



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 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.

LEAVE OF ABSENCE TO MEMBERS

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

That leave of absence from 28 February to 7 April 1997 inclusive be given to all members.

PRIVATE MEMBERS BUSINESS - PRECEDENCE

MR BERRY: Mr Speaker, I seek leave to move a motion to bring on private members business, order of the day No. 29, forthwith.

MR SPEAKER: Is leave granted?

Mr Humphries: Have you all been briefed on the legal advice?

Mr Berry: No; I am not going to cop that stuff. We will just debate it if you want to throw the legal advice into the debate.

Mr Humphries: We want to make sure that everyone has had time to look at the legal advice before we go into a debate.

Mr Berry: My office has.

Mr Humphries: In that case, we refuse leave.

Leave not granted.

LEGAL AFFAIRS - STANDING COMMITTEE
Inquiry into Legal Assistance to Members

MR OSBORNE (10.32): I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Legal Affairs has completed its inquiry into the development of guidelines for the provision of assistance to Members in relation to legal proceedings, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I will be very brief. We attempted to have this very complex report ready for this week, but we were unable to do that due to the fact that we have two new members on the Legal Affairs Committee. In fairness to them and in fairness to the whole Assembly, we have taken a little bit more time, but we will be reporting in the next couple of weeks. That is the reason for this motion.

Question resolved in the affirmative.

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

Debate resumed from 5 September 1996, on motion by **Mr Wood**:

That the report be noted.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Inquiry into Voluntary Parent Contribution Scheme -
Revised Government Response

Debate resumed from 25 June 1996, on motion by **Mr Stefaniak**:

That the Assembly takes note of the paper.

MS TUCKER (10.34): Mr Speaker, a lot of time has passed since the Government tabled the revised response to the Public Accounts Committee report on voluntary contributions and, of course, we have debated the second budget of this Government since this response was tabled as well. In this second response at least the Government took the issue more seriously, rather than the all too familiar response of denying that any problems existed. Rhetoric is all very well, but it has to be matched with resources.

Voluntary contributions have become a necessity because our public education system is not being funded adequately to meet the emerging needs. I noticed, as no doubt other members have, that there were quite a number of letters to the paper on the subject at the beginning of this academic year in the schools, and I think there is a very broad feeling of disquiet in the community about what is happening to our public education system. It is very much looking as if it is becoming a user-pays system, and we have seen the results of that in other countries where it has occurred.

Australia has one of the lowest expenditures on education in the OECD. The extension of school-based management into financial management increases the likelihood of schools bidding for outside funding, from corporate sources as well as from parents. I did ask for more details on sponsorship and corporate involvement in schools in the Estimates Committee. We have since been assured that there will be some monitoring of this, although I am still not happy with the degree of information that is going to be given to members of this place. I think we need to be given more than the amount of money that is given and by whom. What we want to see very clearly is what is given in exchange for that sponsorship and that corporate involvement in a school. While I acknowledge that there are some guidelines for sponsorship, I am still not happy that we are going to get enough information here about what exactly are the real implications and the reality of that sponsorship in terms of the identity of the school.

The schools equity fund has come into being since the initial debate, and that was the most substantial aspect of the second response. I note, although I have not yet read the response in great detail, that the schools equity fund is also mentioned as a major initiative in the Government statement on equity implications of school-based management which I requested through a motion tabled earlier last week. It is not much money, and there is some concern about how it is going to be used, but establishing the fund is at least a start in the right direction, and this is something that has been acknowledged by the key stakeholders. Any decisions about how the money is allocated need to be made in close consultation with the relevant stakeholders.

I am not sure whether a final decision has been made on how these funds will be allocated, and I would be interested in hearing from the Minister on where we are up to in this process. I know that the department initially said that they would be dividing the money among about 16 to 18 schools. At the moment, normally about two schools receive the Commonwealth disadvantaged schools dollars to address underlying issues of disadvantage. There are pockets of disadvantage across the school system, and I acknowledge that it is not just schools that are in so-called disadvantaged areas which may require assistance. Even in schools in relatively well-off areas there are students who are unable to participate fully in school activities because of socioeconomic reasons, and we may well need other mechanisms to deal with this; but we have to think very carefully about how this schools equity fund is used. The concern is that we may no longer be addressing underlying issues of disadvantage if the resources are fragmented across so many schools.

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I noticed that Mr Moore asked a question - I think it was last week - on the issue of letters to parents and how students are reminded of the obligation to pay voluntary contributions. I am concerned that subject levies are still seen to be not voluntary at all. In fact, whatever the letters are that are going out to parents about voluntary contributions, there is still significant pressure being put on the students about subject levies. I think this is absolutely inappropriate. I am very concerned that it is still happening. I know that it is. I know that right now in this town some students are being told that if they do not pay the fees they do not end up getting the subject.

Ms McRae: Ring the school and complain and they stop it. They do stop it. I have rung and complained.

MS TUCKER: I cannot hear what Ms McRae is interjecting, so I will not respond to that. Anyway, we welcome this because there are still some practices occurring that are not good. We do welcome that at least there is some kind of standard letter being sent.

In conclusion, in addition to the issue I raised about how the schools equity fund is being used, I would be interested in hearing from the Minister what progress is being made in implementing the Government's response to other recommendations in the report - for example, the Government's response to recommendation 14; namely, that the Government should prepare a clear policy statement on what essential resources, including equipment, are to be provided to schools, and a commitment to ensure that all schools are funded to provide such resources. In the response to this the Government said that they would be looking at this in conjunction with recommendation 14 and recommendation 15 through the appropriate forums.

MR HUMPHRIES (Attorney-General) (10.40): Mr Speaker, I want to make a brief contribution to this debate. The debate about the voluntary parent contribution scheme is essentially about a particular aspect of the education system, but I would like briefly to put the issues with this system into a broader context.

I expect that members of the Assembly will be interested in, and no doubt even taking further, some of the issues raised in Auditor-General's Report No. 3 of 1997 tabled yesterday and entitled "1995-96 Territory Operating Loss". It is an interesting report. I think the Chief Minister has indicated already that there are some elements of the report which we would all be prepared to see differently, but I think it is worth noting what the report has to say about education. I refer to page 28, where the Commonwealth Grants Commission's assessments are recorded. The report states:

The Commonwealth Grants Commission (CGC) assessed the ACT as spending \$53.5m above the standardised level of expenditure in 1994-95 on education.

That is education alone expenditure above that level of standardised expenditure. Of course, it is open to us, notwithstanding that, to agree that we should spend more on any particular item within the budget if we so wish, but the Auditor-General makes a further point on page 5 of the report. I quote:

A large proportion of the costs of the Department of Health and Community Care and of the Department of Education and Training are employee costs (61% and 72% respectively).

So education has a very high weighting in the number of employees. Clearly, cost saving within education, if it is to be embarked upon, is going to have to generate some attention to the question of employee numbers if the recommendations inherent in this kind of approach are followed.

Ms McRae: Very strange! Did not some previous government try to do something about employee numbers? Let me just remind you quietly.

MR HUMPHRIES: I need no reminding about that, Ms McRae. I need no reminding at all about that.

Mrs Carnell: And we have admitted that it was a mistake.

MR HUMPHRIES: Yes. Mr Speaker, the comment that the Auditor-General made about those high costs, which I tie into the comments about the Commonwealth Grants Commission, was this:

The fact that health and education operations generated the largest parts of the 1995-96 loss leads to the obvious conclusion that if the costs of these activities cannot be reduced the Territory's future operating losses will not be lowered significantly by cost reductions.

Although curtailing other agencies' costs will help, the impact would not be great on the overall size of the loss.

Also as employee costs are the major input costs for health and education activities it is these costs which primarily need to be addressed if major savings are to be made.

As I said, I have misgivings about the way some things were expressed in this report; but, Mr Speaker, it does point out a very important and troubling element of our basic fiscal position. Whatever we might be able to do in the way of borrowing, whatever we might be able to do in the way of increasing sources of revenue, the fact remains that we have very high levels of expenditure in some areas. In the area of education it is \$53.5m above standardised expenditure. One could say cynically that focusing on voluntary parent contributions is at the very fringes of this system. It is a little bit of a diversion from the main game; notwithstanding that, I thought I should put that on the record. No doubt members today will be wanting to quote from this report extensively, and I hope that they look at the whole report in its context rather than just selective bits.

MR STEFANIAK (Minister for Education and Training) (10.44), in reply: Mr Speaker, I thank members for their contributions, the first of which I think was by Mr Moore or Ms McRae. It was about half a year or so ago. It is good to wind up this debate now. A lot of water has gone under the bridge. It is good to see even Ms Tucker acknowledge what education got in the last budget. In terms of the things Ms Tucker would like to see in the system, quite clearly some of that is just unrealistic. Mr Humphries has pointed out some findings in Auditor-General's Report No. 3. There has been a consistent theme in relation to that over a number of years, as members well know.

Members also would be aware of the *Canberra Times* page one report today where the Chief Minister acknowledged that we certainly spend more on education than the Auditor-General would like, and we do that for a very good reason. We have a party policy which we took to the last election and which, in fact, we are honouring. I point out to Ms Tucker that the Government is probably doing more than can reasonably be expected of it in relation to funding for education in very difficult times.

Mr Speaker, the Government has addressed the standing committee's recommendations and Assembly concerns on voluntary parental contributions. During debate, my Assembly colleagues have further highlighted the complexities of the issues surrounding the contributions. Before I go on, I want to emphasise that the Government has tightened the administration of voluntary contributions, as I think several members have appreciated in banter across the chamber. It has made sure that any practices discriminating against students or parents for non-payment are removed. The policy on voluntary contributions has been thoroughly reviewed to remove any shred of ambiguity. A new policy on parent contributions to school finances, with a heavy emphasis on non-discriminatory practices, has been published and distributed through all schools.

Mr Speaker, in the ACT, we encourage schools to manage their affairs within the parameters set by the Government. In seeking to enhance the learning environment, school communities will continue to call on parents for funds and support. We acknowledge that schools have varying approaches to fundraising too. The PAC report has clearly shown us that school communities differ in their willingness and ability to make a voluntary contribution. We must remember that parent contributions to school funds are voluntary. In making this point, we would not wish to unintentionally discourage parents from contributing to their child's education. That, I think, is something that is recognised by the school communities and, indeed, by the P and Cs, which have been at the forefront in terms of ensuring the voluntary nature of the contributions, but now are very keen to ensure that schools realise the benefits these contributions provide to our overall school system and also the benefit for students in each individual school.

Although voluntary contributions were the focus of the PAC report, the Government recognises that the issue of equity has become central to the debate. The Government takes the issue of equity very seriously and is committed to ensuring that all children have access to quality educational programs. The schools equity fund, which I have spoken of before in this Assembly, will assist schools with disadvantaged students.

Assembly members will be aware that the Government already allocates over \$34m to ensure that students are not disadvantaged. Most of that is from Territory funds - all but about \$4m. This includes the means-tested junior secondary bursary scheme which directly assists students from low-income families.

The schools equity fund, Mr Speaker, is in place as of this year. The interim arrangements and allocations will be distributed to designated schools early in term two, following a collation of the results of the February census. In terms of the parameters of the scheme, the Department of Education and Training will be reporting to me on that very soon. The schools equity fund is in place and is another example of our commitment to ensure equal access to quality education programs. That fund, as members will appreciate, has been introduced in direct response to concerns expressed in the PAC report and in this Assembly. Mr Speaker, the fund is bigger than we anticipated it would be when we introduced it. In 1997 the ACT and Commonwealth governments have contributed \$55,000 and \$90,000 respectively to that fund. I would like to remind members that the schools equity fund is additional to the significant amount of money already targeted for equity needs through other programs. The Government will continue to support schools that seek to raise additional income from voluntary contributions. However, we are fully aware that some communities do experience a degree of disadvantage, and the establishment of the equity fund is a direct response to the needs of these communities.

Mr Speaker, I would like to take this opportunity to once again thank the standing committee and my Assembly colleagues for their contributions. I think we are all committed to ensuring educational outcomes are equitable. The Government will continue to monitor, assess and follow up actions taken in response to the report.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Reference - Outdoor Lighting

MS TUCKER (10.49): Mr Speaker, I seek leave to bring up notice No. 2. I am sorry I was not in the chamber when it was called on. I thought that something else was being brought on first.

Leave granted.

MS TUCKER: Thank you. Mr Speaker, I move:

That:

- (1) this Assembly calls on the Standing Committee on Planning and Environment to inquire into the provision of quality outdoor lighting in the ACT and to make recommendations on the most appropriate strategies to be implemented as part of an overall plan to protect and enhance Canberra's night sky;

- (2) in the course of the inquiry, the particular strategies the Committee should investigate will include:
 - (a) minimising light pollution having regard for outcomes for safety, security and tourism;
 - (b) requiring the Department of Urban Services to develop performance indicators for all of the street, path and outdoor space lighting under its control to ensure that spill light, sky glow and other wastage is minimised;
 - (c) tougher legislation to govern private outdoor lighting; and
 - (d) the basis of a cooperative Federal/ACT agreement on outdoor lighting for the ACT.

Mr Speaker, my call is for the Planning and Environment Committee to inquire into the provision of quality outdoor lighting in the ACT and to make recommendations on the most appropriate strategies to be implemented as part of an overall plan to protect and enhance Canberra's night sky.

Canberrans deeply appreciate the quality of our sky and Canberra is the pre-eminent Australian city for optical astronomy, yet we have never seriously tackled light pollution. Canberra's night sky is also an increasingly valuable economic asset. We have one of only a few observatories anywhere in the world that are close to a city and still operating as an observatory. With the opening of the Canberra Planetarium later this year, as well as the new Exploratory Building at Mount Stromlo, Canberra is set to gain an international name for astronomical tourism. Clear dark skies are essential for the continued operation of the observatory and for the success of these new tourist attractions.

Poor outdoor lighting not only pollutes visually but also unnecessarily increases greenhouse gas emissions and energy costs to the community. Studies in the United States put the annual energy wastage in the United States from bad outdoor lighting at an estimated \$1.5 billion. National studies indicate that 15 per cent of light from public outdoor lighting goes directly into the sky without hitting a surface, and that another 15 per cent is reflected into the sky after hitting a surface, either usefully or uselessly. According to ACTEW, 37.4 gigawatt-hours of electrical power was used for streetlighting in 1993-94. Therefore, 15 per cent of that power usage was wasted. Priced at the domestic rate of 8c per kilowatt-hour, that means we wasted \$448,000. Ironically, that was about the same as the amount spent on new light fittings in that same year.

In Canberra adequate shielding of outdoor streetlighting is required only in the streets immediately adjacent to the airport and for lights within a five kilometres radius of the top of Mount Stromlo. The best crude estimate we have, because light pollution is not measured by the Department of Urban Services, is that 90 per cent of Canberra's public

outdoor lighting is not adequately screened. Urban Services have installed low-pressure sodium lights in new suburbs - a definite improvement in outdoor lighting practice for energy conservation reasons, but one that does not seem to have arisen from a conscious set of outdoor lighting policies, and it is not matched by a system of performance indicators.

Mr Speaker, some decisions about potential major light pollution of our capital city are controlled by the National Capital Authority. The NCA has no light pollution guidelines either. The case of the Telstra Tower illustrates a situation where a very poorly designed and massively polluting floodlighting proposal has been directed back to round table discussion only after community opposition. Thankfully, the NCA and Telstra have acknowledged arguments of the Outdoor Lighting Reform Action Group, at least to the extent that they are prepared to discuss the proposal with astronomers and conservation groups.

The final area of concern is the lack of effective means for ensuring that proposals for private lighting - for example, over car yards and lighting of sports facilities - meet national standards. At present these standards are not being effectively enforced in Canberra. Mr Speaker, good outdoor lighting, as opposed to glare, ensures that no observer outside the target area is able to see the light source, and that most of the energy is used to light the target area. The intent of much outdoor lighting is safety. However, glare from city lights actually compromises our security by causing our eyes to contract and by intensifying shadows. Glare confuses drivers by focusing them on the source of light and not the areas to be lit.

Mr Speaker, I believe the Planning and Environment Committee could achieve for Canberra a number of extremely worthwhile outcomes by taking on this inquiry - outcomes for the environment, for tourism, for public safety and security, and for our social and cultural wellbeing. In the course of the inquiry, the particular strategies the committee should investigate would include minimising light pollution, having regard for outcomes for safety, security and tourism; requiring the Department of Urban Services to develop performance indicators for all the street, path and outdoor space lighting under its control, to ensure that spill light, sky glow and other wastage is minimised; tougher legislation to govern private outdoor lighting; and the basis of a cooperative Federal-ACT agreement on outdoor lighting for the ACT.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.58): Mr Speaker, the Government does not oppose the reference to the Standing Committee on Planning and Environment. It is a matter, in a sense, for the standing committee. I note that it has a number of other inquiries on at the moment. It is one of the more productive committees of the Assembly. There are five inquiries before it at the moment already, and that is on top of the various variations to the Territory Plan and other reports and related papers that are referred to it from time to time for comment. As members can see from the notice paper, there is a large volume of work passing through the committee at any one time. If members of the committee feel comfortable about taking on a reference on lighting, then that is a matter that they should feel free to engage in.

I just want to express my impressions of the relevance of the issues that have been raised in this motion. I certainly have great sympathy for Mount Stromlo in its efforts to maintain the high quality of its outstanding work in competition with the glare created by the city of Canberra. I think it would be quite appropriate to look at ways in which we can live in a more harmonious relationship with the work that Stromlo does; but I cannot help wondering whether the sort of direction which this inquiry foreshadows in a way misconceives the nature of that relationship.

I imagine that there are measures that could be adopted to minimise light pollution, having regard for outcomes for safety, security, and tourism; but it seems to me that almost all of those strategies would have to include some extensive modification of lighting systems used in the Territory, be they public or private lighting systems. As for performance indicators for street, path and outdoor space lighting, that kind of thing, it seems to me, necessarily entails some adaptation of the system of streetlighting to reduce, ultimately, the amount of light being generated in certain directions or the inefficiency of the light being generated. Again I accept that this is an issue of significance, at least to some people, but again I would suggest that an almost inevitable conclusion is going to be that significant reductions in light pollution can be achieved, but only with the expenditure of massive amounts of money.

The motion calls for tougher legislation to govern private outdoor lighting. Again, that may well be achieved. For those who want private outdoor lighting, I suppose it may mean some modification of what they can have in their homes; perhaps the purchase of more expensive equipment which does not result in the upward glare of lighting and so on. Perhaps that kind of thing is what is foreshadowed by this motion.

Mr Speaker, I accept that these things, if they were implemented, might achieve some positive results. I simply ask that the committee, in going away to perform this task, not get carried away with the concept of different technologies being applied to reduce the glare in the night sky of Canberra without considering the quite massive cost which could conceivably be entailed in effectively preventing that kind of light pollution from occurring.

A question, for example, that would have to be asked at some point, in looking at the extent of reduction of glare, is this: Is it appropriate to spend money on reducing the amount of light generated in the Canberra night sky, or is it more appropriate simply to move Mount Stromlo to somewhere further away from the urban landscape? It is not inherent in the terms of reference here, although at least at paragraph (2) they are not exclusive terms of reference; but the question that would need to be asked is this: At what point is the work of Stromlo inevitably going to have to be compromised by the mere fact that the city of Canberra continues to grow, and, as far as I can tell, will grow forever? At what point will further compromises in the amenity of the city be unacceptable to accommodate Stromlo? Will this kind of inquiry, which obviously focuses almost entirely on one side of that relationship - what do we do to stop affecting the work that Stromlo does? - become a one-sided debate that does not fully look at the total picture?

I make it clear that I have no objection to an inquiry into the question of how efficiently our streetlighting is managed and how appropriate the amount of streetlighting that we have is. Those are issues which are proper to be looked at. But if we are looking at protecting the skyline for the sake of a scientific inquiry in the form of Mount Stromlo Observatory, there is a reasonable issue to be raised as to whether the cost of that is worth it in terms of implementation. I would strongly urge the committee not to come forward with an impossible wish list, or an unachievable wish list, or an unrealistic set of proposals, in considering these issues. That would be a very easy thing to do in the context of a debate which looks very largely at one side of this equation and not the other.

MS McRAE (11.02): I suppose it is appropriate to indicate whether we support it or not, and that is what I want to do, Ms Tucker. The Opposition has no problem in supporting this motion. It is a referral to Mr Moore's committee. I am informed that Mr Moore has no problem with the inquiry, so it will proceed.

MS TUCKER (11.02), in reply: I would like to respond to a couple of the points that Mr Humphries raised. The question of the cost-benefit of having efficient lighting is obviously one that the committee would look at. The information that I have received so far would indicate that if you do take a long-term look at the costs and benefits of having efficient lighting you will find, obviously, that it is going to be of benefit to the ACT.

It is interesting that he raised the issue of how long we keep accommodating Mount Stromlo at the expense of the ACT, but Tucson in Arizona actually has grown in population and has cut outdoor lighting costs and maintained its working observatory. It is a matter of how the lights are designed. It would take some time to replace them. Mr Humphries mentioned the cost of replacing them. His Government talks a lot about tourism being a growth industry in the ACT. Ecotourism around astronomy is growing and we would be the only State or Territory in Australia which would have that fantastic asset. In Sydney, even from the Observatory, you cannot see the fifth star of the Southern Cross with the unaided eye. So you can see that we have an asset here. If we maintain the quality of it there is going to be great cost-benefits to the ACT in tourism around astronomy. It is an area that is much more popular than you might think, so I think there will be benefits there.

There will also be benefits, obviously, from saving money on the energy that is used. At the moment no-one is taking responsibility. ACTEW says, "We are just selling the electricity", and Urban Services says, "We just build the lights", so there is no-one basically looking at the overall design of it. I am sure that the committee, if it looks at all aspects of it, will be able to show quite clearly how it is in the economic interests of Canberrans for a sensible strategy for lighting in this area to be implemented. I do not think you will find that it is a disadvantage at all.

Question resolved in the affirmative.

27 February 1997

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

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

That the report be noted.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.05): Mr Speaker, I have some comments to make on the report. This is a fairly long and complicated process. There was the Stein report, then there was a Government response to the report, then there was an Assembly committee response to the Government response, and now I am proposing to deliver a Government response to the committee response to the Government response to the Stein report.

Mr Moore: You put in the legislation. That is what I mean.

MR HUMPHRIES: We put legislation forward, which is our response, but there are some things raised in the report which we have not responded to in legislation. We do not want to be censured or something for not fully addressing the issues, so I propose to make some comments.

Mr Moore: Good. I am glad you wear it.

MR HUMPHRIES: Yes. Precautions such as this, we feel, are appropriate, Mr Speaker, and I have some comments to make. Members are aware, obviously, of the extensive scrutiny of the planning and leasehold system which Stein undertook. The Government response, as Mr Moore indicates, largely has been before the Assembly in the form of amendments to the Land (Planning and Environment) Act.

On 20 February this year I announced the appointment of Mr John McInerney as the Territory's first Commissioner for Land and Planning. That was, in the Government's view, perhaps the most significant single reform or change to the planning system which we have put in place following the Stein report. I must record that I think this is going to be a very important part of the process of giving people confidence in the nature of the processes used in planning in the Territory. I hope that that will be the outcome of this particular appointment. Significant initiatives have been introduced progressively from January 1996, however. The major step was the creation of the Planning and Land Management Group, and on 1 July new processes for building and development also took effect within that agency of the Department of Urban Services.

Looking at Report No. 13, I note that in paragraphs 8 to 11 of the introduction the report refers to "broad acceptance of most" of Justice Stein's recommendations. It acknowledges differences of opinion with the Government, particularly over the need for a statutory planning authority and a separate land authority, but it quite rightly notes that these are matters for the Assembly. The committee expected that many issues in the Stein report and the Government's response would be debated in the Assembly, and it referred to matters that "can be refined at a later stage of deliberations". Indeed, that has happened. The Assembly did consider those issues in debate over the legislation.

To complete the record, I would like to respond to the committee's views on specific recommendations of the Stein report as expressed in Report No. 13. I refer first to recommendations 4 and 22. The Government's response to recommendation 4 indicated that further work must be done before any formal statement of the objectives of leasehold is adopted. To this end, initial discussions have already been held between officers of my department and a number of representatives of interest groups. The proposed draft policy objectives will be available for discussion with members as soon as possible. The Government would caution, however, against formulating objectives merely for the sake of having them. They should reflect detailed and careful consideration. If the principal aim of leasehold administration is to manage the leasehold estate in accordance with the stated objectives, it is vital that those objectives be agreed only after appropriate deliberation and consultation.

Next, I refer to recommendations 6, 7 and 8. There is a commitment to review the effectiveness of PALM by August of this year, 13 months into its existence. I am confident that that review will endorse the implementation we have engineered of a new administrative structure which enhances effectiveness and efficiency through a single focus. We should not repeat the mistakes of past governments which kept the planning and land functions separate, with the result that the right hand did not know what the left hand was doing. The community has benefited, I think, from PALM's integrated and client-focused approach. As I mentioned earlier, the Government has appointed a new commissioner. That followed the interim arrangement which has been in place since August of last year of an Office of the Statutory Decision Maker. I want to thank Mr Gary Calnan from PALM, who has fulfilled that pseudo-commissioner's role in that time and who, I believe, has done so very well.

With respect to recommendation 10, the Government has adopted the term "change of use charge" which Mr Moore's committee recommended. It reflects the variety of circumstances where a charge is levied for additional benefits derived from a lease. With respect to recommendation 11, we have debated the amount and arrangements for the change of use charge in the Assembly. A package of amendments to the Act included the introduction of the change of use charge at a general rate of 75 per cent of added value, with provision for increases and remissions of the charge under regulations. The Assembly passed Mr Moore's amendment which provides a sunset clause on the 75 per cent rate. The amendment provides that the charge will revert to 100 per cent in 18 months from the date of commencement of the amending Act.

We announced that commercial leases will be renewed at an administrative charge only, provided that there are no other changes to the lease. This move is vital to underline investor confidence in the Territory, and the Commonwealth Government has agreed to move amendments to its legislation to facilitate this. To study the impact on investment of the change of use charge, the Government will commission Professor Des Nicholls of the Australian National University to examine the methodology for assessment of the charge. The study will take at least three months and a report will be submitted to me for consideration by the Government in the wider policy context.

In respect of recommendations 13, 15 and 86, the imposition of a change of use charge can be altered only by the Administrative Appeals Tribunal, and advice from the Australian Valuation Office is final. The Commissioner for Land and Planning will have a limited role in relation to a change of use charge where "development" has increased the value of a lease. Here, the commissioner will review circumstances where the level of payment of the charge has been reassessed from the original determination as a result of a private valuation report submitted by the applicant. Disputes over the amount and payment of the change of use charge will still be heard by the AAT.

To facilitate the application process, applicants and those contemplating lodging applications are encouraged to obtain a ballpark informal estimate of the amount of added value from the Australian Valuation Office and to have this information as part of their application. In complex applications, especially those where the basis of valuation may be challenged, applicants are advised to present their own private valuations when lodging their applications. That material forms part of the application and is passed on to the Australian Valuation Office to assist in their forming a valuation recommendation.

I respond now to recommendation 20. The value of accrual accounting and its detailed reporting mechanisms will become apparent as the Government initiates further debate and discussion over the 1997-98 budget. I remind members that the ACT Government is leading the way with these financial reforms. I have announced my intention to establish a land development account, and this will be explained more fully in the budget.

Mr Speaker, in respect of recommendation 43, the renewal of commercial leases at no charge other than a small administrative fee is a solid plank of our policy platform. The Government's position was clear and was articulated to the community. Private sector investment in the ACT is indispensable to the maintenance of our standard of living and is vital to further economic growth. In contrast to those who have what I would call a nineteenth century view of the origins of leasehold, this Government sees commercial lessees paying their way in the community and providing employment as they do so. They have no less a right to security of tenure than residential or rural lessees. As a second part of his brief to examine the effect of the change of use charge being set at 75 per cent, Professor Nicholls will be considering the impact of renewal of commercial leases. That report will assist the Government to respond comprehensively to those arguments and opposing views in the Stein report.

I turn to recommendation 55. I agree that many people in Canberra are keen to have electronic access to a wide range of Government information, and that is an area we are pursuing. No doubt many of those people and some Assembly members will have visited the ACT Innovations Expo which commenced on 24 February and seen the extensive and diverse use of electronic information systems already in use. In my department there is a magnificent system called PC ACTMAP, which has the potential to show, at the push of a button, any lease or group of leases in the Territory. It can tell me the block dimensions, contours, which part of the Territory Plan applies, where the gas, water and electricity services run, and so on. I foresee that system being enhanced in the future and made available on line to the community.

Information in relation to the development applications will be available to a much greater extent than in the past. A person need only request access to the development application file, which will contain all the basic information about a proposal. It would be ideal to present that information electronically, on request. However, while the technology is developing and while the Government is mindful of the costs involved, I am convinced that current arrangements, where a human face or voice is there to explain and interpret plans and other information to the public, are effective and, I think, appreciated.

In respect of recommendations 89 and 91, the right to lodge a third-party appeal has been a complex and controversial aspect of the administration of the Act. We addressed this complexity in December's debate over the amendments and I believe we achieved a fair position. Third-party appeals will be available to residents associations and those who can show that they are substantially and adversely affected by the decision. The decision to accept a third party's standing to appeal will rest, quite rightly I think, with the Administrative Appeals Tribunal.

Next, I want to refer to recommendation 96. Since 31 January this year land and planning appeals have been received and heard by the AAT. Perhaps it is too early to make a full assessment of the tribunal's role; but, on the basis of experience to date, I believe the community is seeing the value of a more structured process. Most importantly, the AAT will establish, over time, a series of precedents on land and planning matters and provide rulings on areas of concern.

Mr Speaker, the Government has made extensive progress in reform of land and planning, and I thank the members of the Planning and Environment Committee for their work on this report and their obvious commitment to that task. I know that all members agree with the ultimate outcome in that respect, but I believe that the progress that has been made to date is important and significant. I believe it has significantly improved the quality of outcome we deliver to people who use our system. A lot of work remains to be done. If this Assembly allows the agreed changes to take their course, I think that we will see some of the atmosphere of confrontation and suspicion, which has been characteristic of our planning system, dissipated, if not entirely destroyed.

MR SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77. The resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS BUSINESS - PRECEDENCE

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent order of the day No. 29, private Members business, relating to the Holidays (Amendment) Bill 1997, being called on forthwith.

HOLIDAYS (AMENDMENT) BILL 1997

Debate resumed from 25 February 1997, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR KAINE (Minister for Urban Services and Minister for Industrial Relations) (11.18): Mr Speaker, I find it quite strange that the Assembly is being asked to debate such legislation under the circumstances that are being forced upon us. There are two reasons. I am a bit surprised at one. The first is that Mr Berry and the Labor Party seem to have departed totally from their previous approach to decisions by the Industrial Relations Commission and now seek to take a different view. I think it needs to be put on record that this is a major departure by the Labor Party from their attitude towards this commission. I need do no more than quote several extracts from *Hansard* over the last couple of years on this matter. On 17 April 1996, Ms McRae made an impassioned plea to this Assembly to “let the independent umpire decide”.

Ms McRae: I was not talking about the commission. Do not misquote me.

MR KAINE: Yes, you were. The debate had to do with the Industrial Relations Commission and you exhorted the Government to “let the independent umpire decide”.

Mr Berry: Trevor, go to the substance of the issue. Do not waste time on rhetoric.

MR KAINE: I am dealing with the substance, Mr Berry.

Ms McRae: If you are talking about me, you are not.

MR KAINE: It reflects the attitude of the Labor Party, long established, to the Industrial Relations Commission. On 20 February 1996 no less a person than Ms Follett criticised the Liberal Party because the Liberal Party, she said, was going to take the umpire out of the equation. In other words, the Labor Party supported the umpire and the Liberal Party was trying to take the umpire out of the equation; therefore, that was reprehensible. Mr Whitecross, on 15 May 1996, said:

It is the Liberal Party that wants the Industrial Relations Commission taken out of the equation ... That is the Liberals' agenda, and that is why the Liberals want to take the umpire out of the equation.

I am quoting these because they express the longstanding attitude of the Labor Party towards the Industrial Relations Commission. Mr Berry, on 27 February last year, on the issue of rosters for nurses, said:

We were supportive of the umpire, of course, which has not been the case with this Government. It was the umpire who was supported by the Australian Labor Party, and it will ever continue to be so.

That was said by Mr Berry only one year ago. Is it not remarkable how the Labor Party has suddenly changed its tack and now it finds that the umpire does not have its support anymore? Why does it not have its support? Because it has brought down new draft orders in connection with certain industrial awards in the Australian Capital Territory. I think it needs to be on the record that the Labor Party has completely changed its attitude towards the Industrial Relations Commission being the umpire. It used to be that they were firm on that. Today they have abdicated that position. I think the Industrial Relations Commission, the trade unions and the community need to know that the Labor Party has now embarked on a major departure from its previous attitude to this arbitrator.

Mr Speaker, to refer specifically to the legislation that Mr Berry has tabled: This Government will not support it, because it is bad legislation that will expose this Assembly to ridicule. It is a knee-jerk reaction, the consequences of which have not even been thought through by its proponent. It will bring this place into ridicule if we pass this Bill today. It is bad legislation because there are unintentional adverse consequences for Canberra and its community which, again, Mr Berry has not thought through. It is bad legislation because it ignores the umpire's decision - that umpire that the Labor Party has always stoutly defended until now.

