. Irrecoverable amount.
1,409.57	12/02/96	Debt incurred July 1988. Referred to ACT Govt Solicitor 1992. Still unable to trace. Irrecoverable.
432.00	12/02/96	Interest component of finalised account; Uneconomical to pursue further.
846.94	12/02/96	Debt incurred July 1988. Referred to ACT Govt Solicitor 1992. Still unable to trace. Irrecoverable.
402.09	12/02/96	Debt incurred May 1990. Referred to ACT Govt Solicitor 1993. Still unable to trace. Irrecoverable.

AMOUNT	DATE OF DECISION	REASON
485.75	12/02/96	Debt incurred Dec 1987. Referred to ACT Govt Solicitor 1993. Still unable to trace. Irrecoverable.
2,112.27	12/02/96	Debt incurred June 1987. Referred to ACT Govt Solicitor 1993. Still unable to trace. Irrecoverable.
434.94	12/02/96	Debt incurred Feb 1990. Referred to ACT Govt Solicitor 1992. Still unable to trace. Irrecoverable.
121.81	04/03/96	Interest component of finalised account. Uneconomical to pursue further.
13.00	04/03/96	Uneconomical to pursue further.
535.50	04/03/96	Unable to trace. No fixed address Irrecoverable.
7.95	04/03/96	Interest component of finalised account. Uneconomical to pursue
	further.	
7.95	04/03/96	Interest component of finalised account. Uneconomical to pursue further.
20.00	04/03/96	Uneconomical to pursue further.
22.45	04/03/96	Interest component of finalised account. Uneconomical to pursue further.
127.40	04/03/96	Interest component of finalised account. Uneconomical to pursue further.
15.60	04/03/96	Uneconomical to pursue further.
10.40	04/03/96	Uneconomical to pursue further.

AMOUNT	DATE OF DECISION	REASON
10.00	04/03/96	Uneconomical to pursue further.
15.60	11/04/96	Uneconomical to pursue further.
5.00	11/04/96	Uneconomical to pursue further.
0.60	11/04/96	Short payment of account. Uneconomical to pursue.
396.70	11/04/96	Unable to trace. Irrecoverable.
22.45	11/04/96	Interest component of finalised account; Uneconomical to pursue further.
107.00	11/04/96	Visitor from PNG. Uneconomical to pursue further.
19.44	11/04/96	Interest component of finalised account; Uneconomical to pursue further.
25.18	11/04/96	Interest component of finalised account. Uneconomical to pursue further.
67.36	09/05/96	Interest component of finalised account. Uneconomical to pursue further.
7.95	09/05/96	Interest component of finalised account. Uneconomical to pursue further.
52.00	09/05/96	Uneconomical to pursue further.
808.00	09/05/96	Admitted as private patient. Unknown to health funds. Discharged himself against medical advice. Unable to trace. Irrecoverable amount.

AMOUNT	DATE OF DECISION	REASON
14.87	09/05/96	Interest component of finalised account. Uneconomical to pursue further.
0.20	09/05/96	Short payment of account. Uneconomical to pursue.
30.12	09/05/96	Interest component of finalised account. Uneconomical to pursue further.
2,213.88	09/05/96	Balance written off following resolution of case through ACT Government Solicitor's Office.
133.02	09/05/96	Interest component of finalised account. Uneconomical to pursue further.
75.68	09/05/96	Interest component of finalised account. Uneconomical to pursue further.
37,800.00	12/06/96	A complex matter involving a person who arrived in Australia in 1991 by boat without authority. Released by Court Order. Returned to China in Nov 1994. Unable to trace. Considered irrecoverable.
1,290.00	13/06/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.
146.00	13/06/96	Admitted as private patient. Not covered by health funds. Unable to trace. Irrecoverable amount.
904.65	13/06/96	Patient deceased. No funds in estate.
107.00	13/06/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.

