DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 FEBRUARY 1997

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

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

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

> That the Assembly authorises:
>
> (1) the recording on video tape with sound by television networks of proceedings during the swearing-in of the new Members and the recording without sound of proceedings during question time today, Tuesday, 18 February 1997;
>
> (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule; and
>
> (3) the taking of still photographs during the swearing-in of the new Members and question time today, Tuesday, 18 February 1997, and the use of such photographs in the print media generally.

RESIGNATION OF MEMBER

MR SPEAKER: Pursuant to the resolution of the Assembly of 27 March 1992 which authorises me to receive written notice of resignation of a member, I wish to inform the Assembly that I have received a written notice of resignation from Mr De Domenico dated 30 January 1997. Pursuant to subsection 13(3) of the Australian Capital Territory (Self-Government) Act 1988, I present the letter.

ANNOUNCEMENT OF MEMBERS TO FILL CASUAL VACANCIES

MR SPEAKER: I have been informed by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Mr Simon Corbell and Mrs Louise Littlewood have been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancies created by the resignations of Ms Rosemary Follett and Mr Tony De Domenico, respectively. I present the letters from the Electoral Commissioner dated 9 January 1997 and 13 February 1997.

OATH OR AFFIRMATION OF ALLEGIANCE

MR SPEAKER: Section 9 of the Australian Capital Territory (Self-Government) Act 1988 and section 10A of the Oaths and Affirmations Act 1984 provide that a member of the Legislative Assembly for the Australian Capital Territory shall, before taking his or her seat, make and subscribe an oath or affirmation in accordance with the form set out in the Oaths and Affirmations Act.

The oath or affirmation is required to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or a judge of that court authorised by the Chief Justice. His Honour Mr Justice Gallop, the Acting Chief Justice of the Supreme Court of the Australian Capital Territory, will attend the chamber so that the new members may make their affirmations.

The Acting Chief Justice attending accordingly -

AFFIRMATION OF ALLEGIANCE BY MEMBERS

Mr Simon Corbell and Mrs Louise Littlewood were introduced and made and subscribed the affirmation of allegiance required by law.

The Acting Chief Justice retired.

MR SPEAKER: On behalf of all members, I would like to bid a warm welcome to our two new members of the Assembly.

Sitting suspended from 10.38 to 11.12 am

INAUGURAL SPEECH

MR CORBELL (11.12): Mr Speaker, I ask for leave of the Assembly to make my inaugural speech.

Leave granted.

MR SPEAKER: Before I call Mr Corbell, I wish to remind members that this is the member's inaugural speech and it is traditional that it be heard in silence.

MR CORBELL: Mr Speaker, as I stand in this Assembly today I am conscious of a significant responsibility and a great opportunity. Over the past months since my election I have been acutely aware of the expectations that rest upon me to truly represent the interests and concerns of people living in the Molonglo electorate. I am grateful already for the very positive support I have received from a wide range of community groups and individuals across Canberra, and I am looking forward to building and strengthening the valuable contacts I have already made.

I also want to give thanks to the many people in the Labor Party who have expressed great optimism and confidence in my capacity to take on this role and who have welcomed my election. I hope to be able to repay their support in the coming year. Most importantly, I wish to thank my partner, Nelida Contreras, for her unqualified support and encouragement in this dramatic change of vocation for me. Her unending patience and love I will always value. I also want to thank all of my family who are here - Brenda, Trevor, Trish, Lloyd and Bec - as well as Nelly, Ramon, Tess and Peter, who cannot be here today. All of your advice and encouragement means a great deal to me.

Mr Speaker, the opportunity provided to me to sit in this Assembly is one I chose to accept because I believe I am capable of continuing the dedicated and principled work of Rosemary Follett, whose seat in this chamber I now occupy. I will be striving to fulfil this opportunity, and the expectations which accompany it, with all of my energy and commitment. There is much which needs to be addressed with energy and commitment in Canberra. Canberra is changing, but much of this change is not welcomed by those who live here. Unless you wield influence or are wealthy or privileged you will find that the very nature of the Canberra community is being fundamentally changed. The influence of the ideology of economic rationalism is dramatically changing our city. The belief that all must be measured by its monetary value, by what it can be bought or sold for, rather than by what it achieves or contributes, is undermining our sense of society. We are told by governments that we are no longer citizens but consumers, that our place in society is measured only by our ability to buy or sell.

The promise of economic rationalism has been that by adapting to the realities of the market we are building a more secure and more realistic society. This promise has been made in Canberra, as it has been elsewhere around Australia. Yet ask any Canberran whether their life has become more secure or less secure in the past decade, and they will tell you it is less secure. The promise of pain for long-term gain is a false one. Services are declining, not improving; the sense of community is being broken down, not built up; and the prospect of finding a more secure income is less likely, not more so.

In Canberra, as elsewhere, we are affected by nothing less than a fundamentalist belief which has held sway around Australia for over 10 years. Yet we are still told to tighten belts, to do more with less, to accept the reality of the market and the economy. We are still waiting for a reward which will never arrive.

Mr Speaker, Canberra deserves a brighter and more optimistic future than the one which is presented to us by this Government and governments past and present federally. Canberra deserves an alternative which will build a fairer society, one which will place the importance of the community and of each individual's unique contribution above that of their pure personal wealth. To achieve this means understanding the extent and impact which this and previous governments' policies have had upon our city. We have to acknowledge the mistakes of the past; we have to listen to the needs of people in the community; and we have to work together to build a fairer and more peaceful community.

The most valuable part of any society is its people. The extent to which people feel they can contribute to the community depends on how secure and safe they feel within it. We cannot expect people to be able to participate in our community if their ability to physically access their city, to maintain their health and wellbeing and to find safe and affordable accommodation is not ensured and many other needs are not met. Yet Canberra, which once prided itself on the high standard of its services to people, now leaves out and leaves behind those who do not have the financial ability to meet their needs.

Mr Speaker, as an example I will instance two elderly sisters in their eighties and living in Weston Creek who rely upon easy access to the bus service to travel to the shops, to do their grocery shopping, just to get out of the house once a week to have a meal and interact with others. This year, ACTION determined that their route was not economically viable and changed it. As a result, the sisters - one with a heart condition - now face a 30-minute walk uphill just to catch the nearest bus. I am sure that ACTION would argue that it must be efficient and financially viable, but I know that the sisters would say that a bus service should be designed to meet the needs of people, not an arbitrary budget figure. Mr Speaker, this story highlights a far more important point, namely, that a government which allows the narrow and self-interested demands of the market to dictate how it provides community services denies ordinary Canberrans the opportunity to play a part in their community. The Government's policies will mean that more people will become isolated and unable to contribute to our society, purely because they cannot afford it. All of us are the poorer as a result.

Mr Speaker, another of Canberra's most valuable assets is its land, its natural and its built environment. The foresight of this city's designers has created a physical environment which has provided a high quality of life and has given people a valuable connection between our urban and natural environments. Land in Canberra is owned by the people, by all of us, through leasehold. This has allowed development to take place only when it is in the interests of society overall. Leasehold is our guarantee of a city which meets the needs of people, rather than the interests of developers or any other party alone. Land in Canberra is valuable, because it is owned by all of us. The benefits which individuals obtain through the use of it require them to pay for that use, through betterment or lease renewal, and this revenue in return is used by government to maintain

and expand community services. For this reason, the maintenance of the leasehold system, I believe, is central to maintaining Canberra as a fair and equal society; for it requires development to be in the interests of all of the community, as well as the individual. Increasingly, however, the principle of leasehold in Canberra has been undermined and eroded.

Development now often takes place in the interests of a few, rather than in the interests of the Canberra community. As a result, the design of many new developments gives rise to a lower quality of life, more crowded and constrained surroundings, loss of personal privacy and space and, ultimately, a starker division between the wealthy and the poor. Moves to change the law in relation to lease renewals and plans by Liberal governments, locally and federally, to create 999-year leasehold have worked to deliberately weaken the control the community has over how our city is planned. If we lose this right to control the development of our city we ultimately lose the very nature of Canberra as a planned city for people; we would lose the opportunity to control our future economic and social development. Individual self-interest will have disregarded the interests of the community if this happens. The relentless drive for bigger profits will have overpowered community needs and the common good.

Mr Speaker, the greatest sense of insecurity felt by many in Canberra is the constant worry of finding or keeping a job. This is particularly felt by young people and by those in their forties and fifties who see little prospect of finding future employment. Here the influence of economic rationalism has had its most devastating effect. The number of people unemployed in Canberra is now above the national average and, sadly, our local economy is now in recession. Working people in Canberra no longer feel secure in their job, if they have one, and those who are out of work despair at the prospect of finding employment. The tragedy of unemployment is one of this Assembly's greatest challenges. Yet the response from governments, locally and federally, has been to abandon their central role in fostering employment and to say that another force, the market, is the solution to our unemployment problems. This is nothing less than an abrogation of the responsibilities which we in this Assembly collectively hold - to build a fairer and more just community. Canberra cannot be a fairer or more just community with unemployment.

Economic rationalism lies upon the belief that the market will resolve inconsistencies within itself. Yet we have already seen that the demands of economic rationalism leave behind those who cannot afford to keep up and foster individual self-interest ahead of community wellbeing. For this reason, we must not allow the Government to evade their responsibility by saying that is it up to the market to create jobs; and to justify the loss of Government controls, revenue and influence by saying that without this the market will not deliver. If one thing is clear in the development of Canberra it is that there is a clear relationship between the public, private and community sectors; we are a mixed economy. Over the past two years we have seen the damage caused by the abandonment of this relationship on the part of the Federal and ACT governments, and both the private sector and the public sector have worn the cost. Opportunities to create real permanent jobs exist, but they require a more interventionist and active approach from government than currently happens. They also require strength of leadership.

Mr Speaker, I do not believe that we live in a time when there is only one way to govern a Territory such as Canberra. Many have argued that there is only one ideology which is viable, that is, the free market. This is the same free market which economic rationalists have continued to quote as services decline, unemployment grows and the interests of the community are undermined. I firmly believe that there are alternatives to this; they are not easy and they are not simple, but they are there. The greatest hindrance in Canberra to solving the problem of unemployment is the lack of political will to recognise that the current belief in the politics of accepting the constraints of the market has failed. What is needed is a new political vision and leadership. Political parties which have adopted the policies of the market are failing to address the real concerns of people. Yet people still face the dilemma of just replacing one party with another which accepts the same basic rule of the market. I do not accept this, and I know this is a view shared by many within my party. My goal will be to continue, along with my Assembly colleagues, to build Labor as an alternative which provides new solutions to the problems of unemployment, declining community services and the breakdown of society.

Mr Speaker, adopting the principle that, above all else, we as Canberrans live in a city - a city of individuals bound together by our common home, and it is not just a marketplace - is an important start to make. To recognise that we are citizens, that a person's value is more than just their financial worth; to ensure that as a society we can succeed only if we allow all an equal chance to participate - that means making sure that people do not need to fear for their job, do not need to fear that they cannot pay for medical care if they are sick, do not need to fear that they will become alienated and isolated in their own city. To do this means saying that living in Canberra is more than just being a consumer of products and a buyer of services. It means being able to contribute to the development of our community by participating as a citizen in the life of our city, and not just as a passive spectator.

Mr Speaker, people in Canberra aspire for their city to be a fair and peaceful place in which to live. It is this Assembly's responsibility to foster and develop that city. As a member of this Assembly, along with my Labor colleagues and others who share these views, I will be working to help achieve this aspiration we should all share.

LIQUOR (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (11.27): Mr Speaker, I ask for leave to present the Liquor (Amendment) Bill 1997.

Leave granted.

MR HUMPHRIES: I thank members. I present the Liquor (Amendment) Bill 1997 and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

This Bill amends the Liquor (Amendment) Act 1996 by introducing a provision to extend the restricted trading hours trial for the sale of liquor from licensed premises and amends the Liquor Act 1975 to enable the restriction of the conduct of sexually explicit entertainment on licensed premises to premises in prescribed locations. The trial restricted trading hours for the sale of liquor for consumption on licensed premises between the hours of 4.00 am and 7.00 am and for the sale of liquor for consumption away from licensed premises between the hours of 1.00 am and 7.00 am. That trial ends on 31 March this year.

The Assembly will recall that legislation enabling the trial contained a sunset clause which takes effect on 10 April 1997. I have been advised that the consultants engaged to evaluate the trial will be able to report, at the earliest, by the middle of April 1997. Once the report is received there will need to be, of course, an adequate period of time to consider the findings. The question arises as to what should occur pending the consideration of the consultants' report and the making of a final decision whether to continue or cease trading hours restrictions.

I propose to extend the trial restricting trading hours for the sale of liquor pending a final decision to continue or cease restrictions. I propose to extend the sunset clause until the end of September 1997. If a final decision is reached prior to September 1997 - and I trust that will be the case - that will be implemented in a timely fashion. The extension of the trial will provide stability for all interested parties until a final decision is made. I am pleased that in this respect I have the support of the industry for this short extension.

Earlier this month a tabletop dancing venue opened at a licensed premises in Civic. The Government believes that such activities and venues are appropriately located in the commercial areas of Fyshwick, Mitchell and Hume. This is consistent with the policy restricting the location of commercial brothels and the display for sale of X-rated videos and films. To restrict the location of these activities, I propose in this Bill to make it an offence to conduct sexually explicit entertainment on licensed premises other than in prescribed locations. Prescribed locations will be determined by regulation, and I propose that the prescribed locations be defined as Fyshwick, Mitchell and Hume.

To ensure this legislation can keep pace with the industry, I propose to define the core matters which constitute sexually explicit entertainment and to provide a regulation-making power to deal with any other issue which may emerge from time to time. The core matters defined in the legislation as sexually explicit entertainment are the display of genitalia by any person included in a performance or entertainment and sexual intercourse as defined in the Crimes Act 1900. This legislation will prevent the continuation of sexually explicit tabletop dancing at the recently opened Civic venue.

Mr Speaker, I should indicate to the Assembly that the Government has spoken with this licensee and others who have from time to time proposed the establishment of this kind of entertainment and has urged them not to base such entertainment in the Civic area of Canberra. The Government has not expressed any opposition to this entertainment per se but has said that there are issues of appropriate location and of an important priority for government as a whole to be able to raise the tone and general ambience of important parts of our city, in particular the Civic area of Canberra. As such, I hope members will consider the role that this legislation may play in producing a better environment for community safety, particularly in areas around Garema Place.

This Bill has some urgency since one licensee is now operating already, contrary to the terms of this legislation. I would hope to bring the legislation back next week for debate in the Assembly. I commend the Bill to the Assembly.

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

POSTPONEMENT OF ORDER OF THE DAY

MR HUMPHRIES (Attorney-General) (11.32): Mr Speaker, pursuant to standing order 150, I move:

> That order of the day No. 1, Executive business, relating to the Land (Planning and Environment) (Amendment) Bill 1996, be postponed until the next day of sitting.

Question resolved in the affirmative.

ANIMAL DISEASES (AMENDMENT) BILL 1996

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

> That this Bill be agreed to in principle.

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

ASSEMBLY BUSINESS - PRECEDENCE
Suspension of Standing Orders

Motion (by **Mr Humphries**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing orders be suspended as would prevent Assembly business being called on forthwith.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on State of the Environment Report and Government Response

MR MOORE (11.34): Mr Speaker, I present report No. 25 of the Standing Committee on Planning and Environment entitled "The 1995 ACT State of the Environment Report and the Government's response", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, this has been a particularly interesting inquiry for the committee. It raises quite a number of issues for the Assembly to consider. This report was tabled out of session and raises for the Government a series of difficulties about the way in which they deal with the State of the Environment Report. The first of the two most important of those, Mr Speaker, is the extra responsibility that the Commissioner for the Environment has now taken on in a regional sense. The regional focus of the Commissioner for the Environment is, indeed, an important attribute, and the committee is very pleased that has been taken on. However, we did note that the Commissioner for the Environment is being provided with only very limited extra funding for that work, and it is appropriate that the Commissioner for the Environment be able to carry out the work in the best possible way.

The second most important issue, Mr Speaker, is the way in which the Government responds to reports of the Commissioner for the Environment. The reports from the Commissioner for the Environment have generally received a very positive response from the Government, but with no specifics. Members of the committee are conscious that there are three ways to deal with policy - you argue against it; you argue for it; or, probably the most important method, you either delay it or just provide no funding whatsoever, so that you can make all sorts of nice noises but achieve very little. That is the concern of the committee that I would like to highlight most clearly.

Mr Speaker, it is quite clear that the Commissioner for the Environment has made a major contribution to the Assembly, and I draw members' attention to the fact that that position was created by Mr Bill Wood. Certainly, from my understanding, it was an initiative that Mr Wood took to the election before last, came into the Assembly as Minister for the Environment and then delivered on that. I believe that has made a significant contribution to the improvement of the environment in Canberra and the ACT. However, there is still a long way to go. It is not enough for the Commissioner for the Environment simply to draw attention to the fact that there are problems in the ACT and for the Government to say, "Oh, yes, we will fix those sometime, perhaps later; but we are not putting any funding into it". We have to have specific goals set and that is, I think, the most significant part of the report that this committee brought down.

Mr Speaker, I recommend to members that they read the report carefully and, particularly the Government, take on board the encouraging parts of the report for the Government; but also that they be particularly conscious of the issues that we have highlighted for the Government to consider.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Draft Variation to the Territory Plan - B2 Commercial Land Use Policies

MR MOORE: Mr Speaker, pursuant to standing order 246A, I make the following statement on behalf of the Standing Committee on Planning and Environment. The statement follows a briefing by officials on draft variation No. 64 on Tuesday, 11 February 1997, and subsequent discussion by members. The actual wording of the statement was agreed to by members on Friday, 14 February 1997. Mr Speaker, this statement refers to draft variation No. 64 to the Territory Plan: B2 commercial land use policies - local centres (Part B2D). Mr Kaine, at the time serving on the committee as deputy chair, took no part in the briefing or the committee's deliberations, reflecting his assumption of ministerial duties.

Members are aware that the Land (Planning and Environment) Act stipulates that each draft variation must be referred by the Executive to an appropriate committee of the Legislative Assembly. The Act also requires the Executive to have regard to any recommendations of that committee before approving or revising the draft variation. In the case of draft variation No. 64, the Minister for the Environment, Land and Planning referred the paperwork to the Planning and Environment Committee on 6 February 1997. On the following day, the committee considered the draft variation and requested a briefing by officials.

The draft variation proposes to extend the range of uses permitted at local centres. Examples of possible new uses are light industry, such as a print shop; guesthouse; veterinary hospital; community uses, including church and education; industrial trades, such as motor servicing, electrical and lawn-mower repairs; and residential. The draft variation is an important component of the Government's retail policy, *Striking a Balance*. Aspects of the Government's retail policy were considered by the Planning and Environment Committee in its report No. 20, "Further Retail Policy Measures to Maintain Diversity in the ACT Retail Market". In that report, which came out in November 1996, the committee noted that the Government was preparing a draft variation to the Territory Plan. The committee undertook to give the draft variation careful scrutiny.

Mr Speaker, members of the committee are keenly aware of the serious - even critical - problems besetting many of Canberra's local shopping centres. We are sympathetic to the objective of the draft variation; namely, to enable innovative land uses in local centres. However, we are confident that our community will experience some surprise - and possible outrage - if local residents find that their local shopping centres suddenly, and unexpectedly, become areas of significant light industrial use, church use or educational use or become entirely residential in character. I reiterate that these types of uses will be permitted once the draft variation takes effect.

The committee was concerned to learn that the planning authorities received only seven submissions on the draft variation. When questioned by committee members, officials said that they had insufficient resources to, for example, write to each shopping centre owner/manager or to letterbox houses in the vicinity of local centres. This inadequate consultation process makes it extremely likely that most residents will be taken by surprise if the proposed types of land uses are permitted. In addition, the committee is aware that another element of the Government's retail policy package was an ideas competition for local shops, aimed at bringing forward innovative ideas for our local centres. The committee understands that officials are processing these ideas. It is possible that some of the ideas will impact on the range of land uses being suggested in draft variation No. 64.

