DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 April 1997

Thursday, 10 April 1997

Answers to questions:

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.

DEBITS TAX BILL 1997

MRS CARNELL (Chief Minister and Treasurer) (10.32): I present the Debits Tax Bill 1997, together with the explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill provides for the introduction of debits tax in the ACT from 1 July 1997. Debits tax is imposed on cheque accounts and accounts having cheque facilities held by banks, credit unions and building societies. The Bill will bring the ACT into line with all States and the Northern Territory, which all impose debits tax on such accounts.

The Debits Tax Bill proposes to tax the following debits: A taxable debit to a taxable account, which is an ACT account with a financial institution, on which a cheque may be drawn or on which a cheque facility is available; an eligible debit to an exempt account, which is a debit that should have attracted the tax and should not have been made to an exempt account - where this occurs the account holder and not the financial institution may be required to pay the tax; and an eligible debit to an account held outside the ACT by an ACT resident, where it has been determined that the debit was made to avoid debits tax in the ACT. This last provision is necessary as an anti-avoidance mechanism to prevent persons resident in the ACT from holding accounts outside the ACT to avoid paying Territory taxes.

The Bill provides for exempt debits which do not attract the tax. These include debits made by financial institutions to accounts to reverse an incorrect credit; to deduct income tax payments in respect of interest earned on an account where a tax file number has not been provided; to recover debits tax or financial institutions duty from account holders; and to exempt non-business Commonwealth departments and authorities and other persons or organisations exempted by Commonwealth laws, where an exemption certificate is held on that account.

Another avenue of exemption is provided by way of excluded debits. These include debits to an account of a charitable organisation, certain hospitals, universities, colleges and schools. To qualify for relief from debits tax by way of excluded debits, such organisations must hold an account with an ACT financial institution on which the Commissioner for ACT Revenue has issued an exemption certificate. Under the Debits Tax Act an exemption certificate will be issued only if the commissioner is satisfied that the only debits to the account will be exempt or excluded debits.

As a special method of assistance, the Bill contains a transitional provision which will allow customers of financial institutions who are eligible to hold an account exempted from debits tax to complete a declaration to this effect and have it processed prior to the commencement of the Act. Subject to the Commissioner for ACT Revenue approving the declaration and it being processed by the relevant financial institution, it will allow an account to be exempted from the date of commencement of the Act.

Mr Speaker, while financial institutions and the account holder are jointly and severally responsible to pay the tax, it is usual practice for the financial institution to pay the tax and pass it on to the account holder. The Bill provides for financial institutions to be able to legally recover the amount of tax paid from the account holder. Debits tax rates are as follows: Not less than $1 but less than $100, 30c; not less than $100 but less than $500, 70c; not less than $500 but less than $5,000, $1.50; not less than $5,000 but less than $10,000, $3; and $10,000 or more, $4.

Mr Speaker, concurrently with the implementation of the debits tax, the FID rate will be lowered to 0.06 per cent of dutiable receipts. This will result in FID charges in the ACT being the same as those in New South Wales and most other FID jurisdictions and will be welcomed by ACT residents and businesses.

The Government is conscious of the financial impact that the debits tax may have on pensioners of limited income. Accordingly, the Bill also includes a provision which provides for social security and veterans' affairs pensioners, such as the aged, disabled, sole parents, carers and widows, to apply to the Commissioner for ACT Revenue for a rebate of debits tax paid during a financial year. If a pensioner withdraws money three times a week the estimated debits tax will be about $46.80 per year. To minimise this impact it is proposed that, as long as the debits tax paid by eligible pensioners exceeds $15 in the financial year, they will be able to make application for a rebate of the tax paid up to a maximum of $50. This concession indicates the Government's commitment to help minimise the tax impact on persons of limited income.

With the introduction of debits tax in the ACT, compliance costs of financial institutions should be reduced because of its common collection across all jurisdictions. Further, having debits tax and FID charges the same as New South Wales should reduce tax avoidance practices that occur across State and Territory borders where differences in financial taxes exist. The provisions of the Taxation (Administration) Act 1987 will also be applicable to the Debits Tax Act. These include administrative arrangements, tax assessments, penalties, anti-avoidance measures and the right of objection and appeal against decisions made by the Commissioner for ACT Revenue.

In summary, Mr Speaker, the introduction of debits tax to the ACT will further align the ACT with the New South Wales tax regime. Debits tax, in conjunction with a reduction in financial institutions duty, will result in an increase in estimated revenue from the tax of approximately $4.3m annually, an expected decrease in avoidance activities which should minimise tax losses, and significant benefits to financial institutions resulting from the effective collection of FID and debits tax at uniform rates, in most jurisdictions.

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

RATES AND LAND RENT (RELIEF) (AMENDMENT) BILL 1997

MRS CARNELL (Chief Minister) (10.39): Mr Speaker, I present the Rates and Land Rent (Relief) (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill provides for the introduction of a cap on the general rates rebate concession available for all new eligible pensioners from 1 July this year. I announced the Government's intention to introduce this measure in the 1996-97 budget speech to the Assembly on 24 September 1996. The introduction of a cap will limit the erosion of revenue in future years as the ACT's population ages and brings the ACT into line with practice in the States. The cap will be set at $250, which is equal to the maximum rebate concession provided by the New South Wales Government. While individual councils in New South Wales may choose to provide additional relief, the proposed cap of $250 in the ACT compares favourably with similar rebates in New South Wales and Victoria. Mr Speaker, the Government's initiative will also ensure that all existing eligible pensioners as at 30 June 1997 will retain their present entitlement to the 50 per cent rebate. The Bill also makes that entitlement portable and such pensioners will be able to transfer their entitlement should they purchase a new home in the future.

Mr Speaker, the Government is aware that the setting of a cap may cause financial hardship in certain circumstances. To alleviate any such hardship, affected pensioners will have the right to defer the balance of their rates. Indeed, all eligible pensioners are entitled to defer the unrebated balance of their rates under the provisions of the Rates and Land Rent (Relief) Act. The Bill also simplifies the deferment procedures to assist pensioners and the less well-off in our community. A problem for pensioners or financially disadvantaged owners at present is that for a rates deferment to be finalised they must produce their copy of the lease so that the deferment can be registered on their property title. Where an owner has a mortgage, that copy of the lease is normally held by the financial institution holding the mortgage. An owner may incur a charge of several hundred dollars in having the financial institution produce the lease for registration of the rates deferment. This Bill removes the necessity for rates deferment to be registered on the property title. By abolishing the registration requirements, eligible owners will be saved considerable inconvenience, not to mention hundreds of dollars in many cases.

The Territory's interests will not be affected by non-registration of the deferment, as rates are a charge against the land and transfer with ownership of the land. Further, Mr Speaker, because liability for rates transfers with title to a property, a procedure exists which allows prospective purchasers to obtain rating details from the ACT Revenue Office prior to buying a property. Obtaining this rating information is a normal part of the conveyancing process. The information provided contains advice of any deferment and details of deferred charges.

Mr Speaker, the Bill will also provide assistance to an eligible pensioner who jointly owns a property with another person where that person, for whatever reason, cannot contribute towards the payment of the rates charges. The Bill makes it possible for an owner in this situation to have his or her rates rebate and deferment entitlements assessed as a sole owner.

Another issue addressed by the Bill covers situations where a pensioner, who meets all the eligibility criteria but legal ownership, has a life or term interest in a property conferred by a will or a court order and is required by the will or court order to pay the rates. In future such a pensioner occupant will be eligible for a concession equivalent to a pensioner rates rebate. Mr Speaker, there are cases where a property is jointly owned by an eligible pensioner and a non-eligible spouse. The Bill provides that in such situations deferment of the total unrebated balance of the rates will be available. The Bill also extends deferment and pensioner rebate concessions to parties living in a domestic relationship as defined in the Domestic Relationships Act 1994. This will eliminate any discrimination in administering rating concessions on the grounds of marital relationship or sexual preference.

At present an owner who is dissatisfied with a decision relating to a rates deferment may appeal that decision to the Administrative Appeals Tribunal. This process involves the payment of a $175 fee and may also be stressful for owners, particularly the elderly. The Bill provides another avenue of review by allowing owners to object against decisions. Under this process such decisions would be reviewed by the ACT Revenue Office by an officer other than the original decision-maker. Appeal rights are available where an owner is still dissatisfied with the results of the objection process.

Mr Speaker, the Bill not only addresses and rectifies a number of issues as already described, but also removes two anomalies that exist in the rates system in the Territory. The first of these anomalies is the provisions of the Rates and Land Rent (Relief) Act which allow rebate of rates on the grounds of financial hardship. These provisions were incorporated in the Act in the days before self-government when any shortfall in rates revenue was funded by the Commonwealth. Any such rebate given today represents revenue forgone. For this reason, such rebates are extremely rare, as every effort is made to recover the rates charges or to offer deferment of those charges. Significant costs can be involved in defending decisions not to approve rebates in these circumstances even where those decisions are ultimately upheld.

Mr Speaker, for these reasons, the Bill revokes the provisions which allow rebates on the grounds of financial hardship. Any owner seriously affected by this revocation can seek to defer their rates or seek assistance under the justice and equity provisions of the Rates and Land Tax Act. These justice and equity provisions allow the Minister to remit or refund rates charges where it is considered to be just and equitable to do so.

The second of the anomalies relates to the provision of rating subsidy to owners of properties in certain areas of the suburbs of Kingston and Griffith. In the early 1970s parts of Kingston and Griffith were designated as the "Kingston-Griffith Redevelopment Area". Planning approvals were intended to encourage the development of medium- and high-density dwellings. Accordingly, residential properties within the redevelopment area attracted a redevelopment potential component which increased land valuations for single residential properties. In order to discount the redevelopment potential, the Act provided for notional values to be determined for properties used as single residential dwellings. Notional values discount all redevelopment potential and are used to calculate rates and land tax. There are now less than 100 properties with notional values. Of these, approximately one-half no longer have any redevelopment potential as the true valuation and the notional valuation are now identical. The majority of the remainder are owned by either the Commissioner for Housing or developers.

Mr Speaker, it clearly was intended that this legislation protect residents from massive rate increases caused by government redevelopment policies but not provide developers with windfall gains by providing rating concessions not available to the wider community. Private owners of properties affected by this decision may seek assistance under the deferment provisions. The redevelopment potential factor has also decreased over the years as the gap between true and notional values has generally decreased. In fact, as I have mentioned already, approximately one-half of the properties that still have notional values have no redevelopment potential at all in valuation terms. For these reasons, the Bill revokes that part of the Act which deals with notional values and the Kingston-Griffith Redevelopment Area.

In summary, this Bill implements announced Government policy in introducing capping of pensioner rates concession, it introduces a number of benefits for pensioners and the financially disadvantaged, and it removes two unnecessary anomalies in the ACT rating system. Mr Speaker, I commend this Bill to the Assembly.

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

BAIL (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (10.50): Mr Speaker, I present the Bail (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

This Bill and the following three Bills that I am about to introduce have as a common theme the provision of greater protection to victims of domestic violence. This first Bill amends the Bail Act 1992 to remove any presumption in favour of police bail when a person is charged with a domestic violence offence. It provides that police bail is available to a person charged with a domestic violence offence only when a specified police officer is satisfied on the balance of probabilities that there is no danger to the alleged victim or an associated person during the period of bail.

The Bill incorporates relevant suggestions of the report on domestic violence compiled by the Community Law Reform Committee. The Bill recognises the particular risks and dangers involved in domestic violence cases. It is intended to reinforce police awareness of government and community concerns about the risks and dangers as well as the need for caution in domestic violence cases, while continuing to allow bail to be granted in appropriate cases.

The primary concern in relation to bail for alleged domestic violence offences is the safety of the alleged victim or another person connected with the victim. It should be noted that the period during which police are called upon to make decisions about bail corresponds with a period when the risk to these persons from alleged offenders is high. It is precisely due to this danger that the Bill provides two precautionary measures in the event bail is granted by the relevant police officer: Firstly, a requirement that the police officer state in writing the factors leading to the decision that there is no danger to the victim; and, secondly, a requirement that the offender be bailed to appear before the court within 48 hours.

The first precaution will require that the reasons for the police decision are available to both the defendant and the alleged victim. The second precaution will mean that an early review of the officer's decision by a court will be available and that any opposition from the alleged victim to continuing bail can be heard. Mr Speaker, I believe that with these amendments we will achieve an appropriate balance between the needs of alleged victims of domestic violence and the rights of persons charged with domestic violence offences. I commend the Bill to the Assembly.

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

CRIMES (AMENDMENT) BILL (NO. 2) 1997

MR HUMPHRIES (Attorney-General) (10.53): Mr Speaker, I present the Crimes (Amendment) Bill (No. 2) 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

This Bill is mainly a consequence of amendments made in other Bills within the domestic violence package. Clause 4 of the Bill amends definitions in the Crimes Act 1900 so that terms are used consistently in both the Bail Act 1992 and this Act. Clauses 5 and 6 clarify and revise police powers to enter, search for and seize a firearm, ammunition and a firearms licence. This applies when a police officer enters premises under existing powers and also when a magistrate has made an order for seizure of those items under the Domestic Violence Act 1986 or Part X of the Magistrates Court Act 1930. Clause 7 provides a power of arrest without warrant to cover domestic violence situations. Clause 8 is consequential upon amendments to other Acts in the domestic violence package. I commend the Bill to the Assembly.

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

DOMESTIC VIOLENCE (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (10.54): Mr Speaker, I present the Domestic Violence (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

This Bill, Mr Speaker, amends the Magistrates Court's powers when making a protection order under the Domestic Violence Act 1986 in a manner which is consistent with the firearms legislation. The Firearms Act 1996 was passed in the Assembly on 3 December last year and is to commence on 1 May 1997. As the Domestic Violence Act presently stands, when the court makes a protection order, and the person against whom the order is made holds a weapons licence, that licence is cancelled unless the court otherwise orders. Further, when the court makes an interim protection order, it may, if the respondent is the holder of a licence, make an order suspending the licence. In these situations the court is also able to order the seizure and detention of any weapon in the possession of the licence holder. These amendments remove the discretion of the court to enable a firearms licensee to retain that licence when making a protection order, so that, on the making of a protection order, the licence is automatically cancelled and, on the making of an interim protection order, the licence is automatically suspended.

In addition, the amendments to section 14A of the Domestic Violence Act extend the court's power to enable it, when making an interim protection order or a protection order, to order not only the seizure and detention of any firearm but also a firearms licence and any ammunition held by the respondent. The police have expressed some concern that, unless they have the power also to seize the licence in these circumstances, the licence holder could use it to obtain another weapon. That would obviously defeat the purpose of the provision, which could have disastrous consequences. These amendments, therefore, serve as a powerful protection for a person who is caught in a domestic violence situation.

Further, this Bill revises the Domestic Violence Act as a consequence of the amendments to the Bail Act 1992. It is also consistent with amendments to the Magistrates Court Act 1930 that are contained within the current domestic violence package. Other than this, the Bill makes several technical amendments to ensure that terms relating to domestic violence are used consistently in related legislation. I commend the Bill to the Assembly.

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

MAGISTRATES COURT (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (10.57): Mr Speaker, I present the Magistrates Court (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

This Bill makes three amendments to the Magistrates Court Act 1930. The first two amendments relate to restraining orders. Restraining orders under the Magistrates Court Act are similar to protection orders under the Domestic Violence Act 1986. Protection orders may be made to protect a spouse, de facto spouse, child of that spouse or de facto spouse, relative of or household member with a person who has engaged in harassing or offensive conduct. Restraining orders are not limited in that way. Any aggrieved person may apply for a restraining order.

Section 206D of the Magistrates Court Act is amended consistent with the amendment to the Domestic Violence Act contained within the present domestic violence package. It enables the court, when it makes a restraining order against a person who holds a firearms licence, to order the seizure of the licence and ammunition as well as any firearm. The Bill revises section 206D of the Magistrates Court Act to provide that, when a court makes an interim restraining order against a person who holds a firearms licence, that licence is suspended for the duration of the order unless the court otherwise orders. In addition to making the interim restraining order, new subsection 206D(4) enables a court to order the seizure and detention of any firearm, ammunition or licence in the possession of the respondent. These further powers are consistent with the policy initiatives adopted in the Firearms Act 1996 and reflect a more protective and precautionary approach which serves to ensure that a person, the respondent, cannot use a firearms licence during the period of a restraining order to obtain another firearm and cannot use ammunition in another firearm.

The third amendment flows from the private member's Bill to amend the Crimes Act to create the offence of stalking that was passed last year. One element of that Bill was to increase the maximum penalty for breach of a protection order under the Domestic Violence Act. It was realised at the time that, to be consistent, a similar

amendment should be made to the penalty for breach of a restraining order under the Magistrates Court Act. I gave an undertaking to the Assembly that I would prepare such an amendment, and clause 5 gives effect to this undertaking. Clause 5 amends section 206L of the Act to increase the maximum term of imprisonment that may be imposed for breach of a restraining order to two years for a first offence and five years for a subsequent offence.

Mr Speaker, this package certainly takes the protection available to victims of domestic violence in the ACT one further, rather greater step. It provides what I think is fairly described as the most extensive package of protection for victims of domestic violence in Australia. I hope that, as we examine the balance between the civil liberties of those accused of offences of domestic violence and the interests of those who are alleged to be their victims, we will recognise that some further shift needs to occur in favour of those who are victims. I therefore commend this and the other Bills to the Assembly and seek the support of the Assembly for these important measures.

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

MEDIATION BILL 1997

MR HUMPHRIES (Attorney-General) (11.01): Mr Speaker, I present the Mediation Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

Members will recall that I tabled an exposure draft of the Mediation Bill on 12 December last year. In tabling the exposure draft I indicated that copies of the exposure draft would be made available for public comment, and that it was my intention to introduce the Bill formally into the Assembly in the 1997 autumn sittings.

Government and non-government agencies, as well as individual members of the legal profession, submitted substantive and very helpful comments on the exposure draft Bill. I want to express my thanks for their cooperation in this very important matter of promoting an alternative and more user-friendly mode of access to justice in our community. In the light of comments received, a number of important changes have been made to the exposure draft.

Members may recall that the exposure draft provided for the Minister to approve a person or a class of persons as mediators. The Bill which I table today changes that in two ways. Firstly, it provides that those mediators who are at present accredited by a prescribed agency will be recognised as approved mediators under the Act. Secondly, once the Act comes into operation, a person seeking approval as a mediator must have been assessed by a prescribed agency as competent according to the ACT Competency Standards for Mediators.

There was strong support from both government and non-government agencies for the view that endorsement of an appropriately skilled mediator is a function best left with the particular agency engaged in mediation. I support that view, as it will ensure that the experts in the area of mediation are making the relevant decisions. I will publish in the *Gazette* a determination identifying as prescribed agencies those organisations which at present provide mediation services in the ACT. These include the ACT Law Society and the Dispute Resolution Centre. Members will note that mediators will be approved for a maximum of three years and must be reassessed as competent according to the standards I have already referred to. This will ensure that, over time, there will be a certain uniformity in the standard and quality of mediation services in the Territory.

The confidentiality of anything said or done during a mediation session is an important provision in the present Bill, as it was in the exposure draft. However, there is a notable change as to the exceptions to that privilege between the exposure draft and the Bill I have just tabled. Whereas the exposure draft outlined a number of circumstances when the privilege would not apply, the present Bill provides that the admissibility of evidence will be governed by section 131 of the Commonwealth Evidence Act 1995. Section 131 is a more comprehensive provision. It will also provide for consistency between the Commonwealth and the ACT in regard to the exclusion of evidence of settlement negotiations.

Although this Bill is small in terms of its volume, it nevertheless heralds the beginning of a new era in enhancing access to justice in the ACT. Its importance must be seen in the context of governments in general becoming increasingly concerned about the escalating cost of access to justice through litigation. In tabling the exposure draft I quoted words of His Honour the Chief Justice of the High Court, Sir Gerard Brennan. I believe his words merit repeating. His Honour said:

> If no new methods of dispensing justice are devised, the number of cases requiring resolution by trial will increase, trials will become more difficult and more time consuming and, in consequence, the cost of litigation and the amount of public funds that will have to be spent on litigation will escalate.

The aim of this Bill is precisely to meet the concern expressed by His Honour - to enhance an alternative method of resolving legal disputes through mediation. I am looking to extend the use of mediation in the ACT, including the option of court-linked mediation. This Bill represents the first stage in that process. Future stages will involve an acceptance by the courts, their clients and the legal profession that mediation is a viable alternative to litigation, and I will be working towards that end. Mr Speaker, I commend this Bill to the Assembly.

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

PROSTITUTION (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (11.06): Mr Speaker, I present the Prostitution (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

> That this Bill be agreed to in principle.

The principal purpose of this Bill is to oblige brothel and escort agency operators to provide updated information to the Registrar of Brothels and Escort Agencies annually. As some members will recall, the decriminalisation of prostitution in the ACT was recommended in 1991 in the interim report of the ACT Legislative Assembly Select Committee on HIV, Illegal Drugs and Prostitution. In 1992 the chair of that committee, Mr Moore, introduced two Bills into the Assembly - the Prostitution Bill 1992 and the Prostitution (Consequential Amendments) Bill 1992. Some of us here were involved in round table bilateral discussions about these Bills before they were debated in the Assembly. I should say multilateral discussions, really. As a result, the Bills were amended on the floor and were passed by the Assembly.

One of the concerns about the sex industry which were raised while we were considering its decriminalisation was the public perception that the prostitution industry traditionally has been controlled by criminal syndicates and is associated with other illegal activities. To address the issue of criminal infiltration, the Act provided that there would be a register of brothels and escort agencies. The information which is placed on the register concerns the locations and addresses of brothels and escort agencies and the names and residential addresses of owners and operators of the businesses. In the case where a company owns a business the register should contain the name and residential address of each director and shareholder of that business.

The purpose of the register, then, is to create a public record regarding the ACT's sex industry and to make the industry open and aboveboard, so that any criminal infiltration of the industry can be detected. This approach was seen as imposing minimal resource requirements on government and operators. It is not a licensing system because, although there are penalties for not providing information for the register, the business itself is not rendered illegal by failure to provide that information.

The amendments before the Assembly today essentially involve some finetuning of the register and requirements to provide information for inclusion on it. Currently, although there is a requirement under the Act to provide notice to the Registrar of Brothels and Escort Agencies where the information on the register needs to be changed, I am advised by the registrar that the level of compliance has been disappointing. Because information has not been kept up to date by operators in the sex industry, inaccuracies on the register have resulted.

As I have indicated, there are important policy reasons for having an accurate register. The Bill I am presenting will tighten the requirements for providing information to the registrar by providing that information must be updated annually. The Bill also requires the registrar to give operators of brothels and escort agencies 28 days' notice of when updated information is due. This renewed information will need to be accompanied by a determined fee, which I intend to set at $100. I also intend to increase the determined fee accompanying information for the register when a business has just commenced operating from $52 to $200. These increases will help to cover the administrative costs involved in keeping the register.

The Bill also requires operators of brothels and escort agencies to inform the registrar in writing within seven days of a business ceasing to operate. The penalties for failing to notify the registrar of renewed details or of cessation of the business are the same as those currently provided in the Act for failure to provide initial information or for not notifying the registrar where the information on the register is incorrect. A maximum penalty of a $10,000 fine or two years' imprisonment is provided for an individual, or a $50,000 fine for a corporation. It is hoped that these amendments will improve the accuracy of the information contained on the register relating to brothels and escort agencies. I commend this Bill to the Assembly.

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

CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) BILL 1997

MR STEFANIAK (Minister for Education and Training) (11.10): Mr Speaker, I present the Canberra Institute of Technology (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: I move:

> That this Bill be agreed to in principle.

Mr Speaker, the proposed amendments to the Act are minimal. They relate only to the terms and conditions of appointment of the director and acting director. As it stands, current provisions in the CIT Act are inconsistent with those of other ACT Public Service executives. Termination provisions in the Act differ markedly from those of other executives. Under the CIT Act the director's appointment can be terminated only for misbehaviour, physical or mental incapacity, bankruptcy, unapproved absence from duty, or imprisonment for one year or more. Such provisions are not in line with those included in senior executive contracts under section 72 of the Public Service Management Act.

The Bill repeals the sections of the CIT Act relating to resignation, termination of appointment, and leave of absence. These matters will be dealt with within a schedule to a ministerial instrument of appointment. The newly appointed director, Mr Peter Veenker, was consulted about the proposed changes prior to commencing duty.

Mr Veenker's terms and conditions of employment will need to be revised in a new instrument of appointment. Mr Speaker, I believe the Bill makes the appointment of the CIT director and acting director consistent with other senior executives in the ACT Public Service. I commend the Bill to the Assembly.

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

SOCIAL POLICY - STANDING COMMITTEE
Inquiry into Use of Skateboards

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

That:

(1) if the Assembly is not sitting when the Standing Committee on Social Policy has completed its inquiry into the use of skateboards and in-line skates near shops, 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.

ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE
Reference - Very High Speed Train

MR CORBELL (11.13): Mr Speaker, I move:

That the Standing Committee on Economic Development and Tourism:

(1) inquire into and report on the potential impact of the construction of a very high speed train on Canberra's future economic development with particular reference to:

(a) the consequences for employment growth in the short, medium and long term;

(b) the impact of the development on Canberra's private and public sectors;

(c) the impact on Canberra's tourism sector;

(d) any other related matter; and

(2) inform the Assembly of its reporting date for the inquiry during the May 1997 sittings.

Mr Speaker, the goal of this proposed inquiry is to examine the impact a very high speed train could have on Canberra's future economic development. This would be an important step in ensuring that the ACT is prepared and also that the community is aware of the impact such a development could have on the ACT economy in the short, medium and long term.

