



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 May 1997

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

TIMING CLOCKS

MR SPEAKER: I wish to advise members that there is still a malfunction in the timing clock system in the chamber and that, as a consequence, the timing clocks will not operate for the next two sitting weeks. Consideration is being given to an alternative timing system in light of continuing technical problems with the current timing clocks. As an alternative, the Clerks will have a stopwatch and a bell to time members' speeches. As is the normal practice, the bell will ring two minutes prior to the conclusion of each member's speech.

SUSPENSION OF STANDING ORDERS

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

That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 3.00 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 1997-98;
- (2) (a) questions without notice concluding at the time of interruption;
or
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question "That debate on the Appropriation Bill 1997-98 be adjourned and the resumption of the debate be made an order of the day for the next sitting" is agreed;
- (3) at 3.00 pm on Thursday, 8 May 1997, the order of the day for the resumption of debate on the question "That the Appropriation Bill 1997-98 be agreed to in principle" being called on notwithstanding any business before the Assembly,

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and that the time limit on the speech of the Leader of the Opposition, Independent Members and one Member of the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion "That this Bill be agreed to in principle"; and

- (4) (a) questions without notice concluding at the time of interruption; or
- (b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

MR HUMPHRIES (Attorney-General) (10.34): I seek leave to move a motion regarding the recording of proceedings relating to the Assembly's consideration of the Appropriation Bill 1997-98.

Leave granted.

MR HUMPHRIES: I move:

That the Assembly authorises:

- (1) the recording of sound by ABC Radio and on video tape with sound by television networks of proceedings during the presentation of the Appropriation Bill 1997-98 today, 6 May 1997, and any debate that takes place on Thursday, 8 May 1997, on the consideration of the question "That this Bill be agreed to in principle";
- (2) the filming in accordance with the following conditions:
 - (a) as a general principle cameras should focus on the Member with the call;
 - (b) reaction shots of a Member are only permitted:
 - (i) if the Member is referred to in debate;
 - (ii) if the Member has sought information which is being supplied by the Member having the call;
 - (c) coverage of the Galleries is not permitted;

- (d) no panning along the Benches shall be permitted;
 - (e) close-up shots of Members' papers are not permitted; and
 - (f) camera positioning shall not be such as to interfere with the proceedings of the Assembly and any instruction from the Speaker or the Speaker's delegates will be observed;
- (3) the use by any radio station or television network of any part of the recorded proceedings and excerpts in subsequent news, current affairs and documentary programs, provided that the reporting is fair and accurate and not for the purpose of satire or ridicule. Points of order and remarks withdrawn are not to be rebroadcast. The Assembly notes that in the use of excerpts and delayed broadcasting of proceedings qualified privilege only shall apply to broadcasters;
- (4) access to the proceedings of the Assembly for the recording and broadcasting is subject to an understanding to observe and comply with the conditions;
- (5) the taking of still photographs during the presentation of the Appropriation Bill 1997-98 today, Tuesday, 6 May 1997, and the use of such photographs in the print media generally.

Mr Speaker, this is essentially a replication of the motion that the Assembly agreed to a couple of months ago dealing with the legislation presented by Mr Moore on euthanasia. The only substantial variation from the motion then moved is that proceedings are authorised for recording by any television network which wishes to take part in the process, rather than a nominated television network. Otherwise, it is the same as the motion previously moved, and I commend it to the house.

Question resolved in the affirmative.

**SMOKE-FREE AREAS (ENCLOSED PUBLIC PLACES)
(AMENDMENT) BILL 1997**

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.35): I seek leave to present the Smoke-Free Areas (Enclosed Public Places) (Amendment) Bill 1997.

Leave granted.

MRS CARNELL: I present the Smoke-Free Areas (Enclosed Public Places) (Amendment) Bill 1997, together with its explanatory memorandum.

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Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, the responsibility to protect public health carries with it the obligation to ensure that health requirements are timely, equitable and likely to achieve the desired outcome. This is particularly true of groundbreaking landmark legislation such as the Smoke-Free Areas (Enclosed Public Places) Act 1994. I think we all recognise that implementing the Act in licensed premises such as bars and taverns presents very different issues than implementing it in shopping centres and dining areas. After considering a range of factors which are likely to influence the successful introduction of smoking prohibitions and restrictions in these premises, we have concluded that an active form of transition should be made available.

The Smoke-Free Areas (Enclosed Public Places) (Amendment) Bill 1997, which I present today, proposes transition arrangements for licensed premises consistent with the objective of the 1994 Smoke-Free Areas (Enclosed Public Places) Act to reduce people's exposure to environmental tobacco smoke. The Bill also maintains the overall goal of smoke-free public places unless specific provision is made, with a view to all places either becoming smoke free or being granted an exemption. The role of government is to make and implement sensible legislation which both leads and, to a certain extent, reflects community attitudes. The implementation of the Smoke-Free Areas (Enclosed Public Places) Act has, by all standards, been a success. Very rarely do we hear of, or see, people smoking in enclosed public places. People who visit the ACT often remark positively on this, and people who live in the ACT often comment - - -

Mr Berry: What about the people who spent the money, the law-abiding people? Those who threaten to break the law are going to get off.

MR SPEAKER: Order! Mr Berry, if you want to have a conversation with yourself, go outside and have it.

Mr Berry: I am putting my speech together, Mr Speaker.

MRS CARNELL: I am sorry; you cannot write.

Ms McRae: So, gratuitous insults are okay, are they, Mr Speaker?

MR SPEAKER: Order! Everybody settle down.

MRS CARNELL: Thank you very much, Mr Speaker. People who visit the ACT often remark positively on this, and people who live in the ACT often comment, in despairing terms, about the fact that when they travel outside the ACT they have no protection from tobacco smoke in restaurants, shopping centres and other enclosed public places. The ACT is regarded as a national and international leader in implementing smoke-free areas. Senior government officers, legislators and Ministers from other jurisdictions have visited the ACT to review our success in this area.

We have an important opportunity to demonstrate the ongoing success of our legislation. Should we fail to successfully implement this next crucial phase, we may set back the introduction of smoke-free enclosed places throughout Australia for some time. We may also be cited internationally as an example to dissuade governments from taking appropriate action to provide their citizens with smoke-free air. We have a responsibility to ensure that the success of the legislation to date is maintained as we now move to the third stage, introducing restrictions on smoking in licensed premises - clubs, bars, taverns, bistros, nightclubs and so on.

The success to date has been due largely to widespread community support for the legislation and to the Department of Health and Community Care working closely with proprietors and managers to make sure that they understand the implications of the legislation for their premises. On nearly all occasions when assistance or intervention has been required in order to achieve compliance, we have been able to resolve problems through discussion and negotiation. Since the legislation has been in effect we have instituted legal action twice - a prosecution in 1996 resulted in a conviction and another case is set for hearing in September this year.

The 1994 legislation gave a clear transition pathway for public places, restaurants and licensed premises. I believe it improved on the original legislation introduced by the then Government through providing this timetable. Enclosed public places, such as shops, shopping centres, and sporting and recreational facilities, were given a period of two months to become smoke free in late 1994. This was appropriate, as many of these places already had smoke-free policies. Smoking had substantially diminished in those premises, and customer acceptance and support was very strong. Restaurants were provided with a two-stage process, and I believe this gave them the framework to plan the move to the smoke-free dining we enjoy in almost all restaurants in the ACT today. The requirement for restaurants to prohibit smoking in at least 50 per cent of their dining areas for 12 months meant that they had an opportunity to monitor customer demand, and customers had an opportunity to accustom themselves to smoking in designated areas or not at all when in a dining area.

Licensed premises, while given 2½ years to comply with the general smoking prohibition, were not provided with an active transition process. Earlier this year I received advice from the department that, while some licensed premises had used this time responsibly and had decided that they would either become smoke free or apply for an exemption, many smaller premises, especially those without dining areas and thus not directly affected by the legislation, had done nothing or were unable to act due to finance or lease arrangements.

I suppose it is easy to criticise these places, but it is also easy to understand that small business, often with its back against the wall in a difficult economic climate, is going to concentrate on the here and now, not on what is expected in one or two years' time. Many of these places have also become havens for people who do smoke, with some smaller taverns and bars reporting smoking rates of up to 90 per cent among their patrons. To expect those premises to make the transition from 100 per cent smoking to 100 per cent non-smoking virtually overnight is, I believe, not consistent with the spirit in which the Assembly enacted the legislation, and is not in keeping with community

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expectations about how the legislation is to work. Smaller licensed premises which have investigated the airconditioning option to gain an exemption to permit smoking in up to 50 per cent of their floor space are faced with costs of between \$6,000 and \$40,000. I know that some larger clubs have invested in over \$1m to meet the airconditioning standards.

Mr Speaker, the options are not simply to go ahead and say that smoking is banned in licensed premises or to water down the legislation. In a real world the choice is between requiring, with whatever it takes, licensed premises to change overnight from totally unrestricted smoking to total non-smoking or giving those premises limited transition arrangements similar to arrangements provided for restaurants. During the debate on the 1994 Smoke-Free Areas (Enclosed Public Places) Act in the previous Assembly, members stressed the need to bring the community along with us in changing 200 years of smoking culture in Australia. Providing a transition arrangement is exactly this approach.

After consultation with the industry, health groups, members of this Assembly and others, I am pleased to say that we have transition arrangements which I believe will provide a workable solution. We needed to safeguard the investment made by premises which have installed special air handling systems in order to gain an exemption. Such an exemption will permit premises to reduce their smoking-prohibited area from 100 per cent to 50 per cent of their public floor space. We also need to make sure that the key requirements of the law will apply to all premises within a reasonable period of time, and we need to make sure that the transition arrangements are equitable.

This amending Bill does not replace the current options available in the legislation. It provides a further option for licensed premises that need, and have not had, a staged approach. The Bill proposes that for a 17-month period, between 6 June 1997 and 10 November 1998 - - -

Ms McRae: Come in, spinner.

Mr Berry: What about compensation for the ones who have spent millions?

Mr Humphries: Mr Speaker, I cannot hear the Chief Minister speak.

MR SPEAKER: Order! You will all have your opportunity to speak on this matter when it is debated. I wonder whether you will be quite as fulsome then. Continue, Mrs Carnell.

MRS CARNELL: Thank you, Mr Speaker. Certain licensed premises may opt to reduce - - -

Ms McRae: Mrs Carnell never interjects - never, never, never!

MR SPEAKER: Continue, Mrs Carnell.

MRS CARNELL: The Bill proposes that for a 17-month period, between 6 June 1997 and 10 November 1998, certain licensed premises may opt to reduce their smoking-prohibited areas from 100 per cent to 75 per cent of their public floor space.

In other words, a limited area in which smoking may occur may be provided in these premises, subject to certain requirements. This option is extended to premises, or parts of premises, where the primary business is the serving and consumption of alcohol and/or gaming. Nightclubs are also included.

There are other licensed premises where considerable change in smoking behaviour has already occurred, either as a result of the legislation or in response to social norms. It is therefore not considered necessary or appropriate to apply the transition arrangements to licensed premises, or parts of licensed premises, primarily used for other purposes or activities, such as for sport, recreation or the holding of meetings. While initially I had in mind that only smaller licensed premises would be eligible for the transition arrangements, I am grateful to Mr Osborne for his suggestion that eligibility criteria based on either floor space or business activity would inevitably be arbitrary, bureaucratically complex and ultimately inequitable.

Premises wishing to use the transition arrangement must comply with specific requirements. Smoking will be limited to a single area within the premises, which does not exceed 25 per cent of the floor area and is clearly identified. Where reasonably practical, such as where the design of the building permits, smoking will not be permitted within 1.5 metres of a bar or other staffed serving area, and, where reasonably practicable, this area should be located so that people do not need to pass through it to access the normal facilities of the premises. The requirement within the current legislation for taking reasonable steps to prevent smoke from penetrating non-smoking areas still applies.

As has been the case with restaurants and other public places, the Government will work with proprietors to ensure that they understand and meet their legal responsibilities. By working with proprietors, we will be seeking to encourage compliance with the law by proprietors, staff and patrons. We will, however, not step back from enforcing the law where persistent non-compliance occurs. Where there is persistent non-compliance, the Bill provides for the transition arrangements to be revoked by the Minister, and requires the premises to become totally smoke free, or obtain an exemption based on their standard of ventilation. Other legal remedies in the main Act will also apply.

