



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

14 May 1997

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The Assembly met at 10.30 am

(Quorum formed)

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

STANDING ORDER 28

MR SPEAKER: Members, I think it is pertinent to remind those in the chamber and those elsewhere in the building of standing order 28, which reads:

The Chair shall be taken at the time appointed on every day fixed for the meeting of the Assembly, but if a quorum is not present, and if within 5 minutes, the bells having been rung, a quorum is still not present, the Speaker shall adjourn the Assembly: Provided that if the Speaker is satisfied there is likely to be a quorum within a reasonable time it shall be announced that the Chair will be taken at a stated time; but if at that time there is not a quorum the Speaker shall adjourn the Assembly until the next sitting day.

I would just remind members of that standing order. We had a little trouble with quorums yesterday and this morning. I am not sure, from the public relations point of view of the Assembly, it would look very good if I had to adjourn the Assembly until the next sitting day.

TRADING HOURS (REPEAL) BILL 1997

Debate resumed from 19 February 1997, on motion by **Mr Whitecross**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General) (10.35): Mr Speaker, I understand what you were saying about quorums; and I will make sure that next time I do not come down at 10.30, to make sure that we do not get that quorum, as you are hinting, I think.

Mr Speaker, the Trading Hours (Repeal) Bill, as members are aware, will be supported by the Government. The ACT Government, as members will be aware, over the last nine months or so has been prepared to trial the restriction on trading hours which is the subject of this Bill. It was the Government's view that this was a worthwhile experiment

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and that it was an appropriate way of dealing with a major social problem with which the ACT community has been faced. I think it needs to be recorded that there remains that serious social issue which this legislation, by repealing the trading hours legislation, does nothing whatever to address. The effect of this legislation today will be to create a totally deregulated trading regime in the ACT. There will be no restrictions on when people may buy and sell goods or services of any description, with certain exceptions such as liquor. Generally, retail trading will be unregulated as of the passage of this legislation.

Mr Speaker, I have to indicate to the Assembly that, although that is the effect of the legislation, I am not entirely sure that is in the best interests of the community overall. I am not sure, for example, whether restrictions on certain public holidays ought not be considered. I would not like to see shops open throughout Christmas Day or Easter Sunday. Restrictions traditionally in place in other places in Australia will not be applied in the ACT. I am not sure that is what Mr Whitecross intended by his legislation, but that is what he will effect by it. Mr Speaker, that is a matter which I flag may have to be returned to.

Mr Whitecross: That is a consequence of your original legislation.

MR HUMPHRIES: No; it is not a consequence of that.

Mr Whitecross: To deregulate the trading hours.

MR HUMPHRIES: There were still restrictions on trading in certain cases. I wonder whether a regime with absolutely no restrictions is entirely appropriate. I simply place that on the table almost as a philosophical issue.

Mr Whitecross: Mr Humphries, it was your legislation.

MR HUMPHRIES: No; our legislation had some restrictions on trading hours. This has none.

Mr Whitecross: Which ones?

MR HUMPHRIES: The ones that we are repealing now.

Mr Whitecross: The ones we are repealing now; that is, large supermarkets.

MR HUMPHRIES: That is right; but it had some restrictions. I emphasise the point, for Mr Whitecross's edification, that a regime without any restrictions at all may prove to be counterproductive at the end of the day.

Mr Speaker, it needs to be recorded also that many of the predictions made about the legislation, which is today being repealed, have not come about. The predictions I refer to are predictions made from both this side and the other side of the chamber. As far as the Government is concerned, it was hoped that the restriction on trading hours would at least produce an improvement in the trading position of small centres, local centres and, to some extent, group centres in the ACT, but particularly local centres.

Late last year and early this year the Government conducted a thorough analysis of exactly what was happening with regard to people's shopping habits, in an attempt to assess whether the desired effect was being achieved. The information, which I now table, concerning that analysis indicates that the effect was not being achieved, at least to anything like the extent that would be required to justify the continuation of those trading hours restrictions. People were asked, through market analysis research, what they were doing in regard to their shopping habits.

The survey found that 9.5 per cent of Canberrans had changed their shopping centres with respect to their main grocery shopping, that is, the shopping for the weekly groceries, the major shopping purchase; and 6.7 per cent of people had changed their shopping centres with respect to convenience shopping, that is, for minor things like bread and milk on the way home or whatever. That was for the period from the middle of 1996 until the end of 1996. However, Mr Speaker, of those people, a much smaller proportion attributed the change in their shopping habits to the new ACT shopping hours. For those who changed their main grocery shopping, a total of only 4.3 per cent of total Canberrans attributed that to the new shopping hours; and a total of only 1.6 per cent of those doing convenience shopping attributed that to the new shopping hours.

The conclusion which the survey came to was that Thursday, Friday and Saturday are the main occasions of shopping. Most shopping, 73 per cent, is conducted during daytime hours to 7.00 pm. For about two in 10 shoppers, the main grocery shopping and convenience shopping are conducted between 7.00 pm and 10.00 pm - hours which, of course, were unavailable in town centres most nights of the week.

People were also asked about their attitudes towards the limits on shopping hours, and people indicated that, overall, they did not agree with the new shopping hours. Only 4 per cent strongly agreed; another 15 per cent agreed with the restrictions on shopping hours; totalling about 19 per cent of the Canberra population who agreed with the restrictions. Twenty-two per cent neither agreed nor disagreed; making over 40 per cent of people who either agreed or had no strong view about it. This is a very far cry, I might point out, from what was supposed to be the overwhelming opposition - the total opposition, as described by those opposite - to these changes. However, a majority of people clearly were not in favour of the restrictions. Twenty-eight per cent disagreed; and 32 per cent strongly disagreed with the restriction on hours; making a total of 60 per cent in disagreement.

People were asked whether it was a good idea for the smaller shopping centres to be assisted by restrictions on shopping hours. Of those people polled, 45 per cent thought it was a good idea; 53 per cent said it was not a good idea; 9 per cent were unsure. There was a high degree of awareness by people about the effect of the change in shopping hours; and, despite that experience, despite actually experiencing how that was working and knowing what the restrictions actually meant, there was still opposition by the ACT community.

Mr Speaker, by far the most important information, however, is the number of people who have actually changed their shopping habits as a result of the restrictions on trading hours. The 4.3 per cent who changed would not be enough to warrant the continuation of such legislation. Indeed, there is no indication that those 4.3 per cent of people had

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changed their shopping habits to local centres as opposed to from, say, town centres to group centres. The effect on small centres may have been very small indeed. The evidence on this, of course, is not entirely conclusive. I am aware that the Canberra Small Business Council maintains that the effect on a number of local centres has been very positive. We asked for evidence of that, and that evidence was not available. So, Mr Speaker, we can only speculate about that. But the hard data does not support the contention that the legislation was effective in that respect. Mr Speaker, I have tabled that market research analysis summary.

I also mentioned that there were predictions made by those opposite which turned out not to be justified by the circumstances. Of course, there was a prediction about very heavy job losses in supermarkets in town centres. We cannot know for certain what job situation resulted in those supermarkets, without seeing details of payroll tax information. Payroll tax returns are confidential and, under the privacy legislation, cannot be revealed. However, subsequent to the legislation being enacted, I invited the supermarkets concerned to voluntarily lay out the information on their payroll tax position, and they uniformly declined to do so.

The anecdotal evidence to me, in fact, is that there were very few, if any, job losses in town centre supermarkets as a result of this restriction, despite a very intense campaign by the supermarkets saying that this would occur. I note that one supermarket has promised to hire another 26 people now that the legislation is being lifted, but I treat that with some scepticism as well. Again, we can clear this up by the organisations concerned actually disclosing information from their books and demonstrating one way or the other whether that was the case.

Mr Berry: Gary, blush a little; you should be blushing.

MR SPEAKER: And you should be quiet, Mr Berry.

MR HUMPHRIES: Mr Speaker, when it comes to blushing, I would certainly be blushing if I were the Leader of the Opposition. The press release that was issued on Monday of this week indicated that the Carnell Government was only suspending this legislation because it actually wanted to go back to the legislation. I have to say that the record will show that this is a very cheeky press release. The reality is, of course, that the legislation could have been repealed last Thursday night and was not because those opposite chose not to take up the offer by the Government to pass the legislation last Thursday night. I went upstairs on Thursday afternoon to get my notes to come down and take part in the debate, and I had a phone call from Mr Berry, who said, "We do not want to do it this afternoon; we have changed our mind. We would rather do it next week; thanks very much". That was fine.

Ms McRae: And who adjourned the sitting after Mrs Carnell's speech?

MR HUMPHRIES: You people agreed to it.

Ms McRae: Who permitted you to go straight to the press after the budget was presented? We adjourned it for you. A fat lot of good that did us. Next year you are sitting until 10 o'clock, after the budget has been presented.

MR SPEAKER: Order! If people want to speak they can get on their feet and do it formally.

MR HUMPHRIES: Obviously, you cannot make deals with these people over there, Mr Speaker. Then we had the request, which we readily agreed to, to put the legislation through on Tuesday afternoon of this week. The request from the Opposition Whip was to pass the legislation on Tuesday afternoon. We agreed to it. We said, "Okay; if you want to do it on Tuesday afternoon, we will do it". There was no sign of the legislation. They said, "We have changed our mind again; we want to do it on Wednesday now".

Mr Stefaniak: On a point of order, Mr Speaker: I wonder whether you could call Opposition members to order. I have been trying to listen for the last two minutes, and I am hearing more of them than I am of the Minister. They are drowning him out.

MR SPEAKER: I uphold the point of order.

Mr Moore: You are right, Mr Speaker; they should be quiet so that we can hear how embarrassed Gary is.

MR HUMPHRIES: I am not embarrassed at all, Mr Speaker. I am quite proud to point out that we have at least been prepared to put our cards on the table and make it clear what we are going to do. It is quite false to suggest that the Government was not going to support the Labor Party's Bill. We made it clear on Thursday, the day we announced this change of policy, that we would support the legislation. I think Mr Whitecross's duplicity in pretending that there was not going to be Government support for his legislation is exposed for what it was.

Mr Speaker, I do not rise in this place in any way embarrassed by having attempted to assist small business, particularly small business in local centres in this city. The fact remains, as I said at the outset of my speech, that there is still a serious social problem in this city. If local centres in the suburbs continue to decline, as they had in the three or four years prior to the enactment of our legislation, then Canberra will be the poorer for that loss. There are already suburbs in this city that do not have local shops and do not have access to services which, for a number of people in our community, are very important. I refer to the elderly; those with a lack of mobility; parents of young children who are at home and with no cars; people who depend, in various ways, on those centres as a source of social interaction. If those local centres die, then we are all the poorer for it. I make no apologies for having attempted, albeit unsuccessfully, to reverse the decline of those centres through legislation such as that which is now being repealed.

Mr Speaker, those opposite can crow about seeing the Government do a backflip. I will say to them that, if at any stage the Government believes it has made a mistake, it ought to have the strength of character, collectively, to acknowledge that mistake; and we are doing that today. We deserve to get credit for that, although we obviously will not, from those opposite. But I believe that the people of the ACT respect that, although what occurred was not popular, it was motivated in a way which was intended to protect a number of people in the community who are vulnerable. That, Mr Speaker, is something that I make no apology for having tried to do.

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MS HORODNY (10.51): Mr Speaker, we are very disappointed that the Government has given up supporting small shops in the ACT, and that is what this issue is about, basically. It has never been just about restricting trading hours; it has been about addressing the domination of the retail market by the national supermarket chains and letting local businesses have a fair share of consumer spending. The Government has clearly failed in this task, as did the previous Labor Government. We always thought that the Government's response to the problems faced by small retailers in this town did not go far enough. The real problems faced by small retailers, which include oversupply of retail space, competition from large supermarkets in the group centres, the relatively high rents and costs faced by small retailers and the tenancy disputes with shopping centre managers, were never seriously addressed by the Government.

We supported the Government on its retail trading hours, because we thought that at least it did a bit for small retailers. But now the Government has given up even this small amount of support, for very weak reasons. If we go back and look at what the Government said it would do in monitoring the effectiveness of the Trading Hours Act, in its response to the Planning and Environment Committee's inquiry into retail policy measures, the Government said that it had undertaken to provide to the Commonwealth's National Competition Council the outcomes of monitoring of a number of factors from the time the Act came into force, including turnovers in town centres, group centres and local centres; the impact on growth and retention of businesses, other than supermarkets in the centres; the employment levels at all centres, encompassing full-time, part-time and casual employment; a major survey of attendance at local and other centres, to ascertain buying habits; and, particularly, any changes that may be attributable to the trading hours regime. The Government also said that it would conduct an open review of the legislation by June 1998 to demonstrate whether the benefits of the trading hours restrictions outweigh the costs.

However, what has happened now, after only eight months of operation, is that the Government has caved in, without undertaking any of the comprehensive analysis that it said it would do. The survey results that it has issued are very superficial, focus on community attitudes only and do not address any of the economic factors. The ABS survey of ACT shopping preferences issued in October last year is not very useful either, as it presents only a snapshot of shopping behaviour in October; and that was only one month after the trading hours restrictions were introduced.

Even when we look at the limited data presented by the Government, it is certainly not clear that the trading hours restrictions have not worked. The Government acknowledges that one in 20 people, or 5 per cent, had adjusted their shopping habits from town centre supermarkets to local centres. The Government thought this amount was not enough, but I am sure that a struggling shopkeeper in a local centre would think it was, if the increase in trade meant the difference between continuing on or closing down. Given that only 3 per cent of shoppers use local centres for their main shopping and only 41 per cent of shoppers use local centres for convenience shopping, a 5 per cent change in shopping habits across the ACT would have a major impact on local shops.