AMOUNT	DATE OF DECISION	REASON
107.00	13/06/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.
148.15	13/06/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.
32.37	13/06/96	Interest component of finalised account. Uneconomical to pursue further.
634.39	13/06/96	Aged pensioner. Account written off due to illness and financial hardship.
606.00	13/06/96	Admitted as private patient. Not financial, Fund refused to pay. Summons issued. On pension. Bailiff assessed that patient's personal effects in poor condition to seize for sale. Also owed back rent of $3,000. Irrecoverable amount.
12.93	13/06/96	Interest component of finalised account; Uneconomical to pursue further.
60.24	13/06/96	Interest component of finalised account. Uneconomical to pursue further.
914.00	13/06/96	Workers Compensation case. When matter finalised, x-ray account inadvertently omitted from final account. Irrecoverable amount.
10.40	13/06/96	Uneconomical to recover.
4,454.44	13/06/96	When account settled refused to pay interest component ($4,012.44). Summons issued. Bailiff reported debtor's goods in poor condition to sell. ACT Govt Solicitor suggested write-off. Irrecoverable amount.

AMOUNT	DATE OF DECISION	REASON
5,591.80	13/06/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.
179.58	26/06/96	Interest component of finalised account. Uneconomical to pursue further.
146.00	26/06/96	Booked in as private patient. Unknown to health fund. Efforts to trace unsuccessful. Irrecoverable.
146.00	26/06/96	Booked in as private patient. Unknown to health fund. Efforts to trace unsuccessful. Irrecoverable.
107.00	26/06/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.
3,527.58	26/06/96	Write back of balance of Workers' Compensation account, where claim reduced through contributory negligence of person.
9,534.50	26/06/96	Write off of balance of 1987 account totalling $17,030.00 for overseas visitor. Irrecoverable.
8.37	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue.
54.35	31/07/96	Uneconomical to pursue further.
22.15	31/07/96	Uneconomical to pursue further.
46.00	31/07/96	Uneconomical to pursue further.
188.00	31/07/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover.

AMOUNT	DATE OF DECISION	REASON
202.00	31/07/96	Signed in as private patient. NIB Health Fund had cancelled membership. Unable to trace. Irrecoverable.
47.95	31/07/96	Uneconomical to pursue further.
5.20	31/07/96	Uneconomical to pursue further.
15.99	31/07/96	Uneconomical to pursue further.
780.40	31/07/96	Was a Watson Hostel patient. Discharged himself. Moved interstate. Unable to trace. Irrecoverable.
404.00	31/07/96	Admitted as private patient. Unknown to health funds. Discharged himself against medical advice. Unable to trace. Irrecoverable amount.
9.65	31/07/96	Overseas visitor. Uneconomical to pursue for recovery.
7.95	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
7.95	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
79.47	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
7.30	31/07/96	Overseas visitor. Uneconomical to pursue for recovery.

AMOUNT	DATE OF DECISION	REASON
535.50	31/07/96	Deceased person. No funds in estate to pay account.
6.70	31/07/96	Overseas visitor. Uneconomical to pursue for recovery.
53.00	31/07/96	Uneconomical to pursue further.
124.48	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
8.56	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
48.80	31/07/96	Uneconomical to pursue further.
47.73	31/07/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
47.35	31/07/96	Uneconomical to pursue further.
93.40	31/07/96	Uneconomical to pursue further.
237.60	31/07/96	Debt incurred May 1995. Unable to trace. Uneconomical to pursue further.
142.05	31/07/96	Uneconomical to pursue further.
86.00	31/07/96	Uneconomical to pursue further.
156.90	31/07/96	Uneconomical to pursue further.
144.80	31/07/96	Uneconomical to pursue further.
21.70	31/07/96	Uneconomical to pursue further.
47.35	31/07/96	Uneconomical to pursue further.
285.20	31/07/96	Uneconomical to pursue further.

AMOUNT	DATE OF DECISION	REASON
16.49	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
15.89	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
53.91	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
79.55	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
71.52	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
34.03	14/08/96	Outstanding interest component of finalised account; Uneconomical to pursue further.
443.90	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
38.34	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.
2,000.00	14/08/96	Overseas visitor. Attempts to trace have proved unsuccessful. Unable to recover. Uneconomical to pursue further.
14.78	14/08/96	Outstanding interest component of finalised account. Uneconomical to pursue further.