Mr Speaker, in this statement there are, in fact, two recommendations. That is unusual for a statement to the Assembly; but I hope that the Minister, in particular, takes note of those recommendations that come through this statement. The first recommendation of the committee is that the Government promptly institute improved consultation with the owners/managers of local centres and local residents; also, that the Government quickly complete the assessment of the ideas competition for local shops in order to incorporate any relevant ideas into the proposed variation. Once this greater consultation is completed, members of the Assembly will be able to properly gauge the extent of community interest in the proposals. In addition, a much wider range of people will understand what is being proposed, and why.

In passing, the committee draws attention to the need for a smooth and thorough consultation process whenever the Government is suggesting a major change to a community's local environment. It seems to the committee that more resources - enabling much better targeting of local opinion, both residential and business - are required. The committee hopes that the Government will take the appropriate action.

Members of the committee have a second concern about the draft variation. This concern is that officials could not show the committee what guidelines will apply to their assessment of a local shopping centre as "not commercially viable". This is very significant, because, if the owner of a centre can show that his or her centre is not commercially viable, then the draft variation will allow shops to be converted to wholly residential. This change of land use will involve payment of the change of use charge - formerly known as "betterment" - making it all the more important to have clear, well-understood guidelines. Also, the approach taken should enhance the viability of local shopping centres and should not too readily facilitate their conversion to light industrial, residential or other uses.

The committee was told by officials that the guidelines would not be ready for at least four weeks. This leads to our second recommendation. The committee does not consider that the draft variation should be endorsed until these guidelines are available to members of this Assembly. Of course, the guidelines should reflect extensive consultation with business and residents. In particular, it seems to members of this committee that the guidelines should give clear examples of the detailed nature of likely new uses of the shopping centres. They should be displayed on the community billboards located in some of our local centres, so as to facilitate local awareness.

Given these serious concerns, the committee considered instituting a formal inquiry into the draft variation to enable a wider span of public opinion to be consulted and more detailed attention to be given to the proposed guidelines. But, on balance, the two problems we are drawing attention to are defects of the Executive process, and therefore it is appropriate that the Government find the means to address our concerns. We hope that it does so quickly. If it does, draft variation No. 64 should be able to be considered in the April sittings.

Mr Speaker, I ask for leave to present the statement and move a motion relating to the statement.

Leave granted.

MR MOORE: I move:

> That the Assembly takes note of the paper.

In moving that the Assembly takes note of the paper, I am providing the opportunity for other members of the committee to make a comment and to explain why they supported this statement from the committee. Mr Speaker, the committee was very concerned, because we can see why there is a need for this variation to take effect as quickly as possible; however, we are particularly concerned about the Government processes ensuring that those processes are carried out effectively. So, the two recommendations of the committee, I think, are particularly important for the Minister to take on as quickly as possible and have his department deal with them. Then, hopefully, the committee will be able to deal with the variation.

Mr Speaker, one of the important things that come through the statement is that the committee is supportive in principle of what the Government is trying to achieve; but we do have these particular problems that I have highlighted in the statement, and I hope that they will be taken very seriously.

MS McRAE (11.48): Mr Speaker, I did not anticipate this motion. I will take the opportunity to speak, but I apologise in anticipation that I may not remember all the key points that did concern me about this variation. As Mr Moore has said, we are very keen for this to proceed, because it is quite clearly part of a bigger picture of helping to change our shopping centres that are ailing and to prevent the types of closures and changes that have happened in so many parts of Canberra, which have left us with a situation of local centres being more like ruins than anything useful for people.

What the variation attempts to do is to build into the Territory Plan the flexibility to allow some of the changes which the owners of the centres may well have wanted to do of their own accord but which, should they have been proceeded with, would have entailed a variation to the Territory Plan. When we are looking at hundreds of shopping centres, it did become a very cumbersome and unwieldy process to simply allow into a shopping centre a vet, or perhaps a small printery, some craft work or perhaps a light entertainment centre. Before anything like that could happen, you had to go through all the palaver of a major change to the Territory Plan. So, in principle, we were all sympathetic to what this variation was attempting to do.

As Mr Moore rightly pointed out, there were only seven responses to the request for submissions. Given that we are talking about every small shopping centre in Canberra, we were a bit worried about this. We asked to see the mailing list for requests for submissions and we were kindly provided with that. As well, of course, the variation was advertised in the normal way. So, on the face of it, a very wide range of people should have been able to respond to this variation and to give their opinion.

On closer examination, though, it was clear that the shopping centre proprietors were not individually written to, nor were people in a few of the suburbs that might be more immediately affected written to or corresponded with directly. We felt that this was a major flaw, because the impact of this variation may well perturb some communities. I think of Cook, for instance, where there are a couple of empty shops that fill up now and again and empty now and again. The housing next to Cook is quite close to the shopping centre. Should something begin there which is noisy or out of kilter with what are the normal expectations from the shopping centre, we may well find down the track that those residents are not happy at all with this variation and could quite rightly say that they were never asked about it.

Of course, we have the clear argument that public ads were placed and the invitation was there; but experience has bruised us all in the past. There is one thing called "the Territory Plan and public consultation" and there is another thing called "reality when the change is on your doorstep and people may suddenly be caught out". That was what drove our comments back to the Minister. We felt that, given that we have a captive audience and that we know which of the shopping centres are in trouble, which of the shopping centres have empty shops and which of the shopping centres are likely to be changed, it was not difficult for the Planning Authority people to be selecting the ones that quite clearly could be changed under this variation. In that case, we felt that some further, more detailed work of this kind would better inform the Minister, better inform the committee and better inform the Assembly of the likely reaction to the change.

The other part that perturbed us about the report back to the committee in terms of the variation was the fact that there was other work going on in the Planning Authority in regard to the new ideas competition and in regard to the help caravan that is going around and working. The Government is assiduously working with the business community to try to come up with new policies for the management of shopping and retail outlets in the ACT. So, it was of great concern to us that there may be parallel activity going on already, such as the ideas competition - we have already seen artwork and displays of it - that was not being fed into the variation.

The variation to the Territory Plan that we were looking at, No. 64, included a range of things that all seemed plausible and logical; but we were not convinced that it included the full range of ideas that might have come up during the ideas competition. So, it seemed to us that a great deal of work had been going on - a lot of people had put time and effort into presenting ideas, into thinking about their local shopping centre, into thinking about what the Territory needs - yet that work was not being fed into the information that was given both to the committee and subsequently to the Minister. The intent of our statement today is not to offer disapproval, to negate the work that is being done, to stop it or to prevent it, but rather to foreshadow that the Minister does need a wider range of advice and information before this decision can be made.

Certainly, the committee did not feel empowered to say yes to the variation without that information and without that further work. We anticipate that it can be done fairly rapidly. As I said before, it is quite clear which of the shopping and retail outlets are to be affected by this variation. It is not a complex task to be in touch with them. We feel that, once this extra work is done, we will be in a much better position to assess the impact of this variation and be confident that the community does not feel outraged by changes that are likely to happen very close to their residences and very much at the heart of where a lot of community life happens.

MS HORODNY (11.54): Mr Speaker, I too would urge the Minister to look again at this variation. The committee was in agreement that there needs to be flexibility on the issue of what happens with some of our local shops. As previous speakers have said, there are some localities where it would be very difficult to maintain or increase any viability in those shopping centres. So, it makes sense for us to improve the flexibility to allow those modifications to be made.

We were horrified that the shop proprietors and indeed the residents living around those small shopping centres had not been consulted and had not been asked for their opinion on this issue, when it is one that, obviously, at least some residents and some shop owners and managers would have concerns about in the future. I guess that that would be creating problems, when what we need to do is actually look at all those issues now and ensure that we are going forward on this issue in the best possible way.

The other thing that concerned us was that on many of the questions that we asked we were referred to the guidelines, which are still being developed. I understand that they will be available in about a month's time. But until we have answers to some of those questions and some of our concerns, which will be available in those guidelines, it is very difficult for us to approve this variation. Concurring with what other members have said, I think we need to ensure that this work is done on the guidelines particularly and that that is presented back to the committee for our consideration.

Question resolved in the affirmative.

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

MR HIRD: As chair, I present Report No. 19 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement.

Leave granted.

MR HIRD: Mr Speaker, Report No. 19 of 1996, which I have just presented, was circulated when the parliament was not sitting, on 24 December 1996, pursuant to the resolution of appointment of 9 March 1995. I commend the report to the parliament.

STANDING COMMITTEES - MEMBERSHIP

MR HUMPHRIES (Attorney-General) (11.58): Mr Speaker, I seek leave to move a motion regarding membership of the standing committees.

Leave granted.

MR HUMPHRIES: I thank members. I move:

That:

(1) Mr Kaine and Mr Wood be discharged from attending the Standing Committee on Economic Development and Tourism and, in their place, Mr Corbell and Mr Hird be appointed as members of the Committee.

(2) Mr Kaine and Mr Whitecross be discharged from attending the Standing Committee on Legal Affairs and, in their place, Mr Hird and Mr Wood be appointed as members of the Committee.

(3) Mr Kaine be discharged from attending the Standing Committee on Planning and Environment and, in his place, Mrs Littlewood be appointed as a member of the Committee.

(4) Mr Kaine and Mr Wood be discharged from attending the Standing Committee on Public Accounts and, in their place, Mrs Littlewood and Mr Whitecross be appointed as members of the Committee.

(5) Mr Wood be appointed as a member of the Standing Committee on Scrutiny of Bills and Subordinate Legislation.

(6) Mr Hird be discharged from attending the Standing Committee on Social Policy and, in his place, Mrs Littlewood be appointed as a member of the Committee.

(7) Mr Kaine be discharged from attending the Select Committee on Petrol Pricing and Mrs Littlewood and Mr Wood be appointed as members of the Committee.

Question resolved in the affirmative.

EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on.

WEEDS STRATEGY
Papers

Debate resumed from 4 September 1996, on motion by **Mr Humphries**:

That the Assembly takes note of the papers.

MS HORODNY (12.01): The Greens generally support the weeds strategy. We hope that it will actually achieve its mission of effectively and efficiently controlling weeds in the ACT. As the strategy notes, weeds have been a problem in the ACT for well over half a century. From my perspective, the problem has been steadily growing worse. There is definitely a need to confront the weed problem directly before our natural ecosystems are almost totally overtaken by introduced species. We agree that weed control requires a focused, cooperative effort from government, leaseholders and the general community. It also requires a regional effort with the surrounding local government areas. No strategy will work unless it is implemented thoroughly. We need enough resources to be allocated by the Government so that all its measures can be fully implemented in a timely and sustained way.

I do not want to disappoint Mr Humphries by having absolutely nothing to criticise. I do have some comments to make. The level of financial resources allocated by the Government to weed control will always be a matter for debate, obviously. In the last budget, the Government announced that $728,000 would be allocated to weed control; but it is unclear how this money will be spent. I have asked questions of the Minister. I note that the amount allocated for weed control in the draft 1997-98 capital works program seems to be $215,000.

Mr Humphries: That is just in capital works.

MS HORODNY: Yes. I would not mind some clarification on that point, because the Minister made a big issue of the $728,000 being allocated. I would like some answers to those questions. It is not just expenditure by the Government that is of concern. The strategy depends greatly on the work of leaseholders and volunteers through the Landcare and Parkcare programs. These people are also in need, in terms of training and equipment. Conservation groups, like the Conservation Council and the National Parks Association, also run their own programs and their own projects that contribute to weed control; yet these groups are struggling, with very little help from the Government at the moment, and there is a lot of insecurity about their funding.

Rural lessees are also struggling to deal with weed infestation on their properties, which also has a very direct financial cost to them, in terms of the impact on their farm income; yet the Government seems to be making it harder for rural lessees by steadily increasing their land rents while farm income falls. I note that the Government is currently reviewing its rural lease policy. So, I hope that the review will include adequate measures to encourage rural lessees to undertake land care activities on their properties. I have had a number of letters from rural lessees saying that, because the rental that they are now paying on their properties is going up so substantially, they are not able to do the sorts of land care and weed control work that they have undertaken in the past. So, it is a real issue of concern.

The implementation of the strategy requires very good information, obviously, on where the major problem spots are. This requires the establishment of a detailed geographic information system - a GIS - that can track the spread of these weeds. The Conservation Council has already done some very good work in this area in undertaking its own weeds survey and conducting its own GIS. It would be very helpful, I believe, if the Government gave greater acknowledgment to the work that the Conservation Council has already done. The strategy could have gone into much more detail about distinguishing the different types of weed infestation in nature reserves, rural areas and urban areas. The causes of weed infestation and the methods of controlling these weeds in these different areas vary very much from one area to another. For example, the spread of weeds into the Canberra Nature Park is often caused by seeds being spread by birds which have fed on garden plants in surrounding suburbs. So, as well as controlling weeds in the park, there needs to be a control on the sale of invasive species through the nurseries.

Another major problem in the past has been roadside weed management. Roads are a major corridor for the spread of weeds, and there has been a lack of attention given to controlling roadside weeds, in rural areas particularly. I have been to a number of rural lessees' properties over the last couple of years and have seen how their weed infestation is caused directly by the weeds that are growing on the roads near them, which is a direct government responsibility.

More attention needs to be paid to the public health aspects of herbicide use. We recognise that sometimes there are no alternatives to using herbicides on weeds, but the Government needs to ensure that users of herbicides are adequately trained in occupational health and safety aspects and actually take the necessary safeguards. The Government also needs to ensure that herbicides are used only where absolutely necessary and that account is taken of the potential environmental impacts on other plant and animal species.

We note that the strategy does not propose taking a strong legislative approach to weed control. Much of the discussion of legislative options for dealing with weed control that was contained in the draft weeds strategy has been dropped from the final version. We agree that cooperation from the public needs to be gained for implementing many elements of the strategy, but there also needs to be strong legislative backup in case that public cooperation is not obtained. This aspect will no doubt be debated further when the Assembly deals with the Government's proposed amendments to the Land Act relating to pest animals and plants.

MR CORBELL (12.07): I would like to make a couple of short points on behalf of the Opposition. We certainly welcome the strategy. It is an important strategy that deals with an extremely crucial issue of the management of the environment in the ACT. The Labor Party is very strongly in support of a policy which will achieve a more effective weed control strategy than the ACT has had in the past. We welcome the strategy, because it will determine priorities for action and it will concentrate resources on those areas of priority.

We also welcome the support that the strategy has achieved from community and conservation organisations and the commitment also from jurisdictions surrounding the ACT to the control of noxious weeds. We also support the simplicity and clarity of the strategy. I note that the original approach is working well so far and that a review of the strategy will be conducted in March and September. We will look forward to that review and we will be watching closely to see how effectively the strategy is being implemented. Overall, Mr Speaker, we support the strategy.

MR WOOD (12.08): Mr Speaker, I too would like to make some brief comments in support of the strategy, which we recognise is very important. I am one of those people - I suppose, like all members - who drive around and see the cracks in the road and the untidy shopping centres. I am not being critical here, but I look at the city and see what the problems are as well as admire the good things about it. There is certainly no doubt, as we drive around the roads, and more particularly on the major highways and into the buffer zones and the bush areas, that weeds present a major problem. This Assembly has attended to that over a period of time. I recall that Mr Moore was the chair of a committee that looked at attending to the problem of feral animals and weeds. He certainly emphasised that aspect, which I was looking at when I was Minister.

I was trying to recollect the amount of money that, quite a few years ago, began the development of this strategy. I forget whether we voted $40,000 or $60,000 just to start it off. I am quite pleased that the current Government has taken that on, expanded it and carried it forward. It is going to be a long-range job to clear weeds. Perhaps we will never go the full distance; but, if we do not act in the ways described in this strategy, the problem will simply get worse and worse and we will be in a position from which we can never recover. We have to take these steps to control the problem. I think we can peg it back somewhat.

The Landcare groups and the Parkcare groups are doing good work. Mr Humphries and other members have seen around the city those people clearing the weeds. That is an ongoing job. It is going to take many years. But already you can go back to some places and see the effect of that voluntary labour. I know that many of the rural lessees are doing a very good job. Indeed, one part of the changes that came down some years ago was to see that rural lessees drew up management plans, which also incorporated attention to clearing of weeds. There is one point that I recall being criticised for when I was Minister, and that is that we used to put impositions on landowners to clear weeds from their properties but, as a government, we were not always quite so good at clearing our weeds off government controlled areas of land. I was quite sensitive to that criticism.

Mr Speaker, I commend all those people who, over a quite long period now, have been responsible for this strategy. I look forward, over a very much longer period, to its successful completion.

MR MOORE (12.11): Mr Speaker, in rising to make some positive comments on the weeds strategy, I must also draw attention to a small amount of churlishness on the part of the Minister. Indeed, I think, in doing so, I am supporting what Mr Wood has just been saying in his speech. Mr Humphries suggested that the development of an ACT weeds strategy was commenced in 1995. Mr Speaker, the report that Mr Wood referred to - the report of the Standing Committee on Conservation, Heritage and Environment on feral animals and invasive plants - went through a significant amount of work, leading to a call for this sort of thing. There is no recognition of that in Mr Humphries's speech. Mr Wood also responded to that and had begun the work. There is no recognition of that in Mr Humphries's speech.

Let me put aside that small amount of churlishness. It is very satisfying indeed to have been involved in a committee that has taken on a new issue. At the time it was taken on by the committee, it was something that was new and that we believed needed particular care. The community interest was raised and the issue was dealt with very thoroughly. It is one of the reports I am most proud of. Mr Speaker, in fact, as I recall, it was one of the reports where we produced a discussion paper first, followed by the community input, followed by the report itself. So, I am very pleased to see the culmination of that work that was done by Mr Wood and this strategy that has now been developed with even more community input.

The problem now is to ensure that there are adequate funds to make the weeds strategy work and for us to look at the other side of the issue - feral animals. I know that the Minister has done some work on that, but I think the general strategy is yet to be developed. Mr Speaker, I support what Mr Humphries is trying to achieve here. I believe that it is the culmination of a whole series of pieces of work done by the community, the Assembly and previous Ministers. I encourage the Minister to continue with the work.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (12.14), in reply: I thank members for their support for the strategy. I certainly endorse many of the comments that have been made concerning the direction in which the strategy will take the Territory over the next 10 years. As members have noted, this is a 10-year plan to deal with a problem which has built up, no doubt, over at least 150 years of white settlement in this part of Australia. Our need to urgently address this problem is accelerated by the fact that there has been, clearly, a very marked rise in the invasiveness of a number of species of weed in the last few years. There seems to be an exponential increase in the extent of the problem. Expenditure on a reasonably large scale is required at this early point in order to be able to deal with that problem. That is, of course, the basis for the strategy that the Government has announced.

Mr Speaker, I endorse the comments of Mr Wood and Mr Corbell, which I think acknowledge that this is going to be no short-term quick fix but rather a long-term plan to require a reversal of that trend of recent years, or recent decades perhaps, an attack on particular categories of weeds and the particular nature of weed problems - for example, roadside weeds - which have for too long escaped the attention of government.

Mr Speaker, I thank Mr Moore for his comments as well. I am sorry that in my presentation speech I did not make reference to his standing committee's report, but I think it is mentioned in the weeds strategy itself. Undoubtedly, we have all had some preoccupation with this issue over the last few years. I am pleased to be Minister at the time when we are able to actually commence a strategy which has looked at this issue comprehensively and, I think, has created, as far as we can determine at this point in time, some viable solutions to those problems.

I have to wonder what I need to do to satisfy Ms Horodny on these sorts of questions. I would have thought that $728,000 in a single year on a strategy which attracted maybe $50,000 or $60,000 in previous years was a pretty substantial attack on a problem which, by consensus, we agree needs to be addressed on a much more serious basis. Ms Horodny has asked how that money was broken down. I gather that she asked that question in the context of the Planning and Environment Committee meeting a couple of weeks ago and that information has now been supplied to her. If she has any further questions about it, I am very happy to try to clarify the matter further. But none of the money is being wasted, as far as I am concerned. It is all money going towards effective treatment of the problem. I gather that there will be a strong community reaction to assist in the delivery of that money effectively, because the community was closely involved in the development of the weeds strategy, both through the early stages, such as in the public hearing conducted in relation to the invasive weeds and feral animals report that Mr Moore referred to, and also more recently in the production of a draft weeds strategy, which in turn led to the document before the Assembly today.

Ms Horodny made reference to the study by the Conservation Council into developing the GIS. Just for the record, the fact is that she failed to mention that the study was paid for by an ACT environment grant, which produced, I think, some very valuable inputs. Similarly, the Conservation Council has had a particular concern about roadside weeds. I have met with Mr Butler from the Conservation Council, we have talked through those issues, and as a result in the early stages of this strategy there will be a focus on roadside weeds.