We have also taken the opportunity to correct an anomaly in Part II of the Schedule of the Act. Item 2 in Part II contains a qualified exclusion so that common areas of multiple-unit residential complexes, such as hotels and motels, are excluded from the general smoking prohibition. This exclusion was intended to apply to the common areas of longer-term accommodation, such as hostels and nursing homes, which could be regarded as people's homes. It was also confusing, in that some hotels and motels are licensed under the Liquor Act 1975. The legislation clearly established a system whereby licensed premises could seek an exemption from the general smoking prohibition by meeting the specified criteria and submitting an application. In other words, should licensed multiunit residential facilities wish to have a public area or areas in which the smoking prohibition does not apply, they are free to use the exemption system. The amendment clarifies this by excluding licensed premises from this item in the schedule.

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Mr Speaker, the safety of staff and the occupational health and safety responsibilities of employers have been raised a number of times. Members may be aware that from 25 May 1997 a Code of Practice for Smoke-free Workplaces applies in the ACT. That code is part of the occupational health and safety legislation which requires employers to take reasonably practicable steps to protect the health and safety of their employees. Responsible employers are seeking to implement measures which will help them to meet their occupational health and safety requirements. Prohibiting smoking within 1.5 metres of staffed serving areas, and taking reasonable steps to prevent smoke from penetrating non-smoking areas, especially when taken together with other sensible initiatives, are intended to help protect staff from tobacco smoke exposure.

It is important to understand that airconditioning and ventilation standards have not been designed to completely eliminate the risks to health from environmental tobacco smoke. Health authorities, as well as senior engineers, have concluded that the use of mechanical airconditioning, ventilation and associated filtration systems may reduce but not eliminate the health risks. The department has always indicated, in its communications with business and organisations, that there is a risk of legal liability for any premises in which smoking occurs. This has caused some uncertainty for premises which want to permit smoking and eliminate environmental tobacco smoke health risks.

Mr Berry: You are almost choking on those words.

MRS CARNELL: No; I have a sore throat.

MR SPEAKER: Order!

MRS CARNELL: On advice from Standards Australia, the current Australian airconditioning standard will not achieve that. Most public health legislation is, however, a compromise between the absolute requirement to protect people's health and the desire to meet community standards and expectations.

Mr Speaker, I believe that the arrangements proposed in this Bill represent a reasonable compromise. They certainly echo the emphasis of the original legislation, which sought to encourage the transition to non-smoking as the norm in enclosed public places. I believe that the Bill represents a sensible compromise which will permit limited smoking in certain licensed premises for a defined period of time; achieve significant movement in initiating change in smoking behaviour in these premises; and honour the investment of licensed premises which have installed superior air handling equipment in order to gain an exemption. Compared to transitional premises, exempt premises will have twice the floor area where smoking is not prohibited - 50 per cent instead of 25 per cent - and will receive an exemption for a much longer period - three years instead of 17 months.

I thank members for their input into developing this legislation and also acknowledge the cooperation and support of the many industry, health and business groups that we have consulted on this matter. Mr Speaker, it has been very gratifying to note that members of the health fraternity as well, who are very definitely anti-smoking, have understood very definitely that we must have legislation that can be implemented, that will work, and that will achieve the end that we all want, and that is a healthier society. Mr Speaker, I commend the Bill to the Assembly.

MR BERRY (10.54): I move:

That the debate be adjourned.

MR SPEAKER: That is the shortest statement you have made so far.

Question resolved in the affirmative.

FIREARMS (AMENDMENT) BILL 1997

MR HUMPHRIES (Attorney-General) (10.54): Mr Speaker, I ask for leave to present the Firearms (Amendment) Bill 1997.

Leave granted.

MR HUMPHRIES: Mr Speaker, I present the Firearms (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 introduces a number of amendments to the Firearms Act 1997. These changes have become necessary following a recent judgment in the ACT Magistrates Court. The Weapons Act 1991 was amended, with effect from 17 May 1996, to prohibit the classes of firearms agreed to by Police Ministers at their meeting on 10 May. This followed the tragic events which took place at Port Arthur on Sunday, 28 April 1996, the recent anniversary of which was remembered with sympathy and sadness throughout Australia.

Members will recall that the amending legislation was supported and passed unanimously by the Assembly, and we became the first Australian jurisdiction to give legislative effect to this prohibition. Those amendments also enabled compensation to be paid to firearms owners who surrendered their prohibited firearms, provided the firearms were lawfully in the owner's possession and were voluntarily surrendered within the 12-month amnesty period. Compensation for surrendered prohibited firearms has been paid in accordance with the schedule of nationally agreed values which was developed for the Commonwealth by an expert working group. Those values are based on published values of prohibited firearms as at 1 March 1996. However, the Weapons Act gives no legislative force to that schedule.

A successful challenge to a compensation payment, which was made in accordance with the schedule, was recently mounted in the ACT Magistrates Court. The plaintiff's firearm was a modified version of a firearm listed on the schedule and the court upheld his claim for an additional amount of compensation. The Government's concern, Mr Speaker,

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is that this decision may lead to numerous claims for additional compensation, both from within the ACT and from other jurisdictions which are paying compensation in accordance with the schedule of nationally agreed values. The Government, therefore, decided to give legislative force to the schedule by way of amendments to the Firearms Act 1996, which was passed in December last year and will soon commence. The amendments will also remove any doubt that all compensation payments made under the Weapons Act 1991 were validly made in accordance with the nationally agreed schedule. The Weapons Act will be repealed on commencement of the Firearms Act.

Mr Speaker, the amendments will provide for the following: All compensation payments for prohibited firearms surrendered during the amnesty period will be made in accordance with the schedule of nationally agreed values. If a surrendered firearm is not listed on the schedule, is listed but has significant modifications, or is worth more than \$2,500, payment of compensation will be determined by the chief executive of the Attorney-General's Department based on valuations provided by the Government's independent firearms valuer. Finally, Mr Speaker, I have extended the amnesty period for the surrender of prohibited firearms and the payment of compensation from 17 May to 30 September 1997. This is consistent with the cessation date for the national buyback scheme which is operating through Australia, with the exception of South Australia which ceased its buyback in December.

As members will recall, I announced on 14 April, following the Magistrates Court decision, that the Government would be taking these steps to validate the compensation scheme. As there was no intention to disadvantage any firearm owner who may have acted to claim additional compensation prior to that announcement, the amendments also allow for any such claims to be determined by the court.

Members will also be aware of some interest in this matter from shooters groups and, in particular, the Sporting Shooters Association of Australia. Media reports have indicated that the association may challenge the constitutional validity of the Territory's proposed course of action. Any such challenge would be on the basis of the "just terms" compensation provision in the Australian Capital Territory (Self-Government) Act whereby the Legislative Assembly is excluded from making laws with respect to the acquisition of property otherwise than on just terms. Mr Speaker, my legal advice provided by the ACT Government Solicitor confirms that the "just terms" compensation provision in the self-government Act does not apply to surrendered firearms.

As I stated earlier, if the remedial action provided for by these amendments is not taken, the Territory will be exposed to the possibility of numerous claims for additional compensation both from within the ACT and from other jurisdictions. The Commonwealth's position is that reimbursement to States and Territories for compensation payments for surrendered prohibited firearms will be only on the basis of the schedule of nationally agreed values. The Territory could, therefore, without remedial action, be faced with meeting the cost of the additional amounts of compensation and any associated legal costs. I commend the Bill to the Assembly.

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

CRIMES (AMENDMENT) BILL 1997

Debate resumed from 20 February 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (11.00): Mr Speaker, the Opposition will be supporting these amendments, which the Minister claims to be of a minor nature. I might point out that, based on the Minister's arguments, we were not originally inclined to support the last of the amendments - that is, clause 8 of this Bill. I think the Minister posed a very poor argument in support of that amendment. He said that it will "benefit the criminal justice system by saving costs and shortening court lists". That might be convenient for the courts, and it might be convenient for the Government's budget, but I do not think it is a good argument to support this clause. If the Minister had said that he brings this forward expecting that a person accused might be showing remorse, or might be contrite about the alleged offence, then I would consider that a better argument.

The clause proposes that not just a plea of guilty is taken into account by the court in determining a sentence, but also the timing of that plea. I can see circumstances - we would trust it does not happen in the ACT - where police officers would lean fairly heavily on an accused and say, "If you plead guilty you will get a better sentence", or, leaning even more heavily, say, "If you plead guilty tonight, son, you will get an even lighter sentence". I am sure the Minister can understand the concerns we have. I do not think it is at all appropriate to be arguing that if this reduces the costs it is therefore a good amendment. We should be thinking only of the proper process in the courts and the rights of the accused. So, for those reasons, we were not disposed to support this amendment, because I think the Minister argued badly for it.

Nevertheless, the facts are that, in sentencing, courts are allowed a considerable discretion. If an accused shows remorse, that can be considered. A guilty plea itself, as the Minister points out, has always been a consideration. So the timing of that plea, if there is none of that undue pressure that I mentioned, may also be considered. The Minister does make the point that this simply restates the common law. So we will be supporting this amendment. The overriding factor for this support is the condition that this is what happens anyway. It is already the principle that applies in our courts, and this amendment does no more than write it into the Crimes Act.

Mr Humphries: No; that is not true.

MR WOOD: I have other information. I am not convinced that that is the case and that your interjection is accurate, Mr Humphries.

Mr Humphries: From where, Bill? Where does this other information come from? Can you table it?

MR WOOD: No. I have no doubt about that advice I have received. For these reasons, Mr Speaker, the Opposition, with reservation, will be supporting this clause in this Bill, as it will the others.

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MR MOORE (11.04): I rise to support this legislation. Mr Speaker, I was surprised at Mr Humphries's interjection just then: "Where do you get that information from that this already happens?". In the penultimate sentence in Mr Humphries's speech he said:

The proposed amendment will make explicit what is already an implicit element of the sentencing process.

In the paragraph prior to that he said:

That restates the common law, and most Australian jurisdictions have similar provisions.

That having been said, Mr Speaker, I support the legislation. In doing so, I must say that my concern when I initially read the legislation was that we would see additional police powers. Wherever I see a situation of additional police powers I look at them very carefully, and my general approach is to say, "No; we ought to ensure that we are not having a creeping increase in police powers". In this case, Mr Speaker, clauses 4, 5, 6 and 7, I think, are quite desirable and provide for a quite rational way for police officers to operate. I think it is appropriate that they have the protection of legislation when they are acting in a sensible way to carry out what I would consider normal police duties. Indeed, that is what the Minister has brought to the Assembly.

I think it is quite amusing, Mr Speaker, that up to now a search could be carried out of an overcoat, coat, jacket, gloves, shoes and hat, but not of the socks. That is a quite strange anomaly and one wonders how we got legislation through that would leave that out. Will the Minister come back and talk about singlets next, or some other form of clothing? Silk boxer shorts, which are growing in popularity, might well be the next move. Mr Speaker, I think this Bill is a sensible approach to ensure that police officers can carry out their duties in an appropriate way, with their own safety considerations in mind as well as the safety of an individual prisoner and the prisoners around them. I will be supporting the Bill.

MR HUMPHRIES (Attorney-General) (11.06), in reply: I thank members for their support for this Bill. To take the latter point made by Mr Moore first, I am sure, as he has indicated, he can see that extending the power to remove clothing to socks is not a particularly egregious extension of police powers, and I do not think the Civil Liberties Council will be on our backs about this particular one. I gather that at some point, somewhere, some police officer has encountered some problem from the omission of this reference to socks in the legislation. Therefore, it falls on the Assembly to devote a small amount of its busy day to rectify that omission and to insert "socks" into its rightful place in the Crimes Act.

Mr Speaker, I note Mr Wood's comments about the legislation. He did not touch on the question of the police powers at all but talked about the sentencing policy issue. He described the reasons given for wanting to provide for a discount for an early plea as being very bad reasons. I have to confess that, although I have supported those reasons,

I am not the author of them. Those reasons were put to me by the Director of Public Prosecutions and taken up almost word for word. I am very happy to convey to him, on your behalf, Mr Wood, your views about his arguments. I think it is worth bearing in mind, when you dismiss so quickly the question of costs - - -

Mr Wood: So they are not your arguments at all?

MR HUMPHRIES: They are not my arguments, no; they are the Director of Public Prosecutions' arguments, but I fully agree with them.