AMOUNT	**DATE OF DECISION**		**REASON**
1,887.00	14/08/96		Nursing home patient. 73 year old pensioner. Debt referred to grand-daughter who is single mother with three children and is on supporting pension. Written off on compassionate grounds.
7.00	14/08/96		Overseas visitor. Uneconomical to pursue further.
38.79	14/08/96		Uneconomical to pursue further.
195.15	14/08/96		Overseas visitor. Uneconomical to pursue further.
4,500.00	29/02/96		Unable to trace debtor.
10.00	13/03/96		Recording error.
P LEBIEDZKI	436.35	01/05/96	Deceased. No funds available from estate.
30.00	13/06/96		Administrative error.
38.00	01/05/96		Uneconomical to pursue.

WAIVER

NIL

DEPARTMENT OF URBAN SERVICES

ACT OF GRACE PAYMENTS

NIL

WRITE OFFS

AMOUNT	DATE OF DECISION	REASON
11,405.87	23/07/96	Uneconomical to pursue.
11,249.56	23/07/96	Uneconomical to pursue.
2.36	12/07/95	Uneconomical to pursue.
1.08	22/01/96	Uneconomical to pursue.
12.77	05/02/96	Uneconomical to pursue.
2,271.28	19/02/96	Uneconomical to pursue.
8.10	19/04/96	Uneconomical to pursue.
455.93	07/05/96	Irrecoverable debt.
1,283.63	07/05/96	Irrecoverable debt.
0.12	07/05/96	Uneconomical to pursue.
10.38	07/05/96	Uneconomical to pursue.
8.24	13/05/96	Uneconomical to pursue.
4,851.86	21/05/96	Uneconomical to pursue.
445.62	04/06/96	Uneconomical to pursue.
6,871.11	11/04/96	Recovery action unsuccessful.
5,971.80	11/04/96	Recovery action unsuccessful.
2,487.00	11/04/96	Recovery action unsuccessful.
2,920.00	11/04/96	Recovery action unsuccessful.

AMOUNT	DATE OF DECISION	REASON
60.00	11/04/96	Company liquidated. No return for unsecured creditors.
96.00	11/04/96	Recovery action unsuccessful.
100.00	11/04/96	Advice given by ACTION employee that service was free of charge.
581.60	11/04/96	Recovery action unsuccessful.
295.25	11/04/96	Business no longer in operation. ACTION unsecured creditor.
452.00	11/04/96	Business no longer in operation. ACTION unsecured creditor.
2,021.56	06/03/96	Uneconomical to pursue.
283.91	01/02/96	Uneconomical to pursue.
1,163.10	01/05/96	Uneconomical to pursue.
1,728.31	01/05/96	Uneconomical to pursue.
1,308.60	01/05/96	Uneconomical to pursue.
1,659.97	01/05/96	Uneconomical to pursue.
1,673.75	30/04/96	Uneconomical to pursue.
1,155.13	30/04/96	Uneconomical to pursue.
970.68	13/05/96	Uneconomical to pursue.
1,251.90	13/05/96	Uneconomical to pursue.
1,660.84	13/05/96	Uneconomical to pursue.
1,540.53	07/05/96	Uneconomical to pursue.
2,089.26	07/05/96	Uneconomical to pursue.

AMOUNT	DATE OF DECISION	REASON
2,048.64	07/05/96	Uneconomical to pursue.
496.12	01/05/96	Uneconomical to pursue.
1,661.78	07/05/96	Uneconomical to pursue.
815.83	13/05/96	Uneconomical to pursue.
1,986.37	13/05/96	Uneconomical to pursue.
1,931.07	13/05/96	Uneconomical to pursue.
203.39	13/05/96	Uneconomical to pursue.
1,963.64	13/05/96	Uneconomical to pursue.
168.66	01/05/96	Uneconomical to pursue.
346.44	23/05/96	Uneconomical to pursue.
1,862.47	30/08/96	Uneconomical to pursue.
1,880.71	02/08/96	Uneconomical to pursue.
1,410.06	06/09/96	Uneconomical to pursue.
3,601.00	05/03/96	Uneconomical to pursue.
105.00	07/02/96	Uneconomical to pursue.
2,141.00	17/01/96	Uneconomical to pursue.
22,518.26	27/08/96	Writeback of debt following AAT action.
2,856,874.92 (7,970 individual amounts).	30/06/96	Uneconomical to pursue.
57,703.14 (479 individual amounts).	23/08/96	Uneconomical to pursue.
29.92	31/07/96	Uneconomical to pursue.