Ms Horodny also said that we had eschewed a strong legislative approach to the weeds strategy. Of course, the Bill before us this morning - the Land (Planning and Environment) (Amendment) Bill - was a way of increasing the legislative strength of our response to this issue. But whatever is in that approach reflects, essentially, the community consultation that was conducted around the weeds strategy. So, if Ms Horodny wants a stronger approach, then I would be anxious to discuss that stronger approach with the parties that helped us put together the weeds strategy in the first place, to make sure that that is consistent with what they think ought to be in the strategy.

Mr Speaker, I briefly thank members for their contributions and hope that this strategy really will be the start of a very big focus on this problem by the broad community over the next 10 years and that we can really provide for a resurgence in the ecological viability of a great many native species which have been threatened, if not made extinct, by the invasiveness of a number of weed species in recent years.

Question resolved in the affirmative.

Sitting suspended from 12.20 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Interim Kingston Foreshore Development Authority

MR WHITECROSS: My question without notice is to the Chief Minister. Chief Minister, you have now been forced to withdraw your allegation that Jacqui Rees had repeatedly and unfairly implied that public officials had acted corruptly - an allegation you made without providing any supporting evidence. I refer to your apology quoted in the *Canberra Times* on Saturday, 15 February, in which you stated:

> I withdraw the report of the former Deputy Chief Minister's letter dated January 29, 1997 to the council and apologise to Ms Rees for any hurt or embarrassment that may have been caused by the publication of the letter.

Given that you have been forced to withdraw that allegation, Chief Minister, can you inform the Assembly what excuse you now intend to fabricate in order to justify your original action of removing Ms Rees from the Interim Kingston Foreshore Development

MRS CARNELL: Thank you very much, Mr Whitecross. After some months away from this place I am fascinated that that is the best that Mr Whitecross, as Leader of the Opposition, can come up with, taking into account economic situations, financial reports and all sorts of things. This is the one issue that Mr Whitecross thinks is important. Mr Speaker, I think this issue is on the notice paper for debate tomorrow, which I suggest rules the question out of order.

Mr Moore: I do not think it is on the notice paper at this stage.

Mr Humphries: It is going on the notice paper tomorrow.

MRS CARNELL: It has been indicated that it is going on the notice paper for tomorrow. I am very happy to answer the question anyway.

MR SPEAKER: It has been submitted, but it is not on the notice paper.

MRS CARNELL: It has been submitted, yes. Mr Whitecross read from my reported apology. I indicated in a letter to Ms Rees that Mr De Domenico in his letter had made a particular comment that he had not made. I apologised for saying in a letter that he had made a comment that he had not made. I certainly in no way withdrew the comments - which were very true, by the way - with regard to Ms Rees and comments that she had made about public servants. The reality is that in print and in front of the Stein inquiry Ms Rees has constantly indicated that she believes that some public servants acted improperly. In fact, I think she used words significantly stronger than that. From my perspective - - -

Mr Moore: That is different from corruption, and you know it.

MRS CARNELL: I think that Ms Rees has made a number of comments to indicate that she believed that planners were in the back pockets of developers - comments similar to that. I will continue to defend public servants in this place. I do not believe that it is appropriate for anyone, in the media and in other places, to make comments of that ilk. I believe that those sorts of comments are something that the Opposition should be absolutely decrying in this place. For Mr Whitecross to get up and say that it is all right for somebody to go public and say that public servants are in the back pockets of developers and make all sorts of other statements is absolutely atrocious behaviour. The reality is that this Government will continue to support our public servants. We believe, and I know, that our public servants are above any of that sort of behaviour, and we will continue to ensure that they are not treated in such a fashion.

MR WHITECROSS: I ask a supplementary question. I thank the Chief Minister for her diversion. My question was about what her excuse is for having sacked Ms Rees from the Interim Kingston Foreshore Development Authority.

Mrs Carnell: That is not what you asked.

MR WHITECROSS: It is, I am afraid. Chief Minister, is it not the case that Ms Rees was removed from the Interim Kingston Foreshore Development Authority as a payback for her criticism of the strategic plan - criticism in which she was not alone, but criticism which had nothing to do with her responsibilities on the Interim Kingston Foreshore Development Authority?

MR SPEAKER: I will leave up to you, Chief Minister, how you wish to answer that.

MRS CARNELL: Mr Speaker, again, I am happy to answer that.

MR SPEAKER: There is an inference in it, though.

MRS CARNELL: Obviously, the supplementary question is out of order. I think it is important to quote again the letter the former Deputy Chief Minister wrote to Ms Rees on 11 December 1996. He said:

> It has become increasingly clear that you do not have any confidence in the ability of the Government to manage community consultation surrounding major projects such as the National Capital Beyond 2000 Report or the Kingston Foreshore redevelopment. I refer particularly to the comments attributed to you in an article in *The Canberra Times* of 8 December 1996 regarding the former project.
>
> The ACT Government believes because you no longer have confidence in these mechanisms, it is inappropriate for you to continue to serve as a Member of the Board of the Interim Kingston Foreshore Authority. The Government has therefore decided to discontinue your appointment with immediate effect and has notified the Chairman of this decision.

I think that clearly states the Government's position on this. I think the Government was enormously tolerant, over a very long period of time, of comments that were made about public servants. Politicians are fair game, but I do not believe public servants are. I will stick by that, and this side of the house will stick by our commitment to ensure that public servants are not subject to the sort of criticism that they have been subjected to by Ms Rees.

ACTION Services

MR HIRD: It is an honour for me to direct a question to Mr Kaine, who is on the front bench once again. My question is to the Minister for Urban Services. Does the Minister agree with the reported comments of the Leader of the Opposition, Mr Whitecross, this week that the ACTION bus service is "lousy, appalling"?

MR KAINE: Thank you, Mr Hird. No, of course I do not agree with these grossly irresponsible statements that come from the Leader of the Opposition. Every now and again the Leader of the Opposition feels that he has to go a little overboard and prove himself to be rather more macho than his image usually projects. I do not believe that that sort of comment coming from a member of this place does any of us much credit. It implies that we have a second-rate bus service that does not meet the needs of the community. In fact, the contrary is the case. Anybody who has taken any time at all to look at the performance of ACTION knows full well that that kind of criticism is totally unjustified.

Over a period of years, which incidentally began under a Labor government, to their credit - although it is not much to the credit of some of the people who sit opposite now - ACTION began to reduce the costs of this public service to the community and to make it more efficient. I think that if you were to ask Mr Connolly the same question that Mr Hird has asked me he would take the same tack in answering it. He would not agree with the current Leader of the Opposition on this point either. There has been a process going on for a number of years now to make ACTION more efficient and to make

ACTION comply with certain standards of service which were put in place by a Labor government. ACTION, to this day, complies with all of those standards that were set by the Labor Party. They should be given credit for doing so because, at the same time as they have maintained compliance with those standards, they have reduced enormously the cost of running ACTION.

Mr Berry: Have you been on a bus yet?

MR KAINE: Another member of this place challenged me the other day and said that I had not had a child who used an ACTION bus for years.

Mr Berry: No; I asked whether you have been on a bus.

MR KAINE: The facts are that I have a daughter who uses ACTION buses every day, so do not get smart with me, Mr Berry. The fact is that ACTION meets the standards the Labor Party set for it, and continues to meet them month after month, year after year. At the same time, they are getting down their costs of operating. I do not think that ought to be regarded as reprehensible.

I am aware of the fact that, as a result of the most recent changes to ACTION's timetabling and scheduling, there have been a number of individual complaints from people who say that they no longer have the service they had before. It may be that, in further implementing efficiencies, ACTION have gone finally a little further than we can expect them to go and, in doing that, have disadvantaged some individual members of the community. I said "may". I heard Mr Corbell this morning mention the case of a couple of elderly ladies in Stirling who, he said, had a half-hour walk to the bus stop. If that is the case - I have seen the letters, and I am not sure yet that it is - then this is one case where ACTION has not met its service standards. There are 300,000 people in Canberra, and this is one case where a change of bus timetable and bus schedule has disadvantaged one or two people.

There was another case where a student who happens to live at Fairbairn, the air force base, could not get to school at Campbell because there was not a bus. The implication is that we should run a bus twice a day to Fairbairn for one student. Even Mr Whitecross, with his economics background, would not put that forward as a reasonable proposition. The fact is that, when some individual is disadvantaged like that, ACTION always find an alternative solution to the problem, and they are working on each one of these that have come up lately. I do not accept the proposition that somehow or other ACTION has suddenly fallen apart at the seams; but I have taken seriously the fact that there have been, in the last few weeks, a number of individual complaints.

Having regard for the fact that the Leader of the Opposition thinks we are running an appalling and lousy bus service, I am commissioning an independent expert inquiry to review the processes used by ACTION to determine what their schedules will be. I think that should take no more than three, four, five weeks. I will table the terms of reference of the inquiry I am commissioning, so that the Leader of the Opposition can satisfy himself that we are taking a reasonable step to deal with his complaints, and within a few weeks we will table the results of that inquiry. If the inquiry demonstrates

that somehow ACTION have gone a little too far in trying to trim their services, we will have no option but to pull back a bit from that. To assert that they are somehow irresponsible, that they do not know what they are doing, is a gross accusation against good public servants that I find distasteful, and I am sure those public servants do too. Mr Whitecross would do better to be constructive in this matter and not snipe at them and use derogatory terms, as he has done. I think it is unreasonable, Mr Speaker.

MR HIRD: Mr Speaker, I ask a supplementary question. Will the Minister undertake to assure ACTION employees, including members of the Transport Workers Union and the Community and Public Sector Union, that he does not agree with the opinion of the Leader of the Opposition that the service they provide to the public is lousy and appalling?

MR KAINE: Yes, I will. In fact, I have already arranged to have discussions in the next few days with senior officers of ACTION to deal with these issues that have been brought forward. There is no doubt that we will make sure that the Transport Workers Union knows that we do not share the opinion of the Leader of the Opposition in this matter. We do not consider employees of ACTION as being somehow lacking in diligence or somehow incompetent. That is not the case, and that is what Mr Whitecross implies when he uses those words in connection with ACTION.

Interim Kingston Foreshore Development Authority

MR BERRY: My question is directed to Mrs Carnell in her capacity as Chief Minister. Chief Minister, will you categorically deny that the letter sacking Ms Jacqui Rees from the Kingston Foreshore Development Authority Board was drafted in your office or in your department?

MRS CARNELL: Mr Speaker, I do not believe it matters where that particular letter was drafted. I can guarantee that I did not draft it; I can definitely say that without a doubt. Mr Berry is the shadow spokesman for health. A lot of issues have come up over the last few months in health, and what does Mr Berry ask in this situation? He asks a question that is not related at all to any of his portfolio responsibilities. Mr Speaker, I did not draft that letter.

MR BERRY: Mr Speaker, that was not the question. The question was: Will the Chief Minister categorically deny that the letter sacking Ms Rees from the Kingston Foreshore Development Authority was drafted either in her office or in her department?

MRS CARNELL: Again, Mr Speaker, I think that is totally irrelevant to anything. I know that I did not draft the letter. I do not know who did draft the letter, and I do not think it has anything to do with it. The reality is that this whole Government supports that letter. Nobody is at arm's length from the approach the Government took.

We believe strongly that it was the right approach in relation to people who continue to criticise public servants in a way that suggests that they are not acting appropriately, and in fact may even, shall we say, be acting in a criminal fashion - for instance, are in the back pockets of developers. Interestingly, Mr Speaker, I would like to say that there are a number of those opposite who agree with us.

Health Budget

MRS LITTLEWOOD: My question is to Mrs Carnell in her capacity as Minister for Health and Community Care. I refer to comments made by Mr Berry in the media earlier this month in which he claimed that the health budget would be overspent by $16m this financial year. Minister, is this claim wrong and, if so, what is the actual state of the health finances so far this year?

MRS CARNELL: I thank the member for her first question in this place. Shall we call it the inaugural question, or possibly the maiden question? On consecutive Sundays this month Mr Berry has issued two media releases about the health budget. There are occasions when he can concentrate on his portfolio areas, although not for very long. Looking at what he has said in these press releases, maybe it is a good thing he does not concentrate on them for very long. Yet again, he was completely and utterly wrong on both occasions. To use a cricketing expression, Mr Berry has made a pair of golden ducks in his only little dabbles into health this year. If you think back on the life of this Assembly, when you hear ridiculous claims about health, they inevitably come from Mr Berry. We have comments about the closure of the birthing centre, phantom operations - do you remember them? - and cancer patients paying high costs for drugs. On his form, you would not have expected anything different, and he certainly would have been dropped from the team.

Earlier this month, Mr Berry made an extremely serious claim about this year's health budget, based upon, supposedly, the November financial management report released this month. He said that the report "shows that the Territory's health budget will be overspent by $15.9 million by the end of the financial year - in stark contrast to Kate Carnell's claim that the budget is on track". Mr Berry, what the report actually shows is the complete opposite. Perhaps Mr Berry had not bothered to read it, Mr Speaker; probably, unfortunately, he did read it and did not have a clue what it said.

The operating statement for the Department of Health and Community Care for the first five months of the year is actually tracking $4.3m better than expected, Mr Berry, not $16m in the hole, as you claimed. It is really tragic when you have members of this place, even after supporting the Financial Management Bill, who still have no capacity whatsoever to understand the figures. That improvement in our budget is across the board. It is in all parts of Health - in the central office, in the Canberra Hospital, and in Community Care. So we are tracking better right across Health. These figures were all in the report, right in front of Mr Berry's nose, but obviously he did not understand what they meant.

The report also identified that the department had made payments in advance for quarterly grants and for the full-year cost of the Comcare premium, as it is required to do under the purchaser-provider split. Obviously, that is another concept Mr Berry simply cannot grasp. We did not even expect him to understand the figures. The report actually says in black and white that no full-year effect is predicted at this stage on those particular items.

Mr Berry: At this stage.

MRS CARNELL: Yes, at this stage. All of the documents make those comments. In other words, Mr Berry has interpreted these payments in advance as a budget blow-out, even though there was a simple explanation right there in the report. I immediately wrote to Mr Berry, thinking, "Poor Mr Berry; he does not understand the figures. Maybe I can offer him a briefing to allow the OFM people to explain to him how accrual budgeting and financial management reports work". We heard nothing back; I expected nothing less. We heard last year that Mr Berry is a qualified solicitor, barrister, doctor, surgeon and, of course, respected business commentator. We now know that he is an accomplished accountant and economist because he really does not need to be briefed at all.

I was not really too surprised when we ended up with another Berry special last Sunday, even after he had just chosen not to be briefed, and he repeated the mistake. But he did not just repeat the mistake. This time Mr Berry pointed in his media release to the Government service provision report, saying that he had highlighted the long waiting times for elective patients in the ACT and our high hospital costs. Today I want to thank him very much for drawing the media's attention to these issues, because the figures used in the report on our hospital costs related to 1994-95 data. Again, if Mr Berry had read the dates, he would have known that he was criticising his party's performance and his own performance as Health Minister. On waiting times, the figures were based on a survey of January to June 1995, and therefore there were a couple of months of Mr Berry and the first couple of months of this Government. Once again, I would like to thank Mr Berry for his helpful critique of the appalling performance by Labor in health.

You will be disappointed, of course, but I think the people of Canberra will be very pleased, to learn that as at the end of December 1996 no person requiring category one elective surgery is waiting longer than 30 days for an operation. That changes a situation of a staggering 50 per cent of people who were assessed as being urgent waiting for longer than was appropriate for important surgery when Mr Berry was Minister to a situation now where not one category one patient has been waiting for longer than 30 days. That has been the situation for the last couple of months.

Our health budget is on track, Mr Speaker. In fact, it is somewhat better than on track - about $4.3m better. We have cut waiting lists by 1,000 people inside two years and we are treating thousands more people than was the case under Labor. I am sorry that, despite being Labor's Health Minister and shadow health spokesman over the last eight years, Mr Berry is still no closer to understanding anything about health systems. You would think after eight years you would be able to understand the absolute basics. But no, and I would like again to offer Mr Berry a briefing. It might help.

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

Mr Humphries: After question time, Wayne. That is the way we usually do it.

Mr Berry: Wrong statements were made, and I think one is entitled to correct the record immediately after the question is answered, so that it is fresh in everybody's mind.

Mr Humphries: On a point of order, Mr Speaker: Mr Berry has always been the first to rise in his place and protest about the making of a personal explanation during question time. I simply adopt his own rule and urge him to consider making any statement he wants to make at the end of question time.

MR SPEAKER: Mr Berry, standing order 46 states:

> Having obtained leave from the Chair ...

I will give you leave at the end of question time.

Community Organisations

MS REILLY: My question is to Mrs Carnell as Chief Minister. Chief Minister, I refer to the recent complaint by very many community organisations about the way your Government uses bullying tactics to stifle criticism of your administration and also the lack of consultation. In their letter, some of them raise the concern that your actions show a reducing concern for the diversity of community opinions essential for the operation of a truly representative government and that they are leading to a loss of confidence in Government impartiality by community organisations. Chief Minister, do you concede that your autocratic style is contributing to the marginalisation of community groups, who make a valuable contribution to the Territory? What are you doing to change the way you deal with community organisations to address these concerns?

MRS CARNELL: Thank you very much, Ms Reilly. I am very happy to answer that question. It is very interesting that those comments about bullying tactics have been made by a small group of community associations that, fascinatingly, does not include any of the major peak bodies. I am interested that this supposedly enormously representative group does not include the major peak bodies, apart from the Trades and Labour Council, and I must admit to being not exactly surprised on that one. Not one of the peak bodies in the community sector is on that list, and I think that is very important to spell out.

This group of people wrote to me wanting an urgent meeting, and I managed to fit that in last week, because I am always available for those sorts of meetings. I asked them to spell out what they meant in a number of areas. I asked them to spell out what they actually meant by "bullying tactics". The fact is that they could not give one indication of bullying tactics that had been used. In fact, they indicated that it was perception, to quote them quite definitely, and they could not actually give us any particular indication of where it had happened.

We went on to speak about community consultation and their comments on that. Without referring to some of the people who were at that meeting, we went round the room. We, first of all, had a person from the ROCKS group who indicated that he was unhappy with the community consultation. We then went through his problems, and we talked about what had happened with ROCKS. A community-based group had been set up that had representatives of whoever wanted to be on it; in fact, I think there were something like 20 people on it in the end. He was concerned at that stage that not everybody turned up for meetings, and I did indicate that I could not do much about that, but that is another problem. We have had regular meetings over a six-month period with regard to ROCKS and the City West project. I then asked him, "Was that not enough consultation?". He said, "Yes, there was lots and lots of consultation", and he and the group even indicated that the level of community consultation was significantly higher than it had been in the past. I said, "What is the problem?". He said, "We are not confident that the community consultation loop is being completed". In other words, "We do not know what is happening with the community consultation after we consult".

We went to the next person in the room, who is on one of Mr Humphries's community planning groups - again, something that never existed under the previous Government. As well, she said that this was a level of consultation that had never happened before. It is very interesting, Mr Speaker. We then went on to a member of a community council, who again admitted that under the previous Government community councils had not been paid the $3,000 that we are paying them for staff and costs and so on. He also admitted that we had had discussions - - -

Ms Reilly: Spartan costs.

MRS CARNELL: You asked the question about the meeting, Ms Reilly. He admitted that we had discussions with community councils significantly more often. I accept that there was a feeling around that table that we had consulted so heavily that they then did not know what happened to that consultation. A couple of weeks ago - not as a result of this meeting - knowing that there was concern amongst some community groups that this was the case, we set up a new unit in the Chief Minister's Department, with three full-time people and headed up by Tina van Raay, whom many people in this room know, to make sure that we have a dedicated unit in the Chief Minister's Department to close that consultation loop, to ensure that people know well what it is we are doing with the significant levels of community consultation that are currently going on out in the community.

To answer Ms Reilly's question about what we are doing, what we are doing is not just some sort of stop-gap approach. We have dedicated three full-time staff to be available out in the community to ensure that people know what is happening with regard to consultation and are in a position to have a point of entry to government when they want to make a point or when they have an idea.