Such an examination has not been undertaken by the ACT Government since the early years of self-government. Three reports were undertaken at various stages during 1990. These included a report by the ACT Office of Industry and Development, a report by the ACT VFT Advisory Committee, and an ACT Government response to the specific VFT Concept Report put forward by the transortium of BHP, Elders IXL, KumagaiGumi and TNT for a very fast train linking Sydney, Canberra and Melbourne. Each report, in its time, was beneficial to the debate that was occurring then on the BHP bid and its implications for Canberra. The reports do not address the circumstances facing our city now; nor do they address the context in which the very high speed train proposal is now emerging. This is not a failing of these reports; it is simply a result of the time and context in which they were written.

Today the ACT Government is relying on reports written and based on circumstances which existed nearly eight years ago. It is a basis which should be built on, not one which should be left as is. That is what this inquiry, if it is successful, would seek to achieve. For Canberra and its residents to fully understand and be prepared for the development of a very high speed train and its impact on our city we need to take a closer look now at what it will mean for our future. We need to start looking at details and implications. We need to stop making assumptions and simply presuming that the project will bring benefits automatically, without any foresight, without any planning. This is why I am proposing this inquiry today.

Mr Speaker, this inquiry will be able to examine in an open and consultative manner, relying on a wide field of knowledge available in our community, the consequences of what the development of a very high speed train will mean for our future economic development, with particular regard to the consequences for employment growth, in direct relation to the project's construction and maintenance, and also the impact on the broader areas of our economy and its costs and benefits, not only for the private sector but also for the public sector in Canberra. I believe that this is an important point. This Assembly must demonstrate that it maintains its belief in Canberra as the national capital and that therefore it also supports Canberra as the administrative centre for the Commonwealth Government.

The impact of a rapid transport link between Canberra, the seat of Federal government, and Sydney, as our leading financial and industrial centre, must be examined and the implications for our city of closer links clearly understood. The consequences for employment growth in the short, medium and long term for our private sector also must be looked at closely. Our city, I believe, does not want to become a satellite and feeder suburb for Sydney. We cannot afford to risk Canberra becoming a dormitory for Sydney, with jobs and employment opportunities increasingly concentrated in that city. A rapid train link may or may not result in this; but, again, it is an issue which we need to understand and examine.

Tourism will always remain a key industry for Canberra. Our city is the national capital and is perhaps the best and most successful planned city in the world. It is unique and it will continue to attract visitors from both interstate and overseas. Increasingly, the focus of tourism in Canberra has been to encourage people who visit our city to stay longer and to enjoy the many different attractions and features that we possess. However, questions must be asked. What will this mean for overnight stays and our accommodation industry? Will people make Canberra a day destination but not stay overnight if a very high speed train is in place? The implications for our tourism industry need to be better understood and it is vital for our tourism industry that we do that in today's context, not in the context of nearly eight years ago.

This inquiry, I believe, will be welcomed by anyone concerned about the future development of our city. It is an opportunity to look forward and prepare for a major development which could fundamentally change our city's economic future and our relationship with the surrounding region. Today this Assembly should foster a considered and thoughtful approach on this major infrastructure project and not rely purely on the jingoism and sloganism that has often gone with this development.

I want to make it very clear that my intention is that this inquiry not interfere with the existing joint secretariat examination of the very high speed train which is considering the issues surrounding the development of the train itself and its financial and environmental implications. This is not the aim of this inquiry. Neither is this inquiry in any way an attempt to delay the very high speed train project. It will not delay this project and it will place no constraint on governments making decisions regarding the development of a VHST.

This inquiry, I believe, should instead be viewed as an opportunity which will produce valuable information and recommendations which will assist and not hinder the ACT Government in its preparation for the development of a very high speed train. I hope that the Government will reconsider its position on this inquiry and recognise that a thoughtful, wide-ranging and considered approach will provide valuable information and recommendations on the issues an ACT government will need to address in the context of the development of a very high speed train and its impact on Canberra. When a very high speed train is built Labor wants to make sure that all Canberrans understand what it will mean for our city and that this Assembly has played a useful and important role in preparing Canberra for the development of this project. When the very high speed train is built Labor wants to make sure that everyone in the community benefits - an aim, I hope, that all members in this Assembly would share. I urge members to support this reference.

MR MOORE (11.21): I rise to support the motion, and I do so with the enhanced knowledge of having had a ride on a very fast train from Paris to Lille. In fact, I rode on two very fast trains, Mr Speaker, one from Paris to Lille and one from Paris to Le Mans, as well as the magnetic levitation train. This inquiry, I think, has a very important role. The mayor of Lille had used the opportunity to enhance the economic standing of that city in a whole range of ways. I think Mr Corbell is quite right in saying that we should try to understand the benefits that a project like this has the potential to bring to Canberra.

When we understand the possibilities we can get to and work in a non-partisan way to ensure that we can capitalise on those benefits to the good of each and every person in Canberra and to the greatest extent possible. To me, that is what Mr Corbell has put up. I think it is a very valid point and a very important one.

When Mr Kaine was chair of that particular committee and I chaired the Planning and Environment Committee, between us we had a general look at some of the issues involved and on a number of occasions discussed whether or not it was the right time and how we would go about this type of inquiry. I think for Mr Kaine and me there was some interest in the specific issues that are now being carried out by the joint task force. It seems to me, though, that Mr Corbell has touched on a very important and very significant aspect of this development. The potential it has for Canberra, I believe, is quite extraordinary; but, if we wind up with a very fast train and we have not thought through these issues and we do not have the appropriate lead times, we will be left in the starting blocks. I think that would be a very sad situation for Canberra and would be an abrogation of our responsibilities.

This proposal to look at it in this way without attempting in any way to slow down the project, and on my reading of the motion it does not do that, and without attempting to go over the work that has already been carried out in assessing which train is the best one, and again the motion does not do that, has a great deal of merit. This is a very worthwhile project. I congratulate Mr Corbell on bringing it before the Assembly.

MR HIRD (11.24): Mr Speaker, Mr Corbell's motion causes me some concern. While initially supporting his motion, I am reminded by the Minister, a former chairman of my committee, that we will have a problem receiving information from the governments concerned - State, Federal and ACT - because there is a due process of confidentiality going through at the moment in determining who is the successful bidder.

On top of that, Mr Speaker, this proposed inquiry would be better held at a later time after we understand who the successful tenderer is. Is it to be the Maglev? Is it to be the Tilt-train? Is it to be the very fast train? These are questions that I do not believe my committee could answer at this time. The spirit that is behind Mr Corbell's motion should be commended. However, is the timing right? I refer Mr Corbell to the fact that there was an inquiry undertaken by this committee some 12 months ago by my predecessor and Mr Corbell's predecessors in respect of the very fast train, Maglev and the Tilt-train, as to the way they would operate and the benefits that they would - - -

Mr Moore: It was an informal briefing. It was not an inquiry.

MR HIRD: Mr Moore interjects that it was a briefing. That was all it could be, Mr Moore. That is the very point I make. At this time I have no problems with the spirit of Mr Corbell's motion. But how do we undertake this inquiry at this delicate time when we do not know what sort of technology we are going to end up with? For instance, does the technology for the very fast train start from Canberra and then move towards the metropolitan area of Sydney, or does it start from Sydney and move to Canberra?

Mr Berry: Both ways. It will be going in both directions.

MR HIRD: These are questions that the three governments will make up their minds about. If the three governments are smart they will leave Mr Berry out because he is always wrong. Whichever one he picks will be the wrong one.

Mr Berry: Both directions.

MR HIRD: Mr Berry, I knew that you could not resist interjecting. These are questions that the committee will have to come to grips with. I think the Chief Minister, by way of an interjection, referred to the confidentiality of the information that is available. It is commercial-in-confidence and it would not be available to this inquiry. I will be opposing this motion, reluctantly, because I think the timing is wrong.

Mr Berry: Because somebody screwed your arm up your back.

MR HIRD: That is why. The timing is wrong. It surprises me that on numerous occasions Mr Berry has to try to make political points. Mr Corbell says that this should be apolitical and it is for the good of Canberra. We all agree with that. But Mr Berry has to point-score, as he usually does. We all know his track record. He is wrong.

I think that if this inquiry is undertaken at the conclusion of the determination by the three governments as to who is the successful tenderer, whether it is the Maglev, the Tilt-train or the very fast train, it would be better placed. It would make it easy. I am in the hands of the house and will do as required, but at this time I must say that I cannot share the enthusiasm of Mr Corbell. I understand his keenness to get this inquiry under way, but it is premature at this time, Mr Speaker.

MS HORODNY (11.29): Mr Speaker, the Greens will support the motion, as we believe it is very important that the full impacts, both positive and negative, of the construction of a high speed train link between Canberra and Sydney are fully explored and understood by the community before any commitment is made by governments to proceed with a particular train option. We have proposed some amendments to this motion which I will talk about in a moment.

While the potential benefits of a high speed rail link to Sydney have been bandied about for a number of years, often this has been done by the proponents of particular train proposals who stand to benefit from its construction and there has been little talk about any potentially negative impacts from a high speed train. A lot of the debate has been focused on the technological and cost differences between the different train proposals and the negative and positive environmental impacts of particular route options and designs, but there has been little debate about the social and economic costs and benefits to the Canberra community of a high speed rail link.

We are not saying that we do not support a high speed rail link between Canberra and Sydney. Rail transport has some obvious environmental advantages over road and air transport, in terms of less air pollution and energy consumption, and it uses less land area than roads. It would be great to see more people and goods travel interstate by train

instead of by road and by plane. What concerns us, however, is that the supporters of the high speed train idea have also taken on a cargo cult mentality that this train will bring all kinds of benefits to Canberra. It has also brought out in some people a peculiar fascination with new technologies and the belief that the faster the better.

Finding technological fixes to particular problems in our society has its place, but this should not happen in a vacuum. What is just as important to solving a particular problem is understanding and addressing the social and economic contexts in which it occurs. For example, there is an assumption that the high speed train will make it easier for people to come to Canberra from Sydney for business and recreation, but the reverse could well happen. Sydney is a large city of international status with many social and economic attractions in its own right, and we may find that Canberra could become like one large dormitory suburb of Sydney if a high speed train is built.

There are lots of questions about the social and economic impacts of a high speed train that need answers. Would Sydney companies who do business in Canberra want to set up a separate office in Canberra if people can just hop on a train to Canberra when they need a face to face meeting? Would the big theatrical, musical and art shows and sporting events come to Canberra if the organisers knew that it was just as easy to get people to hop on a train to go to an event in Sydney? We already have the Prime Minister living in Sydney and working in Canberra. Will future governments decide that it could be possible for whole government agencies to be based in Sydney if it is easy for officers to travel to Canberra by train for meetings when the need arises?

How many executives and professionals will choose to live in Sydney and have access to a wider range of work and social contacts there, rather than move to small-town Canberra for their job, if they can virtually commute here by high speed train, or, equally, if their clients could just as easily travel to Sydney? Would tourists want to spend more time in Canberra if they could do all its attractions in one day and still be back in Sydney on the high speed train by night-time? Would residents of surrounding New South Wales continue to do their business and major shopping in Canberra when they could get a wider range of services by hopping on the train to Sydney? We hope that this inquiry will provide the answers to these sorts of questions before we go too far down the track with this high speed train. May I move my amendments now?

MR SPEAKER: You will need leave because you are moving two, Ms Horodny; but you may do so now. Seek leave to move them.

MS HORODNY: I ask for leave to move together the amendments circulated in my name.

Leave granted.

MS HORODNY: I move:

(1) Paragraph (1), before "inquire" insert "to assist in the evaluation of the bids for the construction of a very high speed train between Canberra and Sydney,".

(2) After subparagraph (1)(c), insert the following subparagraph:

"(ca) the impact on other transport modes and freight movements in and out of Canberra;".

My first amendment to Mr Corbell's motion is to make clear that this inquiry should not go back to basics about the feasibility of a high speed train; it should recognise that the Federal, ACT and New South Wales governments have already extensively studied the train proposal over a number of years, ever since the VFT was first proposed. The main contribution of this inquiry could be to assist in the evaluation of the particular bids that have been announced already for the rail link. There is considerable difference between the bids in terms of the balance between cost and speed. It would be good to study whether there are more net benefits in choosing a slower but cheaper option like the Tilt-train or in choosing the fastest but most expensive option in the Maglev proposal.

There are clear differences in the type of impact that the different options will have in the ACT, depending on the cost to the consumer and the time taken for the trip. Obviously, the more expensive option is not one that is going to lead to commuting between Canberra and Sydney on a regular basis; but if we go for a cheaper option the commuting is more likely, so therefore the impact is greater. What I am saying is that the inquiry needs to look at the different options as the context behind the impact.

I have moved the second amendment to Mr Corbell's motion because I believe that he has left out a significant impact of the high speed train, namely, the impact on other transport modes that service Canberra. There is an assumption that a high speed train would provide an alternative transport option to air travel between Sydney and Canberra, but the real environmental problem that needs addressing is the number of cars and trucks on the Hume Highway. People who can afford it might still prefer to fly if the travelling time on the train is still longer than the plane travel. People who want to use their cars at the other end of the journey may also choose to continue using their cars rather than use the train. A high speed rail link may therefore merely attract people off interstate buses and onto the train, rather than reduce the numbers of people using other transport modes. The result may just be a decimation of the interstate bus trade in Canberra.

There is also the implication of a high speed train for the Canberra Airport and the plans that have been mooted for its expansion into a regional hub and international airport. The proponents of the high speed train have stated that their project would complement and enhance the feasibility of the proposed expansion of Canberra Airport, and we would like to know whether this is in fact the case. I am sure that North Canberra and Queanbeyan residents would like to know the extent to which the construction of a high speed train will result in increased air traffic over their houses. There is also the question of whether any of the particular train proposals will make any impact on the current high levels of freight being moved between Canberra and Sydney by semitrailer. It would be a great pity if we went to all the expense of building a train that did nothing to reduce all the semitrailer traffic on the Hume Highway.

MR KAINE (Minister for Urban Services) (11.38): I indicated earlier in the week that I had some reservations about going ahead with the inquiry that Mr Corbell is proposing. In fact, Mr Hird has generally summarised the problems that I see with it. I think there are none of us here who would argue that we do not want to know what the benefits and costs to Canberra are going to be. The question is whether a study entered into now will produce the answers. I am not satisfied that it will, but I have no objection to the Economic Development and Tourism Committee looking at that. Once they sit down and examine what evidence is available to them, given that the evidence before the existing evaluation committee is commercial-in-confidence and will not be available to the Economic Development and Tourism Committee, I wonder what information it can gather that it does not already have after having read the newspapers. I think that is a question the committee is going to have to look at. It may come back, once it has looked at the reality, and say that the reporting date should be March next year, after the evaluation is over and after the information is available to allow the questions that Mr Corbell is posing to be properly addressed; but that is for the committee to determine. As I say, I have already expressed my concerns about that.

Having said that, if the Assembly decides this morning that it should go to the committee, I think there are probably some things that they can do, so I will address my comments specifically to the amendments proposed by Ms Horodny. I do not know what Ms Horodny thinks the existing evaluation committee is doing. There is a tripartite evaluation committee. A determination has already been made that a fast train link between Sydney and Canberra is feasible. What they are now looking at is which of the contenders will do the job. They are not going to have any interest whatsoever in what a committee of the Legislative Assembly might say in terms of evaluating the bids for the construction of a high speed train. They are already doing that. They are part way through that evaluation. There is nothing that this Assembly committee can adduce from the evidence available to it that, in my view, will affect in any way what that evaluation committee is doing; so the first amendment, to my mind, is meaningless.

It also seems to rest on the assumption that the evaluation committee is not already looking at these things. I am absolutely confident that the terms of reference require them to examine the economic, technological and environmental impact of this train. That means bad ones as well as good ones. Why Ms Horodny thinks that a committee of this Assembly can do a better job with that than the people who have been involved in the process for months and are informed and have all of the information available to them, information which will not be available to our committee, is beyond me. I think that her first amendment is meaningless.

The whole approach to questions like this by the Greens fascinates me because the argument is that if we have a fast train people might be encouraged to go and live in Sydney rather than live in Canberra. I can just imagine ourselves back in the 1950s and 1960s when discussions were taking place about upgrading the highway between Sydney and Canberra. The Greens would have said, "We cannot upgrade the highway.

If people can get to Sydney in 3½ hours by road they will all want to live in Sydney, so we cannot upgrade the road". What sort of logic is that? That is the same logic that is being applied now: Maybe we should not have a fast train because people can travel the distance in an hour and they may want to live in Sydney. That is a decision that people are entitled to make, and you do not stop economic and other progress because people might change their living place. I do not understand the logic of that at all.

I turn to this question about the impact on the transport modes. The suggestion in this amendment is that the evaluating committee and the proponents of the proposals that are before that committee have not taken that into account. Ms Horodny sat in on a briefing that I arranged when I was chair of the committee a year ago and that others have adverted to. The two major proponents came before us. One of the reasons why they believe their proposal to be feasible financially is that they have taken into account how many people travel up and down the highway by car, and they believe that they can entice those people out of their cars and onto the train. It would not be economically viable unless they achieve that. We already know that there will be a massive impact on road transportation between here and Sydney in terms of the private use of motor vehicles if the proponents of the fast train have got their research right.

What effect will it have on heavy freight transport? My guess, on the evidence that I have had put to me, is zero, because these fast trains are not designed to carry heavy freight. A very fast train will not take any heavy freight off the existing rail line or the road system because it is not designed to handle it. It will handle the same sort of freight that is currently handled in the cargo holds of aircraft and will probably use a similar mode of containerisation because it lends itself to that. But heavy stuff, such as coal and steel? Not likely. The trucks carrying those sorts of goods will still be travelling up and down the highway. I do not think that any inquiry that we can conduct here in the ACT in isolation can solve the problem of the traffic that moves up and down the Hume Highway, or the Princes Highway for that matter, and I doubt that we can come to any real conclusions about it.

While I still have my reservations about whether the study proposed by Mr Corbell will be successful or that it will achieve the objectives that he is seeking, and while I sympathise with the desire, which I share, to have the answers to the questions that he is asking, I do not think that this inquiry will provide them, because the information that is needed is simply not going to be available in the next three to six months. I am willing to have the committee look at that - I think that is reasonable - but I do not see the logic of the basis of the amendments being put forward by Ms Horodny. She does not seem to understand the process that is currently going on. Neither of these amendments can affect that evaluation in any way, so I do not understand why we would adopt them. I think we should simply adopt the terms of reference put forward by Mr Corbell, let the committee have a look, and see whether, in their view, there is any merit in proceeding with the inquiry at this stage, after they have had a preliminary assessment of it.

MR CORBELL (11.45): I am pleased to have the support of the majority of members of the Assembly. As for the amendments moved by Ms Horodny, I do have some concern with the first amendment. I believe that that first amendment ties this inquiry quite directly into the process that is already being undertaken by the joint secretariat on the VHST, sponsored by the ACT, New South Wales and Commonwealth governments. It was never my intention in moving this reference to interfere in any way with the process that is quite legitimately being undertaken by that secretariat. To that extent, I think it would be inappropriate to tie this inquiry in with that process. I will not be supporting, and Labor will not be supporting, that first amendment.

The second amendment does have some merit, I believe, in that it does deal with the issue of transport links, particularly rail links. I think it is important for us to recognise that if the very high speed train does proceed we will find that the existing rail link between Canberra and Sydney probably will no longer operate, and in terms of freight that has some implications. Members would see that paragraph (1)(d) of my motion refers to "any other related matter", so this quite easily could come under that point; but if Ms Horodny believes that it is important to have it as a separate item I do not have any particular objection and I am happy to accept that amendment.

Mr Speaker, I am pleased that the majority of members have supported this motion. However, there are a couple of points I want to make. The first point is that this inquiry, if it is successfully supported today, does not deal with the issue of technology. It does not deal with the issue of what sort of train it will be. That is the role of the joint secretariat. It is not our role to interfere in that process. I think the Government is misunderstanding the intention of this motion when it says that we are not able to get the completely different issue. It is dealing with the viability of the train itself. It is dealing with how that train will operate, what the technology will be, and other related issues. It is not specifically examining the impact that this proposal will have on the city of Canberra and it is not specifically examining what actions the ACT Government should be taking to ensure that the benefits from this technology flow through to all members of the community, and that is what this inquiry is about. So I think we need to make a very clear distinction on that point.

The Minister and the Chief Minister also, Mr Speaker, have raised the issue of commercial-in-confidence information. The point I would like to make on that is that the joint secretariat is dealing with an entirely different issue. We do not need to rely on the information that is being put to it in regard to commercial-in-confidence information from the bidders, from the various consortia that are dealing with the technology. It is not within the realm of this proposed inquiry to handle such information, so I do not see why we should have a concern there. But I certainly would welcome, if this referral motion is successful today, opportunities for officers of the ACT Government and officers of the various ACT departments and, hopefully, departments of the New South Wales Government and the Commonwealth Government to give advice and information to the inquiry to assist us in our deliberations.

I think it is also important that this inquiry is completed before the end of this Assembly. Ideally, I would like to see the committee report back in December this year. That will need to be a matter of discussion with other committee members and we will have to see what evolves. I do think it is important that we have some resolution of this issue before the end of the year because it is important that the ACT Government understand what sorts of responses and what sorts of processes it needs to put in place to ensure that benefits flow through to everyone in our community, that jobs stay in Canberra, that jobs grow in Canberra, that our tourism industry grows and does not suffer, and that the public and private sectors develop and do not suffer. For those reasons, I think it is important that the committee consider these issues and that it report back before the end of the year. Mr Speaker, I am grateful for the general support that the Assembly has granted to my motion today, and again I urge all members to support it.

MS HORODNY (11.51), by leave: I have indicated that we will support the motion. I understand that the majority of members will support the second amendment that I have put forward but not my first amendment. I think that is quite unfortunate. When the committee comes to look at the impact, which is one of their terms of reference in this inquiry, I think they will find it very difficult to bundle all the options together and make a decision about the total impact without separating the different options and looking at the different impacts. I argue that the three options that are being looked at at the moment are quite different. It is not only their set-up costs, which obviously they will meet themselves, largely. There is the cost to the consumer. There is also the time difference. We are talking of a difference of between 45 minutes and up to two hours in one of the other options. The time difference, together with the cost factor, will make an enormous difference to the type of impact that that train will have on the Canberra community.

If you do not have the context of looking at the different models I do not know how you can make an assessment. I do not think you can bundle the three options that are being looked at at the moment into one bag and say, "What sort of impact will a very fast train have?". There is not a very fast train. There are at least three types, three models, of very fast train, and each will have a different impact. I think that is the difference that the committee does need to look at, otherwise I think it will just be a very basic statement that they can make. That is probably a difficulty that the committee will find when they start looking into this inquiry.

Ms Tucker: Mr Speaker, I ask that Ms Horodny's two amendments be separated so that there can be separate votes.

Ordered that the question be divided.

Amendment No. (1) (**Ms Horodny's**) negatived.

Amendment No. (2) (**Ms Horodny's**) agreed to.

Motion, as amended, agreed to.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
John Dedman Parkway Inquiry - Terms of Reference

MS TUCKER (11.55): I move:

That:

(1) the inquiry by the Standing Committee on Planning and Environment into the future route of the John Dedman Parkway include an examination of:

(a) the existing traffic levels on Ginninderra Drive and Mouat Street, Lyneham;

(b) the impact on the traffic levels on these roads of any transport proposals arising out of the Maunsell Study or the Committee's Inquiry; and

(c) the benefits and costs (including the impacts on other North Canberra suburbs) of extending Ginninderra Drive to Northbourne Avenue as a means of alleviating current and predicted future traffic levels on Mouat Street;

(2) the Government not proceed with the installation of traffic lights at the corner of Mouat and Brigalow Streets, Lyneham, or other associated roadworks on Mouat Street until the Standing Committee has reported on its Inquiry and the Government's response has been debated in the Assembly.

I put forward this motion because of the concerns that have been raised over a prolonged period by Lyneham and O'Connor residents about the terrible traffic conditions that exist on Mouat Street in Lyneham, most recently at a public rally that was held next to that street last weekend. Most members of the Assembly would be aware of this issue, as it has popped up regularly over a number of years. I first became aware of the issue when the Gungahlin external travel study was completed in 1989, but the issue goes back years before that to the development of Belconnen and the construction of Ginninderra Drive. For reasons that are unclear to me, Ginninderra Drive was not joined to Northbourne Avenue, which is the logical end of this drive, but was stopped at Mouat Street. This decision turned Mouat Street into the primary connection between North Canberra and Ginninderra Drive, despite the fact that the predominantly two-lane Mouat Street was not designed to be an arterial road.

Over the years, as Belconnen has expanded and Gungahlin has developed, the traffic on this street has increased exponentially to the point where its impacts are felt widely across Lyneham in terms of traffic noise, vibration and fumes, never mind the impact on the people who live on Mouat Street, who have to battle to get out of their driveways every day. The intersections on Mouat Street, particularly those with Brigalow Street and Archibald Street, are very dangerous because of the volume of traffic, and many local residents go out of their way to avoid these intersections.