Mr Wood: You never said that.

MR HUMPHRIES: I am telling you now, Mr Wood. When you dismiss very quickly the question about costs, let me say that this Territory spends a great deal of money on running trials, both, obviously, from the point of view of the court in providing the forum for the trials to take place, and in funding legal aid proceedings. As members will know, legal aid is a very precious commodity which we have augmented recently. The amount spent on legal aid is a growing amount, fortunately, and probably needs to be growing. The amount we spend on prosecutions is also very considerable.

Members should bear in mind that in this city there is almost a tradition of accused people deciding not to enter their plea of guilty, often in circumstances where their guilt is extremely evident and would not be difficult to prove at a trial, until the very last minute, virtually on the steps of the court as they are about to enter the courtroom. This is a practice which occasions huge costs to the system. Obviously, the court has to prepare and set aside time for the hearing of those proceedings. The Legal Aid Commission will generally be providing for counsel to be briefed on behalf of the defendant, which costs the taxpayer a great deal of money. The Director of Public Prosecutions prepares a full case to run in the court, lines up witnesses, pays witnesses expense fees, and has counsel standing by ready to run cases. To have a plea of guilty on the doorstep of the court saves the court the extra few days of hearing perhaps but costs the taxpayer massive amounts of money.

Mr Wood described this as something which happens already. It happens, but in a very inexplicit way. And it does not consistently happen, which means that there is no feeling by those who come before the courts, in many cases at least, that they have anything to gain by an early plea. It is extremely important that we build into the system an explicit recognition of the capacity of the court to discount the sentence for - - -

Mr Wood: Hang on! You said it was a minor amendment. Now you are saying it is extremely important.

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MR HUMPHRIES: It is a minor amendment to the legislation, but it has extremely important consequences in terms of costs.

Mr Wood: You did not say that in your first speech.

MR HUMPHRIES: Mr Wood, I am telling you now. Perhaps if you are over here one day soon, Mr Wood, as Attorney-General, you will appreciate the saving that this sort of provision would make.

Mr Wood: What is the next step? What is the next saving you will make? What is the next amendment you are going to bring down that will bring a saving?

MR SPEAKER: Order! Mr Wood, you have spoken already.

MR HUMPHRIES: Any measure which reasonably affects the capacity of the court to deal with its business and saves the community some money, Mr Speaker, I will be prepared to bring down to this place, and I hope, through the same gritted teeth, that Mr Wood will be prepared to support those amendments.

These amendments are important. They do provide for that kind of saving for the system. They are not significant in the sense that they significantly truncate anybody's rights or capacity to enter a plea of not guilty and to argue that matter fully before the courts, but they do, I suppose, put an onus on accused people to make a decision at an early stage by asking themselves, "Do I try to run what might be perhaps a very tenuous case to try to prove my innocence, do I try to argue a case for innocence, or do I run a case which might occasion a heavier penalty on me because I am going to the court and not seeking a discount by an early plea?". I think, Mr Speaker, we would all agree that that kind of improvement is important to the operation of our criminal justice system. I thank members for their support and I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to dispense with the detail stage?

Mr Wood: I thought about it, but we can dispense with it.

MR SPEAKER: That is very generous of you, Mr Wood.

Leave granted to dispense with the detail stage.

Bill agreed to.

PROSTITUTION (AMENDMENT) BILL 1997

Debate resumed from 10 April 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR MOORE (11.13): I rise to support this Prostitution (Amendment) Bill. It brings back - - -

Mr Osborne: What? Memories?

MR MOORE: Indeed.

Mr Berry: Tell us about your experiences.

MR SPEAKER: Just address the Bill, Mr Moore.

MR MOORE: It brings back a flood of memories not only of the brothels that I have visited, Mr Speaker, but also of the people I met in an industry that we sought, sensibly, to control. Amongst all the things that occurred in the First Assembly - indeed, that brings back a range of memories as well - one of the very positive things was the agreed position that was taken on how we would deal with the very difficult issue of prostitution. It was not until the Second Assembly that the legislation was passed, in 1992. You may recall, Mr Speaker, that that legislation was passed on a vote of 16 : 1, with only Mr Stevenson voting against it. I have no doubt that Mr Stevenson would still vote against such legislation. I would not be surprised to see him turning up in the One Nation party somewhere in Australia. When I hear Ms Hanson speaking on issues I seem to hear echoes of what Mr Stevenson said in this chamber.

The committee that I chaired, and which Mr Wood was part of - the Select Committee on HIV, Illegal Drugs and Prostitution - sought to find a way to regulate an industry that we thought we were never going to succeed in prohibiting. Prohibition has never been successful anywhere else. We attempted to find a way to ensure that the workers were reasonably well empowered so that they were not subject to the kind of pressure that we believed we had seen applied in big brothels and in places where prostitution had been regulated, such as, for example, Victoria. Mr Speaker, it would seem that that legislation has been particularly successful. There have been very few complaints about the legislation since that time.

The issues that Mr Humphries has raised here are minor anomalies. I think we should deal with them and ensure that a public record is created with regard to the sex industry so that there is less likely to be any criminal infiltration, because that was also an important part of what the committee set out to achieve. Mr Speaker, I think that the methods that Mr Humphries has used to achieve this result are very positive, and that is why I will be supporting this legislation today. The requirement for information to be provided, and annual updating of such information, is very important for the community record. The penalties, as Mr Humphries has explained, apply specifically to the

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requirements and do not render the business illegal. The old approach would have been to say, "If they do not do this we will just close down the business". You would not apply that to any other business, and quite rightly so. I think the approach taken is entirely appropriate.

There is a constant review being carried out by the board that monitors what is going on in prostitution in the ACT. I noted that Mr Humphries has made a couple of new appointments to that board over the last year or so. In each case there has been appropriate consultation. I hope that that board will constantly monitor to ensure that the industry is running in the most effective way, the least intrusive way. Whilst it is not of great concern to the community on the one hand, prostitution is available for those people who decide to avail themselves of it. The health of those who decide to work in the industry is protected and their rights as workers are protected. That is what our legislation is trying to achieve. I understand, Mr Speaker, that there is a parliamentary delegation from New Zealand in Australia at the moment looking at this very issue. I hope that they will be able to learn from the gains that we have made in dealing with prostitution in this Territory.

MR WOOD (11.18): Mr Speaker, the Opposition will be supporting this Bill, which is, I think, a minor but nevertheless important step in regulating this industry. I gave thought to proposing amendments to add another requirement - I think the time will come when this will need to be done - and that is that there be reporting to the Assembly on this industry by the registrar or some other body. Because I was not absolutely sure who should do the reporting I did not propose those amendments at this stage.

I think the nature of that industry, certainly historically - let us hope it has changed in Canberra - is such that it does need very close scrutiny. Mr Humphries has pointed out that not every aspect of the requirements has been fulfilled; hence we have these amendments today. I think this Assembly, as the watchdog, needs to be able to scrutinise, if it so desires, rather more closely the operations of this industry - if you can call it an industry. Perhaps because it has been illegal in the past, I believe that operators will always seek to get away with what they can. I would like to be able to see once a year a report that gives us an overview of the state of the brothels in Canberra - how many there are, for example, and how many are registered from the home - and some comments about how that industry is being conducted. I think we need the ability to review the industry in that way. I think that is a step that I will be looking at in the future if the Government does not do so of its own accord. Other than that, this is a fine and sensible amendment Bill and it has our support.

MR HUMPHRIES (Attorney-General) (11.20), in reply: Mr Speaker, I thank members for their support for this legislation. It is, as Mr Wood says, minor but important. I think it further strengthens the regime which the Assembly has put in place to provide for a regulated industry in the ACT so as to minimise elements of harm which traditionally have been associated with it.

I hope that the delegation from New Zealand, to which Mr Moore referred, will be coming to the ACT. I will be very happy to talk to them if they do. I recently had the opportunity to discuss with the Northern Territory Attorney-General the scheme operating in the ACT. He was interested. He came to Canberra to discuss this legislation

and wanted to know what benefits we saw in such an arrangement. Obviously, he was interested in seeing whether such arrangements would be taken up in the Northern Territory. I am not sure what sort of regime operates there at the moment. I explained to him that this scheme appears to be working very well. It appears to have driven much of the vice associated with the industry in other places out of contention in the Territory, and appears to be complied with by all parties. I look forward to seeing what might transpire in the Northern Territory as a result.

I note Mr Moore's comments about the sex industry consultative group. I think the group is working well. It has produced a couple of reports to assist in issues such as education of workers in sex employment about their obligations, how to access services and so on, and issues to do with enforcement. Recently the Government appointed a new member of the group to represent brothel owners. That was because the previous appointee did not continue with the appointment that was made.

I suppose the only slightly negative comment I would have to make is that I think the brothel owners need to be sure that they retain their commitment to this scheme. There is, I think, some sense that the brothel owners believe that the issues on legalisation that were discussed a few years ago have been resolved. There is no requirement to revisit those issues and therefore there is not much more to be involved with. I think that is a view which ought not to prevail within the industry. There are ongoing obligations by the owners of brothels to ensure that they comply with the law and that they update themselves on developments in these areas. I send a small warning to them that they need to retain that vigilance about their own position in the industry and their capacity to take part in consultative processes such as this. The alternative, obviously, is legislation which might be a little more heavy-handed than can be achieved through a group such as the sex industry consultative committee.

Mr Speaker, this legislation does ensure that the state of play that is exhibited by information on the register is up to date at all points; that the industry keeps up its obligation to disclose current events or the current state of play within particular enterprises. Attaching some fee to that is perhaps a way of adding a bit of weight to the importance of supplying the information. I hope that that will be the message that gets through. I thank members for their support. I hope that this legislation will further strengthen the legislation operating in the Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) BILL 1997

Debate resumed from 10 April 1997, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MR BERRY (11.25): The Labor Opposition will be opposing this legislation, for many of the same reasons for which we opposed the amendments to the Public Sector Management Act which were pushed through by the Liberals opposite. We said then, Mr Speaker, that what the proposed changes to the legislation were about was to change the old adage "The buck stops here" to "The buck stops there"; that is, to remove responsibility from Ministers and to place it on the shoulders of public servants, and to put in place a regime which would enable the Government to manipulate the Public Service in a way which we found unacceptable.

I was reading through *Hansard*, Mr Speaker, and I came across a quote from a speech by Mr Ayers, a notable Commonwealth public servant. He said, according to *Hansard*:

I dislike the concept of senior executive service officers as political groupies attracted to the light of their own political party like a swarm of bogong moths. If we want a third rate Public Service, the way to achieve it is to politically cleanse the Public Service after each election and put in a new bunch of stooges.

Mr Speaker, on any estimate, I think it can be said that there has been the appearance, anyway, of an unfortunate politicisation of the ACT government service. There have been people coming and going, some inexplicably; but, from the numbers which have come and gone and from the circumstances which gave rise to their going in some cases, one can only be drawn to the conclusion that these people were levered out because they were not able to give advice without fear or favour. That is one of the difficulties which have arisen in relation to this legislation, and I think it is showing itself up in the way our Public Service operates now.

Mr Speaker, to give you an idea of the Government's view then in relation to their proposed legislation - their ideology, as it was at the time - moves had to be taken by this Assembly to take out the provision which would allow a Minister or the Government to remove a person who was employed on the basis that they were incompatible with another person. We all recall that. That should send a signal to anybody who has listened to this debate since it first began that in this Government there is an ideological commitment to the politicisation of the Public Service.

Let me turn now to the CIT Bill. The Government introduced this Bill to change the arrangements under the CIT Act to enable the Minister to appoint the director under terms and conditions consistent with the Public Sector Management Act. I draw that from the short presentation speech. It has not attempted to draw on its view about the amendments to the Public Sector Management Act. All it does, in terms of an argument for these changes, is to say:

Under the CIT Act the director's appointment can be terminated only for

that is a pretty big one; misbehaviour covers a lot of ground, I would think -

physical or mental incapacity, bankruptcy, unapproved absence from duty, or

I reckon that, if you have a look at that little list, you just about have them all. If somebody does
-political way.

Of course, the person employed under those sorts of arrangements would have recourse to the law if

But, Mr Speaker, you cannot avoid turning to the debate on the politicisation of the Public Service
Sector Management Act. This
Service.