Health Complaints Investigation

MR OSBORNE: My question is to the Minister for Health, Mrs Carnell. Minister, I refer you to an article in the *Canberra Times* on Saturday, 8 February this year, where some details are given regarding an investigation into the competency of a surgeon who operates in Canberra's hospitals. Specific allegations were drawn to your attention in May last year by one of the surgeon's colleagues that he was "dangerous" and had been responsible for the death of a patient and for serious complications in three others - allegations which I am sure you will agree, Minister, are extremely serious. According to this article, you wrote to the ACT Medical Board last July and ordered an immediate investigation. In August, you directed the ACT Health Complaints Commissioner, Ken Patterson, to conduct his own inquiry and report his findings to the Medical Board. In the article of 8 February, Ken Patterson stated that his investigation would take up to another four months to complete and he could report to the Medical Board, who would then make an assessment of that report and take up the option of holding their own inquiry if the evidence warranted such action. Mrs Carnell, given that it will take at least 12 months from May before Ken Patterson will present his report to the Medical Board and that it may take many months more for the board inquiry to run its course, can you reassure us, in view of the serious nature of these allegations, that the length of this whole process is in the best interests of, firstly, the surgeon concerned and, more importantly, the general public? What do you consider is an adequate timeframe for these sorts of investigations, which I think should be around a couple of months at the most? Will you resource the office of our Health Complaints Commissioner accordingly so that he can look into these matters more quickly?

MRS CARNELL: I thank the member for his question. This is a particularly difficult issue, I have to say. I agree totally that this has taken far too long. When we first received some complaints, we reacted immediately to the input from the community with regard to the complaints. As we have already heard, we immediately instituted proceedings with the Medical Board, with the hospitals involved, and with the Health Complaints Unit. My understanding is that it has been handled appropriately, but I agree totally with Mr Osborne that it has taken too long.

With regard to resourcing of the Health Complaints Unit, the commissioner has not indicated that he requires any more resourcing for this particular case. If he did, as has been the case in the past, we would certainly look at that. I believe that we do need to look at methods by which we can ensure that these sorts of investigations happen significantly more quickly than has been the case in this situation. I am disappointed that we had to continue to drive these series of allegations through the system.

I would also like to say that we must make sure, as Mr Osborne has already said, that fairness and equity occurs all round and that the doctor does get a fair hearing. I understand that already a couple of the complaints involved have been looked at and that no medical problems whatsoever have been found in those cases. But it does need to be hurried up, and we have certainly indicated to the Health Complaints Commissioner that we would like that to happen.

Mr Berry said, I think, in an article in the newspaper that we should direct the Health Complaints Commissioner or direct the Medical Board. There is something called legislation, and both the Medical Board and the Health Complaints Unit, as you know, Mr Speaker, but Mr Berry does not know, are at arm's length from government. There is no capacity, nor should there be, for the government of the day to direct the Health Complaints Commissioner to go down a particular course. The whole point of the legislation is that we have an independent commissioner who must be allowed to conduct his inquiries in the way that he and his office see fit.

MR OSBORNE: I have a supplementary question, Mr Speaker. Thank you for that, Mrs Carnell. I am pleased that you agree totally. Is it true, Mrs Carnell, that there is only one investigator attached to the Health Complaints Commissioner's office working on this matter?

MRS CARNELL: I have to say that I do not know how many people the Health Complaints Commissioner has on this particular case. It would be normal on one case to have one particular officer in charge of the investigation. That would be a normal approach, I think, for most investigating authorities. I am certainly happy to find out for Mr Osborne. Again, we have to remember that the Health Complaints Unit is a separate body set up by legislation of this house, at arm's length from government.

Public Servants - Contracts

MR CORBELL: Mr Speaker, my question is to the Chief Minister. Chief Minister, I refer you to a recent statement by the Australia Institute, which appeared in the *Canberra Times* on 10 February this year and in which the claim was made that public servants on contract are less likely to give frank and fearless advice. That is reinforced by comments in today's *Canberra Times* by retired Public Service Commissioner Denis Ives, who claims that senior public servants on contract "would create a mercenary ideology and undermine the Senior Executive Service". Chief Minister, given that all of the ACT's senior bureaucrats are now on contract and are operating in an environment of fear and intimidation, an environment in which they are forced to publicly cover for unpopular Government policies or are made scapegoats for Government mismanagement, as in the case of the Director of Mental Health, how can you be guaranteed that the advice supplied to you is truly in the best interests of the Territory and not just tailored to avoid your displeasure?

MRS CARNELL: Again, I would like to thank the member for his first question in this place. I have to say, though, that it was a very strange first question. All I can say, Mr Speaker, is that he obviously has not had much to do with our senior public servants. The day we get advice that is not fearless and frank will be the day they simply are not performing to their performance contracts. Their performance contracts, as you would be aware, require exactly that: Frank and fearless advice.

Rural Leases Task Force

MR MOORE: Mr Speaker, my question is directed to the Minister for the Environment, Mr Humphries. I did give him half an hour or so's notice that I would be asking the question, so that he would be able to look at the details. Minister, one of your appointees to the recently announced Rural Leases Task Force is a Mr John Hyles, who I understand is a member of the Rural Lessees Association. Are you aware of a report in the *Canberra Times* dated 11 July 1996 which refers to a company, Tharwa Sand Pty Ltd, of which a Mr John Hyles and his son, also Mr John Hyles, are manager and part owner? Is the Mr Hyles on your task force the same John Hyles - either the father or the son - whose company is reported to have been convicted four times of environmental offences, including the dumping of waste water into the Murrumbidgee River, for which it faced a bill of fines and costs of approximately $20,000?

MR HUMPHRIES: Mr Speaker, I thank Mr Moore for the question and the notice he gave me of the question. First of all, let me say that in one sense I have not appointed Mr Hyles to this body, the rural task force. I asked the Rural Lessees Association to suggest some nominees, and Mr Hyles's name was suggested to me. He is an active member of the Rural Lessees Association and I was happy to accept the nomination.

Mr Moore: And an active polluter of the Murrumbidgee.

MR HUMPHRIES: I think, with respect, Mr Moore might think about withdrawing that. It is true that Mr John Hyles Junior currently has an association with the company, in fact has taken over the management of Tharwa Sand Pty Ltd from his father; but it is his father and only his father who was convicted in the Land and Environment Court in New South Wales of an offence under the legislation in New South Wales. My advice is that Mr John Hyles Senior is the only person who has ever been convicted in respect of those matters and that Mr John Hyles Junior has no convictions in respect of the Land and Environment Court in New South Wales. Mr Moore shakes his head. Perhaps he has better advice than I do, but that is the advice I have obtained in the last 40 minutes or so.

Mr Moore: It was the company, of which they were both partners.

MR HUMPHRIES: Okay. If it was the company that was convicted, and that may well be right, then I would have to say I have not appointed the company to the task force. I have appointed Mr John Hyles Junior.

Mr Moore: That makes it much better!

MR HUMPHRIES: With great respect to Mr Moore, what connection to a company makes a person unable to take up an appointment in these circumstances? Mr Hyles has no convictions. Mr Moore says that the company has convictions. I take his word for that. Mr John Hyles Senior has at least one conviction, but I believe that that ought not to disqualify his son from dealing with an issue which relates to a question of the security and permanency of rural leases in the Territory. I realise that this has an association with environmental issues at some distance. It is not directly associated with an environmental question; the task force's terms of reference do not directly entail those sorts of issues. It is more about the granting of leases and security of leases.

I take the view that it is not inappropriate to appoint Mr Hyles in those circumstances. If Mr Moore says that an association of this kind ought to disqualify members from holding office, I would be grateful for his formulation of how that should work. Many people may be shareholders in companies that inflict environmental damage. Is that a connection which Mr Moore would think to be a disqualifying - - -

Mr Moore: This is a small company with that kind of involvement, and you know it.

MR HUMPHRIES: It is a small company, yes; but Mr Hyles, as far as I am aware, has not involved himself in any matters that gave rise to an offence in the Land and Environment Court. I cannot hold him responsible for an action for which a court has found only his father to be responsible.

MR MOORE: I have a supplementary question, Mr Speaker. In the light of these issues, Minister, surely you would have to reconsider your position as to whether Mr Hyles should continue as a member of this task force, particularly as to whether it is an appropriate appointment to be made at the same time as your colleague Mr De Domenico was sacking Jacqui Rees from the Kingston Foreshore Development Authority for simply being critical of government.

MR HUMPHRIES: That is a very long bow, Mr Speaker, I have to say. No, I am not going to reconsider that appointment. The Rural Lessees Association put forward names. I think they put forward three names originally. I accepted two of those names. I must say at the time I was not aware - - -

Mr Moore: So it was your decision.

MR HUMPHRIES: I was given a choice. Obviously, I could have rejected them all, if I had chosen to. I had no knowledge of Mr John Hyles Senior's conviction at that stage, if indeed it had been recorded by that stage. This conviction was recorded in July. I am not sure whether the appointment was made before July; but, assuming that it was made after July, I was not aware of the conviction. Even if I had been aware, I am not sure that I would have necessarily inflicted the sins of the father on the son.

Totalcare Industries Board - Membership

MR WOOD: Mr Speaker, my question is to the Chief Minister. Chief Minister, will you explain why you have imposed an interstate union official on the board of Totalcare to represent the views of an ACT work force? Can you explain how Mr Costa, who resides in New South Wales, will be across the issues facing the workers of Totalcare? Given that the majority of the work force has condemned the appointment of Mr Costa and called on him to resign, will you now replace Mr Costa with a local union official?

MRS CARNELL: The reason Mr Costa is on the board, as Mr Wood should have known, and certainly as those who might have written the question for Mr Wood should have known, is that a board is not there to represent particular interests. If it were an advisory group, I could understand that. We have had the debate in this place on many occasions when it comes to boards that run particular companies or entities. I think many people around this room have said that boards must not have members on them who represent particular interest groups. The job of a board is to run a company or an entity as well as it can be run on behalf of the shareholders or the owners, and the shareholders or the owners of Totalcare are the people of the ACT. So the person who is in that particular job is not there to represent the workers, is not there to represent the union movement, but is there because of his expertise in running companies of similar ilk in New South Wales.

The fact is that we had very few people in the ACT with union backgrounds, which we felt was important, who also had expertise in running public sector-style companies such as Totalcare. We decided that it was appropriate to get somebody, again, with a quite significant - in fact, about as significant as you could get - union background who also had experience of the sorts of things Totalcare is going through at the moment. As members would be aware, as of 1 January, Totalcare has more than doubled in size, with the advent of the services coming over from Urban Services. That means that there will be significant management challenges for Totalcare, and I would assume that everybody in this house would be very keen to make sure that all members of that board had significant background in this sort of corporate change, particularly public sector-style corporate change. My understanding and my advice is that Mr Costa has this relevant experience, and I am confident that the taxpayers of the ACT or, more importantly, the people of the ACT, who own Totalcare, would want everybody on that board to have as much experience as possible.

MR WOOD: I ask a supplementary question, Mr Speaker. It is nice that you allow supplementaries, might I say, and that we do not have the difficulty experienced elsewhere. The Chief Minister seems to forget that Mr Tolley, whom she pushed off the board, obviously had quite reasonable experience in such an enterprise. Is it the case, rather, that this frank and fearless advice you were talking about before is all right so long as it does not come from a union person?

MRS CARNELL: Mr Speaker, my understanding of Mr Costa is that he is very much a union person. There is no doubt that Mr Costa has a very long and very illustrious background in the union movement. We believed very strongly that we needed that sort of expertise. I have already said this in my answer, but I am happy to continue. As we said, Mr Speaker - - -

Mr Berry: Bert Tolley criticised you. That was his mistake. He stood up for his members.

MRS CARNELL: Excuse me?

MR SPEAKER: Order! You are answering Mr Wood, Chief Minister.

MRS CARNELL: Thank you, Mr Speaker. On 1 January - it must have escaped Mr Wood's knowledge, even though I thought he would have realised it - Totalcare actually more than doubled in size. The job of the board has become significantly more complex and significantly more demanding, moving from what was a fairly small company into what is, I suspect, probably the second largest company in the ACT after ACTEW, certainly the second largest public sector one. I believe that that requires a level of expertise that may not have been present in all of the board members previously. Much as Mr Tolley provided great service to the board when the company was significantly different, for Mr Wood to suggest that Mr Costa does not have a significantly greater level of experience in this sort of corporate entity, I think, negates Mr Costa's quite significant expertise and experience.

Transport Reform Advisory Committee

MS HORODNY: I have a question for Mr Kaine, our new Minister for Urban Services. Mr Kaine, your predecessor, Mr De Domenico, established a Transport Reform Advisory Committee in 1995 to provide advice on the development, implementation and evaluation of transport reforms in the ACT, including the development of an integrated transport strategy for the ACT. It contained representatives from Planning and Urban Services bureaucracy and four community and union representatives. I understand that this committee met about half-a-dozen times and produced a progress report in May of last year. At our prompting, the Government included an environmental representative on that committee in the middle of 1996, but I understand that the committee has not met since that representative was appointed. We have now heard that this committee was disbanded by Mr De Domenico at the end of last year. Given the Government's lack of interest in this committee, does this mean that the Government does not believe that it needs an integrated transport strategy for the ACT?

MR KAINE: That was a long question based on a history that apparently concluded last year, so I am not sure that I can address the points raised by Ms Horodny. Rather than try to answer it, under the circumstances, I would do better to brief Ms Horodny privately or, if she prefers, I will simply take it on notice and come back when I have a full and comprehensive response to it.

MS HORODNY: I have a supplementary question that I would like Mr Kaine to take on notice as well. I understand that there has been some move to partly replace this Transport Reform Advisory Committee and, in doing that, the Government is establishing another committee to look at public transport. Could you give us details of the membership and terms of reference of this committee?

MR KAINE: I will take it on notice and answer it fully.

Carnell Government

MS McRAE: My question without notice is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, are you aware that at a recent meeting of executive officers of Urban Services your chief executive, Mr John Walker, said that the ACT Government was, in all practical terms, a presidency, with a vice-president? Do you agree with Mr Walker's assessment and have you advised your other deputies - I understand it is Mr Humphries who has the honour this week - that Mr Walker is really second in charge?

MRS CARNELL: Mr Speaker, I have to say that I was not at the meeting.

School Without Walls

MS TUCKER: My question, Mr Speaker, is for Mr Stefaniak as Minister for Education and Training. I preface it by saying that I am aware that there is legal action pending in the courts related to the School Without Walls. My question does not relate to those matters being considered by the court but relates to the ongoing welfare of the students. Can the Minister explain why there has been no direct correspondence from the department to continuing students at the School Without Walls regarding the status of the school last year and this year? Does the Minister believe that media reports are sufficient as a vehicle for information to students and their parents receiving the educational services of this Government? Can the Minister also explain why a mediation process, using two school counsellors, was started but then discontinued?

MR STEFANIAK: In relation to the last part of the question, I am not quite sure on that, Ms Tucker, but I could hazard a guess and I will say a little more about that in a minute. In relation to correspondence with students and families, that went right back to last year, when the department first looked into the relocation issue, went to the school on a number of occasions, spoke to a number of students, and made phone contact with a number of parents. In relation to the matter since then, there has been considerable contact, shall we say, of various people from the department with Friends of the School Without Walls, with students themselves, including senior departmental staff and a number of teachers, and I will say a little more in relation to that too, Ms Tucker. When you say that there has not been any direct correspondence, any direct contact, I think you are quite wrong there. There has been considerable contact, considerable correspondence between various parties, and, as you correctly say, the matter is before the court.

Mr Speaker, I am pleased to be able to report to this Assembly that the Government has been successful in getting a little bit of commonsense into the situation. We have secured a variation to the Supreme Court injunction halting the relocation of the SWOW program to Dickson College, and that variation allows us to commence an alternative education program commencing tomorrow at Dickson College. Two teachers experienced in alternative ways of learning will be operating that program, which will then enable students to plan their individual learning programs jointly with their teachers.

The focus of that program, you might be interested to know, Ms Tucker, will be on independence and freedom in learning for students within a well-planned framework of curriculum options. There is a considerable range of specialist facilities available at Dickson that will considerably enhance the educational opportunities of those students studying at Dickson. Key principles of that program will include maximising student growth, valuing student independence, flexibility in programming, and building a cooperative learning community.

A number of parents and students were extremely disappointed when the planned transfer of SWOW to Dickson College was delayed by the court in January, and it was because of that and a number of other issues and complaints and pleas by those parents and students that we sought that variation to the injunction. I would also encourage SWOW students to consider very carefully the option of moving to the Dickson program. I am sure that they will be very surprised as to how the core values of alternative education will be translated there. The program will value students as individuals, student independence, and students fully cooperating in curriculum planning to design flexible learning programs. However, Ms Tucker, students who do not wish to join the Dickson program are able to remain at the Braddon site until the relocation issue is resolved in court. My understanding is that that has been communicated to them by the department and departmental officials on a number of - - -

Ms Tucker: Mr Speaker, on a point of order: I would really appreciate it if the Minister would actually answer my question.

MR SPEAKER: The Minister will answer the question as he sees fit, as you are aware, Ms Tucker.

MR STEFANIAK: Thank you, Mr Speaker. Ms Tucker, the point that they can stay there until the court action has been decided has been made to them, I think, by people at the school, departmental officials and teachers who have been there since the start of this term. Also, Ms Tucker, work is continuing on an alternative education program on the south side of Canberra.

I am pleased also to say that we will make every effort to ensure that a viable, quality education program is provided for those students who choose to remain at the Braddon site. However, Ms Tucker - and you can go and tell this to some of the people you might be seeing from the Friends of SWOW - this will require cooperation and support from the adults associated with SWOW. I was very disappointed, Ms Tucker - I told you this privately when you came to see me a few weeks ago, but I will certainly reiterate it now because there has been a bit more water under the bridge since then - to hear of the intimidation and harassment that occurred during the first week of school. That sort of behaviour is totally unacceptable. Also, Ms Tucker, it seems to be totally against the SWOW philosophy. It not only compromised the education program but also was very unsettling and disturbing for the young people and the staff involved.

This behaviour meant that the department had no option but to temporarily redeploy the two teachers - very experienced teachers, Ms Tucker - who had been appointed to SWOW. One of them, who was the subject of intense intimidation, I am told - that matter is also before the court in affidavit form, I am reliably informed - has an excellent

reputation and has been at SWOW before. I personally have received a number of reports from parents and students who have been taught by that person praising that person. As I have already indicated to you, I find that particularly disturbing.

The department has written to the chair of the board and the president of the Friends of SWOW and the other adults who have been spending large periods of time at the school, pointing out that the behaviour was inconsistent with the department's policy for a harassment- and violence-free workplace. Might I say that it is totally inconsistent, I would think, with the very philosophy of SWOW itself - a philosophy that was put forward to me on the numerous occasions I had meetings with people at SWOW last year. We will staff the Braddon program, Ms Tucker, with experienced teachers, and I think the children who are there and the parents know that - experienced teachers who will continue working towards establishing a viable education program at the school. We will be doing all we can to provide a quality education program and appropriate duty of care for students who decide to remain there.

I might say that Mr Justice Higgins, in his judgment on Friday, confirmed what I would say is obvious: The staffing and management of SWOW is the responsibility of the Department of Education and Training and not of the courts. I might suggest that the Friends of SWOW Inc. would do well to look at His Honour's judgment and the various comments he made, perhaps as obiter dicta, in terms of what is likely to happen in the future. The fundamental point here, Ms Tucker, is that the department has a duty and a responsibility to run its education system. It is responsible for the staffing; it is responsible for the programs. That is not really the responsibility of the court, as His Honour quite correctly said on Friday.

MS TUCKER: I ask a supplementary question, Mr Speaker. That was nothing to do with my question. I am glad you had the opportunity to make that statement, Mr Stefaniak. I am very interested that you suggest that I say something to the Friends of SWOW. The point of my question was this, and I will put it again as a supplementary question, Minister: You have told this place on many occasions that it is difficult for you to access all the students. You have not been able to find some, you claimed. My question was: Have you or your department ever written to the students about what was happening with the changing status of the School Without Walls, not about the review? I am talking about all the different things that have happened to that school. Your department has a responsibility to communicate directly, and I am asking you why they did not communicate directly with students enrolled in that government school about what was happening in that school.