WAIVER

RECIPIENT	AMOUNT	DATE OF DECISION	REASON
J BACON	557.64	16/07/96	Mr Bacon incurred the fees at the Mugga Lane Landfill as a result of fire which destroyed his property and left him destitute. Decision made on compassionate grounds.
MRS GORDON	65.00	12/02/96	Mrs Gordon contacted the Minister's office about a $65 permit fee to make alterations (to include her second still born child) to a memorial. The Minister's Office agreed that the circumstances were unusual with two still born children being interred within a twelve month period. Decision made on compassionate grounds.
S MUSE	213.00	17/02/96	Error with "holding Period" at Canberra Cemetery.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 331

Gungahlin - Bicycle Paths Map

Ms Follett - asked the Minister for Environment, Land and Planning - Can you provide an up-to-date map of bicycle paths, both existing and planned (with completion dates) for Gungahlin.

Mr Humphries - the answer to the member's question is as follows:

- Yes. Officers of my Department provided to you a pathway plan for Gungahlin showing the existing and proposed paths. The plan only differentiates between minor (1.2m wide) and major paths (1.8m or 2.5m wide).

- As Gungahlin is a development area, there is a need to constantly review the proposed planning and sequencing in accordance with the current economic situation. This applies also for all proposed pathway routes and will lead to future changes of the pathway network. Please take this into account when using the information regarding future paths.

- For footpaths/cycleways to be constructed by a developer under a Deed of Agreement, it is the developers obligation to provide pathways after 50-75% of dwellings are completed within a stage. It is thus impossible to determine an exact completion date.

- The dates shown on the plan for future paths, to be constructed under the Capital Works Program, are subject to approval of funds.

Please also note:

- In the long term it will be necessary to carry out further cycleway/pathway planning in Gungahlin. This will result in a Cycleway/Footpath Master Plan for this area. The timing for the study depends on the availability of funds for our Metropolitan Planning and Land Supply Branch's study program.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 338

Bruce - Advertising Sign

Ms Horodny - asked the Minister for the Environment, Land and Planning - In relation to the large sign erected on the southern corner of Haydon Drive and Ginninderra Drive, in Bruce, to advertise blocks for sale in the adjacent Huntley Estate-

(1) Was planning approval given to the erection of this sign, and if not, will the Government take action to have the sign removed

(2) If it was approved,

(a) What policies or guidelines were used to assess this sign; and

(b) On what basis was the sign considered to be in compliance with these policies or guidelines.

(3) Is this sign on public or private land, and if it is on public land, has any money been paid to the government for the use of public land for this sign.

Mr Humphries - the answer to the member's question is as follows:

(1) Yes, an application to erect a temporary sign at the corner of Ginninderra Drive and Haydon Drive was lodged on 5 September 1995 and conditional approval was granted on 18 September 1996. Therefore, no action to have the sign removed is necessary.

(2) (a) The proposal falls within the Major Roads Land Use Policies of the Territory Plan. Under that Policy temporary uses of the land are allowed and no performance controls apply. Nevertheless, the Sign Policies of the Territory Plan were used in considering the proposal.

(b) I am advised that the height of the sign is consistent with the Sign Policy but its area is larger than that provided for in the policy. This was allowed in consideration of the viewing distance and speed of passing motorists and the one off, temporary nature of the sign. I understand that similar large signs of a temporary nature have been approved for other land sale areas.