Mr Speaker, I will try to put it as simply as I can because I am not sure that Mr Berry will understand it if I get too technical. The fact is that a probable outcome of this legislation is that the Government will find itself in court facing a challenge to the validity of the Bill. Why is that so? That is so because section 28 of the Australian Capital Territory (Self-Government) Act says that ACT legislation will always be subordinate to Commonwealth legislation. That includes, by definition, Federal awards. If we pass legislation that is inconsistent with a Federal award we are likely to find ourselves in court having to explain that inconsistency and having it pointed out to us by the very court that these people now decide they cannot support anymore. The interesting thing about that is, of course, that it will be the Government, not Mr Berry, that has to go to court and defend this issue. I think members, other than members of the Labor Party that are trying to foist this on the Assembly - in a hasty, ill-conceived debate that nobody has been able to properly prepare for - need to be aware of the fact that it will be Mr Berry's legislation, but it is the Government that is going to have to wear the consequences. I think the Independents and the crossbench members need to think that through very carefully.

In a test case before a Full Bench of the Industrial Relations Commission quite recently the commission set standards to apply to public holidays, and they are quite explicit. In one particular draft order relating to the electrical contracting industry, which relates back to the award of 1992, at subsections 19.1.1 and 19.1.2 the specific public holidays are nominated. They are New Year's Day, Good Friday, Easter Saturday, Easter Monday, Christmas Day, Boxing Day, Australia Day, Anzac Day, Queen's Birthday, and Eight Hours Day or Labour Day. So the Labor Party has already got its leg in there. Subsection 19.1.3, however, goes one stage further and says:

One other day ... fixed as follows: Canberra Day or, in lieu by agreement between the parties, union [picnic] day being the first Monday in March.

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Note "in lieu by agreement between the parties". Picnic day can be retained. The award does not deny to the Labor Party, and its constituency in Canberra, picnic day. They can have it instead of Canberra Day if they can so negotiate with the employers. The effect is that picnic day is not really eliminated as a public holiday.

The point is, though, that they cannot have both. What Mr Berry is doing by putting this legislation forward is saying that they should have both; they should have Canberra Day, and then they should be able to have picnic day as well. In other words, he purports to give to ACT workers an additional holiday that no other unionist anywhere else in the country will have. In other words, Mr Berry would purport to discriminate in favour of trade unionists in Canberra. Of course, by doing that he is discriminating against the interests of the employers and the community that we live in. I do not think Mr Berry or the trade unions can have their cake and eat it too, because the award that I am referring to specifically states at section 19.3:

Where in a State, Territory or locality, public holidays are declared or prescribed on days other than those set out in 19.1 and 19.2 above, those days shall constitute additional holidays ...

That is exactly what Mr Berry is trying to do. He is trying to get an additional public holiday for his constituency. If Mr Berry cares to take a look around the Territory at the moment and look at the state of the economy, I cannot see how he could possibly expect this economy at the present time to pick up this additional financial burden, and that is what it is. The employers - small businesses, mostly - will have to pay penalty rates on yet another day. As I have pointed out, this is discriminatory in favour of only trade unionists in the ACT.

What Mr Berry is saying, in effect, is that Commissioner Larkin got it wrong. The employers have not said that Commissioner Larkin got it wrong. I have not heard any trade unionists yet say that Commissioner Larkin got it wrong. If they thought so - this is a draft order - why have they not appealed against the draft award? As far as I know, there is no action in progress to appeal. Mr Berry is wanting to slide a little Bill through the Assembly and give a benefit to the trade unionists in Canberra, his constituency. If I were him I would probably do the same thing, because it will guarantee his return to the Assembly in a year's time, will it not? But he is trying to do that at the expense of this community.

Mr Berry cannot say that the case before Commissioner Larkin was not properly argued. The case was put forward by the ACTU and the Trades and Labour Council. It is about an inch, or 2½ centimetres, thick; it is pretty substantial material. He cannot say that Commissioner Larkin did not have the TLC's and the ACTU's case before her; she did. She understood exactly what they were saying. The transcript of the proceedings is not an insubstantial document either. But Mr Berry wants to throw away all that, all the work done by the umpire. The decision has not been taken lightly; it has been taken after having been argued at length. This morning, in a 30-, 35- or 40-minute debate with people who mostly would not know the basis of the arguments that were presented, Mr Berry wants us to agree to give trade unionists in Canberra another public holiday. I think Mr Berry needs to rethink his proposition.

Just in case he thinks I am speaking from an uninformed position, let me say that I have two different legal advices - one from the ACT Government Solicitor, and the other from a private corporation - both of which make the very points that I have been making this morning: We would be putting ourselves in a situation of being in conflict with Federal legislation which supersedes ours if we were stupid enough to pass this Bill today. I table those two legal advices for the Assembly.

Mr Berry seems to be rushing this through today, somehow in the belief that he can change what is likely to happen next Monday. I do not believe that he can change what is likely to happen next Monday, whether or not this legislation passes today. I want to point out again to people in this Assembly that, if we ignore the legal advice we have been given, if we proceed to pass this legislation, there are consequences that Mr Berry has not thought through - none of them good for this community; none of them good for our economy; some of them maybe good for Mr Berry. The umpire was not wrong; Mr Berry is wrong. I submit that he should withdraw his case now before the High Court or the Supreme Court of the ACT tells him he is wrong, after lengthy litigation.

MR MOORE (11.32): Mr Kaine, in his response to the legislation put up by Mr Berry, suggested that this Assembly, through this legislation, will be in some way providing an additional holiday to people in the ACT. I do not think that is the case at all. In fact, my interpretation is that we are in a situation where Mr Berry has put up legislation to prevent a holiday from being taken away from people; that the workers' standard of living is in some way going to be diminished, and that Mr Berry has taken action to prevent that. As a long-time union member, as a member of the Labor Party with the connections Mr Berry has with the unions, of course, he is going to do that; of course, he is going to take action to do what he can to prevent the undermining of workers' conditions.

When we look back at what has happened over the last few years, I suggest that the ancestors of the Mr Berrys of this world would be horrified at what they see in our community at the moment. What has happened to the 40-hour week? I have asked this of many of my friends who work in a whole range of businesses. I know very few of them who work a 40-hour week. I think it has gone. It has been undermined incredibly. We ask ourselves: What has been the benefit of that? Yes, there is probably more income in the community and perhaps there are some other advantages, including some material advantages; but what do we see if we stand back from it and look at when the 40-hour week was won and say, "What is happening"? People get around it in a whole range of ways. Many people carry a second job; perhaps they have a milk run or something like that and they are not having the eight hours' recreation, eight hours' work and eight hours' sleep, which was the perception of the way time should be spent just prior to the Second World War. When we see yet another move to undermine the recreational time that workers have, we have to look at it very carefully. I will not be part of undermining workers' recreational time.

Mr Speaker, in an attempt to convince members that this is a silly idea because Mr Berry's legislation will be illegal, we have two legal opinions. Of course, for every legal opinion that has ever been presented in this house that has an impact on what I am trying to do, I have always been able to get an opposite legal opinion.

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Anybody who has anything to do with lawyers knows that, when you go to a lawyer, you say, "Can I have a legal opinion to tell me so and so?". The lawyers say, "Sure, we can find arguments for that". That is what they are doing; they are providing arguments for that. When you keep that in context and look at these legal opinions - I must thank the Government for providing them for me this morning, which I thought was very fair minded - you see they are absolutely full of caveats. The caveats are all about making sure that it is not an absolute. These are legal opinions.

Let me give an example from the Government Solicitor. On the second page of his advice, he says, "Two laws may be directly inconsistent". Yes, they may be; any two laws may be inconsistent. We know that lawyers are very careful with the way they use the words "may", "shall" and "will"; they are very careful how they use those words. More importantly, towards the bottom of that second page, he says:

I have not had available to me at the time of preparing this advice copies of the relevant awards and have not therefore undertaken such an examination.

He goes on, on the third page, to say, "It is arguable that the reference to". On the fourth page, the second paragraph starts:

It is doubtful, however, that section 5 of the Bill has the effect referred to in the preceding paragraph.

At the end of that same paragraph, he says:

There is a prospect that expectations created by the Bill will not be realised and that legal confusion will result.

He is not even saying that it is likely that this is legal or illegal or that it is his opinion that it is illegal; he is saying that legal confusion will result. Then, in conclusion, he says:

I have not been provided with any explanatory material in relation to the Bill. To the extent, however ...

It is just so full of caveats that it does not warrant being held up as something. There is some interesting material in there. Mr Kaine has been through that, and there is a possibility.

Then we go to the private sector legal opinion that we have also been provided with. The caveats in this one begin quite early, in the fourth dot point of the first paragraph, which states:

We have not had the opportunity to review the provisions of all of the awards referred to in the Schedule, however, we will assume that ...

Mrs Carnell: Read the recommendation.

MR MOORE: Mrs Carnell says, "Look at the recommendation". I am getting close, Chief Minister; just relax. The recommendation has the caveat "it is our view". That is okay. You will notice they are using "it is our view", meaning "it is our contention at this stage". It is hardly a very strong statement in terms of legal opinions. The caveat is:

Should the Bill be enacted, it would be open for an interested party to seek a Declaration, in the ACT Supreme Court or the Federal Court, that the Act is invalid on the grounds of inconsistency with a Federal award.

So what? That is a normal statement. It is always open to an interested party to seek such a declaration. Why not? Every time there is something that is not quite the way we want, we get a legal opinion; and we say, "Members, you cannot vote for this because of this legal opinion". We have to remember the separation of powers. There are important constitutional questions that we are dealing with.

It is important for us to be conscious of legal views - and I have no problem with legal views - but the court has the prerogative to make a decision; we have the prerogative to make laws. If the courts find that our laws are inconsistent in some way with our self-government Act and, therefore, we do not have the power to do something - and that is what this is about - then let them decide it; take it to court. But if we are always going to sit here and say, "We cannot do it because it might be inconsistent with the self-government Act", too bad.

Mrs Carnell: It costs a bomb.

MR MOORE: "It costs a bomb", says the Chief Minister. Yes, and it costs a bomb of time and recreational time and work value to take away people's holidays. They go on:

If the proposed Bill is not inconsistent with the applicable Federal awards it might ...

First of all, they say, "You might be taken to court. However, if it is not inconsistent, well it just might - we are not quite sure - be challenged". They go on:

be challenged on the basis that, as it is currently worded, it provides for a holiday and not a public holiday for the purposes of the Holidays Act 1958.

Well, let them challenge it. Mr Berry has put up, as I have gone through it, what I perceive to be a very simple and effective piece of legislation that sets out the schedule of awards in which this will apply. Clause 4 of the Bill states:

In any year, the first Monday in March shall be observed as a holiday in the Territory by employees whose terms and conditions of employment are governed by an award ...

We have it very specifically set out. My understanding is that there may be a couple of awards that, unfortunately - and it is very clear - cannot be included in that because they are inconsistent. If that is the case, let us test it.

Mr Speaker, I think this is actually a very important piece of legislation, because this is a time for this Assembly to say whether we are actually prepared to keep going down this path of undermining where workers are. That is why it is that I began my speech as I did. We are dealing with a 40-hour week and the number of people who are now working 60- or 80-hour weeks and saying to ourselves, "Let us as a society, because that is our role in this Assembly, say, 'Where are we going to stop the rot? When are we actually going to say it is time for us to look at what we are doing in terms of chasing what is always put in dollar terms?'".

This was put by Mr Kaine and by interjection from the Chief Minister: "Can we afford this? Can we as a community afford it?". I think it is time for us to also ask, "Can we as a community afford to have people not having fun?". That is the fundamental that is coming through. We see it today in a series of other issues. Wherever there is a situation where people are having fun, Mr Humphries is looking around for a way to say, "We should not have fun like that. We should have fun only the way I think we should have fun. You cannot go and have a picnic over by the lake. People are drinking throughout the morning. You cannot let people have fun the way they want to do it". Here is one that I disagree with: "You cannot have people going to topless bars and so on. Oh, no, you cannot do that", and so on. The wowser elements are coming through. Your response to this is part of that whole wowsering. Well, people have a chance to have a bit of fun on a Monday. I reckon they should be able to have their picnic and their party. I wish them all the best. I hope they have a bloody good time.

MRS CARNELL (Chief Minister) (11.43): Mr Speaker, is it not ironic that the day after the Auditor-General's report talking about the Assembly's and the Territory's affordability gap we are debating a Bill, introduced by the Labor Party, to increase - and it is an increase - the number of paid holidays? Is it not also interesting that Mr Moore is very happy to stand up in this place, after we have had a discussion about how important it is to address the affordability gap, and say that what we should not be doing in this Assembly and this community is attempting to address the very real problems that the Auditor-General laid out very clearly in the report presented yesterday? We have heard a lot in recent weeks about consultation, about arrogance and about listening to the people. Most of it has come from those opposite. I have had Mr Berry and, for that matter, Mr Whitecross, day after day, lecturing me about the importance of consultation, about the importance of not being arrogant and about whether I and, for that matter, the Government have been listening to people.

This Bill displays that exact arrogance that they have been talking about. It displays a lack of consultation and an unwillingness by Mr Berry, Mr Whitecross and members of this Assembly to listen to what the people of Canberra are saying.

Mr Berry: We are. They want the day off.

MRS CARNELL: How do you know? Quite seriously, how do you know? Have you asked the staff at the shops around town? Have you asked the people? Of course they have not been asked. Mr Berry is demanding that this Assembly vote on a Bill in respect of which he has allowed us less than 48 hours in which to consider the ramifications.

We have already heard Mr Moore say, "This legal advice has said that they have not had time to look at all the awards". Well, no wonder they have not had time! They had yesterday. They had one day to actually be able to look at the relevant pieces of legislation, all of the bits and pieces that they needed to look at, to come up with an advice. They have made it clear that 24 hours or 36 hours was not enough time to look at every piece of possible advice, legislation and awards. That would tend to indicate immediately that there has not been time.

Why was there not time? The Industrial Relations Commission brought down their finding on 10 January, to my knowledge. Why did not Mr Berry - or, for that matter, the unions or whatever - come out on the 11th and say he was going to move this motion? Why did he not come out on the 17th or the 24th? Why 48 hours ago? Why has there not been time - I agree there has not been time to get proper legal advice - to allow our lawyers and others to look at all of the ramifications? Why has there not been time to speak to all of the people that it is likely to affect?

As we heard from Mr Kaine, the consequences of this legislation, if passed, are likely to cause this Assembly considerable embarrassment and considerable cost. Mr Berry has not consulted with those people with whom he should have consulted, with whom he would have had to consult if Ms McRae's approach to consultation were passed in this Assembly. Their approach means an absolute necessity to consult with all of the people that a Bill may affect. The reality is that people who are likely to be affected by this legislation have not been consulted; that is, Canberra's small businesses, Canberra's employers and, for that matter, Canberra's employees. Certainly, Mr Berry might have consulted with a couple of his union colleagues. But if it is suggested for a moment that that is representative of the employees and the employers who will be affected by this, I tell you what: If that is the consultation bar that this Assembly is setting up for the Government, we can lower our standards significantly. But the fact is we will not, because, if consultation means just speaking to the few people or the few groups that agree with you and then running with it, I tell you what, Mr Speaker: That is a very unusual approach to consultation and one that, of course, we will remind this Assembly that they have supported quite openly here.

Mr Speaker, the people we are talking about here are those small business people and those employers whose businesses will be hurt - and it will do that - and who have not been asked by the Assembly about this. It will hurt their business; there is no doubt about that. It will also send the wrong messages at a time when we need incentives to create jobs and keep our overheads down. For Mr Berry to not even speak to representatives of the business community who will have less than 48 hours now -

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the 48 hours seems to be a pretty interesting figure here - to change their rosters, to adjust their staffing, to alter their wages sheets, is true arrogance. If those in this room do not think that is a problem, I can tell you that it is. Certainly, from my experience in retail, just about everybody has weekly or fortnightly rosters. Most of the people we are talking about here have known for weeks now that Monday was not going to be a holiday. How were they supposed to plan for this? What were they supposed to do?

Mr Berry: They should have thought about that before they ran it through the Industrial Relations Commission.

MRS CARNELL: Mr Berry says, "They should have thought about that before they ran it through the Industrial Relations Commission". The Confederation of Industry put a case to the Industrial Relations Commission. It went to a Full Bench, I have to say. A decision was taken. This is the way our system works: You have an umpire. You go to the umpire and put the case. Somebody wins; somebody loses, usually. That was exactly how it was done. I think what is even more amazing here is that Mr Berry stated that he never intended to consult with the business community.

Mr Berry: No, he did not say that.

MRS CARNELL: You say, "He did intend to consult". That is lovely, Mr Berry; because, if you did intend to consult, then how about we put off the Bill and allow you to consult? That would mean you did intend to consult. You have not, so let us put it off until you have done the job you say needs to be done. After the times I have seen those on the crossbenches listening to Mr Berry complain - and we listen to Mr Berry complain all the time - about how the Government has supposedly failed to consult, I ask the members of the crossbenches what they think of this approach.

If we put this Bill through now, we potentially are going to make an extreme problem for an awful lot of small business owners, individual proprietors, people running sandwich shops, little businesses. The Government, unlike the New Labor Party, has worked extremely hard over the past two days to explore the effects that this amendment is likely to have, if passed. Let us look at the legislation itself. On Tuesday, Mr Berry told the Assembly:

The Industrial Relations Commission made it pretty clear that it is the role of this legislature to decide what the public holidays will be.

Yes, there is a role for the Assembly, but not if the commissioner has already ruled on a particular public holiday. That is exactly what happened in this case. Commissioner Larkin ruled that, as far as the ACT is concerned, people can have either Canberra Day or the union picnic day; not both, Mr Berry. They are not my words but Commissioner Larkin's words. The commission did not decide this out of the blue. It took advice from employers and unions and it did make a decision, not in 48 hours, but after looking at all of the information that was put before it.

As you can see, Mr Berry, if this Assembly is to decide on the public holidays, the union picnic day should not be one, because this day has already been dealt with. This is subject to a Federal award and a Federal award, as Mr Kaine has already explained, takes precedence over this Assembly, to the extent that there is any inconsistency. That is a very important word. I know for a fact that none of this was explained to the crossbenches when Mr Berry briefed them on this legislation. Your haste in trying to overturn the umpire's decision could easily put us in front of the Federal Court. That is not my opinion but that of highly-qualified lawyers with expertise in industrial relations law. I urge members to read the legal opinions properly, because they should make this Assembly stop and think about what we are about to do here or what it appears we are about to do. I agree with what Mr Kaine said. This is dumb legislation. There is every chance that it will be challenged - and I understand that is the intent of some organisations - and every chance that that challenge will succeed. How is that going to help people who claim to be fighting for the workers on this issue?

Let us talk about the umpire for a moment. I want to remind members of Mr Berry's comments. They have already been spoken about in this place, but I think it is important to say it again. In this Assembly, exactly one year ago to the very day, Mr Berry made some comments in relation to a decision by the Industrial Relations Commission. These are Mr Berry's very words:

We were supportive of the umpire, of course, which has not been the case with this Government. It was the umpire who was supported by the Australian Labor Party, and will ever continue to be so.

"And will ever continue to be so, until there is a determination that we do not like". He forgot to put that bit in. "As long as we agree, we will continue to support the umpire". The Labor Party might have changed its name, but it cannot walk away from that comment. It was made. I thought Mr Berry meant it. Obviously not. This Bill was drafted for only one reason, and Mr Berry knows it - to take the umpire out of the equation. This matter went to a Full Bench of the Australian Industrial Relations Commission, and because the Trades and Labour Council lost its argument it has employed the political arm of the union movement to override the umpire. I want the Greens, Mr Moore and Mr Osborne to think for a moment about the number of times the Labor Party demanded that the Government adhere to the decisions of the commission during the enterprise bargaining dispute last year. Where is their consistency now, Mr Moore and Ms Tucker? If you set out to overturn the umpire's decision, you do set a very dangerous precedent.

Mr Moore: The fact is that it is not.

MRS CARNELL: The fact is that it is, Mr Moore. The reality is that our positions are backed up by a number of legal opinions. The reality is that Mr Moore does not like the legal opinions. I am sure that other courts will have an opportunity to look at that.

Mr Moore: They did not read the awards.

MR SPEAKER: Order!

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MRS CARNELL: And why did they not? Because they had 24 hours, Mr Moore.

Mr Moore: They had enough time to have a look.

MRS CARNELL: They had 24 hours. Let us talk about the effect the Bill will have on small business in the Territory. I want to quote from a letter that I received yesterday from an operator of a printing firm. I am sure many people in this place have had similar letters. He said:

If the Picnic Day is abolished, it will mean that Canberra will have the same number of public holidays as New South Wales and one more than Victoria. Surely this is fair enough. We told our 85 staff three weeks ago that they would not be getting the public holiday and that the company would be accepting the umpire's decision. We have not had one complaint. Our staff realise how tough it is and know how lucky they are to have jobs.

They are not my words, but those of an employer in Canberra. How about these comments from the Motor Trades Association:

Recent decisions by the Commission in relation to specific ACT awards are designed simply to import some consistency between jurisdictions and between awards, and to standardise on 11 public holidays a year. Particularly in the light of the economic and employment climate in the ACT at this time, we believe it would be irresponsible, simply with the stroke of a pen, to legislate for yet another public holiday. Surely the 4 public holidays and two long weekends already enjoyed in March are sufficient for all of us. Both as individual families and as a community, we must learn to live within our means, and as the cost of a public holiday to the ACT economy would be in the millions of dollars, we simply cannot afford it.

This is an important statement, because it is about time that some people in this Assembly woke up to the fact that this Territory is not living within its means. Just read the Auditor-General's report. At a time when we can least afford it, Mr Berry's response and the response of the Labor Party to these tough economic times is to legislate for another public holiday, one that was not taken away by the Government.

Mr Berry: John Howard caused the problem here.

MRS CARNELL: It was actually ruled on by the Industrial Relations Commission. (*Extension of time granted*) Mr Berry just said, "It was the Howard Government". I do not think the Howard Government actually controls the Industrial Relations Commission. I think there would probably be times when they would like to. It simply was not the Howard Government; it was the Industrial Relations Commission that ruled on this issue. There is no way he can claim that my Government or John Howard took away this holiday. The reality is that the Full Bench of the Industrial Relations Commission made a ruling. I want to conclude by quoting from the *Hansard* of 6 December 1994. The quote is:

It was a silly piece of law. It was inspired out of silliness, and it made this Assembly look absolutely stupid.

Those are the words of Mr Berry, who took the Liberal Party and the Independents to task on the issue of cannabis - a piece of legislation which he said was put in place far too quickly, without consulting and all sorts of other things. Today we can say exactly the same thing about the amendment to the Holidays Act. This Bill is silly because it sends a message to Canberrans that at a time like this we can somehow afford more holidays than other States and Territories. Make no mistake: This Bill will make it harder on businesses. This Bill will make this Assembly look silly, because it is likely to have unintended consequences. We will probably end up in court, because this Assembly did not have time to get more legal opinions to determine whether this was the way to go.

I make no apologies for warning everybody who wants to support this legislation, particularly because of the 36 hours we had to look at this Bill. It is clear that you could drive a truck through it. There were probably ways that Mr Berry could achieve the end he has tried to achieve here, but this is not the way to do it. Instead of allowing us time to consider these issues, or even bothering to ask those most affected by the impact that it will have on businesses, it seems that the majority of this Assembly is simply willing to give it the tick, regardless of the impact. I remind the Greens that earlier this week they said that they did not want to debate a Bill that has been on the table since June, because they had not had time to consult.

Ms Tucker: Which Bill are you talking about? That was your consultation that had not occurred.

Ms Horodny: Which Bill? It is because you had not consulted since June, not us.

MRS CARNELL: I am sorry; you are wrong. It has been on the table since June. You said you needed to consult more people.

Ms Tucker: Because you had not consulted.

Ms Horodny: Because you had not done it yourself.

MRS CARNELL: Absolute reality, Mr Speaker. I am sorry; no-one has consulted on this piece of legislation; nobody has consulted at all. Have they consulted with anyone on this Bill? Has anybody consulted? You can whinge, but has anybody consulted? The answer is no. As I said earlier, Ms McRae has had on the table in the Assembly for a long time a motion that Government Bills should not be introduced into this place without a full run-down of the consultation procedures. Where has that gone now? Where is that principle, Mr Speaker? No, it is Mr Berry who is being arrogant here and using the word "consultation" when it suits him and, for that matter, I would have to say, the rest of this Assembly, too. When it suits you, you consult; when it does not, it is right out the window. If I am required to gazette this Bill tomorrow, then I want to make it patently clear to those on the crossbenches right now that I do not want to be associated with a law that could well come back to bite us at considerable cost, both legally and economically.

Again, Mr Speaker, there are probably ways that Mr Berry could have achieved this end; but, because he did not take the time, I believe - and it looks like it to us - that this Bill will end up in court. Ask any member of the Government what the No. 1 issue facing Canberra is. You would not know it in this place, I have to tell you, particularly over the last couple of weeks. What is the No. 1 issue facing Canberra right now? Ask anyone. It is jobs; it is broadening our economic base; again, as the Auditor-General said yesterday, it is sending out a message to the rest of Australia that this is a good place to do business, not just an expensive place to do business. It is sending out a message to those small to medium companies that we are currently talking to, trying to convince them to relocate to this city, that not only do we have a great environment and good business incentive programs but also the underlying legislation in this city is at least in line with that in other parts of the country. How in heaven's name do we send out the message that we desperately need to if we end up doing the sorts of things we are going to do here this morning? I ask all members of this Assembly to think very seriously about this. Are we talking about jobs? Are we talking about broadening the economic base? Are we talking about getting more people into the retail area or are we talking about legislating for more holidays?

Mr Speaker, I think this shows the Labor Party is so far out of touch that it is absolutely ridiculous. I think it is important that those opposite should have done their homework on this issue. They should have consulted, and, most importantly, members of the Assembly should have gone out and actually seen what happens on this holiday. Mr Moore made the point that it was important to encourage recreation. The reality is that very few people go. Of the 48,000 or 50,000 people who could be covered by this holiday, how many go to the picnic? In fact, a few thousand. The rest of those people are at work, and they have to be at work because the Public Service works; doctors work; everybody else works. The shops have to open. They are not getting recreational time at all.

Mr Moore: Just because they are not out at the picnic does not mean that they are not using the day off for recreational purposes. They might be in here watching the Assembly for their holiday. That is probably where they will be.

MRS CARNELL: Certainly, they are being paid double time and a half for the day, but they are not at the picnic. Mr Moore should check it out.

MR WOOD (12.06): Mr Speaker, there is an element of shame in this debate, and that shame is that it is the Government that should have introduced this Bill; it is the Government that should have been providing a lead in defending the workers in the ACT. It is to their shame that they have not done so. It is to Mr Berry's credit that he has brought this into the Assembly today. It is, as I expect, the majority of the Assembly who will be defending the rights of workers in this community.

It is the Government's job to represent all the people in the ACT. In this debate today they washed their hands of any recognition of, or responsibility for, a very large part of our population. It is the Government's responsibility to recognise and acknowledge the contribution of the working people in this city. That contribution is a very positive one. I have no doubt that, when the mathematics and the social considerations are added together, there is a net benefit to employers over the year because of this holiday.

Because of the general treatment of workers in Canberra there is a benefit. I have been to those picnics, and they are good days; they are very well supported and produce a cohesion, a harmony and a thrust that are of considerable benefit to the employers. It has been my experience that the employers recognise that. Certainly, many of those employers contribute to the day.

Let me go back to another matter - my own experience, not long ago, as Minister. A great deal of my time was taken up in discussion with workers as they set about to improve their work practices. They acknowledged that they had a responsibility. As Minister, I shared that responsibility, which is something this Government is not doing. I was very impressed by the way workers got together, because they are in a good position to know and to work through a whole range of issues, and, as a result, produced a positive benefit to the ACT. The workers in Canberra, as throughout Australia in recent times, have redoubled their efforts, and they have done that for the nation. I do not think there is a more responsible group in the community. It was the Federal Labor Government - going back now quite a few years - which paid special attention to work practices, spoke to unions, worked with unions and got the response that brought very significant changes to the way that this nation works. The unions responded admirably.

In fact, if we look at some of the outcomes, there are people now saying that this has not helped the Labor Party because we have lost some of that blue-collar support. I do not know about that, but there are some suggestions of that. Time and time again, in our community the blue-collar workers have supported governments, the economy and moves to get things working well in this nation. We see this sort of response from one government today. I might say that not all sections of the community have responded in such an admirable way. What about some of the high-fliers in this community, in Australia generally, who have expanded their salaries extraordinarily? I think sometimes the contribution is rather one-sided. It is certainly one-sided in this debate today.

Let us go back to one of the poor but consistent arguments this Government has used to try to justify opposition to Mr Berry's Bill. It featured in their first and subsequent media statements: "The umpire has decided". It featured in this debate today. It has been made perfectly clear in commissions that it is for the legislatures to determine what should happen.

Mr Humphries: They did not say that; they said "the governments".

MR WOOD: Well, governments. This Government does what this legislature determines, Mr Humphries, and you know that. Time and time again you have been told that. You might not like it, but that is the fact of life. It is for this Assembly to determine what holidays there will be in Canberra; it is as simple as that. The umpire will apply the rules. They have looked at the awards and they have come back with a decision. Maybe there is a glitch there, but we now have a correction to the rules that apply. It is for this Assembly to determine what those rules will be. Do not come here with nonsensical arguments like, "The umpire has decided". We are the ones who decide. They arbitrate in disputes, but we lay down the laws. This Bill of Mr Berry's today is a correction.

Let us look at another furphy that this Government has thrown up, another one of these spurious arguments, and it is constant in their rhetoric today: "Let us not have any more holidays". More holidays? For how long have we had this holiday? Something like 60 years; getting up to that time. Now this Government is trying to present it as a new holiday, another holiday, more holidays; over and over again, "more holidays". They have been talking about the economy in Canberra. This is not a further imposition, if it was an imposition at all, and I do not believe it is. This is not something now being loaded onto the system. This is a holiday that has been enjoyed by an important part of our community for something like 60 years. You are now happy for that benefit to be taken away, and I think that is what is disgraceful. You should be out there leading the way on behalf of workers in Canberra. Get out there and lead; stop this nonsensical rhetoric that you are going on with; and get in there and, in a few minutes' time, support Mr Berry's important Bill.

MS TUCKER (12.14): Mr Speaker, the Greens will be supporting this Bill. At a time when Liberal governments all around the country are cutting back conditions for workers, we believe this legislation to maintain the status quo is well justified. What these new rules are going to mean is that the tendency will be for industrially weak workers to get a worse deal than those who are industrially strong. Already 30 awards have been targeted to have picnic day removed. The Federal Industrial Relations Commission has ruled on the safety net of 11 public holidays. The Full Bench of the commission ruled, however, that this was a minimum, not a maximum; and, as Mr Berry explained in his tabling address the other day, this is quite clear. Just because Kennett has knocked off public holidays, do we have to do the same here? Public holidays can be legislated or they can be in an enterprise bargain. It is quite legitimate for a parliament to choose to legislate where appropriate. Mr Speaker, some people do not even have an enterprise bargain, and this is another reason why we need to ensure a level playing field by including the picnic day in the Holidays Act.

Another issue that is worth raising is that the public sector workers have an additional public holiday in the ACT in December which is not enjoyed by the private sector. It has always been the case that all workers in the ACT have had 12 public holidays. It should not be the case that some workers are entitled to this according to their position or power. Picnic days have had a long tradition in Australia and have historically been supported by both employees and employers. In 1953, the picnic day was, in fact, moved from a Wednesday to a Monday to minimise commercial disruption. Picnic day is a day for families - a family day ticket to the picnic day costs \$20. I have been informed that business still contributes financially to the running of the picnic, and certainly not all businesses are opposing this legislation. Mrs Carnell protested today that there has not been time to consult on this issue. I do not agree with that. What I am saying is that there are two issues here, and they have been of incredible concern and discussion for the whole time that I have been a member of this place. Firstly, there is the issue of the continual undermining of equity within industrial relations in this country, not just in the ACT. We have not just come across this issue; it has been debated in this parliament and in the Federal Parliament, and the whole community is very well aware of this issue. This is what this is about. This is about trying to ensure some equity for workers in this climate where we see more and more that if you are strong you will get the conditions that might be reasonable for a group; if you are not, that is tough.

The other really big issue, of course, in this is small business. We have worked with the Liberal Government to protect small business through trading hours. However, I am extremely disappointed at the inconsistency of this Government when they claim that we do not care about small business because we are putting this picnic day into legislation so that it is guaranteed. The really sad thing about that is that this Liberal Government has refused repeatedly to look at the concentration of ownership in the retail sector. That is where there is a huge underlying problem. This Government has also refused to support reform legislation to look at the huge issues around tenancy for small business. These are underlying structural problems. If you really want to see development of small business in this town - and I agree there are jobs in small business - why do you not make it a consistent approach of the Liberal Party, instead of just picking up one thing?

The picnic day is not going to affect the overall situation for small business in the ACT. We need to be looking at the underlying factors in how the economy is or is not working. I think it is just politically expedient for you to say that this is a major issue. This is a major issue, not for small business but for equity in industrial relations. If you really want to support small business, I am happy to bring up again our Bills which are looking at trying to deal with the concentration within the retail sector and also to reform tenancy legislation which is inequitable to small business.