MR STEFANIAK: My understanding, Ms Tucker, is that towards the end of last year, I think - and I will correct this if it is wrong - the department made contact, I believe it was in writing, with students who are currently in the SWOW program in relation to the proposed move. I just have a mind's eye impression of that being one of the steps in what has been a fairly long and tortuous process since about June last year. I will get back to you exactly on the details of that, Ms Tucker. As you yourself know, the department has made a number of attempts to contact a number of students about various matters relating to SWOW and the relocation since about midway through last year. There have been numerous meetings; there have been teachers there since the start of term one.

There have been numerous meetings between various representatives of SWOW and me and the department. There have been meetings at Dickson College between a number of parents and students who were interested in starting that program there prior to the start of term one this year.

I think, Ms Tucker, there has been a lot of talk, a lot of consultation. Realistically, I do not think the department could do any more than it has done. There is obviously a deliberate campaign here by a few individuals to stay and complete and run a program that they want to run, which I think now quite obviously lacks any real educational benefit to students at the Braddon site, come what may. That is why we are in court. The matter now, in terms of the resolution of that, is before the court. I understand that the court is keen to have an expedited hearing. That is exactly what we want, so that the best interests of the students can be looked after. I reiterate what I said earlier: The department will look after the best interests of those students as best it can at the SWOW Braddon site until the matter is substantially resolved in the court hearing.

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

PERSONAL EXPLANATION

MR SPEAKER: Mr Berry, I understand that you wish to make a personal explanation under standing order 46.

MR BERRY: Indeed, sir.

MR SPEAKER: Proceed.

MR BERRY: Thank you for your leave to correct the record, Mr Speaker. I claim to have been misrepresented and I would like to set the record straight in relation to distortions which were made during question time about my public statements.

Mrs Carnell: I am going to table your press releases in a minute.

MR BERRY: Mr Speaker, the weekend before last I issued a press release which was headed:

> CARNELL'S HEALTH BUDGET OUT OF CONTROL - AGAIN
>
> WASN'T THE EXTRA $38 MILLION ENOUGH KATE?

If Mrs Carnell is going to refer to my press releases, I wish she would have the good grace to read into the record the lot of them, because that makes a lot more sense.

I was berated about these press releases. To correct the record, Mr Speaker, I will read them into the record so that any historians who read about this issue will see the claims and counterclaims. I quote:

> The Carnell Government's belated release of its November Financial Management report shows that the Territory's health budget will be overspent by - - -

Mr Humphries: I raise a point of order, Mr Speaker. Mr Berry might think it is all right to use standing order 46 to basically read in the whole of his press release, but Mrs Carnell's allegation was quite specific - that Mr Berry claimed that there was a $16m deficit or black hole in the budget when, in fact, there was not. The reading of the whole of Mr Berry's press release is not going to address the issue that Mrs Carnell raised, unless he wishes to point out some specific provision in the press release where he says the opposite of what Mrs Carnell has alleged he said. Otherwise, Mr Speaker, he is using standing order 46 to read the whole of his press release into the record.

MR BERRY: Mr Speaker, do I get a chance - - -

MR SPEAKER: Order! I uphold the point of order, to the extent, Mr Berry, that you are countering Mrs Carnell's claim. If you are simply going to read your media statement into the record, I have to agree with Mr Humphries that this is simply no defence of your position. Presumably, you are going to highlight where there is a difference of opinion between you and Mrs Carnell, but it must be relevant.

MR BERRY: Indeed, Mr Speaker. Thank you for your leave to make a personal explanation about my position being misrepresented. Mrs Carnell made claims about certain press statements that I had issued. In fact, she said that I did not understand the issues involved as well. Surely one is allowed to explain oneself in relation to these matters.

HEALTH BUDGET
Papers

MR BERRY: Mr Speaker, if you will not permit me to read the press releases onto the record, I will merely table them and seek leave to move a motion to have them incorporated in *Hansard*.

MR SPEAKER: Is leave granted to table the documents and to move the motion?

Leave granted.

MR BERRY: I move:

> That the documents be incorporated in *Hansard*.

Question resolved in the affirmative.

Documents incorporated at Appendix 1.

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I seek leave to have incorporated in *Hansard* the financial management report for November that relates to Mr Berry's press release.

Leave granted.

Document incorporated at Appendix 2.

LEGISLATION PROGRAM - AUTUMN 1997 SITTINGS
Paper

MRS CARNELL (Chief Minister) (3.38): Mr Speaker, for the information of members, I present the autumn 1997 sittings legislation program. I move:

> That the Assembly takes note of the paper.

Today I am pleased to present the Government's legislation program for the autumn 1997 sittings. An important test of any government is the outcomes achieved through its legislation program. This is not reflected in statistics on how many Bills are introduced or passed or the size of the program, big or small. It is reflected in how well the program meets the needs of its customers, the ACT community, and the outcomes that it delivers to that community. A legislation program must meet the challenge of successfully combining established priorities with the capacity to respond quickly and adequately to emerging community needs.

The autumn 1997 program has been carefully crafted to ensure that it is manageable and responsible but also capable of responsiveness. As part of this commitment to responsiveness, the Parliamentary Counsel's Office has been given additional resources to improve its overall capacity to deal with both Government and private members' demands for its services in autumn 1997. The Government is in the process, as I said, of providing substantial additional resources to the Office of Parliamentary Counsel. Two officers who left recently will be replaced and four additional officers will be recruited. That is an addition of four all up. Advertisements have already been placed and inquiries have been received. This is a scarce resource, Mr Speaker. All around Australia it is very difficult to find people who have expertise in the area of parliamentary drafting, but hopefully we will be able to find people with that sort of expertise. If that is not the case, Mr Speaker, we will be in the position of being able to recruit and train those people. If we are lucky enough to attract experienced drafters, they can commence work immediately, as resources have been made available. Otherwise, we will have no alternative but to invest in training. Mr Speaker, I would like to indicate to all members of this house that we believe it is very important, particularly in the run-up to the end of this year, that adequate resources are available for all members of this Assembly to ensure that programs can be achieved.

In the course of promoting the economic development of this Territory and our ongoing consultation with the Canberra community needs arise, and these must be addressed, often quickly. Over the course of the spring 1996 sittings the Assembly passed 48 pieces of Government legislation, which included matters of considerable importance to the community, such as the firearms legislation and the amendments to the Children's Services Act. It is also of interest that these 48 Bills that were passed represented over 85 per cent of the Bills introduced by the Government in spring 1996 - an indication of the level of support that our legislation program received, and I thank members for that.

The program also gives a clear picture of the legislation that the Government intends to introduce into the Assembly in the first half of this year. This is, of course, the period in which we will be bringing down the budget; so, Mr Speaker, it will be a busy time. Also, as members would be aware, a large number of routine amendments are being developed and researched at any given time. Members would appreciate that such projects are not appropriately included in the legislative program. Its focus is on outcomes for the autumn session. It will be possible for items on the legislation planning schedule to be progressed to the legislation program and, of course, for new legislative proposals to be added.

I will now address the 1997 autumn legislation program in more detail. Mr Speaker, the autumn sittings will, of course, focus on the budget. Apart from the Appropriation Bill, the budget Bills will include some minor and technical improvements to the Financial Management Act 1996. Mr Speaker, there are also a number of other key items of legislation that the Government plans to introduce into the Assembly in this session, including the Rates and Land Tax (Amendment) Bill. As members will recall, this Bill was circulated as an exposure draft in the spring session and provides for a whole new rating system for the ACT. This session we will be introducing the final Bill, following the outcome of consultation on the exposure draft.

We will have the Mental Health (Treatment and Care) (Amendment) Bill. This Bill is the outcome of an extensive review of the parent Act. It is the Government's intention to introduce this Bill in this session, but members should note that introduction is contingent on the successful completion of a comprehensive consultation stage. Then there is the Public Health Bill. It is the Government's intention to introduce this highly complex Bill in May. Given the comprehensive nature of this legislation, we will seek to pass it in the second half of 1997, to allow the Assembly adequate time for consideration of all of the issues that it addresses.

There will be a number of motor traffic Bills. These will bring the ACT into line with New South Wales practice in terms of drink-driving initiatives and compulsory blood sampling. Further consultation on compulsory blood sampling is still being undertaken. There will be the Cultural Authority Bill. We are establishing a Cultural Authority for the people of Canberra. Naturally, considerable consultation has been undertaken to ensure that this authority meets the needs of its customers and, once this consultation has been completed, we will be tabling this Bill in these sittings.

There will be a major energy Bill relating to electricity. A legislative framework is needed to underpin the opening up of the electricity market later this year and should be in place by 1 July, following consultation with interested parties. There will be domestic violence legislation. This is a comprehensive package of Bills to update and clarify the ACT's domestic violence legislation. We will also be establishing a Domestic Violence Prevention Council, as recommended by the Community Law Reform Committee. An environmental protection Bill will introduce comprehensive environmental legislation for the ACT. As it is a major piece of legislation, extensive consultation with a range of interest groups has been undertaken and is now in its final stages.

There will be a legal aid Bill. Mr Speaker, everyone in this Assembly is aware of the Commonwealth's proposal to reduce legal aid funding to the Territory. Whilst negotiations with the Commonwealth are still ongoing, we have a duty to the citizens of Canberra to be ready to act in this area if those negotiations fail because of the Commonwealth's unwillingness to listen to reason. In foreshadowing this legislation, the Government is again displaying its responsiveness. I have to say that we hope we never have to use it.

Members should also note that the legislation program contains a list of anticipated exposure drafts for autumn 1997. Of particular note in this list is the review of the Children's Services Act on which considerable work and consultation will be undertaken this year. This is an important and complex area that the Government is keen to see dealt with appropriately. I trust that members and the public will find the legislation program document informative and a useful guide to the Government's plans for the forthcoming Assembly sittings.

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

FINANCIAL MANAGEMENT REPORT
Paper

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, and pursuant to section 26 of the Financial Management Act 1996, I present the financial management report for the period ending 30 November 1996 which was circulated to members when the Assembly was not sitting.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a code of practice and variation, criteria for eligibility, declarations, determinations, extension of operation of Act, instruments of appointment, regulations, Supreme Court rules and a variation to housing program. I also present notices for the commencement of eight Acts.

The schedule read as follows:

Administrative Appeals Tribunal Act - Determination of fees and charges applicable in the Administrative Appeals Tribunal - No. 291 of 1996 (S351, dated 23 December 1996).

Administrative Appeals Tribunal (Amendment) Act - Notice of commencement (1 January 1997) of remaining provisions (S352,†dated 23 December 1996).

Ambulance Service Levy Act - Determination of prescribed rate for ambulance levy - No. 36 of 1997 (S34, dated 3 February 1997).

Animal Welfare Act - Approval - Code of Practice for the welfare of dogs in the ACT - No. 30 of 1997 (S25, dated 28 January 1997).

Bookmakers Act - Determinations of -

Location of a sports betting venue - No. 284 of 1996 (S325, dated 6 December 1996).

Directions for the operation of a sports betting venue -

No. 285 of 1996 (S325, dated 6 December 1996).

No. 37 of 1997 (S36, dated 5 February 1997).

Rules for sports betting - No. 286 of 1996 (S325, dated 6 December 1996).

Building and Services Act - Determination of fees - No. 296 of 1996 (S359, dated 31 December 1996).

Casino Control Act - Casino Control Regulations (Amendment) - No. 30 of 1996 (S348, dated 20 December 1996).

Classification (Publications, Films and Computer Games) (Enforcement) Act - Determination of fees - No. 294 of 1996 (S355, dated 23 December 1996).

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act (No. 2) - Notices of commencement -

(1 January 1997) of sections 4 to 18 (inclusive) (S349, dated 23 December 1996).

(8 January 1997) of section 19 (S2, dated 8 January 1997).

Credit Act - Instrument of appointment - No. 293 of 1996 (S354, dated 23 December 1996).

Crimes Act - Extension of operation of Part XIA of the Crimes Act - No. 12 of 1997 (S13, dated 14 January 1997).

Criminal Injuries Compensation (Amendment) Act - Notice of commencement (1 January 1997) of remaining provisions (S352, dated 23 December 1996).

Dental Technicians and Dental Prosthetists Registration Act - Instrument of appointment - No. 297 of 1996 (S360, dated 31 December 1996).

Dentists (Amendment) Act - Notice of commencement (23 December 1996) of remaining provisions (S337, dated 18 December 1996).

Discrimination Act - Discrimination (Remuneration and Allowances) Regulations (Amendment) - No. 32 of 1996 (S356, dated 24 December 1996).

Discrimination (Amendment) Act - Notices of commencement -

(31 December 1996) of sections 4 to 24 (inclusive) (S350, dated 23 December 1996).

(8 January 1997) of section 25 (S3, dated 8 January 1997).

Gaming Machine Act - Gaming Machine Regulations (Amendment) - No. 28 of 1996 (S323, dated 3 December 1996).

Health Act -

Instruments of appointment to the Ethics Committee of the ACT -

No. 14 of 1997 (S15, dated 15 January 1997).

No. 15 of 1997 (S15, dated 15 January 1997).

No. 16 of 1997 (S15, dated 15 January 1997).

No. 17 of 1997 (S15, dated 15 January 1997).

No. 18 of 1997 (S15, dated 15 January 1997).

No. 19 of 1997 (S15, dated 15 January 1997).

No. 20 of 1997 (S15, dated 15 January 1997).

No. 21 of 1997 (S15, dated 15 January 1997).

No. 22 of 1997 (S15, dated 15 January 1997).

No. 23 of 1997 (S15, dated 15 January 1997).

No. 24 of 1997 (S15, dated 15 January 1997).

No. 25 of 1997 (S15, dated 15 January 1997).

Health and Community Care Services Act - Instruments of appointment to the Health and Community Care Service Board -

No. 6 of 1997 (S11, dated 13 January 1997).

No. 7 of 1997 (S11, dated 13 January 1997).

No. 8 of 1997 (S11, dated 13 January 1997).

No. 9 of 1997 (S11, dated 13 January 1997).

No. 10 of 1997 (S11, dated 13 January 1997).

No. 11 of 1997 (S11, dated 13 January 1997).

Health Professions Boards (Procedures) Act and Chiropractors and Osteopaths Act - Instrument of appointment to the Chiropractors and Osteopaths Board -

No. 2 of 1997 (S4, dated 9 January 1997).

No. 3 of 1997 (S4, dated 9 January 1997).

No. 4 of 1997 (S4, dated 9 January 1997).

Hotel School Act - Notice of commencement (1 January 1997) of sections 3 to 47 (S347, dated 20 December 1996).

Housing Assistance Act - Variation to KickStart Housing Assistance Program - No. 33 of 1997 (S29, dated 31 January 1997).

Land (Planning and Environment) (Amendment) Act (No. 2) - Notice of commencement (1 January 1997) of remaining provisions (S352, dated 23 December 1996).

Liquor Act - Liquor Regulations (Amendment) -

No. 29 of 1996 (S330, dated 11 December 1996).

No. 33 of 1996 (S356, dated 24 December 1996).

Lotteries Act - Lotteries (exempt lotteries) - Determination to set a new threshold for exempt lotteries - No. 280 of 1996 - (S319, dated 11 December 1996).

Lotteries (Amendment) Act - Notice of commencement (13 December 1996) of remaining provisions (S331, dated 11 December 1996).

Motor Traffic Act - Determinations of -

Fees for vehicle registration - No. 288 of 1996 (S334, dated 12 December 1996).

Parking label fees - No. 29 of 1997 (S24, dated 28 January 1997).

Road rescue fee - No. 290 of 1996 (S346, dated 20 December 1996).

Taxi fares - No. 287 of 1996 (S333, dated 12 December 1996).

Motor Traffic (Amendment) Act (No. 3) - Notice of commencement (1 January 1997) of remaining provisions (S353, dated 23 December 1996).

Nature Conservation Act - Declarations of -

Special Protection Status - No. 31 of 1997 (S26, dated 28 January 1997).

Species - No. 1 of 1997 (S1, dated 6 January 1997).

Public Place Names Act -

Revocation of Instrument No. 257 published in Special *Gazette* S303 dated 13 November 1996 and determination of street nomenclature in the Division of Ngunnawal - No. 289 of 1996 (S338, dated 18 December 1996).

Determination of street nomenclature in the Division of Conder - No. 35 of 1997 (S32, dated 3 February 1997).

Public Trustee Act - Determination of fee - Rate of management fee for the administration of moneys held in the Common Fund Guarantee and Reserve Account - No. 32 of 1997 (S27, dated 29 January 1997).

Remand Centres Act - Remand Centres Regulations (Amendment) - No. 34 of 1996 (S356, dated 24 December 1996).

Remand Centres (Amendment) Act (No. 2) - Notice of commencement (1 January 1997) of remaining provisions (S353, dated 23 December 1996).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 31 of 1996 (S342, dated 20 December 1996).

Taxation (Administration) Act - Criteria for persons eligible for stamp duty concessions - No. 34 of 1997 (S30, dated 31 January 1997).

Tenancy Tribunal Act -

Instrument of appointment - No. 292 of 1996 (S354, dated 23 December 1996).

Variation of Commercial and Retail Leases Code of Practice - No. 5†of 1997 (S10, dated 13 January 1997).

PAPER

MR HUMPHRIES (Attorney-General): Mr Speaker, I present, pursuant to standing order 83A, an out-of-order petition lodged by Mrs Carnell from 80 citizens concerning the oval opposite Narrabundah Primary School.

SCHOOL-BASED MANAGEMENT - EQUITY IMPLICATIONS
Government Response

MR STEFANIAK (Minister for Education and Training) (3.47): Mr Speaker, for the information of members, I present the Government's response to the resolution of the Assembly of 20 November 1996 relating to the equity implications of school-based management. I move:

That the Assembly takes note of the paper.

Mr Speaker, I can respond to Ms Tucker's motion seeking an assessment of the equity implications of school-based management very easily and, I think, very clearly. Ms Tucker is concerned, it seems, that the enhanced school-based management model being introduced into ACT government schools this year holds some inherent potential to disadvantage students. I can assure her and other Assembly members that the truth is

quite to the contrary. The new arrangements for school-based management in the ACT schools will improve and enhance equity of access to educational resources through increased flexibility, increased community involvement in resource decisions, increased transparency in the allocation process, and improved mechanisms for review and adjustment of allocations.

The enhanced school-based management model, which we are introducing into the ACT government school system this year, is the culmination of an extensive process that took into account, in detail, the views of the community. Equity, Mr Speaker, was an important factor in the design of the model and in the consultative process. In fact, the Government's commitment to equity in the provision of education is no newer a concept than is the concept of school-based management itself. The ACT school system has a long history of high levels of devolution of management to the school level, and an equally long history of commitment to ensuring equity in access to education.

The consultative process we have employed in designing and implementing the enhanced school-based management model has ensured and highlighted the fundamental right that all students have to equal access to a quality education. Through this consultative process the community made it clear that they required outcomes for students, fairness, accountability, community involvement and transparency. The new school-based management arrangements focus particularly on transparency and the important equity implications inherent in this principle. The school management manual sets out a very explicit model for each of the items funded and, Mr Speaker, the allocations to schools are based on publicly available data. This ensures equity and fairness in the distribution of resources.

Further, the School Resources Group, a committee of principals, provides a mechanism for reviewing and adjusting allocations to enhance equity. Under these new arrangements, the community's control over equity is enhanced. I reiterate, Mr Speaker, that this right has been embodied in the ACT schools system since its inception and it will not be diminished by the introduction of the enhancements to school-based management that the Government is putting into place from this year. In fact, equity in the allocation of educational resources will be improved by the new arrangements. These arrangements provide the tools for the community to review and adjust allocations to areas of greatest need.

Mr Speaker, also embodied in the enhanced school-based management model are specific arrangements to provide support to schools in implementing the new arrangements, and devolving additional management responsibilities to schools will not affect the framework the Government has already established for assisting students with equity needs. A broad range of services is currently in place to improve equity outcomes for students. Almost $35m is provided to government schools to assist over 12,000 students. Resources are provided for students with physical or intellectual disabilities. Resources are provided for students from Aboriginal and Torres Strait Islander or culturally diverse backgrounds. Resources are provided for those with learning difficulties and those at risk of not completing school. These resources have not been devolved to schools and will remain centrally administered.