Mr

feeling filtering down in the Public Service, you do not get the sort of public service that I think this
is, a public service which can advise the Government and give the Government

them any difficulty in terms of their employment.

So, Mr

enunciated in the earlier debate over the Public Sector Management Act, which I will not go to

The most important issue about this entire debate over changes to the Public Sector
Management Connolly

- I think he was drawing attention to Mrs

what the Government wanted to do was make sure that "the buck stopped there". Mr Speaker, this

here to oppose.

MS TUCKER

how we voted on the Public Sector Management Bill in 1995. There are, as I said then, good

December 1995 when we debated that Bill, the Greens are concerned that this Government's
understand, too - to a need for change is much
more about ideology than about careful consideration of the issues.

between rich and poor in our society is, indeed, still a problem. Extra salary was seen to be
appropriate because of the loss of tenure; but what about the downsizing of the public sector? How
-public servants are now thrust into the private sector to compete for contracts? They are
about privatisation and possible further
politicisation of the bureaucracy are still very real, as they were when we first debated this issue.

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We have seen further radical changes to the Public Service, both locally and federally. I was interested last week to be at the ACTCOSS conference. The Council of Social Service had as a major theme of its conference the changes to governance in this country. I think it is an indication of the seriousness with which the community sector particularly is regarding these changes and the impact that such changes will have on social justice and, I would argue, also on environmental issues.

We have had downsizing from the local government and the Federal Government. Once again, this is part of the ideology. You see more research being done on the impact of that. I notice that there was one study by Professor Littler, from the University of Southern Queensland, showing that one-third of organisations which had been downsized reported that productivity had improved, one-third reported no change and one-third experienced a deterioration in productivity.

We have outsourcing, which is the way, obviously, that this Government and the Federal Government think we should go - once again, without any real examination of the underlying issues. This was a major theme of the ACTCOSS conference. We have the issues of contracts, specifying services, and what happens when you bring a competitive environment to service provision. There is a downside to it. We asked the Auditor-General, "Has there been a cost-benefit analysis done of the purchaser-provider split?". He was concerned as well and said no; but obviously there is an area that needs to be investigated there.

The outsourcing of information technology by the Federal Government that is occurring right now in Canberra will not necessarily benefit Canberra at all. People are concerned. I understand that there is actually a protest going on this morning at Acton Peninsula because the contract for the demolition of the old Canberra Hospital has been given to a group in Newcastle. The local workers, understandably, are very concerned about that. Federally, you can get to the point where, for example, with information technology, the work will not even be done in Australia. Obviously, the servicing of hardware would stay around Canberra or wherever the business was; but the processing of the data could occur anywhere offshore. The governments, local and Federal, keep promising us the benefits of their ideology; but we need to have a proactive understanding and a proactive strategy to deal with the downside of these changes to the public sector and how government works. We do not see that that is evident, locally or federally.

Liberal governments have been very quick to overthrow a basic Westminster tradition, and I am very concerned about the rationale, or lack of rationale, behind it: Market principles will rule; small government is good government; the private sector can do everything more efficiently. The problem with this is that, unless there is a strong ethic of service to the community and commitment to long-term goals and the long-term welfare of the community and the environment, then we are failing. We cannot forget that the bottom line of the private sector is to maximise profit. We cannot ignore the role that the Public Service has traditionally held in the Westminster system. While it may have been seen to be obstructive to political leaders on occasions, it has also been a leveller of those political leaders' ideas. It has been a place where knowledge has accumulated and has been available to governments.

Walker and Mrs Carnell for the “new breed” of public Service, particularly about competition policy, outsourcing and downsizing. None of these things, in themselves, are unravelling of what is valuable in our system, without a real understanding of what is being lost. Social justice and the environment, I believe, could

When I looked at *Hansard* Moore was concerned about how performance was evaluated. He talked a lot about performance indicators and so on. Since that time, from the and so on, we do not believe that there has been adequate attention paid to how you evaluate the performance, how you take into account in this system the externalities such as social justice and the not willing to support this legislation.

(11.39): Mr Speaker, I rise to take a position consistent with the one I the original Public Sector Management Act went through in 1994, and that is to support this minor amendment. Mr with the Public Sector Management Act. I can understand the position they are taking now, which I believe is precisely the same as the position they took then. Mr about that legislation at the time it went through and determined that it was appropriate to allow this Government to use this process of governing - that it was going to be a quite different process from Carnell’s Government the room to move and the room to do things the way it wanted to, unless had a very good reason for opposing it.

Tucker today. There are some good reasons amongst them. Indeed, they are similar reasons to those she put in 1995. At that stage I weighed those up and Sector Management Bill. Indeed, that is the same approach that I take now. Mr inappropriate position to have somebody such as the head of CIT in a different set of arrangements from everybody else in the Public here. I think that is the main driving reason for bringing this into line with the rest of the Public

MR HUMPHRIES (Attorney Speaker, I rise to support the legislation which has been presented and to take issue with some of the comments made by members opposite legislation is the reason Mr Moore has just given. You may oppose the structure of employment may believe that that is totally inappropriate way of running employment contracts for senior executives.

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I note that, increasingly, governments all over this country and, indeed, all over the world, including Labor governments, are using this device. Nonetheless, the ideologues opposite do not believe in following the trends of the rest of the world, except in certain places. We will not go into that. But that is your ideology. You can have that, if you wish. I will put that to one side.

The fact is that we now have in the ACT a public service which is based on performance-based contracts. Virtually every senior officer in the government service has that kind of contract, except for one - the director of the Canberra Institute of Technology. Imagine that there is a future change of government and that legislation is wound back in the rest of the Public Service to go back to the old public sector conditions kind of employment that was provided for senior officers. When you came up to tidy up the little bit left over with the Canberra Institute of Technology, I am certain that you would run the argument: At least we should have all the executives in the one boat. They should all be doing it on the same basis.

It is quite unfair to discriminate between different employees based on the numbers on the floor of the Legislative Assembly on the day. We should not be saying, "We had the numbers on this particular day, so we got through these contracts for these particular public servants, but on another day we might not have had the numbers". Who knows, Mr Osborne might not come down today. The legislation might fail. We end up then with one set of conditions for one officer in the Public Service and other sets of conditions for other officers. I hope that members opposite can sit there and see how inequitable that would be. On related matters, like pay and conditions, public holidays, whatever it might be, members opposite have argued for consistency. I would say to them today, "If you believe in consistency, support this Bill".

Mr Speaker, I would also like, as a matter of principle, to take up the challenge put down by Mr Berry and Ms Tucker and argue that performance-based contracts really are a much better way of providing for service to the people of Canberra and justification for the very considerable amounts of money which are paid to such officers as part of their salary package. Mr Speaker, I have to confess that I do not see much of a link with the gap between rich and poor and social justice and the environment, necessarily, on the face of it, through using this device rather than any other device to pay and to employ senior executives in the government service. I will have to study Ms Tucker's speech a bit more closely to determine what the link is between those things. But, Mr Speaker, I will say that I think that, if you look at the old system and you study it, you see how very inadequate it was for dealing with these issues.

Let us suppose that we have a director of the Canberra Institute of Technology who does not misbehave - he or she does not do something grossly inappropriate to his or her office - who is physically capable of getting in to work each day and turning over the paperwork, who is sound of mind, who is not bankrupt, who does not absent himself or herself from duty for unacceptable periods of time, who does not get imprisoned for any period of time, but who, notwithstanding all of those things, is a complete and utter dud and is not doing the job that he or she ought to do in the position of director of the Canberra Institute of Technology. Should such a person remain in that position? Mr Speaker, clearly, he or she should not.

Those opposite are now pushing here the old approach, the dated approach, the year approach: "Whatever the Liberals are doing, wind it back. Stop the clock. We want to go back to the 1970s is pretty good for us. We will stick with that. Thanks very much". Those opposite say, "Yes, that is good enough. If he turns up for work each day he is not off his rocker or gaga, we will keep him in that job". That is not what the people of Canberra expect from their senior public servants. They have performance-based contracts, Mr Speaker, why this Government argues that we should be consistent across the whole public sector. We now have those performance contracts across the whole public sector. Let us put them in place for the

I think it is a bit rich to hear lecturing about ideology. It is ideology which opposes this concept, because it is only ideology that says that you should not be taking the performance of a person as a

Mr Berry

MR HUMPHRIES: No, Mr Speaker, it is not about misbehaviour. You can still fail to perform but not misbehave. It is not misbehaviour to be tardy in a particular issue. It is not misbehaviour to neglect your duty in terms of certain matters. If we tried to sack somebody because we argued that they had not got their submissions up to the Minister in the time required, those people would go ballistic. "What kind of draconian government are you?", they

The world has moved on. Even your colleagues in other places are not so ideologically blinkered that they do not realise that this kind of approach is the way to manage an efficient, modern public

Mr Speaker, the tired, old left branch of the Labor Party - -

Ms : You wish.

MR HUMPHRIES selected. It is a bit dicey. You do not know what is going to happen when you come up to the might get dumped.

Ms : You will see.

MR HUMPHRIES

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Mr Speaker, Labor's approach to this matter belongs to yesteryear. It belongs to an ideology which is no longer relevant to today's Canberra. People in these positions are paid very considerable sums of money. They need to prove through contracts that they perform to get that money. If they do not perform pursuant to those contracts, which they make openly with the Government and which are tabled in this place, then they ought not to receive the packages which they now enjoy. This legislation puts in place that arrangement in respect of one remaining outstanding officer within the public sector. Mr Speaker, it makes eminent commonsense, and I commend it to the Assembly.

MR STEFANIAK (Minister for Education and Training) (11.50), in reply: Whilst, as Mr Moore said, the Opposition, and indeed the Greens, are consistent in their continued opposition to this basic principle - I would suggest, Mr Speaker, that it is very much a commonsense principle - perhaps they should hearken to what Mr Moore has said, and what was also alluded to by my colleague Mr Humphries, namely, that this is about the one remaining senior executive who does not come under the same conditions all other senior executives in the ACT come under. I think that is something the Opposition really need to reflect on because, if they do not support this Bill, they will be creating two different categories of provisions. I think that, in itself, is inherently unfair, and they should really have a little bit of a think about that, Mr Speaker. Quite clearly, what this Bill picks up is what is now an anomaly, and it brings the CIT Act into line with the Public Sector Management Act.

Mr Humphries has gone through the various reasons for dismissal under the current CIT Act. Indeed, I can see that, if the Government tried to get rid of someone for misbehaviour, that could be very subjective in itself and might be quite wrong. But I think it is a pretty simple principle we have here now. This is the one remaining senior executive who, if this Bill is not passed, will have different terms and conditions from those of all the other senior executives. That, in itself, I think, is a very undesirable situation.

The current chief executive officer of the CIT, Mr Veenker, was consulted and is quite calm about these particular changes. I think that is something that the Opposition should realise too. So, this is simply a commonsense amendment. The Opposition perhaps should just have the good grace to accept that it lost the battle several years ago when the initial Public Sector Management Act amendments were passed and that to not vote for this Bill now would be to create an anomaly which would be very unfair, I think, to a number of people, Mr Speaker. That would not be good legislative practice. This is a follow-on Bill to a substantive Bill that has already been passed - a substantive principle of operation that has already been agreed to by a majority of this Assembly - and I would think the tradition in those circumstances would be for the Opposition to accept that and not oppose the passage of this amending piece of legislation.

That this Bill be agreed to in principle.

The Assembly voted -

NOES, 8

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

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR BERRY (11.56): Mr Speaker, there is something that needs to be addressed in the context of the debate and which has not been addressed. The position this legislation relates to is a statutory position under a piece of legislation in the Territory. He or she holds down a position under a law in the Territory in which the duties are set out. For example, the powers of the director are set out in much broader detail than applies generally to public servants as a whole. The director has a set of conditions that are suited to the CIT function he performs. On the other side of the coin, the fire chief has a similar sort of arrangement in relation to the Fire Brigade (Administration) Act or the Fire Brigade Act.

If it were the case that there were no contracts already in place of, if you like, performance dictates, you might have an ideological argument consistent with the view you have put in relation to public servants generally, but this is quite different because the director is a statutory appointment. You cannot have the same sort of contract for this director as you would have for public servants. His performance is set out very clearly in the legislation, and it has been very dishonest that the Government has not raised this in the context of the debate. This is an entirely different position. The functions of the director are set out very clearly in the legislation, as are the powers of the director in relation to the institute and the hotel school.