MR HUMPHRIES (Attorney-General) (12.18): Mr Speaker, I want to make a short contribution to the debate. Obviously, the Bill is going to pass today, but the question needs to be asked whether the passage of the Bill will actually result in the legislation becoming effective. The reality is that employer organisations in the Territory used the Industrial Relations Commission process to reach a conclusion, or what they thought was a conclusion, back in January of this year, on the availability of that twelfth holiday. Having, as they thought, concluded the issue, not having been faced, I understand, with an appeal on that subject, they are now confronted with legislation which is going to pass the house today to supposedly reinstate that holiday, come this following Monday.

Mr Speaker, I have no doubt - I understand they are threatening to do so - that they will actually take the matter to an appropriate court. Whether it is the Federal Court or the Supreme Court, I do not know. Presumably, they will seek some relief against the implementation of this decision. They will have at least a prima facie basis on which to do so, because, as Mr Berry has frequently told us, on industrial matters where awards under Federal legislation govern the general pay and conditions of employees, then the Federal Government's capacity to set rules through agencies such as the Industrial Relations Commission is the process for covering the field and such rules override the jurisdiction of the ACT. That is why Mr Berry has said in the past that the ACT cannot legislate for voluntary unionism in this Territory. Federal awards often provide for inconsistent arrangements, and that prevents the Territory from legislating in this field. The argument has been very strong on those occasions that we cannot intervene in what are federally governed situations. It appears that is not the case where the Federal system, from Mr Berry's point of view, breaks down.

Mr Speaker, the most likely consequence of all this action in today's debate is certainly that there will be a holiday on Monday for that certain category of workers who are covered by these awards; that there will be an action in a court of some kind to challenge it; and that most likely the legislation will be bogged down. I take these advices seriously.

I think we are very likely to see the legislation challenged. On the basis of what I have read here, there is a pretty good chance that injunctive relief of some kind could be granted. I do not make that comment by way of a threat or anything of that kind. In fact, the ACT Government will be in the commission defending the legislation, because the ACT Government has to. The ACT Government is the custodian of the legislation which the Assembly passes. The question is not going to be necessarily what we want, but what the court thinks about the arguments which have been raised in these two legal advices.

Those two legal advices have been disparaged by other people in this place. I have read them. I disagree with Mr Moore. I think they use the usual language of lawyers to indicate that there are considerable uncertainties about these issues. Mr Berry says that there is not a very strong statement by the lawyers that this law is invalid. Can Mr Moore or anybody else point out for me a case where lawyers have made distinct and clear statements that one case is absolutely wrong and one case is absolutely right?

Mr Berry: There is always a loser.

MR HUMPHRIES: No; that is judges. I am talking about lawyers who give advice, Mr Berry. When lawyers give advice they do not say, "This case is definitely wrong, and this case is definitely right". They say, "On the one hand, this; on the other hand, that". I read from these comments, however, considerable real doubt about the validity of these provisions. Mr Berry, I am sure, read the same words there, too; he has to. That is the only conceivable way of reading it.

Mr Speaker, let me make perfectly clear what we are saying. We are not saying to the Assembly that this legislation is absolutely certain to fail - at least not on the basis of this advice. I am not saying that as Attorney-General. The legislation may succeed. What I am saying is that these opinions give us very good cause to have doubt. It is not responsible to pass legislation with indecent haste, when that kind of doubt could result in expensive litigation before the courts of the Territory. The fact that this is happening days before the holiday that was canned by the Industrial Relations Commission is not a problem that this Government has created. Mr Berry dallied around for six weeks or so before getting to the point of bringing legislation forward to this place. If he had announced on 11 January that he intended to pursue this course of action, we would at least have had some signal of this going on; we would have been able to get these advices and look at these issues in advance. But we have not. If these advices are incomplete, that is not the fault of the Government.

Mr Speaker, I come back to the issue that is raised in the opinions about public holidays. There is a very real question here about Mr Berry's Bill saying that there is a holiday being created under the Holidays Act when, in fact, the Act refers to public holidays. What Mr Berry's Bill is effectively doing is creating a private holiday for certain people to enjoy. It is not at all clear to me whether the legislation facilitates that. I quote from the opinion by the Chief Solicitor of the ACT, Mr Peedom:

If the effect of section 5 of the Bill is to entitle an employee to whom it refers to be absent from work and to be in receipt of pay nevertheless it is likely, in my view, to be found to be inconsistent with the award as it purports to confer an entitlement which, under the award, can only be obtained by agreement. There is, therefore, contradictory provision made on the same topic.

What he is saying is that he finds that quite likely to be successfully challenged in the court.

Mr Berry made reference to the Scrutiny of Bills Committee. The Scrutiny of Bills Committee did not have all the awards before it any more than these two legal people had them before them. They did not have those awards before them necessarily.

Mr Berry: They had the schedule in front of them.

MR HUMPHRIES: They had the schedule. That is only a list of the names of the awards, Mr Berry; that is not the awards themselves. Obviously, the Scrutiny of Bills Committee has not looked at the awards. Some of those awards are referred to in these opinions. I think those opinions are of some weight. The point is that there is a real element of doubt.

Mr Speaker, one thing which I think was extremely regrettable in Mr Berry's remarks was the comment he made when Mrs Carnell said that many businesses are going to be inconvenienced. He said, "They should have thought about that". Mr Berry, for your information, when peak organisations go before industrial courts to argue these matters, they do not necessarily have every single employer or employer organisation standing behind them in each submission that they make; but as a result of the decisions of the Industrial Relations Commission there is an effect on every employer. Every employer who employs employees in this category was affected by that decision. To prejudice them because you have brought legislation forward at late notice is absolutely reprehensible. I think you ought to think about apologising to those people whose position has been prejudiced in this way, in circumstances that they did not create. In most cases, they did not go to the commission to argue a case at all, but they have been affected prejudicially by this.

Mr Berry: There is no evidence that they went to the unions beforehand, either.

MR HUMPHRIES: They did not argue a case either way, Mr Berry; this is the point. They are simply employers who have to run a business on a day-to-day basis and whose main preoccupation is making their living and keeping their businesses going so that their employees have work. That is their primary objective. If industrial organisations representing them make representations on their behalf, you cannot tar those individual employers with the arguments used by those employer organisations. That is completely reprehensible.

Mr Speaker, I will close by making a simple analogy. Can members of this place imagine what it would be like if Mrs Carnell brought in a Bill to improve the economic position of pharmacies or pharmacists in this Territory? What would those opposite be saying about Mrs Carnell in these circumstances - about her feathering the nests of pharmacies, of doing deals for her mates, of making arrangements to assist people who voted for her at the election? That is what they would be saying. We know that is what they would be saying. It is exactly what you would be saying. Is this any different? Is it any different because a larger number of people are involved? I do not think that it is. Mr Berry ought to ask himself whether this kind of deal-making is appropriate and whether he is not doing enormous damage to a large number of businesses in this Territory for the sake of doing deals for his mates.

MR BERRY (12.28), in reply: Mr Speaker, the first thing I will deal with is the references to the umpire which have been made by the Government. The first point I will raise is some comment from the Full Bench in their decision which first considered this issue as a result of a move by the Victorian Government to rip holidays off workers. The Full Bench of the commission said:

We also accept that the declaration of public holidays, by whatever legal instrument, is the prerogative of the various Governments.

Mr Kaine, Mr Humphries and Mrs Carnell, we stand by the umpire's decision. In the Australian Industrial Relations Commission's commentary on safety net public holidays it specifically named 10 days, including Easter Saturday, and provided one other day as specified, according to a State, Territory, locality or some other basis such as an award picnic day. The commission stated that a State or Territory may add to but not subtract from that number. The State and Territory governments may add to the safety net by whatever dimension they wish to add. There is no restriction on it. Mrs Carnell has minimum confused with maximum. That is the problem here.

The umpire has clearly made out the case in respect of these matters. Indeed, this is a position which has also been adopted by the employers. Mr Monagle, in his contribution to proceedings before Commissioner Larkin, said in relation to the Government's powers, that the Full Bench should recognise clearly the role of governments to proclaim additional days. Mr Monagle agrees with this approach as well. The Government's arguments are starting to fall apart pretty badly because it is clear that everybody recognises the right of State and Territory governments to provide extra holidays. That is a clear understanding of the commission's decision.

The next thing I want to deal with is Mrs Carnell's claims about consultation. Did the employers consult with workers and their unions before they took this to the Industrial Relations Commission and talk to them about what they might do in the context of their award provisions? No, they did not. Did the employers offer an attractive EBA

for those employees in which they might bargain around the issue of union picnic day? No. The employers went off to the Industrial Relations Commission and went after the trade union picnic day. There is nothing surprising in that; nobody is shocked by it. It is something that the employers have been upset about for some years, and nobody was shocked to their boots when the employers tried this on.

Mrs Carnell says, “Why did not Mr Berry do something about it very quickly?”. As I understand it, the orders arising from the case, which was heard before last Christmas, in November, were issued on about 23 January. I sent my drafting instructions to Parliamentary Counsel on 25 January. It is very clear that this is a matter that was in mind for a long time. Mrs Carnell says now, “Why did you not consult with the Government or the employers?”. Would they have changed their mind? I have a fair bit of energy, but I ain’t wasting any of it. I knew what the Government’s position was going to be. The employers understand that I am intelligent enough to know what their position is.

Mr Speaker, this is an issue about safeguarding a holiday that has been around for 58 years. It was a mean-spirited move by Confact to seek to take this holiday away. Confact might wish itself to be remembered as the group which ripped off the holiday from workers in the ACT. I would rather be remembered as the one who helped put it back. The fact of the matter is that these sorts of holidays are established in about four ways. They include dealing with it in an EBA; by agreement in the commission, possibly by way of some sort of dispute settlement; and by that arrangement, which has been recognised by the commission over and over again, by which States or Territories legislate to make sure that it happens. That is what this process is about; this process fully recognises that.

Mrs Carnell: But you have your legislation wrong.

MR BERRY: Mrs Carnell says, “You have the legislation wrong”. She is wielding a couple of legal advices here in a late attempt, grasping at straws, to hold these proceedings over until after the next picnic day in order that some people might miss out. Well, you are mean-spirited too, Mrs Carnell. You have demonstrated your clear attempt in relation to this matter. Somebody was saying, “They do not all go to the union picnic day; so, we should knock it off”. What an argument! Does that mean that because republicans do not celebrate the Queen’s Birthday we should knock that off?

Mr Whitecross: Some people work on Christmas Day; so we should knock that off.

MR BERRY: Does that mean that, because there are not enough Christians keeping busy on Christmas Day worshipping, we should knock that off?

Mr Whitecross: If you do not go to church, no holiday.

MR SPEAKER: Order! Mr Berry has the call.

MR BERRY: These are the sorts of silly arguments that people are starting to run in relation to this picnic day. People treat these holidays as a day of recreation. They are encouraged to go to the union picnic day, where they get good value for their money. If bosses want their employees to work on days which are normally recreation days, they have to pay a penalty. That is the way the system has worked.

Mr Whitecross: Or negotiate.

MR BERRY: Or negotiate a different set of circumstances; not rip the holiday off.

Mrs Carnell made a great deal out of the need to reduce costs. Of course, what she was talking about, in the context of reducing costs, was the economic circumstances of the Territory and what a dreadful state we are in; we need to cut out the union picnic day because the Territory is in a dreadful state. Who caused the dreadful state we are in? The first one that put us on the slippery dip was Kate Carnell. Who greased the slippery dip? John Howard. They are the people that need to be blamed, and it would be a better use of the employer organisations' time if they were out there putting the pressure on your Government and the Federal Government to restore some prosperity here.

Mrs Carnell: The Auditor-General said you guys are to blame.

Mr Whitecross: That is not what the Auditor-General said.

Mrs Carnell: He did.

Mr Whitecross: The Auditor-General said nothing about picnic day. You do not know what you are talking about.

MR SPEAKER: Mr Whitecross and Mrs Carnell, if you want to talk, go outside and do it; Mr Berry has the call.

MR BERRY: Do not try to blame the union picnic day for the perils of the Territory which have been created by two Liberal governments. Nobody is going to cop that sort of nonsense.

Much has been said about the need to get this holiday in context; it is unfair because in Victoria they get only 10. They get 10 plus one because there is a safety net in place. The Full Bench of the commission stepped in to stop the rip-off that was attempted by the Liberal Government there. The minimum, of course, is now in place. Mr Speaker, in the ACT the standard is 12 holidays.

Mr Humphries: It was.

MR BERRY: Mr Humphries interjects, "It was". They are trying to rip one off. The standard is 12 public holidays. We have Canberra Day, of course, and the bank holiday in addition to the 10 holidays. The bank holiday is for the finance sector. There is an extra holiday for public sector workers in the Christmas-New Year period.

Until the confederation's recent move, the union picnic day was for other workers. The standard is, very clearly, 12. Why are you not supporting the standard? Because this gives you the opportunity to get stuck into the workers. This is a mean-spirited move and sets a dreadful precedent for those other workers in this Territory who receive 12 public holidays. It sends a message that the twelfth day is up for grabs. Mrs Carnell referred to cost savings. What have we got - 17,000 ACT public servants? Just imagine, 17,000 days. What is that worth in cost savings? They could try to knock off the holiday at Christmas. You could unload a few workers if you could get 17,000 days back.

What sort of logic are we dealing with here? What Mrs Carnell and her Government are supporting is the continuance of something that is inequitable and will cause disharmony out there in the community; disharmony and dispute will be caused because of the inequality which is being created by this mean-spirited move. There is no question about that. Indeed, even in the private sector there will be those in the workplace who will be able to keep their union picnic day because they will be able to hang onto it through their EBAs and by other means because they are industrially strong. But, Mrs Carnell, you seem happy with the industrially weak copping it in the neck. Women in the work force, in particular, will be affected by this mean-spirited move by the employers. That is how these things usually begin. You start with the weak and then try to creep up on the stronger. Nobody supports this move to tear away this important condition in the ACT, except a few Liberals and a few employer representatives who want to make a name for themselves by ripping off workers.

The other thing I want to raise is the advice which has been placed before the Assembly by the Government. Mr Moore has dealt with that in detail, and I do not need to go into all of those details again. But advice is just that, advice, and it is a matter for employers to consider what they want to do. If they want to pour a whole heap of money into court challenges, that is up to them. This also sends a clear message to the Industrial Relations Commission that this Government means business about this extra holiday and the commission ought to pay due regard to those decisions of the Full Bench which recognise the rights of State and Territory governments to make these sorts of holidays available to workers. No arguments have been put in this place that support the removal of this holiday.

We do not very often get the opportunity in this chamber to do things which make an overwhelming number of people in the community happy. On this occasion, I have heard numbers of between 50,000 and 70,000 workers who might be affected. I would be glad to take the opportunity to make 50,000 or 70,000 workers in the Territory happy rather than make a few mean-spirited politicians and a few people who represent bosses happy, because they have ripped this condition off. Mr Speaker, this is a holiday that has been in place in the ACT for 58 years. It is one that is a tradition in the private sector of the Territory and one that ought to be preserved. I urge all members of this Assembly to support this legislation.

27 February 1997

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 10

Mr Berry
Mr Corbell
Ms Horodny
Ms McRae
Mr Moore
Mr Osborne
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 7

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Stefaniak

Question so resolved in the affirmative.

Bill agreed to in principle.

An incident having occurred in the gallery -

MR SPEAKER: The gallery will come to order. We have not finished the Bill yet. If I adjourn the sitting, it will not go through.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.46 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Gungahlin - Licensed Club and Enclosed Oval

MR WHITECROSS: Mr Speaker, my question is to the Minister for Land and Planning, Mr Humphries. It relates to the development of a licensed club at the Gungahlin Town Centre. Minister, do you still stand by your comments made last Thursday in question time that the Gungahlin Development Authority made the decision not to proceed with plans for an enclosed oval as part of the club development after it had determined that neither tender could provide an enclosed oval on a satisfactory basis?

MR HUMPHRIES: Mr Speaker, that is to the best of my advice, and I have no reason to depart from that advice to the Assembly.

MR WHITECROSS: I ask a supplementary question. Minister, how do you reconcile these comments with information provided to the Gungahlin Community Council by the chief executive of the Gungahlin Development Authority that the decision not to proceed with the enclosed oval was made after the Gungahlin Development Authority received advice from private consultants that Gungahlin did not have a population level to sustain an enclosed oval?

MR HUMPHRIES: I am not sure that those two statements are at odds, Mr Speaker. No, they are not. They are different things, but they could have done both. They could have taken advice from a private source of information - - -

Mr Whitecross: You had better read the note.

MR HUMPHRIES: It has nothing to do with this; I am sorry, Mr Whitecross. It is of no assistance whatsoever. They could have taken advice from a private consultant and also have considered the tenders. I see no reason why that could not have been consistently done.

Totalcare Incinerator

MR HIRD: My question is also to Mr Humphries, in his capacity as Minister for the Environment, Land and Planning. Minister, are you aware of the claims issued today by the director of the Conservation Council, Mr Craig Darlington, that the Totalcare incinerator at Mitchell is pouring out dioxins and cyanide as a result of the incineration of hazardous waste? Are these claims true? What is the status of the environmental credentials of the Conservation Council?

MR HUMPHRIES: Mr Speaker, I am aware of these claims. They are fairly serious claims.

Ms McRae: Better than yours, Mr Hird.

MR HUMPHRIES: I would not venture that opinion, Ms McRae, after what I have seen today from the Conservation Council. I think I have a good relationship with the Conservation Council, but I have to say that the release issued today really does take the cake. There is a very serious series of inaccuracies in the information which has been put out by the council. Let me go through some of those things.

They claim that information about the chemicals being burnt at the Mitchell waste incinerator is secret; that there is secret incineration of the fungicide Delan. The irony of that statement is that the information that the Conservation Council had on which to base their release was actually given to them by the Department of Urban Services with the consent of Totalcare. I am astonished that in those circumstances they should describe it as secret. If we want to keep secrets, we have a hell of a way of doing it!

They claim that the ACT has no hazardous waste manifest system. The fact of the matter is that the ACT currently participates on a voluntary basis in the manifest system used in New South Wales. As the only disposal system in the ACT for such waste through incineration, the Mitchell incinerator is expected to, and does, comply with rigorous assessments. There is, to all intents and purposes, a manifest system at work in the ACT. Through the National Environment Protection Council process, a uniform national manifest system is being developed which will be incorporated into the ACT's new environment protection legislation when it comes forward.

Totalcare receives and destroys waste from local and interstate sources, mostly from surrounding New South Wales. It is mostly clinical and related wastes, particularly from our own hospital. It should be noted that large quantities of ACT wastes are sent interstate for recycling or disposal where facilities do not exist in the ACT. Over a 20-month period, 1,100 tonnes of interstate waste was burnt in our incinerator at Mitchell. A very small proportion of that was Delan and pesticide containers.

What the Conservation Council says about Delan is, first of all, that its incineration is totally against all accepted safe practices. They say that some 3,000 kilograms of pesticide containers were burnt in late 1995. They say that Delan gives off cyanide, sulphur dioxides and nitrogen oxides. They go on to imply that cyanide is affecting areas surrounding the incinerator at Mitchell. A lot of people, including my constituents and Mr Hird's, live close to that incinerator, and I take very seriously a suggestion that they might in any way be threatened by cyanide coming from the incinerator.

Mr Speaker, I will just explain to the Assembly that the Totalcare incinerator is designed to operate at a temperature of 1,100 degrees Celsius - a bit like the Assembly at some times. The incineration of Delan at such a high temperature gives off not cyanide but carbon dioxide, sulphur dioxide and oxides of nitrogen. The Conservation Council claim was based on a publication which they annexed to their press release - an extract from a document called "Dangerous Properties of Industrial Materials" - and they point out that cyanide is a product of the burning of Delan. What they do not mention, however, is that this publication refers to the burning of those sorts of materials by thermal decomposition. Thermal decomposition is baking in a slow oven to destroy certain chemicals. It is obvious to any of us that an incinerator burning at 1,100 degrees Celsius is not a slow oven. Moreover, although the release of carbon dioxide, sulphur dioxide and oxides of nitrogen sounds very serious, in fact these are chemicals that are quite common in our air already. The ACT has recorded very low levels of those chemicals in our atmosphere already.

Mr Speaker, the claim is also made that dioxins are not tested for at Mitchell. Again, that is not true. There is no evidence of dioxin emissions from the Totalcare incinerator, and testing has taken place, for example, throughout last year. Continuous dioxin monitoring does not occur in any Australian incinerators. The testing has not shown any levels of dioxin present from the incinerator at Mitchell. The Conservation Council suggests that clinical waste contains chlorine and that when that is burnt it can sometimes release dioxins. The fact of the matter is that the materials will do that if they are burnt at below 900 degrees Celsius. Our incinerator does not burn at below 900 degrees Celsius.

I really wonder where the Conservation Council does its research and gets its information. Mr Darlington, the director of the Conservation Council, has made what I would call a base grade chemistry error in making these statements. They are not just fairly innocent statements, either. They are statements that affect a large number of people in the northern part of Canberra, and I take that very seriously. I remind members that in 1995 Mr Darlington told us that cleaning up contamination of soil at the Olympics site in Homebush may cost in excess of \$234m. I will quote what the *Canberra Times* said about that on that occasion, because it is very apposite to the situation here today. It said:

This information was not difficult to come by and raises the obvious question: was the council aware of the revisions before its members gave evidence? Was its evidence the result of extraordinarily incompetent research or did the council deliberately set out to mislead the committee?

Quite frankly, the council's evidence was a disgrace, coming as it did from a body which parades itself as an expert on the environment.

... After this clown-like performance, [the council] can no longer be considered a reasonable voice in this debate.

I would not go quite that far, Mr Speaker, but I would say that this question really is a very serious one, and I would ask the council to reconsider its policy of issuing releases as irresponsible as this.

Gungahlin - Licensed Club and Enclosed Oval

MR CORBELL: My question is to the Minister for Land and Planning. It relates to the development of a licensed club at the Gungahlin Town Centre. Minister, can you confirm that the advice to the Gungahlin Development Authority that an enclosed oval was not viable was actually provided by private consultants Leisure Management Australia? Minister, can you also detail to the Assembly the nature of the advice that the GDA received from Leisure Management Australia that an enclosed oval was not viable at the Gungahlin Town Centre at this time, and can you confirm that this advice was actually received after expressions of interest had closed?

MR HUMPHRIES: Mr Speaker, in respect of the first part of the question, I think that the answer I gave before to Mr Whitecross's question addresses that issue. Last week when I was asked about this I told the Assembly that they received advice. I think I said it was legal advice. Whether that is the same advice they got from Leisure Australia I cannot say, but I will find out. Whether they received advice in addition to the legal advice I do not know. I will find out. Can I detail the advice given? No, I cannot. If you want such information, I would suggest that you put a question on notice and I will be able to find out for you. Mr Speaker, I will take that part of the question on notice and I will find out.

Gungahlin - Licensed Club and Enclosed Oval

MR WOOD: My question to Mr Humphries is on the same subject. Mr Humphries, are you confident that the advice received by the GDA from Leisure Management Australia, namely, that an enclosed oval in the Gungahlin Town Centre was not viable at this time, is unbiased and in the best interests of the Gungahlin community?

MR HUMPHRIES: Mr Speaker, I am certain I answered that question last week. I was asked whether I stood by the decision by the Gungahlin Development Authority that I was advised of. I said that I did - and I still do.

MR WOOD: I ask a supplementary question, Mr Speaker. Is it not true that Leisure Management Australia is almost certain to tender for the management of the ACT's ovals and sporting fields, including ovals and sporting fields in Gungahlin, and that therefore it would not be in Leisure Management Australia's interests to have an enclosed oval provided by a licensed club at the Gungahlin Town Centre site in competition with other ovals?

MR HUMPHRIES: I really do not know. I really cannot say whether that is the case or not. If you want to know whether Leisure Management Australia is likely to tender for other organisations, I suggest you ask the Minister for Sport, not me. If you are asking me whether I feel that the body which this whole Assembly voted to set up to handle tender processes like this has not done its job, all I can say is that I have already answered that question.

ACTION Services - Tuggeranong

MRS LITTLEWOOD: Mr Speaker, my question is to the Minister for Urban Services. Is the Minister aware of any difficulties involving ACTION bus services in the Tuggeranong Valley during the past couple of days? If so, what is he doing about them?

MR KAINE: It seems that in an organisation running a network as big as that run by ACTION, with changes to various schedules, changes to the location of facilities required to operate the bus system and the like, there are problems from time to time. We have heard about a few of them in the last few days. We have heard about buses that have run late or buses that no longer serve the corner where people traditionally get on them and the like. In Tuggeranong, over the last little while, there have been some difficulties. Two or three factors have contributed. The first is that we introduced a new bus network on 3 February, and at the same time - - -

Mr Berry: The first was a Liberal government.

MR KAINE: Instead of laughing, you might listen to the facts for once. At the same time as we introduced that new bus network we closed the Woden bus depot. That involved some drivers operating new bus routes. Of course, that requires some little settling-in period so that they get familiar with their routes and they can run on time and run the right schedule. Secondly, during the early parts of this year, as is traditional in the first few weeks of term, some school bus loads have not settled down and we have been augmenting some routes with extra buses until the patronage settles down and we know what the long-term usage is going to be.

An additional factor that has impacted is that because of the exceptionally hot weather conditions over the last week or so there has been an abnormal number of breakdowns. This, of course, has a consequential impact on services and the requirement for additional workshop maintenance. Despite those factors, I understand that ACTION have coped pretty well, but over the last two to three days some of those things have come to a head and there has been some impact. Despite all that, Tuggeranong has operated to 99.1 per cent of its scheduled services - not far away from the target - and, generally speaking, I think they have done pretty well.

As a result of the bus maintenance problems, some services were missed on Monday and Tuesday afternoons of this week. I understand that that was the result of drivers getting in their buses, discovering there was some problem with the buses and returning them to the depot for further maintenance. I understand, however, that today no services were missed for that reason anywhere in Canberra. The problem has been addressed, I am told, by transferring back into service buses that had been withdrawn for disposal. Some of those buses have been put back into work to fill the gap, and there have been some additional workshop operating hours to close the gap.

All in all, I think ACTION have dealt with the problems, which are not entirely unexpected but which do place a load on some sectors of the network from time to time, as is the case now. I think that management has dealt with those matters satisfactorily, but I have ensured that the senior operational staff continue to monitor to make sure that there is no major failure of the service.

MRS LITTLEWOOD: I ask a supplementary question. Can the Minister say whether the school services in the Tuggeranong Valley have been affected at all in this period?

MR KAINE: Mr Speaker, my advice is that no school service has been missed as a result of these problems.

AOFR Pty Ltd

MR BERRY: Mr Speaker, my question is to the Chief Minister. Chief Minister, I refer to an article in the *Canberra Times* on 24 February 1997 in which it was reported that AOFR had been asked by your Government to report on its current operations and whether the company is meeting the terms of its assistance agreement, reported to be worth about \$1.2m. Chief Minister, what provisions were made in the assistance agreement to prevent AOFR's parent, ADC Telecommunications Inc., from setting up rival manufacturing operations elsewhere?

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MRS CARNELL: Mr Speaker, it is very hard to remember articles in the *Canberra Times* on 24 February. The ADC-AOFR deal or arrangement with the ACT Government, as everybody here would be aware, has already resulted in a new building on the site at Symonston which obviously has produced significant extra jobs. On 30 November last year an agreement was signed with AOFR for an assistance package. That agreement will ensure that any major expansion of the firm takes place in the Territory rather than anywhere else. Members will be aware that AOFR and their parent company, ADC, were being offered quite significant enticements to go to Queensland.

You would also be aware that AOFR had been involved in the development of some very clever fibre-optic splitter technology that was unique and that AOFR had entered into a contractual arrangement for Optus which would require providing those splitters as Optus rolled out their cables in Australia. There are significant offshore opportunities for ADC-AOFR as time goes on. The arrangement - - -

Mr Berry: Mr Speaker, it sounds as though - - -

MR SPEAKER: Did you just stand up to make a statement or do you have a point of order, Mr Berry?

Mr Berry: I am just getting back to the issue of having the Chief Minister answer the question. It sounds as though - - -

Mr Hird: I raise a point of order, Mr Speaker. I draw your attention to standing order 39 and standing order 202(e). Mr Berry continually disrupts this place by standing up and interjecting on people speaking.

MR SPEAKER: I have to uphold the point of order, because I really do not know why you have stood up, Mr Berry. You have not indicated to me why you are doing it.

Mr Berry: Mr Speaker, just to assist you, standing order 118 states that the answer to a question "shall be concise and confined to the subject matter of the question". May I remind the Chief Minister of the subject matter of the question. The question was: What provisions were made in the assistance agreement to prevent AOFR's parent, ADC Telecommunications Inc., from setting up rival manufacturing operations elsewhere?

MR SPEAKER: There is no point of order. As I understood it, the Chief Minister was in the throes of answering the question.

MRS CARNELL: I think the first line of my answer said that on 30 November last year we signed an agreement with AOFR for an assistance package and that that agreement would ensure that any major expansion of the firm took place in the Territory rather than elsewhere in Australia.

Mr Whitecross: But America is okay?

MRS CARNELL: ADC is an American company, Mr Whitecross. I think it would be a bit hard to ask an American company not to do business in America. To overcome Mr Berry's inevitable supplementary question, I point out that that particular newspaper article, as I remember it, indicated that a small number of employees at AOFR had been terminated in recent days. The company assures me that this was due to a cyclical decline in business activity, particularly in the overseas markets of Europe and the USA. ADC and AOFR are addressing this temporary downturn by launching a new product very soon. It might have even been launched this week - I am not sure exactly. They believe this will earn substantial new export revenue and achieve a strengthened market for them. AOFR is hoping to be able to reach the employment targets that were part of the agreement. The agreement indicates that AOFR must use their best endeavours to achieve the employment targets that we set in that agreement, and I have every confidence that they will do so.

MR BERRY: Mr Speaker, I have a supplementary question. Will the Chief Minister provide to members of this Assembly a copy of the report that she received from AOFR?

Mrs Carnell: What report, Mr Berry?

MR BERRY: Had you been listening to the question, you would have known that I mentioned that it had been reported that AOFR had been asked for a report on its current operations. I am asking you, Chief Minister: Will you agree to provide a copy of this report to the Assembly? Are you concerned that three machines which produce couplers have been sent back to the United States to assist in their marketing of these products overseas? Will you agree that your memory lapse about reading an article on 24 February was a John Howard memory lapse, because it was only three days ago?

MR SPEAKER: The last part of that question is out of order.

MRS CARNELL: I did not say I had forgotten. In fact, I just indicated that I thought that that particular article mentioned something about some employees being terminated. Under the agreement with ADC and AOFR, they are required, as I understand it, to report on a six-monthly basis. They have been asked for a report. I will certainly have a look at that report and see what can be released to the Assembly. I am not sure that we have actually received a report at this stage.

On the second part of the question, I think that it is very important for those in this Assembly to remember that today we have had an Auditor-General's report that says categorically that we have to expand our business base in the ACT. We have to get new companies to town. We have to increase our export potential. With all of that in place, how can those opposite whinge about a new company?

Mr Berry: I raise a point of order, Mr Speaker. I draw your attention again to the answer not being confined to the subject matter. I asked the Chief Minister whether she was concerned about the export of machines and whether she would produce a copy of the report to members. Is she concerned about those machines going back to the US?

MR SPEAKER: Order! There is no point of order. The Chief Minister has answered the question about the report to the best of her ability. She has not seen it yet. She is now answering the second part of the question, which concerns something about moving machines out.

MRS CARNELL: Mr Speaker, I have already made the point that ADC-AOFR are doing everything in their power, I believe, to achieve the targets that were set in the agreement with them. I understand, as I said, that they are launching a new product which they believe will have significant export potential. I think it is very sad that AOFR have not been able to reach the sales targets that they set; but it is great to see a company, instead of whingeing, as those opposite do, get out and launch new products. They have built a new factory in the ACT with significant capital investment in the ACT. Here we have a company that has technology that was produced here, invented here. They are a company looking at expanding here in the ACT. They are launching new products, doing exactly what the Auditor-General said had to happen. All those opposite can do is whinge.

Juvenile Refuges

MS TUCKER: My question is for Mr Stefaniak. Minister, my question is in relation to children at risk. The Minister stated yesterday that he thought I might have a thing about Marlow Cottage. I actually have a thing about young people at risk in our community. The Minister would be aware that, according to the guidelines for the use of SAAP services for young people under the age of 16 years, a child that has been assessed by Family Services as in need of accommodation and placed in a refuge should leave that refuge within 48 hours of the assessment being made. The guidelines acknowledge that undefined periods in SAAP services would be inappropriate for children under 16 years. The Minister may also be aware that, according to the latest annual report of the Lowanna Young Women's Service - a 24-hour refuge for young women - 34 young women under the age of 16 spent a total of 859 bed nights at Lowanna. That is an average of over 25 nights each - well over the recommended 48-hour maximum. I have given the Minister notice of this question asking for particular details which I am informed he is not able to give us at this point. I look forward to receiving those details, but I would still ask the Minister to respond now to the general question of why it is that refuges such as Lowanna are being put in the untenable position of having to accommodate young people under 16 in extreme crisis for extended periods of time when they are not supposed to do this under their funding agreement.

MR STEFANIAK: I think Ms Tucker has to realise a few points. Ms Tucker, you need to talk to people who have been involved in this area for a long time, here and in other parts of the country. The ACT is very lucky to have the facilities we do have for young people at risk and people generally at risk in our community who need assistance and somewhere to stay. We are considerably better off than most other States and Territories. Ms Tucker, regrettably, there are occasions when the optimum cannot occur. Even in a good system like ours there are only so many beds available.

Ms Tucker: Not enough. What are you doing about it?