The GET study concluded that there was a need to protect local streets and residential areas in North Canberra from any further increases in traffic from Gungahlin and identified Mouat Street as a particular problem. It recommended that Ginninderra Drive be extended to Northbourne Avenue to minimise traffic infiltration through Lyneham, O'Connor and Turner. However, this recommendation was overturned by the joint parliamentary committee's review of the GET study, which took more notice of the sporting clubs in Southwell Park, which wanted to build a car park on the site of the road extension, rather than the views of the local residents - - -

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

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

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

MS TUCKER: The committee recommended an alternative approach - that Mouat Street be widened to four lanes - which was picked up by the Government in the last couple of years but has been put on hold because of resident opposition. The Government has also proposed traffic lights at the intersection of Mouat and Brigalow streets, but this has also been opposed by local residents. It may seem odd that residents would oppose roadworks that may make this intersection safer. However, the residents think that this is not the best solution to the problem of Mouat Street. The Government's approach of just putting in traffic lights is very reactive and ad hoc and will not reduce the number of cars that rat-run through Lyneham and O'Connor; nor will it reduce the volume of traffic on Mouat Street.

To address residents' concerns, I have put forward this motion to ask the Planning and Environment Committee, as part of their inquiry into the John Dedman Parkway, to examine the existing traffic levels on Ginninderra Drive and Mouat Street, Lyneham, and to look at the benefits and costs of extending Ginninderra Drive to Northbourne Avenue. I believe that it is quite appropriate for this inquiry to look at this issue, because it is interrelated with the possible construction of the John Dedman Parkway, in that they both relate to addressing the traffic problems that are arising in North Canberra as a result of the development of Gungahlin. The Mouat Street issue and John Dedman Parkway were certainly seen to be related in the GET study, which was also the genesis of the current John Dedman Parkway study.

The findings of the Maunsell study into the route and timing of the John Dedman Parkway could also have significant impacts on future traffic levels on Mouat Street, which need to be addressed in determining the nature of the roadworks that might be required on Mouat Street. We have often said that there is a need for an integrated transport strategy for North Canberra that not only keeps cars out of residential areas but also reduces the overall number of cars on the road. We would want to look at the range of available options for reducing traffic levels on Mouat Street - options such as improved public transport services in Gungahlin and North Canberra - rather than just support an extension of Ginninderra Drive by itself as the solution.

We do not want the situation developing where all we are doing with these various roadworks is moving traffic jams from one part of North Canberra to another. In this regard, I particularly note the concerns of Downer residents that an extension of Ginninderra Drive will just direct the traffic from Ginninderra Drive closer to Downer residents. If the Planning and Environment Committee examines all these issues, hopefully it can come up with an integrated approach to addressing the increasing traffic flows through North Canberra. I am also aware that the Planning and Environment Committee has already been monitoring the Mouat Street issue and has had briefings from officials on this matter, so it should not increase their workload to any great extent to include this matter in the John Dedman Parkway inquiry.

The second part of my motion is a necessary consequence of the first part. It would be pointless for the Planning and Environment Committee to undertake an examination of the Mouat Street issue if the Government soon proceeds with the installation of traffic lights at the corner of Mouat and Brigalow streets, Lyneham, or other associated roadworks on Mouat Street. It would be a waste of government resources to put in traffic lights now, and then decide later that some other traffic management approach on Mouat Street would be more desirable.

MR MOORE (12.01): Mr Speaker, I think the committee will be very comfortable about taking on this inquiry. In fact, it is my belief that we would have taken on the inquiry without this motion coming to the Assembly. We already have the inquiry. We just have not been in a position to meet in order to thrash out the terms of reference. This motion is quite welcome. There is an important element to this motion. The motion reads:

> ... the Government not proceed with the installation of traffic lights at the corner of Mouat and Brigalow Streets, Lyneham, or other associated roadworks on Mouat Street until the Standing Committee has reported on its Inquiry ...

In a sense, that issue has actually been before the committee, in that the capital works have been approved. One thing that the committee has not taken to doing is putting a timing on capital works. We have tried to leave that to government. We make recommendations. All the recommendations of the committee on the capital works program were accepted by the Chief Minister in her response yesterday or the day before.

This motion will put a bind on the Government. However, I think it is probably an important one because there is so much community disquiet about this particular issue. Let me assure the Government, particularly Mr Kaine, whose responsibility it would be, that the committee will move as quickly as it can to sort out this particular issue. If the time comes to proceed with the capital works and we still have not reported, then I would hope to persuade the committee at least to make a statement in the house so that you can proceed with that capital works. That should be a reasonable way through this particular issue. I think it is right to have it in the motion and to deal with the issue so that members of the community can feel that they are being appropriately listened to.

MS McRAE (12.04): Mr Speaker, we will be supporting the motion. May I just put on record that we are extremely disappointed that this issue is yet again before the Assembly. I cannot remember for how long the issue of the management of traffic around that area has been on the agenda. Through a litany of failures over the years this issue has not been dealt with. Like Mr Moore, I am very keen that the traffic lights issue be resolved. I can see a lot of merit in that interim solution, but the problem is that the community has now become so suspicious that even a sensible solution seems not to be attractive. I think it is important that those views be heard and be given an airing.

I in no way want to hold up what may seem to be very practical and good interim safety measures; but I think it is very important for the community to feel that their longer-term needs are being taken into account, particularly with the possibility of what is known as the LORA option, perhaps cutting out Ginninderra Drive altogether. That is one of the possibilities being looked at by Maunsell. It is very important to know whether that is a feasible option and whether it is going to be considered seriously. If it reduces the level of traffic to a much more manageable level, perhaps then the traffic lights will not be necessary.

Like Mr Moore, I think that in normal circumstances the committee would have gladly taken this on as a self-reference; but, given that the circumstances did not permit that, I think that this is an appropriate motion. I look forward to the discussion and hopefully to facilitating a speedy response. I think it is untenable that the people of Lyneham should have had to put up with such an unsatisfactory situation for such a long time.

MR CORBELL (12.05): I just want to rise and speak briefly on this issue, as I did attend the rally organised by the Lyneham and O'Connor Residents Association last Saturday. There was a considerable amount of community concern about the installation of traffic lights at the corner of Mouat and Brigalow streets in Lyneham, but there was broader concern about the whole issue of traffic management in the inner north. I think that is really what Ms Tucker is trying to address in her motion. I think it would be very valuable if that were addressed. Quite clearly, the issue of where traffic travels through to get to the city is becoming a major concern for inner north residents. At the moment there are not solutions in place to address the issue of traffic travelling from Gungahlin through to the city or traffic travelling from Belconnen along Ginninderra Drive into the city. For that reason, it is very important that this particular issue be addressed by the Planning and Environment Committee.

The concerns raised by members of the community at the meeting last Saturday went beyond this particular issue. They addressed the issue of public transport. Again, this is an issue that will be taken up with the referral of these matters to the committee. A viable public transport system that takes people where they need to go when they need to go is very important. At the moment we do not have a public transport system that addresses those issues. It is not a viable and responsive system. It is failing the people of Canberra - the people of the inner north, the people of Gungahlin and the people of Belconnen, just as it is failing anyone else in Canberra.

The other fundamental issue is employment dispersement and where you place jobs in Canberra. This Government has a policy of putting all the jobs that are created in Canberra into the city. That is placing major demands and major stresses on traffic travelling from the other town centres in Canberra into the city. It is little surprise that people in Lyneham, O'Connor and Turner as well as Downer, Dickson, Hackett and Watson are seeing an increase of traffic through their suburbs. People have to go to where the work is. The work is in the city. People are travelling through suburbs to get to that point. We need an overarching policy that deals with the issue of employment dispersement, the restoration of the Metropolitan Plan and the restoration of the Y plan, which would ensure a dispersement of employment to near where people live, instead of trying to create a central business district which only fosters the interests of those people who own property in the inner city.

I think those sorts of issues need to be addressed. I think this attachment to the reference to the Planning and Environment Committee is a valuable way to go. I commend Ms Tucker for bringing on the motion and I am very happy to support it.

Question resolved in the affirmative.

DETERMINATION NO. 227 OF 1996 - MOTION OF DISALLOWANCE
Discharge from Notice Paper

MR BERRY (12.09): In accordance with standing order 152, I move:

> That order of the day No. 1, Assembly business, relating to the disallowance of Determination No. 227 of 1996 made pursuant to the Health and Community Care Services Act, be discharged from the *Notice Paper*.

This motion of disallowance was introduced into this place as an open invitation to the Government to fix up a problem which had developed in the light of Mrs Carnell's failed management of determinations pursuant to the Health and Community Care Services Act. These determinations had been thoroughly criticised in the nicest language by the Scrutiny of Bills Committee, and the motion to disallow determination No. 227 was to prompt the Government into action to fix the problem.

It became clear that the Government was not in the mood to do that and was taking great steps to justify an unjustifiable position. Therefore, I issued drafting instructions to have legislation drafted to fix the problem. That legislation has been introduced into the chamber under the title of Health and Community Care Services (Validation of Fees and Charges) Bill 1997. It is described in the minutes of proceedings No. 84 of Wednesday, 9 April 1997, as:

> ... a Bill for an Act to remove any doubt about the validity of certain determinations of fees and charges under the Health and Community Care Services Act 1996.

I therefore urge members to support my motion to discharge order of the day No. 1.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1996

MR WHITECROSS (Leader of the Opposition) (12.12): Mr Speaker, I present Report No. 24 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 6, 1996 - Collection of Court Fines", together with the extracts of the minutes of proceedings, and I move:

> That the report be noted.

Auditor-General's Report No. 6 of 1996 was presented to the Legislative Assembly on 16 May last year. It was on an efficiency audit which found that, with certain qualifications, while the recording of court fines had been effective, the collection of fines had not been effective. The lack of performance information prevented the audit from reaching a view about the efficiency of administration in the collection of fines.

The specific findings of the audit included findings that 53 per cent of Magistrates Court fines are not collected within the time specified by the magistrate and 30 per cent of Magistrates Court fines were uncollected after 12 months; that some 850 persons were in default, for which no warrants had been issued; that current legislation prevents alternative ways of recovering fines; that unauthorised extensions of time to pay fines were given by Magistrates Court staff; that the Supreme Court had no power to set default terms or issue warrants and no other agency takes responsibility for the recovery of Supreme Court fines; that no realistic sanctions can be applied to interstate offenders by the Motor Registry for defaults on fines; and that procedures for Children's Court fine collection do not allow for the courts to enforce payment if the offender cannot be located, and there are some 500 outstanding orders which could not be served.

The issues raised in the report are significant. A somewhat laissez-faire attitude towards the collection of fines has meant that offenders have been under no significant pressure to meet their obligations and the administration of the law is subject to some risk of coming into disrepute as a result. The amounts in unpaid fines are also significant. As late as February this year about $1.67m in fines was outstanding. The committee is concerned with the delay in drawing in these revenues at a time when the ACT is under considerable financial strain. Following comment provided by the Minister, the committee is generally satisfied that action either has been taken or in most cases is under way to address the shortcomings identified by the audit. The committee's recommendations are intended to ensure that the reforms which at the time of the report were not yet put in place are acted upon.

This leads me to draw the Assembly's attention to the way in which the Minister has dealt with the committee in this case. As I mentioned earlier, the audit report was presented on 16 May last year. The committee is charged with the responsibility of reviewing all reports of the Auditor-General presented to the Assembly as part of its review process. The committee requests comment from the relevant Minister on the audit report. In 1995 the Chief Minister took the initiative of formally advising the committee that, as part of her Government's commitment to be more responsive to audit recommendations, the Government would present to the committee a coordinated response to each audit report within three months of the report being tabled.

In this case the Minister appears to have had considerable difficulty in meeting the Government's commitment in responding to the committee on what is really in many respects a relatively straightforward audit. Despite approaches at officer level and a further formal approach to the Minister in November 1996, that is six months later, it was not until late February 1997 that the Minister acknowledged the matter, and then only to blame officials in his department for the delay. The Minister's substantive comment on the audit was received by the committee only on 11 March 1997.

Irrespective of the Government's policy on responses to audit reports, the committee expects Ministers to be alert to the Assembly's desire that this committee not be frustrated in fulfilling its responsibilities given to it by the Assembly. The committee expects that Ministers will comment to the committee on audit reports as soon as is practicable, and certainly within the relatively generous three-month time limit which the Chief Minister has imposed on herself and her Ministers.

The committee strongly affirms its view that it is the responsibility of the Minister to ensure that responses to the committee in relation to audit reports are timely and in accordance with Government policy. It is ironic that a Minister who makes so much of criticising others about attacks on public servants should resort to an attack on a public servant to cover his own failure to respond in a timely manner in this case. I commend the committee's report to the Assembly.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR HUMPHRIES (Attorney-General): Mr Speaker, I seek leave under standing order 46 to make a personal explanation.

MR SPEAKER: Proceed.

MR HUMPHRIES: There were some fairly strong words used by Mr Whitecross in his comments on - - -

Mr Berry: Mr Speaker, I raise a point of order. Mr Humphries seems to be preparing himself to debate the issues raised by Mr Whitecross in the course of his earlier comments. Mr Humphries had the opportunity to participate in that debate before the motion was passed and should not abuse the standing orders by continuing that debate at this point.

MR SPEAKER: I have no idea whether Mr Humphries is going to continue the debate. I have not heard what he is saying yet. Mr Humphries is well aware of what a personal explanation is about, and I am sure he will be careful.

MR HUMPHRIES: Mr Whitecross made some fairly strong comments about my performance as a Minister in his - - -

Mr Berry: I raise a point of order, Mr Speaker. Mr Humphries is attempting to debate the comments that were made by Mr Whitecross in the course of a debate on a motion which has just been passed without opposition. Mr Humphries had the opportunity to participate in that debate. He was in his place and did not do so. He should not be allowed to use the standing orders to follow that course after the motion has been passed.

MR SPEAKER: I do not uphold the point of order. Mr Humphries is allowed, under standing order 46 - and he has been given leave to do so - to explain matters of a personal nature.

Mr Berry: But he must not debate the issue.

MR SPEAKER: I do not believe that Mr Humphries, in the few words he has said, was debating the issue. I have drawn the Assembly's attention to the fact that Mr Humphries is well aware of standing order 46 and what he can and cannot do under that standing order. Proceed, Mr Humphries.

MR HUMPHRIES: To resume what I was saying, in his comments to the Assembly, Mr Whitecross made fairly critical comments about my performance as a Minister, and I want to defend myself against those comments to the extent that that is appropriate.

Mr Berry: Mr Speaker, I raise the point of order again. Mr Humphries has just said that he wants to defend himself against the comments that were made by Mr Whitecross in the course of his contribution in relation to the matter upon which a motion has just been passed. Standing order 46 prohibits Mr Humphries from doing so. It clearly says that the matter cannot be debated. Mr Humphries is attempting to debate it.

MR SPEAKER: He is not debating it. A member may explain matters of a personal nature.

Mr Berry: Mr Humphries is not explaining a matter of a personal nature. He is attempting to defend his performance as a Minister after a motion has been passed on a matter that was discussed in a debate in which he had an opportunity to make a contribution but failed to do so. He should not be allowed to use this standing order to extend his rights further than the standing orders allow.

MR SPEAKER: I do not uphold the point of order.

MR HUMPHRIES: Mr Speaker, I have a point of order as well. You have now three times ruled on exactly the same point of order taken by Mr Berry. It is appropriate that Mr Berry accept your ruling or move dissent from the ruling. He continues to take points of order when you have clearly ruled, having heard his eloquent or otherwise arguments in favour of his point of order. I suggest that he should be warned that he will be named if he keeps raising the same point of order on which you have already ruled.

MR SPEAKER: I uphold that point of order. Mr Berry, I have three times explained this. Mr Humphries is well aware of the limitations of standing order 46. He has not breached those to date. He has not said very much at all, because other people keep taking points of order all the time.

MR HUMPHRIES: Mr Speaker, as is my right under standing order 46, I want to respond to some criticism by Mr Whitecross of my performance as a Minister. The criticism was of a delay in producing a response - - -

Ms McRae: You should have done it in debate, Mr Humphries.

MR HUMPHRIES: I am not entering the debate. I was criticised. Standing order 46 allows you - - -

Ms McRae: You should have done it in debate. That is what debate is about - criticising Ministers.

MR HUMPHRIES: I have not read the report. The report has just been tabled. I have not seen the report before now.

Ms McRae: You should have defended yourself then.

MR HUMPHRIES: I have only just seen the report. It is a report that goes for 15 pages. I cannot read 15 pages in five seconds. I did hear the comments made by Mr Whitecross and I intend to respond to them. The fact is, as Mr Whitecross suggested, that there was a delay in the provision of information to Mr Whitecross's committee subsequent to a request to supply information about the position of court fines being collected within my department and within agencies within my department.

Mr Whitecross made reference to a letter that I sent to his committee in February of this year indicating my concern about what had happened. I want to read that letter to make perfectly clear what was said. Mr Whitecross suggested that I blamed public servants. I think the letter will prove that that is not exactly the case. I wrote:

> I refer to your predecessor's letter of 17 May and 26 November 1996 concerning your Committee's review of the Auditor-General's report No. 6 of 1996 "Collection of Court Fines". I apologise for the delay in responding which I find unacceptable.
>
> The delay is the result of a belief by the officer coordinating the project that, as the most significant findings of the Report relate to the collection of court fines and the deficiencies of the current system, a response was not possible until policy development in relation to the new fine default system has been finalised. I do not share that view and I expect my comments on the Auditor-General's report to be with you very shortly.
>
> I have asked the Chief Executive of the Attorney-General's Department to ensure that all requests for comments by Assembly Committees are responded to in a timely fashion in future.

Mr Speaker, I regret that there was a view taken within my department that a response of the kind that was sought should await a policy decision by the Government as a whole. That was an understandable point of view to take in most cases but not acceptable in the context of a request from the Public Accounts Committee of the Assembly. I have rectified that problem. I have expressed regret to the committee that it was the position in the first place. I believe I can do no more in that matter. I think Mr Whitecross was a little bit churlish to take those matters in the way he did.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Inquiry into Legal Assistance to Members

MR OSBORNE (12.25): I present Report No. 3 of the Standing Committee on Legal Affairs, entitled "Report of Inquiry into Guidelines for Assistance to Members for Legal Proceedings", together with a copy of the extracts of the minutes of proceedings. The report was circulated when the Assembly was not sitting, on 19 March 1997. I move:

> That the report be noted.

Mr Speaker, this inquiry was referred to the committee on 20 February 1996. While it has taken 13 months for the committee to complete its inquiry, I believe that we have been thorough and have come up with a good report. The task assigned to the committee by the Assembly was to inquire into, and report on, the development of guidelines for the provision of legal assistance to members. The committee has done this and come up with a number of recommendations for the development of these guidelines.

At the beginning of the inquiry the committee noted two things, the first being that the inquiry be undertaken and any submissions considered without a specific reference to recent events, namely, the case of Marshall v. De Domenico and the ACT. Accordingly, this limited the inquiry to considering the development of appropriate guidelines for the granting of legal assistance to members in general.

The second thing the committee noted was that it should limit the span of its attention. We considered the matter to be a parliamentary matter rather than a public one and consequently did not advertise for submissions or hold public hearings. The committee did ask for and receive submissions from our own Attorney-General and the Speaker of this Assembly, as well as from various representatives of the Commonwealth Parliament, State and Territory parliaments and the New Zealand Parliament.

After considering submissions, the committee agreed upon presenting to the Assembly nine recommendations. In doing so, the committee noted that the issue of providing legal assistance to politicians is nearly always sensitive and may involve significant public expense. It was also clear to the committee from the submissions received that the standard practice of Australian and New Zealand parliaments is that it is up to the government of the day, not a committee of the parliament, to develop guidelines for the provision of legal assistance.

The recommendations of this report are divided into two groups. In the first group, recommendation No. 1 is that the Government develop appropriate guidelines, and then refer those guidelines to the Assembly for consideration. In the second group are recommendations Nos 2 to 9, in which the committee outlines a number of factors the Government needs to consider when developing these guidelines. Some of these factors are questions yet to be finalised by other parliaments, factors such as whether legal assistance should include the payment of costs for damages. During this inquiry the committee was very impressed with the New Zealand model and suggests that this would make a good starting point for the Government.

Another important point for the Government to consider is that the Senate Legal and Constitutional References Committee is conducting a similar inquiry into the provision of legal assistance to Commonwealth members of parliament and is yet to report. I believe that this Senate report will also be able to assist the Government in developing its guidelines.

I would like to thank the other members of the committee for their input into this inquiry - the former committee members, Trevor Kaine and Rosemary Follett; and the current members, Bill Wood and Harold Hird. Finally, I would like to pay special thanks to our committee secretary, Beth Irvin, who once again did a great job with this report. This is a unanimous report, and I commend it to the Assembly.

MR WOOD (12.29): Mr Speaker, I came to this committee late in its deliberations, to replace Rosemary Follett. I was impressed by the thoroughness of the committee's review of the situation, as I was by the importance of the subject matter. In a sense, the question is still open. It is now a task of government to develop guidelines. We have looked at the issue. There are reports still coming out. There is still activity in other States, New Zealand and elsewhere on which we should draw as guidelines are developed. Ultimately, it is then for the Assembly to decide just what guidelines ought to be placed into position.

There are times when members or Ministers, in the course of their duties as members or Ministers, may need to have recourse to legal assistance. I do not expect that the circumstances would occur very often. I believe that Ministers and members in this Assembly are generally very responsible, but we cannot always be sure of what events might come upon us from outside. I have heard recently of some circumstances in the Northern Territory where Ministers are using their position to gain legal assistance to launch defamation suits. I want to have a further look at that, but I do not believe that is an appropriate use of legal assistance. I recall from my time in Queensland the Queensland Premier engaging in very considerable intimidation of members in the Assembly and of people beyond the parliament by undertaking suits against them. Subsequently, when he was thoroughly discredited, those suits could not be continued; but they caused considerable distress to a quite large number of people for some years. They were used as a deliberate tactic.

I came to this inquiry late. It has sparked my interest and I intend to continue to look at some aspects of this matter so that, when it does emerge again in the Assembly, I can speak with some further knowledge.

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

Sitting suspended from 12.33 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACTION Management

MR WHITECROSS: My question without notice is to Mr Kaine in his capacity as Minister for Urban Services. Minister, I hesitate to ask this question, given what happened to the last person you swore your undying respect and loyalty for; but will you publicly state that the acting chief executive of ACTION, Allan Eggins, enjoys your full and unequivocal support, or will he too find himself hanging out a window or otherwise agreeing to resign as a result of a management restructure?

MR KAINE: Mr Speaker, this is another one of those offensive questions that seek to impugn my integrity and put questions about the professionalism of a public servant. If you have any reason to suspect that I intend to hang Mr Eggins out to dry, why do you not put it on the table, instead of coming in here with these snide questions that merely demonstrate how sleazy the Labor Party in this - - -

Mr Whitecross: Is that a yes or a no?

Mr Corbell: Answer the question, Minister.

MR SPEAKER: Order! The house will come to order!

MR KAINE: That merely demonstrates how sleazy the members of the Labor Party in this place have become. I have already indicated, in answer to earlier questions this week, that, until there is a determination made about who will be the permanent executive director of ACTION, Mr Eggins will act in that role. I would not be putting him in that role if I had any doubts about his ability to do it. He is not going to be hung out to dry. As I have already indicated, there will be a national advertisement for candidates to fill the job of executive director of ACTION. I have no doubt that Mr Eggins will be a candidate and, if he is, I wish him well. However, I will not be sitting on the interview board, and I hope Mr Whitecross is not, because he would be condemned before he started. Mr Speaker, these questions really are totally despicable, and it is about time these sleazy members opposite stopped pursuing this line of inquiry.

MR WHITECROSS: I am not sure whether that was a yes or a no.

Mr Kaine: Are you going to come up with another sleazy question?

MR WHITECROSS: They have all turned out to be pretty accurate so far, Minister. Are you aware, Minister - or do you care, perhaps - that concerns have already begun about speculation on the future of Mr Eggins? Will you do Mr Eggins the courtesy you never paid Mr Flutter and investigate these rumours and direct your Urban Services head, Mr Gilmour, to squash the rumours about Mr Eggins being forced out in the next six months? Is it true that these rumours stem from the fact that the restructuring of ACTION management, which I did not make up, but to which Mr Gilmour referred in his letter about Mr Flutter's departure, is in fact a Government decision for the full contracting out of ACTION management to a private management company?

MR KAINE: Mr Speaker, the only rumours I have heard are those being bruited about by these sleazy people opposite. I place no credibility whatsoever on them, and it does not warrant any more response than that.

Labour Market

MR HIRD: Mr Speaker, my question is to the Chief Minister and Treasurer. Chief Minister, I recall that immediately after you brought down the 1996-97 budget there was a chorus of criticism from members in this Assembly, in particular those opposite, and from the private sector economists about a focus on job creation. Has there been any noticeable improvement in the labour market in Canberra since your jobs budget was brought down?

Mr Berry: Forty-three per cent youth unemployment.

MR SPEAKER: Will you be quiet, Mr Berry.

MRS CARNELL: Mr Speaker, it is very interesting that Mr Berry cannot see anything good about 800 new full-time jobs in one month. Last year my Government brought down a budget that quite deliberately focused on restoring confidence in the Canberra economy and stimulating job growth. It is a matter of public record - - -

Opposition members interjected.

Mr Hird: I cannot hear, Mr Speaker.

MR SPEAKER: Order! Would you mind beginning the answer again, Chief Minister. I cannot hear for the noise.

MRS CARNELL: Yes, certainly, Mr Speaker. Last year my Government brought down a budget that quite deliberately focused on restoring confidence in the Canberra economy and stimulating job growth. It is a matter of public record that many members in this Assembly went out of their way to denigrate that approach. Just to refresh your memory, Mr Speaker - I am sure it does not need refreshing because you would remember - I will give a couple of examples. Mr Whitecross said, "This budget is not about jobs, as Mrs Carnell wants everyone to believe". Mr Moore said, "I believe there is an attempt to pull the wool over our eyes and the eyes of the Canberra community". Ms McRae said, "Claims about job creation could not be sustained". In the light of the job figures released today, I think members who made those comments will have to eat their words, probably along with the egg that is now stuck all over their faces.