As a further demonstration of our continued commitment to equity for students, we have established from this year a schools equity fund. I have spoken about this fund before in this place. It will augment existing equity measures and will provide additional resourcing for relatively disadvantaged students. In 1997 we effectively have $145,000 in that fund. Furthermore, Mr Speaker, the overall increased flexibility that school-based management offers to schools - a flexibility which gives schools a greater capacity to accurately target the specific needs of their own school communities - can do nothing but make meeting the needs of disadvantaged or potentially disadvantaged students more effective. Students, and when I say "students" I mean all students, should benefit rather than suffer disadvantage through the implementation of enhanced school-based management. I commend the response to the Assembly.

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

EDUCATION PROVISION - QUALITY AND INTEGRITY
Ministerial Statement

MR STEFANIAK (Minister for Education and Training) (3.52): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the maintenance of the quality and integrity of education provision in the ACT.

Leave granted.

MR STEFANIAK: Mr Speaker, I am pleased to have this opportunity to address this Assembly on the Government's maintenance of quality and integrity in the provision of education in the ACT. My statement today is timely as there has been, in recent times, considerable community debate, at a local and a national level, about the impact of the Commonwealth's abolition of the new schools policy and the introduction of the enrolment benchmark adjustment. An expectation has developed, in some quarters, that these measures may lead to a shift towards non-government schooling across Australia and possibly impact on the ACT. As well, there is considerable debate, at a national level, about the Commonwealth transferring resources to non-government schools.

Mr Speaker, I want to emphasise today that this Government is fully committed to maintaining the integrity and quality of education provision across all sectors in the Territory, and we have amply demonstrated that commitment. When I say "all sectors", I mean both the government and the non-government sectors, because a fundamental premise on which we base the quality and the integrity of our delivery of education in the Territory is our commitment to providing quality education whilst maintaining for parents and students the opportunity to choose non-government schools. This determination is clearly demonstrated by the fact that, in a climate of severe budgetary pressures, this Government has given first priority to education by maintaining funding in real terms

to both government and non-government schooling. Our initiatives such as literacy and numeracy assessment and extended school-based management will continue to maintain and to enhance the quality of government schools. These and similar measures demonstrate the strength of the Government's determination to ensure that government schools remain strong and attractive to parents.

At the same time, the Government is strongly committed to maintaining high standards in the non-government sector, and the school registration process is critical to our success in doing this. Mr Speaker, the registration process provides a safeguard for students and an assurance for parents regarding the quality and viability of schools. Registration requirements, based on legislation, are extensive and exacting. They have the full support of the non-government sector.

The speculation I spoke of earlier about the impact of the abolition of the new schools policy by the Commonwealth has created a situation which places greater significance on territorial processes. The Commonwealth still requires new schools to be registered by the ACT Government, as in all other jurisdictions. Only registered schools which are non-profit incorporated bodies will be eligible for Commonwealth and Territory funding. From the Territory's point of view, there is a need to ensure that the process remains relevant and effective. We must maintain standards whilst taking the new situation into account.

To this end I am pleased to announce, Mr Speaker, that the Government has decided to review school registration guidelines for new non-government schools and amendments to registration requirements for existing schools. The draft guidelines will be circulated in term one this year to all key stakeholders and peak organisations in both the government and non-government sectors, including both ministerial advisory bodies. A copy will also be made available to members of this Assembly. The consultation period will close at the end of term 2. Consultation comments will be considered and the views of the ministerial council sought again before the guidelines are finalised for implementation during 1998.

Mr Speaker, the intent of the review is to examine what needs to be done to ensure that the current high standards and safeguards now required of registered schools will remain in place. The current registration process includes provision for up to two years' notice of intention to seek registration of a new school. This registration process also includes assessing the following aspects of the school's operations: Quality education programs; curriculum development; student assessment and reporting; safety, health and welfare of students and staff; staff qualifications and professional development; library facilities; educational equipment; buildings and facilities; and school review processes.

Under the current registration arrangements a key principle in assessing an educational program is transportability. Mr Speaker, transportability implies that a student can transfer at level from one school to another without significant disadvantage. Similarly, it implies that a student can proceed to further education or enter the work force from any school in the ACT without significant disadvantage. Transportability requires schools to offer a full curriculum, that the teaching staff are alert to developments in their subject areas, and that they maintain both the curriculum and their teaching methods under continual review. This important principle must be retained.

New draft guidelines, which I intend to circulate for consultation shortly, Mr Speaker, will place increased emphasis on educational planning and the viability of schools. To ensure continued orderly planning and efficient utilisation of educational resources, proposals for new schools, or for expansion to new levels of existing schools, will be assessed in the context of overall trends in the school age population and enrolment distribution. Consideration will be given to the effect of school proposals on the educational and financial viability of existing funded schools in both sectors and the overall balance of school enrolments across all sectors. There will, therefore, be an assessment of the impact of planned enrolment growth of new schools on existing enrolment distribution, including any significant implications for existing schools.

Mr Speaker, all schools will need to provide evidence of their viability. Prospective new schools will need to give reasonable assurance to both parents and the Government that they have sufficient resources to provide a comprehensive educational program; in other words, that students commencing at the school may expect to be able to complete a full course of primary or secondary education. We recognise that schools cannot always provide a full course for their first year of operation. However, schools with a strong enrolment base are able to plan confidently to offer additional years of schooling as their initial enrolment of students progress through the school.

The proposers of new schools will, therefore, need to show evidence that they have a committed intended enrolment, shown, for example, by a deposit and/or enrolment fee, of sufficient size to maintain the educational program through its initial years of development and beyond. Prospective schools will also need to show how they have planned achievable increases in enrolment and give a reasonable rationale for their expectations of future demand. Mr Speaker, all prospective schools will also need to present a financial plan, showing budgeted income and expenditure, consistent with their enrolment plans, which spans at least three years, includes a detailed assessment of likely government assistance and contains a reasonable contingency provision. *(Quorum formed)*

It is equally important, Mr Speaker, that the viability of existing schools is monitored. It is proposed, therefore, that at the time of reregistration - normally due every five years - existing schools will be also asked to provide evidence of sound financial management and planning. This would include information on enrolment trends and expected enrolment increases or decreases over the prospective five-year registration period. Schools and/or systems will be asked to present a plan for the school catchment which takes into account enrolment trends affecting the school. Mr Speaker, these new guidelines are flexible enough to allow for varied circumstances and approaches in the planning and management of schools, yet robust enough to maintain the high standards of schooling which now apply in the ACT.

Another area of speculation has arisen from recent changes to Commonwealth policy, and that is the issue of the possibility of changes in enrolment shares across sectors in the ACT. Although there has been a number of inquiries about registrations of new schools, not all are expected to result in viable proposals. It is an expensive and complex business to establish a new school. It generally takes a number of years for any school to become established. For historical and demographic reasons, enrolment in non-government schools in the ACT is higher than in most other States and Territories. It has been stable

for some years. Existing schools in the ACT offer a high-quality education at all levels and cater for most areas of demand. Given the Government's commitment and initiatives to reinforce the quality of ACT schools, any new school will face strong competition from existing government and non-government schools.

The Government has responded promptly to the new situation for schools created by the action of the Commonwealth. We are putting forward proposals for consultation, based on sound principles, which will continue to foster the highest standards of education provision in the ACT. Mr Speaker, I look forward to hearing the views of members of this Assembly on the new draft guidelines for the registration of schools. Mr Speaker, I present the statement and move:

> That the Assembly takes note of the paper.

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

LEGAL AID
Discussion of Matter of Public Importance

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

> The need for legal aid to be readily available in all circumstances where ACT residents have legitimate need.

MR WOOD (4.03): This debate has been brought on because the Prime Minister, Mr Howard, has again reneged on an election promise - not the first time, and not the first time that there is the possibility of a very strong impact on the ACT. I do not know the history of Mr Howard's residence in Canberra over the years he has been a member of parliament, but something seems to have happened somewhere that made him actively dislike the place and to take punitive action against it.

Mr Moore: He probably got a parking ticket.

MR WOOD: That might have been it; perhaps on more than one occasion, I would think, considering the response, Mr Moore.

Mr Humphries has pointed out that the ACT, more than any State or other Territory, will be affected by the cuts that the Commonwealth Government proposes. Mr Humphries has shown that we, in fact, subsidise the Commonwealth and that the Commonwealth is now proceeding to reduce our level even further. A figure of $900,000 has been given as the likely gap between what has been promised and what we should have. This is a unique situation because the Commonwealth has clearly made a mistake, as has been pointed out by the ACT Attorney. At his meeting yesterday with the Federal Attorney, Mr Humphries might finally have convinced that Attorney that there has been an error.

Mr Speaker, after this debate, I intend to seek leave to move this motion:

That the Assembly:

(1) condemns the Prime Minister, Mr Howard, and the Federal Government for breaking an election promise and cutting funding for legal aid services;

(2) calls on Mr Howard to restore the funding that he promised and so ensure that justice and equity are available to all in the community.

I have read that out because I do not intend to redo the debate if the Assembly gives me leave to move that motion. This is, therefore, something in the nature of a cognate debate, certainly from my point of view.

Mr Speaker, I am sure we all acknowledge the necessity for legal aid. It is fundamental to ensuring equity in the delivery of justice in the ACT. I might make an aside that, of course, money can buy the very best legal advice, and money is a factor in that equation. Time and time again it is shown that the very best legal advice can get people out of difficult circumstances. The legal aid system provides necessary and vital aid to people who cannot afford it and who would not otherwise qualify for legal assistance. I acknowledge that there are some strains in the present delivery, in that there is never really enough money. The legal aid commissions constantly point out that the money is not available in sufficient amounts to do all that should be done.

It is important to note that progressively, over many years, the ACT, as have the States and other Territories, has reached a reasonably good legal aid structure. Let me emphasise that word "structure". I am not commenting here on the level of funds that may be provided. There is a high level of coordination and cooperation and there is a generally satisfactory process in place to overcome the overlapping legal boundaries that exist. Here, as in the States, the legal aid committees distribute funds provided by both Commonwealth and State or Territory governments. That sound structure is at risk. It is a very important structure and one that ought to be maintained if at all possible. State Attorneys, as has the ACT Attorney, have threatened to withdraw from the present scheme and establish their own legal aid commissions. We all understand the ramifications that would have, and it would be a very difficult situation for people seeking legal aid to have to deal, in some circumstances - perhaps in many circumstances - with two legal aid commissions.

Mr Humphries is right to complain bitterly because, once again, the ACT has been badly treated by this Federal Government. I think the ACT Attorney has been acting with a degree of brinkmanship on this matter, as States have been doing, too, by saying they would establish their own commissions. It is not a path, I am sure, anybody would want to take. The threat to the Federal Government is a very strong one - I would expect it should be - because the implication of separate bodies is to take us back many years to much less satisfactory situations. As Mr Humphries had displayed this brinkmanship,

I, last week, expressed my concern that we must always have in mind the people who come seeking legal aid. That is the end result - the people who need that aid. It may be that Mr Howard cares as little for them as he does for the ACT, but they could be left in the lurch. I have not seen much that Mr Howard has done in the year he has been in government which has shown much concern for the ACT or for the battler that he spuriously claims to represent. My concern is that, if Mr Humphries and other Attorneys do separate and establish their own bodies, there is no guarantee that Mr Howard's Government would then go their own way and fund their own bodies. I do not know that there is any guarantee that if this happened in the ACT there would be a body established to look after ACT people in Commonwealth-related legal aid matters. That is why I have a concern about the end result.

I was, therefore, pleased yesterday, after a meeting between the Federal and ACT Attorneys, that Mr Humphries has held off, because there is still some time to debate these issues. I was not, of course, at that meeting yesterday, but I have a pretty good idea of what happened. Mr Humphries might correct me if he wants to make it public when he speaks in this debate. The report on radio and in the print medium, which obviously had more space to provide, was very vague - and necessarily very vague - because I do not think Mr Humphries or Mr Williams said much at all. But I would expect at that meeting that Mr Humphries told Mr Williams where he was wrong in that Elizabeth Jackson interview last week on the ABC. I would think Mr Humphries, in addition to referring to his media releases, told Mr Williams exactly where he was wrong; where, like Mr Howard on a different matter, he misled those people who were listening. Mr Howard a week or so ago, you may recall, on television was misleading the community that was watching. Mr Humphries told Mr Williams where he was wrong. I am sure Mr Williams, as an intelligent person, resolved that in future he would read the letters that he signed, because clearly he had not read the letter that he signed off to Mr Humphries; or, if he had read that letter, he might take a course, as Mr Howard should, to improve his memory, because clearly when answering questions on the Elizabeth Jackson program he had forgotten what was in that letter.

As to the outcome of that meeting, I am sure Mr Williams made some conciliatory statements to Mr Humphries but then pointed out to Mr Humphries that he had two very significant constraints; the first one being that Mr Howard, the Prime Minister, had undercut him. There were suggestions that there might be some sort of reconsideration and that Mr Howard had perhaps, without any consideration or discussion, gone on television and said there would be no changes. That is a very severe constraint for the Commonwealth Attorney and maybe he has to go back and try to convince Mr Howard. The second constraint that no doubt he told Mr Humphries of was that if he takes some action here, notwithstanding that the ACT is particularly disadvantaged or likely to be particularly disadvantaged, he has to win a case with the States and Territories. That may be some of the sort of discussion that transpired yesterday. I do not know that I would be too far off the mark.

We now await the outcome of any discussion Mr Williams is able to have with the Prime Minister to see whether a measure of justice can be afforded to all people in Canberra who need legal aid services. It is going to be a very difficult task for Mr Williams to produce something of benefit for the ACT, but I wish him well. This MPI and the subsequent motion, if agreed to, are designed to reflect the interests and the desire of

all people in Canberra as represented in this Assembly, so that there is a further weapon in Mr Humphries's armoury, if he needs it, to tell Mr Williams that this is what everybody in Canberra believes, and it is the responsibility now of the Federal Government to deliver what it promised; that is, that there should be no cuts to legal aid services.

MR HUMPHRIES (Attorney-General) (4.14): Madam Deputy Speaker, I certainly agree that the issue Mr Wood has put on the table today is a matter of considerable public importance and deserves to be debated in this place. I assume and hope that other members will join in expressing their concern about the position that the legal aid system in this country has been placed in by decisions of the Federal Government. I think it is obvious to members of this place that the ACT Government is prepared to indicate its position on matters of significance to the Territory on the primary principle that we should defend the interests of the people of the Territory rather than necessarily defend the views or protect the decisions of colleagues of ours at the Federal level. I can indicate that there is a likelihood of support by the Government for the motion which Mr Wood intends to move later this afternoon. It gives me no pleasure to have to be in the position of condemning Federal colleagues. It is a course of action which very rarely has been entertained by other governments in this place, but I believe it is appropriate for the Assembly to remain solid in its view that the decision to reduce legal aid funding in this country is a serious mistake.

Madam Deputy Speaker, the question could reasonably be asked, "Why is the ACT's position really any different to that of any other jurisdiction? Surely all jurisdictions will experience pain as a result of the reduction in legal aid spending. Are there not good reasons why the Federal Government should be reducing expenditure across the board?". I would concede that there is a strong case for the Federal Government to reduce expenditure. We can debate, and probably have in the past debated, the black hole that was left to it by previous governments. What we certainly cannot do is defend a decision to reduce expenditure in an area where the very fabric of the legal system, and in particular access to justice within that system, is placed at risk by the operation of cuts of the kind that has now been foreshadowed. The legal aid budget of this country is the lubrication which provides for access to the legal system in a timely and appropriate way, particularly for those who face considerable financial disadvantage. If we did not have a legal aid system, justice in this country would certainly be the prerogative of the rich or possibly of the very well educated.

I think that a reduction, therefore, in legal aid spending of $33m across this land has to be seen as a significant compromising of the delivery of justice to a large number of people. It simply is not possible - and in this I contradict the rhetoric of my Federal colleagues - to find efficiencies in the delivery of those services and sustain a $33m cut. Clearly, the result of that order of cut would be a reduction in grants available to individual applicants and a reduction in the access to justice of applicants, the vast majority of whom are very deserving and, I believe, are quite wrongly disadvantaged by the potential of this decision. The ACT is in a more invidious position, though, than other jurisdictions, as Mr Wood has pointed out. Of course, cuts of that order would hurt the ACT proportionately as much as they would other jurisdictions; but a cut of that kind imposed on the ACT is particularly unjust because, even applying the principles that the

Commonwealth has used to justify reducing legal aid spending, that is, that it feels it is no longer required to subsidise the conduct of State and Territory matters in legal aid commissions - even accepting that argument; and there are problems with that argument - the ACT is not in a position, and probably has not been in a position for the last 10 years, of being subsidised by the Commonwealth in legal aid matters.

Indeed, Madam Deputy Speaker, it is perfectly clear that, for a considerable period of time, the ACT has been subsidising the Commonwealth in respect of matters which the Commonwealth says it is primarily responsible for. Let us get a clear understanding of what those sorts of things are. The Commonwealth accepts it has primary responsibility in family law matters, and so it should; it has constitutional responsibility for family law matters; it has passed and administers the Family Law Act. Applicants in family law matters, applicants for child support, applicants in other areas such as social security appeals, people with immigration applications, people prosecuted under Commonwealth crimes legislation, and so on, are all people whom the Commonwealth says it has a primary responsibility for. In the ACT we are presently spending heavily on those areas but receiving from the Commonwealth considerably less than we would require to meet our expenditure in those fields. I would say to the Commonwealth that if it chooses to apply this principle it must necessarily come back to the ACT and be prepared to support a level of spending on matters which this area or these areas warrant.

Why, the question may well be asked, does the ACT spend more on Commonwealth matters than other places? There are a number of reasons; but I think one of those reasons, which has been overlooked, I suspect, by the Federal Attorney-General's Department, is that the ACT provides legal aid potentially to any person who is bringing a proceeding in the Canberra registry of the Family Court. The Canberra registry of the Family Court does not cover just Canberra; it covers a very large section of south-eastern New South Wales. People living in New South Wales are entitled to access the Family Court in Canberra and, in turn, access legal aid in and through the ACT Legal Aid Commission. It is factors such as that which have been overlooked. If the Commonwealth vacates the area of its own responsibilities in the ACT, the people who will miss out in that process will be applicants for urgent proceedings in the Family Court, applicants for child support orders and people who are seeking relief from incidents of domestic violence. I certainly am not prepared to pick up the slack where the Commonwealth leaves off in that regard.

There are also other very serious potential ramifications of a reduction in spending in this area. A few years ago the High Court ruled in the Dietrich case that if defendants in criminal proceedings did not have access to legal representation there was a prima facie assumption that they should not be prosecuted for the crimes that they had been charged with; that is, the right to representation is a fundamental right of any person charged with committing criminal offences. That has changed the landscape of a number of features of our criminal justice system, but particularly it has changed the landscape for legal aid.

It follows from that decision that, if legal aid is not available for defendants in criminal cases, it may well be the case that the court would have to dismiss proceedings against that person or stay proceedings against that person because adequate aid was not available to ensure their representation properly before the court. I am advised that there are five or six cases currently in the pipeline in the ACT that could be so affected.

Some of those cases will, of course, be prosecutions under ACT criminal law, but it is also perfectly possible for some of those cases to be under Commonwealth criminal law. That is a matter, again, which the Commonwealth has accepted responsibility for picking up but appears not to have funded adequately in its most recent budget.

We were told about the contents of a discussion yesterday between Mr Williams and me. I do not propose to illuminate the Assembly on the details of that discussion. Mr Wood believes he has effective spies in Parliament House who know about the meeting. I make no comment on his assertions, but I will say that I was of the view that proceeding to discuss these issues with the Commonwealth after a period where negotiations appeared to have broken down was a good thing to do; it was appropriate; it may have delivered, and may yet deliver, a better outcome for clients of the legal aid system in the ACT. I was prepared to engage in those discussions. I retain the hope that there may be some outcome from those discussions which are proceeding at officer level after yesterday's meeting. They may produce a better outcome for us. That is a possibility. When we have a little more time up our sleeve, I am quite prepared to engage in those discussions. I make no warranty about whether they will succeed or whether they will not.

I note the Commonwealth has also placed on the agenda the reform of legal aid delivery systems in this country. I am quite prepared to talk about those things, although the details at this stage I could not give to the Assembly. I am quite prepared, however, to put those things on the table if it means that there is some chance of a better deal for ACT legal aid clients.