(3) The sign is located on a public road and it was approved subject to a licence being issued over the land. I am informed that the area to be used is approximately 60m2 and that the rent between $1.5 to $2.5 per square metre per week is payable for such a licence. I am also advised that the applicant will be required to take out public liability insurance of $5M.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION
Question No. 341

Disability Services - Industrial Relations Consultant

Mr Berry - asked the Minister for Health and Community Care upon notice on 20 November 1996

In relation to ACT Community Care's recent employment of a consultant from Philips Fox Solicitors to act in negotiations between the Health Services Union of Australia and ACT Community Care Disability Program on a new classification structure -

(1) What is the cost of contracting Phillips Fox Solicitors as consultants.

(2) Are any other consultants being used for Disability Programs negotiations, if so what is the cost of contracting them.

(3) Why does ACT Community Care Disability Program see the need to use an Industrial Relations consultant when there are existing industrial relations specialists within ACT Community Care, in particular, in light of the need to rein in expenditure by $560,000.

Mrs Carnell - the answer to the Member's question is:

(1) The fee payable to Phillips Fox Solicitors to act in the matter of negotiation and implementation of a new award/agreement and a purpose-built classification structure for disability support workers in the Disability Program is $30 000. Hourly rates are not being charged.

(2) No other consultants are currently being used for Disability Program negotiations.

(3) A consultant has been engaged because of the complexity of this particular situation and in order to ensure that negotiations are consistent with standards and directions across the human services industry.

The industrial relations specialists within the Department of Health and Community Care have neither the very specific expertise required in this situation nor the time to carry out this intensive work.

Professional consultants with extensive experience have been employed because it would be false economy to cut costs in a situation which has such important and far-reaching effects for the Disability Program and the people who use the Program services.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION
Question No. 343

Disability Services - John Knight Hostel Residents

Ms Tucker - asked the Minister for Health and Community Care upon notice on 20 November 1996

In relation to disability services -

(1) How much was budgeted for the relocation of residents when John Knight Hostel was closed.

(2) How much did it cost to relocate clients.

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

(1) The only additional funding for the relocation of residents from John Knight Hostel was a non-recurrent amount of $78 000 in the 1994/95 ACT Budget, for purchase of furniture and whitegoods. The whole of this amount was expended.

Other costs for relocation of residents were expected to be met from within the existing Disability Program budget.

(2) The John Knight Hostel closure and relocation process took place over approximately 12 months. The costs involved in this particular process are not separately identified in the Program budget or in accounts and financial records because they are part of the cost of providing an ongoing service to Program clients.

The majority of additional 'other operating' costs of the transition period were absorbed in the Program budget, however increased salary costs through the transition period contributed to an overspend in the Program budget in 1995/96.

The new arrangements involve some increased costs, in particular because of the need to provide staff in a greater number of locations, including sleepover costs. This increase in staffing is necessary in order to provide more individually focused services to clients in more homelike surroundings. The current industrial reform in the Disability Program is expected to lead to more realistic staffing costs and more flexible arrangements to meet individual needs.

APPENDIX 1: Incorporated in Hansard on 4 December 1996 at page 4409.

The Legislative Assembly
for the Australian Capital Territory

Ministerial Statement on

Implementation Report:

The Role of Urban Design in Crime Prevention and Community Safety

To be delivered by:
Gary Humphries MLA
Attorney-General

2

Mr Speaker, *The Role of Urban Design in Crime Prevention and Community Safety* report was commissioned in late 1993 as a joint initiative of the then Department of the Environment, Land and Planning and the Attorney-General's Department. Assistance has been provided by the Department of Urban Services, the Australian Federal Police and the Australian Institute of Criminology.

Worldwide research has documented links between crime prevention and the physical design, management and planning of facilities and urban areas. The study set out to identify those elements of urban design which contribute to crime and anti-social behaviours, or give rise to perceived fears of crime, with the aim of formulating advisory design guidelines for future planning, building and development.

Members will recall that the report was tabled in the Assembly in December of last year and debate was held over until May of this year. During the intervening months the Government has moved to put in place many of the report's recommendations, and I advise that the Government's position is one of substantial support for the recommendations.

I now table the Implementation Report of *The Role of Urban Design in Crime Prevention and Community Safety* report. The Implementation Report itemises the Government's response to the recommendations of the initial report.

The recommendations were presented as two sets - the first being called the ACT Community Safety Policies - and these refer to recommended

urban design crime prevention strategies applicable across the whole of the ACT; and the second set is called the Civic Community Safety Policies - and these refer to recommended strategies which apply specifically to Civic.