The Government was not thrown off by this criticism. We were confident that jobs were and, indeed, still are the key issue for Canberra, in light of the massive cutbacks that were undertaken in the Commonwealth Public Service. I think the figures released today vindicate our approach in unashamedly seeking to stimulate new investment and jobs in the private sector. Since October last year - October was a very important month because that was the month after we brought down the budget - there has been significant improvement in the labour market in Canberra. It is very important to listen to these figures because it really does give us confidence in the future of Canberra.

Since October last year there have been 2,400 new jobs created, including 1,800 full-time jobs; the number of people unemployed has dropped by 2,000; and the unemployment rate dropped from 8.6 per cent to 7.4 per cent in March - lower than any State. In fact, the only entity lower than the ACT now is the Northern Territory. I will say it again for those opposite because I think it is a very important message, particularly as Mr Berry was attempting to make bad news out of this somehow: 2,400 new jobs have been created since the budget, including 800 new full-time jobs during the last month alone; yet Mr Berry went out and said that this was not good news for Canberra.

I can tell you that it is good news for 800 people who have got full-time jobs and for their families and for all of the people who rely on them. I do not think anybody here would have any doubt that most of this job creation has been in the private sector, given that the Commonwealth continues to reduce its work force; yet we continue to hear carping from those opposite about our efforts - successful efforts, as it turns out - to stimulate private sector employment.

I do not doubt at all that there are still tough times ahead for Canberra. Indeed, there are many Canberrans who are doing it tough now. Many of us have heard about Defence Force cuts and other cuts the Federal Government may be intending to make, but the facts are that the private sector in the ACT is turning out to be surprisingly resilient in the face of the massive cutbacks we have seen in the Commonwealth Public Service. The sorts of initiatives the ACT Government has put in place - the incentives for business to come to Canberra, the other benefits that have very definitely occurred as a result of our budget, and the Jobs for Canberra statement - the strategy that those opposite pooh-poohed, obviously proved to be the right strategy for Canberra.

Renewable Energy - Earthsaver Programs

MS HORODNY: Mr Speaker, my question is to the Minister for Urban Services, Mr Kaine. This morning I attended the launch of Great Southern Energy's Earthsaver program. Earthsaver is accredited under the green power program of the New South Wales Sustainable Energy Development Authority. Residents of southern New South Wales, including Queanbeyan residents, can contribute towards the development of renewable energy projects, such as wind and solar, by joining the Earthsaver scheme. This involves paying a very small additional amount on their power bills. It is estimated that purchasing Earthsaver equivalent energy for an average household would cost only an additional $3 per week. This reflects the fact that since 1980 the cost of wind and solar energy has dropped by 85 per cent, making it very competitive and commercially attractive. Mr Kaine, are you aware that market research undertaken by the Sustainable Energy Development Authority and energy companies in New South Wales indicates that between 60 and 80 per cent of the population not only are prepared to purchase power from renewable sources but also are prepared to pay a little more for green power? I would also like to know whether you acknowledge that ACT residents have the same choice to purchase green power as New South Wales residents do. I would like to know what you, as a shareholder of ACTEW, are going to do to ensure that ACT residents will be able to participate in a green power scheme in the near future? Can you give members of the Assembly an indication of the timeframe?

MR SPEAKER: I hope you got all that, Minister.

MR KAINE: I think I got the general thrust of it, Mr Speaker. The question of alternative sources of power is a very interesting one. The question seems to imply that ACTEW is not looking at alternative sources of energy. Indeed they are, so we are not entirely uninformed on what the options are and we are well informed on the things that are being done in New South Wales.

Unlike the Greens, when you look at the reality, the so-called green power is not necessarily as attractive an option as they might present it to be. For example, Ms Horodny in her question said that people in New South Wales will be able to use green power at a slightly increased cost over existing rates. The facts are that the New South Wales authority's estimates are that the energy costs from some of these alternative sources could be 40 per cent higher - not just marginally higher; 40 per cent higher. I do not think there are too many people in the ACT who are going to rush off in haste to connect up to some alternative source of power if it is going to cost them 40 per cent more than they are currently paying. Ms Horodny might, because she is committed to this; but I do not think too many other people would.

The Greens try to imply that, if you stick a few windmills on the top of a hill and generate energy by wind power, there is no cost associated with it, that it is free. That is not true. There are both economic and environmental costs associated with that alternative source of power. So it does not come without disadvantages, any more than any other source of power does. I think the Greens, instead of grabbing these ideas with both hands, as though they are going to be the panacea for the world and save the environment, should look at the reality of it. The reality of it at the moment is that the energy that is supplied in the ACT is already provided with a consciousness of the environment. One-third of the ACT's electrical energy at the moment comes from hydro generation.

Ms Horodny: No, it does not; 95 per cent of it is brown-coal-generated.

MR SPEAKER: Order! Mr Kaine is answering your very long question, Ms Horodny.

MR KAINE: I repeat what I said before: The Greens ought to check the facts. The fact is that one-third of the ACT's electrical energy comes from hydro-electric schemes. How can you say that ACTEW are not environmentally conscious? They are.

Ms Horodny: Ninety-five per cent is coal-generated.

MR KAINE: If Ms Horodny does not want to hear the answer, Mr Speaker, I am quite happy to sit down. I simply refute the notion, first of all, that ACTEW are doing nothing about the environmental aspects of electrical energy generation and supply. They are. They are very conscious of it. They are looking at alternatives, but the Greens do not like the alternatives. They are looking at a gas-powered electrical energy production plant in the ACT. The Greens do not like that either. The only thing they like is what happens, apparently, in New South Wales, and they cannot even get their facts straight on that.

MS HORODNY: Mr Speaker, I thought this Government was committed to competition and consumer choice. The reality is that people in Queanbeyan do have that choice as of today. So we are way behind Queanbeyan. That is a bit embarrassing.

MR SPEAKER: Order! There must be no preamble. Ask the question.

MS HORODNY: Given the fact that the majority of the population are prepared to pay a little more - I would be interested to hear where Mr Kaine has got his market research from - to invest in green power, I would like to know where your market research is to indicate that ACT residents do not want the choice of buying green power. If you have not done this research, should not a green power scheme for the ACT be a very high priority for ACTEW, if they are going to stay competitive?

MR KAINE: Not in my book, Mr Speaker.

Totalcare Industries - Chief Executive

MR CORBELL: Mr Speaker, my question without notice is to Mr Kaine in his capacity as Minister for Urban Services. Minister, will you confirm that the chief executive of Totalcare Industries has sought or received a pay rise to reflect additional responsibilities flowing from the transfer of functions from the Department of Urban Services?

MR KAINE: I have no information on that subject. He certainly has not sought a pay rise from me, but I will take the question on notice and see whether there is any substance to this furphy too.

Cemeteries - Privatisation

MR BERRY: My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, recently the RSL raised concerns about the prospect of privatising the cemeteries in the ACT. In fact, this matter was reported in the *Canberra Times* on 26 March 1997. Following this article, the Cemeteries Trust wrote a letter to the *Canberra Times*, which was published on 2 April 1997 and in which it was made clear that the trust did not support any sale of the cemeteries. Minister, can you inform the Assembly whether the Government has investigated the possibility of selling the cemeteries? Furthermore, can you confirm that the Government intends to proceed with the sale of the Territory's public cemeteries?

MR KAINE: Mr Speaker, there is no doubt that the future of both the Norwood Park Cemetery and the Woden Cemetery needs to be examined. Woden, of course, has been closed for some years, and the situation at the moment, as everybody knows, is that no matter where you live in Canberra you have to use the services of the Norwood Park Cemetery. In connection with Woden, there is a maintenance backlog there that the Government is aware of and we have to find the funding somehow to fund that. There is also the question of whether or not there ought to be a second crematorium in Canberra. A proposal has been put forward; it was not initiated by the Government. On the basis of all of those facts, the Government is looking at the future.

Mr Berry: Mr Speaker, that is not the question I asked.

MR SPEAKER: No, but it is the answer that is being given by Mr Kaine. Continue, Mr Kaine.

MR KAINE: The Government is looking at the question of what the future of these facilities is to be. Since the private sector has expressed interest, expressions of interest have been called for - that was done last year, before Christmas - as to whether they would be interested, for example, in reopening Woden Cemetery and developing it further. That is an option. We will be, during the course of this year, examining the question of whether Woden should be opened up again and, if so, should it be operated as a private operation rather than a government-funded one?

The views of the Canberra Cemeteries Trust have been sought on all of these issues and, of course, their views will be considered, along with all of the other propositions that are being put to us.

Mr Berry: This is not a furphy. It is spot on.

Ms McRae: A terrible answer to a great question.

Ms Reilly: Do you think he does not know anything about it?

MR KAINE: If the members of the Opposition want to enter into some comedy show, they are welcome to do it.

Mr Hird: I do not think it would get very high ratings, Trevor.

Ms McRae: You are doing just fine, Trevor. You do not need our help.

MR SPEAKER: Order! If they are not prepared to listen, I suppose you could sit down, Minister.

MR KAINE: I took it that I was asked the question because they wanted to know the answer.

Before any change is made in the management arrangements for either the Woden Cemetery or the Norwood Park Cemetery, there will be a public consultation process, and one thing that will be ensured is that any changes we make will not disadvantage anyone. For example, if anybody has any fears about the plot they have reserved for the future, their reservation will not disappear because of anything the Government might decide this year in connection with the management of the cemeteries. The fact is that the views of the Cemeteries Trust have been sought and their views will be taken into account when the Government considers the future of the cemeteries.

MR BERRY: Given that the Government has sold the Magistrates Court, complete with magistrates, refused to deny that it was investigating the sale of schools - one can only assume that the schools would come complete with children - and now you or someone in the Government has investigated the possibility of selling the cemeteries, we assume with their occupants, can you inform this Assembly whether there is anything you will not sell in order to prop up Mrs Carnell's financial incompetence?

MR KAINE: Mr Speaker, I made it clear that the initiative in terms of the future operation of the Woden Cemetery as a private cemetery has come from the private sector. The Government has not proposed it. The Government is considering expressions of interest that have come from the private sector. That raises the question of whether or not Woden should be reopened, and it raises the question, if it is to be reopened, of how it is to be operated. So the Government has not initiated any action to flog off the Woden Cemetery or any other cemetery. It is considering proposals that have come from the private sector. We have not determined, because the Government has not yet considered the matter, what the future of either Woden or Norwood Park cemetery is, other than under their present status. If there is to be any change, there will be a consultation process. The original thrust of this question was whether we have talked to the Cemeteries Trust. The answer is yes, we have asked for their views, and we will take their views into account.

Government Schools - Literacy Tests

MRS LITTLEWOOD: Mr Speaker, my question is to the Minister for Education, Mr Stefaniak. Could the Minister explain to the Assembly the reasons for this week commencing literacy tests of all ACT Years 3 to 5 students?

Ms McRae: Because he has a brief on it, that is why.

MR STEFANIAK: No, Ms McRae; because it is really an excellent thing to do. Mr Speaker, I want to put on record this Government's commitment to the highest possible standards of literacy and numeracy for all of our ACT government school students.

Ms McRae: Test the little souls. Do not teach them anything; just test them.

MR STEFANIAK: Shut up, Ms McRae, and you might learn something. The ACT Department of Education and Training has been focusing firmly on improving literacy and numeracy skills of all students, particularly those students who need additional assistance. However, the literacy standards of our young people are still a matter exercising the minds of educators and parents right around Australia, and we are all concerned that we must do better. At the March 1997 meeting of State and Territory Ministers for Education, there were discussions that demonstrated that literacy and numeracy success for all of our students must be a priority for all Australian governments. As a result, all Ministers agreed:

> That every child leaving primary school should be numerate, and be able to read, write, and spell at an appropriate level.

And further:

> That every child commencing school from 1998 will achieve a minimum acceptable literacy and numeracy standard within four years. (This recognises that a very small proportion of students suffer from severe educational disabilities.)

That is the proviso. The recommendations will ensure a comprehensive national approach to achieving this goal. The ACT is in a strong position to respond to these national initiatives. We have already commenced an extensive professional development program, "First Steps", which we have offered to primary schools to enhance literacy teaching in all classrooms. Our early childhood teachers currently systematically assess students considered to be at risk for either Reading Recovery support or support through the learning assistance program. Additional teaching resources are allocated to schools on a needs basis to support these students. Our Years 3 and 5 system-wide assessment program, which is being implemented for the first time during April this year, will be using an assessment approach that has been endorsed nationally, and planning is under way for the introduction of system literacy and numeracy assessment for the high school years. We have the LUAC program in our high schools as well.

Throughout all of the various stages of consulting on the introduction of these programs, we have closely involved the education community, particularly parents. I am delighted with reports that have appeared recently in relation to the commencement of assessment for Year 3 and Year 5 students that indicate that only four parents opted to have their children not undertake the assessment at Year 3 level and only six at Year 5 level. That is 10 parents in about 6,000 or so students, because there are about 3,000 students in both Year 3 and Year 5. That shows the positive attitude parents are showing towards this. I think it really hits the spot, and I am delighted with that response. That is absolutely fantastic, and it shows clearly that the Year 3 and Year 5 assessment program has gone down very well.

Despite all this good news here in the ACT, we should not be complacent. We should still try to do better, and I think the time has come for us to pull all these threads together. We need to examine carefully what we are doing and to see what can be done in a more focused, more integrated way, so that we can achieve the maximum result with the resources at our disposal.

I have asked the Department of Education and Training to prepare a draft discussion paper on improving literacy in the ACT. This paper will examine the teaching and learning processes dealing with literacy. It will look at the interaction between school, student and family. It will consider the range of resources currently available for literacy improvement and seek to find the most effective way of targeting these resources to the areas where they will benefit most those with the greatest need. The paper will look,

in particular, into ways and means by which parents can be assisted in their vital role of supporting their children in literacy development. The paper will examine the assessment regimes already in place and possible benchmarking processes and will look to the future to identify trends in literacy teaching and learning. I expect the paper to look at all the various literacy programs to suggest a more coordinated approach.

The draft paper, *Improving Literacy in the ACT*, will be released for public consultation in mid-1997, with a three-month consultancy period.

Ms McRae: You could have made a ministerial statement.

MR STEFANIAK: I have nearly finished, Ms McRae, if you would like to listen. Bear with me. I think even you would agree that this is a very important issue. The draft paper will be made available to the widest possible audience of interest, particularly parent, teacher, employer and post-secondary education interest groups. Following consultation, a final paper outlining the future directions on literacy teaching, learning and assessment will be considered by the Government before it is implemented.

Betting Commissions

MS McRAE: Mr Speaker, my question is to the Chief Minister. Chief Minister, I refer to an article that appeared in the *Canberra Times* after the last sittings and in which Mr Ray Alexander from the ACT Racing Club admitted that the Racing Club had been paying commissions and that they had stopped only after receiving your letter. Given that a payment of commissions constitutes a clear breach of the agency agreements between ACTTAB and the Racing Club, do you concede that the Racing Club's decision to cease payments after receiving your letter is an admission of guilt and that they were acting outside of the agency agreement?

MRS CARNELL: Ms McRae may not be aware that the ACT Racing Club is not a government agency, and I would not normally make a comment on the activities of a non-government entity.

MS McRAE: By way of supplementary question: Because it is an operating agency of the TAB, will you be referring the matter to the DPP or to the AFP to investigate the possibility of criminal conduct by the Racing Club in making secret payments to individual patrons?

MRS CARNELL: As I said, Mr Speaker, I wrote to the Racing Club suggesting to them - because they do not operate under Government direction at all - that this sort of approach is not appropriate. As I understand it, they are not engaging in that sort of behaviour.

School Without Walls

MS TUCKER: My question is for Mr Stefaniak. Mr Stefaniak, could you tell the Assembly whether the School Without Walls has been closed or relocated to Dickson? What is your Government's policy on the transfer of Year 12 TER scores to the college of their choice after, one, closure of their current school, or, two, relocation of their current school?

MR STEFANIAK: Ms Tucker, as you may be aware, this week SWOW at Braddon and all the students there have been doing two things, effectively. The first one is ensuring that students have completed their unit assessments for term one and that their academic record for studies at SWOW, Braddon, is complete. Obviously, those assessments will go with the students to wherever they go. As you are well aware, Ms Tucker, it was always intended that SWOW, Braddon, would move to Dickson. I certainly hope a majority of students will in fact do so. However, the Friends of SWOW have said to me, as they no doubt have said to you, that there may well be a number of students who do not particularly want to go to Dickson.

You might also be aware, Ms Tucker, that a number of students who are doing Years 11 and 12 at SWOW, Braddon - and this has been the case for a while - have done a number of courses at other colleges as well. It may well be that they will choose to go there. Obviously, whatever they have done has to be taken into account and taken with them wherever they go - to somewhere other than Dickson or to Dickson. As well, Ms Tucker, as I hope you are aware, this week we have also been providing counselling for students regarding their future options for schooling. That will include facilitating a move to the program at Dickson College, for those who want to go there, or, if they do not want to go there, to another ACT high school or secondary college of their choice.

MS TUCKER: I will have to make my supplementary my original question. I asked: Have you closed SWOW or relocated it, and what is the Government's policy on transferring TER scores of students who choose to go to another college after their current school has been closed? What is your policy if they are moving because there has been a relocation? I want to know what happens. First of all, is it closed or relocated? Can you just give me a straight answer on that?

MR STEFANIAK: Ms Tucker, the Government always intended that the program at Braddon would be relocated to Dickson. Since then, we have had a court case and quite a lot of water has gone under the bridge. Unfortunately, I understand, there are probably a few students at SWOW, Braddon, who do not want to relocate to Dickson. You should also be aware, in relation to the transfer of students between schools, and at the college level especially, at Years 11 and 12, that each year there is considerable movement of students from one college to another. What they do at one college has to be taken into account so that they are not in any way disadvantaged in terms of the courses they undertake at another college. That applies to students who might leave SWOW, Braddon, for some college other than Dickson, or Dickson, or anywhere else in our system. That is just how it operates at Years 11 and 12. It is not an infrequent occurrence, and students do in fact move between colleges.

Graffiti Removal

MS REILLY: My question is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, the *Canberra Times* reported on Saturday, 5 April, the details of an ACT Government submission to the Grants Commission which purported to analyse the impact of previous and current Commonwealth policies in relation to the ACT. On the same day it was reported in the *Australian* that the head of the Prime Minister's Department had demanded that the ACT Government remove graffiti from the bus stop outside his department and that this job was done under arc lights that night. Chief Minister, can you confirm that this is the case? How does the Chief Minister reconcile such blatant toadying to the head of the Prime Minister's Department with its own case against the Commonwealth?

MRS CARNELL: I have no idea whether the graffiti was removed under arc lights; I am sorry.

Mr Berry: Will you find out?

MRS CARNELL: I am sorry; I do not actually know every graffiti site that is cleaned.

Mr Kaine: I do not know, either.

MRS CARNELL: The Minister who is responsible for graffiti does not know, either.

MS REILLY: Mr Speaker, I have a supplementary question. It would be good if the Chief Minister could find out. Will the Chief Minister ensure that future priorities for expenditure at the request of the Commonwealth are set up on a more strategic basis and not simply based on her chief executive's long-term employment interests?

MRS CARNELL: Mr Speaker, that question is totally unacceptable. One of the things I would like to use the time to talk about is how we do go about graffiti clean-up. I have to say that we do respond quite quickly to phone calls from the public - even the same day, quite often. In fact, the launch of the graffiti reduction strategy on - - -

Ms Reilly: Fantastic! You cannot get same day service, Mr Speaker.

Mr Berry: Is this service available to everybody?

MR SPEAKER: Order! I have noticed today that everybody is rather keen to interject. I would hate to have to warn somebody for constant interjections.

MRS CARNELL: Mr Speaker, since the launch of the graffiti reduction strategy on 15 August 1995, over 1,000 sites have been cleared of graffiti, 400 sites have been - - -

Mr Berry: How many under arc lights?

MR SPEAKER: Mr Berry, I warn you.

MRS CARNELL: Some 400 sites have been coated with a coating which prevents further attacks. Over 1,200 graffiti vandalism sites have been recorded. A database on graffiti sites is being maintained by the graffiti reduction team.

Ms McRae: Fantastic!

MRS CARNELL: Ms McRae thinks there is nothing special about that. I think that to get rid of - - -

Ms McRae: I think it is fantastic, just fantastic. I love the way you answer the question. It is just fantastic.

MRS CARNELL: I am very pleased that she is so pleased. Over 440 sites have been identified as suitable for legal street art and community murals, which is something we thought was very important. The legislation relevant to graffiti vandalism has been changed so that an offender is liable for a fine of up to $5,000 or six months in prison. In other words, over the time since we have addressed graffiti, virtually straight after we came to government, a huge attack has been made on graffiti. I do not know about those opposite, but I believe that the graffiti problem in the ACT is now significantly better than it was two years ago.

Ms McRae: Not in my suburb, it is not. Not in Cook.

MR SPEAKER: Ms McRae, the question was not asked by you.

MRS CARNELL: A thousand sites have been cleaned up. As those opposite would know, one of our graffiti clean-up approaches was part of our Jobs for Canberra strategy, where we put a quite large number of young unemployed onto the graffiti clean-up program. It is a program we are certainly planning to continue, Mr Speaker. It has been successful, and I suppose that those people are part of the 2,400 new jobs we have created since the budget.

Home Lending Scheme

MR OSBORNE: My question is to the Chief Minister. Mrs Carnell, I understand that you commissioned a report on the ACT Government's home lending scheme which, when completed, was called *Taking the Longer View*. Does this report advise against winding down the scheme, saying that such a course of action would be unwise as it would be almost impossible to rebuild the scheme from scratch? Also, is it true that the average profit from the scheme was in excess of $5m a year? Did the report conclude that, although there were problems with it, the scheme was defendable on both economic and social grounds?

MRS CARNELL: The report I think Mr Osborne is talking about is the report that was undertaken last year. Mr Stefaniak has answered questions regularly in this place on the decision not to continue with that particular home lending scheme. The reason we have not continued with it, and what that report showed, was that it was put in place at a time when interest rates were high and when home affordability was very low. In other words, it was very difficult and very expensive for people to buy homes in the ACT. The reports we did get as a result of our inquiries into that area indicated that, with lower interest rates and significantly better affordability of homes in the ACT and the advent of Kick Start, the need for the scheme became significantly less at this time. Also, the potential exposure of the ACT Government was very high. In other words, as the number of loans decreased and the potential exposure of the Government to significant default provisions went up, the exposure of the Government became quite high.

From that perspective, we believed that it was appropriate to maintain those people who currently had loans from the ACT Government - so there is certainly no impact whatsoever on those people - but to discontinue the scheme while we have interest rates as low as they are and affordability as good as it is. The Government has always indicated that if those parameters change in the future a scheme of this nature may be reintroduced. But it was introduced by the Government when the parameters of home buying were significantly different.

MR OSBORNE: I ask a supplementary question, Mr Speaker. Chief Minister, will you table in the Assembly the report that was commissioned?

MR STEFANIAK: Perhaps I could assist there, Chief Minister.

Ms McRae: Two for the price of one.

MR STEFANIAK: There you go. You are lucky. *Taking the Longer View* I thought initially sounded like the name of a sports report I saw, Mr Osborne, but I understand what you are referring to now. There is one review, which I think members have been briefed on, that was done by the Commonwealth Bank, and that is something the Chief Minister and I have referred to on a number of occasions in relation to the risk review. There were some other internal documents which Housing had done a bit of work on, including, I think, one or two other consultancy reviews over probably an 18-month period. I think the one you refer to is a document that has not been finished and was in draft form and is effectively one of the working documents.

Housing and, through Housing, the Government have considered these various papers in relation to the HomeBuyer program over an 18-month period. As the Chief Minister has said, last year we became increasingly concerned in relation to the risk factor. On the other side of the coin were the very significant changes in the housing market, such as the availability of a lot of low interest loans, the freeing up of loans, the deals that people such as Aussie Home Loans and various other people who had entered the market could give, and the fact that it was very much a buyer's market. Those were matters that influenced the Government.

I think the main review - if you have not been briefed on it and if you have not seen it, I am happy to arrange that - is the Commonwealth Bank review. I thought you probably would have been briefed on that. That is a detailed review that ties up all these other matters, including the one you are referring to, which has not been completed. If you have not had a briefing on that or seen that particular report, I would be happy to make that available and make officers of my department available to go through it with you in some detail. Obviously, you can ask questions in relation to any other peripheral matters that might be of concern to you.

Ambulance Service

MR WOOD: Mr Speaker, my question is to Mr Humphries. Minister, can you confirm that, since the issue of a fifth ambulance was raised in February this year, that fifth ambulance has been available on a 24-hour basis and that the provision of this ambulance has involved a minimum of overtime because of shift restructuring? How does this reconcile with your statement in February that you could not provide a full-time fifth ambulance because of staffing problems?

MR HUMPHRIES: Mr Speaker, I cannot say exactly up to this moment, but my understanding is that we have been able to provide for the fifth ambulance on a full-time basis. Only a relatively slight improvement on the situation - - -

Mr Wood: You said you could not.