The termination of appointment provisions relate to those matters that were referred to by the
are related back to the powers set out in the legislation. If those powers were misused or abused,
disciplinary powers would be available to the Minister, one
did not carry out his functions, as set out in the legislation, there would be a responsibility on the
shoulders of the Minister to take some sort of action in relation to that person. So it is entirely

There are very good and sound reasons why these particular Public Sector Management Act
provisions should not be applied to the director: He is already the subject of the provisions of a

MR HUMPHRIES (Attorney
end of the stick completely. Mr

Berry again has got the wrong
ere are a number of officers who are

I can think of three. One is the Director of Public Prosecutions, whose position and powers and
duties - I do not think duties is quite the right word - are defined in the legislation. I believe the

legislation, but he has a performance contract, I believe. I also believe, i
correctly, that the Fire Commissioner, Mr Dance, has a similar contract. He also has, if you like,
Assembly

has had this debate already. There are lots of analogies with what Mr
and I suggest he educate himself a bit better before he makes a fool of himself on the floor of the
Assembly.

Bill agreed to.

Sitting suspended from 12.01 to 2.30

QUESTIONS WITHOUT NOTICE

Federal Government Policies

: My question is to Mrs Carnell in her capacity as Chief
Chief Minister, I refer to your recent criticisms of your Federal colleagues over their treatment of

Mrs Carnell: Which one?

: All of them.

Mrs Carnell

Ms McRae: Try “other members of the Liberal Party”.

MR SPEAKER: Order! Mr Whitecross has the floor.

MR WHITECROSS: Thank you, Mr Speaker. I am sure that if Mrs Carnell thinks she will remember some. Chief Minister, is it not a fact that you and others, such as your Liberal colleague Margaret Reid, your self-appointed vice-president, John Walker, and Bob Winnel - - -

Mrs Carnell: Mr Speaker, you have asked for that to be withdrawn before.

MR WHITECROSS: Mr Speaker, on the point of order: You have not asked for that to be withdrawn. The words "self-appointed vice-president" have been allowed.

MR SPEAKER: In the past I have asked that criticisms and comments relating to Mr Walker be withdrawn. Whether or not it is a title that has been used before, it is not Mr Walker's title. It is not accurate.

MR WHITECROSS: It is his self-described title.

Mr Berry: Allegedly.

MR WHITECROSS: It is his allegedly self-described title - vice-president.

MR SPEAKER: Order! The gentleman is not in a position to defend himself here.

Ms McRae: As quoted in the *Canberra Times*.

MR WHITECROSS: As reported in the *Canberra Times*.

MR SPEAKER: The man is not in a position to defend himself here. Would you mind withdrawing.

MR WHITECROSS: Mr Speaker, I cannot understand how you can possibly ask me to withdraw.

MR SPEAKER: I do not think it is a terribly fair comment to make about somebody who cannot defend himself.

MR WHITECROSS: Mrs Carnell was very sensitive about this, Mr Speaker.

Ms McRae: Mr Speaker, on a point of order: I would like you to inform this house in writing as to which standing order you are relying on to protect people. We have privileges; we are entitled to use privileges. I would sincerely like you to leave that ruling be, but give us a ruling in writing as to which standing order you are taking it upon yourself to rely on to limit what we can say in this house. In my opinion, it is something that fits within our privileges; and I would sincerely like you to look at that in careful detail and give us a thorough explanation as to why you have chosen to limit our privileges.

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MR SPEAKER: I shall be happy to look at that for you, Ms McRae. In the meantime, I would remind members that Mr Walker, the person in question, is not in a position to defend himself here.

Ms McRae: That is why we have privileges.

MR SPEAKER: Just a moment. I do not believe, in fairness to the man, that you should make that comment or use that description, Mr Whitecross; and I am inviting you to withdraw it.

MR WHITECROSS: Thank you for your invitation, Mr Speaker. My question to the Chief Minister was: Is it not a fact that you and others, such as your Liberal colleague Margaret Reid, your self-appointed vice-president, John Walker, and Bob Winnel, are members of the ministerial forum advising the Federal Government on policies affecting Canberra? Chief Minister, is it not the case that you and your mates are providing the ideas which are being implemented by the Federal Government and which are decimating the ACT economy?

MRS CARNELL: Is it not the case? No, it is not the case. The approaches that the ministerial forum, which is a group of Canberrans who care about the city and who are willing to put aside their time - and they are predominantly business leaders in the ACT, but others as well - are putting forward to the Federal Government include such things as the importance of the National Museum being part of the budget next Tuesday; the importance of an international airport for the ACT and possibilities on how that might be done within the environmental constraints that exist in Canberra and, for that matter, in other places. We have been pushing hard for the high speed rail link and have managed to end up with a bit of a turnaround, I have to say, in Federal government policy with regard to the high speed rail link. You would notice in recent days the Prime Minister has been very supportive of that approach. That was not necessarily the case under the previous Labor Government, I have to say. A lot of work has been done in that area.

We have also spent a lot of time speaking to them about outsourcing and how they should adopt the InTACT approach to allow strategic partnerships between local firms and high-tech firms from outside the ACT.

Mr Corbell: Yes; that has made a big difference, has it not? Very successful.

MRS CARNELL: That is interesting. The comment from the other side was that the InTACT proposal was "very successful". They are actually right. It is very successful and it is a great way to allow small local companies to be involved in significant outsourcing contracts. We have also had significant discussions with the Federal Government with regard to asset sales. We have made it very clear to the Federal Government that we do not believe that there should be any fire sale in the ACT; that they have to be very careful, as they sell off buildings in Canberra, to ensure it does not affect the market too substantially; and that selling off buildings without income streams is unacceptable.

I think those are the sorts of things that those opposite should be running with, Mr Speaker, instead of just knocking all the time; instead of never coming up with a decent idea. How about some lobbying of everybody federally about outsourcing, to make sure that local businesses get the business? What about the high speed rail? What about an international airport? What about all of those approaches, Mr Speaker? I believe that the approach that the business community, Margaret Reid and I are taking - and that is to make sure that our Federal colleagues know exactly what the people of Canberra think - is a very appropriate approach, and it would be a damn sight better for those opposite to stop whingeing and start coming up with ideas.

ACTION - Civic Interchange

MRS LITTLEWOOD: My question is to the Minister for Urban Services. Has the redevelopment work at the Civic interchange area, particularly the relocation of the central control, reduced the level of information available to the community about public transport?

MR KAINE: This is an interesting question because there have been allegations that, by moving the supervisors from the Civic interchange area to their new location in the Una Porter Building, this has somehow denied the travelling public access to them and to the information that they once provided. The fact is that that simply is not the case. Members will be well aware that the Government has undertaken a number of programs to revitalise the centre of Civic - at the interchange, City Walk and Garema Place - and that these, taken together, represent a major upgrade of the pedestrian links within the city. This work is not a surprise to anybody. It was considered by the Assembly's Standing Committee on Planning and Environment; and it was well known to everybody that this work was going to go ahead.

As part of that upgrading and to open the area up so that it is safe for people at night, some of the buildings on that short section of City Walk adjacent to the bus interchange are being moved. But other arrangements are in place to give the travelling public access to whatever information they require and whatever services they require. It is interesting that the people who are now providing the supervision are on the first floor of the Una Porter Building. They used to be on the first floor of the information office. The only service on the ground floor was ticket sales. So, they are no further removed from the public today than they were when they were in the old building that was located there. The information service is still regularly available. The other aspect, of course, is that there has been an allegation to the effect that people do not have the same access to purchasing tickets as they used to have. In fact, ticket sales facilities and information are both available from the newsagent right on the corner, five metres from where the old ticket sales office used to be.

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I have not heard a great deal of complaint either, I must say, from ACTION employees. There was some concern before the move was put into effect that there would be some reduction in the level of service. Since the move has taken place there has been no complaint. Interestingly enough, on the day that the move took place there was not a single member of the union or a single employee of ACTION who attended that site to register any complaint at all about what was being done. The answer is no - - -

Mr Berry: Good. Why did you not say that in the first place and sit down? That would have saved us a lot of time.

MR SPEAKER: Order!

MR KAIN: There has been no reduction in the level of service to the public. Is that what you wanted to hear, Mr Berry? In fact, the Government is achieving two objectives: It is upgrading the accessibility of that area to the public and the safety of it at night, and at the same time is maintaining the same standards of service as existed before that upgrading was commenced. I think the travelling public have demonstrated that they are quite happy with the new circumstances.

Hospital Waiting Lists

MR BERRY: My question is directed to the Minister for Health. The Canberra Hospital information bulletin for 1997 shows that waiting lists for elective surgery have grown by a massive 331, or 12 per cent. On 11 April she responded by saying that waiting list figures usually increase during the Christmas shutdown. If this is so, will the Minister explain why, for the same period in the previous year, the waiting list for surgery, as shown in the January 1996 bulletin, fell by 27?

MRS CARNELL: Mr Speaker, I am amazed that Mr Berry, a former Health Minister who, with Health Minister Connolly, managed to take waiting lists from 1,700 to 4,500, could actually ask a question about waiting lists. It is certainly true that waiting lists did go up in January and will go up in February. We will table those figures in this sitting period. They will go down in March. We will table both of those figures in this sitting period. Even with the increase in January, a smaller increase in February and then a decrease in March, which takes us back to the January figures, there are still some 645 people fewer on the waiting list than when we came to government. That is a 15 per cent reduction since we came to government, unlike the 1,700 to 4,500 increase under the previous Government. The decrease to the end of March, compared with March 12 months ago, I think, is 262. So, there is still a downward trend. Certainly, in January the figures went up. They went up because - - -

Mr Berry: The biggest blow-out ever.

MRS CARNELL: Mr Speaker, there was a 1,700 to 4,500 increase, and he talks about a blow-out. We are still 15 per cent down on when we took government. I think that is a pretty fair go. We also believe that the waiting lists are still a major issue for the ACT, and in my budget speech later today I will make some further comments about that.

Mr Speaker, in January there is the Christmas shutdown, as Mr Berry would know. The surgeons, nurses and others are on holidays, usually for about four weeks. Under the previous Government, it got up to six weeks, I think, and even longer at certain times. But also in January we had a relook at the figures with regard to the national data set. Mr Berry would probably know - although when he was Health Minister I do not think he knew much - there is a national approach to counting waiting lists; there are national rules; they change from time to time. In January we had a reaudit of our waiting list in line with new national data statistics. That is about transparency, Mr Speaker. We had a Christmas close-down; we made sure that our data was in line with national data sets.

In regard to the figures on the table, yes, they went up in January; yes, they will go up slightly in February; then they will start coming down again in March; and, we believe, they will continue to track down. The bottom line here, Mr Speaker, is that at the end of March they are still 15 per cent lower than when we came to government. Under Mr Berry and Mr Connolly they went from 1,700 in 1989 to over 4,500. They are under 4,000 now.

MR BERRY: I have a supplementary question, Mr Speaker. It is true that what you said to the *Canberra Times* on 11 April was untrue? You misled the *Canberra Times* in relation to the reason for the rise in waiting lists? Now that you have been exposed for the reassessment, recount or audit - - -

Mrs Carnell: No.

MR SPEAKER: Order!

MR BERRY: - - - of the waiting lists as the real reason for the change in waiting list numbers - - -

Mrs Carnell: No; it is called the national health data dictionary requirements.

MR SPEAKER: Order!

MR BERRY: It has called into question the way you count things in your health system.

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

MR BERRY: Would you tell this house whom the audit was done by and when it was done? Will you table a copy of the audit or reassessment or provide a copy of the report or assessment to each member before the close of business this afternoon?

MRS CARNELL: Mr Speaker, what I said - - -

Mr Berry: Or will I be required to move a motion requiring her to do so?

MR SPEAKER: Just sit down. That is not part of the question.

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MRS CARNELL: Mr Speaker, what I said was not that there was an independent arm's length audit; there was not one. It is that simple. There are adjustments made at a local level in line with national health data dictionary requirements. That is done regularly. You actually have it. It is what is called the waiting list figure. There are national health data dictionary figures. There is a national approach that changes every now and again, and we reassess to make sure that we are counting in line with national requirements.

In January, Mr Speaker, we have a close-down. I have to say that - - -

Mr Berry: You were not counting them properly before.