The Government has not provided any data on changes in retail turnover, but the anecdotal evidence is that trade in local shops has improved since the trading hours law was introduced. There have been reported increases in turnover of between 6 and 8 per cent. This is certainly a significant figure for the shopkeepers concerned. There have also been no further closures of local supermarkets since the trading hours were restricted, despite the regular closures that occurred before that time. This increase in trade for local shops has been achieved at little inconvenience to the ACT population as a whole. The Government's own research showed that 75 per cent of people do their shopping before 7.00 pm and were not affected by the trading hours restrictions at all. In fact, the ABS survey found that 90 per cent of shoppers did their shopping before 7.00 pm. The ABS survey also found that group centres, which are unaffected by the trading hours restrictions, are used by about 45 per cent of shoppers for their main and convenience shopping.

We are, therefore, very disappointed that the Government felt that it could not continue with this measure - which was having a small but significant economic benefit for local shops, with little inconvenience to the broader community - because the Government was concerned that it might lose some votes. This caving in to the supermarket lobby is not unexpected, however. The Government has been quite hypocritical about its support for local small retailers. On the one hand, it restricts the trading hours in town centres; on the other hand, it gave approval to the huge expansion of retail space in the ACT at a time when we are clearly oversupplied with retail space and at a time when there is no increase in consumer spending because of Canberra's recession.

Mr Berry: Come down, Ms Tucker; face the music.

MS HORODNY: Mr Berry, you have no answers to this problem. Unless you do, I suggest you sit quietly and listen. The Government has given approval to the expansion of Woden Plaza and the Tuggeranong Hyperdome and is pushing ahead with allowing a new shopping mall to be built in Manuka.

Mr Berry: Gary, why aren't you blushing?

MS HORODNY: I am not blushing, Mr Berry. Opening new shops does not mean that people will spend more; they will just shift their spending. The expansion of the existing shopping malls can only draw people away from the smaller shops.

Mr Moore: Mr Speaker, I draw your attention to the state of the house. I cannot believe that, while Ms Horodny is speaking here, Ms Tucker is not here to support her position. The Liberal benches are just about depleted. (*Quorum formed*)

MS HORODNY: As I said at the start of my speech, this issue is really about the domination of the retail market by the national supermarket chains. Mrs Carnell said it all when she was quoted in the *Canberra Times* as saying:

The explicit aim of this legislation is to reduce the concentration of the retail dollar in the hands of a few big players. It's about levelling the playing field and encouraging greater competition not less competition.

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There is no such level playing field in the retail market in the ACT. There is a distinct lack of real competition. The market is controlled by the major players, Woolworths in particular, with about 70 per cent of the retail market; and they have significant financial advantages which are quite unfair for smaller retailers. As the big players compete to grab the biggest slice of the market, the small traders, both inside and outside the town centres, suffer.

We are very disappointed with the Liberal Party, but we are very surprised that the Labor Party is so keen on wanting an unfettered retail market in the ACT and is so supportive of allowing Woolworths to dominate the retail market to the detriment of local small businesses. The Labor Party is always very quick to criticise the Government on its economic rationalism and reliance on markets; yet, in this case, the Labor Party seems certain that the retail market should not be restricted in any way. As an example, Mr Corbell, in his inaugural speech, was strongly critical of economic rationalism. He said:

Economic rationalism lies upon the belief that the market will resolve inconsistencies within itself. Yet we have already seen that the demands of economic rationalism leave behind those who cannot afford to keep up and foster individual self-interest ahead of community wellbeing.

Those are the words of Mr Corbell. It is a great pity, then, that the Labor Party does not regard local shopkeepers as worthy of being protected from economic rationalism or that local centres are valuable for fostering community wellbeing. Mr Corbell also said:

The belief that all must be measured by its monetary value, by what it can be bought or sold for, rather than by what it achieves or contributes, is undermining our sense of society. We are told by governments that we are no longer citizens but consumers, that our place in society is measured only by our ability to buy or sell.

Members interjected.

MR SPEAKER: Ignore them, Ms Horodny.

MS HORODNY: Only if you ask them to be quiet, Mr Speaker. It is a great pity that the Labor Party as a whole does not heed these words, instead of bowing to the big supermarket-driven propaganda that people have a right to shop in supermarkets whenever they please, regardless of the negative impacts on the rest of the retail market and the flow-on effect to the Canberra community, including employment. Instead of seeking short-term electoral advantage, the Labor and Liberal parties really need to address these questions: Do we want our children to grow up in a vibrant, diversified and sustainable local retail economy or in a city that is dominated by a few national and multinational retail chains? Do we want to be able to walk down to the local shopping centre to buy milk or bread, and talk to neighbours along the way; or do we want to have to get in the car and battle shoppers to find a car park and a shopping trolley at the big shopping malls?

The Liberal Party at least had one small answer to the problems faced by small retailers in this town but has made only a half-hearted effort to implement it. The Labor Party offers no answers, except total deregulation of the market. What I would like to know is: Where to from here? (*Extension of time granted*) We now have no limits on retail space in the ACT and no limits on trading hours. Clearly, we can look forward to more small businesses closing down in the ACT, and both Labor and Liberal parties should hang their heads in shame.

MR MOORE (11.06): Mr Speaker, it is interesting to note that it was only after Ms Horodny actually had an extension of time granted that Ms Tucker finally turned up.

MR SPEAKER: Relevance, Mr Moore.

MR MOORE: Yes, absolutely; that is what I am getting to, Mr Speaker. She was embarrassed about the stance the Greens had taken and the tack that Ms Horodny had taken on this issue of the supermarkets. We ought to know what actually happened in this regard, Mr Speaker.

Mr Humphries: On a point of order, Mr Speaker: Mr Moore is harassing the Greens and should be told to desist.

Ms Tucker: Can I make a personal explanation?

MR SPEAKER: No; you can make it after Mr Moore finishes.

MR MOORE: When are you going to learn the standing orders, Ms Tucker? For heaven's sake!

One of the most interesting things, Mr Speaker, is that what actually happened here, of course, was this: There was never any intention at all on the part of the Government to close supermarkets; the idea was very simple. They would put up the legislation and then they would lose. It was quite clear what Mr Osborne's attitude was. I had made it very clear that there was no way I was going to support the supermarkets being closed at this hour. Then, surprise, out of left field come the Greens. They supported the Government on this legislation. It is the only time they ever chose to go with the Government and, of course, they picked a loser. The Government was left holding this hot ball in its hands and thinking, "What the heck are we going to do? The legislation actually got up. We are going to have to implement it". The embarrassment was extreme; the reaction from the community was great; and the Government's little ploy was, of course, turned around on them.

They then continued the process and said, "Oh, no; that is all right. We will go with it, but we will review it". The next mistake was that they said, "We will review it by mid-1998". Oops, that would have been after the election. This is flying by the seat of the pants. You might remember, Mr Speaker, that originally the responsibility for this was Mr De Domenico's, and that also became too hot for the Government. It did a quick flick pass to Gary Humphries because, the more Mr De Domenico tried to handle it,

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the worse it got. At least Mr Humphries was able to lead and try to put a straight face on the Government's view, having been caught out by the unexpected support from the Greens, probably because they did not understand the ideological position that the Greens were coming from. Ms Horodny has just put it, and Ms Tucker was too embarrassed to be here while she put it.

What happened in the last few months? It is very simple, Mr Speaker. It is about polling and is exactly the same as with Howard and Hanson. Here we have Humphries and Horodny. Howard looks at the polling for Hanson and thinks, "Oh, dear, this is going to actually hit coalition votes; we had better change our policy on this and start actually taking some action". In this case the Liberals locally do their polling on shopping hours and find that the vast majority of people - and Mr Humphries is trying to say it is 60 per cent, but we know that those figures are out; that it is much greater than that - whether they go shopping every night, late at night or once a week or even once a fortnight, want to have that choice, their individual choice.

They do not want to be told by the Greens, "You will wear sandals and you will walk down to your local shop", or, "You will ride your bicycle down to your local shop, and that is where you will do your shopping; and you will bring it back in a basket". They do not want to be told that; they want to have their own choice. Sometimes, Mr Speaker, I do take my dilly bag, get on my bike and go to my local shops.

Ms Horodny: You do not have a local shop; yours has been closed down.

MR MOORE: When I make that choice, it is my choice. Ms Horodny chuckles and says, "Your local shop has closed down". Ms Horodny is not correct about that, because I have a local shop. My local shop is at Campbell, and that is where I go generally for my local shopping. If I want to do my bigger supermarket shopping, I make a choice and go to Supabarn, as a rule. But just last weekend I made a choice and went over to Woolies at Dickson. Even though it is a multinational store, I still shop there. I was very happy about shopping there. In fact, it is a very unusual thing for me to do, but that is what I did because I made a choice to do it. What the Greens' ideological position does not seem to recognise is that, even though they have a good idea of what they think is best for the environment and what they think is best for people, people themselves prefer to have their choice.

Unfortunately, the Greens got caught out because, basically, what happened was, as I explained, the Government never thought this legislation would get up. Well, it did. Now, as we get closer to an election, they realise it is absolutely disastrous and they are going to have to back off, leaving the Greens high and dry the only time that they went into coalition with the Government effectively on any substantive issue. The only time they coalesced with the Government on any substantive issue they picked a loser, which shows the naivety there.

Mr Speaker, the reality is that the stupidity behind this was with the Liberals and the Government. That was where the real stupidity was. I have had a bit of a game by having a go at the Greens this morning, and it has been fun; but the reality was that the stupid decision was made by the Government. A naive decision was made by the Greens.

The reality was that they simply used a whole series of their styles of investigation to get what they wanted, to make it look like they were trying to look after this small sector of the business community that they had made great promises to just prior to the last election and to make it look like they were meeting those promises which, in fact, they were not able to deliver. Unfortunately, they did deliver. Lo and behold, the impact on the local shops, as we said in this chamber again and again, was negligible.

I am very pleased that the Government have admitted their mistake, that they were wrong. I would like to have seen Mr Humphries a little more red faced. I must say that he does not seem to be too embarrassed about it. The reality is that the Government should be embarrassed, not about making this decision but about making the stupid decision in the first place.

MS TUCKER (11.14): I am not making a personal explanation. I would like to make some comments on the subject, but I would point out that I did not come down just because Mr Moore was apparently pressuring me when he was saying that I was embarrassed by what my colleague was saying. I came down when I heard the absurd things he was saying because I felt I might need to make a response. Ms Horodny does not need my protection and support in this argument.

Mr Moore: I had not even started speaking. Tell the truth, Kerrie. I had not even started speaking when you arrived. Your lack of truth is exposed by your own words.

MS TUCKER: I knew what you were saying before you said it, Mr Moore; you have said it so often already. I said before I came down, "Mr Moore will be saying we are embarrassed about this position". The thing that is really interesting about this is that Mr Moore talks about choice. I have actually heard Mr Whitecross talk about choice too. He even went so far as to say, "People have chosen with their feet".

Mr Moore: I often talk about choice.

MS TUCKER: Mr Moore interjects, "I often talk about choice". What you have missed in this whole argument, Mr Moore and Mr Whitecross, is that we are arguing about continuing to provide choice in the future. Our support for the Liberal Government was for the providing of choice in the future. This is what is being discussed all around Australia and the world. It is about handing over control to big companies; it is about reducing diversity; and it is about reducing choice for people in the community. The big companies, the big stores, are going to be basically designing our city. We will not have a choice if we do not have a car.

Mr Whitecross said people were voting with their feet. No; they were voting with their cars. They drove to the shop where they thought they could have 24-hour trading. What happens to the people who do not have a car? Okay, so we leave everyone trading for as long as they like. The small centres close. We do not have local shops. How do you vote with your feet if you have to go right across town? You cannot; you have to vote with your car. You cannot get to the shops unless you have a car. The Labor Party is continually saying our public transport system is being destroyed by this Liberal Government.

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Mr Whitecross: It is.

MS TUCKER: “It is”, says Mr Whitecross; right. So you are not going to be able to catch a bus very easily either, particularly if it is a public holiday. You will not have a local shop; you will not have diversity in your shopping centres. It is interesting to note that Woolworths and Coles are bringing more and more into their shops. It is pharmaceuticals now. We are being lobbied by pharmacies about competition policy and about Woolworths taking over the pharmacies as well. We will not have a chemist; we will not have that choice. But Labor and Liberal say, “That is fine”.

The most important choice for them is that people can shop at all hours, no matter what the consequences are in the long term. The consequences in the long term are that we will not have local shopping centres; we will not have diversity in our shopping centres. Retail figures show that already the major stores are doing well and the smaller stores are not; but none of this information is taken into account. The reason that is the case, Mr Moore, is economies of scale; prices are going down in the big stores. We will not have a petrol station on the corner, either.

Mr Moore: The Greens will force it.

MS TUCKER: Mr Moore says, “The Greens will force it”. Mr Moore is obviously supporting the Liberal Government by saying, “No intervention in the market”, although sometimes the Liberal Party say they will intervene in the market. Maybe it is something to do with what they analyse as the public benefit. I do not know what Mr Moore calls the public benefit. Mr Moore continues to say, “Do not intervene in the market; that is forcing people”. Well, we will see the result of that.

I believe that, in the not too distant future, this place will be seen to have been like most other parliaments in Australia that have buckled to the big companies. They have not taken into account the consequences of this action. I am very supportive of what Ms Horodny has already said. She has clearly articulated these points. I am sorry I have to repeat them because it is obvious members of this place are not listening or have fundamentally missed throughout this whole discussion why we took the line we did.

The Liberal Party, of course, knew what our policy was on trading hours; for God’s sake! As if it would be a mistake! They did not know the Greens would support it? We have been talking about it since the election campaign. It is a joke to say that the Liberal Party did not know what we were doing. It is just another stunt from Mr Moore. I am glad he has had fun at the expense of the Greens, but I have enjoyed having some fun at his expense.

MR BERRY (11.19): The first thing that I want to say is that I understand exactly where the Greens are coming from. They were caught really by what could be described as folkloristic ideology. The Greens would argue that everybody should be able to get to the source of their food supply on foot or by some other easy means. That is well understood. In their ideal world, a lot of people would enjoy that. The trouble is there are not a lot of people who want to live in that ideal world just now. But what they have done is attach themselves to a bandwagon that was born out of a different ideology.