MR STEFANIAK: What are we doing? Have a look at the Auditor-General's report, Ms Tucker. I will point out a few points to you. Basically, we are better off. You have a talk to some people in the know, people like Mary Lowa, who can actually tell you how the ACT compares with New South Wales, Victoria and other parts of the country. Compared with them, we are significantly better off, Ms Tucker.

In an ideal world it would be lovely if all the time at a refuge where a 48-hour maximum is recommended people stayed for just that period of time. Unfortunately, depending on the circumstances at the time, some people might have to stay for longer periods. That, unfortunately, is just a fact of life. In difficult financial times I cannot really see any way around that. That will occur from time to time. It would be lovely, Ms Tucker, if we could build another 10 or 20 refuges, but have a look at Report No. 3 from the Auditor-General. The money simply is not there for that. I stress that we are certainly better off than most other parts of the country. The other points you raise, on which I understand you have provided my office with details, I will take on notice and reply to when I have the answers for you.

MS TUCKER: I ask a supplementary question, Mr Speaker. I am glad the Minister mentioned the Auditor-General's report. Is the Minister aware that often thousands of dollars are spent on one single case because effective system-wide approaches are not in place, because there is a lack of respite care options for adolescents and because existing family support services that are working to prevent crises occurring, such as Barnardo's family support service special neighbours program, are unable to meet the demand. This is about saving money; it is about prevention. Is the Minister aware of the cost of a reactive response?

MR STEFANIAK: Ms Tucker, it is always best to be proactive. I think you would appreciate - I hope you would - some of the things we have done in providing assistance in the family services area to those who need it. For example, we have increased the number of foster care places from 139 to 150. The amount of money this financial year for people in foster care is about \$226,000 extra. Where we can in difficult financial times, we have made significant extra assistance available. Unfortunately, I suppose there is always more we could do if we had the money, but I think even you would have to concede that a considerable amount of effort has been put in by this Government and that in difficult financial times there has been some quite reasonable funding, and additional funding too.

Home Purchase Schemes

MS REILLY: My question is to the Minister for Housing, Mr Stefaniak. Minister, can you confirm that in October 1996 you received a report titled *Taking the Longer View*, which was a report on a review of government home purchase schemes? Minister, will you agree to table this report by the close of business today?

MR STEFANIAK: Ms Reilly, the Government has a number of reports in relation to housing assistance programs. The report you refer to is, in fact, a draft report which I understand has not been finalised. I do not think it would be appropriate to table something that is a draft. You are well aware, Ms Reilly, of what has occurred in relation to the home loans scheme. You are probably also well aware that Housing currently administers about 4,000 loans under about four different loan schemes - not including Kick Start - which date back quite some time. A number of documents - the latest one being the Commonwealth Bank report, which pointed up some serious problems in home lending schemes - led the Government to its decision at the end of January, when it extended the Kick Start scheme, to discontinue one of the home loan schemes. Ms Reilly, in relation to those particular schemes, I would also point out to you - as you are probably well aware, I would hope - that at present housing affordability is really at an all-time high for people in Canberra. I would say we have the best market for purchasers for some 10 years.

Apart from schemes like Kick Start, there are any number of schemes in the private sector which people on low to medium incomes have a chance of accessing now. There are any number of houses, both new and existing, available for people for about \$100,000 or even less. Prices on those homes at the lower end of the market are probably \$20,000 or \$30,000 down on what they might have been three years ago. It is a great time for people to buy. All those things would be taken into account by Housing, including a number of internal reports and the Commonwealth Bank report, which is the ultimate report and probably the one you should look at - I would be happy to locate a copy of that and get it to you - in relation to home lending schemes.

I would stress, Ms Reilly, that times change. Whilst at present it is a great market to buy a house in, the economy might change. A number of things might change. The Government is always mindful of that, and in future we might well be looking at additional options for home lending schemes when the situation changes. At present, with housing affordability at an all-time high, and with the various private schemes and Kick Start, I think it is a great time for people to get into home ownership. Certainly, we are actively encouraging people to do so.

MS REILLY: I ask a supplementary question. Can you confirm that you are refusing to table this report because the findings show benefits for home purchasers, profits for the Government and accessibility to home loans, unlike this Kick Start scheme, which is beneficial for only one lending institution and under which, going on reports today, it is very difficult for most people to access any sorts of loans?

MR STEFANIAK: The particular draft report you refer to was to be a report on a number of things. It has not been finalised, but certainly it was favourable in its comments on various government home lending schemes. The Commonwealth Bank report, which is finalised, reviewed the whole home loans program. It was a technical report to advise the Government of the financial risks connected with the existing mortgage portfolio. The Government looked at everything, including the Commonwealth Bank report. We looked at current home purchase affordability and the favourable housing market and, taking into account all the factors, we decided to continue with the temporary cessation of direct home lending which we announced at about the beginning of June last year.

Alleged Betting Rebates

MS McRAE: My question is to the Minister for Sport, Mr Stefaniak. Minister, are you aware that the ACT Racing Club and/or the ACTTAB has been paying, on a regular basis, a rebate of between one per cent and 2 per cent of turnover to one patron of the betting auditorium since that auditorium was opened?

MR STEFANIAK: The Minister who looks after ACTTAB has more information than I do, Ms McRae, so I will let her answer.

MRS CARNELL: Ms McRae, I think it is appropriate that as Treasurer I take that particular question.

Ms McRae: So long as I get an answer.

MRS CARNELL: I can guarantee that you will. Ms McRae, it was reported to us a couple of weeks ago that there was concern amongst some people that there may have been payments from the TAB to large punters. As you would be aware, that was something that was of great concern to the ACT Government, because that would be contrary to our current agreement with superTAB. What we did immediately was call in an independent auditor, Deloitte, to do a full review of the situation involved. We believed that it was important to get to the bottom of the matter very quickly. Even the slight chance that there was something happening at that level was something that we certainly were not willing to risk. We got the report back from Deloitte a week or so ago. Deloitte have said quite categorically that there is no problem; that the TAB is not paying any form of rebate to large punters.

What I did then, Ms McRae, was immediately write to the presidents of the three associated racing clubs - the Canberra Harness Racing Club, the Canberra Greyhound Racing Club and the ACT Racing Club - making sure they were very well aware of their responsibility not to be involved in any of these sorts of arrangements. As Ms McRae would be aware, the ACT Government does not run the racing clubs themselves, but we certainly believe that the racing clubs must know what their responsibilities are. I understand that we have since spoken to superTAB and explained to them the approach that we have taken, and superTAB have indicated that they are very happy with that approach. If you would like me to table the auditor's report, I would be happy to do so.

MS McRAE: Mr Speaker, my supplementary question was going to be a question asking Mrs Carnell whether it was possible to see that report and also a copy of the letters that she sent to the clubs. The concerns are the same as the ones you raise, so it would be good to be able to placate them.

MRS CARNELL: Mr Speaker, I am very happy to show Ms McRae the letters involved. I would prefer not to table them, as they were letters between me and other persons. I am happy to show them to her. The report is fine for tabling.

Totalcare Incinerator

MS HORODNY: My question is to Mr Humphries, Minister for the Environment, Land and Planning. Mr Humphries, I would like to follow up on your response earlier to the report by the Conservation Council, the National Toxic Network and Greenpeace that, in February 1996, 2,300 kilograms of the fungicide Delan was incinerated at the Mitchell incinerator and that 3,000 kilograms of pesticide containers were incinerated there in late 1995. Of course, you would be aware, and you did mention, that the critical thing is the temperature of 1,100 degrees to minimise the amount of cyanide in the emissions. What records do you have to show that the Mitchell incinerator always burns at the necessary temperature, the very high temperature of 1,100 degrees, that will destroy all the toxic substances that could potentially be released from the waste burnt there? What emission standards does the Mitchell incinerator have to comply with under the Air Pollution Act? What emission testing regime is applied at Mitchell in terms of the chemicals that are tested, and how regularly are tests undertaken?

MR HUMPHRIES: Mr Speaker, I am glad to see that Ms Horodny is following up where the Conservation Council left off, but I should make a point about the question she has asked. Issues like this incinerator not reaching the required temperature, or whatever other excuses might be found to justify claims made about cyanide raining down on the citizens of Gungahlin or North Canberra, are not issues that have been raised so far. Ms Horodny talks about a report. I am not aware of any report. All I have seen is a one-page press release with a one-page attachment. If there is a report, it has not been supplied to me, the Minister for the Environment, by the Conservation Council.

There is a very important point to make about this. We in this place are always being dumped on, including by the ACT Greens, for not consulting. Here is a report supposedly pointing out huge danger to the citizens of Canberra through environmental pollution, and what do the Conservation Council and their colleagues do about that information? They do not come to the environment protection authorities, to the Minister for the Environment, to the Planning and Environment Committee of the Assembly or to any other body. They issue a release without discussing the issue, without talking it through, without raising it and saying, "What are you doing about these sorts of issues?". That is irresponsible.

Ms Horodny: Mr Speaker, I raise a point of order. My question related to what records you have to prove that the incinerator burns at the correct temperature. The onus is on you to prove that.

MR HUMPHRIES: I will answer that question. Let me say, though, that the onus is on anybody who issues a press release about environmental danger to get their facts right. The Conservation Council and their colleagues have not got their facts right on this matter.

Ms Horodny: Why do you not prove that they are not right?

MR HUMPHRIES: You say that they are not wrong. Let the Conservation Council explain why they issued an attachment that referred to the harmful effects of the burning of Delan and the production of cyanide by burning Delan, when this information related to incinerators which customarily operate at much lower temperatures than the one we have at Mitchell. How do they explain that? They have made an error and they should have come clean on that at the outset, not tried to find some way of justifying what was a mistake on their part. Ms Horodny asks me how I know the incinerator burns constantly at the necessary temperature. Obviously, in the very short time that the Conservation Council and the other organisations have given me to respond to this issue, I cannot supply that information. I will take that on notice.

The emission standards which the Totalcare facility at Mitchell has to comply with are the same as those for all other emission producing bodies and individuals in the ACT. They are contained within existing environmental standards. There are no lower standards applied to the Mitchell incinerator. Of course, under the Environment Protection Act which is now being developed by the Government, there will be a necessity for Totalcare to obtain an authorisation to be able to conduct that activity in the future, and they will have to satisfy certain emission standards in that process. That may be part of a national process of setting emission standards.

Ms Horodny asked about the testing regime. As I indicated before Ms Horodny came down here this afternoon, the incinerator is tested for dioxins on a random basis. Dioxin production was tested for at the beginning of this year and was tested for at random points throughout 1996. I cannot tell her the exact dates. If she is interested in the exact dates, I will take that on notice and find out. Mr Speaker, I reaffirm that these are the sorts of questions that should have been asked by the Conservation Council before this irresponsible press release went out, not now and not here in the Assembly after the release has already done its damage.

MS HORODNY: I ask a supplementary question.

Mr Humphries: Another supplementary question?

MS HORODNY: No. The other one was not a supplementary question. I was asking you to answer the question. What checks are undertaken of the interstate waste when it arrives at Mitchell, to ensure that it does not contain hazardous substances that should not be burnt in an incinerator like the one at Mitchell?

MR HUMPHRIES: Again, this question is based on false information. The suggestion that you have made is that there is no adequate testing of material which is received by the incinerator at Mitchell before it is burnt. That is based in turn on what the Conservation Council says about the manifest system. They say that the ACT has no hazardous waste manifest system. That just is not true. We do have a system. The same waste manifest system that operates in New South Wales applies in the ACT.

Material arriving from interstate has to comply with that system. How we check whether what arrives under a manifest is what is actually in the material that is received - in other words, if it is described as Delan in the manifest, that it is actually Delan - I do not know. I can take that on notice and find out for Ms Horodny. If she wanted an answer to that question, she should have put in on notice. The system we have applied here in that respect is no less rigorous than that anywhere in Australia. Indeed, I maintain that our standards are probably higher than those in most places in Australia. Again, before those sorts of issues were raised, before the suggestion of harm to the broader community from these so-called problems was raised, they should have been properly checked with authorities who would be responsible enough to spot basic errors

Emergency Assistance Funding

MR OSBORNE: My question is to the Minister for Family Services, Mr Stefaniak. He was given short notice of this question. Minister, does the family services budget include funds that can be allocated over the counter to meet the urgent short-term needs of a family for items that would immediately keep a family together in a crisis, such as food vouchers and emergency transport or child care? If so, Mr Stefaniak, how much is set aside for this purpose, how does the system of allocation operate and how much is left for the second half of this financial year? While you are answering that question, Minister, I am quite prepared for you to include a short speech on the achievements of your former colleague Mr De Domenico, which other members of your party seem to have forgotten to do.

MR SPEAKER: The last part of the question is out of order.

MR STEFANIAK: The answer to the first part of the question is a simple yes, Mr Osborne. I am advised that there is a total of \$25,000 funding for emergency services, of which to date this year \$8,814 has been spent. The entitlements are cash to a maximum of \$20 and food vouchers to a maximum of \$30. Emergency contingencies are assessed on a case-by-case basis. How do you get it? To access these government funds, people need first to access non-government agencies. Those agencies are St Vincent de Paul, the Salvation Army and the Smith Family - well-known agencies that do an excellent job in assisting the needy in our community. These organisations are funded by the Government under the community services grants program. Only last week I agreed to increase the funding for those three organisations by \$4,000. That was on top of their base funding. These funds are used for people in dire straits needing emergency assistance. I think that gives you a fairly comprehensive answer to your question - except for the question about Mr De Domenico, but there will be speeches about that soon.

MR OSBORNE: I ask a supplementary question. Minister, from your answer it seems there is about \$16,000 unspent this financial year. If that is the case, are you aware that families are often being turned away from being able to claim these types of emergency payments? I have also been informed by some families that staff are actually having to pay for some emergency services because there are not funds that they are able to access. Are you aware of that?

MR STEFANIAK: I am not aware of that, Mr Osborne. I am certainly happy to make some inquiries about that. Those are the figures I have been given. I am not aware of the circumstances. There might, in fact, be other reasons you are not aware of as to why that occurs, but if there are any glitches in the system I would certainly be happy to find out about them.

Mr Osborne: What about Mr De Domenico? Just say one good line about him, please.

MR STEFANIAK: I have been ruled out of order, but I am sure we will get a chance to talk about him soon.

Holidays Legislation - Legal Opinions

MR MOORE: Mr Speaker, my question is to the Chief Minister, and it is not about her last opportunity to bid farewell to the previous Deputy Chief Minister. It is about the cost of the two legal opinions obtained this morning at the instruction of Mr Walker, the chief executive of your department - also known as the vice-president - regarding the Holidays (Amendment) Bill which went through the Assembly this morning. Would you tell us the cost of those legal opinions?

MRS CARNELL: I do not think we have actually received the bills yet, Mr Moore. We got the opinions at only 10 past 6 last night. Some legal firms are very efficient billers, but that would be an extremely efficient biller. There were two legal opinions. One was from the Government Solicitor and one was from the private sector. Mr Moore, I think it is important to know that we get legal opinions on almost all of the Bills if there is any chance that they may be at odds with other laws that exist. It would be normal for the ACT Government to get legal opinions on all sorts of things that are likely to place us in a position of ending up in the Supreme Court.

The reality was that our internal solicitor, whom we obviously asked for an opinion on the legality of the Bill, suggested that there was potential for very real problems, at which stage we thought, "Oh, dear! We are likely to end up in the Supreme Court here. We had better get a legal opinion from an expert in this particular area". We did. One of the partners of the firm that we chose is Stephen Loosley - a well-known Liberal! Mr Speaker, I believe very strongly that, if the ACT Government had not got legal opinions on something that our internal opinion said was likely to be a problem, we would simply not have been doing our job.

MR MOORE: I ask a supplementary question, Mr Speaker. If you believe that it is so critical to have legal opinions on such things and to get them from private firms so that you can be doing your job, Chief Minister, I presume you will then be making funds available to crossbench members and the Opposition so that every time you put up legislation they - and that includes me - can give instructions the way they want to give instructions about the sort of legal opinion that they want as well. That would be a reasonable way to ensure that we had appropriate legislation, would it not?

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MRS CARNELL: Mr Speaker, I think it is a hypothetical question, but I think if there is any - - -

Mr Moore: No, it is not hypothetical. I am asking: Will you give us the funds?

MR SPEAKER: It is a very good thing, Chief Minister, that this is not asking for a legal opinion.

MRS CARNELL: I am sure that it is not, Mr Speaker. If you have any indications whatsoever, say, from the Government Solicitor, that there is likely to be a legal problem with a piece of legislation, then all you have to do is come to me and ask. If there is no legal view or if there is no indication that there is likely to be a legal problem, c'est la vie; but in this case we had internal advice that we were likely to end up in the Supreme Court. Is it then appropriate for the Government not to seek external advice?

I think one of the things that showed that that is important is that my advice is that, when we were briefing one of the crossbenchers this morning, when presented with the Government Solicitor's advice the comment was, "How could we possibly believe the Government Solicitor?". We said, "We thought we needed another advice, too", and handed over the private advice. That indicates exactly the reason why, if there are indications internally that there is a problem, it is very important to make sure you have the right advice so that the Assembly can make decisions based upon all of the information.

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

RATES AND LAND TAX LEGISLATION

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, it has been pointed out to me that, in one of the debates we had the day before yesterday, I made the comment, "Therefore, it was impossible for us to go ahead with a 1997 valuation until last week". I should have said that it was inadvisable, rather than impossible. I assume that nothing is impossible.

AUDITOR-GENERAL - REPORT NO. 2 OF 1997 **Road and Streetlight Maintenance**

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 2 of 1997 - Roads and Streetlight Maintenance, pursuant to section 17 of the Auditor-General Act 1996.

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

That the Assembly authorises the publication of the Auditor-General's Report No. 2 of 1997.

ASSET MANAGEMENT STRATEGY Paper

MRS CARNELL (Chief Minister and Treasurer) (3.27): Mr Speaker, for the information of members, I present the Asset Management Strategy and Framework and Guidelines for Asset Management. I move:

That the Assembly takes note of the paper.

I am pleased to present to the Assembly the Government's draft asset management strategy. Members will recall the recommendation of the Select Committee on Estimates in 1996-97 that a draft statement on asset management be presented to the Assembly. It was expected that the Standing Committee on Public Accounts would review the statement in time for its report to be taken up in the context of the next budget. In accordance with that recommendation, the Government now tables a draft of this strategy for the purposes of wider consultation. The Government welcomes the opportunity to discuss the draft with the Public Accounts Committee and members of the Assembly.

The strategy builds on the financial management reforms introduced by the Financial Management Act 1996. The key features of these reforms for better use of assets are: Enhanced disclosure and transparency; greater accountability for asset management, particularly to give the Assembly a clearer picture of how effectively our assets are being used; and improvements in the quality of decision-making, that is, to adopt processes which make sure our limited assets are put to the best possible use for the community. The draft strategy is structured into five major sections: An overview setting out objectives and principles; key strategic issues at whole-of-government levels; strategic issues relating to service delivery areas such as health and education; issues relevant to specific asset types such as roads and other infrastructure; and a revised management framework and guidelines for managing major property and infrastructure assets.

In preparing the draft, we had a close look at policies and practices in the States. In addition, the recent report on asset management by the Australian National Audit Office has been taken into account. The strategy builds on this work as far as it is relevant to the ACT. It is being presented as a draft for the purposes of consultation and feedback prior to final endorsement by the Government. Public assets belong to the community, so we want to know what the community thinks.

It is intended that some aspects of the strategy be implemented from 1997-98. These include incorporating asset management plans in ownership agreements between chief executives and the Treasurer, which will raise the profile of asset management as an important management responsibility; establishing a base for future management information requirements; improving the efficiency of office accommodation use; and improving measures of how effectively assets are used, and the condition of those assets. The strategy is intended to establish government-wide principles for asset management.

Put simply, the draft is based on some basic principles. These principles are the foundation of our strategy: The Government should use what it has first; we should invest only in what is needed; we should insist that quality, availability, equity and sustainability of service delivery should determine asset decisions; we should adopt businesslike practices for asset management, and this should apply equally to environmental, social and financial issues; we should recognise that reinvestment, refurbishment and upgrading are as important as expansion; we should maximise the use of assets among our agencies to ensure that nothing is wasted; we should make timely and planned decisions on reuse and disposal; and we should have systems and reporting that clearly measure and support good and professional asset management. Mr Speaker, this strategy for asset management reflects the Government's commitment to accountability, consultation and wise use of the Territory's resources.

I would like to thank very much those public servants who were involved in putting this draft together. I think all of you, when you look at this, would agree with me that it is a very good document and that it shows that we have some people with very real talent. The team was headed up by Neil Morgan, and I would like to thank the team for a job that I believe is very well done. We are presenting it as a draft to ensure that members of the Assembly and others have an opportunity for input into this approach. I commend it to the Assembly.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Reference - Asset Management Strategy

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

That the draft asset management strategy and framework and guidelines for asset management be referred to the Standing Committee on Public Accounts for inquiry and report.

DEPARTMENT OF HEALTH AND COMMUNITY CARE -
ACTIVITY REPORT
Paper

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, for the information of members, I present the Department of Health and Community Care activity report for the September and December quarters 1996.

Mr Berry: The unnecessary reports.

MRS CARNELL: No.

MR SPEAKER: I thought you would probably interject, Mr Berry.

MRS CARNELL: Mr Speaker, I think it is very important, before Mr Berry makes any silly comments, that I point out that it is not the activity reports he is talking about. It is our new approach to activity reports for those two quarters.

PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of contracts made with Glen Gaskill; Janet Mould, a temporary chief executive contract; Alex Nicolson, termination; John Turner, transfer; and Linda Webb, both temporary executive contract and executive contract. I seek leave of the assembly to incorporate my statement in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Report on Retail Policy Measures to Maintain Diversity in the ACT Retail Market - Government Response

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.34): Mr Speaker, for the information of members, I present the Government's response to Report No. 20 of the Standing Committee on Planning and Environment entitled "Further Retail Policy Measures to Maintain Diversity in the ACT Retail Market", which was presented to the Assembly on 21 November 1996. I move:

That the Assembly takes note of the paper.

I note that the committee's inquiry came about as a result of a motion by the Greens during debate in the Assembly last June about the Government's amendments to retail trading hours. Members may be aware that the Government launched its retail policy, *Striking a Balance*, last May. The policy incorporates a range of measures aimed to support growth, investment and adaptation in the industry to match community needs and provide jobs, including amendments to trading hours legislation, an evaluation check sheet for major retail development applications, remission of betterment at local centres, the helpShop program, local centre ideas competition and New Horizons.

While the committee supported many of the initiatives contained within the Government's retail policy, *Striking a Balance*, such as the ideas competition and the helpShop program and New Horizons, there are a number of elements in the policy where the committee sought information to be tabled. In particular, it asked for details of the information the Government would forward to the National Competition Council in relation to comments

made about the monitoring of the amendments to the retail trading hours legislation, and it asked for the outcomes of the investigation of the feasibility of the entries to the local centre ideas competition. The Government is happy to provide this information when available, in conjunction with information on the progress of all the measures of the retail policy.

The committee also suggested encouraging the redevelopment of local centres by direct grants rather than by the 50 per cent remission of betterment. While remission of betterment is a very effective form of incentive, the Government acknowledges this suggestion and is giving it consideration. In addition, the variation to the Territory Plan for local centres currently being considered by the Planning and Environment Committee proposes additional uses for local centres to increase the opportunities for lessees of local centres to vary their leases for other uses.

In addition to the research being undertaken on the impacts of the trading hours amendments in accordance with commitments to the National Competition Council, the Hyndes report was quite specific in its findings and recommendations, which included restricting trading hours of supermarkets in the larger centres. The Government's objectives in enacting the amendments to the trading hours legislation were to meet a set of problems which were clearly demonstrable in relation to the economic viability of a number of neighbourhood shopping centres. The legislation was only one component of the Government's retail strategy for addressing those problems. We have always indicated that the legislation will be subject to an ongoing assessment by the Government and, as I indicated earlier, I will make available information on that assessment to the Assembly soon.

I note that Ms Horodny, the Greens representative on the committee, dissented from the report. She stated that she did not believe that the committee adequately addressed the terms of reference of the inquiry. I must express some sympathy for the comments Ms Horodny made in those dissenting remarks. A very large number of issues were referred to in the original terms of reference but very few of them were covered in great detail in the committee's final report.

Later this year I propose to report back to the Assembly on the progress of the implementation of all the elements of *Striking a Balance*. I want to thank the Planning and Environment Committee for the work done to date and the contribution of all members to what has been the very complex and difficult task of managing the current retail environment in Canberra to produce better results for customers and retailers and the community in general.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations.

The schedule read as follows:

Bookmakers Act - Bookmakers Regulations (Amendment) - No. 1 of 1997 (S39, dated 10 February 1997).

Building Act - Determination of fees - No. 41 of 1997 (S48, dated 25 February 1997).

Buildings (Design and Siting) Act - Determination of fees - No. 43 of 1997 (S48, dated 25 February 1997).

Electricity Act - Determination of fees - No. 45 of 1997 (S48, dated 25 February 1997).

Energy and Water Act - Determination of fees - No. 44 of 1997 (S48, dated 25 February 1997).

Land (Planning and Environment Act) - Determination of fees - No. 42 of 1997 (S48, dated 25 February 1997).

Roads and Public Places Act - Roads and Public Places Regulations - No. 2 of 1997 (S38, dated 10 February 1997).

PAPER

MR KAINE (Minister for Urban Services): Mr Speaker, for the information of members and pursuant to subsection 9(2) of the Territory Owned Corporations Act 1990, I present the statement of transfer of non-voting shares in ACTTAB Ltd and ACTEW Corporation Ltd from Mr Mark Baker to Ms Annabelle Pegrum.

MENTAL HEALTH SERVICES

Ministerial Statement

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I ask for leave of the Assembly to make a ministerial statement on mental health services in the ACT.

Leave granted.

MRS CARNELL: Mr Speaker, members will recall that in November last year I released the Government's mental health strategy entitled *Moving Ahead*. At the time, I gave a commitment that I would keep the Assembly up to date on developments in this area and provide regular progress reports. In the short time since I released the *Moving Ahead* strategy, I am pleased to report, we have already made significant improvements to mental health services in the ACT. Our Mental Health Service is currently undergoing significant change to ensure that it better meets the needs of our clients, carers and staff. We are also keen to ensure that the non-government sector and mental health professionals are closely involved in the reform process.

Much of the improvements that are now in place can be put down to the hard work and efforts of the new Executive Director of ACT Mental Health Services, Mr Richard Clarke. Mr Clarke started with us only in November and has brought with him a wealth of experience from working in both the New South Wales and Victorian mental health systems. Under his guidance, senior mental health staff are currently developing a draft strategic plan to assist in further reform of the service. This plan will pave the way for restructuring of the Mental Health Service and will include a new management structure. I expect that the required structural change will be in place by mid-1997.

As part of these reforms, the Government is committed to changing the focus of mental health services from hospital-based treatments to community-based services, where appropriate. To assist our Mental Health Service in developing better treatment outcomes, we have used the successful experiences of mental health services in other jurisdictions. Experiences from interstate demonstrate the benefits of shifting the emphasis of treatment from hospital settings to community-based settings. As part of this initiative, we aim to increase community-based accommodation options. Members will recall that an additional \$150,000 was included in the budget for this very purpose. We have received nine responses to the call for expressions of interest from community-based organisations. Six agencies have been shortlisted and recommendations are now being finalised.

The Government is also aware of the pressures that mental illness can have on carers. To this end, we are assisting by providing increased access to respite care. I can advise members that, in relation to the Warren I'Anson Memorial House, the Mental Health Foundation has now recruited one part-time staff member and has advertised for a second. This follows a decision by the Government to grant \$50,000 in recurrent funding for the operation of this respite facility.

We are also moving to improve the management of services for people with complex needs. A new policy and procedures have now been developed which will enable the management assessment panel to ensure that these people receive the best level of coordinated service provision. The chairperson of the panel has been appointed and the executive officer, who will promote and facilitate the operations of the panel, has commenced work. Plans for the construction of the private psychiatric facility at Calvary Hospital are progressing well and will go a long way to better meet the needs of the community.

Members will also recall that late last year I extended the operation of the Mental Health (Treatment and Care) Act 1994. This was to allow for a detailed review of the first two years of the Act's operation. The review will involve a comprehensive round of consultations. It will also consider the implications of the Australian Health Ministers mental health statement of rights and responsibilities and the United Nations resolution on the protection of persons with a mental illness and the improvement of mental health care. A public discussion paper, developed by an interdepartmental committee, will be released shortly to provide the basis for that community consultation. If considered appropriate, legislation based on the review of the current Act would be introduced before the end of 1997.

The Government has also made it clear that it is particularly concerned about mental health services for children and adolescents. The tragedy of youth suicide and depression places increased stresses on families and robs the community of their potential. I am pleased to announce that revised intake procedures, which have greatly improved the initial assessment of clients, have reduced waiting times for child and adolescent mental health services from eight weeks to two weeks. That is a 75 per cent drop, but there is still a waiting time, and we are continuing to search for ways to reduce this even further. In addition, a joint project with the ACT Department of Education and Training has recently been completed. It has produced agreed protocols between both services which have been successfully trialled in the Woden-Weston Creek area.

In order to ensure that mental health issues are properly coordinated across government, members will recall that an interdepartmental committee on mental health was established. The committee met for the first time in November and is due to meet again on 6 March. It is worth noting, too, that there has long been a demonstrated need for better communications and closer links between ACT Housing and the Mental Health Service. I can advise that liaison contact officers have been nominated within both organisations. These officers will be responsible for proactive liaison with ACT Housing clients and staff, dealing with problems as they arise. Draft protocols for this service are in place. These will be reviewed for effectiveness at the end of April.

Other examples of how the Government is moving ahead in the provision of mental health services include the development of an updated patient information system which will provide mental health workers with better information and enable better evaluation of crisis team effectiveness; the filling of the position of mental health crisis team leader; the implementation of a single point triage capacity to improve the level and timeliness of the team's responses; a new toll-free number, providing easier access for clients and carers to reach the crisis team; and planning for the national survey of mental health and wellbeing is under way. A memorandum of understanding between the police and the

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ACT Mental Health Service has been signed. It will be reviewed jointly by the police and the Mental Health Service every six months. Interviews have been held for the chair of psychiatry at the Canberra Clinical School and the appointment is expected to be announced shortly. A review of forensic psychiatry services has commenced, and two nursing liaison positions have been created and filled at the Canberra Hospital. These nurses provide assessment and triage services in the emergency area of the hospital, streamlining access to services. A psychiatric nursing position has been established at the Belconnen Remand Centre.

Finally, as a means of keeping the Assembly and the community aware of developments in mental health care, the first annual report on all mental health services in the ACT will be produced in September 1997. This will become an annual event. The annual report will provide the impetus to maintain our commitment to the reform of access to, and delivery of, mental health services in the ACT. I hope members will agree that I have outlined some overdue changes in the area of mental health. I am pleased to be able to assure the community that mental health continues to be a high priority for this Government. I present the following paper:

Mental Health Services in the Australian Capital Territory - ministerial statement,
27 February 1997.

I move:

That the Assembly takes note of the paper.

MR BERRY (3.48): Mr Speaker, it is a \$150,000 priority, it seems. Mr Speaker, mental health services in the ACT have been the subject of much interest because of the Government's mishandling of the whole affair. For example, since Mrs Carnell came to office, there has been plenty of opportunity for her to fill permanently the position of Director of Mental Health Services. We recall vividly that the Acting Director of Mental Health Services was made a scapegoat because of some sort of a disagreement between him and the Carnell Government. But that is something that we have become used to, in terms of the Government's management of its employees.

Mr Speaker, we have for a long time heard about the imminent appointment of the professor of psychiatry. Strong rumours prevail that the position could be downgraded to associate professor. I would like Mrs Carnell to deny that in her response to the debate on this issue, because it is a serious and strong rumour that the University of Sydney will downgrade the position from professor to associate professor, against the background of the inability of the Government to provide the proper basis for a professorial chair. So, Mrs Carnell, I call on you to deny that that will occur.

Mr Speaker, I saw a press release in the last little while about a world-renowned psychiatrist coming to guide the ACT's community mental health program. I thought to myself, "If you were going to have a world-renowned psychiatrist coming to help guide the ACT's community mental health program, you would really want the captain of the ship to be around to see what he wanted to do". But still we have this ship without a rudder.

Mrs Carnell: We do have a Director of Mental Health Services. It is Richard Clarke.

MR BERRY: There is no appointment to the professorial chair yet, and no Director of Mental Health Services. Mrs Carnell interjects that we do have a Director of Mental Health Services. Mrs Carnell is wrong. She should read the legislation. The legislation requires that it be a psychiatrist. The person whom she described is not the Director of Mental Health Services. So, it is quite wrong for her to say that the - - -

Mrs Carnell: We have them filling the position on a monthly rotation. Do you think the position is not filled?

MR BERRY: Mr Speaker, Mrs Carnell says that we have been filling it on a rotational basis. Where are the appointment documents of the Acting Directors of Mental Health Services? The provision within the legislation is for either a director or an acting director. It is the requirement of the legislation. It is another symbol of your arrogance, Mrs Carnell, that you do not appoint people, as required by the legislation.

Mrs Carnell: They have been appointed. You are just wrong.

MR BERRY: Produce the appointment documents. Produce the instruments of appointment for the Acting Director of Mental Health Services. Produce them in this place. Mr Speaker, there is very clearly a gap in the top management of the Mental Health Service in the ACT. How can you set in place all of the changes which Mrs Carnell talks about today, without the person who is going to steer the ship in future in place?