MR SPEAKER: Order! You will not be counting at all in a minute.

MRS CARNELL: No; we were counting them properly.

Mr Berry: But they are just bigger now?

MRS CARNELL: Poor old Mr Berry, the person who took waiting lists from 1,700 to 4,500, cannot cope with a situation where we always make sure that we are counting in line with national health data dictionary requirements.

Mr Berry: So, you lied to the *Canberra Times*? That was not true?

MR SPEAKER: Order!

MRS CARNELL: Mr Speaker, that changes from time to time.

Mr Humphries: On a point of order, Mr Speaker: Mr Berry has several times talked about Mrs Carnell lying, and I would ask that he withdraw those comments.

MR SPEAKER: I did not hear that.

Mr Berry: To the *Canberra Times*.

Mr Humphries: Whomever. It does not make any difference whom it was to; it is still unparliamentary.

MR SPEAKER: I am sorry; you suggested that the Chief Minister has lied.

Mr Berry: Mr Speaker, I was attempting to draw attention to the fact that the *Canberra Times* had been misled by - - -

MR SPEAKER: Mr Berry!

Mr Berry: I withdraw "lie".

MR SPEAKER: Thank you.

MRS CARNELL: Mr Speaker, may I answer the question again, because Mr Berry seems to want to waste an awful lot of time. The number of people on the waiting list during January and February resulted in part, as I said, from adjustments made at a local level in line with the national health data dictionary requirements. These vary from time to time, and because we want to make sure that our figures are in line with national requirements we assess them from time to time. We have done that. The figures on the table are the real figures; they are always the real figures, because we do not have problems with phantom patients; we do not have problems, as Mr Berry did, with all of these people who did not really exist. The reason we do not is that, from time to time, we relook at our figures and make sure they are in line with national data requirements. I think that shows good management. As well, in January, we had the usual Christmas close-down.

The figures are on the table. As I said to Mr Berry earlier, the waiting lists will go up again slightly in February; they will then go down in March; and they will continue to track down from there. We are 15 per cent better placed than we were when we came to government; we are 262 better placed than we were 12 months ago. I would have to say that we are probably the only government in this country that has lower waiting lists - - -

Mr Berry: On a point of order, Mr Speaker: In my supplementary question I merely asked Mrs Carnell to provide the figures. Will she provide the figures to all members by the end of the day? I would like to see - - -

Mr Humphries: On a point of order, Mr Speaker: There is no point of order here.

MR SPEAKER: I know.

Mr Humphries: Mr Berry should be asked to sit down.

Mr Berry: I would like to see the figures and the adjusted figures.

MR SPEAKER: There is no point of order. You have asked your supplementary question.

MRS CARNELL: As I said, Mr Berry has the December waiting list figures. The adjusted figures are the end of January figures. He has December; he has January; and by the end of this sitting period he will have February and March as well. I have guaranteed to Mr Berry that they are in line with national data set requirements, Mr Speaker. That is more than he could say; he did not even know how many patients he treated.

Redevelopment - Braddon

MR MOORE: My question is to Mr Humphries as the Minister for the Environment, Land and Planning. I indicated to him earlier that I would be asking a question about a letter from the Braddon Residents Association to the Chief Planner, of which he had a copy, with regard to blocks 7 to 9, also known as block 13, section 59, Braddon; that is, 66-70 Torrens Street, Braddon. The question is: Why has no betterment or change of use charge been paid, when it was due in July last year? Will you allow demolition on and consolidation of the blocks without payment, or has that already been done? Will you explain why there have been six amendments to the plans for that development in the last 17 months?

MR HUMPHRIES: I thank Mr Moore for the question and for the time he gave me to prepare for it. Mr Speaker, the advice I have had from the Planning and Land Management Group, I think, partly answers some of the issues that were raised by the Braddon Residents Association but partly, at this point at least, does not; and I intend to follow through the issues that are not properly addressed. At this point the advice to me from the department is that, in fact, contrary to what the Residents Association have suggested, there has not been a lease variation or the issuing of a lease to the applicant for these blocks. Certainly, it has been applied for, as I read this advice, but it has not yet been granted.

Mr Moore: Then why has there been a change to the block and section map?

MR HUMPHRIES: Let me answer that question in a moment. There has not been an issue of a new lease or a lease variation; therefore, the requirement to pay betterment does not arise as yet. There has not been a formal change to the block and section allocation. The block and section numbers are still as registered, because they have not been formally amalgamated to create the three-block space in which a development might occur; but what has changed is the cadastral plan. That has been changed - in fact, it was a condition of the approval - to reflect the decision in anticipation of the payment of betterment and the finalisation of the lease variation. That has been changed as a sort of administrative anticipation of what will happen with the variation to the block and section requirements. If, for some reason, the matter does not proceed - if, for example, betterment is not paid - then the cadastral plan can be changed back very easily and that does not occasion anybody any inconvenience or loss. Therefore, I am comfortable with that occurring.

Mr Moore also asked about the demolition. I am certainly prepared to await the full answers to the issues that are raised by the Braddon Residents Association before any demolition will be allowed to occur. He referred to amendments. He asked whether there were six amendments to the plan over a 17-month period. Certainly, that is the case, Mr Speaker, but the application was finally approved in November 1995. It was the same month as the Stein inquiry came down with its report, criticising the process of frequent changes to applications that were being made by the department. Since then the process of making applications and varying them has been tightened up considerably.

I hope that the situation that occurred on this occasion will not arise again. There are other issues raised in the Braddon Residents Association's letter which I am not comfortable with at this point, in terms of the answers being provided to me, and I will certainly investigate those as a matter of urgency.

MR MOORE: I have a supplementary question, Mr Speaker. You said you would investigate those as a matter of urgency. Would you also indicate that you will bring the results of your investigation back to the Assembly?

MR HUMPHRIES: Yes.

Acton Peninsula - Demolition of Buildings

MS HORODNY: My question is directed to the Chief Minister. She recently announced that the two main buildings on Acton Peninsula were going to be blown up and that the rubble would be transported to Fairbairn Park to make mounds around the racing tracks there. In deciding to blow the buildings up, rather than dismantle and recycle them, did the Minister conduct a cost-benefit analysis which included consideration of the jobs that could have been created by a dismantling and recycling approach and the economic benefits that could have flowed to ACT-based recycling industries? Can the Minister explain how her decision could possibly be consistent with her rhetoric of concern for job creation and her Government's own waste management strategy?

MRS CARNELL: Ms Horodny may need a briefing on this because she is obviously somewhat misguided, but that would not be the first time. Ms Horodny may be aware that there are different demolition methods being used in different parts of Acton Peninsula. There are different contractors doing different bits, depending on the cost-benefit analysis of how the demolition should be done in the case of particular buildings.

Ms McRae: Would you answer the question.

MRS CARNELL: That is exactly what she asked.

Ms McRae: No; she asked whether the analysis was done before the demolition.

MR SPEAKER: Order, Ms McRae! Ms Horodny asked the question.

MRS CARNELL: The answer is yes, we did, via tenders and so on, determine which was the most cost-effective way to bring buildings down and to recycle as much as possible. A number of the buildings are being dismantled. In fact, most of the reusable things, such as, just recently, the doors on the tower block, have been removed and taken to Revolve. If you go into the tower block now you will find most of the internal areas have been gutted. The things that can be used internally have been removed and are being recycled, either by Revolve or by other methods.

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Mr Kaine: That is if the TWU will let us.

MRS CARNELL: I was just going to make a comment on that, Mr Kaine. In other areas such as, I think, Bennett House, the level of the recycling is down to taking ceramic tiles off the walls, actually wrapping them in plastic and stacking them so that they can be reused. There are something like 10,000 bricks that will be cleaned and given to charity.

Ms McRae: Only 10,000?

MRS CARNELL: There could be even more than that - I do not know - but that is how many there are at the moment. Things are being reused. I can promise Ms Horodny that the tower block and Sylvia Curley House do not still have all of the bits and pieces internally that can be recycled. They have all been taken out or are being taken out.

As Mr Kaine just said, there is a bit of a problem right now, because it seems the TWU has set up a picket line on Acton Peninsula. Mr Berry, I think, on radio this morning, actually thought it was a quite good idea. The reason that the picket line is in place is that it appears that the TWU do not like the fact that the Newcastle contractor hired local people who are members of the CFMEU.

Mr Whitecross: He brought people from Newcastle.

MRS CARNELL: They are not; they are local CFMEU members.

MR SPEAKER: Order! The Chief Minister is answering the question.

MRS CARNELL: This is, I accept, not to do with the question, but I have to say that this is a project that matters to this city. Hopefully, next Tuesday the Federal Government will announce significant dollars for the National Museum. We have to clear the site and we have a demarcation dispute between two unions.

MS HORODNY: I have a supplementary question, Mr Speaker. So much for jobs for Canberra! Could you tell us exactly where at Fairbairn Park this rubble is going? We have heard that it will not be used to build noise reduction mounds around the existing racetracks but will be placed around a new speedway that Mr Stefaniak has told the racing clubs will be approved on the adjoining block, which will dramatically worsen the noise problems faced by Ridgeway residents. I am talking about the rubble.

MRS CARNELL: Mr Speaker, to my knowledge, there is no new speedway proposal. The mounds that will be put at the current Fairbairn Park track will be subject to design and siting approval, as they should be.

Mr Humphries: Public notification.

MRS CARNELL: Public notification, proper process, and all the rest. The mounds will be put in place, and at this stage the dirt from Bruce Stadium, as we take a few metres off Bruce Stadium, will be used over the top of that. We will have grassed slopes for people to sit on; again, subject to design and siting approval and subject to public notification. It would seem to me to be a good idea.

MR SPEAKER: Order! It being 3 o'clock, in accordance with the resolution agreed to earlier this day, I call the Treasurer, Mrs Carnell.

APPROPRIATION BILL 1997-98

MRS CARNELL (Chief Minister and Treasurer) (3.00): Mr Speaker, I present the Appropriation Bill 1997-98, together with its explanatory memorandum and associated budget papers. Later this afternoon I will be presenting the ownership agreements and the purchase agreements relating to my portfolios. Other Ministers will also be presenting the purchase agreements relating to their portfolios.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, of the nine budgets that have been brought down since self-government, this is, without doubt, the most important, because it comes at a time when we as Canberrans are facing the biggest challenge that this city has ever had to confront. In the past 14 months our economy, our Public Service and our business community have taken a beating from the Commonwealth. Times have indeed been tough for Canberrans. The budget I am announcing today responds to the recession we are now in. But it is also a budget that charts the course we need to follow if we are to prevent this kind of economic downturn from striking us so hard again.

Complaining about the effect that the Federal Government's policies have had on Canberra is one thing. Actually doing something about it is the challenge that all of us need to embrace. There is no quick fix; but, if anyone out there still thinks that we can rely on the Commonwealth for growth in our economy, then the past year has demonstrated that this notion is dead. We have to stand on our own two feet if we are to remain one of Australia's best places in which to live and work. Change is not merely an option. It is a necessity.

The current economic downturn is directly attributable to the massive reductions in both spending and employment by Canberra's largest employer, the Commonwealth. It is a reflection of the reliance of our economy on the Commonwealth public sector. We must diversify our employment and investment base and establish a more vibrant private sector so that the ACT never catches an economic cold again when the Commonwealth sneezes. To do otherwise would be to condemn our national capital to a decade of stagnation.

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This budget represents a concerted effort by the ACT Government to take a leading role in restructuring our economy by making the creation of new jobs and new business opportunities our primary focus. The Government is determined not to compound the ACT's economic problems. We will maintain spending and support our own public sector, but there will be an even greater emphasis on new jobs and business growth that will give us back some of the confidence that has been lost in Canberra's future.

Unlike the Commonwealth, under my Government restructuring within the ACT Public Service has largely been completed. We have therefore reduced our funding for redundancies and redirected \$4.5m of these savings into new employment, business and tourism initiatives. Added to this \$4.5m injection is a further \$3.2m that has been committed in 1997-98 to continuing labour market programs and economic initiatives. It consolidates the approach taken in our previous two budgets. At its heart is a major boost to spending on employment programs, business assistance and promotion of the Territory. But there is also an emphasis on other important problems facing the Territory, like protecting our children, helping Canberrans with mental illnesses and making our community safer.