Ms Tucker: Social justice, fair trading.

MR BERRY: If you want to keep interjecting about social justice, I will go on with a few. It is this middle-class value that you get from people like Ms Tucker who mouth the words “social justice” all the time but who would impose upon people the obligation to go to a more expensive shopping site than would be the case otherwise. I do not really want to have anything to do with those middle-class ideas.

Ms McRae: Poor people have to have cars to get to Fyshwick to work, Ms Tucker. Poor people do have cars. Poor people work very inconvenient hours. You do not know what you are talking about.

Ms Tucker: Young people and people with a disability cannot own cars.

MR SPEAKER: Order, Ms McRae and Ms Tucker! If you want to argue, go outside.

MR BERRY: The working-class people in this city do not want to have anything to do with those ideas and cannot afford them. If you want to espouse middle-class values, that is fine; but do not impose them on working-class people who cannot afford them. That is the point I make in relation to the Greens’ position.

So far as the Government is concerned, it came from a different position altogether. Mrs Carnell nailed her colours to the mast a long time ago. She made a submission to, I think, an Access Economics inquiry or an inquiry on shopping hours that was around the Assembly some time ago. She argued, of course, that there ought to be restricted trading to enhance the position of local shopping centres, principally because Mrs Carnell is the owner of a small shop in a local shopping centre. It is not hard to see why she did it. At that time she was not a member of the Assembly. She was tied up with the Pharmacy Guild. One can understand why that would occur.

But what I would have expected from somebody, who was elected by the people in the ACT in the first place, was that she would ditch those ideas because she no longer represented the Pharmacy Guild or her pharmacy interests when she was advocating a particular position in this place. But her view held sway over the rest of them, and we ended up with this situation where there was a campaign at the last election. I think it was the save our shops campaign. The Liberals attached themselves to it and then, of course, had to deliver or be seen to be delivering after the event.

What does all of this mean to local shops? I can tell you that what the Greens and the Liberals did to the local shop in Holt was far worse than what was occurring in the first place. What happened, when they forced the larger shops at Belconnen to close their doors, was that all the large chain did was that it moved into the group centre in my area, bought the shop, traded for longer hours and hurt the local shop even more. Do not give me this nonsense about being concerned about local shops. It was a poorly thought through policy that was ideologically driven and had nothing to do with the practicalities of shopping in the ACT.

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People in the ACT had decided where they wanted to shop. What some people in this place, the Greens and the Liberals, wanted to do was turn the clock back and return to some fairytale existence where we would all be shopping happily at local shops; the local shops would prosper; the group centres would prosper; the big shops would prosper; and everybody would live happily ever after. Well, whether or not we like it, there are some realities out there in retail land. People do not want to shop at their local shop if it is more expensive or if the range and choice are less. They make the decision themselves and go to their group centres or to the larger shopping centres.

Let us talk about the attitude of the Liberals to business in this Territory and to the economy as a whole. We saw from the outset, when the Liberals first took office - and I have to draw attention to this point - supported by the Greens and the Independents, that they, in particular Mrs Carnell, began to talk the ACT economy down. They used all sorts of colourful expressions about the condition of the economy, all negative news to the people out there in business; and, of course, the dream came true. The economy did fall into a bad state because out there everybody was listening to the leader of their Government telling them it was in a bad state. What are they going to do? Are they going to stop spending, stop investing, stop making important decisions and so on? All of this was occurring at a time when the Liberals were conjuring up an idea about altering the trading hours in the ACT to satisfy a constituency that they felt attached to, or an ideology that they felt attached to, in the case of Mrs Carnell.

All of this took place and the shops adjusted their arrangements. A large chain bought into a group centre in my area; they also bought into group centres in other areas, as I understand it.

Mr Humphries: That was before the change, though.

MR BERRY: No; it did not happen before the change - not in my area, I can tell you. What happened was that the Government created all of this turmoil in the retail industry by saying it was changing the rules. Meanwhile, they had talked the economy down. The economy had slipped into recession. Now the Government comes back and says, according to Mr Humphries on radio this morning, "It was an experiment". It was not an experiment when he started it.

Mr Humphries: Yes, it was.

MR BERRY: No; it became an experiment, Mr Humphries, only when you got caught out and were starting to look for a back door. You had to paint yourself a back door because none existed. That was the clear situation. This morning you admitted to the experiment. This was an experiment with the ACT economy, much as Mrs Carnell's actions in the management of the ACT economy have been experiments, many of which have failed. This is just another one.

Mr Speaker, now we have the business fraternity wondering what this Government will do next. How on earth can you end up with a stable business-driven economy if you keep flip-flopping on important issues like this?

Mr Humphries: As if you care about the business economy; as if you care about business.

MR BERRY: Mr Humphries interjects, "As if you care about the business economy". Labor does care about the business economy because it forms an important part of society. It provides jobs and, properly regulated, makes an important social contribution. It is all part of our understanding of how societies work.

Mr Humphries: You do not have any understanding of how business works.

MR BERRY: We do not have a single-minded view of the world, Mr Humphries, like you do. That is the difference. Mr Speaker, we have a situation in the ACT where there has been instability created by Mrs Carnell, further fuelled by these sorts of dopey decisions about trading hours. They can be described in no other way than dopey. The end result has been more instability, less confidence in the economy and now a situation where Mr Humphries is trying to dig himself out of a hole, and the Greens are trying to justify their position. The fact of the matter is that they have created damage which will be with us for some time as a result of the instability that has been created by this decision, which I have properly described as dopey.

MS McRAE (11.28): I rise to speak because I do not feel that we can let Ms Tucker put on record such nonsense about poor people. This issue is of extreme importance to poor people, and the change we are seeing today is extremely important. Let me put some facts straight. It is about time that Ms Tucker and the rest of the world read the *Social Atlas*. First of all, the vast majority of people that you would call poor live in Queanbeyan because they cannot afford to live in Canberra; and the vast majority travel to Canberra every day. Some of them hop on a bus; some of them get in their trucks in the morning. Have a look at where poor people actually live. The rest of them are not stupid and they live, wherever possible, as close as possible to bus routes that get them to town centres. If you look at the transport movements of people who are forced to travel and do not have a car, you will find that they choose to go on buses.

Why do they live near bus routes and why do they choose to do that? Because poor people work long hours; poor people work shifts; poor people work overtime; poor people begin work at ungodly hours to do either nursing in the case of the women or a lot of shift work in the case of men. The point of all that is that they need extended shopping hours and flexibility in shopping hours more than anybody else. Poor people do not have time to go tripping down to the shops on a little excursion with the children - isn't it cute? Poor people have always worked. Poor people have always been the double-income families. Poor people have always been the people who are dependent on public services. I think Ms Tucker would be far better to keep on talking about public transport and the need for good public transport than to start dabbling into the shopping wishes of poor people.

Poor people, more than anyone else, resent being ripped off by their local shops. It is poor people who notice the 50c extra on every item. For us middle classes, who can have a little wander and exercise the dog, it does not matter. But for poor people the importance is to be able to get as easily as possible to the biggest and cheapest shop. Poor people do have cars because they are forced to, by the nature of public transport.

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They very rarely have two cars. They very intelligently locate themselves in places where they can use buses and get to town centres where their employment usually is and where the cheapest shopping is. It is poor people who most benefit by unregulated shopping hours so that they can shop when they come off shift at 4 o'clock, 6 o'clock or whatever ungodly hour they have to work until because that is the only work that is available to them - ghastly work that nobody else wants to do. That is what is available for unskilled people; that is what is available for the low-income earners.

That is why it is so important to keep the shopping hours unregulated, to allow full choice, particularly at the town centres where the buses go, where those who do not have a car can access them at any time. Poor people do not work from 9.00 am to 5.00 pm; they cannot just wander home and have a little walk with their dog; they do not have access to local facilities; they are not able to shop around easily and find bargains. They are trapped by their circumstances. By saying to them, "Go and use your local shop and develop a community", we are demeaning them; we are patronising them; and we are making idiotic statements about their needs. I think it is very important to keep that in context when we are talking about shopping hours.

Freedom of choice for middle-class people is a completely different idea. To grow your own vegetables, to weave your own cloth, to be self-sufficient, to be nice to children, to go and buy nice green things at the supermarket, to buy expensive products, to protect chooks - all of that is middle-class choice which comes from an adequate income; it is not readily accessible to people on a low income. It is about time that we put that in context, instead of patronising people and telling them that they live badly, telling them that they should walk to the local shops, telling them that they are destroying the environment and telling them how to live. This debate is all about free choice, which also has a social justice backbone, and it is about time that the Greens recognised it.

MR WHITECROSS (Leader of the Opposition) (11.33), in reply: Mr Speaker, we are here today to bury a bad law and a law that should never have been on the books in the first place. This Bill seeks to repeal the Government's restrictive trading hours laws for large supermarkets in town centres. The Government had sought to suspend this law by regulation last week - something which they did after making an agreement with the Opposition to do something different - but we do not believe that suspending the law by regulation is good enough. We want this law off the books. We want this law gone because we believe that it was a bad law; and we do not want the Government to be in a position where they are tempted to revive it later by regulation, just as they have now suspended it by regulation.

Regulation is not good enough; it does not guarantee that the Government will not change their mind. After all, the Government introduced this legislation, with no analysis, in the face of the overwhelming opposition of the ACT community. Who is to say they will not change their mind? Their decision to walk away from this law, Mr Speaker, has not been made because they thought the law was wrong; it has been made because their pollsters have told them they have to ditch it. This is poll driven and not policy driven. Because of that, we cannot guarantee that they will not cave in under pressure and change their mind.

On Thursday, the day of my budget reply speech, the Government announced this massive turnaround on a key plank of the Government's policy. Mr Humphries said in his press release that the policy had "a limited effect on local traders and was making little difference to people's shopping habits" - something that you would not know if you had been listening to what the Greens had to say. Mr Speaker, Labor has said all along that it was an illogical policy but a policy that the Liberals were happy to plough on with in the first place.

In June last year, Mr Humphries said that this policy could be described as the first real attempt by a government in the ACT to stand up for small business. In June last year he said that the obvious beneficiary would be Canberra's locally-owned small business community which had been locked in a David and Goliath battle for its very survival with big interstate corporations. He is now walking away from this law; he is now walking away from those sentiments because his polling says that it has a problem. This is not driven by policy; this is driven by the polls.

The Government did not do its homework beforehand. The Labor Party argued that the Government should not have been introducing this law without having done the analysis to demonstrate that the policy would work. The policy was, after all, Mr Speaker, anti-competitive. It was, after all, restricting competition between players in the market. Under the national competition policy, before they did this they should have done an analysis to demonstrate that it was going to be in the public interest to do this, but they did not do their homework beforehand. This is a characteristic which we see again and again in the policy approach of this Government. They do no analysis; they do no policy work beforehand; they just plough on with something which seems like a good idea.

Who can forget Mr De Domenico's decision in the first budget to flood the ACT market with 45 taxi plates? There was no analysis of the impact of that on the taxi owners or on the community at large; it just seemed like a good idea; so plough ahead with it they did. Mr De Domenico said, "It is our job to make decisions. Never mind whether we have any analysis to back up the decision; it does not matter; it is our job to make decisions, and we made one". They wiped a third of the value off taxi plates in the ACT by that decision. Mr Speaker, look at their decision in relation to vehicle inspections. There was no analysis of the impact on vehicle safety in the ACT of that decision, no analysis of what it would do to the ACT; they just decided to do it. They made a decision, and now we are living with the consequences of that.

Mr Speaker, only yesterday we asked Mrs Carnell how she had come to the decision to have a new 100-bed private hospital on the site of the Woden Valley Hospital. She said, "We did not do any analysis of it; we did not do any market studies to justify the need for it, to substantiate the need for it or anything else like that. We just figure you put it out to tender and, if someone buys it, then it must be okay". There was no analysis. We heard yesterday in relation to their decision to auction a fast food site at Chisholm, where there are four existing fast food outlets, once again, the Government saying, "We did not do any analysis of the market and whether in the current recession it is a good time to be auctioning off a 3,000-square-metre site for a fast food takeaway; we just said, 'It is on the Territory Plan; we need some money; let us auction it off. Go ahead. Plough ahead'".

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This is the characteristic, again and again, of this Government when they have done no analysis. When they produce some analysis - and they do, occasionally - it always turns out to be something that was done by the Labor Party. It always turns out to be a study that was commissioned under the Labor Party. They do not do any policy work; they do not do any studies of their own. They rely on documents that we have had done, or they just plough ahead with no substantiation at all, Mr Speaker.

The shopping hours issue is the quintessential example of this. There were no studies to demonstrate that this was going to make any difference; no studies to demonstrate any benefits; just, "We thought it was a good idea, and we ploughed ahead with it". That is the history of policy-making under this Government, and that is what has been wrong with this policy all along. Mr Speaker, they have been playing catch-up ever since in policy terms. As Mr Berry pointed out, it was a policy which they always knew was going to be unpopular. Mrs Carnell was the driving force behind this policy. Mr De Domenico was the Minister responsible for the policy, but Mr De Domenico was so spineless about the policy and had so little confidence in his ability to sell a policy that he did not even believe in that it was snatched away from him and given to Mr Humphries, the patsy of the Liberal Party, who gets to sell the things that no-one else will sell. The Chief Minister is now the Minister for Business, but is she the one who is in here explaining why they are backing down on this policy? No; Mr Humphries once again has the job of selling the unsaleable and how they have done a complete 180-degree turn on this policy.

Mr Speaker, this is a policy which they knew was unpopular from the start. They did it to serve an interest group. They have realised that it is costing them in the polls; so they have backed away. The Chief Minister does not like bad news, and Mr Humphries once again has the job of selling some bad news for the Government.

Mr Berry: Where is she? She is not here. She is not facing the music.

MR SPEAKER: You will not be here either if you keep that up, Mr Berry.