MR HUMPHRIES: I assume that the reason you have asked the question is that you want to know the answer. There was a difficulty owing to the staff losses we sustained in the period before the incident Mr Wood raised before occurred. The Ambulance Service, as at this time, currently has less staff than is required to implement the full 24-hour fifth ambulance crew and, therefore, is in the process of recruiting extra staff. So the problem has not been that we have simply had a small shift change to be able to effect this full-time fifth ambulance service.

In fact, the situation is that it has been necessary for a number of people to be used on overtime to be able to provide that fifth service. That comes at a cost, of course.

Mr Wood: Yes, but not greatly; very limited overtime.

MR HUMPHRIES: It is great enough, Mr Wood. I do not know about you, but I take seriously trying to keep within the budgets allocated, and money has been put aside for the provision of this service.

Mr Wood: A minimum of overtime has been used.

MR HUMPHRIES: That is your advice to the Assembly. I do not have advice to that effect here, and I would say that there has been some cost in being able to do this. That cost will be alleviated by having full-time officers on board to be able to provide their services to the service without being on overtime. That is obviously a greater cost

to the system than having people who are doing it on normal time, so to speak, and that will provide for the service on a sustainable basis. At the moment, the service is not particularly sustainable because it is, in a sense, on an overbudget arrangement.

I anticipate that, with the recruitment of additional people in the near future - that process is under way at the moment, as is the process of training additional people - we should have a sustainable basis for the fifth crew from this point onwards. I believe it is the case that, at this point in time, the fifth ambulance is there. I very much doubt that we are going to see any praise from the Opposition for the fact that that ambulance, promised five years ago by Mr Berry, has now been delivered by the Liberal Government.

MR WOOD: Minister, do you not find it amazing that before February you could keep a fifth ambulance on the road for only 52 per cent of the time to cover the night shift, but since you were shamed into keeping your budget promise you have been able to keep a fifth ambulance on the road all the time? Minister, is it not the case that you have been misleading the community?

MR HUMPHRIES: Mr Speaker, if Mr Wood had the guts, he would say that I have been misleading the Assembly and he would put a motion to that effect, but he has not. Let me say to him that the fact of the matter is that we have provided that service by being able to fund it to a greater level than we originally anticipated.

Mr Whitecross: After you got caught out.

MR HUMPHRIES: Mr Speaker, I say what I said before. I make no apologies for having tried to achieve that service at an earlier point.

Mr Whitecross: Only half of the time.

MR HUMPHRIES: Is that not amazing, Mr Speaker? We promised a fifth ambulance and we achieved only nine-tenths of that ambulance as of a couple of months ago. Are we not a disgrace as a government? We promised a fifth ambulance and achieved only nine-tenths of it. Of course, the Opposition that attacks us for that also promised a fifth ambulance back in 1991 and did not ever get past the fourth ambulance.

Mr Berry: It was never promised.

MR HUMPHRIES: Mr Berry, yes, you did. I suggest, Mr Berry, that - - -

Ms McRae: We did not put a tax on it and then not deliver.

MR HUMPHRIES: We have provided it, Ms McRae, and that stands to our credit.

MR SPEAKER: Order! It is amazing. Mr Wood asked the question and everybody else is contributing.

Mr Wood: They are entitled to help out.

MR SPEAKER: I thought you might have been interested in the answer.

MR HUMPHRIES: Mr Speaker, this Government will go to the next ACT election proud of its achievement of a fifth ambulance crew to service the people of the ACT. It is a great irony that we should be attacked for delivering what a previous government promised and failed to deliver.

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

ANNUAL REPORTS - DECLARATIONS AND DIRECTIONS FOR 1996-97
Papers

MRS CARNELL (Chief Minister) (3.20): Mr Speaker, for the information of members, I present the Annual Reports Directions for 1996-97, a declaration made under section 4 and directions made under subsection 8(2), paragraph 8(5)(b) and section 10 of the Annual Reports (Government Agencies) Act 1995. Pursuant to section 15 of the Act, I also present a declaration made under section 5 and directions made under paragraph 6(2)(b), subsection 7(2), and paragraph 8(5)(a) of the Act. I move:

That the Assembly takes note of the papers.

Mr Speaker, in accordance with section 15 of the Annual Reports (Government Agencies) Act 1995, I table the instruments setting in place the annual reporting requirements for the 1996-97 reporting year. Under the Act, these instruments must be tabled, although they are not disallowable. The Annual Reports Directions define any reporting entities in addition to administrative units and set the requirements for all annual reports provided under this legislation.

I would like to note that the format of the directions is designed to complement the performance information provided this year for the first time. As a result, the directions provide a framework for comprehensive annual reporting. The Government has agreed to set a deadline of 25 September 1997 for the tabling of all annual reports due in September. This is in advance of the deadline for tabling set in the Act, which would allow Ministers until 6 November to table annual reports. This ensures that members will have sufficient opportunity to consider all the reports in the non-sitting period between the September and November sittings.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Environmental Accounting for the ACT Government - Government Response

MRS CARNELL (Chief Minister) (3.22): Mr Speaker, for the information of members, I present the Government response to Report No. 22 of the Standing Committee on Planning and Environment entitled "Environmental Accounting for the ACT Government", which was presented to the Assembly on 10 December 1996. I move:

That the Assembly takes note of the paper.

In tabling a response to the report of the Planning and Environment Committee, the Government is pleased to advise that work has commenced on developing an options paper as suggested by the committee. The Government sees here an opportunity for the ACT to capitalise on an already strong commitment to environmentally sound management practices and a very well regarded annual report on the state of the environment produced by the Commissioner for the Environment. The developments being researched for the options paper aim to more closely integrate environmental accounting and the financial accounting framework. Members should be aware that this work stretches financial accounting beyond the existing conceptual framework. There will be no instant answers. This represents a very important step and can be considered to be just the beginning of a journey which should ultimately place the ACT on the world map as a jurisdiction with the most advanced environmental management.

Question resolved in the affirmative.

HEALTHPACT - STRATEGIC PLAN 1996-97 TO 1998-99
Paper

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (3.24): Mr Speaker, for the information of members, I present the Healthpact Strategic Plan 1996-97 to 1998-99, and I move:

That the Assembly takes note of the paper.

Mr Speaker, it gives me great pleasure to table the Healthpact Strategic Plan for the next three years. Healthpact was established as an independent statutory authority as a result of the Health Promotion Act 1995. The passing of the legislation, which enacted one of our election commitments, ensured the high visibility and credibility of health promotion within our health system. Health promotion is critical to the long-term improvement of health service delivery in the ACT. It enables individuals to take more responsibility for their own mental, physical and emotional health and, in the long term, should reduce demand on all of our health care services.

Healthpact approaches health promotion using the principles outlined in the Ottawa Charter for Health Promotion, developed in 1985. These principles include ensuring that: Individuals have the skills they need to maintain their own health; the environment is conducive to a healthy lifestyle; public policy supports healthy living; communities are taking action to improve their own health; and health services are aware of their role in health promotion and illness prevention as well as treatment and care. This approach means that Healthpact is contributing significantly to the achievements of the health goals and targets we have developed for the ACT. Its current work in the areas of skin protection, smoking reduction and improvements in nutrition and exercise levels is an important part of moves towards reducing preventable cancers and the incidence of heart disease in the ACT.

Healthpact works with a great many sports, arts and community organisations and with other ACT government agencies to pursue these goals. Schools are particularly important in developing skills, knowledge and attitudes relevant to the program principles and in supporting the work of these non-government agencies. There is a benefit to the sports and arts agencies in supporting their projects. There is a benefit to the schools in extending their programs. Most of all, there is a benefit to students in exposing them to these very important health messages.

But Healthpact does much more than this. There is considerable effort invested in community development activities which provide health promotion benefits to specific target groups within the ACT. For example, Healthpact has funded a range of self-help and support groups over a period of years, enabling the members of these groups to gain and maintain access to community services, participate in the life of their own communities and offer resources back to our society.

It is pleasing to see Healthpact achieving so much so quickly. Since its establishment in 1995 the organisation has provided over $2.3m to community groups for health promotion. Success stories like the International Women's Day fair run by Community Radio 2XX speak volumes for the level of health promotion which can be achieved with only fairly small amounts of public funding. Bigger projects, such as the Cannons hoopster program, the Street Theatre season, and the Child Accident Prevention Foundation's "Hot Water Burns Like Fire" campaign, demonstrate the new range of promotions in which Healthpact is involved. Greater community awareness of important health messages like Quit and SunSmart has been achieved with promotions at major events like the Royal Canberra Show and the Canberra Festival.

The strategic plan outlines the four areas of activity on which Healthpact will focus over the next three years. Firstly, the organisation will fund programs addressing healthy lifestyle and risk factors such as smoking, sun protection, nutrition, exercise, mental health, safe behaviours, and community access and participation. Secondly, Healthpact will conduct three healthy lifestyle programs in each of the upcoming years. Thirdly, the organisation will provide community education about health promotion and will undertake policy development on high-priority health promotion issues. I am looking forward to receiving high-quality advice regarding these issues from the organisation. Finally, Healthpact will continue to promote its own development and growth as a leading light in health promotion in the ACT.

The strategic plan gives a clear indication of the commitment of Healthpact to health promotion, while providing information on the mission, values and goals of the organisation over the three-year period. As part of the continuing consultation on the strategic plan, Healthpact would be pleased to brief interested members. This Government is committed to achieving excellent health outcomes for our community. In this context I take pleasure in tabling the strategic plan, for everyone's information.

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

PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS
Papers and Statement

MRS CARNELL (Chief Minister): Mr Speaker, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of contracts made with Vickie Busteed - extension of her temporary contract - and Janet Mould - cessation of the temporary chief executive contract. I ask for leave to make a short statement.

Leave granted.

MRS CARNELL: Mr Speaker, today I present two Schedule D variations to executive contracts. The contract variations 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 on 27 February 1997.

The first Schedule D extends the temporary contract arrangements for the Executive Director, Education, Training and Corporate Services, pending permanent filling of that position. The second Schedule D terminates the temporary contract arrangements for the Chief Executive Officer of the Canberra Hospital. This temporary contract was terminated due to the commencement of the successful applicant in the position.

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 to respect the privacy of individual executives.

PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present the following papers:

Information Bulletins relating to Patient Activity Data for the Calvary Public Hospital and the Canberra Hospital for January 1997.

A corrigendum to the Government's response to Report No. 18 of the Standing Committee on Public Accounts entitled "Review of the Auditor-General's Report Number 2, 1996 - Taxi Plate Auction".

Determination No. 12, including a statement, pursuant to section 12 of the Remuneration Tribunal Act 1995, relating to Part-Time Holders of Public Offices.

TERRITORY OWNED CORPORATIONS ACT
Paper and Statement

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 Share Transfers for ACTEW Corporation Ltd, ACTTAB Ltd and Totalcare Industries Ltd. I ask for leave to make a short statement.

Leave granted.

MR KAINE: Mr Speaker, share transfers in relation to ACTEW Corporation Ltd, ACTTAB Ltd and Totalcare Industries Ltd have resulted from the recent resignation of Mr Tony De Domenico from this Assembly and the retirement of Mr John Turner from the position of chief executive of the Department of Urban Services. As the Minister for Urban Services, I have acquired one voting share in each of these Territory-owned corporations, and Mr Gilmour, as the new chief executive of Urban Services, has acquired one non-voting share in each. Under subsection 9(2) of the Territory Owned Corporations Act 1990, any change in shareholders for a Territory-owned corporation is required to be tabled within 15 sitting days of it occurring.

WEED AND PEST CHEMICALS
Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.33): Mr Speaker, I ask for leave of the Assembly to make a very short ministerial statement on the Commissioner for the Environment's investigation into the use of weed and pest chemicals.

Leave granted.

MR HUMPHRIES: I thank members, because I did not give them much notice of this. Mr Speaker, members will recall that on 5 September 1996 I informed this Assembly about the steps the Government had taken to progress a public investigation by the Commissioner for the Environment into the use of weed and pest control chemicals in the ACT. In relation to the conduct of the investigation, the commissioner subsequently advised me that, while there appeared to be considerable community interest in it, he was not exactly swamped by public submissions. He therefore undertook a further round of consultation which expired on 18 March 1997.

As members will recall, the commissioner was originally given six months, expiring on 16 March 1997, to complete the investigation. The reopening of public submissions obviously impacted on the commissioner's ability to complete the report in this time. In addition, the commissioner advised me that the investigation was delayed by the complexity of the task of preparing a database on chemical use by, or on behalf of, ACT agencies. In this context the commissioner wrote to me asking for an extension of time for a further three months, to 16 June 1997, in which to complete his report. Under subsection 27(1) of the Interpretation Act 1967, I agreed to the commissioner's request and wrote to him in these terms.

I table, for the information of members, a copy of the letter from the commissioner dated 14 February 1997, and a copy of my reply dated 4 March 1997. The Government looks forward to receiving a high-quality report from the commissioner by 16 June this year.

Mr Berry: As always.

MR HUMPHRIES: As always. I move:

> That the Assembly takes note of the papers.

Question resolved in the affirmative.

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 Legislative Assembly (Members' Staff) (Amendment) Bill 1997, being called on forthwith.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) (AMENDMENT) BILL 1997

Debate resumed from 8 April 1997, on motion by **Mr Whitecross**:

> That this Bill be agreed to in principle.

MRS CARNELL (Chief Minister) (3.36): Mr Speaker, the Government has not had terribly much time to have a look at this Bill, I have to say.

Mr Berry: It is only seven lines.

MRS CARNELL: Mr Berry laughs; but we have always taken the approach, with the Greens and with others in this place, that we do not push through pieces of legislation that do have ramifications, without giving all people in this Assembly an opportunity to have time to look at them, and to look at them properly.

Mr Berry: You would laugh if you looked in the mirror and saw yourself.

MRS CARNELL: No; I am sure that is what you do, Mr Berry. Anyway, Mr Speaker, it is clear from the timing of this amendment and the general thrust of the Bill that there is a correlation, shall we say, with the Government's intention to introduce new employment arrangements under the LA(MS) Act for LA(MS) Act staff. The Government is still committed to introducing the new arrangements on 1 July 1997 and is continuing to work through all of the issues raised in face-to-face briefings with all members and also in writing from members. Feedback will be provided when the Government has had the opportunity to consider its position.

Mr Berry: Yes, no change in the Government's position.

MRS CARNELL: That is not necessarily true. In fact, Mr Speaker, it is very interesting that, when those opposite asked us to put off the implementation date because it was too soon and they did not have time to respond, we said, "Fine; we will put it off". Mr Berry was away; so it was a bit hard. We said, "Okay. We understand that people need time to respond. We understand that people need time to come to grips with this situation".

Mr Berry: I do not remember this discussion.

MRS CARNELL: Your staff did, though. We moved the implementation date from 1 March to 1 July because we understood that everybody needed time to have a look at this whole issue and to input into this issue.

Mr Whitecross: To get used to it.

MRS CARNELL: Mr Whitecross obviously is confident that he will be able to make these changes. Obviously, the Bill would not have been introduced if he did not have the numbers in this area. I believe that, as usual, he has not looked below the surface of what is presented here.

Is Mr Whitecross aware that he is attempting to make determinations, arrangements and conditions by which members employ staff disallowable? I assume so. Is he aware that by making arrangements disallowable he is providing the opportunity for the Assembly to disallow or alter the staff salary allocations made to members to employ staff? I assume so. Has he considered the effects on MLAs that this uncertainty about their allocation could cause? Staff could find themselves engaged on the basis of a staff salary allocation which may subsequently change without consultation with or explanation to any person involved. Has he considered the effects on staff that this uncertainty could cause?

MLAs are able to employ staff in accordance with arrangements and conditions approved by the Chief Minister. If these arrangements are approved, any Chief Minister will be placed in a situation of having their decisions on allocations and employment matters second-guessed by people who are not in a position to know what the implications are. Mr Speaker, when I say that, I am making the point that terms and conditions are one thing, but budgets are another. If a budget is exceeded by a determination that is overruled and potentially put up by this Assembly, that obviously will change the Assembly's budget. What do we do then, Mr Speaker? Do we go to a second appropriation?

Mr Berry: We can fix it. Just change leaders.

MRS CARNELL: No. A second appropriation. Is that what we are talking about here, Mr Speaker? Is Mr Whitecross aware that these changes could mean that staff engaged under one particular set of conditions could subsequently find those conditions changed, without consultation or explanation to them, simply because a new determination is amended or disallowed? Does Mr Whitecross have any idea of the sense of uncertainty or the devastating effect that this could have on the staff members concerned? Has Mr Whitecross considered that, as these staff are contracted, the Territory may well find itself having an ongoing liability for staff affected in this way?

Mr Speaker, members enter into employment arrangements with staff in good faith. These proposals could find members and staff having to work within a set of arrangements which are changed for political reasons rather than in the interests of best employment practice.

Mr Whitecross: Like you have been doing.

MRS CARNELL: Absolutely not. We have not changed one thing. What we have suggested is that members will be able to have lots more flexibility with their staff in the future, Mr Speaker, in terms of conditions. With regard to the timeframes involved, it must be 12 months ago now that the Prasad report started. It must have happened 12 months ago. Mr Speaker, one of the - - -

Mr Whitecross: I remember the consultation before that was started.

Mr Berry: A phoney report.

MR SPEAKER: Order!

MRS CARNELL: One of the things I am most surprised about is why anybody in this place would want to have control of this. For the life of me, I cannot understand why. To start with, if the Assembly makes a determination it will directly affect the Assembly budget. If the Assembly budget is then in excess - - -

Mr Whitecross: Not necessarily.

MRS CARNELL: If it does, though, it will affect the Assembly budget. If the Assembly budget is affected, particularly if it is increased, that will mean a second appropriation. I have to wonder what the people of Canberra would think about a second appropriation to cover members' staff salaries that was put in place - - -

Mr Whitecross: Unlike the second appropriation to cover the $12m health blow-out.

MRS CARNELL: Actually, I would like to take you up on that one. The second appropriation for health, of course, was because we provided lots of health services to the people of Canberra.

Mr Whitecross: No, it was because you mismanaged your budget.

MRS CARNELL: It was because we provided more health services to the people of Canberra. The reality here, Mr Speaker, is that that would not be the case at all. Members have had adequate opportunities for input into the approach that we have taken here. Of course, if the Assembly wants this to be disallowable, members have every right. I suppose that the legislation will pass. But I think we really do need to take into account that when a member enters into a contract with a staff member at a particular salary, on particular terms and conditions, that is a contract that that staff member has every right to consider will stay in place. If the Assembly - - -

Mr Whitecross: But you do not care about that.

Mr Berry: You do not care about that. You want to knock it off.

Mr Hird: I raise a point of order, Mr Speaker, under standing order 39. In view of your naming of Mr Berry earlier today, I would ask you to use standing order 202(e). They continually interject on the Chief Minister.

Mr Moore: He has not been named. I take a point of order, Mr Speaker. I think Mr Hird means warning Mr Berry, not naming him.

Mr Hird: He named him. You were out of the chamber.

Mr Whitecross: No, no.

MR SPEAKER: Order! I ask all members to keep their interjections to themselves.

MRS CARNELL: Mr Speaker, again I make the point that contracts between a particular member and their staff, I believe, should be as flexible as possible. Those contracts should be able to be relied on by both the employee and the Minister or the member. If we ended up with a situation where the Assembly could override that approach, I think that would be a retrograde step.

Mr Speaker, I come back to the issue of salary allocations. I suggest that there is no way that members of this place could ever agree on salary allocations for their staff. That is the reason why the Chief Minister has always had the pleasure - and it is not a pleasure - of being in a position to have to make those decisions. As everybody would

be aware, the approach that we took with Mr Prasad was to get an independent person to look at this. It was an attempt to have a relook at a situation that had been allowed to go on for a very long time. We have then allowed what must be close to 12 months for people to input, for people to get used to the new arrangement. The total salary allocation is virtually the same as it has always been. It has been reallocated underneath that.

In fact, the only salary reduction in this place was in the Executive, where we reduced the amount of money that was being spent on salaries. It was a quite significant amount of money in the Executive. However, Mr Speaker, that is not the issue here. Whatever members decide to do on this particular issue, the bottom line here is to make sure that staff can be confident about contracts they enter into, and that contracts are as flexible as possible. Members should understand that there is no way that this house could ever totally agree on the various allocations for staff under a global budget.

MR HUMPHRIES (Attorney-General) (3.46): Mr Speaker, I want to make a couple of short points about the Bill. A number of steps have been taken not just in this Assembly but in the last two Assemblies. Because of the nature of government in the Territory - that is, minority government - there has been a process of essentially shifting power from the hands of the Executive into the hands of the Assembly. I must say that I have been involved in a number of such exercises and I have generally supported the direction of that move. Although the Chief Minister today has put very cogent reasons to reconsider this move, I at least acknowledge that it is within the general trend of giving more power to the Assembly and less to the Executive. I do not know whether the Chief Minister would admit it; but having to make decisions in this area is not a particularly pleasant task, given that, to be quite blunt about it, members' interests are heavily at stake in such situations and they will generally wish to argue very strongly for their office or their personal position. Having someone else make a decision is, in one sense, a matter of some relief.

Mr Speaker, I indicate that my party will oppose the legislation, but we accept that there are some elements of this which reflect longer-term trends within the Assembly and its voting pattern. I do hope that we will avoid an undignified battle on the floor of this Assembly about who gets what resources. Generally speaking, Mr Speaker, I think it is true to say that Chief Ministers in this place, from both sides of the chamber - - -

Mr Berry: Former Chief Ministers.

MR HUMPHRIES: Chief Ministers from both sides of the chamber - that implies former Chief Ministers as well - have acted with some impartiality in the way in which they have administered this system. The report which has generated the present legislation takes from some members of the Government and gives to others; it takes from some members of the Opposition and gives to others; it is kind to some members of the crossbenches and unkind to others. I do not believe that one could construct a particularly persuasive argument that says this is about feathering the nests of the Government or even the major parties vis-a-vis the others, but we can debate that. It is obvious that we are going to have the chance to do so subsequent to the passage of this legislation.

Mr Speaker, I think it is important to be able to say that Chief Ministers have made those sorts of decisions in that way, sometimes not with great alacrity. I recall a request to the previous Chief Minister from the Liberal Party for additional resourcing for, I think, the Deputy Leader of the Opposition at the time, which took nearly two years for her to respond to.

Mr Berry: The manager of Opposition business, actually.

MR HUMPHRIES: That is right, the manager of Opposition business. Yes, that was the position, as Mr Berry reminds me, and it took nearly two years for her to respond to that. On occasions like that we felt very strongly about coming down to this place and forcing an issue of the kind which is now being forced by the present Opposition. We resisted that temptation; but, obviously, the present Opposition cannot do likewise. Mr Speaker, I oppose the legislation, but I acknowledge that there are some elements of it which, I think, we on this side of the chamber will benefit from in the future.

MS TUCKER (3.50): I would like to make a few comments on this Bill. We will be supporting it. I must say that, as a manager, the Chief Minister, I think, has failed in the processes that have occurred. I do not feel that we have had our input listened to. I am appalled at the way staff of all members of this place have had to wait. I was appalled to find a response to our complaints put under my door on 23 December. I am concerned that my staff already have insecure employment in working for Ms Horodny and me in this place. I can see no good management in changing that situation six months before the next election. I think this process has been handled badly. I can see the downside of giving it to the whole parliament to discuss, but I am afraid that this process has been so appallingly handled by the Chief Minister that I am willing to take on the troubles that might come as a consequence of this legislation. I am absolutely shocked at the whole approach to this, in terms of industrial relations and basic decency.

MR WHITECROSS (Leader of the Opposition) (3.52), in reply: Mr Speaker, I thank members for their contributions. I do think this is an important Bill. I have to say, Mr Speaker, that in bringing in this legislation I was not unconscious of the political concerns that Mr Humphries has raised or the complexities that Mrs Carnell has raised about these issues ending up on the floor of the chamber. The Labor Opposition, and perhaps others in the parliament, found ourselves in the situation of having no real choice because of the way Mrs Carnell has handled this matter.

I was startled and surprised to hear Mrs Carnell, suddenly today, professing concern about the insecurity that might be created for members' staff from the possibility of an arbitrary cut to their members' salary allocations, or arbitrary changes to members' conditions of employment, when it is exactly those actions that Mrs Carnell has been proposing and has been seeking to foist on members in this place without any consideration for the circumstances, the anxieties and the pressures that have been put on those members. It seems to me that Mrs Carnell's protestations of concern about that uncertainty ring rather hollow against her record in this matter. If her record had been better, perhaps we would not be in this situation now.

Mr Speaker, I sincerely hope that these matters will be dealt with in a suitable way. I hope that they can be dealt with in a way which will ensure some ongoing security of employment for staff and some confidence in the conditions under which staff are going to have to work. That is what I want to do. Mr Speaker, you cannot help but conclude, when you look at the way that Mrs Carnell has handled this matter over the last 12 months, that her principal objective has been a simple one - to destabilise the work of her political opponents, to destabilise the staff of her political opponents and, indeed, her opponents within her own party, by preoccupying them with anxieties about these issues.