Mr Speaker, the ACT continues to face a difficult economic environment. The impact of Commonwealth policies has affected Canberra harder than any other State or Territory. As a direct result of the Federal Government's deficit reduction strategies, our economy contracted in each of the three quarters up to December 1996. We are therefore, in technical terms, in a recession, simply because the Commonwealth has reduced spending and employment in Canberra. However, while negative growth is forecast for this financial year, there are signs that our economy is stabilising. Leading ACT indicators support the view that there has been moderate improvement since late 1996. The ACT's unemployment rate has fallen steadily since October last year and was 7.4 per cent in March. Jobless numbers have dropped, whereas full-time employment has improved.

While building activity in the private residential sector has remained relatively weak, activity in the commercial and non-dwellings sector has been extremely resilient. Growth in retail turnover has remained almost double the national average for most of the past 12 months, private consumption expenditure has been buoyant, while there have been signs of improvement, too, in new car sales and tourism activity. Although a range of surveys have shown that business confidence in the ACT is subdued, the private sector is now forecasting modest improvements in sales, employment and profitability in the medium term. This budget therefore forecasts only limited economic growth of one per cent in 1997-98 in anticipation of further reductions in Commonwealth outlays and employment levels in Canberra. Inflation is also forecast to be only 1.75 per cent this year.

Mr Speaker, this is the first ACT budget that will be brought down and passed before the beginning of the next financial year - I hope. While the financial outcome for 1996-97 will therefore not be known until late July or early August, it will almost certainly vindicate the aggressive economic policies and improved management that this Government has displayed in its first two years. Only last month, Standard and Poor's reaffirmed the ACT's AAA credit rating and commented favourably on the economic direction being pursued by this Government.

The Government is now forecasting a year-end general government sector operating loss of \$201m, representing a \$31m, or 13 per cent, improvement on the original budget estimate of \$232m. Further evidence of this improved financial management is the news that expenditure on capital works in 1996-97 is predicted to be within one per cent of budget - significantly better than has been the case in the past. It is also worth noting that this year \$55m of debt will be retired across the general government sector and public trading enterprises. All this has been achieved without the need for new borrowings and with asset sales of less than half of what was planned, following the Government's decision not to proceed with the sale and lease-back of the ACTION bus fleet.

Mr Speaker, this budget is about Canberra standing on its own two feet. We all know what the priorities are - creating jobs and reducing our reliance on the Commonwealth. In an economic climate where Commonwealth policies have caused a major economic downturn in Canberra, the ACT Government is working to achieve sustainable employment growth through business development. The budget I present today is a blueprint for change by tackling these two challenges without dramatically increasing the burden on taxpayers or our debt position. An operating loss of \$211m is forecast for the general government sector in 1997-98, representing an improvement of \$13m on the forward estimates. This includes an increase in unfunded superannuation liabilities of \$147m, a major issue for which the Government is now developing options to address this concern. After removal of net abnormal and extraordinary items, expenses are predicted to increase over the previous year by only \$18m, or just one per cent, which represents a reduction in real terms. For the second consecutive year no new borrowings are forecast for the general government sector.

I will now detail key initiatives in this budget. Mr Speaker, unemployment remains the single biggest issue facing Canberra and the Australian capital region. Our top priority has been, and will continue to be, our determination to stimulate business growth, new investment and, with it, new jobs. This budget tackles these challenges head-on. To do this and to show that we are serious, we have taken \$4.5m out of funding for redundancies in the forward estimates and created a Jobs Fund that is committed to employment and business initiatives. It has been targeted directly at enabling people who would otherwise have been unemployed to get jobs, equipping others with the necessary skills to find employment and assisting the private sector in generating new job opportunities. Our aim is to create jobs now, and in the future, especially for our children.

What this represents, Mr Speaker, is the biggest single injection of funds into these critical areas since self-government. Mr Speaker, I repeat that. This represents the biggest single injection of funds into employment and business incentives since self-government. In 1997-98, more than \$3m will be spent on programs aimed at providing jobs or training opportunities for young people, reflecting the priority that this Government places on combating youth unemployment. Mr Speaker, that is \$3m on jobs for young people. Three of the initiatives I am announcing today are a direct response to the symposium on youth unemployment that was held in March. I thank all of those people who played a role in that. It shows that when the community, the business sector and the Government work together good ideas can come out of it.

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The first of these is an ambitious new campaign called Youth500, targeting Canberrans under the age of 21. The Government, in partnership with the CES and the Vocational and Employment Training Authority, has set a target of placing 500 young Canberrans in traineeships, job-based training and apprenticeships across the public and private sectors over the next 12 months. We have allocated more than \$500,000 from the Jobs Fund for Youth500 that will provide for the payment to employers of an additional incentive of \$1,000 for each trainee taken on, with the remaining costs to be met from existing Commonwealth subsidies. Again, that is in partnership with the Commonwealth.

The Government has also agreed to expand Youth Joblink, which is operated by the ACT and Region Chamber of Commerce and Industry. This program will receive an extra \$60,000 in 1997-98, making a total of \$225,000. It will enable an additional 50 young Canberrans to be placed in jobs in the private sector - an increase from 150 to 200 placements. The third initiative arising from the symposium is the development of a new program called Youth SelfStart that will assist 40 young unemployed people at a total cost of \$40,000. Young people who have demonstrated a commitment to finding employment will be selected for the program, which combines challenging outdoor activities to enhance personal confidence with training to develop specific job search skills.

This budget also signals the introduction of a new, whole-of-government policy that will encourage companies tendering for government contracts to take on young people in full-time permanent positions. This policy will require that, all things being equal, preference be given to tenderers who intend to employ young people on a suitable ratio basis, particularly trainees.

Mr Berry: From the ACT or somewhere else, from Brisbane or somewhere?

MRS CARNELL: Mr Berry interjects. This idea came from the youth symposium. They said that we should give preference, wherever possible, to local companies that employ young people, that employ young trainees. If I were Mr Berry, I would be quiet. Mr Speaker, the ACT Government is prepared to play its part - - -

Mr Berry: What about Newcastle companies?

MR SPEAKER: You may very well go there, Mr Berry, if you keep interjecting.

Mr Berry: I would find a bit more honesty up there, Mr Speaker.

MR SPEAKER: Be careful, Mr Berry. Continue, Mrs Carnell.

MRS CARNELL: Mr Speaker, the ACT Government is prepared to play its part directly in reducing youth unemployment in the national capital. In 1997-98, 25 full-time jobs for young people will be created within the ACT Department of Urban Services to help overcome a major backlog in the ACT's data collection program. The Government has also decided to maintain funding for the second year of the highly successful graffiti employment program, which will again provide part-time employment for 60 young people - 60 young people who have done a very good job. The trainee ranger program

will continue for a further two years, with five more young Canberrans to be taken on by the Parks and Conservation Service under a scheme costing \$180,000. A total of \$435,000 will be allocated to fund an additional 15 graduate administrative assistants, bringing the total number to be recruited in 1997-98 to 20.

Mr Speaker, we are also determined to help older unemployed Canberrans who have been retrenched or made redundant. We will do this by expanding the New Future in Small Business program. An extra \$118,000 has been set aside in this budget to fund a total of six programs that will benefit 96 people by equipping them with essential skills and support to make the transition into private enterprise. Of the 100 participants who have completed previous training courses, just over half have started a new business, while a third have successfully found other employment. It has been a very successful program. As outlined in our special budget paper *Creating Jobs for Canberra*, the Government has also maintained resources to allow existing labour market initiatives to continue, including funding for three open access centres, the employment grants program, the women's work force development scheme and Working Connections.

Mr Speaker, the second aim of our strategy is to attract new business opportunities to Canberra and provide the right economic climate that allows existing firms to expand. In the past two years, the ACT Government has worked hard to establish Canberra's reputation as a great place in which to live and work and do business. Here, for the first time, local government is working with business, not against it, and the results are encouraging. We have reduced the amount of red tape, we have totally restructured our business agency and staffed it with people who understand how business works, and we have got out there in the marketplace, instead of sitting back and assuming that companies will simply want to come here.

We have established a one-stop shop and a 1800 hotline number for any business seeking assistance, so that when a business wants assistance or wants to know about Canberra the first person you speak to will be the same person who looks after you every step of the way through whatever government department you need to access. We have developed a Canberra region industry plan to increase the level of industry development in the ACT and south-eastern region. Companies and consortiums bidding for contracts over \$1m or construction projects over \$5m are now required to identify the level of local involvement and benefits to the ACT economy at the tender stage. Firms that demonstrate a higher level of local industry participation will be given a greater weighting when their tender is evaluated.

We have set up the ACT Supplier Development Committee to maximise the potential benefits to local firms of the Commonwealth's outsourcing program. We have introduced a new business migration strategy to bring new skills and new money to the national capital. And we have created a Business Development Fund in cooperation with the private sector. This fund will be used to invest on a commercial basis in ventures that have real and sustainable benefits for the Territory. Currently, there is \$4m available to invest in new projects. But we will not stop there. One of the most successful programs established by this Government is the business incentive scheme. I understand that those opposite are a little bit embarrassed but - - -

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Mr Berry

MRS CARNELL: And there is more, Mr
be measured by the 700 real jobs that are expected to be created and the estimated \$37m of
19 companies have been supported under the scheme. Most are local firms. Discussions are
2,000 jobs and more than \$180m in investment.

targeting innovative, advanced and high-technology firms that are interested in relocating to
additional \$544,000 will be invested in the business incentive scheme, bringing the total funds for
1997
Speaker, we will keep our promise to local industry to lift the payroll tax
threshold to \$800,000 from 1
year, directly benefiting small- and medium
businesses. From that date, all ACT compani
a year less than firms just across the border in New South Wales. No other State or Territory will
have a

Mr Speaker, the third key aim of this budget will be to more aggressively market and promote
on existing ones. The new Canberra Tourism and Events Corporation was established by the
Government to do just that, with responsibility for marketing and promotion and also the
Canberra Rally and the Australian Science
Festival. With more than \$300m in visitor investment and almost 10,000 full
-time jobs
supported by visitor activity, tourism makes an enormous contribution to the Government's plans to
economy. This Government, however, unlike its predecessor, is not prepared to
just talk about putting this city on the map but stands ready to back the corporation with significant

From the \$4.5m Jobs Fund, \$350,000 has been set aside for a New Canberra Events Fund, bringing
-98 for attracting new events to the ACT.
In addition, the Government will inject \$500,000 into a comprehensive strategy to promote our
partnerships with the private sector. This increase of \$850,000 demonstrates to the t
and Canberrans that we are serious about promoting the national capital.

Mr
health and community services are delivered. In just over two years, we have painstakingly
transformed a system that was in crisis to a point now where the benefits of these changes are
consolidate these reforms and provide for a range of new and expanded government and community
services, particularly for families, the elderly, people with disabilities and those suffering a mental

The Government has recognised that demand for our public hospital services is growing by allocating funds to enable record numbers of people to be treated over the next 12 months. A major priority within our hospital system has been to reduce waiting times for Canberrans of all ages who need important elective surgery. Since we were elected to government two years ago, there has been a 15 per cent drop in the number of people waiting for surgery as at the end of March. Today I can announce that in 1997-98 we will double funding for the ACT's waiting list reduction program to \$3m. That will mean over 1,000 new patients.

Cardio-thoracic surgery, first promised almost 20 years ago, is almost a reality, with the first patient due to be operated on at the Canberra Hospital in late July this year and up to 270 more procedures to be performed in the first year of operation. Funding of \$3.5m has been set aside for the unit, which is expected to create up to 40 new jobs as patient numbers increase. The Government has also decided to expand the highly successful community midwives program in the ACT and better meet the needs of Canberra women and families by increasing the number of available birthing places from 175 to 240.

Resources for key community health programs have been boosted in this budget, with additional funds of \$180,000 to enhance child immunisation coverage and \$250,000 for improved dental services. Two community health centres, Phillip and Kippax, will also be refurbished this year. As part of ongoing reforms of the Territory's mental health services, the Government will be allocating a further \$250,000 to establish more community-based residential places for Canberrans with mental illnesses.

The Government has committed additional funding to speed up reform within disability services and, at a cost of up to \$1m, we will establish a special group home for up to six clients who have complex needs and behavioural problems and cannot be looked after in existing residences. By early 1998, it is anticipated that six new community-based houses will be opened across Canberra to provide supported accommodation for 24 younger people with disabilities, many of whom have been living in nursing homes. A total of \$50,000 will also be provided to augment school holiday and after-school programs for children with disabilities.