MR WHITECROSS: Maybe I should just address some comments about competition which were made by the Greens. The Greens seem to feel that, if we are going to ensure that there is choice in the market, then we have to tip the playing field to ensure that there are players operating in the market who are not actually terribly popular with consumers.

Ms Tucker: Some consumers.

MR WHITECROSS: Well, 3 per cent of people do their major shopping there, Ms Tucker.

MR SPEAKER: Order! Do not interject, Ms Tucker.

MR WHITECROSS: And when you ask people why, Ms Tucker - - -

MR SPEAKER: Do not provoke Ms Tucker, Mr Whitecross.

MR WHITECROSS: People say they do not like the range and do not like the price in small supermarkets. There is a place for small shops in the marketplace, and I want to see them survive. To survive they have to offer something the customers actually want. We do not solve the problem of small shopping centres by closing everything else and saying, "You have to go there". We do not solve the problem by some sort of system of drawing lots for who is going to get to do their weekly shopping at the local shopping centre so that we can keep it viable. This is not how life works. We have to ensure that local shopping centres offer something that the customers want. We have continuously advocated positive assistance to local shopping centres and local traders to tailor their business to meet the market ever since this issue has been on the agenda. That is the solution - making shopping at local shopping centres something which is an attractive possibility because, if you can attract shoppers back to those local centres by offering them things they want, they will go there.

Mr Speaker, the Greens do not seem to understand that people can be multidimensional. Lots of people might be concerned, for instance, about the domination of the ACT retail market by major national chains. Lots of people might have some ambivalence about that. Nevertheless, when it comes to their weekly shopping, they still want a good range; they still want a good price. If the only way they are going to get that is by going to a major national chain, then they will. That is life. People can have an opinion about the level of competition for the large supermarkets in the ACT market but still choose to shop there. Not everybody is going to shop in a shop with a limited range and which charges 12 per cent more for their groceries, just to satisfy some ideological fixation on competition in the marketplace.

Mr Speaker, a lot of naive talk is made about how we need local shops because older people like to shop at local shops. Older people patronise local shops less than anybody else. They use cars to get to the shops more than anybody else. There are probably two good reasons for that. One is, of course, they cannot carry their weekly groceries home from the shops anyway; and the other is they are very concerned about price. So, they go where the prices are cheap. Mr Speaker, I am all for choice in the marketplace, but you have to have choices that people want to choose between, not choices that people do not want to choose between. Mr Speaker, that is what we want. We want to see choices in the marketplace, but we want to see choices that people actually want to make.

We believe that policies which aim at assisting local shops and local supermarkets, for that matter, to offer to the community an attractive package which encourages people to shop there is the way forward, whether it is through Labor's initiative of renewing shopping precincts to make them attractive places to go to; whether it has to do with the kinds of helpShop initiatives that the Government has been involved in, which we have supported, which are designed to encourage local shopping centres to provide the right thing; or whether it is changes to lease purposes to allow a wider mix of shopping in local shopping centres which will make them more attractive than the older style shopping mix which is no longer favoured by consumers.

Mr Speaker, they are initiatives that we should be looking at, not arbitrarily telling people where they can shop and when they can shop. That is simply not practical. The Government backed down on this because - - -

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Mr Moore: You should welcome the backflip.

MR WHITECROSS: I always welcome backflips from the Government, especially on dumb policies like this one. Mr Moore is right to say that we should welcome the backflip; and I do welcome the backflip. I have to say, though, Mr Moore, that I do not place a high value on the sincerity of their policy change. It is clear that this policy reversal was mainly to do with Liberal Party polling. Equivalent survey results to the survey results that the Government has quoted today have been around for some time. The ABS survey results at the time that they introduced their legislation were all saying the same thing - that people overwhelmingly chose to shop at large supermarkets.

Mr Speaker, this change in policy has everything to do with the fact that this Government's failed trading hours policy did not have the support of the vast majority of Canberrans. It is simple political opportunism, a desire to get a political albatross from around the Liberal Party's neck in time for the next election. When Mr Humphries introduced this policy, he announced that making everybody unhappy is a way of saying that we have struck the right balance; and did he not make the Liberal Party organisation sick in the stomach when he said that making everyone unhappy is a way of saying we have struck the right balance? Mr Humphries has now decided that making everyone unhappy is not a way of striking the right balance. Mr Speaker, this was a bad policy. We are burying it today, and I am pleased to see that we are burying it. It never enjoyed the support of the community or any of the major commentators in this area, and the Liberals are right to be now running away from it.

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

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SCHOOLS AUTHORITY (AMENDMENT) BILL 1996

[COGNATE BILL:

EDUCATION (AMENDMENT) BILL 1996]

Debate resumed from 4 December 1996, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 3, Education (Amendment) Bill 1996? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 2, they may also address their remarks to order of the day No. 3.

MR STEFANIAK (Minister for Education and Training) (11.49): Mr Speaker, Mr Moore has proposed amendments to both the ACT Education Act 1937 and the Schools Authority Act 1976 to prohibit the use of corporal punishment in schools. I note, firstly, what he actually says in his Bills. He seems to have appropriate safeguards there in relation to other matters too. The Bills seem to be properly legally drafted, and so will achieve the desired effect, if passed by the Assembly - I understand that they will be passed, as they have majority support - and will do the things he wishes without interfering in any other way. I make that point.

The issue is obviously a sensitive one. There are many community views which have to be considered. In relation to the first Bill, Mr Speaker, perhaps it is really an unnecessary Bill, in that since 1987 corporal punishment has not been used in government schools. So, what Mr Moore's Bill does there is merely enshrine in legislation what has, in fact, been the practice for some 10 years. In reality, that really is a non-issue. On the other hand, there is a part of the non-government school community who wish to retain corporal punishment in their schools. They argue that it is an issue for parents. Additionally, Mr Speaker, those people and non-government school representative bodies express the view that the legislation is unnecessary and an unwarranted intrusion.

I note in relation to the non-government schools that, in the Anglican schools and the Catholic systemic schools, corporal punishment has not been used for many years in the Australian Capital Territory. Again, it is very much a non-issue there. There are a number of smaller non-government schools, however, who either use corporal punishment or still at least have the option of using it as a last resort. I understand that there is some opposition to Mr Moore's Bill certainly from that quarter.

Mr Speaker, as I said, at the end of 1987 the policy was changed, and since the 1988 school year corporal punishment has been banned in ACT government schools. Every school board is required to develop a policy on the management of student behaviour which does not involve corporal punishment. As I have also indicated, almost all non-government schools in the ACT have behaviour management policies that do not include corporal punishment. Since 1992, corporal punishment has been formally banned in all Catholic systemic schools in the ACT. Indeed, Mr Speaker, I understand that it has not been used in Catholic systemic schools for at least eight years. I understand that there are some five or six independent non-government schools that still have corporal punishment in their student behaviour management policies. I understand that two of those remaining schools continue to use it in practice.

Mr Speaker, registration standards for non-government schools require each school to have a comprehensive behaviour management policy stating that corporal punishment is a last resort option and that full written records must be kept of any instance where it is used. A scan of national policies reveals that corporal punishment is banned in government schools in all States and Territories, with the exception of Tasmania and the Northern Territory. The banning of corporal punishment in government schools in South Australia dates back to 1982. Legislation outlawing corporal punishment was passed in New South Wales in 1995.

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Mr Speaker, I understand that no other Australian jurisdiction has actually legislated against corporal punishment. However, it has been outlawed in Victoria since 1983 and in Western Australia since 1987, and has been systematically phased out from the Queensland education system since 1992. So, whilst there is very little legislation in relation to this, in practice, certainly since the 1980s, in most instances, it has been a non-issue and not an option considered for addressing behavioural problems in schools. Perhaps Mr Moore is just after a few headlines here in relation to this. The actual practice would perhaps indicate that there is no real need for this legislation, given our current practice.

Mr Speaker, advice from the non-government schools registration bodies in all Australian educational jurisdictions indicates that corporal punishment is practised in only a small minority of traditionalist schools, just as is the case here in the ACT. At the moment, no other jurisdiction plans to follow the example of New South Wales and ban corporal punishment through legislation. They simply see that there is no need for that. Most non-government schools and school communities are not expected to respond strongly to Mr Moore's legislation, because it is not an option; the status quo has existed for many years. I do not know how much consultation Mr Moore has had. It is my understanding that the Association of Independent Schools has expressed its opposition to this legislation. It does not see any need for it. Also, the non-government schools advisory committee, which advises the Government, has indicated that the administration of corporal punishment should be left to the systems and schools concerned. I think that viewpoint is understandable, as non-government schools wish to remain as independent as possible.

I note that there is majority Assembly support for this legislation. In terms of what has occurred in practice, one could certainly argue that there is no real need for this. Certainly, in the case of the non-government school sector, some strong concerns have been expressed by bodies which should be consulted and whose views should be taken into account. Realising that the legislation will be going through, and in relation certainly to the non-government school sector, where concern has been expressed about Mr Moore's legislation, the Government will be watching developments with interest to see what effect the legislation has in practice.

MS McRAE (11.56): Before I get onto the substance of the issue, let me begin with what is going on in our schools. Firstly, in any systemic non-government Catholic school and, I was told, all the independent schools, corporal punishment is not used. I went to press with that when Mr Moore first put his Bills in, because I believed all the evidence before me that corporal punishment was not used in any school. That is what I had been told. I earnestly believed, and I still do, that there are far more serious issues in regard to the care of children than whether a few schools may, with the approval of their board and their parents, keep the right to have corporal punishment on their books. However, as it turned out, my information was incorrect and incomplete. We discovered that there were five schools in the ACT that had corporal punishment on their books. This still tallied with the information I had first been given, which was that corporal punishment was not used. Even the *Canberra Times* article, which pointed out that five such schools existed, did not say when corporal punishment was inflicted. We had a fairly consistent message that there was not much corporal punishment going on in our schools.

Having had it pointed out to me that I was wrong to call Mr Moore a grandstander and that this was an issue of grave concern, I then wrote to the five schools that were named. Two of them wrote back and three of them we now have telephone messages from. Mr Paul Marshall, the head teacher of Emmaus Christian School, said that the school was still going to respond, that they had not made up their mind and, really, he had no comment to make about my letter seeking his opinion on whether I should or should not support the Bill. Covenant was very concerned about the Bill in terms of the removal of parents' rights to allow the school to inflict corporal punishment.

Trinity Christian School said simply and straightforwardly, "It is not on". They do not use it, end of story. O'Connor Christian School said in their letter:

I refer to your letter of 27 February, 1997, concerning corporal punishment in independent schools, and thank you for the opportunity to respond.

This school does not currently use corporal punishment as a method of handling inappropriate behaviour in the school. However, I believe that it is important for the school to be able to make this decision for itself so that it is truly able to maintain its independence in matters of school governance and policy.

Independent Schools throughout Australia have developed an outstanding reputation over the years for providing a quality of education for their students which has been strongly endorsed by parents who continue to send their children to these schools in ever increasing numbers, despite rises each year in school fees.

Parents, School boards and Staff members in these schools do not need more interference from governments in their independence to determine a school policy in matters such as behaviour management.

I reiterate that they do not use corporal punishment. The International Christian School wrote:

In regards to corporal punishment the Australian International Christian School strongly supports the Biblical rights of parents to discipline their children with reasonable corporal punishment. The school administers this form of discipline with parental permission and stringently opposes any moves to remove this freedom from parents and independent schools.

This was from Youth with a Mission, Australian International Christian School, Federal Highway, Watson. The letter continues:

Thank you for canvassing the views of the AICS and I would urge you and your [colleagues] to oppose the Bill introduced by Mr Moore, a copy of which the school holds.

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So it turned out that perhaps two of the five schools concerned, without evidence of exactly what they do, actually administer corporal punishment.

We then come to the question: What is it we are trying to achieve? Mr Moore's Bill does not deal with biblical rights of parents to discipline their children. It deals with parents' rights to determine whether the school can or cannot hit their children, but biblical rights are not there. I would like to see that argued - take up an argument with God as to whether it is okay or not. Put it in the Bill, but I would like to see that challenged in court: It is a biblical right; God has said so. Maybe God No. 2 here can take Him on, but it is a very interesting case and I would love to see it taken on in court. What is it we are trying to achieve? I do not believe in hitting children, I never have, and I will not uphold the rights of anyone to hit children. All it says is, "I am bigger than you, I am stronger than you, and I can bully you". It is an absolutely ridiculous way to treat young people. It does not achieve anything.

This Bill hits a raw nerve with my colleagues and me because it is completely at odds with how we have moved to remove corporal punishment in schools. It did not come about by legislation; it came about after vigorous debate. There is no question about that. There are very strong opinions about corporal punishment, and there were. A firm decision was made after long discussions based on principle, with people gradually changing their minds. It did not come about by legislation. It is completely at odds, and again it hit a raw nerve, with everything we have ever heard from Mr Moore. This man is a man of principle who says prohibition does not work. This is what we hear from him consistently.

I would have thought that was a life principle that then drove everything, and to apply prohibition to two schools that are at odds with the rest of us is to apply the sort of control he does not like to exercise on anyone else. If prohibition works, then prohibit all drugs, Mr Moore, and stick with your consistency. Why are we prohibiting this when everybody else has moved to it through education, through agreement in society, through cooperation, through coming to an understanding of the basic principle that bullying children does not get us anywhere? We have two schools at odds with this; that is all.

I am not arguing in any forum for this, and I never have; and I have clashed with many people who think I am wrong. I will argue forever that it is wrong to hit children. I will argue forever that it is wrong to take heroin, but I accept Mr Moore's line that prohibition does not work. Why does it suddenly work here? That is where it hit a raw nerve. Mr Moore can explain it however he likes; but he has opened up a major inconsistency in my head, and it raises the question of his credibility about prohibition not working on other things.