The purpose of these amendments is to change the balance of power here, to put an end to Mrs Carnell's campaign of destabilisation. When she brings something down the Assembly will be able to say yes or no, instead of having a situation where she has all the cards and everybody else has to sweat on whether she is going to carry out one of her threats to reduce somebody's staffing allocation or to change someone's conditions of employment. We are not going to put up with that anymore. It might not be the ideal outcome, as Mr Humphries said; but that is the outcome we have to have because of the way Mrs Carnell has conducted herself on this matter. I urge members to support the legislation. It should not have been necessary, but it is.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1996
Detail Stage

Proposed new clauses 4A, 4B and 4C

Debate resumed from 8 April 1997.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.57): Mr Speaker, to give Ms Horodny a bit of time to return to the chamber, let me just make a comment that on Tuesday there was a meeting of members interested in this legislation at which we considered the direction of this legislation. I can indicate that I stand by the arguments I put on the last occasion as to why the Assembly should not support Ms Horodny's amendment. In the interim I have written to the chair of the rural task force and asked him to take on board the issues concerning property management agreements which Ms Horodny has raised in her amendment. I have circulated a copy of that letter to other members who were at the meeting. I am not sure whether they have received their copies yet. If not, they are coming very soon. It indicates that I have asked him to respond to me in the task force report with that information at the time concerned. I would urge members to allow that report to come forward before we consider the issues that Ms Horodny has put to the Assembly with this amendment.

I repeat that the amendments she has put forward really do not relate to the substance of this legislation but incidentally deal with the same legislation that she would like to deal with by way of these amendments. I would ask members not to support her amendments but to be prepared to come back and consider them at a future point when we have the chance to look at perhaps another amendment to the Land (Planning and Environment) Act.

MR CORBELL (3.59): I am grateful to the Minister for the opportunity to discuss these amendments with him, Ms Horodny and Mr Moore earlier this week. We are satisfied with the Minister's proposal to refer this issue to the rural lessees task force for examination and report. At this stage we have no concerns with that process happening. However, I indicate that we will be ensuring that the issue is addressed. We believe that rural lessees have an obligation to manage their properties, which they lease from the Territory, in an appropriate manner. That involves property management plans to ensure the conservation of land and in many cases the restoration of land. We are satisfied with the proposal at this stage, but we want to make sure that it comes back to the Assembly promptly and that the issue is addressed and not left to drift. At this stage we are happy to support the Minister's proposal.

MS HORODNY (4.00): Mr Speaker, I participated in the round table discussion and accepted Mr Humphries's undertaking that he would refer my proposed amendment to the rural task force for their consideration in deciding the most appropriate means of implementing property management agreements. The Minister said at that meeting that the task force has already prepared a draft report. I hope that they will look at this issue seriously and take on board the whole concern I have about how the property management agreements will be implemented.

I do have concerns - and I must express them - about the process we are going through now. The rural task force does not have on it an environmental and land management expert. I wrote to Mr Humphries very early in the piece, in fact when that task force was originally put together, urging him to include on it an individual with environmental and land management expertise. Mr Humphries did not agree to this. At the round table discussion the other day Mr Humphries and the bureaucrats said that the task force would consult, and have consulted, with a particular individual who does have that environmental and land management expertise.

My understanding is that the Conservation Council was called in for general discussion with the rural task force. I am pleased that that has happened, but I believe that the particular individual from the Conservation Council who has the rural and land management expertise should have been a formal member of the task force, because land management is critical to rural issues. I believe that the property management agreement is, in fact, a contract. It is the agreement between the Government and the lessee, so it is critical that land management be put in place.

I am pleased to accept Mr Humphries's letter to the task force to ensure that they do look at those issues and report on them. I am not sure of the timeframe between the draft report and the final report, but I presume it will be a couple of months or so. I will be looking out for the final report. I hope that these issues of how to implement the property management agreements - issues that I have been pushing for long and hard since I have been in this place - are given the serious consideration that they need.

Proposed new clauses negatived.

Clause 5

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

Page 2, lines 19 and 20, omit "After section 254 of the Principal Act the following section is inserted", substitute "Before section 255 of the Principal Act the following section is inserted in Division 3 of Part VI".

Page 2, line 22, omit "254A", substitute "254".

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.05): Mr Speaker, I move:

Page 2, line 27, after proposed subsection 254(2) insert the following proposed subsections:

"(2A) The Minister shall not make a declaration under subsection (1) unless the Minister has consulted with -

(a) the Flora and Fauna Committee established under the *Nature Conservation Act 1980*; and

(b) in relation to a declaration proposed to be made under paragraph (1)(a) - the Animal Welfare Advisory Committee established under the *Animal Welfare Act 1992*.

"(2B) After making a declaration under subsection (1), the Minister -

(a) shall cause to be prepared a plan for the control of the propagation of animals or plants of the relevant class; and

(b) if the declaration was made under paragraph (1)(a) - may cause to be prepared a code of practice under the *Animal Welfare Act 1992* in relation to the animals of the relevant class.

This is, in a sense, an alternative to Ms Horodny's amendment to clause 5 and arises out of the round table discussion. It modifies Ms Horodny's proposals for consultation before orders are made. It provides that the Minister shall consult with the Flora and Fauna Committee and with the Animal Welfare Advisory Committee in appropriate cases. It also places an obligation on the Minister to prepare a plan for the control of the propagation of animals or plants of the relevant class. There is also power for the Minister to prepare a code of practice under the Animal Welfare Act.

It was argued that neither of these events ought to be a condition for the making of a declaration of a pest animal or pest plant, because that would potentially result in delays before those declarations could be made. However, I acknowledge that it is appropriate for Ministers to prepare control plans as soon as possible after the declarations are made, or contemporaneously with declarations if that is possible. It may also be appropriate to prepare a code of practice under the Animal Welfare Act. Both of those are provided for in the amendment. I commend the amendment to the house.

MS HORODNY (4.06): Mr Speaker, I am happy to accept as a compromise that Mr Humphries has altered his amendment to account for the things that I wanted to see in clause 5. I still believe that it is important that when a declaration is made we have a code of practice in relation to animals that have been declared pests. I believe that that is part of the plan of control. Mr Humphries has agreed that the plan of control will be mandatory. I am pleased to see that, but I still believe that the code of practice needs to be in place as well. The declaration will be pointless, in a sense, unless there is a code that spells out very clearly what the plan of control is. The two are very closely integrated. As a first step, I will accept Mr Humphries's amendment and hope that when the control plans are put in place the Minister will choose to develop over a period of time the codes that are so important in the overall control.

MR CORBELL (4.08): I am happy that the Minister has responded to the representations that took place at the round table discussion and my initial prompting that this amendment be put in place. I am also happy with his willingness to accept some suggestions made by Ms Horodny. It is quite important that the Government have the capacity to respond quickly to a pest animal or plant. At the same time, I believe it is important that, where necessary, a code of practice be put in place. Clearly, it is not necessary in all circumstances, but I would say that in the overwhelming majority of circumstances it would be appropriate.

We believe that this amendment will allow the Minister to act decisively in responding to any threat posed by a pest plant or animal, once he has consulted the Government's Flora and Fauna Committee and the Animal Welfare Advisory Committee. I hope that those committees are able to give some direction and advice to the Minister on the need or otherwise for a code of practice and that a code can be put in place, whilst still allowing the Government flexibility to respond to urgent matters and urgent threats posed by pest plants and animals. We support this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6

MS HORODNY (4.10): I move:

Page 2, line 31 to page 3, line 9, omit the clause, substitute the following clause:

"Application for order

6. Section 256 of the Principal Act is amended -

(a) by omitting from paragraph (3)(a) 'and';

(b) by inserting after paragraph (3)(a) the following paragraph:

'(ab) in the case of an application for an order relating to a pest animal or pest plant - the Conservator; and';

(c) by omitting from paragraph (4A)(a) 'and';

(d) by inserting after paragraph (4A)(a) the following paragraph:

'(ab) in the case of an application for an order relating to a pest animal or pest plant - the Conservator; and'; and

(e) by inserting after subsection (4B) the following subsection:

'(4BA) The Minister shall refuse to make an order under subsection (4B) in relation to the controlled activity of using or managing land in a way that fails to control the propagation of a pest animal or pest plant if -

(a) there is a written agreement between the lessee or occupier of the land and the Minister relating to control of the propagation of the relevant pest animal or pest plant; and

(b) the Minister is satisfied that the lessee or occupier is giving effect to the agreement.’.”.

This amendment alters the proposed amendments to section 256 of the Land Act to require the Minister to consult with the Conservator when considering an application for an order relating to a pest plant or pest animal. The Conservator is currently consulted on other aspects of land administration such as variations to the Territory Plan, so I see no reason why the Conservator should not be formally involved in the declaration of pests.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.11): Mr Speaker, as a matter of practice, the Conservator would be consulted before any order was issued or any declaration was made. In the sense that this amendment regularises a practice, I have no particular objection to it, and I support it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8

MS HORODNY (4.12): I move:

Page 3, line 21, proposed item 11, Schedule 5, omit “10”, substitute “50”.

Mr Speaker, this amendment increases the penalty for non-compliance with an order relating to the control of a pest animal or pest plant from 10 to 50 penalty units. This is in line with penalties relating to other orders in Schedule 5.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.12): Mr Speaker, I do not have a particular objection to this amendment. The heavier penalty is not inappropriate in terms of the other provisions in the Schedule, and I therefore do not oppose it.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 9 and 10, by leave, taken together, and agreed to.

Proposed new clause 10A

MS HORODNY (4.13): I move:

Page 3, line 30, after clause 10 insert the following clause:

"Consequential amendment - *Litter Act 1977*

10A. (1) Section 2 of the *Litter Act 1977* is amended by inserting the following definition:

' "garden waste" means waste or soil or landscaping material, that contains plant material capable of propagating;'.

(2) Section 3A of the *Litter Act 1977* is repealed and the following section substituted:

Depositing of commercial waste or garden waste

'3A. A person shall not deposit commercial waste or garden waste in or on a public place.

Penalty: 50 penalty units or imprisonment for 6 months, or both.'.

(3) Section 4 of the *Litter Act 1977* is amended by omitting from paragraph (a) 'or commercial waste' and substituting ', commercial waste or garden waste'.".

Mr Speaker, this amendment ensures that the dumping of garden waste which could potentially spread weeds is specifically included in the provisions of the Litter Act. At present the Litter Act does not define "garden waste", and it would be good to spell this out very clearly. For example, it is not just garden prunings that could cause problems with the spread of weeds. The dumping in the wrong place of soil that contains seeds or root material that could regenerate could also allow weeds to spread.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.14): Mr Speaker, I am not going to die in a ditch about this amendment. My advice is that the Litter Act definition of waste is sufficiently wide to pick up garden waste. It would be very hard to argue that waste produced from a garden did not constitute waste as defined in the Litter Act. That is the advice I have received from the draftspeople, but I would have to concede that the amendment does not necessarily do any significant harm to the legislation. There is a legal argument based around a legal maxim that says that if you define one thing you exclude others, but I do not press that point. I would simply say that it is not necessary to make this amendment.

MR CORBELL (4.15): Mr Speaker, we would also like to support this amendment. It would appear to be a sensible amendment to allow a clarification of the Litter Act to ensure that the concerns raised by Ms Horodny are incorporated into the Act. As such, we are happy to support it.

Proposed new clause agreed to.

Clause 11

MS HORODNY (4.15): I ask for leave to move together amendments Nos 6 and 7 circulated in my name.

Leave granted.

MS HORODNY: I move:

Page 3, line 32, before subclause (1) insert the following subclause:

"**(1AA)** In this section -

'Principal Act' means the *Nature Conservation Act 1980*.".

Page 3, line 32, subclause (1), omit "*Nature Conservation Act 1980*", substitute "Principal Act".

These are consequential editorial changes to the Bill. They do not need an explanation.

Amendments agreed to.

MS HORODNY (4.16): I move:

Page 4, line 4, after paragraph (1)(b) insert the following paragraph:

"**(ba)** by adding 'and includes the spreading of a pest animal or pest plant' at the end of the definition of 'threatening process'.".

This amendment and my remaining amendments relate to the provisions of the Nature Conservation Act. Nature conservation involves not only directly protecting and enhancing natural ecosystems but also removing threats to those natural ecosystems by controlling pest plants and animals. This amendment alters the definition of "threatening process" to make it clear that it includes the spreading of pest animals and plants.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.16): Mr Speaker, again my advice is that this is superfluous, as the definition of "threatening process" embraces the thing that Ms Horodny is attempting to put into the legislation. I do not see an immediate or serious problem arising from it being inserted there, but I cannot guarantee that that is not the case. Again, I do not die in the ditch about this.

Amendment agreed to.

MS HORODNY (4.17): I move:

> Page 4, line 11, after subclause (1) insert the following subclauses:
>
> "**(1A)** Section 46 of the Principal Act is amended by omitting subsection (1) and substituting the following subclause:
>
> '(1) Subject to subsection (2), a conservation officer may enter land and carry out on the land such investigations and examinations in relation to animals or plants on the land as the conservation officer considers necessary or desirable for the purpose of -
>
> (a) ensuring the protection and conservation of native animals or native plants; or
>
> (b) controlling the propagation of pest animals or pest plants.'.
>
> **(1B)** Section 47 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:
>
> '(1) The Conservator may give the occupier of land directions for -
>
> (a) the protection or conservation of native animals, native plants and native timber on the land; and
>
> (b) controlling the propagation of pest animals and pest plants on the land.'.".

This amendment alters sections 46 and 47 of the Nature Conservation Act regarding conservation officers entering land and giving directions to the land occupier. This amendment allows officers to enter land and give directions regarding the control of pest plants and animals, in addition to their existing powers to enter land and give directions regarding the protection of native plants and animals. In other words, inspectors can already go onto rural land to enforce protection. Again, threatening processes should be included. I know the Minister has said that that is naturally included, but I think it does not hurt to spell it out in the law.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.18): Mr Speaker, I think Ms Horodny has misunderstood my argument against this amendment. It is not that conservation officers as such have that power, as I understand it; there are other officers who have that power. This amendment extends the number of officers who have the power to enter land and carry out investigations and examinations that may affect a person's land. The argument that I put to the round table meeting was that it is not appropriate to have a large number of such people with those powers.

I cannot recall any cases in the life of this Assembly, but there certainly have been a number of cases in previous Assemblies where members have expressed concerns about officers of the government having the power to enter land with certain draconian powers to do certain things in respect of that land, be it suburban land or rural land. I am advised that other officers have appropriate power and that therefore it is not a necessity to provide for that additional power. I would ask members not to widen the number of people who have such a power.

MR CORBELL (4.19): Mr Speaker, at the round table meeting the Minister and officers of the department indicated to me that there are already officers of the department who have both the power and the expertise necessary to enter land and to understand and give directions to the land occupier. That would seem to me to be a reasonable position. As such, it does not seem necessary to extend this power to other officers. However, if in the future officers entering land do not have the necessary expertise to understand what they are giving directions in regard to, then obviously we would need to reconsider the matter. At this stage we are happy that the officers entering the land and giving directions have the expertise necessary to do that. As such, we will not support Ms Horodny's amendment.

MS HORODNY (4.20): Mr Speaker, just to clarify, my understanding is that inspectors can already go onto rural land to enforce protection - for instance, protection of endangered species. I want to ensure that those same officers in the same inspections, if they need to, can also enter that land to ensure that threatening processes - in other words, weeds or pest animals - are not threatening the very ecosystems that the inspectors may enter that land to protect. The amendment rolls more considerations into the issue of inspections. I would argue that it is important, in the overall conservation measures that these officers are looking at, to include a provision that they look at threatening processes.

Amendment negatived.

MS HORODNY (4.22): I move:

> Page 4, line 12, before subclause (2) insert the following subclause:
>
> "**(1C)** Section 56 of the Principal Act is amended -
>
> **(a)** by omitting from paragraph (1)(e) 'or' (last occurring);

(b) by adding at the end of paragraph (1)(f) 'or'; and

(c) by adding at the end of subsection (1) the following paragraph:

'(g) deposit garden waste, soil or landscaping material that contains plant material capable of propagating.'.".

This amendment alters section 56 of the Nature Conservation Act so that it would be an offence to dump garden waste in reserved areas. It could be argued that the Litter Act already covers this, but it is not clear from the wording of the Litter Act whether it applies to nature reserves as opposed to parks and public spaces within the urban area. Since section 56 already refers to a number of activities that are not allowed in a reserved area, it seems quite sensible to ensure that this list includes all prohibited activities in the one place.

Amendment agreed to.

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

Page 4, line 12, subclause (2), omit "*Nature Conservation Act 1980*", substitute "Principal Act".

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

ELECTORAL LEGISLATION - REVIEW
Paper

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

That the Assembly takes note of the paper.

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

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

Debate resumed from 5 December 1996.

Detail Stage

Clauses 1 to 6, by leave, taken together, and agreed to.

Clause 7

MR KAINE (Minister for Urban Services) (4.25): Mr Speaker, I seek leave to move together the two amendments circulated in my name.

Leave granted.

MR KAINE: I move:

> Page 2, line 21, after "14," insert "14AA,".
>
> Page 2, line 23, after "12,", insert "12AA,".

These are purely mechanical amendments to correct omissions. The Bill, at clause 7, lists a number of sections that need to be renumbered in the principal Act. There were two omissions from that list, that is, sections 14AA and 12AA. This merely corrects those omissions.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9

MS HORODNY (4.26): I move:

> Page 2, line 31 to page 3, line 3, omit the clause, substitute the following clause:
>
> "**Provisional licences and endorsements**
>
> **9.** Section 7B of the Principal Act as renumbered by this Act is amended -
>
> **(a)** by inserting in subsection (2) 'has passed an approved driving test and' after 'unless the applicant';

(b) by inserting after subsection (2) the following subsection:

'(2A) The Registrar shall not approve a driving test for the purposes of subsection (2) other than a test conducted by a member of the Australian Capital Territory Public Service, or a member of the public service of a State or another Territory, in that capacity.';

(c) by inserting after subsection (14) the following subsection:

'(14A) For the purpose of satisfying himself or herself as to the capabilities of an applicant under subsection (14), the Registrar shall have regard to any certificate of competency in relation to the applicant.'; and

(d) by omitting subsection (15) and substituting the following subsection:

'(15) The Registrar shall not fix the date and time for a driving test referred to in subsection (2) unless the applicant has paid to the Territory the determined fee.'.

Mr Speaker, what my amendment does is remove the provision in the Bill that allows the registrar to issue a provisional drivers licence to a learner driver merely on the basis of the learner having received a certificate of competency from an accredited driving instructor. My amendment makes clear that a learner driver must pass an approved driving test given by a government examiner before being issued with a drivers licence, although the registrar can still take into account whether the learner has a certificate of competency when deciding whether to issue a drivers licence. My amendment in subclause 9(d) is a consequential amendment dependent on the passing of the earlier subclauses.

At present the Motor Traffic Act does not clearly state that a learner driver must pass a test; it is merely that the registrar is satisfied that the person is capable of driving. The new subsection 14A in the Bill modifies this process by allowing the registrar to have regard to a certificate of competency. As you will note in my subclause 9(b), I am not intending to remove subsection 14A from the Bill, as I believe that the logbook process leading up to the completion of a certificate of competency could be quite worth while for learner drivers. What I want, however, is for there to be a final step in the process, and that is the passing of a driving test given by a government examiner.

Our amendment to require learner drivers to still undertake a driving test has been criticised for negating the basis of the continual assessment scheme because the focus of the learner would still be on passing the final driving test. This was not the intention of our amendment. The Motor Traffic Act does not specify the detail of the driving test to

be conducted but leaves this to the discretion of the registrar. We would expect that the test given to people who have a certificate of competency would not need to be as extensive as the test given to learner drivers who have not used accredited driving instructors, but it should be an independent test nonetheless. We want the system of accreditation and competency-based training fully up and running and adequately evaluated before we even think about giving up the government testing of learner drivers.

The proposed accreditation process for driving instructors in the ACT is not as strict as the licensing process that is used in New South Wales for driving instructors. In New South Wales any person who wants to advertise themselves as a driving instructor must be licensed. To gain an instructor's licence in New South Wales a person must pass both theoretical and practical driving instruction tests, as well as undergo medical tests and a police check. In the ACT, however, anybody will still be able to advertise themselves as a driving instructor, whether accredited or not. Since this Bill has been introduced I have received information from sources within the driving instruction industry that has made me feel even more strongly that not only should independent testing remain but ACT driving instructors should all be licensed.

Other members would be aware of the recent publicity given to those driving instruction schools that have misleadingly advertised in the *Yellow Pages* that they are accredited, before the legislation has been passed. I understand that the two driving schools involved, City Cross and Arrow, were members of the steering committee for the introduction of the competency-based training and assessment scheme and should have known that the legislation had been delayed. Perhaps the prospect of getting 12 months of more attractive advertising in the phone book ahead of their competitors was too much of an opportunity to miss.

I have also heard some real horror stories about the behaviour of some driving instructors who have preyed on young and vulnerable people who have been overawed by the status of instructors. They have employed intimidation tactics and sexual harassment and have played up to the communication weaknesses of people from non-English-speaking backgrounds. It must be understood that young people and people from non-English-speaking backgrounds do not often question what is being done to them. They are susceptible to manipulation.

There appear to be three types of driving instructors. Firstly, there are those who know what they are doing and genuinely care about their responsibilities to their students. Secondly, there are instructors who are not good instructors but mean well and treat their students in a friendly manner. These instructors could end up giving certificates of competency out of pity for their students who may not quite make the grade, or the instructor may fold under pressure from an overbearing or impatient parent. The third type, whom I am most concerned about, is those who are manipulative and conniving and prey on vulnerable students to their own advantage. I have been advised of numerous cases of students paying for up to 60 lessons, and in one case up to 78 lessons, to achieve a driving competence that would normally take only 10 lessons. A 58-year-old Greek widow was led along for over 60 lessons. The lessons commenced by the

instructor asking for payment in cash before entering the car. All the lessons were conducted on quiet suburban streets and never on busy roads. Only after she had failed her fourth test did she overcome her embarrassment and comment to the examiner about the instructor's inadequate instruction and seek instruction elsewhere.

In another case a particular instructor had insisted on concluding each driving lesson with a young female client with a progressively more animated hug or cuddle. This was to culminate in what he described as a present if she passed her driving test the first time. This woman had 12 lessons and was reluctant to make a fuss because her mother had devoted a large proportion of her weekly budget to pay for the lessons. It was only after the mother happened to observe this end of lesson ritual that she took to teaching her daughter herself.

Another instructor told his 18-year-old female student after a test - you will have to excuse the language here, but it is a direct quote from what I was told - "Let's go, well, let's go. Do you want to go inside and take a piss or scratch your arse before I drop you back at work? You're lucky, you know, because if you didn't pass this time I was going to squeeze your tits". One instructor had stretched a one-hour lesson to nearly 2¼ hours, during which he directed her to drive around the Cotter area. He commented that she should keep her mistakes to a minimum and that he would - I quote again - "smack her bottom" if she made an error. A few minutes later she did make an error, at which he said - and again I quote - "Well, we both know what that means". Fortunately, this lady was able to put him in his place, but she was certainly frightened by what could have happened in this isolated area.

Not only is sexual harassment common, but also physical harassment. Another instructor has been observed hitting his young students, a number of them being of Asian background, with a ruler after a failed test and calling them "f...wits". I have also heard of instructors turning up late for lessons or being drunk, or both. In some cases they have been late in picking up students for their driving test, thus causing them to lose their booking fee and to have to wait for the next available testing time, which could be some weeks away.

The roadworthiness of instructors' cars has also been of concern to some people. Some lessons have been conducted in cars that are unregistered or unroadworthy, for example, by having bald tyres, which was only pointed out to students by an examiner at the start of their test. *(Extension of time granted)* Some of these situations could have resulted in the student not being covered by third-party insurance in the event of an accident.

Such actions indicate to me that there is definitely a need to regulate the driver instruction industry and to continue to have independent driver testing, and to not give driving instructors free rein to test their own students. The system that the Government has proposed is unproven and allows vested driving instructors an effectively unfettered power over potentially vulnerable people. There is a potential for corruption and extortion, and it will lead to inconsistent standards of instruction and testing.

It needs to be stressed that the accreditation process the Government is introducing is a voluntary participation scheme. To be accredited, all you need to do is undertake a two-week course. Other instructors will be able to continue on in their haphazard and unregulated state. Unfortunately, in many cases the public will not be aware of the fundamental differences. Why not make it compulsory for the whole industry to undergo training and come under some regulatory process to weed out the shonky operators? How many sporting coaches are allowed to train teams and individuals and then sit on judging panels when those people compete? It is the same principle. The separation of instructor from tester must be maintained.

MR KAINE (Minister for Urban Services) (4.38): The Government does not support the amendments put forward by Ms Horodny. I think the arguments that she has just spent a lot of time expounding do not relate to the facts that will exist once this Act is in place. In fact, most of what she has just read into the record at great length is comment by an anonymous person, a copy of which was faxed to me. If the person is not prepared to identify themselves in putting that sort of argument forward, then as far as I am concerned it does not carry very much value at all. Most of the points made 'in any case' are easily refuted.

Mr Speaker, the principal reason why the Government does not accept the amendments put forward by Ms Horodny is that to accept the argument that all applicants for licences must be tested by a public servant means that the thrust of the competency testing would be totally negated. Bear in mind that there are options here. You can still go through the present system if you want to - front up and take a drivers test after being taught by your mother or your father or your brother or your sister - or you can take the option of the competency-based approach where you go through, with a licensed and accredited driving instructor, a course where the instructor has to certify, in 22 different areas of driver competency, that you have reached the desired skill level. Once you have done that you get your provisional licence. They are options; you can do one or the other. We are trying to encourage people to take the new option that we are offering, because we believe that, at the end of that kind of comprehensive instruction, a driver may come out with a better attitude to driving than do our current drivers who have been taught by relatives or whoever was available to teach them to drive.

Anybody who drives on our roads at the moment knows that there are an awful lot of people out there with a bad attitude to driving on public streets. Their performance on the roads is appalling. One would think that they knew nothing about the road rules, nothing about road courtesy, and nothing about commonsense in driving on our roads. We are trying to introduce a system which will lead to a better outcome.