Mrs Carnell: Because the director does not run Mental Health Services; the executive director does.

MR BERRY: Mr Speaker, the professor of psychiatry, or associate professor - whichever it will be in the end - you would think would have an interest in what was going to go on here. It troubles me that Mrs Carnell is making what she calls advances in the area of mental health. Mrs Carnell tries to blame the Sydney University for the failure to fill the position; but the fact of the matter is that, if she were able to find somebody to fill the position of Director of Mental Health Services, she could appoint them now, or she could appoint an acting director.

Another thing that Mrs Carnell might address in her response to this debate is the future of Hennessy House and Watson Hostel. I would like Mrs Carnell to deny strong rumours that both Hennessy House and Watson Hostel are going to close.

Mrs Carnell: I have, lots of times.

MR BERRY: It would be nice for you to deny it formally here today. It would be good to have it on the record again.

I heard Mrs Carnell sing the praises of the private psychiatric hospital. Who amongst the acute clients that use our mental health services now will benefit from that? Mr Speaker, there is still a shortage of acute beds in our mental health services; there is no question about that. I did not hear a word about that in Mrs Carnell's speech. I expect that the same situation will continue to prevail, and that is a very disappointing approach from this Health Minister.

Mrs Carnell said that community-based services were in need of attention. I agree with that, and I will welcome any advances that she makes in that area. But it is still very troubling to see a mental health service that does not have a full-time director of mental health services or the professor of psychiatry in place while the ship is off and running. Mrs Carnell says that the person who runs the Mental Health Service these days is the Executive Director of Mental Health Services. This is completely at odds with the intent of the legislation. Those people who have read and understand the legislation would understand that all of the power and protection provided by the legislation is vested in the director, not in any executive director without appropriate qualifications. Mr Speaker, Mrs Carnell's clash with psychiatrists in the ACT has caused a great hiatus and great tension in the development of our mental health services. The most disappointing part of Mrs Carnell's speech was her failure to address the issue of acute beds - a well-known shortage in the ACT and something which has to be addressed one way or the other.

I return to my comment that I welcome any improvements in the community-based services. It is very clear to me that there are still some large gaps in the way the mental health services are being managed. I repeat my call to Mrs Carnell to deny the closure, or partial closure, of Hennessy House and Watson Hostel. I would also call on Mrs Carnell to deny the strong rumours that the professorial position for the chair of psychiatry could be downgraded to associate professor.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (3.57), in reply: All you can say, Mr Speaker, is that around here there are some people who can never take good news or who can never accept that there are a lot of people out there in the mental health area trying jolly hard to produce the best possible service. The statement that I made today was about the successes of a lot of people out there who have worked very hard over the last few months. We do have an Executive Director of Mental Health Services, who actually runs our Mental Health Service. Mr Berry knows very well that the Director of Mental Health is only a position under the Act that does not necessarily have any administrative function in mental health at all. I will table, for Mr Berry's interest, the instrument of appointments to the position of Director of Mental Health Services, signed in November last year, Mr Speaker. It is a pity that Mr Berry simply cannot, for one moment, accept that there might be things that are actually very good happening out there in mental health.

Mr Speaker, with regard to the professorial position, Mr Berry would also know that the ACT Government has no input whatsoever into the professor that Sydney University will appoint, I am told, very shortly. How Sydney University organises its professors, or its associate professors for that matter, is up to Sydney University. Our clinical school is but an arm of Sydney University. But, as I said in my speech, I am told that an appointment is due to be made very shortly. We have certainly been disappointed that Sydney University has taken so long to make this appointment - - -

Mr Berry: As an associate professor or as a professor?

MRS CARNELL: It is very much up to them. We have no input whatsoever into that, and Mr Berry knows that very well. Personally, I do not really mind whether it is a professor or an associate professor, as long as we get the right person, Mr Speaker. If the right person is appointed, then I will be happy, and I am sure that everybody in this place will be happy as well.

Mr Speaker, we have heard Mr Berry speak a lot about the disagreement which occurred between me and the then Acting Director of Mental Health Services. It is interesting, Mr Speaker, that it was not between me and the then Acting Director of Mental Health Services; it was between the then Acting Director of Mental Health Services and the legislation that was passed in this place. Mr Berry knows this full well. I have been reluctant to talk about it in this place, but Mr Berry has forced the issue. The director has made it very clear in the media and everywhere else that he does not believe that our mental health legislation is appropriate. He does not believe that people with mental illness who are not diagnosable and treatable should be in our mental health services at all. He has every right to that opinion.

It means that that vast group of people in the middle with personality disorders - all of those sorts of people who cannot be diagnosed as having schizophrenia, bipolar disorder or whatever, who fall in that middle area - the particular person involved believes, should be handled in our criminal justice system. Personally, I will never agree with that. I believe that those people should be treated in our community-based mental health areas, and I am disappointed that Mr Berry does not see it that way. In the end, I think, the Director of Mental Health Services resigned; but there is no doubt that there was a disagreement.

I do not want our Mental Health Service to be run by somebody who believes that people with personality disorders should be treated in our criminal justice system. It is simply not acceptable, in my view. By the way, it is not just in my view; it was in the view of, I thought, everyone in this house. When we passed the mental health legislation, we all indicated that we believed that people who have mental health problems, whether or not they be diagnosable or treatable, should not be treated in our criminal justice system, if humanly possible. I stand by that every inch of the way. If Mr Berry believes that that is wrong, he should stand up and say so, rather than running innuendos on this sort of thing.

Mr Berry: Relevance, relevance! We are not talking about the legislation.

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MRS CARNELL: That is actually the reality. The person involved has made it quite clear, in newspaper reports and everywhere else, that his problem is not with me personally, but is with our approach - the approach we have all taken - to mental health in the ACT. I stand by that, and I thought that everybody around here did. Mr Berry, I think it is very unfortunate that you believe that people with personality disorders should not be handled in our mental health system.

Mr Berry: I have never said that.

MRS CARNELL: You have said that, because you have indicated time and time again that the disagreement we had was not appropriate, that we should not have had the disagreement. You have to stand up and take responsibility for the things you say, and say consistently.

Mr Berry: Do not try to re-create history.

MRS CARNELL: It has nothing to do with history. I can show you all of the letters, Mr Berry. I do not think that somebody who does not believe that people with personality disorders that are not treatable or diagnosable by a psychiatrist should be - - -

Mr Berry: Who said that?

MRS CARNELL: The person you are talking about - Dr Rosenman.

Mr Berry: Did I say that?

MRS CARNELL: You indicated that - - -

Mr Berry: Did I say that?

MRS CARNELL: I am sorry, Mr Berry; Dr Rosenman is very clear. He has made it clear in every circumstance.

Mr Berry: Did I say that? No, I did not say that.

MRS CARNELL: Well, on that basis, you support the decision that I took. You support it absolutely. You support the decision I took not to accept a situation where we were going to have that sort of - - -

Mr Berry: You said that you did not take any decision.

MRS CARNELL: You see, he cannot help it, Mr Speaker. That is really the bottom line here. He does not know what he is talking about and he cannot accept that, at least in areas such as mental health, we should attempt to be working together in this place. I have made it clear that I will continue to report back to the Assembly on the progress we are making in mental health. We have made available all of the documents - our approach to and our strategic plan for mental health. I will report regularly to this place, even if Mr Berry wants to use the opportunity for report-backs on our *Moving Ahead* approach as a political football, Mr Speaker.

The private psychiatry beds were not recommended by me or by my Government, but by the Fjeldsoe report into mental health services. It suggested that an area in which we were failing was that we did not have any private psychiatry beds and that that was putting too much pressure on our public facilities. That report itself indicated that it was not that we did not have enough private acute psychiatry beds in Canberra but that we did not have an appropriate balance, Mr Speaker. If Mr Berry had bothered for two seconds to read that report - and, for that matter, others - he would have known that. He would also have known that we have exactly the same number of public/private psychiatry beds now as we had when he was Health Minister. There has been no downgrading whatsoever, Mr Berry.

Mr Speaker, I believe that Mr Clarke particularly and all of those people in Mental Health Services who have restructured our mental health crisis service, who are restructuring our management, who are really getting on with the job, are doing a bloody good job. It is a great pity that everyone in this Assembly cannot get together and say thank you.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, I seek leave to make a short statement in relation to the claim made by Mrs Carnell with regard to the Executive Director of Mental Health Services.

MR SPEAKER: Is this a personal explanation under standing order 46?

MR BERRY: Yes, Mr Speaker.

MR SPEAKER: Proceed.

MR BERRY: Mr Speaker, Mrs Carnell said that the Executive Director of Mental Health Services ran the Mental Health Service. I refer to the Mental Health (Treatment and Care) Act, Mr Speaker, which states:

Functions

113. The Director has the following functions:

- (a) to provide treatment, care, rehabilitation and protection for persons who have a psychiatric illness;
- (b) to rationalise and co-ordinate mental health services and to promote the establishment of community-based mental health services for the purpose of enabling, whenever possible, the treatment of persons who have a psychiatric illness otherwise than in an institution;

- (c) to promote research into psychiatric illness;
- (d) to assist in the training and education of persons who have a psychiatric illness;
- (e) to consult with voluntary agencies and self-help, ethnic and other appropriate groups to ensure the provision of appropriate mental health services;
- (f) to make reports and recommendations to the Minister with respect to matters affecting the provision of treatment, care, control, accommodation, maintenance and protection for persons who have a psychiatric illness;
- (g) to promote informed public opinion on matters of mental health by publishing reports and information concerning mental health and to promote public understanding of and involvement in measures for the prevention and treatment of psychiatric illness and the treatment, care, control, rehabilitation and protection of persons who have a psychiatric illness.

Clearly, Mr Speaker, the legislation requires that the Director of Mental Health Services have those powers. He runs the Mental Health Service. He has not been appointed.

Mrs Carnell: He has. I just tabled it.

MR BERRY: Mrs Carnell claims that the executive director she has appointed - an administrative position - has those powers. He clearly does not, and she is ignoring the legislation.

ACTION BUS SERVICES Ministerial Statement

MR Kaine (Minister for Urban Services): Mr Speaker, I seek leave of the Assembly to make a short statement in connection with an inquiry into ACTION bus services and to table the terms of reference for that inquiry.

Leave granted.

MR Kaine: Mr Speaker, following my announcement of 18 February about an independent review of ACTION services, I am pleased to now give the Assembly full details of the review and its terms of reference. The aim of the review is to assess whether ACTION services are responding to community needs, and in making this assessment the Government wants to address a number of issues.

They are:

The adequacy of the processes and systems used by ACTION to develop its routes and timetables; the methods used by ACTION to determine the most cost-effective routes and services; how ACTION uses its resources in meeting passenger demand; how ACTION promotes its services to the community; ACTION service reliability; how ACTION service standards compare with bus passenger services in other State capitals; the relationship between bus patronage and the downturn in the ACT economy; fare prices; demographic change and recent changes to timetables; and, finally, to elicit suggested measures to improve ACTION services and identify the changes required in ACTION operations to bring them about.

As I said in my statement of 18 February, the review of ACTION is required for a number of reasons. We know that patronage is down and that ACTION's revenue stream has been adversely affected as a result. We know that some ACTION users are unhappy with new timetables and scheduling. We are also very conscious of the cost of providing ACTION services and the efforts ACTION has made over a number of years to reduce those costs. Importantly, we also know that ACTION is highly valued in the community, and we want to retain and enhance that value. That is why the Government has initiated this review. We want to discover how well ACTION compares with other urban transport providers and how its services can be improved.

Mr Speaker, the Government has been fortunate to engage Roger Graham and Associates to undertake this review. Mr Graham is recognised as a specialist and a leader in developing passenger transport strategies for specific economic and operational requirements. He has a dynamic mix of public and private sector transport expertise gained over 25 years that equips him well to undertake the review. He brings a great deal of expertise and is well placed to review ACTION. Apart from holding senior management positions in a number of companies, Mr Graham has held executive positions with the New South Wales Public Transport Commission and the New South Wales Urban Transit Authority. He was also a member of the board of the State Transit Authority of New South Wales.

Mr Graham has helped the New South Wales Department of Transport formulate new transport laws and has advised the Victorian and Queensland Departments of Transport and the Western Australian commission for the review of public sector finances on formulating reviews of urban passenger transport services. Mr Graham was engaged by the Brisbane City Council to undertake an analysis of the council's bus routes and services to determine whether each of the bus routes and timetables met current customer needs. This work is highly relevant to the proposed review of ACTION services.

Because of the importance that the Government places on this review, Mr Graham has been asked to report by 30 April. The Assembly well knows the Government's commitment to providing the best services possible to its customers across every facet of its administration. This review can therefore be seen as an important plank in the Government's customer commitment program. Awareness of environmental, town planning and community expectations, together with a detailed knowledge of operational procedures, will enable Mr Graham and his firm to review existing public transport arrangements and, where possible, develop new proposals for providing

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services more efficiently under a range of circumstances. In undertaking the review, Mr Graham will be considering the interests of key stakeholders. I am confident, Mr Speaker, that the review will deliver the most efficient customer-responsive solutions for ACTION and for ACTION users. I table the terms of reference for this review of ACTION services.

SOCIAL POLICY - STANDING COMMITTEE
Report on School Without Walls - Government Response -
Ministerial Statement

MR STEFANIAK (Minister for Education and Training) (4.11): Mr Speaker, I seek leave to delay presentation of the Government's response to the inquiry of the Assembly Standing Committee on Social Policy into the implications of the proposed restructure of the School Without Walls for the alternative education needs of students in the ACT. Basically, the reason I am doing that, Mr Speaker, is that I note, in accordance with standing orders, that the Government's response is due on 10 March.

Leave granted.

MR STEFANIAK: As members are aware, there are legal proceedings currently before the courts. Those proceedings are still in progress. Until those matters are determined on the matter of SWOW's relocation, I do not think it would be at all appropriate - it will be impossible, really - for the Government to properly address matters in the report and bring an adequate response to the Assembly. What I am proposing, Mr Speaker, is a delay in presentation of the response and for the response to be brought down within six weeks of the finalisation of the legal proceedings before the courts. I would hope that those proceedings might be finalised within the next couple of months.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report on Fourth Commonwealth Conference on Delegated Legislation

MR HIRD (4.13): Mr Speaker, I ask for leave of the Assembly to present a report on the Fourth Commonwealth Conference on Delegated Legislation and to move a motion in relation to that paper.

Leave granted.

MR HIRD: I present the report of the Standing Committee on Scrutiny of Bills and Subordinate Legislation entitled "Fourth Commonwealth Conference on Delegated Legislation". I move:

That the report be noted.

Mr Speaker, the report I have just presented details the proceedings of a conference I attended, along with the clerk of that committee, Mr Tom Duncan, and our legal adviser, from 10 to 13 February. At the outset, I place on record my thanks to the hosts of the conference, the New Zealand Parliament, and particularly to the Speaker of the House of Representatives, the Hon. Doug Kidd. The conference was well organised and the staff of the New Zealand Parliament are to be congratulated for the high effort that they put into making this conference the success it was. The delegates were made welcome right from the very beginning of the conference. The delegates were given a traditional Maori greeting called a powhiri which involved hakas, dancing and singing. The greeting was very colourful and will be remembered, I am sure, by all the delegates.

The conference had delegates from 11 countries, including Great Britain, South Africa and Sri Lanka, to name just a few. The full list of the delegates is contained in this report. Twelve papers were presented at the conference and they covered topics such as uses and abuses of delegated legislation, regulatory impact statements and civil rights and the role of parliament and the courts. One paper presented by the Australian Senate was entitled "Sir Humphrey Appleby is Alive and Well". At the end of the conference, following an invitation from the New Zealand Speaker, two members of the Hong Kong delegation spoke about the current situation in that colony in its lead-up to July this year, when it goes back under Chinese rule. The conference was very informative and it enabled me to make contacts and discuss with other politicians and staff from other Commonwealth countries issues related to the scrutiny of delegated legislation.

Finally, and on a lighter note, I draw members' attention to Attachment 3 of the report, which the chair of the United Kingdom committee claimed to be one of the longest sentences he has found in a piece of delegated legislation. As members will see, that one sentence goes for 23 lines. The UK chair challenged all other members of the conference to see whether they could find one that was longer. Knowing the fine work done by ACT public servants, I am sure we will not find one. I commend the report to the parliament.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Report on 1997-98 Draft Capital Works Program

MR MOORE (4.16): Mr Speaker, I present Report No. 26 of the Standing Committee on Planning and Environment called "The Government's 1997-98 Draft Capital Works Program", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, I would like to start in a very unusual way - by thanking the secretary of the committee and the members of the committee, including our very new member, Mrs Littlewood, for their work in dealing with these issues so quickly. It is only a matter of 2½ weeks since the committee was first provided with the draft capital works program. Since then we have had two public hearings and the committee has gone through something like four lever arch files full of information to deal with capital works.

Capital works are an important part of the budget, entailing some \$100m of expenditure, and this expenditure is probably one of the best job providers per dollar in Canberra. The committee, in its report, Mr Speaker, has recommended, first of all, that the Government forward this committee's thanks to those responsible for the excellent documentation associated with the Government's 1997-98 draft capital works program. That is our very first recommendation because the committee felt that it is just as important to recognise a very positive response from the Government to our previous suggestions as it is to be critical of the Government. On many occasions, Mr Speaker, committees are looking not so much for what is wrong but for in what areas they can improve what is going on, and the marked improvement in the information compared with last time was a huge help. In fact, it was of so much help that the committee thought that it should be available to more people.

That leads me to our second recommendation, which is that if possible it should be put on the Internet, it should be available in the Austouch booths and it should be available in libraries. The information that is available through the process now is so useful that I am sure that community groups and those interested in capital works would be able to have a much better input into how we can improve capital works expenditure and the whole range of issues associated with capital works. Unfortunately, we had such a tight timeframe this time that there were very few opportunities to get this information out to the public in any detail. The Assembly has made it quite clear to the Chief Minister that we expect to have a midyear budget. That is the commitment and we were prepared to do our bit to ensure that the Government was not held up in terms of that midyear budget.

Mr Speaker, we also made some further comments about consultation, particularly consultation in terms of putting the capital works budget together, and I would hope that that will be taken up. We would hope to see a significant improvement next year when we are working to a standard system. We would expect that there would be a reasonable timeframe next year, rather than the situation we have had this year. The last time we looked at the capital works budget was only about six or seven months ago. This time, because we want a midyear budget, it is much closer.

Mr Speaker, there is another issue that I would like to comment on. I am sure that there will be other comments made by other members. The Master Builders Association, when they were appearing before us, drew attention to the fact that the Assembly had in front of it a capital works program without much reference to roadworks within the ACT that were federally funded. They referred particularly to the Federal Highway and the Barton Highway, where funds had been earmarked by the Federal Government but there had been no attempt by the Department of Urban Services or BASAT to ensure that work was ready to go ahead. They were working hard to get it and were making sure that it was in bite-size chunks so that the local industry could compete.

The reason I mention that is that under the current system the Federal Highway is handled by the New South Wales department, the Roads and Traffic Authority, and they tend to give about \$30m contracts. Very few, if any, of the businesses in the ACT can compete for a \$30m contract. However, when a contract is divided into smaller areas, or what I refer to as bite-size chunks, local industry can compete with industry in other States.

They are not saying, "Give us special consideration". All they are saying, with reference particularly to the Federal and Barton highways, is, "Make it small enough so that we have a chance of competing". They raised a number of other issues as well.

Mr Speaker, a large number of issues were raised with the committee. As I pointed out, we had a very tight timeframe and because of that the committee chose to use a pothole approach this time. We chose a number of things that we believe are important and need to be done, rather than try to cover the complete ambit of the capital works program. That is the character of this particular report. I am sure that other members will add their comments to the recommendations. I would ask the Government to look carefully at those recommendations and accept that a number of them are positive. This report was prepared in the spirit of saying, "We accept that there have been some significant improvements, but there is still some way to go. Take on board the improvements we recommend and let us keep improving this process".

MS McRAE (4.23): This inquiry into capital works was the first time that I have had a chance to see the type of material that comes forward to the Planning and Environment Committee in regard to capital works, having joined the committee after it happened last year. I was pretty impressed with the paperwork that came through. Not having anything to compare it with, I take everybody else's word that it really was extremely good documentation; so may I add my congratulations to everyone who was involved in putting it together.

However, what is not included is often much more important than what is included, and a paper war can very often camouflage some minor details along the way which may become quite important. We do not know, in many instances, what was rejected. We do not know why some things were selected above others and we do not know what the potential projects were. I am putting that forward as a notion, given that there will be a new Assembly before any such paperwork is looked at again. I am throwing it out as something that any prospective government should consider, rather than as a criticism of these papers, because I accept that there is an exceptional level of information readily available.

For instance, to use an example that I followed up during the course of the inquiry, radio station CSPR, which holds the old library in Curtin, is being allocated specific funds for an upgrade. They began their life in that library as a radio station. The government facility was always a library, not a radio station. Now the upgrade is being done because they are a community facility occupying a government building, and the Government, as landlord, does upgrade its buildings; but, of course, the original building was never a recording studio and now it is being upgraded as a recording studio. That is fine in itself, but I use that by way of example to ask: What happened to the other community radio stations that exist in the ACT? Were they ever involved in this sort of idea and how are they protected in terms of having equal access to such grants? It is those questions that should be taken into account when papers are put together again for what will be a new Assembly looking at a new capital works program.

The first and most major point of concern really, though, is not to do with paperwork but with the allocation of money to capital works. We accept that only about 11 per cent of the total budget of the ACT is allocated to capital works. Still, given the need to keep the economy moving, it is very disturbing to see the decline in the allocation of funding to capital works. I would urge a new government to look seriously at this issue and consider whether more money may be directed this way because it will all help to keep more jobs and more projects operational in Canberra.

I think that paying further attention to the allocation of priorities would be an extremely valuable exercise, not only because it may yield a better set of results in terms of what money is spent on. I believe that, when people talk about council-style government and what they would like to see in the ACT, it very much relates to what councils do in other places. Councils in other places do look at this allocation of funding, which is very much for the management of urban amenities.

This is a specific and extra recommendation which I did not try with the committee because of the rush of time, but I would like to use this opportunity to say that out of my deliberations on the committee came these thoughts. I would urge the Government, in addition to what is already being considered as part of a recommendation, to consider what I propose. What was clear was that a lot more thought and attention needs to be given to the allocation of funding for capital works. I would like to see the Government prepare a discussion paper which we could all then use to talk about in the community to see whether that better reaches the types of concerns that we hear all the time from the community sector about their involvement in what are often small but valuable projects in their own communities.

I would like the Government to take on this six-point plan and incorporate it in a discussion paper as a result of this report and perhaps attempt to engage the community a bit better. The first of my six points is whether a municipal capital works budget can be allocated for each electorate. That is a question that we get time and time again. How much does each of our electorates get? How do we compare one to another? Can we have a bit of a look at what the quantum is? Remember that I am talking about a discussion paper.

The second is how the community could be involved in determining those local priorities. We have had many instances already over the years of the different ways that the community is involved. I believe that it would be extremely valuable to pull all this together in a discussion paper and say, "All right; how much money is available? How much potentially is available in our electorate? How could we be involved in this allocation of priorities?".

The third point is how those local priorities and needs could be dealt with in, perhaps, a 10-year plan, a five-year plan or a one-year plan, rather than on what seems to be almost an ad hoc basis where we get the draft capital works budget, we debate it, and then on it goes into the budget. If we are going to be involving the community, is there a better way to do this, and can we have a longer-term plan so that the community does understand that there is a fair process going on and in good time, perhaps, new facilities may come?

We heard, for instance, that Weston Creek would very much like not a municipal pool but a very small pool in their area. For the moment there is absolutely no money that could go that way; but, if there were a five-year plan, perhaps that sort of thing could be foreseen for some time in the future.

Point four of my plan is how the information on the draft capital works could be effectively disseminated. This comes to the guts of a whole lot of issues in terms of community consultation and discussion, and I do not know anybody who has ever found the answer. I think it would be very fair within a discussion paper to at least explore some further options or evaluate what has been done already, so that people could have fair access to this information. We hear repeatedly that it troubles people that they cannot get the information. We have, in a recommendation, suggested the Internet, Austouch and all the obvious outlets, but I do not think it would hurt to have a further and deeper look at this whole question.

Point No. 5 is the nature of public discussion and scrutiny of the draft budget by the P and E Committee and the general public. For the moment we have hit upon a formula where we have a look at it, the public servants debate it openly and publicly by way of public hearing, we then advise the communities involved, and then it is forwarded on to government. It would be very helpful in a draft discussion paper on possible future options to have a look at this, to examine this process and see whether there are other ways where we could better involve the public. For instance, if we end up with the municipal electorate allocation, maybe electorate-based discussion groups would be better than an all-in public inquiry. I think it would be good to evaluate our experience thus far and put it forward in this discussion paper, just to look at how best it could be scrutinised.

Finally, there is the process that could be followed by government in response to the P and E Committee report. For the time being, of course, the Government just responds to it and incorporates it in the budget; but maybe, if we have longer-term commitments, if we have other things that are flagged by the community and so on that come through the type of thing that I am talking about, the Government could perhaps not only tick off the first year but also give an indication of which of the priorities are likely to be looked at in what years in the way that it is now being built into the capital works papers that we do get. With the feasibility studies and the forward design work that is being done, it already lends itself to this, and I think further explication of this would be very useful. I throw that in by way of some lateral thinking that was not, as I say, part of the committee's report but was something that we were very conscious of. Given that this is our last opportunity in this Assembly to have a look at this process, it may be something the Government may consider taking on board on behalf of the Assembly and then perhaps ending up with something useful for the next Assembly.

Some of the concerns raised in the process of inquiry were very instructive, and they were raised by members of the general public. In many cases they echoed anxieties raised by committee members during the course of discussions with the responsible public servants. The thrust of these mutual concerns related to the justification for quite high levels of expenditure on projects such as the never-ending story of the Canberra Hospital refurbishment and redevelopment. It seems that every time we finish spending \$100m another \$100m pops up for expenditure, and people are very concerned about that. Quite large sums similarly are being spent on Calvary and Bruce Stadium.

I believe that we need a better and more detailed public statement of such expenditure. Bruce Stadium is starting to feel like another never-ending story and, as with the hospital one, I have an awful feeling that we may never get it right. Just how much money are we going to spend on this stadium to find out that it is not really an athletics stadium, it is not really going to be an AFL stadium and it is not really going to be a rugby stadium? It will end up as a ping-pong court, judging by the way we are closing it in. We just have this feeling that this is a very big project, and some of the assumptions that we heard about, particularly about attendances and potential revenue from the sponsors, were very heroic.

The Government has not heard any public comment, certainly from Labor, objecting to the Government's policy in seeking Olympic-level soccer matches at the stadium, but the general public has objected strongly, and this is a very large expenditure of money. In regard to these three projects - Bruce Stadium being the most public of them - I believe that a much clearer and more detailed statement of that expenditure and the expected revenue should be forthcoming. I believe it will be forthcoming quite soon, once that tender is let. We felt, after hearing the general public and during our own deliberations about it, that there is still a quite high level of genuine concern that with a 12-year lease we may be investing rather too much of the general public's money in something that may not yield quite the expected level of return.

The message that I also get is that this is a project that is a good one and it may bring much good to the ACT, particularly through the Olympic involvement, but it does not yet carry in any way the involvement of other members of the Assembly. I think it is most unfortunate that in something like this, which is going to go well over the life of this Government, more effort has not been made to include all of us in some way rather than leave us with dregs of information here and there on something that we then have to go out and defend without really too much information at hand.

The comment that I have heard is that there is just too cavalier an approach to public money for things that may or may not yield results. I am urging a higher level of cooperation than we have seen thus far on these projects - - -

Mrs Carnell: Like mental health?

MS McRAE: I am not talking about mental health, Mrs Carnell. You can have as many battles as you like about mental health. I am talking about very large sums of public expenditure in relation to things which are going to happen when you may not be in government and for which you are requiring other people to take responsibility without involving them in any depth. It was this that was raised by the general public, and it is this that I am raising now, specifically in relation to Bruce Stadium because it is such a public project but less specifically about the other two projects. We are fairly confident that the money does have to be spent on the hospitals. There is just this awful feeling of, "Oh, my God; and how much money will it be next year?".

Finally, I would like to pick up another issue raised by the MBA. Really, a lot more needs to be done to ensure that local interests can compete fairly. They are very concerned that not enough is being done in this area. They were specifically talking about tenders that may fall their way from the Barton Highway project. They are very fearful that the RTA will get control and therefore tender in such a way that ACT companies will not be able to be involved.

I do not understand the nuts and bolts of all of that, but I understand the thrust of what they are saying. The thrust of what they are saying is that, if at all possible, the ACT Government should get its hands on that tendering process, not because they think they will more easily win contracts in any way but because the ACT Government is more likely to be more sympathetic to creating smaller chunks of tenders which are then able to be competed for locally. I am sure that that is a message that Mrs Carnell has heard before, but it was the first time I had heard it put quite so clearly. We did question it and talk about it in committee. I thought it was important to reiterate that. I am repeating something that is well known, but I do not mind putting it on record.

To end on a positive note, this is a report that rightly expresses genuine gratitude for the Government's response to previous committee recommendations. The paperwork did take into account pretty well everything that previous committees have said. Every department went out of its way to provide carefully annotated detail. All the public servants that we met during the public inquiry were on top of their brief and able to give us all the information that we needed. To that extent, I hope that this is the beginning of a standard that will not be dropped by any future government. I hope that as a result of some of the recommendations of our own report, and some of my own additional more creative thoughts, we can make a very good job even better in the future.

MS HORODNY (4.39): Mr Speaker, as Mr Moore has said, the presentation of this year's draft capital works program was a great improvement on that of previous years. I have been involved in two previous draft capital works programs and it was certainly a lot easier to find figures and to look through the paperwork and so on. But there still remains another problem which I believe is an enormous problem, and that is to do with the transparency of the selection process.

It is still not clear how all the capital works fit together or why what has been left off the program has been left off. One example would be the cyclepaths. For instance, we see that paths would be going in here and there, or paths would be fixed up here and there, but we do not see a clear strategy that details where these paths will fit into a larger plan of cycleways and when they will be built. Another example is roads, of course, especially relative to bus priority measures. We see that roads are being proposed without a strategic context. Again, there is no transparency in regard to the need for those roads and what work has been done to determine overall transport needs in the community and how best to meet those needs in a socially and environmentally responsible way.

I agree with Ms McRae that a 10-year strategy would be very useful so that committees and, indeed, all members, plus the community, of course, can see properly what has been planned and how this year's program fits into a bigger picture. The Government must explain how the different programs fit into some sort of overall strategy. It is very important when allocating money to understand what the Government's priorities are.

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I look forward to the Government's amended strategic plan which, hopefully, will provide comprehensive detail on exactly what the Government will deliver to the ACT community and in what timeframe.

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

ACTON-KINGSTON LAND SWAP Motion

MS TUCKER (4.42): I seek leave to move a motion relating to the Acton-Kingston land swap.

Leave granted.

MS TUCKER: I move the motion circulated in my name, which reads:

That this Assembly calls on the Government to place a moratorium on the demolition of any buildings on the Acton Peninsula until the full details of the proposed formal contract between the Commonwealth and ACT Governments on the Kingston/Acton land swap are approved by the Assembly, and until the Commonwealth Government makes a definite budgetary commitment to proceed with the National Museum on Acton Peninsula.

The Greens have put forward this motion to highlight another issue that we do not think has been handled very well by this Government. Yesterday Mrs Carnell tabled a finalised land swap agreement. We note that the letter from Mr Warwick Smith was dated yesterday and was sent over from Mr Smith's office only about two hours before the statement was tabled. Obviously, our motion has had some effect in speeding up the Government's action on this issue, but it is a very poor process, and once again you wonder: Where is the system in how this Government works?

We do not think, however, that this motion is now irrelevant. While we now have a commitment from the Federal Government to a land swap agreement, we do not have any commitment from the Federal Government to actually build the National Museum of Australia. The letter also says that the issues covered in the letter will be included in a formal contract to be signed as soon as possible. Presumably, this contract will set out in absolute detail all the terms of the land swap. However, we have not seen this contract, and the Assembly has not had the time to consider or to approve this document. I have heard many members of this place say that they believe that in a minority government we all do need to be consulted on such major issues.

I have put forward this motion because I do not think that the Assembly has had the time to digest the statement made by Mrs Carnell yesterday and to consider whether the land swap agreement we have been presented with is actually in the best interests of the ACT.

Given the high level of community interest in the future of the Acton Peninsula and the National Museum, and the considerable controversy over the land swap agreement and its budgetary implications, we do not believe that the decision to proceed with this land swap agreement should be taken by the Government alone. It is really a matter for the whole Assembly.

What is so important about this issue is that it involves a major physical asset of the ACT. The Acton Peninsula is a key location within Central Canberra and was identified as a prominent city landmark in the original Burley Griffin plan for Canberra. The hospital buildings on Acton have a market value which has been calculated at up to \$80m. Many Canberra residents have strong personal attachments to the old hospital, having been born there, having been a patient there, or having had relatives or friends stay there or die there.

Given the sorry history of the National Museum, which was first proposed in 1975 - 22 years ago - but whose construction has been regularly put off by successive Federal governments, I do not have the same faith that other members in this place appear to have that the current Federal Government will actually proceed with the museum. Until I see the construction contract signed I will not be convinced. What a huge shame it would be if the Acton buildings were demolished now and the Federal Government turned around in a few months' time, as has happened before, and said they had changed their mind and the building of the museum was to be put off yet again.