There are over 100 pages of recommendations dealt with in the Implementation Report so it is not my intention to go through each recommendation one by one.

To illustrate our commitment to the crime prevention and safety principles inherent in the Report I draw the Assembly's attention to a range of programs and management processes already in place:

- A major recommendation of the report was that there should be a centralised and coordinated public place management structure put in place. This has occurred through the restructuring in the Department of Urban Services, and the incorporation of Planning and Land Management into that Department. Canberra Places, in the Department of Urban Services, organises an across agency Public Places Coordinating Committee, which responds to a range of issues relating to public place management in the ACT. The urban services and planning sectors of government, that you would normally expect to find on such a committee, are supported by representatives from such agencies as the Australian Federal Police, the Community Safety Unit, and the Registrar of Liquor Licensing. The consideration of safety principles is integral to the function of this committee.
- The report refers to the need to rejuvenate areas of the ACT to attract diverse groups of people back into dead spots in town centres. These

urban design crime prevention principles are part of the range of criteria underpinning the refurbishment of Civic. Forward design for Civic Square and Garema Place has been completed and construction is due to start in early 1997. Funding for Stage 1 is $900,000. Similar, smaller scale refurbishment is being undertaken in the shopping centres of O'Connor, Narrabundah and Hughes, with other centres in Manuka, Kingston, Yarralumla and Weston Creek now at the forward design stage.

- Community consultation has been an integral part of the process of responding to the spirit and the recommendations of the report. In particular the precinct management groups and community safety committees have been closely aligned to this process.
- The need for effective lighting features prominently among the safety recommendations. Upgrades of lighting have been completed in Glebe Park, the service lane of the Sydney Building and at the taxi rank in Bunda Street. Upgrades for the ground level car parks in London Circuit next to the North Building, and in Bunda Street are due for completion shortly.
- Other programs such as the graffiti strategy, the vandal proofing of light posts and globes, and the trialing of new toilet facilities are just a few of the initiatives outlined in the Implementation Report.
- The initial report underlined the importance of the need for reliable crime and justice data, collected and analysed in a manner that provides us with accurate and timely information on crime trends and our responses to those trends. We are moving to have a crime and justice data system established by the end of this year.
- I believe that a principal value of *The Role of Urban Design in Crime Prevention and Community Safety* report lies in its function as a

safety blueprint for future development works and refurbishment. We have given realisation to this function by revising a range of public place management guidelines, and development and planning guidelines, so that they include crime prevention and safety principles. These are outlined in the Implementation Report.

While stressing the overall value of the report we need to be aware that full support cannot be given to all of the recommendations because of other competing priorities. For example:

- A set of recommendations proposes that level pedestrian crossings replace underpasses and overpasses, the rationale being that the latter are predictors of pedestrian flow, which provide less informal surveillance and, therefore, are potentially areas which offenders may target. However, a competing policy is to promote their use as they offer substantially safer alternatives for crossing roads, particularly in the case of children and elderly pedestrians.
- Another example relates to the continuing debate as to levels of lighting to meet safety needs, as opposed to the type of lighting which meets aesthetic needs, wherein different levels of light and shade are prerequisite. No doubt we can strike a balance, but we need to understand that the installation in urban settings of whole scale lighting at levels which are the equivalent of daylight levels, may destroy the ambience of a night time setting.

I need to add just one further word of caution. The report represents the ideal, but at the moment, in economic terms, we do not live in an ideal world. We cannot implement all of the recommendations as the capital cost would be overwhelming. Prohibitive costs in certain areas (and

lighting is a good example) do not allow for whole scale changes to existing infrastructure.

Overall, the Implementation Report summarises our substantial support for the safety principles of the initial report and our substantial response by way of having implemented already numerous proposals of the report.

The Role of Urban Design in Crime Prevention and Community Safety report draws together fundamental concepts of environmental and urban design crime prevention and applies them to the ACT. I am pleased to be able to table this Implementation Report which summarises the commitment of this Government to the safety principles inherent in the initial report.