If you are going to require, as the Greens are proposing, that, whether you take this new approach or not, you still have to sit for a driving test, under the same conditions that you do now, why would anybody go through the competency system? There is simply no incentive for them to do it. It simply negates the whole thrust of the Bill. I think that the Greens seem to have lost the plot on this somewhere.

I will deal with some of the arguments that come from this anonymous document that Ms Horodny read from. What this person is saying is that under the new system, using the words put forward by Ms Horodny, "The driving instructors will have an unfettered power over young, vulnerable people". No, they will not, because, first of all, they have to go through an accreditation program to be a qualified and accredited driver-trainer. It is not, as Ms Horodny suggests, a simple 10-day course to qualify. It is far more than not. The accreditation process for these accredited driver-trainers implies a 10-day course; but it also implies a traffic and criminal records check, a medical assessment, a vehicle compliance check, and that they have indemnity insurance and a whole range of other things. If they do not have those things they do not get to be an accredited instructor.

Once they get out there they are not unfettered. They are subjected to continuous audit as to their performance. At least one in 10 of their students will be audited by government auditors. The numbers will be generated randomly by a computer. In addition to those, the auditors may identify additional students whose performance can be assessed. When they go out and do that audit they are not only assessing whether or not the student is properly progressing through the course of instruction which is set down; they also are assessing the performance of the instructor. The allegation made by this person that there is going to be unfettered access, unfettered control and unfettered influence over young and non-English-speaking people is simply a furphy. It is not true.

Mr Speaker, the Greens are putting forward these amendments on totally spurious grounds, and I do not think they understand the outcome of what they are proposing anyway. For example, if at the end of the day, no matter what, the student is then required to front up and take an examination, just as they are required to now, there is an unintended consequence that the Greens obviously have not thought of. At the moment, when a provisionally licensed driver moves into Canberra from interstate, or if they move from Canberra interstate, they automatically get a provisional licence in their new State of residence. Under this provision, anybody coming into Canberra in future with a provisional licence will have to go and take a drivers test before they can get a current provisional licence in the ACT. I am sure the Greens had not thought about that, because they have not thought their proposal through.

Mr Speaker, first of all, the proposal put forward by the Greens would totally negate the concept of competency-based driver training. Very few people would opt to take it, knowing that at the end of the day they are going to have to take a test, and that test alone will determine whether they get their licence anyway. If they fail it they are not going to get a licence. Irrespective of the fact that they have gone through and qualified in every area of competence at a predetermined skill level, they could still, on the day, fail the drivers test and not get their licence. What is fair about that? Nothing.

On the question of acceptance, there was an allegation in this strange document that came to me that a straw poll - whatever that is - of adults and teenagers, drivers and non-drivers alike, has shown a distinct lack of support for the system. I do not know what a straw poll is. I suppose I can go around and ask a dozen people, too, and I would not know what sort of answer I would get. The fact is that in South Australia - the only place in

Australia where a system like this has been in place - since 1993, 70 per cent of learner car drivers are choosing the competency-based system. I think the people in that State are speaking with their intelligence and not from some emotional or ill-informed debate that might lead them to do something else.

Mr Speaker, the Greens' amendment is badly thought out, if thought out at all. It is ill founded. It is unacceptable because it would simply negate the thrust of this Bill through which this Government is trying to improve driver skills amongst our driving population and make drivers more aware of how they need to behave when they get their licence and get out on the street and mix it with the rest of us. I think that the Government's proposal is soundly based, and I urge the Assembly to adopt it.

MR WHITECROSS (Leader of the Opposition) (4.46): Mr Speaker, the Opposition will not be supporting Ms Horodny's amendment, but our reasons might be slightly different from those of the Government. I obviously cannot comment on the accuracy or otherwise of particular anecdotes that Ms Horodny referred to; but I have no doubt that things like the situations that she described do occur, and I am not going to be as quick as the Government is to say that sort of thing never happens. But, Mr Speaker, I do not believe that the Greens' amendment will cure that problem. In fact, I would even go the other way and suggest that the Greens' amendment is likely to push more learner drivers back onto the old system, which has exactly the problems Ms Horodny was talking about, and away from the new system, which, if anything, I think, is likely to be better.

Let me amplify that. The simple fact is that the kinds of problems that Ms Horodny referred to about sexual harassment and exploitation are complex. We have all been grappling with these kinds of problems for years, in our workplaces, in our recreational activities and in our relationships. These are very difficult problems and they will not be solved simply by saying, "At the end of your 10 lessons, your 15 lessons or your 60 lessons you are going to go and do a drivers test". I fail to see how the prospect of having to sit an approved driving test at the end of a competency-based process is going to make the possibility of sexual harassment or physical abuse or other kinds of exploitation less likely during the driving lesson. I am very concerned about the kinds of issues that Ms Horodny raised, but I do not think that her solution will cure the problem.

I said before that I thought that perhaps Ms Horodny's solution might have the opposite effect from the effect that she thinks it might have. Let me explain why. The competency-based system which is being brought in involves a system of accreditation. Through that system of accreditation people proposing to learn to drive will be able to choose an accredited driving instructor who can take them through the competency-based approach or a non-accredited driver who can teach them to drive but who, at the end of the day, will have to send them off to be tested by a government tester.

I would have thought, Mr Speaker, under the circumstances, and taking account of the process of accreditation, the powers in the Act and the training programs that are involved, that you might be able to have a greater degree of confidence in the propriety of someone who is an accredited driving instructor because they now have something to lose. If you are going to learn to drive and you have the choice between using an accredited instructor and using a non-accredited instructor, there will be a natural tendency for people to choose the accredited instructors because they can get their

competency-based points up along the way. They can get their provisional licence through that process. There is a competitive advantage in the marketplace then for accredited instructors. That is something they have to lose. That is a reason why they have to act with a higher degree of propriety and a higher degree of appropriateness towards their students.

There is also another element, an element which Ms Tucker referred to in an interjection and which I think ought to be taken seriously, and that is the question of training. Training is part of the accreditation process for instructors. Ms Tucker suggested that an appropriate component of that training might be some training to do with issues associated with sexual harassment and appropriate behaviour towards learners. I agree with her. These people are going to be in positions of trust in relation to students and they are going to be in positions where they are going to be alone with students. I think it is perfectly appropriate that there be some training, just as I would expect there to be training for anybody who is involved in a public contact-type of job.

I think that is something that the Registrar of Motor Vehicles ought to take up in designing the training. I think it is a good suggestion. It is all the more reason why using an accredited instructor might be a good thing. You can know with confidence, if this suggestion is taken up, that you have someone who has at least some understanding of those issues and who has been given some training in relation to those matters. If you use a non-accredited instructor, as Ms Horodny would have you use, you have no assurance of that. You have no assurance that they have any particular skills in teaching or any particular understanding of issues to do with sexual harassment or exploitation of people from non-English speaking backgrounds. You have no assurance of any of those things. I cannot see how insisting on everyone doing a test, which puts pressure on people away from the competency-based approach, will make things better or will cure any of the problems that Ms Horodny is concerned about.

Mr Speaker, let me reiterate a basic piece of philosophy about this. What we are talking about with this learn to drive system and this system for getting people provisional licences is bringing driver training up to date with the rest of the education system. When you send your kid to kindergarten the Government does not come in at the end of the year and give the student an examination to make sure that they got whatever they were meant to get out of kindergarten. We trust the professionalism, the competency and the qualifications of the people doing the teaching. Certainly, they do not have open slather. There are registration processes, there are training criteria, there are a whole range of rules about who is allowed to teach; but then we trust to their professionalism.

When you go to university, Mr Speaker, it depends on what you study. I did lots of subjects at university. We were trained and I learnt a great deal in the course of my studies, but nobody put me through an examination at the end of it. The system had a self-supporting energy which ensured that students learnt. Certainly, universities are also open to the kinds of abuses that Ms Horodny talked about - sexual harassment, exploitation of people from non-English-speaking backgrounds, and lots of other problems. We know they happen. I know they happen. I have friends who have experienced those sorts of problems. But I do not see that sticking examinations at the end of every university course will solve those social ills, any more than I think that sticking a licence test at the end of your driver training will cure those ills.

Mr Speaker, learning on the job, learning by practice, competency-based learning, is the way education is done these days. It is not done on the basis of throwing people in at the deep end, letting them go on the course for 13 weeks, or however long, and then whacking an exam on at the end. That is not the way we educate anymore. That is not the kind of approach that we adopt to education. What we are doing with this driver training is giving people a way of learning which is more in tune with the educational philosophies of the 1990s, but we are not taking away from people the opportunity to learn in any other way. Anybody can walk away from this approach at any time, whether they are halfway through the course or whether they are at the beginning of the course. It is their choice.

Ms Horodny said that some people can go a long time before they work up the courage to stand up for themselves. That is a problem we all deal with in society, Ms Horodny, in all walks of life, whether in the workplace or when dealing with driving instructors. The reality is that people have the choice. If they would rather have their mother teach them to drive, they can. If they would rather have a non-accredited trainer teach them to drive, they can. If they want to go through the competency-based approach, they can. There are safeguards. There are auditing approaches. I hope that there will be an appropriate strategic approach to ensure that instructors who are considered to be at risk are given priority for auditing; that the auditing process is rigorous and that it will, as Ms Horodny said, weed out instructors who are not up to standard. That is what we have a right to expect, and it will be in the Government's hands to deliver that. I do not believe that we should be supporting Ms Horodny's amendment.

MS HORODNY (4.57): Mr Speaker, there seems to be some misunderstanding about what I said, or else people have chosen not to pay attention to what I said. The test is not a substitute for the accreditation system, for the logbook process. It is an additional thing. I did say that the test given at the end for those students who have gone through the logbook process would not be as extensive as the test given to learner drivers who have not used the accredited driving system. You would not be applying the same test to both classes of students. People who have gone through the logbook process have a much simpler, shorter and smaller test at the end. People who have not gone through the logbook process have to do the full test. As for the audit process, Mr Kaine said that 10 per cent of the students would be tested. In fact, it is the driving instructors who would be tested.

Mr Kaine: No, I did not say that. I said that 10 per cent of the students would be audited; not tested, audited.

MS HORODNY: But it is not actually the students who are being audited; it is the driving instructors.

Mr Kaine: No, it is both.

MS HORODNY: Well, it is not the students.

Mr Kaine: It is both.

MR SPEAKER: Order! If this is a dialogue you can both go outside.

MS HORODNY: The auditor presumably would be sitting in the back seat for one lesson and would be observing the activities of the instructor. Ten per cent of these situations would be audited, but obviously the other 90 per cent would not be audited. That is a problem as well.

I talked about sexual harassment in my speech. Mr Whitecross said that sexual harassment would still occur and that what I am proposing would not eliminate that sexual harassment; but what we are talking about in the proposal that the Government is putting forward is that the power given to those instructors will be even greater than it is now.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

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

Clause 9

Debate resumed.

MS HORODNY: There is obviously an important issue to consider, because if the driving instructors, with the power that they have now, have created in some instances a situation where the sort of sexual harassment that I have been told about occurs, then if the power given to those instructors is increased I would assume that the sort of sexual harassment that I have described here would increase as well. That is something that I do not think has been considered at all in this debate.

Mr Whitecross talked about choice. He said that people have a choice. Not everyone has a choice, Mr Whitecross. Not everyone has parents who can teach them. When I was learning to drive, for instance, I did not have a parent who could drive, so I had no choice. I had to go to an instructor, and a choice of instructors - - -

Mr Whitecross: You have a choice of instructor.

MS HORODNY: But should we not be able to trust all our instructors equally?

Mr Whitecross: Yes, you should.

MS HORODNY: Indeed, we should. If there is any question about the honesty or the integrity of an instructor, is not the onus on the Government to deal with that instructor, rather than the student just moving on to someone else and leaving the problem in place?

Mr Whitecross: I agree, yes. The Registrar of Motor Vehicles.

MR SPEAKER: Order! You are addressing the Assembly, not conducting a dialogue.

MS HORODNY: Mr Speaker, the issue of choice is not an argument in this case at all. As I have said, many students do not have a choice. They have to go to an instructor because they are not able to be taught to drive by a member of their family or a friend. I am very disappointed that the Labor Party has chosen to support the Liberals on this. I just hope that there are not much more serious situations reported to us as a result of this being passed.

Question put:

That the amendment (**Ms Horodny's**) be agreed to.

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

MR SPEAKER: Ms Horodny, you cannot leave the chamber while the bells are ringing. If you call for the vote you cannot leave the chamber.

The Assembly voted -

AYES, 3	*NOES, 13*
Ms Horodny	Mr Berry
Mr Osborne	Mr Corbell
Ms Tucker	Mr Cornwell
	Mr Hird
	Mr Humphries
	Mr Kaine
	Mrs Littlewood
	Ms McRae
	Mr Moore
	Ms Reilly
	Mr Stefaniak
	Mr Whitecross
	Mr Wood

Question so resolved in the negative.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

MR SPEAKER: Mr Kaine, before I put the final question, would you mind formally presenting the supplementary explanatory memorandum to your amendments?

MR KAINE (Minister for Urban Services) (5.09): Mr Speaker, I formally present the supplementary explanatory memorandum.

Bill, as amended, agreed to.

ESTIMATES 1997-98 - SELECT COMMITTEE
Membership

MR SPEAKER: Pursuant to the resolution of the Assembly of 8 April 1997, I have been notified in writing of the nominations of Mr Hird, Mrs Littlewood, Ms McRae, Mr Moore, Ms Reilly and Ms Tucker to be members of the Select Committee on Estimates 1997-98.

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

> That the Members so nominated be appointed as members of the Select Committee on Estimates 1997-98.

LEGAL AFFAIRS - STANDING COMMITTEE
Reference - Emergency Services Restructuring

MR OSBORNE (5.10): I ask for leave to move a motion altering the resolution of the Assembly of 12 December 1996 which referred the restructuring of ACT Emergency Services to the Standing Committee on Legal Affairs for inquiry and report.

Leave granted.

MR OSBORNE: I move:

> That the resolution of the Assembly of 12 December 1996, referring the proposed restructuring of the Australian Capital Territory Emergency Services to the Standing Committee on Legal Affairs for inquiry and report, be amended by:
>
> (1) omitting "by the first sitting day in May 1997"; and

(2) adding

"(2) if the Assembly is not sitting when the Committee has completed its inquiry into the restructuring of the Australian Capital Territory Emergency Services, 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

(3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.".

Mr Speaker, very briefly, the committee held a public inquiry on 2 April. It unexpectedly raised a number of questions which the committee would like answered by the Government. The earliest date that the officers representing the Government and the committee can get together is 18 April and there will not be sufficient time for this additional information to be considered by the committee before its reporting date of 6 May. That is why we need the short extension, Mr Speaker.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Inquiry into Children and Youth at Risk

MS TUCKER: I wish to inform the Assembly, pursuant to standing order 246A, that on 3 April 1997 the Standing Committee on Social Policy resolved to inquire into and report on the provision of services for at-risk children and youth, especially 12- to 18-year-olds, with particular reference to:

(1) the provision and appropriateness of accommodation and other service options, including substitute care, for young people aged 18 years and under;

(2) coordination between agencies including the interface between Family Services, the police, youth justice, youth services, mental health, education, housing and other community agencies;

(3) family support services;

(4) training of Government and non-Government workers in this area;

(5) the provision of services to Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds;

(6) children's advocacy services;

(7) whether the ACT Government is meeting its obligations under the United Nations Convention on the Rights of the Child; and

(8) any other related matter.

I ask for leave to make a short statement.

Leave granted.

MS TUCKER: Mr Speaker, for the two years I have been here and through our Social Policy Committee inquiries the issues of this inquiry have kept popping up. The inquiry into violence in schools brought us face to face with the complexity of issues which are the causes of violent behaviour. Likewise, our inquiry into the School Without Walls showed us the serious nature of some of the problems facing young people. Many of the submissions for our current inquiry into mental health services have also highlighted the needs of young people in this area.

As you will be aware, I have raised some of these issues in question time in the Assembly. I was extremely disappointed with the response. It was handled in the normal way that we handle these issues in the Assembly, but I am pleased to be able to say that we will be having this inquiry. We will be able to look at these issues in a positive and thorough way. I hope that the committee will be able to come up with recommendations which will help the Government in its work, so that the outcomes for this particular group of our community are indeed better.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Inquiry into Magistrates Court Building and Dame Pattie Menzies Building

MR WHITECROSS (Leader of the Opposition): Mr Speaker, I wish to inform the Assembly, pursuant to standing order 246A, that on 5 March 1997 the Standing Committee on Public Accounts resolved to inquire into and report on the lease/lease-back of the Magistrates Court and the Dame Pattie Menzies Building. This was pursuant to a recommendation of the Estimates Committee last year.

ADJOURNMENT

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

That the Assembly do now adjourn.

Apology by Doctor

MRS LITTLEWOOD (5.14): Mr Speaker, I rise today on a serious and important matter. This issue is one that I had not intended to raise in this place; but in light of recent correspondence, and comments contained in that correspondence, I feel duty bound to raise it this evening. In the *Canberra Times* on 9 February 1994 an article by Marion Frith appeared. The article was headed "Patient accuses doctor of sexual assault". I quote:

> A Canberra woman who says she was sexually assaulted by her family GP during a consultation more than 20 years ago - and is aware of at least four other women who say they were similarly assaulted - is calling for others to come forward so a group complaint can be lodged with the ACT Medical Board.

Subsequent to that article and over the following months, many other women came forward with the same allegation about the same doctor. This resulted in 13 women being involved in the action and 14 counts of assault being laid against the doctor. I understand that there were, in fact, 17 women who came forward, but not all felt that they could proceed to take action in an ACT court. The matter did go to court and was thrown out because the doctor no longer held the relevant records.

Mr Speaker, as I would not wish to abuse the privilege of this place, to be accused of using my position to pursue a personal vendetta, or to use an issue of this sensitivity for any political gain, I will declare that I am one of those women. As I mentioned, Mr Speaker, I had not intended to raise this matter, as I find it distressing and distasteful. However, as a letter from that doctor was forwarded to my husband upon my election to this place, dated 17 February 1997, I feel duty bound to raise the issue for the sake of the other women involved. In that letter appeared what I determined as an admission of guilt and an apology. Although I am sorely tempted, I will not reveal the doctor's name; but, Mr Speaker, I would like to read into *Hansard* the section of the letter to which I refer. I quote:

> I do stress, however, that it grieves me very much to think that I might have somehow caused pain and suffering to any of my ex patients by any of my actions. As you may be aware most of my ex patients always considered me to be a caring and compassionate doctor. I never regarded medicine as an avenue of achieving wealth but as a way to use my years of experience to help others. I really loved most of my patients. I know others may say I sometimes confused love and lust.

I believe all the other women associated with this matter are entitled to that apology as well as I am. I am sure they suffered at the time of the incidents involving them, and they must have suffered, as I did, when the matter was thrown out of court. Mr Speaker, as I mentioned, I would rather not have raised this matter, as it is something I wish to forget; but, as I have no other way of communicating with the other women, I feel duty bound to inform them of the apology contained in this letter and, through this place, I hope it will bring them some comfort.

City Police Station Open Day

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (5.18), in reply: Mr Speaker, I wish to use the adjournment debate basically to put up an advertisement for the open day at the ACT City Police Station on 26 April.

Ms McRae: We are all climbing ropes and doing tricks already, Mr Humphries.

MR HUMPHRIES: I am very pleased to hear it, Ms McRae. I look forward to seeing you climbing some ropes and twirling around on the top of them. Mr Speaker, for those of us who are less energetic than Ms McRae and who wish simply to observe, I advise them that between 11.00 am and 3.00 pm on that day the City Police Station, the new Magistrates Court and the Supreme Court will be open to the public and tours will be available.

People will also be able to see ambulances, bushfire and volunteer emergency service equipment and personnel. The ACT Fire Brigade's Bronto appliance will also be on display. The AFP's dog team will undertake a number of exercises and displays during the day, and the search and rescue team will simulate a number of vertical rescues off the roof of the police station at 12 noon and 2.00 pm. There will be a number of other displays. School and community groups are particularly encouraged to attend. There will be refreshments provided by Rotary. If members are interested in seeing how our police and emergency services are working in this Territory, and, in particular, using what is now the most modern city police station in the country, I urge them very much to go along to that open day and see what is going on.

Question resolved in the affirmative.

Assembly adjourned at 5.19 pm until Tuesday, 6 May 1997, at 10.30 am

ANSWERS TO QUESTIONS

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 383

Urban Services Expenditure

Ms McRae - asked the Minister for Urban Services:

(1) For every year since self-government could you please detail how much of the Urban Services Budget was spent in each of the 3 electorates, including the amount spent on

(a) Capital works projects, and

(b) Urban Services.

Mr T Kaine - the answer to the Member's question is as follows:

(1)(a)

Year	Molonglo	Ginninderra	Brindabella	Across All Electorates
	$M	$M	$M	$M
1989-90	30.0	2.64	20.65	20.78
$%	40%	3%	27%	30%
1990-91	30.37	2.07	7.45	10.18
$%	61%	4%	15%	20%
1991-92	19.87	2.49	6.24	4.85
$%	59%	8%	19%	14%
1992-93	21.45	4.80	1.79	4.84
$%	65%	15%	5%	15%
1993-94	17.55	4.32	3.28	6.20
$%	56%	14%	10%	20%
1994-95	26.13	7.02	11.17	6.80
$%	51%	14%	22%	13%
1995-96	32.79	3.36	3.30	3.84
$%	76%	8%	8%	9%
1996-97	36.60	2.60	4.01	8.43
$%	71%	5%	8%	16%

Explanatory notes:

(i) There have been changes in the composition of the Department of Urban Services over the years since self government. For comparative purposes the “Department of Urban Services” expenditure on capital works is based on the current structure of the Department: ie

Appropriation Unit	
12.1	City Services
12.2	Conservation and Land Management
13	Planning and Land Management
16	Public Transport
17	ACT Forests.

(ii) Expenditure does not include Forward Design projects for the years 1989-90 to 1994-95 as during this period forward design funds were not allocated on a departmental basis.

(iii) The Molonglo electorate includes the non-residential areas of Majura, Stromolo and Jerrabomberra as well as Gungahlin, North and South Canberra, Weston Creek and the majority of Woden. The Molonglo electorate therefore receives a substantial proportion of the Territory’s non-residential capital works projects.

(iv) Approximately 17% of projects are carried out on an ACT wide basis. These projects include streetlighting, footpaths, landscaping, tree planting and replacement and refurbishment of playgrounds. A dissection of this expenditure on an electorate basis is not available.

(1)(b) Recurrent expenditure is not managed or recorded on an electoral basis and it would be extremely resource intensive to compile this information.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 384

Voluntary Parent Contributions and School Charges

MS MCRAE - asked the Minister for Education and Training on notice on 21 February 1997:

1. How many schools and colleges used the standard letters provided by the Department in 1996 regarding voluntary contributions and payment of school charges.

2. Could you provide a copy of the letters other than the standard letter that were sent to parents for every school and college in the ACT.

3. Could you provide a list of

   (a) the fees;
   (b) subject charges;
   (c) book levies;
   (d) other charges; and
   (e) voluntary contributions

that parents in every college and school in the ACT were invited to pay this year.

MR STEFANIAK - The answer to Ms McRae's questions (1) and (3) is contained in the attached tables. The detailed response to Ms McRae's question (2) has been provided to her.

[Photocopied and hand numbered pages 926 to 933 attached]

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MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 385

Housing Trust - Waiting List

Ms Reilly - asked the Minister for Housing and Family Services:

(1) For each of the following household types -

(a) elderly singles (55+ years old, without children);

(b) elderly couples (55+ years old, without children);

(c) young singles (16-24 years old);

(d) singles (25-54 years old);

(e) large families (families with children, which require four or more bedrooms);

(f) medium families (families with children, which require three bedrooms); and

(g) small families (couples 16-54 years old without children, families with children which require two bedrooms).

How many people, who have applied for rental accommodation from ACT Housing, are listed on the wait turn list as at (i) 30 June 1996 and (ii) at 31 January 1997.

(2) How many people by household type, listed in (1), are listed on the transfer list at (a) 30 June 1996 and (b) 31 January 1997.

(3) What is the breakdown by gender for those listed in (1) and (2).

(4) For each of the following dwelling types:

(a) 2 bedroom house;

(b) 3 bedroom house;

(c) 4 bedroom house;

(d) bedsitter flat;

(e) 1 bedroom flat;

(f) 2 bedroom flat;

(g) 1 bedroom Aged Person Unit; and

(h) 2 bedroom Aged Person Unit.

What is the average wait-turn waiting time, by each regional office area, as at (i) 30 June 1996 and (ii) 31 January 1997.

(5) By dwelling type, listed in (4), how many ACT Housing dwellings are vacant as at 26 February 1997 and by regional office area.

Mr Stefaniak - the answer to the Member's question is as follows:

(1) The reporting capacity of ACT Housing's ISIP computer system does not allow information to be provided in the form required by these questions. Nevertheless, it has been possible to generate the following answers.

Housing Waiting List

30 June 1996: 4,347 applications
31 January 1997: 4,179 applications

ACT Housing's ISIP computer system can provide information about household type for the totality of people on the waiting list for public housing. This waiting list contains two sub-categories: (1) those waiting to be allocated public housing; and, (2) public housing tenants waiting to be transferred to alternative government accommodation. The ISIP computer system does not provide information about household type with respect to the two sub-categories themselves.