Let me remind the Assembly that the Federal Liberal Government said in its election policy that a fully-fledged National Museum should be built at Yarramundi. However, once elected, the new Government initiated a further study into determining the best site for the National Museum and it came up with the conclusion that Acton Peninsula was a better site than Yarramundi, despite a number of earlier studies to the contrary. This conclusion was greeted with widespread criticism within the community which has not yet abated. The study concluded that building the museum on Acton would cost \$125m, and the Federal Government is yet to commit the necessary funds. This can really happen only as part of the Federal budget.

However, once the Acton buildings are demolished, that is it; they can never be brought back. We have moved this motion quite deliberately to slow down this process. Given the past huge investment by successive governments in the Acton Peninsula buildings and the fact that it will cost the ACT Government \$8m of taxpayers' money to demolish the buildings, we do not think that the buildings should be pulled down unless the need to do so has been proven absolutely and is agreed to by the Assembly.

The choice of Acton as the preferred museum site does not even seem to be clear cut. The siting advisory committee concluded that Yarramundi was a close second to Acton, but some of the assumptions made in the committee's assessment are very questionable. For example, they concluded that the cost to the Federal Government of building the museum on Acton was cheaper than building at Yarramundi; but they did not take into account the cost to the ACT Government, which will have to contribute \$3m in infrastructure costs and \$8m in demolition costs, as well as the opportunity cost of millions of dollars from not being able to use the Acton buildings for other purposes.

The committee said that the Yarramundi site was not as central as Acton and would not be able to attract as many visitors; yet in other parts of their report they acknowledge that the museum will be a drawcard in its own right regardless of where it is. In addition, when you compare the distance between Acton and Yarramundi with the overall size of Canberra and the distances to other major tourist attractions, Yarramundi is really not that far out of the way. The committee also appeared to use the ability of the museum to attract corporate sponsorship as a main criterion for determining the site; yet, in other parts of the report, it acknowledged that corporate sponsorship would not provide a major source of revenue for the museum. Besides, is not the museum supposed to be a place for the Australian people and not just a glorified advertising hoarding?

There are also questions about the geophysical suitability of the Acton site - for example, its exposure to potential flooding. The Yarramundi site does have the limitation that there are significant areas of native grassland on the site, but I understand that the site is big enough to allow buildings to be sited away from ecologically sensitive areas. The ability of the site to accommodate the future expansion of the museum and also to reflect the unique character and openness of the Australian landscape and its Aboriginal heritage was a major criterion in earlier museum siting studies. Yarramundi was shown to be ideal from this perspective. The Acton site, on the other hand, is quite constrained and reflects very much a European heritage. It seems to me, however, that the Federal Government is only offering a choice of either a second-class museum site at Acton or nothing at all. Surely this Assembly should stand up to this blackmail.

Another issue of great concern to me is the impact of the demolition on the hospice. The last thing the residents of the hospice need in their last days is to have a construction site next-door to them, with all the attendant noise and dust. The Government seems to be rushing ahead with this demolition without any plans in place for addressing those special needs. There is also the question of the long-term future of the hospice. The ACT Government has agreed to give away the hospice site to the Commonwealth, despite the \$3m spent in setting up the hospice, but the hospice will be allowed to continue operating until June 1999. What happens after that? It is very unlikely that the Commonwealth Government would want to keep a hospice on national land at Acton Peninsula. So, will a future ACT government have to pick up the cost of building another hospice somewhere else in Canberra?

Even if the museum were definitely going ahead on Acton, there should still be an assessment of whether any of the existing buildings could be removed and reused as part of the museum and the AIATIS complex. There seems to be a prevailing view in Canberra that once a building is 50 years old, or even 30 years old, it is no longer useful. There is a propensity to solve problems with old buildings by just demolishing them and starting again. However, this approach flies in the face of widespread experience in other cities around the world that old buildings can be successfully recycled into new uses. From an environmental perspective, old buildings contain considerable embodied energy and materials that should not be wasted without very good reason. In fact, given experience with demolition jobs in Canberra, the remains of the Royal Canberra Hospital will probably end up in an unofficial ACT dump out past Hall or in the unofficial ACT dump next to Palmerston, with very little of the building materials actually recycled.

There are numerous examples around the world where old buildings have been successfully converted into museums and galleries. The very popular Powerhouse Museum in Sydney was created from a collection of old industrial buildings which many people thought were absolutely unusable and ugly. The recent Paris exhibition at the National Gallery came from an art gallery in Paris that used to be a railway station. The science museum in Melbourne used to be a sewerage pumping works. The old hospital buildings may not be totally suitable for the type of museum space envisaged for the National Museum, but let there be at least some consideration of how the existing buildings could be reused.

If the construction of the National Museum is again put off, the old hospital buildings can still be effectively used. The ANU is currently using Sylvia Curley House for student accommodation and has indicated in the past that it would be happy to continue this arrangement. The Community Action on Acton Group has suggested a range of economically viable uses for the building, such as for low-cost accommodation and community uses, that would actually raise revenue for the Government. However, once these buildings have gone we have destroyed any chance of recycling them. We believe it is irresponsible of the ACT Government to commit itself to spending \$8m of taxpayers' money now to demolish the Acton buildings before the Assembly has agreed to this land swap agreement.

Turning to the Kingston side of the land swap agreement, we still have concerns about who will be paying for the clean-up of contamination on the site. The statement tabled yesterday says that both governments will clean up contamination on their own land at Kingston. However, the contamination on the ACT land, at the old bus depot, the old power station and the electricity substation and depot, mostly occurred before self-government; so, really, the Commonwealth Government should be paying for this clean-up as well. It cannot be argued that the contamination on the ACT land has occurred only since self-government. It is quite clear that just about all of the contamination is the result of activities on the site when it was under Commonwealth government control.

There is also the question of what happened to the \$15m that was offered to the ACT Government as part of the original land swap agreement with the former Prime Minister. I understand that the \$15m was paid to the ACT in 1995-96 as special revenue assistance and that Mrs Carnell told the Community Action on Acton Group that the money was not a payment for demolition of the Acton buildings or for cleaning up Kingston. It has been suggested that this money already has been spent in the health budget.

Let me say, in conclusion, that surely the Government can wait a few months until this whole deal is sorted out. It has not been sorted out. There are people challenging what the Chief Minister tabled yesterday. We have a right to look at it before we just bend over and do what the Commonwealth demands when we have no guarantee that we are going to get back from the Commonwealth what we should be getting,

particularly in regard to the clean-up of contamination on Kingston, which is clearly not our responsibility. We should wait until the Assembly has seen the contract referred to in the letter from Warwick Smith, until the Assembly has had the chance to fully digest and debate the land swap agreement that Mrs Carnell presented to us yesterday, and also until the Commonwealth Government gives us a clear commitment through its budget to building the National Museum. We see no reason for rushing ahead with the demolition of the Acton buildings until we are certain that this is in the best interests of the ACT, because a decision to demolish the Acton buildings can never be reversed.

MRS CARNELL (Chief Minister) (4.55): You really have to sigh sometimes. Mr Temporary Deputy Speaker, what we have heard is what this motion is about. This debate is actually not about what the motion says; it is a debate on whether the museum should be on Acton or Yarramundi. That appears to be what Ms Tucker is trying to debate again. I would like to inform Ms Tucker that the Commonwealth Government has made a decision on this - a quite definite decision. I have just distributed a paper. It would be good if everyone just picked it up and had a quick look at it. It is page 5 of the Prime Minister's speech on rebuilding regional Australia, which he gave on 13 December. If you have a look at the fourth bottom paragraph you will see quite definitely what the Prime Minister said. I quote:

Funding has been provided for site and scoping studies for the National Museum of Australia including the Australian Institute of Aboriginal - - -

Ms Tucker: Prime Ministers have been known to change their mind.

MRS CARNELL: I am sorry; it is just the reality. I am sorry, but it is the reality. He then goes on to say that he has made \$750,000 available, which he has. It is available. It is being used right now. In terms of a budget commitment, he made \$750,000 available, and it is being used right now for the siting study as well. If you are looking for a commitment that the museum is going ahead on Acton, a budget commitment has been made. As you can see, the development brief will "commence in January", so it has already commenced. The money has already been made available for a development brief. This shows categorically that the Commonwealth Government is committed to Acton. It has made money available. A budget allocation has been made available. It is being used - - -

Mr Osborne: Let us trust the Federal Government.

MRS CARNELL: You do not have to trust them. It is actually there now. It is actually happening at this minute. Mr Temporary Deputy Speaker, the development brief has commenced. If people in this place want to hold up the museum, go for it. But make it clear. Say, "I do not want a museum in Canberra. I am really happy - - -

Ms Tucker: We are talking about your responsibility.

MRS CARNELL: Just listen for a moment. I did. The reality of the situation is that right now we have expenditure review committees going on in the Federal Parliament. Right now they are putting together their budget. It is true that there are people in - - -

Ms Horodny: How do you know that there is money in that budget for this?

MRS CARNELL: Just be quiet. I was. The reality of this situation is that there are a number of people in the Federal Parliament who would love the museum to be put on hold, who would love not to fund it this year. I suggest that most of the people in Finance and Treasury would. Certainly, lots of members of parliament - members on both sides of the house - would much prefer to see the money spent in their electorates rather than in Canberra. Let us be fair; significant money being spent in Canberra is not the sort of thing that gets enormous amounts of praise in the Federal Parliament at times. Not a lot of our colleagues on both sides of the houses from other parts of Australia say, "Yes, let us spend \$200m or \$150m, or whatever it happens to be, on a major infrastructure project, a major museum in Canberra".

The fact is that we have a commitment from the Prime Minister. It is not just a commitment; we have a site and we have a development brief being put in place. He has made money available and he has indicated, in writing, right now - it is not an election promise - something that is happening now, Mr Temporary Deputy Speaker. This is really quite serious. It is something that we should not joke about. If we look like we are blinking on this, I tell you what: There are enough people - in fact, probably the majority of people - up there on the hill who will use that blink to the maximum capacity. This is not about politics, Mr Temporary Deputy Speaker. I thought everybody in this house, and I am confident almost everyone in Canberra, wants the National Museum in our city.

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): Order! It being 5 o'clock, 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.

ACTON-KINGSTON LAND SWAP
Motion

Debate resumed.

MRS CARNELL: Mr Temporary Deputy Speaker, we must not give them any opportunity to put off funding the National Museum. For the first time for a long time we have a Prime Minister who has supported it. There have been many people on both sides of the house who have supported it. As we know, it was not one of the things that Paul Keating supported. He did not support it anywhere. It was not so much Canberra; he just did not want a National Museum. He was quite open about it. The fact is that we have a promise here, we have money available, and we have a site.

Mr Berry: The Liberals promised it, but that was not a core promise either.

MRS CARNELL: If Mr Berry does not want this to happen he is going the right way about it.

Mr Berry: It is not my motion.

MRS CARNELL: It is your interjection. The Government, obviously, will be opposing this motion, and we will be doing it for a number of reasons. One is that the agreement between the Commonwealth and the Territory has now been concluded. Ms Tucker seems to believe that somehow this process was not an ongoing process to get to the stage that we have reached. Earlier this week, I understand, officers of my department gave a briefing to the Planning and Environment Committee to confirm that the Government's negotiating position was consistent with the committee's views and to provide an update.

I understand, at the same time, that the National Capital Authority made an offer to the Territory which again rejected the ACT's arguments about responsibility for contamination at Kingston and suggested that the Territory assume liability for all costs of remediation at Kingston. That was clearly unacceptable, Mr Temporary Deputy Speaker. As I understand it, the committee was advised on Monday that, if negotiations at the official level were to stall, which they obviously did, the Government would handle it at a political level. Again, you were told that. So that is exactly what I did. I handled it at a political level.

I went to see the Minister for Territories. We had our discussion and we came away with a solution - the solution that the ACT went in with - and an exchange of letters followed. As I said, this has nothing to do with the motion, nothing to do with a speeded up process. This is exactly what the Planning and Environment Committee was told, and it was updated on our direction. We also, we believe, had the Planning and Environment Committee's agreement to our negotiating position. The Planning and Environment Committee did not oppose our negotiating position.

Ms McRae: We were not asked to.

MRS CARNELL: Oh, I am sorry.

Ms McRae: You do not do that at a confidential meeting, for heaven's sake.

MRS CARNELL: Okay. I accept that. Again I come back to the position that the reality is that we have an agreement. It is in line with the Planning and Environment Committee's approach in this area. It is an agreement that I believe is very beneficial to the ACT and it is an agreement that is about jobs. An Auditor-General's report was tabled yesterday that says categorically that we have a problem in this city. We have a problem with growth; we have a problem with jobs; we have a problem with revenue. I believe the only way we can overcome that problem - I totally reject the Auditor-General's view, even though Mr Whitecross yesterday indicated that he always agreed with the Auditor-General - - -

Mr Whitecross: No, I did not.

MRS CARNELL: Yes, you did. The Auditor-General has suggested that what we should really do is rape and pillage in health and education.

Mr Whitecross: You just cannot tell the truth, can you, Kate?

Mr Humphries: I take a point of order, Mr Temporary Deputy Speaker. Mr Whitecross said, "You cannot tell the truth, Kate". That is clearly outside standing orders. It clearly imputes that she is telling lies. I ask that he withdraw it.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Whitecross.

Mr Whitecross: I am sorry, Mr Temporary Deputy Speaker. Are you asking me to withdraw?

MR TEMPORARY DEPUTY SPEAKER: Yes.

Mr Whitecross: I am very reluctant to withdraw. I do not really feel like withdrawing; but, out of respect for you, Mr Temporary Deputy Speaker, I will withdraw.

MR TEMPORARY DEPUTY SPEAKER: Thank you.

MRS CARNELL: That is fine. Mr Temporary Deputy Speaker, we have - - -

Mr Whitecross: At least I was telling the truth.

Mr Humphries: Mr Temporary Deputy Speaker, I think that the remark, "At least I was telling the truth", is clearly a further reiteration of that assertion that Mrs Carnell was lying. I do not think we need it, Mr Temporary Deputy Speaker. We have more important things to do than sit around here hearing those kinds of comments.

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MR TEMPORARY DEPUTY SPEAKER: I call the Chief Minister.

MRS CARNELL: Thank you very much. Mr Temporary Deputy Speaker, surely this Assembly has debated this issue enough. We have debated it constantly since 1995. Certainly, there are people who do not agree with the Acton-Kingston land swap. There are people in this place who do not agree with having the National Museum on Acton, but one of the things we - - -

Mr Berry: You said we all agreed. You were sure we all agreed a little while ago.

MRS CARNELL: No; I said everyone agreed with the National Museum. I hope everyone does that. What we have to do now is not give the Federal Government even one opportunity to blink on this. We have an undertaking from the Prime Minister in writing, in person, in front of a couple of hundred people. I understand that he is pushing hard for that. The question everybody needs to ask is: Why would you support this motion?

Ms Tucker: Because we want a chance to look at the agreement.

MRS CARNELL: I know why you would. But why would anybody else support this motion? The reality is that we have already gutted buildings. As everybody would know - - -

Members interjected.

MR TEMPORARY DEPUTY SPEAKER: Order!

MRS CARNELL: Thank you. Mr Temporary Deputy Speaker, the buildings, particularly the tower block at the hospital, have been gutted already. We have made it clear that we started the demolition a month ago, as soon as the agreement was in place. The toilets, all of those things, have been pulled out. There is absolutely no reason - there is no benefit at all - not to pull the buildings down now. Why would you do it? Why would you leave up a building that has been gutted? All of the internal demolition has been completed.

Members interjected.

MR TEMPORARY DEPUTY SPEAKER: Order! There is too much conversation. There are about six different conversations at the moment. Just keep it quiet.

MRS CARNELL: Thank you very much, Mr Temporary Deputy Speaker. We have the Acton site with a commitment from the Federal Government to build a museum on it. On it now we have a tower block on which the internal demolition has been carried out already. We have a child-care facility with no children because they have all moved. We have Sylvia Curley House and there is now an agreement for all of the people there to be out by mid-April. We have nobody else on that part of the site that will be demolished. Why would we not demolish? The buildings cannot be used again. They are far too far gone now to use again at all. So why would we not go ahead with the demolition of those buildings? Is there an answer to that? The fact is that there is not.

The fact is that we do have a commitment from the Federal Government. We do have a budgetary commitment that is being spent now - \$750,000 on the development brief. The motion that Ms Tucker has put forward says in part "until the Commonwealth Government makes a definite budgetary commitment". Well, they have. It is being spent right now. Or are we saying that we are going to set the level?

Mr Corbell: That will not build the museum.

Mr Whitecross: A \$750,000 building. Beauty!

MRS CARNELL: It is for the development brief. That is a fair amount of money for a development brief, I would have thought. There are significant numbers of people in our Federal Parliament who believe that Canberra should not get the National Museum. I urge everybody in this house not to give them one opportunity to get their own way. It is extremely important.

Mr Whitecross: What a weak argument!

MRS CARNELL: Maybe those opposite do not see it that way. Once you have made a decision that the Acton-Kingston land swap should happen, and this Assembly has - in fact, I think the majority of the P and E Committee has also made such a decision - the museum should go ahead. Why, Mr Temporary Deputy Speaker, would we put anything in the way of that happening now?

MS McRAE (5.10): Mr Temporary Deputy Speaker, I move the following amendment:

Omit the words "until the full details of the proposed formal contract between the Commonwealth and ACT Governments on the Kingston/Acton land swap are approved by the Assembly, and".

The arguments that Mrs Carnell has just put up are exactly the arguments that I was going to put up as to why the Assembly should support my amendment to the motion. The bottom line is that we do not trust the Federal Government. There is one commitment, and one commitment only, and that commitment is to \$750,000. The concern, as encapsulated in my comment in the *Canberra Times*, is that we do not want to wake up on 14 May, the day after the Federal budget, and discover that there is absolutely no more money, no money has been allocated to the museum and the site has been cleared. It is not in the interests of the ACT. We have wasted \$8m. We do not have a museum. We have a rubble site.

The intent of my amendment is quite clear. It will mean, if passed, that this Assembly simply does not trust the Federal Government. It will be up to Mrs Carnell to take this back to Mr Howard and say, "Make your intent good, make it public and make it now". I do not even put a date on my amendment. The intent is that we have the actual commitment of funds, a definite budgetary commitment to proceed. Mrs Carnell says that we have that already. We beg to differ. We do not. We have, purely and simply,

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appropriated by the Federal Government for this project - not for us, but by the Federal Government to this project - \$750,000 and no more. Surprise, surprise! Federal governments, and this one in particular, have been known to not quite deliver on what everybody expected to be their word. As my colleague rightly pointed out, there were core promises and non-core promises.

Mr Humphries: Neither did the previous Government.

MS McRAE: We are talking about the current Government here and now. If we even look at some of the commitments to capital works that were not made in the previous budget, it will be quite clear that we have plenty to be worried about. The ACT does not have a definitive, black-and-white, absolute statement of how much money is going to be allocated beyond the \$750,000.

To come to the other part of the amendment, I am not anxious at all to support Ms Tucker's motion in terms of the full details of the proposed formal contract between the Commonwealth and the ACT. That is a formal contract between the ACT Government - not the Assembly - and the Federal Government. I do not know anything about formal contracts. I do not have the legal training. I do not undertake even to begin to venture into that territory. It is something that the Government will have to do, live by and defend. So, I am not interested in our reviewing all of that. We have had plenty of reviews, through the P and E Committee, through debate, through public discussion and through the process as has been exposed thus far.

My main sticking point with the process thus far is purely and simply exactly the argument that Mrs Carnell was mounting. The Federal Government is likely to blink. There are departments who are anxious to not let this happen. I do not for one minute think that the activities of the Assembly are going to be strengthening their hand; rather, the opposite. If we are saying, "We need this commitment", then it is up to Mr Howard to go to his departments and say, "For heaven's sake; this is a project worth backing. We will make this commitment here and now".

It is a test of your authority, Mrs Carnell, and his. You have been given this promise, but it is not on paper. We do not want to be disappointed. We do not believe that there is a commitment beyond the \$750,000. Until we see a definite budgetary commitment which goes beyond this initial allocation, we will be very wary. Whether or not the building has been half-gutted is neither here nor there. It can obviously be put to some form of reuse. It is not the debate, anyway. It is not the point.

The point of this, purely and simply, is the reverse of what you are arguing, Mrs Carnell. This Assembly is, in fact, strengthening your hand by saying, "We do not trust the Federal Government. Mr Howard, come clean with exactly what you are doing. If you are genuinely behind this project, make known here and now - do not even wait for 13 May - how much is going to be allocated beyond the \$750,000, in how many lots, over a two-, three- or five-year project, and what the next stage of the plan is".

There have been many projects that have begun purely as a feasibility study and then stopped, for all sorts of spurious reasons. It is for that reason that we are wanting a definitive budgetary commitment from the Federal Government which makes us all feel secure that we are not just engaging in some demolition process which will end up with a rubble-laden site, with no future use for the people of the ACT.

Mrs Carnell: It cannot be used as it is now, though.

MS McRAE: I accept that, Mrs Carnell. Mrs Carnell interjects that we cannot use the building now. The point is: It is still there. If we are left in the lurch and doublecrossed, if this money does not come forward, we will deal with that problem on that day. For the moment, the immediate problem, the intent of my amendment and the intent, as I see it, of the motion is to get a definitive budgetary statement here and now and put Mr Howard onto his bureaucrats that are not cooperating. We understand about all those internecine battles. They are not unfamiliar. But the public deserves a commitment, and we do not want to wake up on budget day and, hey presto, discover nothing. That is the intent of my amendment and that is the intent of our support for this motion.

MR HUMPHRIES (Attorney-General) (5.16): Mr Speaker, I will speak to Ms McRae's amendment and to the substantive motion. I can certainly understand what this motion is getting at. Let me say on behalf of the Liberal Party that Ms McRae's amendment would certainly be supported by us; but I would still argue that the motion, as amended, ought not to be supported. What the motion, as amended, would say is that we have to wait until 15 May before we commit ourselves to any further commitment on the Acton site. I would be in favour of some brinkmanship on this issue. I think it would be good to be able to put the Federal Government under pressure because - I will make no secret of this fact in this place - I do not believe that the Federal Government is absolutely and irrevocably committed to the National Museum. I know that that is not what the Chief Minister said, but I will say in this place that I do not think - - -

Mr Whitecross: Mr Howard is notoriously selective with his promises, too.

MR HUMPHRIES: You might think that it is funny to exploit differences of view in the Liberal Party, Mr Whitecross. I am telling you how I see it. I am speaking honestly to the Assembly about what I think the situation is at the moment. The fact of the matter is that all the information I have at my disposal suggests that in the Federal Government there is a very fine balance between those who think the National Museum is something that ought to go ahead because it was promised at the last election and because it would be nice to have something for the Centenary of Federation and for a few other reasons - - -

Mr Moore: There are those who think it is a core promise and those who think it is not a core promise.

MR HUMPHRIES: Indeed. Mr Moore, I want to make a point here. We in this Government here have been more prepared to condemn our Federal colleagues than ever that lot opposite were in respect of the previous Federal Government. You never saw them vote against or even utter words of condemnation of their Federal colleagues,

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even though they did some awful things to Canberra. In fact, let us put it on the record that Mr Keating promised the National Museum on Acton some time ago, and where was a motion like this back at that time? Where was the motion then saying, "No commitment by the ACT until the Federal Government shows the colour of its money."? Do not forget that Ms Follett promised \$13m worth of infrastructure support for the museum.

Ms McRae: But we did not do the land swap, did we?

MR HUMPHRIES: Forget the land swap.

Mr Moore: As I recall, I moved quite a number of motions to that effect, but they were lost at the time.

MR HUMPHRIES: You did?

Mr Moore: Absolutely.

MR HUMPHRIES: The fact is that we were in the same boat then, Mr Speaker, and we did not see this kind of motion come forward then. I am not particularly wanting to make the point that we are in a different position from the one we were in two years ago. Perhaps we are in a particularly different position.

What I do want to say, though, is that I would like to be able to press the Federal Government to actually show the colour of its money. But I have to say to the members of the Assembly that the argument that, by doing so, we might actually lose the museum altogether is a very real argument. I am not saying this just because I would like to scare the Assembly into voting against this motion; I am saying it because that point of view has been relayed directly to me both by senior bureaucrats in the Federal Government and in a public way by a senior figure associated with the development of the National Museum. If those opposite would like to listen, they might discover what evidence I have for saying that.

There have been discussions about this proposal with people in the Federal Government, and some of those people acknowledge quite openly that there are different views within the Federal Government about these matters. They have also expressed concerns about timing. The process that is going on in the Expenditure Review Committee within the Federal Government at the moment does pose a real question about just how far, and when, a commitment to the National Museum would be delivered by the Federal Government. That is true, Mr Berry. If ever I asked you to believe something I told you in this place, believe that.

The second thing, Mr Speaker, is this: Ignore what I might tell you about what I know of what is going on in the Federal Government. I ask you to believe what Mr Jim Service is saying to the community at the moment. I think I was the only member here who attended the meeting of the Friends of the National Museum a few weeks ago, at which

Mr Service spoke and outlined the position that he and other members of that committee that examined the sites had taken in relation to that issue. I think Winifred Ross, the chairman of Friends of the National Museum, was also there and made some comments along those lines.

What Mr Service said to that meeting was - and this was in the context of a motion from the meeting to reject the Acton site and reaffirm the Yarramundi site - "You run a real risk that you will assist the forces of darkness" - or some emotive phrase like that - "within the Federal Government if you have a motion tonight to not proceed with the Acton Peninsula. That is the risk you run". He told that to the public meeting. He was the chair of the steering committee that examined the sites.

Mr Berry: He would not be trying to scare them, would he?

MR HUMPHRIES: I think Mr Service was speaking the truth, because I have heard it confirmed from other sources and I believe that it is true. Let me make it quite clear: I would love to put pressure on the Federal Government. If this motion succeeds only in putting pressure on the Federal Government, then that will be great. But I just do not feel confident that that is all we are going to do with this. We may actually lose the National Museum altogether. I repeat: We may actually lose the National Museum altogether. I want no part of that. That museum is a very important project for this city, for this nation and for our Centenary of Federation. We cannot afford to put it at risk. But we do if we indicate, from the ACT's point of view, that we might not deliver on our end of the bargain which has been reached.

Mr Osborne: Rubbish!

MR HUMPHRIES: That is true. That is the risk we run. It may not come to pass. It may be that the signals we are sending somehow are that we are actually more committed to the museum than we are to making political points. That may be the case. But why are we taking this risk? We gain nothing from this.

It has been suggested that we will waste \$8m by proceeding over the next two months with the demolition of the buildings on the Acton Peninsula. But, of course, we do not waste the money. Even if we demolish those buildings and the site stands vacant for 20 years, the ACT gets the Kingston foreshore in exchange. So, we do not, under any stretch of the imagination, waste \$8m. We got two things out of it.

Members interjected.

MR HUMPHRIES: Mr Speaker, those opposite have shown no interest in listening to this debate. Mr Speaker, I do not think we lose out in that equation. We certainly have something to show for it, something worth infinitely more than \$8m; but what we do end up with is a situation where we might actually tip the balance against the museum within the Federal Government.

I come here today primarily as a friend of the National Museum, and I will say quite bluntly that, for a long time, I was a firm supporter of the position that we should build the museum at Yarramundi.

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Mr Moore: Indeed, very publicly.

MR HUMPHRIES: Publicly, I have said that. My position today, Mr Speaker - - -

Mr Osborne: It was not a core commitment, though.

MR HUMPHRIES: It might have been a core commitment, Mr Whitecross. The point is that I am prepared to - - -

Mr Osborne: Mr Speaker, I would ask Mr Humphries to withdraw that. He called me "Mr Whitecross".

MR HUMPHRIES: I will definitely withdraw that, Mr Speaker. I apologise for the insult.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: Mr Speaker, I do not come here as a person who is more committed to Yarramundi than to the National Museum. I come here because I believe that we should have the National Museum. I do not intend to be part of any process that might put that at risk, or slow it down, for that matter. I simply say to the Assembly - and I am not scaremongering when I say it - that this motion could, in fact, slow it down or even derail it at this point.

MR WHITECROSS (Leader of the Opposition) (5.25): Mr Speaker, can I say at the outset that Mr Osborne would have to lose a great deal more than 30 kilos to be as slim as I am.

Mr Kaine: On a point of order, Mr Speaker: Is it customary for members to sulk in the corner?

MR SPEAKER: I had not noticed. There would be so many, Mr Kaine.

MR WHITECROSS: Mr Speaker, I am forced to rise in this debate by the extraordinary and alarming arguments that have been put forward by the Liberals today. The Liberals are suggesting here in this place that the Federal Government's commitment to this museum - which Mrs Carnell has, up until now, been trumpeting as a major triumph for the ACT - is so wafer thin that they may not proceed with it in the budget if we wait until their budget before actually demolishing these buildings. Mr Speaker, that is a very concerning argument. It is a quite alarming admission by the Government that they lack so much confidence in their Federal colleagues that they do not even believe that they can trust the word of the Prime Minister that, when he says that he hopes to spend \$100m on a museum on Acton Peninsula, he means it.

Mrs Carnell clearly believes it - and she would know, because she is used to putting these little weasel words in her own statements to get herself off the hook. Mr Speaker, she is concerned, when she reads the words "funding details will be announced in the 1997-98 budget context", that this might mean that there will be no funds. Mr Speaker, that is

a very worrying suggestion by this Government here. But, Mr Speaker, it is exactly this concern which motivates members on this side of the house to say that we should not commit money to the demolition of buildings on Acton Peninsula without knowing that the Federal Government has made a commitment, on its part, to build the museum.

Mr Speaker, clearly, the Federal Government has not made that commitment yet. Clearly, they are waiting until the 1997-98 budget context to determine whether they are going to make that commitment. Mr Speaker, until they make that commitment, I do not think it is appropriate for us to spend \$8m of ACT taxpayers' money to demolish the buildings on Acton. Mr Humphries suggested that it would not be wasted, because, even if we spent the \$8m and the site lay vacant for 20 years, we would still have something to show for it; namely, the Kingston foreshore.

Leaving aside the question of exactly what the benefit of the Kingston foreshore is, because that is a debate for a different occasion, Mr Speaker, the fact still remains that we would have flushed \$8m down the toilet for a vacant lot. If it is going to take 20 years for the Federal Government to get around to doing something with Acton, I would rather have the \$8m for 20 years and do something else useful with it. Then, in 20 years' time, when the Federal Government finally gets around to doing something about it, we could spend the \$8m. That would be soon enough for me, Mr Speaker. Why spend \$8m on clearing a site for the Federal Government to do nothing with? The Government has made it clear, Mr Speaker, that it does not trust the Federal Government. Neither do we. For that reason, we are very concerned about committing ACT money to that site until the site has been committed to the museum being built.

Mr Speaker, another furphy which has been thrown around is that we will lose the Kingston site. But, of course, we will not lose the Kingston site, because the land swap has already gone ahead. The Federal Government, if it is not building anything on the site, can hardly complain that the site is not yet cleared.

Mr Speaker, it seems to me that all the arguments of the Government add up to a cast-iron reason for supporting the motion, because they all add up to the same thing: We cannot trust the Federal Government. We want to see the colour of their money before we spend \$8m on clearing this site. But, Mr Speaker, there is another - - -

Mr Humphries: You guys over there are taking a hell of a risk.

MR WHITECROSS: I am coming to that, Mr Humphries. Mr Speaker, there is another very sinister undercurrent in what Mr Humphries has been saying, and I think it is one that should be of the gravest concern to people in this place. Mr Humphries seems to be bordering on confident that the Federal Government is not going to come up with the funds. He wants, by the device of the argument that he has advanced today, to set the groundwork for blaming members in this place for the failure of his Federal colleagues to live up to the commitments that they made in the past.

Mr Speaker, there is absolutely no excuse contained in the actions suggested in this motion for the Federal Government to renege on its half of the bargain. Mr Speaker, if Mr Humphries has information to suggest that the Federal Government is planning to renege on its half of the bargain, then he cannot blame us. The blame will lie with

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one person, and that will be John Howard, their Federal colleague. Mr Speaker, if Mr Humphries's powers of persuasion are so limited and so feeble that he cannot persuade his Federal colleagues that, if they commit the money, then, as indicated in the plain words of our motion, the site will be cleared - if Mr Humphries cannot communicate that to his Federal colleagues - I suggest that he resign now, because that is the most pathetic projection of his ability that I have ever heard.

Mr Speaker, let us not have Mr Humphries suggest to us that, if we pass this motion, it will be our fault if Mr Humphries's Federal colleagues renege on their promise, if Mr Humphries cannot persuade his Federal colleagues to stick by their plain promise to Canberra. There is a reason why Mr Humphries's Federal colleagues might renege on their promise, and we all know what it is. Mr Howard made his promise in December in the lead-up to the Fraser by-election. Of course, the Fraser by-election is over now. They lost that one. So, Mr Speaker, while in December he was very keen - - -

Members interjected.

MR SPEAKER: Order! I know that we are all going off for a month's holiday, but let us settle down.

MR WHITECROSS: Thank you, Mr Speaker. The reality is, Mr Speaker, that Mr Howard brought down this statement in December, when he was trying to soften up the voters in the lead-up to the Fraser by-election by getting them to believe that the Federal Government was not that bad, that it was really caring about Canberra, that it was really in love with Canberra and, Mr Speaker - - -

Mrs Carnell: Mr Speaker, on a point of order: The speaker is actually supposed to address the Chair.