Madam Deputy Speaker, as at the end of last week, we were faced with a very invidious choice. One choice we had was to remain part of a synchronised or dual legal aid system in the ACT which, had it sustained a level of reduction in funding by the Commonwealth, would have delivered, undoubtedly, a poorer quality of service to all of its clients. The alternative choice was to propose to separate the ACT Legal Aid Commission from its Commonwealth role and say that, if the Commonwealth wished to deliver services to, say, family law applicants or domestic violence cases or whatever in the ACT, it would need to do so through its own mechanism, through its own separate and freestanding Commonwealth Legal Aid Office in the ACT.

Mr Wood is right to say that that course of action comes with some risks. There is, indeed, no certainty that the Commonwealth, even in that situation, would necessarily fund such cases adequately. My observation about that scenario, at least last week, was that the costs of setting up such a system would probably, on my calculation, have been greater than any saving that was due to be made. It seemed to me that there was a very serious problem facing the Commonwealth. However, Madam Deputy Speaker, we are now in the course of discussions with the Commonwealth about these issues. I think that it behoves us all to give those discussions a chance to work. I hope that it is still possible to resolve this matter. I indicate that the ACT has not abandoned the options which it placed on the table last week, but it simply says that while discussions and agreement are still possible it will continue to talk and reserve any other action until some further point where the discussions may have broken down.

It is ridiculous for a small jurisdiction like the ACT to even contemplate subsidising the Commonwealth in legal aid matters. The ridiculous element of that decision, I think, needs to be drawn attention to. I hope and trust that the Assembly will send a clear message that it solidly views the decision by the Commonwealth as being unwise and contrary to the interests of the citizens of this Territory and that it will try to act to protect those interests in whatever way it can.

MS TUCKER (4.28): Madam Deputy Speaker, the subject of this matter of public importance is:

> The need for legal aid to be readily available in all circumstances where ACT residents have legitimate need.

The reason we are debating this issue today is that the Federal Government has not recognised this need. Of all the damaging and inequitable cuts made by the Federal Government in the 1996-97 budget, the $33m in cuts to legal aid services in one year, and $120m over three years, across the country is one of the worst and most illogical. In the ACT I understand the cut to legal aid is of the order of $700,000 to $900,000. Nearly all the State governments have protested at the cuts. There have been threats by two jurisdictions, including the ACT, to go it alone and set up separate legal aid bodies. Welfare groups around the country are also up in arms, and that is because legal aid is not just a legal issue; it is very much a social justice issue. Services already under strain will be put even more under strain if the justice system cannot respond fairly and promptly to people in legitimate need.

We hear the Federal Attorney-General claiming that our legal system should not be providing Rolls-Royce justice for only a few. From the experience I have had with the legal aid system, Madam Deputy Speaker, it is hardly Rolls-Royce justice. The provision of adequate legal aid, even at present funding levels, is causing a lot of strain in the system. It is a core responsibility of government if, as a community, we believe in access to justice and the right to a fair hearing irrespective of income. There are many in our community who could suffer as a result of the cuts. Victims of domestic violence are one group that has been highlighted already by the director of the ACT Legal Aid Commission.

I would like to take this opportunity to congratulate Mr Humphries for the very firm stand he has taken on this issue and for briefing us last year on his actions. He is not the only Liberal to have written to the Federal Attorney-General and spoken out publicly about the issue. If Liberal representatives around the country are calling for a reversal of the budget cuts, it must be pretty bad. Mr Burke, the Northern Territory Attorney-General, has been quoted as saying:

> The question is - who is in need, the Commonwealth or the disadvantaged?

In so many areas the Federal Government has betrayed its promise of governing "for all of us". "For all of us who are not poor, black, or otherwise disadvantaged" is closer to the truth. I will say, in conclusion, only that the Greens would be happy to be involved in any discussions aimed at finding ways of minimising the impact of these cuts in the ACT. As over 100 people have already been turned away in the ACT because of the Commonwealth's cuts, the need to do whatever we can is increasingly urgent.

MR STEFANIAK (Minister for Education and Training) (4.32): Madam Deputy Speaker, I rise in support of the Attorney-General's remarks and, indeed, the remarks of Mr Wood and Ms Tucker. As a prosecutor and a defence lawyer who had a significant legal aid practice, both in Muswellbrook and here in Canberra, I have had a lot of personal experience of the criminal justice system. My experience tells me that legal aid is important, in that it provides a measure of equity in society and in the system. The criminal justice system is an adversarial one. This is not the time to debate the merits of that system, but it is the framework within which the justice system operates. Given this system, legal aid provides many advantages, in that it enables those brought before the courts on criminal charges to make a meaningful contribution to the trial process early enough to ensure that the valuable resources of the criminal justice system are not wasted. For example, with proper legal advice, a plea of guilty can be identified at an early stage and dealt with appropriately and trials can proceed expeditiously and fairly, thereby reducing the chances of the need for appeals.

Apart from just the trial situation, Madam Deputy Speaker, in the court of first instance, the Magistrates Court, defendants, with proper legal representation, will know whether they have a real chance of getting off or whether they in fact should plead guilty. I have had a number of experiences and seen a number of defendants who actually did have a case; they had a case which should have been defended. Because they did not get legal aid, they did not have access to a legal aid lawyer, or some form of legal advice, they just pleaded guilty and got it over and done with. That is all very well if you are guilty, but quite often I would see instances where people were in fact not guilty and would have been far better off exercising their right and pleading not guilty.

Madam Deputy Speaker, I, too, think the Commonwealth is biting its nose to spite its face here. I seem to recall reading in the paper - I think it might have been Mr Humphries saying it - that it would take about $4m for the Commonwealth to set up its own system in Canberra to look after the Federal matters for which it has a duty. That would be quite stupid. It would make far more sense for the Commonwealth to see the ACT's position and come to the party and give the ACT the extra $700,000 or $900,000 that is needed and that is in fact due to the ACT in terms of what the Commonwealth should be supplying us with.

I can recall, over the last probably five or six years, Madam Deputy Speaker, a number of cuts being made to the legal aid system in Canberra. I can recall, as a practitioner, in 1993 and 1994, certain cuts being made; certain avenues for legal aid not being available. I recall that legal aid used to be available on a reasonably regular basis for civil matters. That is another area where people who do not have the means cannot get access to legal advice. They really should have access to enable them to be a plaintiff in a civil matter as well. There have been a number of cuts before this one, but this one is an absolute doozey and runs the real risk of very badly affecting our system. Many people will be denied justice unless this action by the Commonwealth is reversed.

The Commonwealth cuts will have ramifications for the Territory's social fabric as a whole. In particular, violence and crime will impact on families; persons before the courts will run the risk of being convicted because they do not have legal representation

to protect their interests; the welfare system could well face an added burden; people with injuries and disabilities will be faced with a loss of income. I find it very ironic that the Commonwealth is unwilling to fund the very matters which it said it would fund.

I share Mr Humphries's and other members' utter dismay at the Commonwealth's stance on domestic violence funding. Mr Staniforth, the director of the ACT Legal Aid Commission, has made a number of good points on that. The Commonwealth seems to be oblivious to the fact that it is affecting some of the most vulnerable people in our society. The Commonwealth initiated the Domestic Violence Act 1986, prior to self-government, to counter deficiencies in the Family Law Act. The Commonwealth should accept its responsibilities. I think it is axiomatic that access and equity before the law are critical to the effective operation of the rule of law and the stability of our society. If there is a further reduction in the capacity and the willingness of the disadvantaged to use a legal dispute resolution system, there is a real danger that these people will seek other solutions to their problems.

The Commonwealth cuts threaten to damage the legal aid partnership that exists with the private profession whereby work is undertaken at a significantly discounted rate or without charge. I did a lot of legal aid work for the firm I was last with, and it certainly was at a discounted rate. Indeed, some was without charge. The same applies to my colleague, Mr Collaery, who regularly does work without charge or at discounted rates. A duty that any good lawyer has is to take on people who can pay only a discounted rate or, on occasions, to do work without charge. But it is only fair that firms, many of them struggling in Canberra, have access to legal aid. The rate might be about a half or a third of what they would be able to charge a full fee paying client, but at least that is something. Many firms - certainly, the firms I have been with - have done a lot of legal aid work, and I think rightly so.

Madam Deputy Speaker, I suppose in the past in this place people have heard me say - and I do not resile from it - that when someone is found guilty they should bear the consequences of their crime. I have been a great believer in the fact that sometimes our courts can be far too lenient. But that is different. I am putting that aside from the question here, and that is that our system of justice holds that a person is innocent until proven guilty and that there is a due process in relation to that. In our system, a person has a right to plead not guilty, to have their case heard before a court and, if it is an indictable matter, to be tried by their peers on a jury. That is a fundamental right, and one of the most fundamental rights of Australian society - something we have inherited from the British system of justice, which goes back 700 or 800 years. Unfortunately, the Commonwealth's actions as a result of these rather ill-founded ideas on cost cutting put that in jeopardy to an extent. I do not think the Commonwealth has really thought out its actions at all well.

I am heartened to hear that there are to be further discussions between the ACT Attorney-General and his Federal counterpart. I hope the Commonwealth will see sense in relation to this matter. It has actually already been accepted, I think, that it has made an arithmetical error in terms of what sort of funding we should be receiving, and I hope

it will come to its senses and pay up, so that the interests of justice in this Territory can be properly served. If the Commonwealth continues with this action, the interests of justice in the Territory will not be properly served, and it would be a very sad day if that should come to pass.

MS REILLY (4.39): The question we are looking at this afternoon is the ready availability of legal aid. There is plenty of evidence around to show what happens when it is not readily available. Access to justice is a basic tenet for a just and fair society, and the national principles on legal aid point this out. In a submission by the Law Council of Australia to the legal aid inquiry they say that the objectives of legal aid should be:

> ... to ensure that the protection or assertion of the legal rights and interests of people in the Australian community are not prejudiced by reason of their inability
>
> (1) to obtain access to independent advice;
>
> (2) to afford the financial cost of appropriate legal representation;
>
> (3) to obtain access to the Federal, State or Territory legal systems; or
>
> (4) to obtain adequate information about access to the law and legal system.

These are very important principles under which we should be operating.

One of the concerns in the discussion on legal aid both today and at other times is the split in considering which are Commonwealth responsibilities and which are State responsibilities. Considering the very important advocacy work that the Attorney-General has been doing, I was disappointed to hear him say he is not interested in picking up the slack of what the Commonwealth is not taking account of at the moment. I am disappointed because as a community we will miss out; we will lose if we go back to deciding what is a Commonwealth matter, what is a State matter and never the twain shall meet. There are a number of instances where you cannot split it easily. One of the results will be that legal aid and access to justice will be there only for those who have the money to pay or who know the system. It will not be available to all of the community in any sort of equitable way; it will be a very reduced access.

We have a number of instances of what happens when there is no legal aid. We also know that the access to legal aid has always been constrained in some way. We have evidence of unmet need. A look at the previous Commonwealth Government's inquiry into legal aid that led to the justice statement shows there were already a number of dissatisfactions with access to legal aid, particularly in relation to civil and family matters. The then Commonwealth Government was going to increase the funding for legal aid over four years. Now we are looking at a situation where there is going to be reduction in legal aid funding. We have a situation where we have the Commonwealth saying it will look after some matters and the States can look after the others, which fails to take account of the fact that in a number of instances cases come under several jurisdictions.

In particular, let us look at women's access to justice, because there are particular needs of women in relation to justice. In particular, let us consider domestic violence. Women who are victims of domestic violence often suffer from lower self-esteem, fear of authority figures and learnt helplessness. These women feel quite powerless and isolated and have little understanding of their formal rights before the law and little understanding of their formal rights particularly in relation to the operation of the Family Law Act, which can be particularly important in relation to their children and access to the property. They are also facing a complexity of legal problems.

Let me paraphrase the Doris Women's Refuge submission to the legal aid inquiry on some of the legal problems for women and children leaving domestic violence. They could come under the criminal law in relation to threats, or physical or sexual assault of themselves or their children. There will be family law matters to do with contact, residency orders, property settlements, freedom of movement and child support. There can be debt incurred by the ex-partner in her name. There can be criminal injuries compensation and care and protection of children proceedings. All these do not fit nicely into the slot of Commonwealth matters or State matters; they go across the jurisdictions. What would some poor woman, in the situation of escaping domestic violence, do when trying to work out which responsibility she comes under, which part of the legal system she could access, and finding maybe she could access only one part and not the other? Does that mean you look after the children but then leave other aspects untouched? If women who are trying to escape domestic violence cannot access legal aid, the likely outcome is that they have to stay in these appalling, obscene situations where they are subjected to violence, where their children are subjected to violence and where they remain in danger for themselves and for their children.

The Canberra Rape Crisis Centre also raises issues of the importance of access to legal aid and justice to women, particularly those escaping violence. There are a number of instances where this is important. The Women's Legal Centre in Canberra raised the issue of the means test and how women accessing legal aid already have problems with the way in which the means test is applied. Quite often it is very difficult for women to establish what their income is; and, if they have to rely upon the cooperation of a male partner to establish what their income is, it can be extremely difficult to assess what is and what is not counted as accessible income. This also affects their access to property in family law situations because they are trying to prove what property they own and what their income level is in terms of being able to take further action. If we reduce legal aid, if we put legal aid into Commonwealth and State boxes, it also impacts on a number of women and children in our community. There are a number of impacts if we get rid of legal aid, and there are things that we need to consider.

One of the things that result from failure to have sufficient legal aid is self-representation. It is extremely difficult for people to represent themselves in court situations which can take considerably longer than was originally anticipated and in which the legislation and case law are much too complex. There is a disadvantage for those who are representing themselves and there is also a considerable imbalance of power in the legal system

between those who are legally represented and the persons who are representing themselves. There are community legal centres that can fill the legal aid gap in some respects, but these are not supposed to be an alternative to legal aid systems. They can provide only a certain amount of advice and guide people where to go; they cannot be considered as an alternative to good quality, well-funded legal aid.

There is also the pro bono scheme which is run in New South Wales. This has worked well as a complementary service, but it cannot be seen as an alternative service. The Welfare Rights and Legal Centre in the ACT has pointed out a number of instances of situations where they have had to help people who have tried to represent themselves. It has identified the problems that have arisen from this, including the time it has taken. There are also the problems that people have in not understanding the law and not understanding what is happening to them. In situations of eviction from a Housing Trust property, they end up being evicted when, with legal representation, they would have been able to stay in that house. It is important that people have access to legal aid. It is important that we do not get bogged down in deciding what is a Commonwealth matter and what is a State matter. We should be working for a fair and just society and ensuring that everyone has access to justice.

MR MOORE (4.48): Indeed, Madam Deputy Speaker, a fair and just society, with reasonable access to the law and to justice, is what this debate is really about. I noted in this morning's paper that our former colleague in this place and former Attorney-General, Bernard Collaery, raised the issue, in the case of Mr Eastman, that, whereas over a million dollars has been spent on prosecution, the level of money that has been spent on defence, as I recall, he argued, was some $35,000. The imbalance in this style of justice is very starkly seen in those circumstances. On the one hand, we accept that a prosecution is a difficult thing to run. I know that Mr Stefaniak, with his experience, would verify that that is the case. But when we have a situation where the Government, on the one hand, is prepared to spend very large sums of money on an ad hoc basis but, on the other hand, is reluctant to spend money on legal aid, we have a problem.

The reluctance to spend money on legal aid falls into two categories. The most critical one at the moment is the rejection by the Federal Government of legal aid spending that had been put aside by the previous Labor Government and the so-called rationalisation of that legal aid spending, the result of which is significant cuts to legal aid right across the country. That is contrary to a Liberal Party promise at the last election. It is another one of those promises that the Federal Government does not seem to worry about now that it has the excuse that there is a so-called $8 billion black hole. The argument is wearing thin, and very few of us accept it; but it does raise the general issue of the sort of brinkmanship that Mr Humphries has been playing.

On the one hand, I agree with Mr Humphries that we must do what we can to protect legal aid generally. It is certainly important that ACT citizens have access to legal aid and that it can provide advice on both ACT and Federal matters. But it is also critical that the Federal Government adequately fund its share of that process, and that is the battle that Mr Humphries has been having with the Federal Attorney-General. In fact, I listened to the Federal Attorney-General just last week when he was speaking to Elizabeth Jackson. He made the most appalling replies, the most pathetic responses, to the questions asked.

Having listened to that questioning, I cannot recall any politician handling questions as badly as that for many years. I thought, "If that is the calibre of understanding that our Federal Attorney-General has, it is no wonder that we have strife in this area". We all have bad days, and perhaps he was having a very bad day that particular day. But, whatever the case was, he had no understanding of the issues in front of him. I hope that in the meetings since then with Mr Humphries a reasonable understanding of the issues has been achieved.

Madam Deputy Speaker, in many ways I am very supportive of the stance taken by our Attorney-General, Gary Humphries, in this area; but I am very critical of the Federal Government's economic rationalist approach to this issue, as it takes to so many other issues. I hear myself agreeing with some of the comments made this morning by Simon Corbell in his inaugural speech, in terms of the sorts of outcomes that we get being based on whether or not you get good dollar value, as opposed to whether you get good outcomes in terms of social justice. I thought it was a very thoughtful speech that dealt with these areas this morning. This is yet another example of the sorts of issues that were raised by Mr Corbell.

Madam Deputy Speaker, we have a situation now where our Attorney-General has to ensure appropriate legal aid for ACT citizens, and he has to do that, by preference, in conjunction with the Federal Government. But, either way, we have to see fairer access to justice. Unfortunately, legal aid of itself can never, and will never, provide reasonable access to justice. It deals with the people who have most difficulty in reaching justice, and for that reason it is very important. It is also important, Madam Deputy Speaker, for us to go through the whole issue of the way we perceive justice in this country. More and more, it is getting to the stage where people are saying, "If you have the money, you have far more access to justice than people who do not have the money". I think, in a society where we expect egalitarianism, that is entirely inadequate.

MADAM DEPUTY SPEAKER: The discussion has concluded.

LEGAL AID - COMMONWEALTH FUNDING

MR WOOD (4.54): Madam Deputy Speaker, I seek leave to move a motion relating to Commonwealth funding for legal aid.

Leave granted.

MR WOOD: I move:

> That the Assembly -
>
> (1) condemns the Prime Minister, Mr Howard, and the Federal Government for breaking an election promise and cutting funding for legal aid services;

(2) calls on Mr Howard to restore the funding that he promised and so ensure that justice and equity are available to all in the community.

Madam Deputy Speaker, in the debate on the matter of public importance just concluded, I indicated that I would not repeat all the arguments I had presented at that time. I will simply restate this: Firstly, we have all agreed that legal aid is absolutely essential. I particularly thank Ms Reilly for pointing out some of the very significant factors involved in that. It is important; it must be available; it must continue. Secondly, Mr Howard gave a promise. Perhaps it was not a core promise - not that I ever heard at the time of the Federal election campaign that Mr Howard had promises that were core promises and promises that could be forgotten about. But that promise from the coalition's "Law and Justice - For All Of Us" policy statement said:

> A Liberal and National Government will maintain current levels of legal aid funding and funding to community legal centres.

We, in this Assembly, believe that that promise must be kept, in the interests of equity in justice. That is the purpose of this motion.

MR HUMPHRIES (Attorney-General) (4.56): Mr Speaker, I indicated in the debate on the MPI that we, on this side of the chamber, had seen the motion that Mr Wood had circulated and we proposed to support the thrust of it. It gives me no particular pleasure to have to do that in respect of the Federal Government; but, as I made clear to members during the debate on the matter of public importance, this Government takes seriously its view that the primary responsibility that we have is to the people of the ACT, not to colleagues of our own political persuasion elsewhere in government. So, Mr Speaker, the Government intends to support the motion.

However, amendments in my name have been circulated. I intend to amend the motion because I am not sure what role Mr Howard personally has played in the decision to break an election promise and, therefore, I believe that it is fair to focus on the Federal Government as a whole in the decision that the Federal Government has taken. I seek leave to move together the amendments that I have circulated.

Leave granted.

MR HUMPHRIES: I move:

> Omit "the Prime Minister, Mr Howard, and".
>
> Omit "calls on Mr Howard", substitute "calls on the Federal Government".

MR MOORE (4.57): I will speak to the motion and the amendments at the same time. Mr Speaker, I think the motion is a very good motion. I suppose, to get a unanimous view from the Assembly, it is better to modify it a little; but it does weaken it. Whilst I will accept the amendments to get a unanimous view, it strikes me that the Prime Minister, Mr Howard, is responsible for the Liberal Party's election promises, particularly in this area. They have broken them.