This has been tested. We have not had prohibition on corporal punishment by legislation, and the vast majority of educators and, I would suspect, the vast majority of parents have given up their biblical rights to punish children and have decided that other things may work a little better. It did not come about by legislative change; it came about by progressive forces in society debating and coming to an agreement that they would accept it. Eventually, of course, the Schools Authority did put in rules, and the systemic Catholic system has the same rules.

What I would love to do most of all is to ensure in some way that all children are loved, cherished, kept warm, fed and well cared for; but blaming parents for not offering all of that has never got us anywhere. We can chastise them as much as we like, but life circumstances vary so much that my ideal is not realisable. I am not coming in tomorrow saying by legislation that I will decree that every child will be well fed, well cared for, loved, cherished, and never hit. That is my ideal; that is what I would dearly love to be able to deliver as a legislator. That would be the best possible thing I could ever do for anybody, but I will not and cannot. I do not think it is consistent to say, "We will prohibit this; therefore I have achieved a matter of great principle and major change by bullying two schools into changing something that they believe in".

What we can do is make society more children-friendly. To that extent, we are put in a position where we do not oppose Mr Moore's Bill; but it has hit a few very raw nerves, and I think we should re-examine a lot of the things we do here. We have to keep moving in on things like reviewing the Children's Services Act. We have to increase support for foster carers. We have to improve the support offered to families in crisis. In general, we have to offer a more welcoming environment for children, and I have been arguing this in the education community for the last two years. Teachers cannot solve every problem. It is about time society did take on the bigger issues of children at risk and did not leave them in risk situations.

That is why we need better support from our welfare services; that is why we need to recognise the problem and make our society more children-friendly. That is where we start progressively moving forward. It is an absolute disgrace that there are children who are homeless, children who are hungry, children who are underfed in our community. That is a far greater disgrace than that two schools which, fervently believing in a Christian message, feel that they have the right to follow through on that. That is where it has all hit a raw nerve. That is where I think we have to examine what we are doing here.

I accept Mr Moore's capacity to hold inconsistent views. We will support this Bill because we are not going to be put in a position of being singled out by people saying, "You people want to brutalise children"; but I think a more humane approach to the two schools in question would have been appreciated by them, much as Mr Moore's more humane approach to drug takers is appreciated in the general community.

MS TUCKER (12.07): Mr Speaker, the Greens will be supporting these Bills. I had the opportunity to look in detail at issues of violence when the Social Policy Committee inquired into the prevention of violence in schools. The issue of violence in our society cannot be separated from questions of so-called discipline of children. The argument that physical assault of children is somehow different from physical assault of adults, that physical assault of children is acceptable because it is a necessary part of teaching children discipline or of socialising them, is quite unsupportable in this day. We know that the issue of violence in our society is very complex. However, there seems to be agreement that violence is related to a number of factors, including early childhood experiences and schooling experiences. Other factors include cultural factors, influences of the media and films, and alcohol and other substance abuse.

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The National Committee on Violence in its 1990 report looked at some of these issues and found that early childhood experiences were the most significant. I think this is often overlooked by policy-makers. As Mr Moore pointed out in his introductory speech, a recommendation of this report was that corporal punishment in all schools, public and private, should be prohibited by law. The Social Policy Committee of our Assembly also unanimously agreed that corporal punishment is not a useful tool for resolving conflict, as it reinforces the idea that violent behaviour is acceptable, and there is a recommendation in the report to this effect.

I am sorry that the Government did not take the recommendations of that report more seriously. If we are to take the issue of violence seriously, we not only need to take a broad view but also must take a long-term view. I support what Ms McRae just said. It is about family support. It is about having the mechanisms in place in the community to assist families in trouble, to reduce the likelihood of violence being used as a last resort to deal with conflict or difficulties. As the National Committee on Violence noted and as I argued in my preface to the violence in schools report, we have a choice. We can pay now and implement programs to reduce violence, or we can pay later, and we all know that it costs a lot more in the long run to deal with the results of not taking action.

Robert Ludbrook, who is the director of the National Children's and Youth Law Centre in Sydney, pointed out in the publication *Citizen Child* that we also have obligations under the United Nations Convention on the Rights of the Child. In its 1994 report, *The Progress of Nations*, UNICEF pointed out that all countries that have ratified the Convention on the Rights of the Child are obliged to protect children from "all forms of physical or mental violence" and that the United Nations Committee on the Rights of the Child has taken the view that smacking children is a violation of the convention.

This reinforces the view expressed in 1992 by the United Nations Human Rights Committee that governments have a responsibility to afford protection to everyone from "cruel and inhuman or degrading treatment or punishment", under article 7 of the International Covenant on Civil and Political Rights, and that laws should prohibit the hitting of children by people, whether they are acting in an official or private capacity. A table in the UNICEF report headed "Is physical punishment illegal?" ranked Australia with the United States at the bottom of the list of 27 industrialised nations.

Australia is in breach of its international law obligations in not banning the physical punishment of children as part of school discipline. The Federal Government has the power to pass national legislation banning corporal punishment in schools under the foreign affairs powers in the Australian Constitution. It has shown no interest in doing so. In fact, I understand that there is a committee of that place looking right now at the United Nations Convention on the Rights of the Child, and that a Liberal member has expressed concerns about the whole document because it focuses too much on the rights of the child and not on the rights of the parents.

This is hardly surprising. It fits very comfortably with the other values of the Howard Government: "Let us go back to the 1950s, where everyone was so happy. Well, white middle-class males were anyway. Let us undo every step that has been put in place over the last 20 years to protect women, children, indigenous people and migrants".

In last night's budget we saw the appalling cut to the Human Rights Commission of 40 per cent. Recently, we have also seen a reluctance by the Federal Government to join international protests against human rights abuses whenever some small part of Australia's trade might be adversely affected.

Here today, this debate is about the rights of children not to be victim to physical punishment in our schools. It is an opportunity for this Liberal Government to distance themselves from their colleagues on the hill at this critical time in Australian social history. We hear you deplore the simple opportunistic responses of Pauline Hanson to complex issues, and I am glad to see today that you are able to acknowledge the complexity of the issue of violence in our society and the human rights issue that is at the root of this proposed legislation. I am hoping that is what you are acknowledging by supporting this legislation. I did not hear you say that in your speech.

Regardless of whether a school is public or private, there are certain community standards that should be applied across the board, and violence towards children is one of these. This legislation will bring the ACT into line with New South Wales, which will require from 22 December this year that no schools use corporal punishment. We must not lose sight of the big picture on violence. We must also not lose sight of the longer-term costs of not taking appropriate legislative action or of government not providing support for programs in our schools and in the community which reduce violence.

The recommendations of the Social Policy Committee report on the prevention of violence in schools need to be given much greater consideration by this Government. Comments already coming in to the Social Policy Committee inquiry into services for children at risk confirm that there are serious problems that are not being addressed in the area of young people in violent environments. The Government's responsibility is clearly to ensure that they have a very good understanding of what is happening in this area and that appropriate services are in place to protect children. I support these Bills with great pleasure.

MR MOORE (12.14), in reply: Mr Speaker, I rise with a very warm feeling that what is going to happen in this Assembly is a major step forward for the rights of children. I think Ms McRae touched on something very important when she said that the process here has not been one of legislation, the process has been one of discussion and debate. In the very early 1970s, Mr Speaker, when I started teaching, I did indeed use corporal punishment. After a very short while, I decided that it was an entirely inappropriate method to use, and I became involved in that debate. What we see today is an end point of that debate. Now that the community is onside, we can reinforce that position within the community and legislate accordingly. There will always be one or two schools or a small group of people who will still ignore the rights of children to feel safe.

A quite interesting lame argument was put by Ms McRae - that in some way I oppose prohibition, therefore why would I attempt to prohibit this. I do not oppose the prohibition of rape; I do not oppose the prohibition of murder; I do not oppose the prohibition of any action taken by one person that hurts another. I have never opposed that style of prohibition and I do not intend to. That is what the law is about.

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When prohibition is applied to an action that somebody takes that does not hurt others, it does not work. That is a reasonable interpretation, I think, of what is put out as a fairly simple statement that prohibition does not work. Usually when people hear the phrase that prohibition does not work, we understand, and I think Ms McRae and Mr Berry, who was guffawing next to her, understand that that is the policy position. But it was a convenient debating point, and no doubt it will be raised again on many occasions.

Even underlying that principle, and it is the same principle that underlies this, is that I seek to ensure the minimisation of harm as far as possible. In other words, I seek to find a healthier society for as wide a range of people as can be managed. Sometimes that will be done through debate; sometimes it will be done in what I have referred to before as the marketplace of ideas. Indeed, that is why much of what Ms McRae said made sense. That is how this change of policy has occurred - in the marketplace of ideas. In the end, there comes a point at which it is appropriate to make that final step, and today I think it is a great credit to this Assembly that members have indicated that they are ready to take the final step and ensure that it is not the prerogative of one person to hit another person. That is the crunch, and I certainly appreciate the fact that members have recognised that. Mr Speaker, I do not think there is any point in my reiterating the issues I raised in my introductory speech. Rather, I indicate to members that I appreciate the support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

EDUCATION (AMENDMENT) BILL 1996

Debate resumed from 4 December 1996, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.18 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Federal Budget

MR WHITECROSS: My question is to the Chief Minister. Chief Minister, I refer to the Federal budget handed down last night by your colleague Mr Costello, and the dire implications that the budget has for the ACT. I cite a couple of examples. Another 4,000 jobs are to disappear from the Australian Public Service in Canberra, \$27m of scheduled capital works projects are not going ahead this financial year and there is to be a fire sale of government assets in Canberra.

Mr Humphries: I would not talk about fire sales if I were you.

MR WHITECROSS: I am sure the words “fire sale” were not there, but that is a leaf taken out of your book. Chief Minister, even though Mr Howard’s policies are remarkably similar to your own - - -

Mrs Carnell: I am pleased that you think Peter Costello copied ours.

MR WHITECROSS: He copied or you both read from the same Liberal Party manual on how to govern. Even though his policies are remarkably similar to your own - - -

Mr Humphries: Do you have a question here anywhere?

MR WHITECROSS: Yes. Will you apologise to the Canberra community for having campaigned for John Howard at the last election and advocated a vote for him at the last election, given how bad his last budget and this budget are for Canberra?

MRS CARNELL: I wonder how many times in question time I can be asked, “Will you apologise, Mrs Carnell?”. Deary me, can they not ask a question better than that? Can they not ask a question based on fact? Mr Speaker, last time I heard anything about question time or what it was for, question time was to elicit information. Unfortunately, Mr Whitecross does not seek information, but I am very happy to answer the question that I think he asked. In the Federal Government’s budget that they brought down last night, there was the National Museum. Mr Whitecross, do you think that is good news for Canberra? Yes or no?

Mr Whitecross: The year after next.

MRS CARNELL: Yes, it is good news for Canberra.

Mr Berry: No, it is bad news.

MRS CARNELL: Is that not good to hear?

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MR SPEAKER: Order! We are not going to have a question time like we had yesterday, with constant interjections.

MRS CARNELL: I am very pleased to hear Mr Whitecross say that the National Museum is good news for Canberra, because the National Museum was promised for five years by the Labor Party. I am sure Mr Humphries remembers the picture of Ros Kelly with the hard hat on down at Yarramundi. "We are definitely going ahead with the National Museum", said Ros Kelly.

Mr Berry: Not at Yarralumla.

MRS CARNELL: "At Yarramundi", I said. We Canberrans were promised it year after year, and nothing happened. We now have a commitment from a Federal government to the National Museum. In fact, we now have two governments - the ACT Government and the Federal Government - committed to such projects as the very fast train and making sure that, if possible, we can have an international airport in Canberra, and that we have a National Museum here in Canberra. Mr Speaker, it is those sorts of programs that we need for this city. Programs needed for this city were promised by those opposite. Do you remember the Playhouse, the Cultural Centre and cardio-thoracic surgery? They were promised time and time again.

Mr Corbell: I raise a point of order, Mr Speaker. Mr Whitecross asked the Chief Minister whether or not she was willing to apologise for campaigning for a party that will put 4,000 Canberrans out of work. She has failed to answer the question, and I ask you to direct her to do so.

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

Mr Corbell: The answer is not relevant to the subject matter of the question.

MR SPEAKER: Yes, it is relevant to the subject matter of the question. I think Mrs Carnell is probably explaining why she does not feel the need to apologise.

MRS CARNELL: Mr Speaker, the Federal budget brought down last night announced \$133m for a new National Museum. The Federal Minister, Richard Alston, in his press release, indicated that 200 jobs would be created on the museum project in 1997-98. If Mr Whitecross suggests that we should apologise for the National Museum, then I think that he should apologise for the fact that his mob promised it at least five years in a row and did not ever produce.

Mr Corbell: Your party is tearing the guts out of Canberra.

Mr Humphries: Mr Speaker, I raise a point of order. I can barely hear what the Chief Minister is saying and I am sitting right next to her.

Mr Berry: You will find that a relief. It is not very interesting.

MR SPEAKER: The next person who interjects is going to be warned, and we know what follows that.

MRS CARNELL: Thank you very much, Mr Speaker. It is very hard yelling over those opposite. The Federal budget that was brought down yesterday had an additional \$20m that will be spent over four years - that is \$5m a year - for work on the Parliamentary Triangle. That will be for the restoration of the reflection pond at Old Parliament House, for footpaths and bicycle paths round Lake Burley Griffin, for upgrading of Regatta Point and for restoration of the Australian-American Memorial. In addition, \$85m will be spent on the continuation of the Russell Offices redevelopment, there will be \$4m of new money for the ongoing Old Parliament House refurbishment, and \$7m will go towards refurbishment of galleries at the War Memorial.

Of course, a couple of the projects are projects that I really wanted to be in this budget. I am interested that those opposite believe that this is somehow a disaster for Canberra. Having the new infrastructure borrowing tax rebate in this budget gives the very fast train project a significantly greater chance of going ahead. If there is one single project that is going to make a difference to this city, it is that one. We also saw the Federation Fund of \$1 billion. A billion dollars is to go to projects related to Federation, one of them being the National Museum, which will open in 2001 - obviously one of the major events of our Federation year. I think that is very important to Canberra.