MR WHITECROSS: I am addressing the Chair, Mr Speaker.

MR SPEAKER: Yes, address the Chair.

MR WHITECROSS: Thank you, Mr Speaker. Before the Fraser by-election, Mr Howard was making this statement. The purpose of the statement has passed. The Fraser by-election is over, Mr Speaker, and now he can renege on the promises. Clearly, that is what Mr Humphries has in the back of his mind. Mr Speaker, if that turns out to be the case, that will be the most cynical piece of politics we have seen in this Territory for some time.

Mr Kaine: Mr Speaker, on a point of order: Can I draw your attention to standing order 302 - overacting.

MR WHITECROSS: Mr Speaker, they are stinging because they know that this is the most cynical piece of politics we have seen in a long time. Mr Speaker, what we are talking about is a prudent use of the Territory's finances, a prudent decision not to spend \$8m of the Territory's money until we have seen the colour of the Federal Government's commitment. That is all we are saying - do not spend your \$8m until you have made sure that they are spending their \$100m.

Mr Speaker, I think that is a perfectly sensible approach. There is no excuse in that approach for the Federal Government to renege on its decision. If they renege on their decision, it will be because of their political cynicism on the hill and because of a failure of those opposite to deliver to the people of Canberra on an undertaking that Mr Howard gave in December last year. So, Mr Speaker, let the Government here focus its energies not on spending \$8m of ACT taxpayers' money without any concomitant commitment from the Commonwealth but instead on getting the Commonwealth to stick to its promise.

MR MOORE (5.35): Mr Speaker, as I rise to address this issue, I would ask you to provide me with a new set of standing orders. My copy finishes at standing order 275, and I want to know what standing orders 276 to 301 are.

Mr Speaker, it actually gives me some anguish to rise to speak in this debate. I can recall, when Mr Humphries was going about the business of closing the Royal Canberra Hospital, the amount of effort that I, along with many members of the community, put into resisting that move, which I still believe was a mistake. In the end, I also objected to Mr Berry doing the final closure. Mr Berry's argument at the time was that things had just gone too far. On many occasions in this Assembly I said that I did not believe that to be the case; that there was a series of alternatives open to Labor to retain the hospital. That fell on deaf ears. But that was the process.

We then moved to a process whereby we said, "What we want to see on Acton Peninsula is health facilities". Indeed, one of those health facilities - the hospice - eventually managed to find its way there. I was always very supportive of Mr Berry in his fight - and it was quite a fight - to get the hospice there. I continued to argue that the Acton Peninsula should be used for the health of the community. I was very broad in my definition of "health". I am sure that Mr Berry will remember, when he was the Minister, that I said that, as far as I was concerned, facilities that added to the health of the nation were part of my definition of a healthy population. I have made a number of those sorts of speeches.

I was delighted, then, when the former Prime Minister announced that the site could be used for a national museum for Aboriginal and Torres Strait Islanders. Mr Speaker, I was particularly of that mind when, driving across Commonwealth Avenue Bridge and looking down at the peninsula, I asked myself, "What will I feel proud of in 10 years' time? If I look and see those buildings still sitting there, empty, or even reused, will I be proud, or will I have even more pride in having a national museum of Aboriginal Australia there?". I ask myself the same questions now. If I go across the bridge and look down and see the area as it is now, or even slightly modified, will I see a healthier society than if I look down and see that site and say, "What we have now is a National Museum of Australia, and I have played some small part in ensuring that that site was used in the best interests of a healthier society."?

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Mr Speaker, it seems to me that we have before us the same sort of issue as the Romans had before them when they talked about crossing the Rubicon, that small creek - - -

Mr Humphries: It was actually the Carthaginians who crossed the Rubicon.

MR MOORE: The Romans had the notion that, when somebody crossed the Rubicon, that was the time when they believed they had actually lost - that Rome had effectively fallen. Indeed, Mr Humphries's interjection is absolutely correct. I must have put it back to front.

Mr Speaker, I believe that we have gone past the point of turning back, and we now have the opportunity for a National Museum of Australia to go there on Acton Peninsula. We have a commitment from the Federal Government to that effect. I now want to work as effectively and as quickly as I possibly can. For that reason, I will be opposing this motion, because I believe that it is appropriate for the action to be taken as quickly as possible. We have gone past the stage of having the Royal Canberra Hospital back on Acton Peninsula. We have gone past the stage of being able to reuse those buildings. We now have an opportunity for the National Museum of Australia to be there, in Canberra, on Acton Peninsula. I am very comfortable with that notion. I believe that it is time for us to get behind this project and let us see what we can do to get it up. That is why I will be opposing anything that will have any effect of delaying it.

MS HORODNY (5.40): Mr Speaker, I am concerned more than ever after hearing what Mr Humphries had to say. Indeed, I feel very worried about how this land swap will proceed. Mr Humphries made me feel quite insecure about the whole thing. We know that, in the past, successive Federal governments have reneged on various decisions to establish the National Museum, and it has never happened. This has been going on for 20 years.

Mr Humphries: That is what I am saying.

MS HORODNY: Yes. So, how do you know that it is going to happen now? Part of the PM's election promises in the Federal campaign was that he wanted a National Museum, and his preference was that it be placed at Yarramundi Reach.

Mr Humphries: That was not a promise, though.

MS HORODNY: He made it very clear that that was his preference. Whether it was a core promise or not a core promise, I do not know. I cannot distinguish between core and non-core promises, particularly with this Federal Government. But Mr Howard was not able to deliver on a National Museum on the Yarramundi site, which he very clearly stated in his election platform.

Mrs Carnell: On a point of order, Mr Speaker: It is important that Ms Horodny gets her facts right.

Mr Berry: That is not a point of order. Mr Speaker, on a point of order - - -

MR SPEAKER: One at a time.

Mr Berry: No, Mr Speaker; I insist on a point of order. Mrs Carnell is debating the issue.

Mrs Carnell: The Prime Minister, in his election campaign, said that his preferred site was Yarramundi and that he would put \$1.5m aside to look at which site was best.

MR SPEAKER: Thank you. Now, Mr Berry.

Mr Berry: Mr Speaker, Mrs Carnell was clearly debating the issue. There is no point of order.

MR SPEAKER: You said it yourself then. Continue, Ms Horodny.

MS HORODNY: Mr Howard was not able to deliver on that site for the National Museum. In fact, he spent, as you say, \$1.5m to have an assessment done to prove the case that he wanted to present.

Mr Speaker, Mrs Carnell said earlier that the P and E Committee had a briefing on Monday, informing us about the details of the swap and all the negotiations. But, in fact, at that briefing, we were given an update on the ongoing negotiations. We were clearly told that they were ongoing. We were told about some of the issues that were still being debated - for instance, whether the Acton site would be cleared to ground level, 300 millimetres below the ground, 500 millimetres below the ground or whatever. There were a number of things that still had to be negotiated. It was by no means a briefing on the final outcome of those negotiations. So, what you said earlier was not correct at all.

Mrs Carnell: That is actually wrong. What I said very definitely was that the briefing that was given was that this was the negotiating position. If it stalled, then it would be handled politically. That is exactly what you were told.

MS HORODNY: We were not told about its being handled politically, but - - -

Mr Osborne: Are we having a conversation in here, Mr Speaker?

MR SPEAKER: Apparently so. We may yet be looking at when we should break for dinner, too.

MS HORODNY: Mr Speaker, it is a shame that our motion has been amended by Ms McRae. I take the point that Ms McRae was making - that it is a legal document and she has no qualifications to make those legal judgments. But part of that contract would certainly be about what commitment the Federal Government will make to cleaning up which parts of Kingston. It is still very unclear as to the level of contamination on that site and which government will clear how much of that contamination. Again, the discussion on Monday did not go into any final details about that. There were no final details; just a lot of things still up in the air. So, it is a shame that the motion is being amended.

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I had hoped that members in this Assembly would support our motion. I think it is very sensible, given that successive Federal governments have not kept to a promise to build a National Museum, that we wait until we see the whites of their eyes before we commit to demolishing buildings on Acton Peninsula.

By the way, just quickly to finish, Mrs Carnell today tabled the asset management strategy document. It is very interesting. I was having a look through it. Mrs Carnell scoffed when Ms Tucker very sensibly addressed the issue of reusing those buildings. It happens all over the world, Mrs Carnell, where old buildings - - -

Mrs Carnell: It is too late. They have been gutted.

MS HORODNY: Why were they gutted? What assessment was done to determine that the needs of the National Museum, or at least some of those needs, may not be met by the existing buildings? We do not know that, because you never bothered to do that work. In the asset management strategy that you tabled today, Mrs Carnell, you talk about reuse and disposal of assets. In fact, you talk about assets being reused and you say that reuse planning should be “a routine aspect of asset management and the Government as owner should be advised of the quantum and timing involved and practices adopted”. So, it seems that, in one of your own documents here, you advocate that buildings be looked at for reuse, yet you scoff at a very sensible suggestion that we at least look at that possibility. No-one is saying that every single building on Acton could be refurbished for reuse; but surely some of the buildings could be, and you have not addressed that issue.

MRS CARNELL (Chief Minister): I would like to make a statement under standing order 47.

MR SPEAKER: Proceed.

MRS CARNELL: Mr Speaker, I want to explain some words that I used before. Ms Horodny commented that I had said somehow that the Prime Minister had, shall we say, promised Yarramundi in the election campaign, or she indicated that that was the case. The reality is that he did not. The Prime Minister indicated that his preferred site was Yarramundi and that he was going to spend \$1.5m deciding which was the most appropriate site. The fact is that the \$1.5m came out with Acton as the most preferred site. To suggest for a moment that the Prime Minister had somehow committed to Yarramundi is simply incorrect.

Amendment agreed to.

MS TUCKER (5.49), in reply: Mr Speaker, in closing the debate, I would like to make a couple of comments. First of all, the agreement that was tabled yesterday states quite clearly that demolition is to be completed by 31 December 1997. So, I cannot see why the Federal Government is going to be so upset if we, because of our own internal processes in this Assembly, which I would have thought they would respect, decide to delay that demolition for two months. It is not going to affect this agreement. There is no reason for it to affect the agreement. What is the problem with that? This is apparently what the agreement is.

I supported Labor's amendment because I felt that it was useful to do so; otherwise, this motion would not get up at all. But I would like to make the comment, Ms McRae, that, in the long debate that has occurred over this issue, on 9 May 1995 Rosemary Follett actually asked a question of the Chief Minister relating to the Acton-Kingston land swap. She said:

Mrs Carnell, last Thursday your Attorney-General, Mr Humphries, told this Assembly:

We have entered into that contract and we are bound to the consequences of that contract.

So, there was language being used at that time that was implying that this agreement was actually a contract. Ms Follett asked for full details of that contract to be tabled. I am just pointing out the inconsistency - that Labor has on occasions wanted to see contracts, even though they be legal documents. The other point that it is important to make is off this subject, really; but the fact that the buildings have been gutted is not a reason why they could not be used again. It is often what actually happens anyway.

I am disappointed that Mr Moore and Mr Osborne have not supported this motion, because I have heard particularly Mr Moore on many occasions in this place say that this is a minority government and that we do have the right to have time to look at arrangements that are made, and in fact to be consulted before they are made, on behalf of the Territory by the Chief Minister. All I have been really asking for here is that we have that right, instead of receiving that document, as we did, yesterday, and then not having an opportunity to discuss it in this Assembly again until April. That is not good process, and that is why I moved my motion.

I am still happy to push for this motion, with the request that we wait at least until we see how much money this Federal Government is going to put in. We could find out in the May budget that there is not \$125m but \$10m, and we could end up with some sheds on Acton again. What kind of museum are we going to end up with? Let us wait and see exactly what the Federal Government is going to do. As other speakers have pointed out, there is great inconsistency in one minute hearing from a member of the Liberal Party saying, "Mr Howard is absolutely committed. Have faith. We believe him", and then hearing, "Do not delay the process for two months, because the whole thing might collapse". Who is he? He is the Prime Minister. If we are so definitely sure that he is so committed, why are we so frightened of waiting two months, which is still within the agreement? There is no problem with demolishing those buildings by that date, if that is seen to be appropriate.

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Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

POSTPONEMENT OF NOTICE

MRS CARNELL (Chief Minister): Pursuant to standing order 128, I fix a later hour for moving the motion standing in my name on the notice paper relating to faunal and floral emblems for the Territory.

LIQUOR (AMENDMENT) BILL 1997

Debate resumed from 18 February 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (5.57): Mr Speaker, there are two quite separate matters contained in the Bill before us. I think it would have been better if we had considered those separately; but they are lumped together in the one Bill, so that is how we have to discuss them. I indicate, first of all, that, in relation to the extension of the trial period for liquor trading hours, the Opposition will be opposing that. In relation to the tabletop dancing, we would seek to adjourn the debate as we are not yet on top of that issue.

On the first matter, the debate at the time indicated that this trial was for summer. Summer finishes tomorrow. The Opposition believes that the Government and others should hold to their commitments, which were quite simple: There would be a period of trial and a reporting date. That is what you said you would do, so I believe you should do it. It is quite clear that all the data has been collected; the major work has been done.

There is no further reason to have the liquor outlets shut at 4.00 am in order to collect data. Now the work has to be written up and assessed, printed out and provided to us. There is no reason, then, why the trial should not cease, as we were told it would. We do not need those premises open in order to complete the report.

Mr Humphries, in his letter to me a month ago, when he put the matter in writing, argued for continuity. He seemed to think we should not go back, as he had indicated, to the 24-hour opening, but for the purpose of continuity we should maintain the 4.00 am closure so that things would proceed smoothly after that. That, of course, presupposes that the trial will recommend 4.00 am closing. We do not know that. We do not know what the trial will recommend. The trial may recommend 24-hour opening. The trial may recommend some other hour of closure. When Mr Osborne moved the original piece of legislation, he said, "It is not a trial about time", and he did not specify particularly 4.00 am. He would prefer other times.

We do not know what the report will bring down, and I think that to argue for continuity is to argue on no grounds at all. If we go back to 24-hour trading from the end of the trial, it may be that that will be the period that will be recommended out of the report, and continuity would then be provided automatically. So there is no argument there at all for continuity. I repeat quite clearly that we do not know what the report will say, so we cannot talk about continuity. We should not presuppose what the report will tell us. This is simply a case where a trial was agreed, the period was established, the trial is over, for all intents and purposes, out there in the streets, and we should return, as per the commitment, to the former trading hours. The matter, I believe, is as simple as that.

In respect of tabletop dancing, my attitude is that I do not like it. It seems quite objectionable to me; I would find it undesirable and probably unpleasant. But that is my view. Whether it should be banned out to Fyshawick I do not know. Whether it should be banned altogether, as a better option, I would like to consider further. What is it? Is it a moral issue? I hesitate to use that word. It can come into that area somewhere. It is not, therefore, anywhere near as simple as it may seem, to simply say, "Send it out to Fyshawick". It is tied up with issues of prostitution, of individual liberty, of right of employment or of censorship. It has even been expressed to me as an issue of artistic endeavour. It has been promoted here by the Minister in his statements as being an issue of protection of the Civic area of the community. That is how it has come to me. But there are a whole lot of other issues involved. I do not, at this stage, have the answers to those issues. This Bill was tabled only a week ago today. To date, I have had some correspondence on the matter, I have spoken to one of the partners in the firm, although I have not been there, and I have spoken to the union concerned, who are likely to be acting on behalf of one of the dancers.

I need further time to examine this issue. To the best of my knowledge, as it has been described to me, I am not much impressed with the idea of tabletop dancing. Courtesy of Mr Humphries, I had a brief on the matter of dancers getting up on top of the table and dancing and displaying absolutely everything they have in so doing.

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It is extremely explicit. It is claimed that lap dancing is not part of it, but I tend to take the view that probably anything goes in these circumstances. It is clear that it is a pretty undesirable sort of activity from my perspective. When Mr Humphries first proposed this notion, it was my inclination to recommend to my party that we move an amendment to ban it altogether and not simply shift it out to Fyshwick. But that is expressing a personal view, and I do not know enough about the issue. I simply do not know enough to make a recommendation to my party, and I think the matter should be deferred for a time. I do not think there is any problem in that.

Mr Kaine: Why don't you and I go and check this out one night, Bill?

MR WOOD: Mr Kaine, if you would come with me - - -

Mr Kaine: I do not know any more than you do.

MR WOOD: We can make light of the issue, but it is probably the case, Mr Kaine suggests, that we do not know enough about it. I would like Mr Humphries to defer the matter. I was saying before I was interrupted by Mr Kaine that I do not think it is a matter that has to be dealt with as a matter of extreme urgency. It is not often that we bring a Bill into this Assembly and dispose of it within a week. I do not know whether I am raising it to a higher level of importance than it deserves; maybe I am. But I think the matter could simply be deferred so that we can have a clearer examination of all the issues involved and then vote on the matter.

MR MOORE (6.05): Mr Speaker, this is simply poor legislation. It has been done in a rush, and it seems to me that it has a series of mistakes in it and should be generally opposed. The reason it has been done in a rush is that somebody made a bit of a fuss about something that offended Mr Humphries's sense of morality or community standards - the sort of wrestling with issues that Mr Wood was talking about. In some way Mr Humphries feels offended, and coming to the fore are his wowserish tendencies.

Like Mr Wood, it has been a long time since I have attended anything like tabletop dancing or dancing where women are semi-naked or whatever. However, I must say that as a young man I certainly did, and I presume most people here at some stage or another have been entertained in this fashion. Perhaps as we get older and more mature we say, "That is not for me", but that does not necessarily mean that we should be saying, "And it is not for anybody else either". We have to ask ourselves what the real harm is that is being done in this case. There are very complicated issues, as Mr Wood says, that I am sure we have heard feminists argue as to why we ought not have this sort of entertainment and about the pressure that is brought on women in particular in these sorts of situations. But those complicated arguments are not resolved by announcing a wowserish approach in one week and then introducing the Bill the following week.

Sometimes, we have really important situations, and today we had one of them, where legislation has to be dealt with very quickly. In those circumstances, when there is a good argument, sure, let us do it; but this is not one of those times. It is not something that is ruining the fabric of society. It is probably not something that any of us even knew about. I certainly did not know about any tabletop dancing or naked women in

the city until this issue was whipped up by a few people who, for some reason, got all offended because there was a sign next to a door going upstairs that said there was tabletop dancing or something. I still do not even know where this is, apart from the fact that it is in Civic. I am sure that some members would be happy to show me and take me on an investigative trip for our parliamentary responsibilities. I have done such investigations in brothels before today. In fact, I think I am probably one of the few members here who can say that they visited every brothel in Canberra at the time. I know Mrs Carnell has visited quite a few, and Mr Wood was on the committee with me when we visited them, although I cannot remember whether Mr Wood ever got to any of the brothels. Certainly, I visited them.

This is just a rushed piece of legislation. Let me explain one of the problems it includes in an unintended manner and one of the reasons why we should be adjourning the debate today so that it can have proper consideration. We should have proper time to look at amending it and changing it and proper time to ensure that we adopt an approach that does not allow Mr Humphries in this case, or whoever the Attorney-General is in the future, to be the moral guardian of the city. That is simply unacceptable.

Mr Osborne: Leave it up to me.

MR MOORE: I must say that it could be worse. There is always that outside chance, members - I draw this particularly to the attention of the Greens - that Mr Osborne for some reason might be Attorney-General, and in those circumstances we will look at what he might proscribe in the prescribed areas. The Bill states in relation to sexually explicit entertainment:

In this section -

“sexually explicit entertainment” means any performance or other entertainment -

- (a) in the course of which a person displays genitalia; or
- (b) that includes sexual intercourse within the meaning of section 92 of the *Crimes Act 1900*;

and includes a performance or entertainment of a prescribed kind.

That is the performance or entertainment that Mr Humphries, the moral guardian, or his successor, maybe Mr Osborne, the moral guardian, can simply prescribe, subject to disallowance; but the disallowance is not going to take effect for some time, until after the business has closed down and probably cannot reopen.

It has been drawn to my attention that in some nightclubs women gather as part of a celebration, perhaps for somebody getting married or engaged or for a twenty-first birthday, in what is commonly known as a hens' night. In some of these situations, I am given to understand, it is not uncommon as part of the entertainment for these

women to hire a male stripper. They arrive there, the male stripper does his stripping thing and, lo and behold, the business finds that they have a performance going on in their establishment, which could be taken in by this Bill. My guess is that this is not what Mr Humphries has in mind at all, that he was trying specifically to tackle a particular business. In doing that, with this fairly hastily put together legislation, he has cast a much wider net. That is the difficulty of dealing with this sort of legislation so quickly. We do not want to cast a wider net; nor do we want a situation where we have our Attorney-General as a moral guardian of the city.

Speaking of moral guardians and wowserism, we also see an amendment to the Liquor (Amendment) Act to extend the trial time for an extra six months or so. This Assembly agreed, and I was one of the people who agreed, to a trial so that we could carry out an academic exercise to ascertain the impact of 4.00 am closing. The status quo, as far as I am concerned, is that we do not have a closing hour; we do not have 4.00 am closing. We should return to the status quo now that the research part of the trial has been conducted. We should look at the results of the trial and ask, "Has there really been a marked increase in benefit to the society? Has there been a marked decrease in crime? Has there been a marked change towards a healthier society?"

If the report shows us that those things have happened, I am happy to consider that issue on its merits. I am happy for Mr Humphries to come to us and say, "Right; we want to introduce 4.00 am closing", or the report may recommend 3.00 am closing, and provide arguments and evidence for that.

Mr Osborne: Or midnight.

MR MOORE: Or midnight, as Mr Osborne interjects. These are issues, though, that we do not need to deal with today. We should adjourn this legislation and give Mr Humphries time to double-check just how widely this net is cast on the moral guardian clause, clause 4 of the Bill, and also the wowser clause, clause 5. That is what we should be considering at the next sitting, and not before then. I understand that by the next sitting the very competent people Mr Humphries appointed to do this trial will have their report ready. If the report is not ready then, we can debate it at the sitting after that. There is simply no reason to rush on this.

I think it is most appropriate that this debate be adjourned or, if it is not adjourned, it should be voted against. If it is not lost in principle, we should take clause 4 and remove it, and we should take clause 5 and, at the very minimum, reduce the time back to April or May. It seems to me that this is hasty legislation, with no reason behind it to be hasty - unlike the piece of legislation we dealt with this morning - that provides an unwarranted power to the Government, and particularly to the Attorney-General, to become the moral guardian of this city, which is something we ought not to do.

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

That the debate be adjourned.

The Assembly voted -

AYES, 7

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

NOES, 10

Mrs Carnell
Mr Cornwell
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Osborne
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

MS TUCKER (6.19): Mr Speaker, the Greens will be supporting this Bill. We believe it is appropriate to make sure that the current tabletop dancing venue should be relocated, because we agree with the general principle that sexually explicit entertainment particularly should be confined to prescribed areas. It is a fine line as to whether legislatures should step in to regulate entertainment; but I think everyone here would agree that, if this Assembly has already decided that such activities are better kept in particular areas, it would be consistent to ensure that tabletop dancing and such activities are also in those same areas.

Mr Moore: No, we do not all agree.

MS TUCKER: I take Mr Moore's point. He is saying that he does not agree. I am happy to have another debate on another occasion about whether or not these sorts of activities should be more generally distributed throughout the ACT. I do not have a fixed position on it, but what I do see a problem with is where you allow some activities like this in the city. Let us be honest: They are about stimulating people. There is no outlet in the city, so why not keep it consistent at this point? I can understand why people have a genuine concern about safety in Civic, even at the moment. I do not think it is going to make people feel any safer knowing that right now in Civic men can go and get very drunk, they can sit down and be very stimulated, and then they can just walk the streets of Civic. What are they going to do? Drive to Fyshwick?

I have been lobbied by women's groups on this. I am surprised the Labor Party is taking the line they are, because I assume they would have been lobbied by the women's groups as well. I am also interested to see that the Eros Foundation has supported this Bill.

Mr Moore: We are saying we need time.

MS TUCKER: We have had time to consult on it - I do not know why you have not - and we have fewer members, by the way, so we have more work to do. The definition of sexually explicit entertainment that is proposed in this legislation includes entertainment in the course of which a person displays genitalia or that includes sexual intercourse. This would cover circumstances where such activities occurred in the course of tabletop dancing, stage performance, bar service, table service and so on. My office has been informed that this definition will cover the venue in Civic that has already opened.

We also have some concern, as Mr Moore has, about the Minister being able to prescribe other forms of sexually explicit entertainment. I have discussed these concerns with the Minister. I was concerned that perhaps these powers were too broad, but I am reassured by the fact - and the Minister will make a statement to this effect - that any form of entertainment or performance that is prescribed will be prescribed in a disallowable regulation. Mr Humphries has assured me that, if he does prescribe any other activity, he will make sure that it is drawn to the attention of other members in a very public way by tabling a statement in the Assembly. Mr Moore thinks people will start their business and then have to stop. I think it must be clearly understood by people who wish to start a business of this nature that this is the process and that it would be unwise of them to start that business until they know that it is accepted or not accepted by the Assembly, by the decision of the Minister. I am happy to accept this, and I will not be moving the first amendment circulated in my name.

The second issue that is raised in this legislation is about extending the time period for the trial of restricted trading hours for the sale of liquor. The Greens actually opposed the proposed trial in the first place. I did not think there had been very much thought put into the proposal, and I was surprised that the experience of other jurisdictions was not looked at in detail, although there was some kind of literature search done. I read that in detail, and I see that Mr Humphries has acknowledged that it was ambivalent at best whether regulation of trading hours made any impact on the violence that occurred around venues at closing time.

The Assembly agreed that the legislation would proceed, that there would be a sunset clause, and I agreed to make the period 12 months so that the trial would include the summer months. Now the Minister is asking for an extension of the trial period so that the evaluation can be considered by the Government and other members of this place, and I believe that is fair enough. I have not accepted that it should go to September, however. Mr Humphries has circulated an amendment which will take it to June. That is only two more months when places would be able to continue to trade as they are now, until the Assembly and the Government have had time to consider the consultant's report and evaluation on whether this has made any difference to the violence in Civic.

MR OSBORNE (6.24): I would like to clarify a couple of points raised by my furry-faced colleague over here, Mr Moore. The first is on the issue of being hasty. Who was in a mad rush last week to get his euthanasia Bill debated this week and passed? Who was hasty about that? Not me. You, Mr Moore. I would like to comment on the issue of being a moral guardian. He calls us moral guardians because we do not think it is

okay for there to be tabletop dancers in the middle of Civic. If that means I am a moral guardian, so be it. There are designated areas for that type of entertainment, if you call it that, and, if Mr Moore wants to frequent one of those places, he knows where they are. The thing that annoys me about people like Mr Moore is that they constantly attack everything that normal, sensible people cling to - issues such as morality. The fact is that they never offer a real alternative. They erode everything that is dear to us; yet they never put up anything to counter what they have taken away. Mr Speaker, I will be supporting the Government on that issue.

On the extension of the 4.00 am close, when I proposed it last year there was very strident and very vocal opposition from the AHA, the lobby group for these licensees. Yet, here we are, nearly 12 months away, and they have come out in support of extending the trial while we wait for the outcome of the report. It is only sensible. Why the hell go back to 24-hour trading if the report is going to come down in a couple of weeks or a couple of months and recommend 4.00 am? It is certainly going to throw everybody out. I would imagine most people in Canberra are used to the 4.00 am close. I went out with the police a couple of weeks ago and was even brave enough to walk through one of the nightclubs at about 10 to 4. I was wondering whether I would get something thrown at me, but I did not. Most people resign themselves to the fact that we now have a 4 o'clock close. Mr Moore's option of going back to a 24-hour licence while we await the outcome is quite silly.

I would like also to speak on the issue of being a wowser. Look at that grotty little smile on Mr Moore's face. He has used it quite often in the last couple of weeks. He called me a wowser last week over my referral of a code of practice to the Legal Affairs Committee. If Mr Moore thinks that, because I cut my hair and have a shave and choose not to have a drink, I am a wowser, so be it. I would like to offer him a bit of advice, Mr Speaker: The hippy age ended 25 years ago. Get into the real world. Have a haircut, have a shave, and welcome to reality, Mr Moore.

MR HUMPHRIES (Attorney-General) (6.28), in reply: Mr Speaker, I will try to be as brief as I can, to close this debate. I will not comment, at any length anyway, on the argument that we are being hasty in pursuing this legislation. This is one of the Bills we have had longer to consider in this sitting fortnight than most others we have had to deal with already in this period.

Mrs Carnell: It is better than 48 hours.

MR HUMPHRIES: It is certainly better than 48 hours, but I will not reflect on a previous vote of the Assembly. Let me make something quite clear: Mr Moore asked what was the reason for considering this right now. The reason is that between now

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and our next sitting, the 4.00 am closure law expires. If ultimately - I am just putting it at "if" - the Assembly decides to endorse a recommendation from the trial that says we should continue the 4.00 am closing, it is easier to do that if the thing is already on foot than to resurrect - - -

Mr Whitecross: And what if they say the opposite?

MR HUMPHRIES: Okay; let us assume they say the opposite. Suppose they say that we should not do this anymore. It is very simple then to simply discontinue the trial. There is no problem at all with that. But the alternative in this situation is that, if what those opposite suggest is the case, we would end up potentially having 4.00 am closing until 31 March this year, then no restriction on trading hours until, say, 10 September this year, and then 4.00 am closing again from 10 September onwards. Three different periods throughout the year makes no sense at all.

Mr Moore: You asked for time for the trial, and if you push this through now we will not be able to trust you with this sort of thing again.

MR HUMPHRIES: Come on, Mr Moore!

Mr Moore: You asked for time for a trial, you were given it, and you are using it as an incremental step.

MR HUMPHRIES: I am not using it as an incremental step. I simply ask for the time to assess the trial. When we set that period for the end of the trial, we did not consider the consequences of having to assess a proper empirical study of this matter and then have time for the Assembly to assess that result. There is no way the Assembly could ever have assessed the results of a trial that was ending a few weeks before the point at which the period of 4.00 am closing was to end. It was always impossible.

I put one salient fact before this Assembly. The Australian Hotels Association has opposed very strongly the 4.00 am closure, but they say to this Assembly, "Extend the trial". Why? Is it not obvious, even to those who are a little bit slow at this time of the evening, why they want to extend the trial? They do not want the inconvenience of having their members go off the trial and have to go back on it later in the year if the trial is re-endorsed. That makes a lot of sense to me. If it is good enough for the Australian Hotels Association, why is it not good enough for those opposite?

On the question of tabletop dancing, I am not a wowser. I have no objections at all to tabletop dancing. If people want to flash their genitalia for money, that is fantastic. My party supports legalised prostitution in this Territory. My party supports the sale of X-rated videos. Why should I get hung up about tabletop dancing? I have no objection to those things. I am not talking about people forcing their genitalia down my throat, so to speak. I am sorry; that was badly put. I withdraw that. I am not talking about them putting it in the public arena. I am not talking about them imposing their values on me. I am talking about them doing it in certain places in the Territory.

I support X-rated videos being sold, as long as it is at Fyshwick and Mitchell and places like that. I support prostitution being legally available, as long as it is in Mitchell and Fyshwick and places like that. Similarly, I am saying that, if people want to sell tabletop dancing in this Territory, they can do it at Fyshwick and Mitchell and places like that. I am talking about protecting the amenity of Civic. I do not want Civic to become another Kings Cross or St Kilda. I do not want that to happen, and it might happen if we start - - -

Mr Osborne: What is wrong with St Kilda?

MR HUMPHRIES: St Kilda is fine for St Kilda. It would not work in Bourke Street in the middle of the city; nor would it work in Martin Plaza. There is a place for everything and everything should be in its place. I am not imposing my moral views on the Assembly. If I or some other Attorney-General prescribe other things that may not happen, we have to table a regulation in this place which is disallowable. I can confirm to the Assembly that if I table such a regulation I will not bury it within other documents, where regulations are often tabled; I will make a statement attached to that regulation. I will alert members of the Assembly very explicitly to the fact that that regulation has been made and to the circumstances that led to its being made. That is my undertaking to the Assembly.

I want to put on record the fact that the Australian Hotels Association has supported the extension of the trial, and the Eros Foundation has supported the removal of tabletop dancing to those parts of the Territory which we are talking about. Mr Moore said the effect of this legislation was very wide. That is actually not the case. It is not very wide at all. In fact, it is rather narrower than I would have liked. This legislation does not ban, for example, topless waitresses; nor does it ban most strippers, who I believe are commonplace in the Territory for particular social functions. Neither of those things is banned by this legislation, within Civic or anywhere else. It does ban, though, the full exposure of people's genitalia and full acts of sexual intercourse, except in those certain parts of the Territory which we are now prescribing.

Mr Whitecross: Unless you prescribe something else.

MR HUMPHRIES: If I do prescribe something else, I will come back to the Assembly and you can disallow it, Mr Whitecross.

Mr Whitecross: Why do you not tell us what you are going to prescribe before we pass it?

MR HUMPHRIES: I have no intention whatsoever of prescribing anything else at this point in time. Mr Speaker, that is the position, and I simply say that this is appropriate and I ask members to support it.

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Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 10

Mrs Carnell
Mr Cornwell
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Osborne
Mr Stefaniak
Ms Tucker

NOES, 7

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR MOORE (6.38): I move:

Page 2, lines 14 and 15, clause 4, proposed subsection 74(3), omit the words after “*Crimes Act 1900*;”.