In this budget, the Government will also significantly expand the level of services available to people with disabilities and the frail aged who live at home but who need help. In 1997-98, the home and community care program is projected to increase by \$940,000, or 10.5 per cent - the largest single increase since it was established. The Government will also be setting up the first ACT seniors Internet centre at the Woden library in July. Ms McRae thinks that is funny. I have to say that I think it is an exciting initiative. I can also announce today that the ACT Volunteer Centre will receive additional funding of \$60,000 from the Territory to support the excellent work carried out by volunteers in our community.

Mr Speaker, funding for education has been maintained in real terms for the third consecutive year, in line with the election commitment made by this Government. Despite the significant pressures facing the ACT economy, we have made a conscious decision to maintain and enhance resources for schools and colleges across both government and non-government sectors. Our commitment, too, to improving the basic

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in this budget of \$400,000 to extend literacy testing into high schools and introduce numeracy testing into all primary and high schools. As part of our capital works program, almost \$6m has and colleges. I am also pleased to announce that for special education services in the non 1998, the Canberra Institute of Technology will be able to offer an additional 200 student places.

Mr Speaker, this Government has taken a measured, responsible approach to the introduction of nearing completion, with legislation to come into effect from 1 June. To coincide with this \$600,000 in 1997-98 for extra substitute care places for children at risk. A further \$200,000 will be ensure that the Territory is properly resourced to manage the introduction of this important community safeguard.

what is one of the safest cities in Australia. Part of our community safety strategy is to ensure that there are adequate resources to provide a highly visible and accessible police service to the the transfer of at least 18 Australian Federal Police officers back into operational duties across positions within the AFP as well as transferring police away from court security duties, thereby freeing up these officers and boosting the AFP's front our election commitment to put more police back on Canberra's streets.

The opening of the new joint emergency services centre in Gungahlin in early 1998 will see residents their doorstep. It will also result in employment for an additional 24 firefighters and 12 paramedics, with recruitment for these new positions already under way.

Mr Moore

MRS CARNELL: In New South Wales. Funnily enough, while the Opposition is still catching up Humphries is introducing a sixth ambulance crew, to be available once the Gungahlin complex is opened. This -hour Aboriginal friends call-out

Islander people who are taken into custody. This has been a long time coming and is a project that I think is very

Mr Speaker, the Government retains a strong interest in ensuring an adequate and diverse supply of public housing across the Territory. In 1997-98, a total of \$34m will be invested in housing through an extensive capital works program. Our priority will again be adapting Canberra's ageing stock of public housing to meet the changing needs of our clients through construction of additional aged persons units near shopping centres and medium-density developments. Importantly, funding for maintenance will rise by more than 20 per cent, bringing the total funds available to more than \$19m. A further 500 home buyers will be assisted through the Kick Start deposit grant scheme, at a total cost of \$2.5m. I can also announce today that the Government will be transferring the management of 200 ACT Housing properties to the community sector under an exciting new partnership we have developed with the Community Housing Association. I am surprised that those opposite do not like more community-based housing. It is amazing. They are embarrassed that they did not do it.

The Government will continue to place a high priority on protecting Canberra's environment and managing our natural resources sustainably and efficiently. We will build on our achievements in our first two years in government by undertaking several new and important initiatives in 1997-98. The first of these will be the immediate protection of eight hectares of wet themeda native grassland in Dunlop, following our earlier decision to protect 500 hectares of native grassland in Gungahlin. We will also adopt a new environmentally responsible purchasing policy across all government agencies from 1 July.

A further ongoing initiative is the allocation of \$490,000 for improving energy management in government buildings. The Government has also committed \$750,000 to upgrade the city's cyclepaths and to construct new sections that will link Gungahlin Town Centre, Mitchell and North Canberra. Finally, I can announce that \$200,000 will be made available in 1997-98 to fund a new rebate scheme for rainwater tanks, in line with our election commitment to encourage the sustainable use of our most valuable resource. Canberrans who install a tank for domestic usage will be able to claim a rebate of up to 20 per cent on their purchase and installation costs. Further details of these and other initiatives are contained in Budget Paper No. 3.

In 1997-98, we also intend to build on the urban revitalisation program that began under this Government two years ago. As part of our commitment to helping small businesses in Canberra, the main focus of this program will be on the refurbishment of local shopping centres and their precincts. To mark the next stage of our retail policy, *Striking a Balance*, the ACT Government has established a new \$500,000 capital fund in this budget to assist retailers to upgrade facilities and improve the appearance of local centres. This helpShop fund will not only lead to improvements in services and facilities at many local shops but also directly benefit small traders who are facing a rapidly changing and increasingly competitive retail environment in Canberra. Retailers and landlords will be able to contribute to the fund, and the Government will work with them to identify suitable projects such as painting, graffiti removal, replacement of outdoor furniture, pavement repairs and so on.

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invested in the highly successful precinct management program, which this year will target Kingston, Manuka, Yarralumla, Rivett, Weston centres at Dickson, Charnwood and Hall will also be undertaken in consultation with precinct Place, Civic Square and Avenue will be completed in 1997-98 to give the centre of Canberra a badly needed facelift

The next 12 months will see the development of new and improved sporting facilities for Bruce Stadium will occur in preparation for the staging of Olympic soccer matches and preliminary either Manuka Oval or Football and facilities suitable for the staging of top level AFL matches in Canberra. Work will also begin on construction of a new \$15m aquatic centre in Belconnen, while a total of \$500,000 will be invested discussions with sporting and community groups, we have decided to make available additional funding of \$350,000 in 1997 our sportsgrounds.

Mr -98 budget. This budget also does not contain any new taxes or charges. No new asset sales; no new taxes or charges. This is despite since self-government. concessions were extracted, we are still facing a further reduction of approximately \$10m compared are doing it tough and who will continue to do it tough for a bit longer yet. The overall increase in rates will be limited to inflation or 1.75 cent.

The Government has decided to accept the recommendations of the independent Energy ater Charges Commissioner to limit rises in electricity charges to less than forecast inflation and water per cent as part of a generally accepted move to a user increase in bus fares and we will be trialling a new, cheaper \$1 short-distance fare for daily off travel within the CBD on ACTION buses. If successful, the trial will be quickly expanded to other Canberra.

Taxes and charges will remain under constant review by the Government to ensure that the ACT live and work in the national capital. The Government will, however, be seeking the release of \$100m in equity from the Territory its finances and to improve the financial return to ACT taxpayers. This restructure is urgently required following a review of ACTEW's debt to equity ratio of 0.9 of one cent for electricity distribution, compared with a national average of 30 cent for utilities. In simple terms, ACT taxpayers are

entitled to a reasonable return on the more than \$1 billion they have invested in the corporation. The release of this capital will negate the need for any new borrowings for the general government sector for the second year in a row and will finance the Territory's substantial capital works program. In other words, the \$100m will go straight into bricks and mortar.

Mr Speaker, this budget is the end result of exhaustive community consultation. We have listened to the people of Canberra and shaped our priorities around the needs and concerns of the community. What people have told us, without exception, is that jobs are their greatest concern. But they also believe that it is time we charted our own course rather than simply relying on the Commonwealth to dictate the future of this city and our economy. We share that view. The restructuring of our economy will not happen overnight. It will take time. But this budget says directly to the young people of Canberra, "You do have a future in this city and we are prepared to invest in your future". When BHP announced it was shedding 2,000 jobs at its Newcastle factories, the news made the front page of every major paper in Australia. Yet when the Commonwealth sheds 7,000 Public Service jobs in Canberra it barely rates a mention outside the ACT.

This Government will continue to quietly go about the job that Canberrans elected us to do and get on with encouraging the right climate for new business and new jobs. We will also continue to take the lead in progressing major projects such as an international airport and a very high speed rail link, because we have a vision for Canberra and a strategy that is reflected in this budget. To succeed, we have to remain enthusiastic. We have to continue to take risks. We have to continue to be aggressive. At this critical point in Canberra's history there simply is no other way. We have to stand on our own two feet, but we have confidence in Canberra. I commend the 1997-98 budget to the Assembly.

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

STUDY TRIPS Papers

MR SPEAKER: For the information of members, I present reports of study trips undertaken by Mr Wood, MLA, to Sydney on 3 and 4 March 1997; Mr Moore, MLA, to Europe and Hong Kong from 28 February to 7 April 1997; and Mr Berry, MLA, to France, Spain and Germany in March 1997.

PURCHASE AGREEMENT Paper

MR SPEAKER: I present the purchase agreement between me, as Speaker, and the Clerk of the Legislative Assembly for the Australian Capital Territory.

FINANCIAL MANAGEMENT REPORTS

MRS CARNELL (Chief Minister and Treasurer): Mr
pursuant to section 26 of the Financial Management Act 1996, I present the consolidated financial
February 1997 and 31 March 1997. The report for

OWNERSHIP AGREEMENTS Papers

(Chief Minister and Treasurer): Mr Speaker, for the information of members, I
Community Care, the Attorney-General's Department and the Emergency Services Bureau, the
Minister's Department, the Department of Business, the
Arts, Sport and Tourism, the Department of Education and Training, the Department of Health and

STATEMENTS OF INTENT Papers

(Chief Minister and Treasurer): I present the 1997-98 statements of intent
prepared by the following Territory authorities pursuant to section
Act 1996: The Agents Board of the Australian Capital Territory, Healthpact, the Australian
International Hotel School, the Canberra Cemeteries Trust, the
Canberra Tourism and Events Corporation, the National Exhibition Centre Trust, the Gungahlin
ACT Casino Surveillance Authority and the Public Trustee for the Australian Capital Territory.

PURCHASE AGREEMENTS

MRS CARNELL (Chief Minister, Minister for Health and Community Care and Minister for
Speaker, for the information of members, I present the purchase
agreements between me, as Chief executive of the Chief
Department; me, as Minister for Health and Community Care, and the chief executive of the
the chief executive of the Department of Business, the

MR HUMPHRIES (Attorney-General, Minister for the Environment, Land and Planning, Minister for Police and Emergency Services and Minister for Arts and Heritage): Mr Speaker, for the information of members, I present the purchase agreements between me, as Attorney-General, and the chief executive of the Attorney-General's Department; me, as Attorney-General, and the Director of Public Prosecutions; me, as Minister for Police and Emergency Services, and the chief executive of the Emergency Services Bureau; me, as Minister for the Environment, Land and Planning, and the chief executive of the Department of Urban Services; and me, as Minister for Arts and Heritage, and the chief executive of the Department of Business, the Arts, Sport and Tourism.

MR KAINE (Minister for Urban Services, Minister for Tourism, Minister for Regulatory Reform, Minister for Industrial Relations and Minister for Tourism): Mr Speaker, for the information of members, I present the purchase agreements - three in number - between me, as Minister for Urban Services, and the chief executive of the Department of Urban Services; between me, as Minister for Regulatory Reform, Minister for Industrial Relations and Minister for Tourism, and the chief executive of the Department of Business, the Arts, Sport and Tourism; and between me, as Minister for Urban Services, and the chief executive of the Department of Urban Services for the InTACT Group.

MR STEFANIAK (Minister for Education and Training, Minister for Children's and Youth Services, Minister for Housing and Family Services and Minister for Sport and Recreation): Mr Speaker, for the information of members, I present the purchase agreements between me, as Minister for Education and Training, Minister for Children's and Youth Services and Minister for Family Services, and the chief executive of the Department of Education and Training; me, as Minister for Housing, and the chief executive of the Department of Urban Services; and me, as Minister for Sport and Recreation, and the chief executive of the Department of Business, the Arts, Sport and Tourism.

SUBORDINATE LEGISLATION Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, regulations and Supreme Court rules.

The schedule read as follows:

Electoral Act - Electoral Regulations (Amendment)- No. 5 of 1997 (S75, dated 25 March 1997).

Liquor Act - Liquor Regulations (Amendment) - No. 10 of 1997 (S109, dated 24 April 1997).

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Optometrists Act - Determination of fees - No. 72 of 1997 (S106, dated 18 April 1997).

Supreme Court Act - Supreme Court Rules (Amendment) -

No. 8 of 1997 (S107, dated 23 April 1997).

No. 9 of 1997 (S108, dated 23 April 1997).

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 3.50 pm