We were also pleased to see that no further reductions to the Australian Public Service were announced. The 3,500 to 4,000 in this budget are not acceptable, and we have said that time and time again; but the line that we were running with our Federal colleagues was that what was important to us was to ensure that there were no further reductions. I would have liked them to reverse their last year's budget, and we argued heavily for them to do so; but, on the basis that they did not, we had to make sure that there were no further reductions this year, and there are not. The reductions that will occur in this coming year are flow-ons from decisions that were made last year. That does not make it easy.

The similar number of Australian public servants who were shed from the ACT work force last year were absorbed in the ACT jobs situation. In fact, 5,600 new jobs have been created since the budget we brought down last year. There are 3,800 extra jobs in the system since we came to power two years ago, which shows that our budget strategy is working and that we can pick up the slack from the Federal Public Service. The whingers, moaners and jolly complainers should get off their bottoms and get positive about this city.

Commercial Property Auctions

MRS LITTLEWOOD: My question is to the Minister for Land and Planning. Yesterday Mr Whitecross was complaining about the Government's proposed release of commercial land for auction. I wonder whether the Minister could inform the Assembly, in particular Mr Whitecross, about the results of this morning's auction and the benefits to the people of Tuggeranong in particular.

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Mr Whitecross: How many million dollars did you make?

MR HUMPHRIES: Five, to be precise. I am very pleased and I am very happy to answer the question by Mrs Littlewood because it is a very timely one. The results of the auction this morning were very encouraging. They showed that business is alive and well and seeking opportunities to develop in Canberra. There were seven commercial properties offered for sale by auction. All were sold at or above the reserve price.

Mr Kaine: Business is booming.

MR HUMPHRIES: Certainly, on the indications of these sales business is booming. The sum of the reserves was \$2.84m; the amount of sales was \$5.172m - 82 per cent above the reserves. Mr Whitecross and others were predicting that the auctions would be a flop; that the land would be snatched up at bargain basement prices in a fire sale. How wrong he and the other doomsayers were.

Of the seven sites, six are for development. One part of the North Lyneham shopping centre was sold as a going concern to a local company, Metro Developments. Of the other six sites, five were sold to local or regional companies and one was sold to a Western Australian company which is now going to invest in the ACT - and, what is more, in Mr Whitecross's electorate. He will be disappointed to hear that, I am sure, but that is the unfortunate fact of the matter!

Mr Kaine: It is my electorate, too, and I applaud this. I know Mr Whitecross does not, but I do.

MR HUMPHRIES: Mr Kaine can see a gift horse when it is put in front of him. I am not sure that Mr Whitecross can. For the benefit of Mrs Littlewood, also a member for Brindabella, the site sold to a Western Australian company was a bulky goods retailing site in Greenway. It was sold to Bunnings Properties Pty Ltd, a major Western Australian hardware firm, for \$2.525m - \$1.79m above the reserve price. Someone outside the ACT has a great deal of confidence in the ACT. Bunnings will make a welcome addition to the hardware market in Canberra, and Mrs Littlewood can be assured that their development will create a minimum of 100 jobs in construction and operation. I know you are not very happy about that, Mr Whitecross.

Mr Whitecross: When are you getting to the Chisholm site?

MR HUMPHRIES: Did you ask about Chisholm, Mr Whitecross? I am very happy to mention Chisholm. Thank you for mentioning Chisholm. Are you sure you want to mention Chisholm, Mr Whitecross?

Mr Whitecross: I am. I like seeing you gloat.

MR HUMPHRIES: You are quite sure; okay. I can tell you, Mr Speaker, Mr Whitecross and others who are interested, that Chisholm also sold despite the warnings about doom and gloom. Who bought the site? The site was bought by a company called Malbory Pty Ltd. As far as I can tell, it was not a company acting for

McDonald's or Pizza Hut. It was a company consisting of a consortium of owners of the Chisholm shops. The people, we heard, were desperately unhappy about the sale of that site at Chisholm. Let me get this right. This is hard to comprehend. My brain is hurting a bit here.

Mr Whitecross: Not the shop owners, the building owners.

MR HUMPHRIES: The shop owners at Chisholm who did not want this site to be sold have actually bought it. We see here a rather different outcome to the one predicted by Mr Whitecross. Mr Whitecross, in an interjection just a moment ago, seemed to distinguish between building owners and shop operators. We have had some contact from shop operators at the Chisholm centre since yesterday. That is a very strained smile on your face, Mr Whitecross. You are looking a bit strained. Some of those people have expressed rather different views about the sale of that site from the ones that you expressed here yesterday.

It has been suggested to me that Mr Whitecross has been used as a bit of a stalking horse; that, in fact, the views he expressed were the views of only a couple of operators of takeaway shops at the Chisholm shops whose views were not the same as those of the rest of the shop operators at that centre. Indeed, I understand that other operators at the centre, not necessarily all of them, believe there will be a very considerable upturn in their business by the development of that site which was auctioned this morning. In particular, one shop indicated that they believe there would be a 50 per cent improvement in their business if the development of that site went ahead.

I can understand Mr Whitecross's joy and elation at being approached finally by somebody who wanted to give him a petition and make him the member for Tuggeranong for once. Unfortunately, he has been used by somebody in this exercise, because his views certainly are not the views of all the owners of the shops at Chisholm; indeed they are probably not the views of most of them. What would have happened if Mr Whitecross had had his way? Of course, nothing would have happened. We would not be sending a clear signal to business that we are interested in jobs or new business. Mr Whitecross continues to tell Canberrans, "There is a better way". If there is a better way, Mr Whitecross has not found it yet.

Federal Budget

MR BERRY: My question is to the Chief Minister. Chief Minister, do you agree with the comment made by the executive director of the ACT Business Council, Mr Ossie Kleinig, on ABC radio this morning that the Federal budget lacks vision?

MRS CARNELL: I do not think it is up to me to decide whether I agree with Ossie Kleinig or not, but I believe that a budget that is based on getting this economy moving again - a budget that has in it the National Museum, a budget that puts in place the appropriate infrastructure borrowing tax to allow a very fast train to go ahead

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for Canberra - certainly does have some vision. A billion dollars for the Federation Fund is something that I applaud. I also believe that some of the other parts of the budget - things such as a fund to allow small IT companies and high-tech companies to access borrowings to allow them to bring their innovations to fruition - are something that local companies here will be able to get lots of benefit from.

There is no point in belly-aching, as those opposite seem to want to do. We do not hear those opposite apologising for the \$10 billion black hole that their colleagues left. We did not see those opposite apologising for all of the Public Service jobs that were shed under the previous Labor Government. The thing that is very important to this economy is to get an economy that is balanced in the private sector and the public sector. It is about getting the economy moving, creating jobs in this city, getting a museum up and running, getting a fast train, getting an international airport and getting new businesses to this city. If all those opposite do is belly-ache, whinge and complain, no wonder everybody thinks they are a bit of a joke.

MR BERRY: I ask a supplementary question. We have a Chief Minister, it seems, who supports a vision which cuts 4,000 jobs out of the Public Service in the ACT, cuts \$27m out of - - -

Mr Humphries: I raise a point of order, Mr Speaker. You have in the past ruled quite clearly about preambles to supplementary questions. This is a statement, not a question.

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

MR BERRY: Do we have a Chief Minister who supports a vision which cuts 4,000 jobs out of the Public Service in the ACT, cuts \$27m out of capital works in the ACT and puts off a National Museum until 1999? Do you still support that vision, Chief Minister?

MRS CARNELL: I support a vision that gives a National Museum to this city and that ensures a very fast train is up and running. This side of the house has made it very clear, Mr Speaker - I have on lots of occasions - that we believe the Federal Government downsizing is unacceptable to Canberra. But there are two ways to go. You can belly-ache and do nothing about it, like those opposite, or you can get on with the job.

Mr Berry: Mr Speaker, I raise a point of order. We would just like to know whether she supports the vision or not.

MR SPEAKER: Would you sit down. There is no point of order.

Liquor Trading Hours

MR MOORE: My question is directed to Mr Humphries as Attorney-General. Mr Humphries, when this Assembly passed legislation to extend the 4.00 am closing time beyond when it had originally been planned to end, in spite of the impact we knew it was having on small business, the argument was that this Government and this Assembly were awaiting the criminological report of the investigation into 4.00 am closing. Is it true, Minister, that you actually have the report? In fact, is it true that you have already had it for a couple of weeks and that this Assembly could have considered the report and, depending on what its recommendations are, we could have had legislation debated and perhaps given a chance to small business?

MR HUMPHRIES: Mr Speaker, I thank Mr Moore for the question. I have not seen any report at all. It is possible that it has arrived in my office and I have not seen it as yet. I had some indication of what would be in the report, but I have not seen the report and I have not looked at the report. I intend to make the report available, as I indicated to the Assembly, as soon as I have seen it.

Education - Recurrent Grants

MS McRAE: Mr Speaker, my question is to Mr Stefaniak, the Minister for Education. Minister, is it not the case that the Federal Government recurrent grants to government schooling appear to be about \$1.9m below what you budgeted for and that the recurrent grants to non-government schools are about \$860,000 more than what is in your budget? Minister, can you please explain this apparent miscalculation in your budget papers?

MR STEFANIAK: As Ms McRae will realise, with the Commonwealth funding for education, what the actual figures mean is worked out over the next few weeks, and that will be the case with this particular lot of funding. My department is looking at that at present and checking up with the Commonwealth what exactly these figures mean. It may well turn out that you are right; it may well turn out that you are wrong. But over the next few weeks we will work out exactly what their figures do mean to the ACT budget.

MS McRAE: I ask a supplementary question. I am not wrong, Mr Stefaniak. I am asking you to verify. It is your budget. What I would like to know is: What are the implications for education and for ACT schools of these figures and your budget? You had the papers last night. You wrote your own papers last week.

MR STEFANIAK: I have told you, Ms McRae, that, as they did last year, my department and the Federal department will be going through those over the next few weeks. Once we have ascertained exactly what those figures mean for ACT education, I will let you know.

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Trees on Public Land

MS HORODNY: Mr Speaker, my question is directed to the Minister for Urban Services. Mr Kaine, in recent months I have been receiving a number of reports which suggest to me that street trees and trees on public land are not being managed well by the Government. There seems to have been a recent practice that street trees are being cut down by City Parks employees at the slightest sign of disease or damage, instead of being pruned or sprayed; that street trees have been cut down in suspicious circumstances and not replaced; that street trees are not being planted in new residential areas where any residents may object; and that some of the heritage trees which are diseased and in need of attention are not being attended to or are being removed and not replaced. Given that Canberra has an international reputation as a garden city, it concerns me that the Government seems to be trying to reduce the maintenance costs of trees on public land by simply removing them altogether. Could you explain what the Government's policy is towards the maintenance of street trees and trees on public land?

MR KAINE: First of all, I would have to say that the picture painted by Ms Horodny, to my mind, is totally false. Most of the assumptions behind the question are just plain wrong. I have seen nothing that would suggest the sorts of things that she has suggested are in fact occurring.

Mr Moore: Come on, Trevor; you hate trees. Admit it.

MR KAINE: I love trees and I hug trees regularly, just as Lucy does. I do get a lot of complaints from residents, but they mainly have to do with trees that, in their view, are interfering with their amenity of life. For example, just recently I had a letter from an elderly lady. The street trees in her street were huge oak trees. They overhung her front yard by about 40 feet. Her front yard was constantly being deluged with acorns, which made it dangerous for her to walk around her front yard. She asked me what I was going to do about getting rid of the trees. I get many letters and telephone calls from residents making complaints of that kind - that street trees are damaging their driveways and their footpaths or that street trees are affecting their sewerage system. Just recently I had a complaint from a lady in Macquarie, or somewhere in that area, whose house was flooded with raw sewage because the sewerage system in front of her house, on public land, had been blocked by street trees. They are the sorts of complaints that I get.

Having got complaints of that kind, it is not my experience that the first thing that the rangers do is to go out and chop the trees down. That is the last thing that they do. They go and examine every tree about which a complaint is made, to determine whether it is still a healthy tree, whether it should be preserved, whether it can be lopped or whether the root structure can be changed without killing it off. Only in the most extreme cases are trees removed. If they are removed, they are immediately replaced. If Ms Horodny has evidence to suggest that this is not the practice that is being followed, I would be most obliged if she would give me the details and I will take each of the cases and look at them individually to see whether the administration has failed or whether it has somehow made an error. I have to say that my impression at the moment is that the picture that she paints is totally erroneous. It may be somebody's perception, but it is a totally erroneous perception.

MS HORODNY: I ask a supplementary question.

MR SPEAKER: Do you want another chop at it, Ms Horodny?

MS HORODNY: You will be spending many weeks out in the electorates looking at trees that have been taken down and not replaced, Mr Kaine. It is a problem. The pruning and spraying that normally used to happen do not seem to be happening now and instead the trees are being cut down. I am very happy to show you where constituents have alerted me to it.

Mrs Carnell: I raise a point of order. This is a preamble.

MR SPEAKER: Ms Horodny, are you making a statement or asking a supplementary question?

MS HORODNY: I am getting to a question. Mr Kaine, could you table any policy documents or guidelines on the maintenance program for street trees in Canberra?

MR KAINE: Yes, I will get copies of whatever guidelines and policy statements there are, and I am only too happy to table them.

Housing Funding

MS REILLY: Mr Speaker, my question is to the Minister for Housing, Mr Stefaniak. Given the announcement in last night's budget delivered by your Federal colleague Mr Costello that there would be a \$200m cut over four years in the funding for the Commonwealth-State Housing Agreement, can you tell the Assembly how much less the ACT will receive, noting that Mrs Carnell has already chopped \$15.5m out of the ACT housing budget in 1996-97 and 1997-98?