The number of people on the waiting list for public housing - which includes sub-categories (1) and (2) - by household type are represented by percentage as follows:

	30 June 1996 %	**31 January 1997** %
Elderly Singles	2.37	2.60
Elderly Couples	8.04	8.37
Young Singles	28.42	26.51
Singles	20.33	19.44
Large Families	3.90	4.05
Medium Families	7.07	7.39
Small Families	23.08	24.89
Groups/Other	6.79	6.75
	100	100

(2) Transfer Waiting List

30 June 1996: 1,116 applications
31 January 1997: 1,035 applications

Although ACT Housing's ISIP computer system can provide information about household type for the totality of people on the waiting list for public housing it does not do so for the two sub-categories of that waiting list: those waiting to be allocated public housing and those public housing tenants waiting to be transferred to alternative government accommodation.

(3) ACT Housing's ISIP computer system provides information on gender only in respect to people on the current waiting list for public housing. It does not provide such information about people whose names appeared on former (historical) waiting lists for public housing.

At 31 January 1997 the waiting list for public housing (including the two sub-categories about which there is no capacity to differentiate) contained the following gender distributions.

	Couple*	**Single Adult Male**	**Single Adult Female**
With Dependent Children	7.51%	3.95%	23.19%
No Dependents	4.81%	31.04%	29.50%

*Includes Groups/Other

(4)

30 June 1996 Average Time in Months

	Belconnen	**City**	**Woden**	**Tuggeranong**
2 B/H	51	32	59	54
3 B/H	16	31	11	48
4 B/H	51	52	47	64
B/S	N/A	14	5	N/A
1 B/F	56	53	49	76
2 B/F	18	3	41	45
1 B/APU	43	48	36	75
2 B/APU	55	49	85	53

31 January 1997 Average Time in Months

	Belconnen	City	Woden	Tuggeranong
2 B/H	43	38	51	58
3 B/H	19	36	35	46
4 B/H	28	62	53	75
B/S	N/A	9	1	N/A
1 B/F	59	46	53	87
2 B/F	6	3	40	55
1 B/APU	49	55	45	86
2 B/APU	56	43	76	63

(5)

Vacant Tenantable as at 26 February 1997

	Belconnen	City	Woden	Tuggeranong
2 B/H	1	2	1	0
3 B/H	4	7	7	3
4 B/H	1	0	0	0
B/S	0	20	23	0
1 B/F	1	7	13	0
2 B/F	5	9	19	1
1 B/APU	0	0	2	0
2 B/APU	0	2	1	0

Vacant Untenantable* as at 26 February 1997
(Property Numbers)

Belconnen	City	Woden	Tuggeranong
80	140	110	50

*Cannot be categorised by style/bedrooms.

MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 386

Housing Trust - Flat Complexes

Ms Reilly - asked the Minister for Housing and Family Services:

(1) How many families, with children who require two or more bedrooms, are located in flat complexes where there are more than six flats in the complex.

(2) What is the location of each complex with the families as shown in (1) and how many families are in each complex.

Mr Stefaniak - the answer to the Member's question is as follows:

(1) 363

(2)

Location	Number of Families
Owen Flats, Lyneham	5
Northbourne Flats, Turner	25
Northbourne Flats, Braddon	16
Allawah Court, Braddon	35
Bega Court, Reid	30
Jerilderie Court, Reid	12
A'Beckett Court, Watson	4
Windeyer Court, Watson	18
Haddon Court, Hackett	7
Lachlan Court, Barton	1
Fraser Court, Kingston	32
Gowrie Court, Narrabundah	13
Stuart Flats, Griffith	31
Discovery Street, Red Hill	13
Cygnet Crescent, Red Hill	6
James Court, Red Hill	2
Wisdom Street, Hughes	1

Continued Over Page

Location	Number of Families
Kitchener Street, Hughes	4
Strathgordon Court, Lyons	1
Mawson Gardens, Mawson	6
Illawarra Court, Belconnen	19
Beetaloo Court, Hawker	2
Murranji Court, Hawker	5
Mathoura Court, Scullin	5
Kareela Court, Scullin	3
McClintoch Street, Lyneham	1
Rowan Court, Belconnen	6
Totterdell Street, Belconnen	2
Bennelong Crescent, Macquarie	2
Bibb Place, Greenway	2
Port Jackson Crescent, Phillip	2
Guthridge Crescent, Wanniassa	2
Tewksbury Circuit, Theodore	6
Hanna Street, Wanniassa	1
Boollee Street, Reid	2
Tenison-Woods Circuit, Bonython	6
Flack Street, Holt	1
Torrens Street, Braddon	2
Fawkner Street, Braddon	2
Oxley Street, Griffith	1
Eyre Street, Griffith	1
Tate Street, O'Connor	1
Howe Crescent, Ainslie	1
Karuah Street, Dickson	1
Dooring Street, Dickson	1
Novar Street, Yarralumla	1
Tanjil Place, Duffy	3
Halford Crescent, Page	4
Lewis Luxton Avenue, Gordon	1
Evelyn Owen Crescent, Dunlop	1
Dooland Court, Nicholls	3
Corringle Close, Amaroo	3
Barraclough Crescent, Monash	6
Newlop Street, Ngunnawal	2
Total	363

MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 387

Housing Trust Properties - Ainslie

MS REILLY - asked the Minister for Housing and Family Services - In relation to properties in Ainslie -

(1) How many properties have been sold in the suburb of Ainslie by ACT Housing from 1 July 1996 to 31 January 1997.

(2) Can you provide the following details in relation to these properties -

(a) the location including street address;

(b) what was the sale price;

(c) was the sale price in the case of each property above or below the valuation;

(d) which of these properties was vacant at the time of the decision to sell;

(e) if the property was not vacant at the time of the decision to sell was the current tenant of the property or any other tenant given the opportunity to purchase the property; and

(f) if the property was vacant what was the reason for the vacancy.

(3) How many vacant ACT Housing properties are there in Ainslie as at 25 February 1997 and how long have they been vacant.

MR STEFANIAK - The answer to the Member's question is as follows:

Please note the answers to questions 1 and 2 were previously given in QON 357 to 30 November 1996 and are unchanged. The following answers relate to the period between 30 November 1996 to 31 January 1997.

(1) Three

(2) (a)(b)&(c) See table 1. It should be noted that all properties are sold at or above valuation. The method of sale is by auction and a reserve price is set prior to auction. If the property is passed in at auction, a market price is established based on the original valuation and feedback from the agent during the marketing period, after which the property is offered for sale by private treaty.

(d) All three properties sold were vacant at the time of the decision to sell in line with ACT Housing's current sales policy.

(e) ACT Housing's current sales policy is to only sell properties which have become vacant and have been assessed as no longer meeting ACT Housing's stock requirements. This does not apply to properties sold under the Sale to Tenant Program.

(f) All vacated properties were the result of tenant decisions to vacate.

(3) 15

Nine of these sites are programmed for redevelopment resulting in the construction of adaptable designed houses. Demolition is to be completed in March and April 1997 with the construction of these houses to commence immediately. Six are vacant awaiting a Variation to the Territory Plan as a result of the Local Area Plan currently being developed for Ainslie.

They have been vacant since:-

6 March 1994
14 March 1994
30 April 1994
11 May 1994
15 May 1994
12 December 1994
22 December 1994
7 June 1995
6 July 1995
12 October 1995
14 November 1995
10 April 1996
14 May 1996
24 October 1996
13 January 1997

TABLE 1

30 November 1996- 31 January 1997 - Properties sold in the suburb of Ainslie

Location	Sale Price	$ Variation
3 Campbell Street	$142,000	Sold above valuation
8 Foveaux Street	$140,000	Sold within valuation
44 Cowper Street	$165,500	Sold within valuation

Brief

MINISTER FOR HOUSING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 388

Kick Start Housing Assistance Program

MS REILLY- asked the Minister for Housing and Family Services -

(1) Following the introduction of KickStart Housing Assistance Program Mark I on 23 September 1996 and before the introduction of KickStart Mark II on 23 January 1997 -

  (a) how many grants of $5000 did the ACT government issue to the tenants/banks;

  (b) how many grants did ACT Housing approve for KickStart $5000 grants;

  (c) how many tenants approved by ACT Housing and the banks were rejected by the bank's mortgage insurance agency.

(2) Following the introduction of KickStart Housing Assistance Program Mark II on 23 January 1997 -

  (a) how many grants of $5000 has the ACT Government issues to eligible home purchasers up to 25 February 1997;

  (b) how many potential purchasers approved by ACT Housing have been refused a loan by the St George Bank or the Advance Bank up to 25 February 1997; and

  (c) how many potential purchasers have been rejected by mortgage insurance agencies after they have been approved by ACT Housing and the St George and Advance Banks up to 25 February 1997.

ACT DEPARTMENT
OF URBAN SERVICES *Quality housing for all Canberrans*

ACT Government

MR STEFANIAK - The answer to the Member's question is as follows -

(1)(a) Extended eligibility criteria under KickStart was introduced on 30 January 1997 and not on 23 January 1997. Fourteen (14) deposit grants were issued to eligible tenants under stage 1. Grant deposit cheques were not and are not issued directly to the banks.

(1)(b) At that time, 29 applications were approved, under stage 1. Of the original 29 and as at 27 March 1997, 5 have withdrawn/ been cancelled and all but 2 of the remaining 24 have received their deposit cheques. The 2 outstanding approved applications continue to proceed to settlement.

(1)(c) Not relevant. The bank's assessment/approval processes include a requirement for the bank's mortgage insurer/underwriter to sign-off against an application where the borrower's equity is minimal and/or where there are concerns about the credit worthiness of the applicant. This is a standard commercial practice undertaken by all lenders and is consistent with the provisions of the Credit Code. Outcomes of credit worthiness checks are confidential and remain private between the applicant and bank.

(2)(a) One (1).

(2)(b)&(c) Not relevant. See comments at (1)(c) above. Under the revised retailing arrangements, ACT Housing does not assess/approve applications.

The provisions of the Privacy Act 1988 prevent the banks from disclosing, to Housing, confidential client information provided in respect of home loan applications.

MINISTER FOR HOUSING AND FAMILY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 389

Housing Trust Properties - Sales

Ms Reilly - asked the Minister for Housing and Family Services

(1) In relation to three bedroom houses sold by ACT Housing -

(a) how many were sold between (1) 1 July 1995 and 30 June 1996; and (ii) 1 July 1996 and 31 January 1997

(b) what was the location, by suburb, of each of these dwellings sold.

(c) what was the sale price of each of these dwellings.

(2) In relation to four bedroom houses sold by ACT Housing -

(a) how many were sold between (1) 1 July 1995 and 30 June 1996; and (ii) 1 July 1996 and 31 January 1997

(b) what was the location, by suburb, of each of these dwellings sold.

(c) what was the sale price of each of these dwellings.

(3) In relation to single dwellings with more than four bedrooms sold by ACT Housing -

(a) how many were sold between (1) 1 July 1995 and 30 June 1996; and (ii) 1 July 1996 and 31 January 1997

(b) what was the location, by suburb, of each of these dwellings sold.

(c) what was the sale price of each of these dwellings.

(4) Can you detail the repairs and maintenance carried out on each of the dwellings in (1), (2) and (3) before sale and the cost of the work undertaken on each dwelling. This information should be listed separately for each dwelling.

(5) For each of the dwelling sold as listed in (1), (2) and (3) were they sold by auction or through agent sales or to the sitting tenant.

Mr Stefaniak - the answer to the Member's question is as follows.

1(a) (i) 54 three bedroom houses were sold by ACT Housing between 1 July 1995 and 30 June 1996.
(ii) 109 three bedroom houses were sold by ACT Housing between 1 July 1996 and 31 January 1997.

1(b) The location of each dwelling is listed below.

1(c) The sale price of each dwelling is listed below.

Three bedroom houses sold in 1995/96

Suburb	**Method of Sale**	**Sale Price**	
Lyneham	sale to tenant	$127,000	
Lyneham	sale to tenant	$162,000	
O'Connor	auction	$150,000	
O'Connor	auction	$135,000	
O'Connor	auction	$150,000	
O'Connor	auction	$157,000	
O'Connor	auction	$175,000	
Reid	auction	$286,000	
Downer	auction	$116,000	
Yarralumla	auction	$230,000	
Yarralumla	auction	$215,000	
Yarralumla	auction	$193,000	
Yarralumla	auction	$250,000	
Narrabundah	sale to tenant	$188,000	
Narrabundah	auction	$112,000	
Narrabundah	auction	$92,000	
Griffith	auction	$480,000	
Griffith	auction	$234,000	
|Majura	auction	$34,000	|Rural - House value only
Curtin	sale to tenant	$133,000	
Curtin	auction	$115,000	
Lyons	auction	$114,000	
Mawson	sale to tenant	$121,000	
Mawson	auction	$122,000	
Chifley	auction	$120,000	
Duffy	sale to tenant	$122,000	
Duffy	auction	$109,000	
Stirling	sale to tenant	$122,000	

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Stirling	sale to tenant	$123,000	
Stirling	sale to tenant	$124,000	
Belconnen	sale to tenant	$120,000	
Macquarie	sale to tenant	$110,000	
Cook	auction	$138,000	
Scullin	sale to tenant	$108,000	
Scullin	sale to tenant	$101,000	
Florey	sale to tenant	$120,000	
Florey	sale to tenant	$116,000	
Page	sale to tenant	$94,000	
Kaleen	sale to tenant	$108,000	
Kaleen	sale to tenant	$125,000	
Kaleen	sale to tenant	$108,000	
Flynn	sale to tenant	$101,000	
Evatt	sale to tenant	$104,000	
Macgregor	sale to tenant	$96,000	
Charnwood	auction	$55,000	White ant infestation
Wanniassa	auction	$105,000	
Wanniassa	auction	$87,000	
Kambah	sale to tenant	$106,000	
Kambah	sale to tenant	$99,000	
Kambah	sale to tenant	$103,000	
Chisholm	sale to tenant	$119,000	
Chisholm	sale to tenant	$116,000	
Bonython	sale to tenant	$120,000	
Oxley	sale to tenant	$111,000	

Three bedroom houses sold between 1/7/1996 and 31/1/1997

Suburb	**Method of Sale**	**Sale Price**	**Repairs cost**
Lyneham	auction	$112,000	$1,248
O'Connor	auction	$142,000	$300
O'Connor	auction	$170,000	$1,503
O'Connor	auction	$154,000	$2,113
O'Connor	auction	$163,000	$3,420
O'Connor	auction	$138,000	$3,943
O'Connor	sale to tenant	$138,000	$0
O'Connor	sale to tenant	$145,000	$0
Ainslie	auction	$142,000	$310
Ainslie	auction	$140,000	$550
Ainslie	auction	$145,000	$1,290
Ainslie	auction	$145,000	$1,810

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Ainslie	auction	$186,000	$1,380
Ainslie	auction	$165,500	$441
Ainslie	auction	$172,000	$5025
Ainslie	auction	$126,000	$4,096
Ainslie	auction	$160,000	$50
Ainslie	auction	$134,000	$4,373
Turner	auction	$145,000	Not available
Turner	auction	$134,500	Not available
Reid	auction	$245,000	Not available
Dickson	sale to tenant	$110,000	$0
Downer	auction	$120,000	$4,905
Downer	auction	$112,500	B1 49 Sec 39
Downer	auction	$115,000	$3,304
Hackett	sale to tenant	$110,000	$0
Yarralumla	auction	$235,000	Not available
Yarralumla	auction	$247,000	$1,165
Yarralumla	auction	$168,000	$130
Deakin	auction	$200,000	Not available
Deakin	auction	$151,000	$5,350
Deakin	auction	$165,000	$3,950
Forrest	auction	$386,309	$881
Narrabundah	auction	$92,000	$4,615
Narrabundah	auction	$100,000	$4,150
Narrabundah	auction	$140,000	Not available
Narrabundah	auction	$92,000	$4,615
Narrabundah	auction	$116,500	$2,610
Narrabundah	auction	$105,000	$3,835
Narrabundah	auction	$127,500	Not available
Narrabundah	auction	$128,000	$4,080
Narrabundah	auction	$84,000	Not available
Narrabundah	sale to tenant	$145,000	$0
Griffith	auction	$550,000	$1,310
Griffith	auction	$530,000	$1,310
Griffith	auction	$352,000	$11,300
Griffith	auction	$350,000	Not available
Griffith	auction	$210,000	$4,290
Hughes	auction	$120,000	$4,720
Curtin	auction	$122,000	$4,485
Curtin	auction	$124,000	$4,350
Lyons	auction	$118,000	$1,225
Mawson	auction	$103,000	$4,850
Chifley	auction	$110,000	Not available
Duffy	auction	$96,000	$4,830

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Kaleen	auction	$109,000	$3,190
Kaleen	sale to tenant	$100,000	$0
Florey	sale to tenant	$114,000	$0
Cook	auction	$113,000	$3,150
Scullin	sale to tenant	$100,000	$0
Latham	auction	$90,000	$2,698
Holt	auction	$84,000	$3,045
Charnwood	sale to tenant	$96,000	$0
Charnwood	auction	$78,000	$3,840
Macgregor	auction	$82,000	$4,290
Macgregor	auction	$86,000	$4,630
Flynn	sale to tenant	$90,000	$0
Flynn	auction	$89,000	$3,955
Flynn	auction	$83,500	$4,490
Evatt	sale to tenant	$105,000	$0
Evatt	sale to tenant	$112,000	$0
Spence	sale to tenant	$93,000	$0
Spence	private treaty	$71,000	$795
Spence	auction	$71,000	$2,102
S pence	auction	$74,000	$795
Spence	auction	$77,000	$885
Spence	private treaty	$85,000	Not available
Spence	auction	$76,000	$3,715
Fraser	auction	$80,000	$5,569
Wanniassa	auction	$86,000	$3,809
Wanniassa	auction	$86,000	$3,849
Wanniassa	auction	$82,000	$3,702
Wanniassa	auction	$70,500	$4,150
Wanniassa	auction	$71,000	$891
Wanniassa	auction	$75,000	$2,567
Wanniassa	auction	$88,000	$4,717
Kambah	auction	$83,000	$2,980
Kambah	sale to tenant	$86,000	$0
Kambah	auction	$86,500	$4,570
Kambah	auction	$87,000	$3,000
Kambah	auction	$88,500	$4,560
Kambah	auction	$82,000	$1,390
Kambah	auction	$77,000	$3,260
Kambah	auction	$97,000	$4,880
Kambah	auction	$85,000	$3,455
Kambah	auction	$82,000	$4,878
Kambah	auction	$84,000	$3,695
Kambah	auction	$89,000	$2,170

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Kambah	auction	$96,000	$3,060
Kambah	auction	$77,000	$4,050
Kambah	auction	$78,000	$4,551
Kambah	auction	$89,000	$3,610
Kambah	auction	$90,000	$1,126
Richardson	sale to tenant	$95,000	$0
Gowrie	auction	$87,000	$3,060
Gowrie	auction	$93,000	$1,126
Chisholm	sale to tenant	$100,000	$0
Chisholm	auction	$90,000	$3,680

2(a) (1)3 four bedroom houses were sold by ACT Housing between 1 July 1995 and 30 June 1996.
(ii)10 four bedroom houses were sold by ACT Housing between 1 July 1996 and 31 January 1997.

2(b) The location of each dwelling is listed below.

2(c) The sale price of each dwelling is listed below.

Four bedroom houses sold between 1/7/1995 and 30/6/1996

Suburb	**Method of Sale**	**Sale Price**
O'Connor	auction	$185,000
O'Connor	sale to tenant	$175,000
Fraser	sale to tenant	$107,000

Four bedroom houses sold between 1/7/1996 and 31/1/1997

Suburb	**Method of Sale**	**Sale Price**	**Repairs cost**
O'Connor	auction	$175,000	$4,910
O'Connor	auction	$169,000	$3,420
Narrabundah	auction	$112,000	$166
Higgins	auction	$71,000	$514
Evatt	auction	$85,000	$8,155
Kambah	auction	$99,500	$4,170
Kambah	auction	$101,000	$1,015
Kambah	sale to tenant	$90,000	$0
Wanniassa	auction	$88,000	$3,425
Gowrie	auction	$99,950	$4,730

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3 (a), (b) & (c)

No single dwellings with more than four bedrooms were sold by ACT Housing between 1 July 1995 and 31 January 1997.

4 The details of repairs and maintenance carried out on a property before it is sold are not easily available. The costs of repairs and maintenance to prepare each property for sale since 1 July 1996 are listed above. “Not available” refers to costs that are not currently held by ACT Housing at this time. However, if required, costs can be calculated at a later time through supply agencies.

5 The method of sale for each dwelling sold since 1 July 1996 is listed above.

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE 390

Housing Trust Tenant - Cost of Dispute

MR WOOD - asked the Minister for Housing -

(1) What is now the cost over the last four years of all aspects (eg FOI, Legal Advice, Court Appearances, Staff Time) arising from the dispute between Mr L. Munday and ACT Housing.

MR STEFANIAK - The answer to the Member's question is as follows -

(1) The estimated cost of processing FOI requests, obtaining legal advice, preparing reports for AAT and attending hearings, staff time etc and preparing documents for the Privacy Commission Review and Ombudsman's Office is $116,151.00 made up as per attachment 'A'.

ATTACHMENT A

QUESTION ON NOTICE 390 ASKED BY MR WOOD

CALCULATION OF ESTIMATED COST

ACT HOUSING	$	$
Total Labour Cost	33,626.20	
On-Cost	51,784.35	
		85,410.55
Cost of preparing response	409.78	
On Cost	631.06	
		1,040.84
GOVERNMENT SOLICITOR'S OFFICE		
Legal Costs	29,699.65	
		29,699.65
Total Estimated Cost		116,151.04
Rounded to the Nearest Dollar		116,151.00

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 391

Urban Services - Cost of Dispute

Mr Wood - asked the Minister for Urban Services:

> What is the cost over the last year of all aspects (e.g. FOI, legal advice, court appearances, staff time) arising from the dispute between Mr L Munday and the Department of Urban Services concerning Mugga Lane landfill and Revolve.

Minister for Urban Services **-** the answer to the Mr Wood’s questions is as follows:

An estimated $4,500 was incurred as a result of the dispute between Mr L Munday and the Department of Urban Services concerning Mugga Lane landfill and Revolve. This cost includes processing FOI requests, legal advice, court appearances and staff time.

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 393

Olympic Swimming Pool

Ms McRae: asked the Minister for Sport and Recreation - In relation to the Canberra Olympic Swimming Pool, what were the entry numbers per month from 1 August 1996 to 1 March 1997.

Mr Stefaniak - the answer to the Member’s question is as follows:

Month	**Attendances**
August 1996	10115
September 1996	9327
October 1996	9568
November 1996	14015
December 1996	18909
January 1997	26671
February 1997	26784

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 394

Dickson Swimming Pool

Ms McRae: asked the Minister for Sport and Recreation - In relation to the Dickson Pool, what were the entry numbers per month from 1 November 1996 to 1 March 1997.

Mr Stefaniak - the answer to the Member’s question is as follows:

Month	**Attendances**
November 1996	4315
December 1996	10190
January 1997	18320
February 1997	15168

MINISTER FOR HOUSING AND FAMILY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 409

Kick Start Housing Assistance Program

Ms Reilly MLA - asked the Minister for Housing and Family Services - In relation to the KickStart Housing Assistance grants -

(1) How many grants were issued from

(a) 26 February to 28 February 1997:

(b) 1 March to 31 March 1997; and

(c) 1 April to 9 April 1997.

(2) From its inception, (a) how much Government funding was allocated to the advertising campaign for the KickStart Housing Assistance program; and
(b) were those funds drawn from the overall program budget.

(3) What amount was spent on advertising in the period from the program's inception to 31 March 1997.

(4) What amount was spent on:

(a) printed materials for intending applicants;

(b) advertisements in newspapers, by newspaper:

(c) production of television advertisements;

(d) placement of television advertisements, by station;

(e) production of radio advertisements; and

(f) placement of radio advertisements, by station.

Mr Stefaniak - the answer to the Member's question is as follows -

(1)(a) 6 applications approved and nil deposit cheques issued.

(1)(b) 59 applications approved and 23 deposit cheques issued.

(1)(c) 9 applications approved and 1 deposit cheque issued.

(2)(a) Nil.

(2)(b) Not applicable, as funds were not drawn down for this purpose.

(3)	Nil.
(4)(a)	$9,414.40
(4)(b)	Nil.
(4)(c)	Nil.
(4)(d)	Nil.
(4)(e)	Nil.
(4)(f)	Nil.

APPENDIX 1: Incorporated in Hansard on 8 April 1997 at page 696

MINISTER FOR HOUSING AND FAMILY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

TAKEN ON NOTICE 27 FEBRUARY 1997- INCORPORATION INTO HANSARD

Emergency financial assistance for families

MR OSBORNE - asked the Minister for Housing and Family Services:

It seems there is $16,000 still left 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 type of emergency payments and I have also been informed from some families that staff are actually having to pay for some emergency services because there is not funds that they are able to access. Are you aware of that?

MR STEFANIAK - the answer to Mr Osborne's question is:

In the 1996/97 financial year, Family Services has budgeted a notional amount of $25,000 for emergency financial assistance for families.

At 28 February 1997, $11, 490 of this had been expended.

This leaves an amount of $13,510 remaining available until the end of the financial year.

Requests for financial assistance for families tend to be difficult to predict and some times of the year generate more of a demand than others. Families can apply for this assistance from either the Tuggeranong or the Belconnen office of Family Services.

It is not correct that Family Services staff are having to pay for some emergency services because there are no funds able to be accessed. There was a difficulty accessing funds for a few weeks at one point as there was a delay in funds being placed in the Family Services budget after the supply period. This was rectified however some time ago.