The effect of the amendment is exactly the same as the effect of the amendment circulated in Ms Tucker’s name, which she has indicated she will not be moving. It accepts what Mr Humphries was saying, and I think he put a quite good argument: We do not allow in Civic X-rated videos that portray particularly explicit sexual acts; that is in Fyshwick and Mitchell. I accept the weight of that argument and think it has some sense. Therefore, I can see that proposed subsection 74(3) would mean that any performance or other entertainment in which a person displays genitalia or that includes sexual intercourse within the meaning of the Crimes Act is removed, like X-rated movies, to Fyshwick, Mitchell and Hume. I do not have a problem with that. I do have a problem, though, with the notion that it includes a performance or entertainment of a prescribed kind. I understand that that first part will actually solve the problem Mr Humphries is dealing with in terms of the style of tabletop dancing that goes on. I must admit that, when I heard about this tabletop dancing, I was under the impression that there were bare breasts and things like that. I am obviously not quite familiar with it, and I did not have enough time to pursue this and chase the exact details of this type of entertainment. If that is restricted to Fyshwick, Mitchell and Hume, I do not have a problem.

On the other hand, Mr Humphries says to us, "If I prescribe something else, I will put it on the table and I will highlight it for you. I will make it very clear to you". I think that is not necessary under the circumstances. It is much better for Mr Humphries, if he finds another area, to bring it back to the Assembly and then proactively say to us, "Will you please consider doing the same thing that we did last time?". As I said, I have accepted your argument about X-rated videos and so on. When you get another situation like that, come back to this Assembly and say, "Let us move on this as well". It removes that notion of somebody like Mr Humphries having this power.

There is another advantage to this amendment. Mr Humphries may be Attorney-General for less than a year. That is highly likely, because our election will be held in a year's time and it may well be that either Mr Humphries and his party are no longer in government or, even if they are in government, Mr Humphries may have a different portfolio or different responsibilities or whatever. Then we will have in the position somebody else who has not made the same commitments as Mr Humphries has made. I quite accept Mr Humphries's commitments, Mr Speaker. My experience in this Assembly over the last eight or nine years, or whatever it is, has shown me that when Mr Humphries makes these commitments he lives up to them. I do not have much problem there, but I think putting that into law is the wrong way to deal with this sort of complicated issue, as Mr Wood put it. Whether it is a moral standard or however you want to describe it, it is the sort of issue that should come back before the Assembly in a proactive way.

I think this is a very sensible amendment. The Greens originally put forward this idea when they circulated the amendment, and, perhaps rethinking it, it might be worthwhile allowing this legislation to go through, but with this exception.

MR HUMPHRIES (Attorney-General) (6.42): Mr Speaker, I must say that I personally do not really relish the idea of having the power to be trying to spot activities in the Territory which might contribute - - -

Mr Whitecross: We are looking after you, then.

MR HUMPHRIES: Let me finish what I am saying, Mr Whitecross; do not jump in too quickly - contribute to a situation where we are preserving, for example, the amenity of Civic or whatever other objective you might want to perform by legislation such as this. However, the fact of the matter is that it is very clear that some people are quite prepared to exploit loopholes in legislation in order to provide this kind of entertainment if they feel they are going to make money out of it. I hope Mr Moore is not trying to distract my friends the Greens while I am making my arguments.

Mr Moore: Certainly not.

Mr Wood: That is something you have never done, Mr Humphries.

MR HUMPHRIES: Not at all; never. The fact is that people will try to exploit loopholes. They will find loopholes and they will try to exploit them. Let us say, for argument's sake - this is an example someone here gave me earlier today - that someone decided to offer in the Territory entertainment involving sexual intercourse

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with animals. I do not wish to turn the stomachs of members who have not had dinner yet, but I very much doubt whether that kind of activity would be covered in subsection (3). It does not display genitalia, necessarily, or include sexual intercourse within the meaning of section 92 of the Crimes Act.

I think we would all agree that, with entertainment of that kind, not necessarily in Civic but in areas of the Territory close to schools or residential accommodation, it would be appropriate for the Government to move quickly against its happening, particularly in circumstances where the safety net is there for the Government to bring forward regulations in this place and lay them on the table, with or without a statement by me. They have to be laid on the table in this place and members have the right to disallow them - not just to disallow them in total but to amend them if they feel that I have the thing basically right but it could do with a bit of improvement. That is the safeguard; that is the protection. I as Attorney-General, and any successor of mine, have to lay these things before the Assembly and the Assembly can make a decision about these matters.

We attempted to discourage this particular organisation that is now in Civic from opening up. We said to them, "This is not the appropriate thing". We attempted to use provisions in the planning legislation to prevent it from happening. We found that we could not. We attempted to discourage them and we were not able to do that. It is appropriate to have the power to deal with a situation like that. I say to members: Do not believe that every situation can be dealt with in such a way that you can come back and get the Assembly to ratify it. It could be months and months before that can be effected.

Mr Whitecross: Two weeks? You introduced it last week.

MR HUMPHRIES: No; we do not sit for two months sometimes. We do not sit for two months on some occasions, Mr Whitecross. Do you remember the summer holidays? Mr Speaker, I have asked members not to put us in the position where we do not have that power and it might just be necessary and quite appropriate to exercise it.

MR WOOD (6.46): The Opposition will be supporting this amendment, but we will nevertheless be voting against Mr Humphries's Bill. The logic attached to that is that the amendment makes the Bill marginally less problematic than it is at the moment. I repeat that it would be our preference for the matter to be adjourned so that some greater consideration could be given to this.

Amendment negatived.

MR HUMPHRIES (Attorney-General) (6.46): I move:

Page 2, line 19, clause 5, omit "30 September 1997", substitute "30 June 1997".

This amendment brings the end of the trial back to the end of this financial year. I hope the report of the consultants can be provided to the Assembly and we will have time to consider whether we wish to implement it or not or whether to accept its recommendations or not. Although that is a bit tight, I think we can accommodate it, and I would urge members to support that amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

FAUNAL AND FLORAL EMBLEMS

MRS CARNELL (Chief Minister) (6.47): I move:

That this Assembly:

- (1) having considered the Report of the Standing Committee on Economic Development and Tourism on a bird and/or another animal emblem for the Australian Capital Territory and the Government's response to that Report, adopts the Gang Gang Cockatoo (*Callocephalon fimbriatum*) as the faunal emblem for the Territory; and
- (2) formally endorses the Royal Bluebell (*Wahlenbergia gloriosa*) as the official floral emblem for the Territory.

Members will recall that last Thursday I tabled the Government's response to Report No. 3 of the Standing Committee on Economic Development and Tourism inquiry into a bird and/or another animal emblem. At the time, I advised members that the Government wished to seek their endorsement of the gang-gang as the faunal emblem of the ACT and of the royal bluebell as the floral emblem. I also advised members that I would be asking the Minister for Arts and Heritage to undertake a process of developing a stylised representation of the gang-gang. Once members have given their endorsement, this process can commence. I hope the emblem can then be used and promoted as something we can all be proud of.

MR WHITECROSS (Leader of the Opposition) (6.49): The Opposition will be supporting the motion. There are some matters dealt with in the recommendations about the manner of use of these emblems that we need to consider, and I hope we will get a chance to deal with those at a later time. The consultation around this seems to consist of the consultation undertaken by the committee. On balance, the committee's consultation in relation to the gang-gang cockatoo seems to point to that being far and away the preferred approach.

I have one slight reservation in relation to the floral emblem. I know that it was adopted in 1982, and the committee does not seem to reopen that issue in its consideration. My hesitation is that the royal bluebell is limited in its use by citizens of the Territory by the fact that it is basically an alpine flower and grows pretty badly where the people of Canberra actually live.

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MR SPEAKER: I do not think we are encouraging people to pick it, Mr Whitecross.

MR WHITECROSS: I was talking about growing it, not about picking it. It would be an offence to pick it because it is in a national park. It might have been nice if we had had a floral emblem that you could grow in any numbers in the city, where all the citizens of Canberra actually live.

Mr Berry: It grows on median strips.

MR WHITECROSS: If I can criticise a member of my own party, Mr Speaker, Mr Berry says that it grows on median strips, but Mr Berry is wrong. That is not the royal bluebell that grows on median strips; it is the common bluebell.

Ms Reilly: It is the republican bluebell.

MR WHITECROSS: That is right; it is the republican bluebell perhaps. I can understand that Mr Berry would overlook the royal bluebell. He is a republican, of course, and would turn a blind eye to the royal bluebell.

In terms of the use of these symbols of our Territory, a symbol that would live happily in the grasslands and woodlands of Canberra city might be a more appropriate floral emblem; but I accept that in 1982 this other floral emblem was adopted and that, therefore, as part of the formalities of this motion, it is appropriate to endorse it. I hope one day we will find an opportunity to reconsider this matter and perhaps come up with something that, for my part, would be a more living symbol of our city than the alpine flower we currently have.

Question resolved in the affirmative.

DOGS - REGISTRATION

MR HUMPHRIES (Attorney-General): Mr Speaker, on Tuesday I took on notice a question from Mr Osborne about the number of dogs registered in the ACT. I seek leave to have my answer to his question incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 3.

ADJOURNMENT

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

That the Assembly do now adjourn.

Resignation of Member

MR OSBORNE (6.54): Mr Speaker, it saddens me that I have to rise today as a member of the crossbenches to speak - - -

Mrs Carnell: You bastard!

MR SPEAKER: Order! I am not sure the Chair heard what I thought it heard.

Mrs Carnell: I withdraw.

Mr Whitecross: On a point of order, Mr Speaker: I thought a member referred to another member as a bastard, and I thought that should be withdrawn.

MR SPEAKER: If they did, I would ask that it be withdrawn immediately.

Mrs Carnell: Absolutely withdrawn.

MR OSBORNE: Mr Speaker, it saddens me to have to rise today as a member of the crossbenches to talk on the life and times of Mr De Domenico and his contribution to ACT political life. I do not quite know where to begin. Perhaps that explains the reluctance of Mrs Carnell and the rest of the Liberal Party over the past two weeks to get to their feet and bid Mr De Domenico farewell.

Mr Moore: Two weeks they have had?

MR OSBORNE: Two weeks, that is right, Mr Moore - two weeks and five adjournment debates.

Mr Moore: This is the sixth one. You have shamed them into it. You watch.

MR OSBORNE: I will shame them into it. I think one of the more appropriate ways to describe Mr De Domenico's stint as an ACT politician is to say that he has certainly been enthusiastic. During my time here, his best performance that comes to mind during the life of this Assembly was when he fronted the 1995 Estimates Committee to receive his first grilling as Minister for Urban Services. Chris Uhlmann wrote later that week in the *Canberra Times* that Tony attacked the questions like a demented monkey swatting flies with a stick, such was his enthusiasm to respond. There were times when Mr De Domenico's enthusiasm got him into a bit of trouble here during Assembly sittings, and even outside.

I spent a few minutes looking in *Hansard* to see how many times Mr De Domenico had been pulled up for using unparliamentary language. I admit to being slightly disappointed in this regard, as the majority of incidents seem to have involved Mr Humphries. There were a number of times when Mr De Domenico was pulled up, though, the best one being when he accused another member of not being able to lie straight in bed. How apt! Of course, it would not be appropriate for me to name the member he was referring to at the time, although it could be said that he is no longer an Assembly member, having experienced voter-initiated retirement. I have also learnt that he enjoys life now driving around in a BMW, I think it is; it might be a Mercedes.

On a more serious note, Mr De Domenico was not the sort of politician to let activity totally take the place of achievement. Although I have not always agreed with him, I believe that Mr De Domenico was a good local member. He would meet anybody anywhere and tackle tough issues head on. I appreciate that Mr De Domenico's style got him into political hot water at times, and he certainly attracted an amount of controversy well out of proportion to the length of his political career. This Assembly will miss the extra bit of colour that Tony used to add. I have to say that, on the occasions when I approached Mr De Domenico on issues and he said that he would do something, he always did. I will certainly miss him because he was such an easy target.

Euthanasia Debate : Resignation of Member

MR MOORE (6.57): Mr Speaker, I rise to speak on two issues. First, I am pleased that Mr Osborne has finished because I want to respond to something he said yesterday in the debate on euthanasia. He commented that I attacked people for their religious beliefs. Mr Speaker, that is something I believe I never do. I do act very harshly on people who try to inflict those religious beliefs on others. That is a very important distinction. I have a great deal of respect for people who wish to practise their own religious beliefs.

I also want to say a few words about Mr De Domenico because it seems that there is no other way to shame the Liberal Party into saying just a few words on behalf of the Dipper. I am sure that the Dipper himself would be amused in this exercise that, of all people who should be the second to stand up to say a few nice words about him, it should be me. There have been some quite significant political tussles that Mr De Domenico and I have been through. It is a great credit to Tony - I think we can now refer to him by his first name because he is no longer a member - that when we had had a good old barney on the floor of the house you could walk out through the door and, sure enough, Tony would be the first one to say, "Hey, do you want a beer?". He was a bit of entertainment in the Assembly. He certainly did add colour. As I have said publicly, I think we are better off without him. I think the best contribution he made to the people of Canberra was when he left the Assembly, but at least I am prepared to say it, rather than just completely ignore him.

If I were Mr Kaine, Mr Stefaniak, Mr Humphries, Mr Hird or the newly appointed Mrs Littlewood, I would be very worried about trying to use our Hare-Clark countback system and leaving. Sure as eggs, they would just disappear into oblivion and nobody would say a nice word about them. Mr Speaker, it could be even worse. You could be one of the ones who left, with not a word said by your colleagues from the Liberal Party.

But you being Speaker, and because of the way you look after members here, I am sure all other members would take the opportunity to say how much we enjoyed your speakership and all the nice things we could think of. I am just trying to think of one, if I can, Mr Speaker.

Before I sit down, I call on the Government to stop being embarrassed. Please, Chief Minister, stand up and say something about Mr De Domenico. Please use the opportunity. I do not know how else to embarrass you into making sure you do say something. Mr Osborne has asked question after question at question time, and I have backed him up, because it is just unfair.

Resignation of Member

MRS CARNELL (Chief Minister) (7.01): Mr Speaker, I would like to place on record my and my party's support and thanks to Tony De Domenico, who resigned as Deputy Chief Minister and from this Assembly last month to take up a position in the private sector. Mr De Domenico served this Assembly for almost five years. During that time he served variously as Deputy Leader of the Opposition, Deputy Chief Minister, and for a couple of weeks here and there as Acting Chief Minister. His departure from the Assembly certainly marks the end of a meaningful, if colourful, political career. It was built entirely on looking after the people of Canberra to the best of his ability, and I am sure that nobody would take that away from him. I am sure that Tony would not mind being called colourful, because no-one could accuse him of being a wilting flower when it came to the cut and thrust of debate, both inside and outside these four walls.

Mr De Domenico came to this Assembly from a background in business and extensive community involvement. He came to Australia in 1950. Many people may not know Tony's background. He is the only son of Egyptian parents. The De Domenicos fled political persecution in Egypt to emigrate to Australia. They arrived in Melbourne and they were penniless. It is worth noting that Tony's father, Renato, went to Fishermens Bend to build Holdens, while his mother, Irma, worked on a production line building television sets. Tony was educated at Marist Brothers College at Preston and later studied for a Bachelor of Arts degree at the Melbourne University, before being somewhat diverted to politics. In 1976 he stood for the seat of Reservoir, a Labor Party stronghold, and although he lost he improved the Liberal Party's vote. He then worked as a customs officer before becoming the adviser to the Victorian Minister for Immigration and Ethnic Affairs, Mr Walter Jona, in 1979. It was probably at that time that Tony really became wedded to politics.

He moved to Canberra in the 1980s to take up the position of regional manager of the Insurance Council of Australia, and in 1988 he began working as a lobbyist and public relations specialist for Royce Consolidated. In Canberra he became a very active member of both the community and the Liberal Party. Tony held many positions.

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He was president of the Chamber of Commerce, president of the Insurance Institute of the ACT, executive member of the Canberra Association for Regional Development, chairman of the ACT Tourism Awards, director of the Canberra Rotary Club and the Guide Dog Research Association, to name only a few. Added to this was his active involvement in his local church, scouting groups, cricket and football coaching, and activities with his family of three young boys.

In 1992, Tony was elected as a Liberal MLA in this Assembly and he was re-elected in 1995 with the highest first preference vote in the electorate of Brindabella. During the past five years he held many shadow and ministerial responsibilities, including being Whip and spokesperson for industrial relations, urban services, employment, the family and tourism. As Deputy Chief Minister, Tony was also Minister for Industrial Relations, Minister for Urban Services, and many other things.

The one thing you can say about Tony is that he gave the people of Tuggeranong 110 per cent of his time. I think one of the things we can all say about Tony is that he did give it his all. You take a lot on the chin in this job. The people of Canberra are not very kind to Assembly politicians. Like many before him, and I suspect many of us here, the Dipper always took those insults and those comments on the chin and got on with the job. We will miss him. We will miss his enthusiasm; we will miss his vigour. We all, I am sure, wish Tony very well in his new job. One thing we can be confident about is that Tony will be out there selling Canberra. He will be out there espousing the virtues of our city, wherever he may be.

Public Service

MR KAINE (Minister for Urban Services) (7.06): In speaking on the adjournment, I am going to break the mould and not talk about Mr De Domenico's resignation. Instead, Mr Speaker, I would like to give a little pat on the back to our ACT public servants. Some of you may know that during this last week the ACT Public Service has been involved in both the Public Service Innovations Expo and the concurrent conference. In the expo they have mounted an exhibition packaged under the theme ACT Public Service - Windows of Opportunity. In a single booth, the ACT Public Service showcased hi-tech innovations such as the ACTmap system, which was developed in partnership between the ACT Public Service and CSIRO, the LawNet system, developed by the Attorney-General's Department, which provides easy access to legislation and legal issues via the Internet, the Tardis land title system, and the Austouch kiosk, which has attracted a considerable amount of interest, particularly from community service organisations in jurisdictions outside of Canberra. At the more down-to-earth end of the displays, there was a smaller-scale worm farm which attracted considerable attention from a wide cross-section of expo attendees, particularly those involved in waste management.

The net result of their efforts is that the ACT Public Service display has only this morning been awarded one of three awards for best display at the expo, out of a total of almost 100 exhibitors. The prize of \$5,000 worth of management training from the Australian Institute of Management will certainly be put to good use by staff from

across the Public Service. The booth was designed and constructed at a cost of only about \$6,000. It is quite clear that many of the other individual exhibitors spent money far in excess of that, and I think that is testimony to just how innovative our public servants are and to the ingenuity of the staff involved in the development of this display. On behalf of the entire Assembly, I would like to congratulate everyone who has been involved in that display at the Innovations Expo.

Resignation of Member

MR STEFANIAK (Minister for Education and Training) (7.08): Mr Speaker, in question time Mr Osborne asked me a question about Mr De Domenico, and I think it is appropriate that I say something. I will miss Tony very much. I remember a number of things about him; just sitting here during the adjournment debate has brought a few things to mind. On a serious note, showing the serious and very effective side of Tony De Domenico as a lobbyist, in the First Assembly, when we had the fluoride debacle, I can remember the very effective job of lobbying Tony did after the initial vote, when fluoride went out of the water, to convince people that it should go back in. Within about a month that occurred, and I remember his very persuasive arguments and the amount of work he did as a lobbyist. He was a long-time member of the Liberal Party, and I suppose I first became aware of him at around that time. Tony then successfully stood for the Second Assembly.

I have been in a big bin twice, Mr Speaker, once back in 1990 with the late Dr Hector Kinloch - a lovely man who was my former history lecturer and who got in here at No. 4 on the Residents Rally ticket. Poor old Hector, unfortunately, is now deceased. Then again, when the Labor Party had their policy launch or something, we managed to get them off the front page with an interesting little picture of Tony De Domenico wheeling me around in a big bin. Most people think I was wheeling him around in a big bin, which would be pretty easy - it would be rather hard to see Tony over the top of the bin - but, in fact, it was me in the big bin and Tony was wheeling me around to show just how easy it was for anyone to wheel around something in a big bin, even something that weighed a hell of a lot and took up a hell of a lot of space, as I did. Tony was known to go in for quite a few clever stunts like that. He would push things in which he believed passionately, such as the right of people to see circuses, for example. Someone mentioned Mr Lamont in passing. Mr Lamont managed to stop a number of circuses and certain types of acts in Canberra. I can remember quite clearly Tony getting into a lion's cage, Tony riding on an elephant, and those sorts of things, to push his point of view.

He was generous, he was gregarious, he was a real live character, and I for one am sad to see him go. I do not think he is necessarily going to go away. He has indicated that he will be around Canberra and pushing the ACT, and I will be very surprised if we see him go. Recently, although he was out of the Assembly, he was commentating and giving out thousands of awards for the Sri Chimnoy peace triathlon. I would like to pay tribute to the work he did and also comment that over the years, apart from being a very good and effective member of this Government, he was a lot of fun as well.

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Mr Speaker, finally, I note that the Raiders play their first game in the new competition on Monday. I am sure all members would join with me in wishing them well for the start of the 1997 season. I would like particularly to wish Mal Meninga, their new coach, well. I am sure he will be an excellent coach. Good luck to the Raiders for the season, and especially good luck in their first competition game next week.

Question resolved in the affirmative.

Assembly adjourned at 7.11 pm until Tuesday, 8 April 1997, at 10.30 am

ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 380

Streetlighting

Mr Wood - asked the Minister for Urban Services:

- (1) How many streetlights are there in the ACT?
- (2) How much electricity is used in lighting?
- (3) What is the cost of this electricity per year?
- (4) How is the distance between light poles determined?
- (5) What is the cost of replacing a bulb in a streetlight?
- (6) How often are streetlights checked for malfunctions?
- (7) When a member of public notifies ACTEW that a light is not working, what is the average time taken until it is mended?
- (8) Are all streetlightings on all night.

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

- (1) Currently, there are 58,649 streetlights under the DUS ownership connected to the ACT streetlight system.
- (2) Total annual energy consumption for 58,649 lights is 35,649,017.95 Kilowatt hours (kWh).
- (3) The annual cost of electricity for 58,649 lights is \$3,158,503.
- (4) The spacing between streetlight columns depends on the road category, lamp type and luminaire and column type. Once these elements are selected, computerised design packages are used to determine column spacing. All new installations are designed to meet Australian Standard AS 1158.1 1986.

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- (5) The typical cost of replacing a lamp on main roads and suburban streets varies between \$40.06 to \$114.32 and \$30.63 to \$111.50 dependent on lamp type. The cost of bulk bulb change is relatively less.
- (6) Main roads are being patrolled once every two weeks and other roads and areas once every three weeks. City Walk is inspected each week.
- (7) The average response time for repair is between two and four working days. Maximum response time is five working days.
- (8) Yes. All lighting connected to the streetlighting system operates between dusk and dawn with turn on and turn off times being controlled by photo-electric cells positioned at various locations.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 381

Smoke-free Areas - Exemptions

Ms Tucker - asked the Minister for Health and Community Care upon notice on 18 February 1997

In relation to the implementation of the *Smoke-free Areas (Enclosed Public Places Act 1994* -

- (1) Can you provide detailed information on the process for granting exemptions to the Act.
- (2) Are the premises examined before granting a certificate of exemption.
- (3) Are the premises examined when occupied at or near full capacity.
- (4) Can you provide a list of licensed premises which hold certificates of exemption.
- (5) For premises who have been granted an exemption, how often is the (a) equipment checked or (b) air quality monitored.
- (6) How many inspectors
 - (a) are currently appointed to monitor compliance with the Act;
 - (b) were appointed in 1995; and
 - (c) were appointed in 1996.

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

- (1) The legislation stipulates that an exemption can not be granted except where the Minister is satisfied that the premises are fitted with mechanical air conditioning and ventilation equipment capable of maintaining air quality in accordance with Australian Standard AS1668.2.

The process of granting exemptions therefore involves the applicant providing such information as is necessary to enable an accurate assessment to be made of whether the air quality in the premises complies with the Standard. This assessment is undertaken by officers of the Department of Health and Community Care and by mechanical engineers employed by agencies of the ACT Government.

The exemption application form includes a 4-page Building Services Engineer's Report. This report must be certified by a mechanical engineer registered with the Institution of Engineers, preferably at Level 3, which is the highest professional level.

Restaurant exemption forms must include a sketch of the premises indicating the location of smoking and non-smoking areas and elements of the air handling system. Licensed

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premises exemption applications will need to include a copy of the plans for the premises and for the air handling system(s).

Where the information provided is unclear or incomplete, the applicant or the applicant's engineer is contacted. Provided that all of the relevant exemption requirements as specified in the Act are met, an exemption is granted.

(2) Because the information on the exemption application is designed to indicate whether AS1668.2 is met, premises are not normally visited before an exemption is granted.

(3) Whether the premises are examined during normal trading hours at normal occupancies would depend on the purpose of the inspection. While certain air quality monitoring is best undertaken when the premises are occupied, the level of occupancy will not be a factor in the examination of equipment and equipment records.

(4) No licensed premises currently hold certificates of exemption, as the general smoking prohibition does not apply to licensed premises until 6 June 1997 and exemptions do not take effect until that date.

(5) Compliance monitoring of exempt premises (restaurants and licensed premises) may occur routinely or for the purpose of following up complaints. For exempt licensed premises, the Department will endeavour to conduct routine inspections of at least one-third of premises each year over a three-year period. An inspection will normally include checking the air quality for indications of compliance, and conducting other tests and inspections, where warranted. The precise inspection program will depend on a number of factors, such as the total number of exempt premises and the degree and patterns of compliance/ non-compliance found during the first year.

(6) Compliance with the Act is achieved primarily through self-enforcement, which is supported by community awareness and the display of no-smoking signs where smoking is prohibited. Proprietors also have certain obligations to minimise the likelihood of a breach occurring, and to take certain steps if a breach by an individual does occur. Inspectors investigate all complaints and reports of non-compliance, and provide information and assistance to proprietors in achieving compliance in their premises. Where necessary, legal action for non-compliance is initiated.

Reliance on self-enforcement and the provision of information, education and assistance have been successful in achieving a high level of compliance since the Act came into effect in 1994. However, there are certain premises where the risk of non-compliance is greater, and these premises will require more attention.

There is currently one inspector actively involved in monitoring compliance with the Act. Another inspector is available but is no longer assigned to this program area. One inspector was appointed for a 6-month period in 1995. No inspectors were appointed in 1996. One or two inspectors are expected to be trained and appointed during 1997.

TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 382

Land Rates - Exemptions

MR MOORE - Asked the Treasurer upon notice on 19 February 1997:

Further to your response to Question on Notice No. 281, regarding exemptions from payment of rates for religious institutions -

- (1) Can you explain the apparent contradiction between the situation that "all religious institutions that have a lease of land in the ACT are exempt" (your answer to Question No. 281) and the rates concession which is limited to "...buildings used exclusively for public worship..."(s.6(1)(c) of the *Rates and Land Tax Act 1926*).
- (2) Are any leases held by religious institutions for the sites of administrative, aged care, commercial etc. (ie. not "exclusively for public worship") being exempted from rates.
- (3) Are any leases held by religious institutions for mixed purposes being exempted from rates through the presence on the lease site of a place of worship.
- (4) Can you list all the sites in the ACT which are exempt from rates under
 - (a) s.6(1)(b) of the *Rates and Land Tax Act 1926* (other than on the ground that the site is a cemetery).
 - (b) s.6(1)(c) of the *Rates and Land Tax Act 1926* (other than on the ground that the site is used as a free public library); or
 - (c) s.6(1)(d) of the *Rates and Land Tax Act 1926* (where the school is not a public school).
- (5) Can you provide an estimate of the rates which would be payable, but for the exemptions, for each site identified under the last item.

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

(1) I wish to elaborate on the answer previously given to Mr Moore as part of Question No. 281. My answer was that "all religious institutions that have a lease of land in the ACT are exempt from the imposition of general rates". This statement is supported by the fact that religious institutions are considered to have a benevolent status and as such qualify for an exemption pursuant to Section 6(1)(b) of the *Rates and Land Tax Act 1926*. This provision allows an exemption to sites of benevolent institutions, irrespective of the permitted land use specified in the lease purpose clause. Sites of churches and other buildings used exclusively for public worship that are owned by a religious institution, qualify for an exemption of rates under either Section 6 (1)(c) or 6(1)(b) of the Act.

(2) Yes - As stated in my previous answer to the Member's question, religious institutions are considered to have a benevolent status and as such qualify for an exemption pursuant to Section 6(1)(b) of the *Rates and Land Tax Act 1926*.

(3) Yes - In cases where there is a site of a place of public worship included as part of a lease granted for mixed purposes, an exemption is granted where the leaseholder is a benevolent institution.

(4)(a), (b) & (c) The current rates and land tax computer system records all properties which have been granted an exemption from rates. It does not, however, categorise the properties by the exemption types requested and these list will take considerable time to compile. I have asked the Commissioner for ACT Revenue to provide the information in the format you require, however, due to other high priority work at present and the considerable manual effort necessary to compile a comprehensive listing, there will be a delay of about four weeks before the information can be provided.

(5) An estimate of the amount of revenue forgone by way of general rates exemptions is not available. Valuations are not commissioned for properties which are exempt from rates under Section 6(1)(b), 6(1)(c) or 6(1)(d) of the Act and as such the amount of rates that would be payable if the properties were not exempt cannot be calculated. The cost of obtaining valuations for these properties is significant. I am not prepared to authorise the use of considerable resources to answer the Member's question.

APPENDIX 1 : Incorporated in Hansard on 26 February 1997 at page 482

**SPEECH FOR TABLING SCHEDULES OF LEASES
ISSUED BY DIRECT GRANT, LEASE VARIATIONS
AND CHANGE OF USE CHARGES FOR THE
OCTOBER-DECEMBER QUARTER IN THE
LEGISLATIVE ASSEMBLY**

The Land (Planning and Environment) Act 1991 requires a schedule to be tabled in the Assembly of leases that were issued by direct grant during a quarter.

The schedule I now table covers leases granted for the period 1 October 1996 to 31 December 1996. I am also tabling two other schedules in relation to variations approved and change of use charges for the same period.

A record of all new leases and applications to vary Crown leases is available for public inspection at my Department's Shopfront at Dame Pattie Menzies House, 16 Challis Street, Dickson.

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APPENDIX 2: Incorporated in Hansard on 27 February 1997 at page 567

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

EXECUTIVE CONTRACTS

To be delivered by:
Kate Carnell MLA
CHIEF MINISTER

Mister Speaker, I present the next set of Executive Contracts. The contracts are tabled in accordance with Sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all Executive contracts. You will recall that I previously tabled contracts last week on 20 February 1997.

Today I present 4 contracts and two Schedule D variations.

Two contracts relate to short term executive arrangements pending permanent filling of the positions. These include one for the Executive Director, Office of Strategy and Government Business in the Chief Minister's Department, and one for the Chief Executive Office, The Canberra Hospital.

The third contract relates to the long term executive arrangement for the office of Executive Director, Office of Strategy and Government Business in the Chief Minister's Department following finalisation of the recruitment process earlier this month.

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The final contract relates to a 12 month fixed term arrangement for the General Manager, Administration, Australian International Hotel School.

The first Schedule D transfers the former Chief Executive Department of Urban Service from that office to undertake special duties. This mechanism was used to allow the new Chief Executive to take on the full responsibility of the position, while providing a "hand over" period.

The second Schedule D terminates the contract arrangements for the Director, Major Project Co-ordination in the Department of Urban Services. This contract was terminated slightly earlier than anticipated due to operational changes in the Department. Initially this contract was only intended for a period of 12 months.

There are now very few contracts to be finalised, and these are mainly in the Attorney General's Department and due to finalisation of structural arrangements.

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

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LIST OF CONTRACTS/ VARIATIONS FOR TABLING
27 FEBRUARY 1997:

CHIEF MINISTER'S DEPARTMENT

- LINDA WEBB (Temporary)
- LINDA WEBB (Long term)

DEPARTMENT OF EDUCATION AND TRAINING

- GLEN GASKILL

DEPARTMENT OF HEALTH AND COMMUNITY CARE

- JANET MOULD (Temporary)

DEPARTMENT OF URBAN SERVICES

- JOHN TURNER (Schedule D variation)
- ALEX NICOLSON (Schedule D variation)

APPENDIX 3: Incorporated in Hansard on 27 February 1997 at page 624

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION WITHOUT NOTICE

On Tuesday 25 February 1997 Mr Osborne asked the Minister for Environment, Land and Planning:

What is the Government doing to increase the number of dogs registered in the ACT?

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

I welcome the member's question. It is estimated that the ACT has some 55,000 to 60,000 dogs with a registration of 45 to 50%. This compares with levels as high as 80% in other jurisdictions.

I am as concerned as Mr Osborne that registration compliance is as low as it is in the Territory and that it has been so for a number of years.

My Department is currently investigating a number of proposals to substantially lift registrations to levels comparable with other jurisdictions. This includes the examination of registration fees and inspection and enforcement powers.

Proposals for amendments to the Dog Control Act and Animal Nuisance Control Act will provide mechanisms to encourage dog owners to register dogs.

Proposed amendments are likely to include similar practices to that of other States and the Northern Territory which provide for a common nominated expire date each year and allows for proper advertising of the requirements to register dogs. This will also allow the Dog Control Unit to better monitor renewals and to take immediate action on non-renewals.

Education and advertising programs are also being considered and will be aligned with the proposed new changes.

Further methods being undertaken to increase dog registrations include trials for Veterinary Practices to accept applications for dog registration on behalf of the Registrar of Dogs. The trials are scheduled to commence in the first week of March 1997. If successful, the option to renew a dog registration may be negotiated with the Australian Veterinary Association (ACT Division) for wider application across the ACT.