MR STEFANIAK: Ms Reilly, there you go again. I am interested that you bring up that figure of \$15.5m over the last two years. That is really a nonsense because, as you know, last year when Mrs Carnell gave the \$10.8m back to the Federal Government, as she had to, we made that up out of sales. There is flexibility in housing for that. The claim that we are cutting \$15.5m from the housing budget is a plain furphy. It was adjusted in other ways.

You mentioned that last night the Commonwealth Government cut \$50m from the housing budget this financial year, starting next year. I do not particularly want to see any cut, Ms Reilly, although I appreciate, as my colleagues have said earlier today, that we live in difficult times and your lot left us a \$10 billion black hole. Any cut, of course, is not welcome. That, I think, was about the lowest cut being bandied about over the last three months. I am at least thankful for that.

Ms Reilly: No, it cuts even lower.

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MR STEFANIAK: Fifty million dollars is about the lowest cut that has been bandied about. I had heard of cuts of up to \$300m. That certainly concerned my interstate and Territorial colleagues very much. Whilst no cut is welcome, the \$50m, which is about the lowest that anyone was expecting, I suppose, is better than getting nothing at all. What that means for us, Ms Reilly, is that there will be a reduction accordingly in the Commonwealth-State Housing Agreement funds of around \$780,000 for the next financial year, 1997-98.

MS REILLY: I ask a supplementary question. Thank you for telling me the exact amount.

MR SPEAKER: Ask your supplementary question.

MS REILLY: I was thanking the Minister for his very helpful answer. Minister, can you detail how many fewer homes will be built, how much more of the Territory's valuable housing stock will have to be sold to make up for this shortfall and how much longer the waiting lists for public housing will grow as a result of these cuts that you have just told us about?

MR STEFANIAK: Ms Reilly, the waiting list under us at present is about 4,500, and under you lot it was about 7,000; so actually it is pretty good.

Ms Reilly: We are talking about now.

MR STEFANIAK: I am talking about now - 4,500 as opposed to about 7,000 under you lot. However, in addressing that particular figure, there are a number of possibilities which we will look at. There are certainly a couple of things I do not think I would particularly consider at all because I think that would be inappropriate, but we have a number of options that we can look at in terms of that \$780,000. The Government will be considering those. As soon as we make a decision on those, I will let you know. There are about three or four different options, all of which I think would have minimal impact or no impact.

Animal Welfare Legislation

MR HIRD: I intend to ask a question of Ms Horodny in accordance with standing order 116. Ms Horodny has a matter in her name on the notice paper. Yesterday the Greens moved a motion to censure the Minister for Education and Training on the basis that he failed to consult with the major stakeholders and that he had a preconceived notion of what he set out to achieve. Indeed, your colleague Ms Tucker, in her speech to the house yesterday, said:

This Government's consultation is no more than a public relations exercise after a decision has been taken and implementation is well under way.

I ask Ms Horodny, as the proponent of the Animal Welfare (Amendment) Bill 1996, whether she can tell the Assembly whether she has consulted with the major affected stakeholder on her attempt to ban battery hen farming, namely Parkwood, which is in my electorate. Does Ms Horodny have a preconceived notion of what she is setting out to achieve? By her own standards, would it not be fair for the Assembly to censure Ms Horodny for failing to do so?

MS HORODNY: Thank you, Mr Hird. What an honour! In fact, I had a discussion with the manager, the director or whatever it is at Parkwood on the phone some months ago. We had a short discussion and agreed that we would meet personally when the time suited both of us. Yes, we have made an agreement to get together formally and have a longer discussion. Yes, I have had an initial consultation with them.

MR HIRD: I ask a supplementary question. You did not really answer the question. Do you have a preconceived notion of what you intend to achieve at the end or do you have an open mind on the whole thing? If you spoke some months ago to the major stakeholder at Parkwood on the phone once, do you intend to communicate with them and, if so, when do you intend to do that, or do you intend simply to chain yourself to a cage?

MS HORODNY: That is a very good idea, Mr Hird. It had not occurred to me, but I might actually do something like that. I have every intention of meeting with the people at Parkwood Eggs. We may do so in the very near future.

Canberra Cosmos

MR OSBORNE: It is always an honour to follow the two political heavyweights, Mr Hird and Ms Horodny, on the floor of the Assembly. My question is to the Chief Minister. Chief Minister, I was intrigued by the Government's recent decision to become the guarantor for the Canberra Cosmos to the tune of \$200,000, given that a similar request by the Canberra Raiders some years ago was rejected by the previous Labor Government. Would you please inform the Assembly in detail what process was followed in considering the Cosmos guarantee and who made the decision?

MRS CARNELL: The Canberra Cosmos entered the National Soccer League in October 1995. I am pleased, after some recent doubts, that the team has managed to retain its position in the National Soccer League for another season. The Government is committed to the future of the Canberra Cosmos and has previously sponsored the team by way of Totalcare. More recently, the Government agreed that a guarantee of up to \$200,000 would be provided to Soccer Canberra Pty Ltd for the financial support of the Canberra Cosmos. The guarantee will not extend past October 1998. By way of a precedent, there is little doubt that the Canberra Raiders had a rocky financial start and they have done an enormous amount for Canberra in terms of marketing, identity, economic benefit and so on. I understand that the previous Government made available up to \$1m for the Canberra Raiders in various ways over those very tough times. The Brumbies are also providing a major asset to the international competition. The Canberra Brumbies have also managed to achieve a business incentive package from my Government.

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I believe that the Canberra Cosmos are a very important part of the sporting community in Canberra. I think it is important that we have national teams operating at that level. This is by no means a grant to the Cosmos; it is a guarantee on a loan. We have a full business case from the Canberra Cosmos. That was done after a very large amount of work to ensure that the Canberra Cosmos, we hope, would not have to draw on the guarantee and, if they did, would be in a position to pay it back. All of that work has been done to make the Government confident that this sort of guarantee is in the best interests of the Canberra community generally and the Cosmos particularly.

Mr Moore: Whose decision was it?

MRS CARNELL: The decision was taken by Cabinet.

MR OSBORNE: I ask a supplementary question. Thank you for that, Mrs Carnell. I am pleased that the previous Government did look after the Raiders. If they had not, I may not have come down.

MR SPEAKER: Are you having a private conversation or do you have a supplementary question, Mr Osborne?

MR OSBORNE: Mrs Carnell, now that you have set the precedent for providing direct financial assistance to what is essentially a private business, how are you going to turn down similar requests from other private businesses in Canberra, for example, the owners of local shops?

MRS CARNELL: We are not giving out a grant here. This is a guarantee on a loan for the Cosmos. When we are going down the path of \$12m for an upgrade to Bruce Stadium which will significantly benefit the Canberra Raiders, the Brumbies and others, it is a bit rich for Mr Osborne to make such comments here. In terms of local shops, which was the question Mr Osborne asked, in the budget that we brought down last week we had a number of programs for local shops. In fact, we had \$500,000 for the helpShop Fund, which will make money available to local shops to enable them to upgrade their facilities, to do something about painting and signage - in other words, sprucing up their facilities generally.

For shopping centre owners and local shops that decide that they want to upgrade their centres, we have opportunities for deferral of rates and land tax for the period of the upgrade. That is a fairly good underwriting of a project, Mr Osborne. On top of that, there is \$4.5m in the housing budget for medium-density development for APUs and so on around local shopping centres, to give them some sort of a show. In comparison to a \$200,000 guarantee, \$4.5m for public housing, rates and land tax holidays during redevelopment, \$500,000 for helpShop and the amount of money for precinct management sound all right to me.

After-school Care

MR WOOD: My question is to the Chief Minister. Chief Minister, you and your colleagues have generated a lot of publicity through making front-page attacks on your mates and backers in the Federal Government. However, what has been actually achieved? I refer in particular to the latest attack on workers in the ACT - that is, the reduction of subsidies to after-school care. Constituents of mine, citizens of Canberra who are working parents with children who use these services, tell me of the predicted price rises that are coming. Many of them fear that they will no longer be able to afford this essential service and their children may have to become latchkey children and go home to an empty house after school. Chief Minister, what will you do to support these working parents and their children?

MRS CARNELL: I assume that Mr Wood is talking about a possible Commonwealth budget decision. I must admit that I am not sure whether it exists in the budget that was brought down last night. On that basis, I cannot make any comment about Federal Government decisions. In this particular case, I am not sure that they made one.

MR WOOD: I ask a supplementary question. The Chief Minister spent some time today defending the Federal budget. I wonder whether she would spend as much time defending parents in Canberra.

MRS CARNELL: I am very happy to defend families in Canberra. In fact, you just have to look at our budget last week. In our budget last week we concentrated on jobs and new businesses for Canberra. We spent a lot of time consulting with the community before our budget. I have to tell you that what the parents of Canberra wanted was jobs for their kids, and that is what our budget was about.

Tidbinbilla Nature Reserve

MR CORBELL: My question is to Mr Humphries in his capacity as Minister for the Environment. Minister, I refer to your comments on ABC radio yesterday in relation to the introduction of an \$8 entry fee to the Tidbinbilla Nature Reserve. You stated that the introduction of the fee would help ensure that visitors to the area appreciate Tidbinbilla better, as they would be paying for the privilege. Minister, how do you know that the level of appreciation by visitors will improve if they are charged to visit the reserve, and will refunds be issued if they do not get to see any kangaroos?

MR HUMPHRIES: If they want to see any slow-moving animals, they can come to the Assembly and look at the Opposition. They will have plenty of entertainment for less than \$8.

Mrs Carnell: Not much entertainment.

MR HUMPHRIES: Not much entertainment. Mr Corbell wants to know the basis of our decision. Let me recommend a publication to him. It is called "Marketing Strategy and Option Plan: ACT Nature Parks and National Park", published in August 1995.

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He should know about this document because it was actually commissioned by the former Follett Labor Government. It is this document which is the basis of the Government's decision to introduce fees to Tidbinbilla Nature Reserve. We thought it was worth exploring. You obviously did, too; otherwise, you would not have commissioned this report.

Mr Whitecross: We did not do it, though.

MR HUMPHRIES: You did. You commissioned this report. In fact, the capital cost of establishing the facilities at the entrance to Tidbinbilla which are necessary to collect the entry fees is a sum of \$40,000, which has been carried over and was first determined by Mr Wood as Minister for the Environment in the former Government. We have not borrowed any money for that purpose. It was actually carried over from Mr Wood's time in office. If you want the answers to those questions, look at your own document to find out.

MR CORBELL: The Minister has not answered my question. We wanted to know how he knows the level of appreciation of visitors will improve if they are asked to pay for the privilege, but I ask the Minister another question and hopefully he can answer both. Why did you not include this new tax - and it is a tax or a charge - in the budget that was recently brought down by Mrs Carnell? Is it not the case that you, who are obviously the brains trust of the Liberal Party - Mr Trading Hours, we might say - just cooked up this scheme of bearing bad news on days when you hope the media will not pick it up, that is, several hours before the Federal budget, and how does this strategy fit in with the open and consultative approach to government that you promised at the last election?

MR SPEAKER: Please yourself how much of that you answer, Mr Minister.

MR HUMPHRIES: Mr Speaker, I would like to throw back some barb about the brains trust on that side of the chamber; but I am not sure whom I would direct the comment to, so I do not think I can make that comment. This is not either a tax or a charge in the sense referred to by Mrs Carnell. It is an entrance fee. I also explained yesterday - - -

Mr Whitecross: It is not a charge?

MR HUMPHRIES: It is an entrance fee.

Mr Whitecross: Oh, it is a fee. That clears it up!

MR SPEAKER: Order! Settle down, or some people will not be entering; they will be exiting.

MR HUMPHRIES: The reason that it was not part of the budget was very clearly explained to Mr Corbell yesterday. I do not know whether he was listening or not. It is in your hands, Mr Corbell. Do not run the campaign out in the media about how much you are opposed to this fee. Vote against it in here. Do something about it in here, Mr Corbell. Do not pretend and say, "My hands are tied. We have this terrible Government which has this budget with these fees we cannot get rid of. Help, help!"

You would not have it under a Labor government". It is in your hands, Mr Corbell. Vote against the fee and it will not happen. I think that people will appreciate what is available at Tidbinbilla. This fee, which is based on a Labor Party idea, is one which I think the people of the ACT will be prepared to pay. That certainly was the finding here.

Mr Corbell: We rejected it.

MR HUMPHRIES: Mr Corbell says, "We rejected this". Let me ask Mr Corbell a question. If you rejected the idea of fees, why did you commission a study into how they could be imposed?

Mr Corbell: We rejected them, though.

MR HUMPHRIES: You did not reject them. You were getting ready to charge these fees.

MR SPEAKER: A rhetorical question, Mr Corbell.

MR HUMPHRIES: In fact, I can quote from an answer that Mr Wood gave to a question by Mrs Carnell. I do not know the date of it, but it is question No. 1127 in the Second Assembly. The answer by Mr Wood - he is looking a bit downcast at the moment - - -

Mr Wood: Not at all. History is on our side.

MR HUMPHRIES: Are they beads of sweat on your brow, Mr Wood? Someone pass him a tissue. I quote from this answer about fees at the parks:

There is no proposal at this stage to implement fees for ranger conducted night walks at Tidbinbilla Nature Reserve or any other reserve or national park ...

Do not forget that at this stage there were no fees in those places. This was to be reviewed upon completion of the marketing strategy. Here is the marketing strategy.

Mr Corbell: You are the one who implemented it, Gary, not us.

MR HUMPHRIES: No, you cannot weasel out of this, Mr Corbell. You commissioned the strategy. You were getting ready to charge the fees. You were going to wait till after the 1995 election and then when the election was out of the way, you were going to introduce the fees. Unfortunately, you were not in government when the time came.

Ms Reilly: But you did it.

MR HUMPHRIES: Absolutely; and you would have done it, too.