I know that the acceptance of core promises and non-core promises is not Mr Humphries's approach; nor has it ever been. The Prime Minister's stance on core promises and non-core promises is, "Do not ask me at the time I am making a promise which is which, because I do not want to tell you that. I will save that for later, because that would not give me enough room to move". The whole notion of a little lie or a big lie, a mortal sin or a venial sin, in this sort of thing is the background that I think Mr Howard is looking for. But the reality is that, if you happen to be a person who is desperate for legal support and you are going to miss out on legal aid, then this is a pretty serious election promise, for which the Prime Minister, Mr Howard, has responsibility.

So, when you talk about "the Federal Government", in some ways it moves away from ministerial responsibility. The thing I liked about the motion in the first place was that it pointed the finger right where it should have been pointed - at the Liberal Prime Minister, Mr Howard - and then put it right back to him to ask him to restore the funding that he promised, as the leader of the Liberal Party, at that election. It seems to me that would be a much stronger stance. However, as I indicated earlier, taking into account that a unanimous motion from this Assembly has significantly more power than the other option, I am prepared to take the softer approach to ensure that.

MS TUCKER (4.59): I will speak to the motion and to the amendments as well. I support what Mr Moore has said. I think that there is some loss of accountability once you start to broaden it. It is very easy for a government to say, "Oh, well; we were not able to do that", for whatever particular reason; but I agree with Mr Moore that Mr Howard was the one making the promises. He does have to carry greater responsibility for what his Government has done and has not done, for what it has promised and what promises it has broken. So, I too am sorry that the motion has been weakened to that degree; but, because I want to see it get up with unanimous support, I will support the amendments. However, I think it is going to disappear into a hole, and it is more likely to disappear into a hole because it is not specifically directed at Mr Howard.

Debate interrupted.

ADJOURNMENT

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

> That the Assembly do now adjourn.

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

Question resolved in the negative.

LEGAL AID - COMMONWEALTH FUNDING

Debate resumed.

MR WOOD (5.01): Mr Speaker, it is correct to say that these amendments do not really point the finger where it should be pointed, namely, at Mr Howard directly; but in the interests of getting a unanimous resolution from this Assembly I will accept the amendments. I find it an unusual circumstance that we can have the Liberal Government of the ACT supporting a motion which is highly critical of its Liberal counterpart in the national parliament. But that is, I believe, the significance of the issue, and I thank members for their support.

Amendments agreed to.

Motion, as amended, agreed to.

POSTPONEMENT OF ORDER OF THE DAY

MR HUMPHRIES (Attorney-General) (5.01): Mr Speaker, I move:

> That order of the day No. 4, Executive business, relating to Pest Plant and Pest Animals - Use of Chemicals, be postponed until the next day of sitting.

That will allow us to move to debate on the Public Interest Disclosure (Amendment) Bill.

Question resolved in the affirmative.

PUBLIC INTEREST DISCLOSURE (AMENDMENT) BILL 1996

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

> That this Bill be agreed to in principle.

MR BERRY (5.02): This is a piece of legislation which seeks to strengthen, I suppose, the Public Interest Disclosure Bill and ensure that - - -

Mr Humphries: You do not sound very sure about that Mr Berry.

Mr Moore: The Public Interest Disclosure Act.

MR BERRY: The Public Interest Disclosure Act. It takes specific action to ensure that the Auditor-General is recognised as the proper authority in relation to the practical operation of the Act. It also defines the role of the Ombudsman. I think, overall, the Bill can be said to be a positive move in the interests of better public scrutiny of the operations of government. This is a government that needs proper public scrutiny. Wherever that occurs, it is to be applauded.

These are the sorts of amendments which are continually under the watchful eye of oppositions, I suspect, in many parliaments. The operation of these amendments, I suspect, will be watched with a careful eye to see that they do, in fact, strengthen the legislation, as they are proposed to do. Mr Speaker, the Opposition will be supporting this legislation.

MR MOORE (5.04): Mr Speaker, recently there was some public debate about how this Assembly operates. It was raised by the retiring head of Urban Services, Mr Turner, and it is very much on the public record. The tenor of the debate was that the trouble with self-government is that people too readily jump into conflict, and so on. What that debate did not recognise - and this is what I found most surprising, coming from somebody of Mr Turner's experience - was that there is legislation like this that comes before the Assembly time after time which is good, sensible legislation, which we immediately hear the Opposition stand up and support and which the crossbenchers stand up and support because we think it is sensible legislation. We deal with about 60 per cent of the legislation in that way.

Another 20 per cent of the legislation would be negotiated, in the same way as a couple of Bills were held over earlier this morning while some negotiation occurred on them. About 20 per cent of the legislation that comes before the Assembly carries with it significant conflict. And that is healthy. That is how the Westminster system works. We have differences of opinion that are open and clear for people to see. So, rather than having the impact that I think was intended - to make members think, "Perhaps we are being much too keen to get into conflict" - just the opposite is true. It has actually reconfirmed my own view that we have a very positive style of operating within this Assembly, where conflict is often resolved in a series of ways - by a round table discussion, through committees or just through negotiation between members.

Mr Humphries, in his introductory speech to this Bill, suggested that it made some technical amendments. Certainly, they are technical amendments, but they are also particularly important in terms of the whole idea of public interest and public interest disclosure. It is my view, and I know that it is Mr Osborne's view, that this sort of legislation does not go anywhere near far enough. But every step along the way that opens up government systems is in the interests of the public, as far as I am concerned. Of particular interest is the impact it has on the Auditor-General and the Ombudsman. These particular watchdogs are critical to the way our democracy works. They are critical to ensuring the protection of minorities and they are critical to ensuring accountability of government. It seems to me that these are proper authorities.

Mr Speaker, it seems to me that a situation which opens up information in the public interest but also provides the ability for the Attorney-General and the Ombudsman to act in a reasonable way is important. At first glance, in one small section of this Bill, it may appear that Mr Humphries is trying to limit the disclosure of the Ombudsman. But I do not believe that to be the case. It gives the power to decline to act on disclosures where the matter is frivolous or vexatious, misconceived or lacking in substance, has been adequately dealt with by the receiving agency or another agency, or is an attempt to reopen a matter already dealt with by a court or a tribunal. That appears at face value to be narrowing disclosure; but it seems to me, having thought this through carefully, that, if the Ombudsman is dealing constantly with such vexatious issues, then he cannot put the time and the resources into dealing with new and important issues that people raise with him.

It seems to me, Mr Speaker, that this Bill acts to correct those sorts of problems. I am sure that all members of this Assembly, perhaps with the exception of a couple of very new members, would be very conscious of the number of people who become obsessive about particular issues, who are vexatious about a range of issues and who are particularly difficult to deal with. If new members have not met them yet, they will in the not too distant future.

Mr Wood: Like who?

MR MOORE: I hear an interjection from Mr Wood, “Like who?”. I do not think members here need to discuss names. As an aside, I might say that often these people have a very important issue and, had it been dealt with appropriately in the first place, there would not have been the development of obsessiveness about the issue. To me, that is often the saddest part about dealing with people when I can no longer afford the time to continue such debates. Mr Speaker, I think that generally the Public Interest Disclosure (Amendment) Bill is a positive step forward, and I too am happy to be supporting it.

MR WHITECROSS (Leader of the Opposition) (5.10): Further to Mr Berry’s erudite address on the subject, can I briefly say that the Opposition is particularly happy about these amendments. I want to highlight a couple of things. One is the inclusion of the Auditor-General as a proper authority to investigate these complaints. Given that the kinds of complaints we are talking about deal with issues of corruption, illegal or improper conduct, or substantial waste of resources, it is appropriate in many cases that the Auditor-General be the person who receives that complaint and investigates that complaint, because it is very much within the purview of the kinds of things the Auditor-General does.

Also, Mr Speaker, the amendments to the terminology to ensure that executive employees employed under the Public Sector Management Act are fully covered within the terms of the Act are appropriate. They are obviously very significant employees in the overall scheme of operation of the Public Service and it is essential that they be fully covered by the scope of the Act. The new definition of “public official”, I think, rectifies a potential difficulty that existed in the past.

As Mr Moore indicated, the inclusion of the discretion for proper authorities to decline to investigate complaints is an appropriate one. There are, inevitably, limited resources available to the Ombudsman and the Auditor-General to pursue complaints, and they have to have the opportunity to distinguish between vexatious complaints, which are going to consume a lot of their resources with perhaps limited result, and complaints which deserve to be investigated. I am sure that everyone in this place would hope that the power of the Ombudsman or Auditor-General to decline to investigate a complaint would be used sparingly and in circumstances where there was a more appropriate remedy, or where it was genuinely vexatious, rather than simply because of a lack of resources. But we have to acknowledge that, if we want these watchdogs to work, they have to have the capacity to focus on what they regard as serious complaints rather than on ones where they believe that the complaint perhaps lacks substance. Mr Speaker, I think that the amendments improve the Act, particularly in relation to the involvement of the Auditor-General and the inclusion of executive employees within the definition of "public official" for the purposes of the Act.

Mr Moore: Mr Speaker, I raise a point of order under standing order 47, as something about my speech may have been misunderstood. Mr Speaker, I addressed the speech as though the legislation was Mr Humphries's legislation. Indeed, it is the Chief Minister's. The confusion for me, Mr Speaker, was the change from one Deputy Chief Minister to another Deputy Chief Minister to Chief Minister. The legislation says "Chief Minister" on the top. It is very difficult to remember who is who within the Liberal Party.

MRS CARNELL (Chief Minister) (5.14), in reply: Mr Speaker, I am surprised that Mr Moore is confused on this particular issue, as this was a Bill that I actually brought before the Assembly from opposition. It was a Bill that the Liberal Party, in opposition, brought to the Assembly and that finally, after, shall I say, a somewhat turbulent time in getting the Bill passed, was passed by this Assembly. He also might have noticed that we actually have not changed Chief Ministers for a quite long time - not since the election. It was two years ago today.

Mr Speaker, the Public Interest Disclosure Act, for us, is a very key complement to accountability measures generally. Members of the Assembly will be aware that the Financial Management Act that we passed last year was part of that accountability approach. The extension now of the Public Interest Disclosure Act, which I say again was an initiative of the Liberal Party from opposition, is another part of that whole approach.

Effective mechanisms to encourage the reporting of wrongdoing in the public sector and to ensure that any reports are properly investigated and acted upon back up the wider financial and performance auditing mechanisms set in place by our financial reforms. The changes proposed by the Bill reflect the accountability framework within the public sector and contribute to a more robust system that ensures that people who want to report wrongdoings can get support from independent agencies.

These changes reflect the Government's interest in this legislation and our commitment to continue to monitor its effectiveness. I agree very much with Mr Moore that this sort of legislation should be looked at constantly to ensure that it is achieving the ends that we all want it to achieve, and that is to ensure that people in our public sector feel that they are empowered to bring forward any areas that they do not think are quite right. This, by the way, in no way suggests that we - unlike some people - believe that our public sector is riddled with corruption. We believe very strongly that that simply is not the case.

But legislation like this is important not just for what it does, Mr Speaker, but also for what it says. It is important because it makes clear statements about values. It says to everybody that honesty, integrity and high standards of management of public resources are critical elements in public sector activity. We will take steps to ensure that reports of improper conduct and wrongdoing are investigated and acted upon. The culture should be one of exposing and correcting wrongdoing, rather than covering up. Where it is necessary to report improper conduct, we expect something to be done about it.

Making a difference is one of the things that most concern informants in these circumstances. If there are problems that are not corrected by existing management practices, we rely on individual employees or members of the public to make reports under this Act. I believe that that is extremely important to improving the way the Public Service operates generally. I think the extension of this Bill is a very appropriate approach. I am very pleased that members of the Assembly support it. It shows but again that this Government is interested in openness, in consultation, in equity and in a strong Public Service.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS

MR HUMPHRIES (Attorney-General) (5.18): Mr Speaker, I ask for leave to move a motion regarding the recording of proceedings relating to the Assembly's consideration of the Medical Treatment (Amendment) Bill 1997.

Leave granted.

MR HUMPHRIES: I thank members. I move the motion which has been circulated in my name in the chamber today. It reads:

That the Assembly authorises:

(1) the recording on video tape with sound by Prime Television network of proceedings during the presentation of the Medical Treatment (Amendment) Bill 1997 on Wednesday, 19 February 1997, and any debate that takes place on Wednesday, 26 February 1997, and on the consideration of the question - That this Bill be agreed to in principle;

(2) the filming in accordance with the following conditions:

   (a) as a general principle cameras should focus on the Member with the call;

   (b) reaction shots of a Member are only permitted:

      (i) if the Member is referred to in debate; or

      (ii) if the Member has sought information which is being supplied by a Member having the call;

   (c) coverage of the Galleries is not permitted;

   (d) no panning along the Benches shall be permitted;

   (e) close-up shots of Members' papers are not permitted; and

   (f) camera positioning shall not be such as to interfere with the proceedings of the Assembly and any instruction from the Speaker or the Speaker's delegates will be observed.

(3) the use by any television station of any part of the recorded proceedings and excerpts in subsequent news, current affairs and documentary programs, provided that the reporting is fair and accurate and not for the purpose of satire or ridicule. Points of order and remarks withdrawn are not to be rebroadcast. The Assembly notes that in the use of excerpts and delayed broadcasting of proceedings qualified privilege only shall apply to broadcasters.

(4) access to the proceedings of the Assembly for the recording and broadcasting is subject to an understanding to observe and comply with these conditions.

Mr Speaker, the motion essentially allows for the recording with sound by a particular television network - which I take it will then share the taped proceedings with other television networks - of the presentation of the Medical Treatment (Amendment) Bill tomorrow by Mr Moore, and then the subsequent debate, which I gather is supported by some members, to take place on Wednesday, 26 February. Mr Speaker, the permission to broadcast is qualified in paragraph (2) by a number of conditions, and also by paragraph (3).

Mr Speaker, it is the Government's view that there ought to be a greater capacity for members of the public to see and hear what elected members of their parliament are doing on the floor of the chamber. The broadcasting of the debate on what will, I think, be a matter of some considerable interest by television networks over the next week or so accords with that view. Let me put on record the Government's view about this matter. The Government views this as something of an experiment and will watch with great interest to see how the exercise works out in practice. Secondly, it views the process as being a necessary one on a number of future occasions, but the way in which those occasions are judged and apportioned needs to be carefully thought through.

Mr Moore: Let us get the legislation done quickly.

MR HUMPHRIES: The legislation may be necessary to properly protect the proceedings. Alternatively, some quicker reaction might be appropriate. I have been frustrated personally to see the long time it has taken to get parliamentary broadcasting legislation up before this place, and I hope that this will be a spur to our being able to make that happen sooner. Mr Speaker, I hope that this will contribute both to better access by the community to what happens in this place and to a high quality of debate, and that we do not compromise the processes of this Assembly by moving and supporting this motion today.

MR WHITECROSS (Leader of the Opposition) (5.21): Mr Speaker, I support the motion that has been moved by Mr Humphries. There is one issue on which I am slightly concerned, and that is that there is not an explicit reference in the motion to the sharing of the material. I understand from Mr Moore, and I think Mr Humphries has repeated it, that he understands that it is on the basis that the material will be shared, but I do think it would improve the motion if there were an explicit reference to that in the motion.

I also think that the supply of the material to others ought to be on the basis that they agree to the same conditions as set out in the motion. This is one of the difficulties of not having legislation. Technically, we could be in a situation where the motion binds one television station to a series of conditions, but on it supplying material to other television stations perhaps they might not be bound by those conditions; or the first television station might be in trouble if the other stations do not abide by those conditions. I am wondering whether there is some way of tidying that up. I scribbled some words on a piece of paper. I do not know whether those words are okay from the Clerks' point of view.

Mr Moore: Perhaps I can explain, because I raised this issue earlier.

MR WHITECROSS: I am happy to sit down at this stage and perhaps get leave to speak again later, after Mr Moore has had a lash.

MR MOORE (5.23): Mr Speaker, I raised this issue when I was discussing this motion earlier. First of all, the intention is that there be just one television camera in here at that time. It may well be that for the following Wednesday referred to in the motion there may be two cameras. I know that Prime Television has already discussed with the other networks the availability of the full footage. That assurance has already been given, and I know that it will be given to the Speaker.

Secondly, if you look at paragraph (3) of the motion it says "the use by any television station of any part of the recorded proceedings". So, on the one hand, we have how it is done in the chamber - narrowing that and putting that responsibility - and, on the other hand, how it is used. I think what you are more concerned about is how it is used. That is dealt with in paragraph (3) in the motion we have, where it says:

> the use by any television station of any part of the recorded proceedings and excerpts in subsequent news, current affairs and documentary programs, provided that the reporting is fair and accurate and not for the purpose of satire or ridicule. Points of order and remarks withdrawn are not to be rebroadcast. ...

The motion is quite clear as to its import for other television stations. I have had reassurances from Prime Television - I understand that they have also gone to the Speaker - that it will be available to any other station that wants it. The other stations themselves are conscious of that. I have had discussions with the stations other than Prime about having that available. I had exactly the same concerns as Mr Whitecross and I believe they are adequately dealt with.

This does draw our attention to the need for Mr Humphries to get on with the legislation that was given to Parliamentary Counsel over three months ago, after being through a very long process in this Assembly, through its committees and so forth. Let us get it back to the Assembly as quickly as we can.

MR WHITECROSS (Leader of the Opposition) (5.25): I seek leave to speak again.

Leave granted.

MR WHITECROSS: Having had occasion to consult with the Deputy Clerk, I am happy to accept that the motion will work in the way that is described, though perhaps it is not as clearly worded as I might have expected. The thing that caught me out was that this motion refers to a specific television station, whereas the draft motion that I saw before did not nominate a particular TV station.

I reiterate that the Labor Party supports the principle of the broadcasting of proceedings, especially when we have a landmark debate such as we are talking about on this occasion. We believe it is appropriate that we make our proceedings as accessible as possible to the general community in this way. I finish by endorsing Mr Moore's remarks. The committee process has been used well on this issue to deliberate on these matters. It is an example of the kind of successful use of the committee process which does not get much attention when people criticise the proceedings of this place.

Question resolved in the affirmative.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Death of Mr Brett Seaman

MR WHITECROSS (Leader of the Opposition) (5.27): Mr Speaker, I rise in the adjournment debate to speak in memory of a well-known and dedicated member of the ACT branch of the Australian Labor Party and the ACT trade union movement, Mr Brett Seaman, who was hit by a car and killed while riding his bicycle at Merimbula on the New South Wales south coast on 30 January this year.

Brett Seaman grew up in Sydney and Wollongong, New South Wales. Upon completion of his higher school certificate, he joined the merchant navy as an officer cadet for two years. He left that career behind to move back to New South Wales and later studied arts at the University of Wollongong. His success as a student earned him a university medal. In 1991 Brett moved to Canberra, where he immediately became involved in the local political and trade union movement. He joined a local sub-branch of the Labor Party and held positions of secretary and president. At the time of his death he held the position of president of the sub-branch.

Brett was a tireless campaigner during elections and worked hard to achieve what he strongly believed in - social justice and equity in Australian society. Brett commenced work as an industrial officer and organiser with the ACT branch of the Community and Public Sector Union in 1992. He was a dedicated organiser who consistently chalked up results for his members. In 1994 Brett became the ACT government union liaison officer in ACT Health, bringing his knowledge, skills and intellect to improving industrial relations between the ACT Government and the trade union movement.

In 1994 Brett returned to the union movement as an industrial officer with the Australian Nursing Federation. He was respected by nurses in the public and private sectors and did the bulk of the work in negotiating the current ACT government nurses enterprise agreement, which has substantially improved relations between the Government and the nurses. Brett recruited and converted many members to the union movement and to the Labor Party. He stood fearlessly by what he believed in and never shied away from an argument or dispute when his beliefs were questioned. Brett also was involved in the Canberra community through cycling, one of his other great loves. He was race secretary of the Canberra Cycling Club in 1995 and worked with the committee to promote racing in Canberra.

Brett's early death at the age of 33 was a substantial loss for those in this country who are working to see a fair and just society. He will be long remembered in the local Labor Party and the labour movement. He is survived by his partner, Katy Gallagher, who is expecting their first child in August this year.

Question resolved in the affirmative.

Assembly adjourned at 5.30 pm