Emergency Housing

MS TUCKER: My question is to Mr Stefaniak as Minister for Housing. Minister, referral agencies in the ACT - including the Smith Family, St Vincent de Paul, the Women's Information and Referral Centre, the Salvation Army, Pathways and the Community Information and Referral Centre - are reporting increases in the number of requests for emergency housing in the ACT. At the same time as these agencies are dealing with increasing numbers of requests they are also facing the situation where refuges are full. I am very interested to know whether the Minister is aware of this problem and, if so, what the Minister intends to do about it.

MR STEFANIAK: I thank the member for the question. Yes, I have also read some of those reports in relation to the problems agencies have experienced in terms of people coming to them for varying types of assistance - clothes, advice and even money. I am well aware of that, Ms Tucker. Some of those refuges are indeed from time to time full. When that occurs - and it has occurred on a number of occasions - Housing take a number of steps to do their very best in an emergency to house people. That sometimes might take several days; but certainly Housing pull out all stops in those situations, to ensure that people actually are housed.

As you are well aware, there are two housing lists. There is the normal list for people who qualify for housing in the normal way, and there is the emergency housing list. I am certainly aware that there have been some instances where people cannot be accommodated in a refuge. Usually, that situation lasts for only a day or so, but I am certainly aware of such situations and I have personally taken steps with Housing, on behalf of some individual constituents who see me at such things as Meet the Minister, to see what can be done to speed up their entry into some type of accommodation. Usually, some emergency accommodation can be found very quickly in circumstances like that. It might be temporary emergency accommodation, but usually the people are catered for, and are catered for very swiftly.

The refuges are not normally full. That, unfortunately, does occur sometimes and that is when emergency action is taken by Housing. They do their best to assist there. Normally, the refuges can look after people who need emergency short-term accommodation; but, where that does not occur and Housing is aware of it, Housing basically pulls out all stops to ensure that those people have some type of temporary emergency accommodation.

MS TUCKER: I ask a supplementary question. "Do their best" and "usually can be accommodated" are not really clear. I am asking whether the Minister is prepared to undertake an assessment or to see that an assessment is undertaken of the level of unmet need for crisis accommodation in the ACT.

MR STEFANIAK: Whether we need to do an assessment or not might not be the question. I think it is probably simply a matter of my asking Housing to go back over the last few months and see what instances of need where they had to do something very quickly arose. I am quite happy to do that. I know of several instances where action had to be taken. I stress that I cannot recall any situation where someone ultimately was not accommodated or had an ongoing problem. The response has been quite effective in the instances that have been brought to my attention. I am certainly happy to have Housing go back and see what figures we have on unmet need.

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

PERSONAL EXPLANATIONS

MR WHITECROSS (Leader of the Opposition): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR WHITECROSS: These things seem to be a very frequent requirement when Mr Humphries answers questions. In Mr Humphries's answer to a question from Mrs Littlewood, he misrepresented me on a couple of occasions - probably more than a couple, but I am going to deal with only two here. Mr Humphries suggested that I had suggested yesterday that the fast food site at Chisholm would not sell at a good price or that it was some sort of fire sale. What I in fact said was that he was selling it because he thought he would get a good price for it, but that he was selling it in spite of the impact it would have on small takeaway restaurants in the area, small businesses already established in the area.

In his answer he also misrepresented me when he suggested that I had opposed the sale of other commercial sites to which he alluded in his answer. My question related only to the Chisholm fast food takeaway site. It did not relate to the other commercial sites that were alluded to in Mr Humphries's reply. On those two counts Mr Humphries has misrepresented me, and I think I have set the record straight on those matters.

MR WOOD: I rise under standing order 46.

MR SPEAKER: Proceed.

MR WOOD: Mr Humphries went back into history to try to justify what he did, but the facts are that history is on my side. Mr Humphries waved a report, trying to promote the view that it was pretty well totally about charging at nature parks and at Namadgi. The report was a marketing strategy which included in one small component of it something about charging. The history says that the Follett Cabinet, come budget time, persistently rejected any claim to impose charges on entry.

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QUESTIONS WITHOUT NOTICE

Education - Recurrent Grants

MR STEFANIAK: In relation to Ms McRae's question, if she looks at her budget papers she will see that we have budgeted on a reduction of Commonwealth funding of \$1.772m, although I reiterate what I said: From our experience last year, it takes a few weeks after Federal budget day to work out exactly what they intend in dollar terms.

SOCIAL POLICY - STANDING COMMITTEE Report on Commonwealth-Territory Disability Agreement - Government Response

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (3.25): Mr Speaker, for the information of members, I present the Government's response to Report No. 4 of the Standing Committee on Social Policy, entitled "Inquiry into the Commonwealth-Territory Disability Agreement", which was presented to the Assembly on 20 February 1997. I move:

That the Assembly takes note of the paper.

Mr Speaker, I would like to thank all the people who contributed to this inquiry. Firstly, I want to acknowledge members and the secretariat of the Social Policy Committee, who have put a great deal of time and work into producing this report. Many people with disabilities, their families, advocates and service providers also gave lots of time and energy to help ensure that good information was available to the committee.

It is particularly encouraging to see that the report's recommendations are very much in tune with the directions being taken by this Government. We have made a significant commitment in the ACT to improving services for people with disabilities. There is a range of specific 1997-98 ACT budget initiatives which will enable implementation of various report recommendations. These include \$1m to establish a specialised behaviour support unit in a purpose built facility; \$630,000 to fund the implementation of a substantial reform package in the ACT Community Care disability program; home and community care (HACC) growth funding of \$472,000, making a total of \$940,000 with Commonwealth and Territory contributions, with \$87,000 to be used to establish effective complaints mechanisms through the Health Complaints Commissioner for people using disability and aged care services; and, very importantly, \$50,000 for after-school and holiday programs for children with disabilities.

In recent years significant new funds have also been allocated to a number of individual support packages, new and innovative respite services, case management and brokerage. The ACT has also been involved in a range of national initiatives relating to disability service provision. Purchasing contracts have been established between the Department of Health and Community Care and disability service providers. A range of reforms have been implemented across government and non-government service provision.

This reform includes the first steps in the development of a framework for quality assurance mechanisms and the implementation of the ACT Community Care disability program strategic directions plan. We want people with disabilities to enjoy the same rights and quality of life as are enjoyed by other people in the ACT community. We are therefore committed to working with people with disabilities, their families and advocates, service providers and other jurisdictions to ensure ongoing improvements in disability service provision.

The Government strongly endorses the report's emphasis on the importance of commitment by the Commonwealth in the area of support for people with disabilities. The Commonwealth-State Disability Agreement, known as the CSDA, outlines a national framework for funding arrangements and operations of disability services. This agreement is due to expire on 30 June this year, and negotiations for new arrangements have been under way for some time. A recent national review of the CSDA conducted by Professor Anna Yeatman identified many of the same issues as the Social Policy Committee. These relate to gaps in service provision such as the interface between employment and daytime support, the exclusion of some groups from CSDA arrangements, unmet need, and inequitable access to services. These and other issues will be considered in renegotiation of the CSDA. The outcomes of renegotiations are very important for the Territory, and particularly for citizens with disabilities and their carers.

I am concerned to gain, and very definite that we need to gain, the Commonwealth's commitment to services for people with disabilities in the future, and I am aware that this may be very difficult to achieve in the current environment, particularly growth funding in this area. I was very pleased to see in the Commonwealth budget last night that 500 new places will be made available in Australia for people with disabilities. Along with my colleagues in other States, I was disappointed with the 5 per cent efficiency dividend cut in this year's budget. Looking at the figures that were presented last night, it appears that the extra places may at least in some way counterbalance the 5 per cent efficiency dividend. States and Territories have indicated that we are unable to make any further efficiencies, and any cut would mean a reduction in service provision. This has serious implications in this area, which already has significant unmet need.

The ACT Government has acknowledged this need through an increasing proportional contribution to funding of disability services over the life of the CSDA. Since 1993-94, the ACT's total contribution to CSDA funding has risen from \$11.61m to \$16.21m - an increase of almost 40 per cent - compared with the Commonwealth's 19 per cent increase from \$6.8m to \$8m. The ACT has provided over 80 per cent of the growth funds in this area over this period. At a meeting in Melbourne on 17 April 1997 the Commonwealth was not prepared to negotiate on the proposed 5 per cent efficiency dividend cut, to be phased in over three years. Again, I was pleased to see some 500 extra disability places in the budget last night. We will still, though, need to negotiate very hard on the new CSDA.

We believe strongly that in the area of disability funding there does need to be growth funding. There is a significant unmet need out there and, as I have said in the past, if we cannot reach an appropriate agreement on the new CSDA, we will be speaking to the Commonwealth about their taking over some of the services we currently run.

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Ms McRae: Shame!

MRS CARNELL: Mr Speaker, I am interested that Ms McRae says "Shame", because the disability service providers and the people with disabilities think that approach is very appropriate.

Ms McRae: I think it is despicable. You are just walking away from your responsibility. Shame on you!

MRS CARNELL: Again, I am very interested in that comment. The whole approach the ACT Government has taken is that, if we cannot get adequate funding via a new CSDA, it would be substantially more appropriate for the Commonwealth, which does have growth funding, to run this important area.

Ms McRae: Outrageous! Why do they not just take over the whole Territory?

MRS CARNELL: Ms McRae again makes comments that are totally at odds with those of groups that are representing the people with disabilities in our community.

Ms McRae: According to you.

MRS CARNELL: No, according to them.

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

FEDERAL BUDGET 1997-98 Ministerial Statement

MRS CARNELL (Chief Minister and Treasurer): I ask for leave of the Assembly to make a ministerial statement relating to the Federal budget presented on 13 May 1997.

Leave granted.

MRS CARNELL: Mr Speaker, I would like to report to the Assembly on the implications for the ACT of the 1997-98 Commonwealth budget. In a nutshell, this is a tough budget for the ACT; but, thankfully, it does not contain any new nasty surprises and does come with funding or support for some major projects that will be important to Canberra's future. To begin with, the economic and financial forecasts in the Federal budget confirm those contained in the ACT budget. This includes Commonwealth grants to the ACT and forecast reductions in the Australian Public Service. I think this well and truly puts paid to those who criticised the Government for handing down the ACT budget ahead of the Commonwealth's - those opposite, in other words.

From a national perspective, the 1997-98 budget has been structured to show an underlying deficit of \$3.9 billion in 1997-98 and a surplus of \$1.6 billion in 1998-99. This represents a dramatic turnaround from the black hole inherited by the Howard Government upon coming into office.

Mr Whitecross: Invented. It is a typo. It should be “invented”.

MRS CARNELL: Mr Speaker, Mr Whitecross says “invented”. I think even the Labor Party federally now accept the \$10 billion figure. This turnaround is important for the ACT. Clearly, the return of the Federal budget to underlying surplus in 1998-99 should remove any need for further fiscal contributions from the States and Territories to the Commonwealth’s deficit reduction strategy.

There is no hiding the fact that this budget means another very tough year for the ACT. While it is impossible to tell from the budget papers just how many jobs will go from the Commonwealth Public Service in Canberra, it appears to be in line with the reductions experienced in the current year. This is also in line with ACT budget assumptions. There were certainly no new announcements of major job cuts, but reductions already in the pipeline will mean an estimated 3,500 to 4,000 jobs disappearing from the public sector in Canberra. It means a difficult year ahead for the ACT, but it simply confirms that the direction of our own ACT budget last week was the only way forward for Canberra. We need to focus even more clearly on attracting new investment and new jobs in the private sector if we are to see sustainable job growth, and that is what this Government’s budget strategy is all about. We will also be maximising the opportunities for Canberra businesses presented by Federal Government outsourcing, particularly in the information technology area.

From a national perspective, the outlook is for steady economic growth. However, national employment will grow only moderately during 1997-98. Importantly, the national economic outlook is broadly in line with the expectations at the time of framing the ACT budget. If anything, the ACT’s forecasts are conservative. The Commonwealth’s general revenue payments to the ACT confirm the estimates included in the ACT budget. When I reported to the Assembly following the Premiers Conference, I warned of a possible further cut of up to 1.3 per cent in SPPs above and beyond the 1.4 per cent already included in the Commonwealth’s forward estimates. I am relieved to see in yesterday’s budget that the cuts are limited to 0.6 per cent for all States and Territories. The ACT will experience a lesser reduction of 0.04 per cent, or a little over \$100,000, which can be accommodated.

On the positive side of the ledger, last night’s Federal budget contained the first solid funding commitment from any Federal government to the construction of the National Museum of Australia here in Canberra. It will turn what has been a dream for many people for many years into a concrete reality. This is a project that was promised year after year. This project was promised year after year by the previous Labor Government, but it has been delivered by a coalition government. It is a project that will generate hundreds of jobs during construction and hundreds of permanent jobs when it opens. Indeed, the opening of the National Museum of Australia in 2001 will be the centrepiece of national celebrations for the Centenary of Federation, and most of the funding of the \$133m project will come from the new Federation Fund.

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I was stunned this morning to hear the critics carping that there was no real commitment to the museum in this budget and that nothing would happen for at least another year, when the Federation Fund is established. I can assure members and the Canberra community that a great deal of work will be done on the project in 1997-98. Indeed, I think it is appropriate to quote from the Federal budget papers:

A separate appropriation of \$7m has been made in the Budget so that construction of the Museum can begin promptly on the Acton Peninsula.

I do not think you could be more definite than that, Mr Speaker. Anyone who has driven across Commonwealth Avenue Bridge recently will have seen that demolition has already started on Acton Peninsula in preparation for the museum construction. The clearing of the site should be completed by the end of this calendar year and, as well as the \$7m committed by the Federal Government to the project in 1997-98, we have committed \$3m to infrastructure works.

The Federal Minister for Communications and the Arts, Senator Richard Alston, estimates that the \$7m committed to the museum during 1997-98 will generate about 200 jobs during this coming financial year. In addition, I am advised that the architect for the museum will be selected through an international design competition, which is likely to commence in the next couple of months. The public will have a chance to comment on proposed designs through the parliamentary approval process. Construction of the museum and the Institute of Aboriginal and Torres Strait Islander Studies is expected to take about three years and will be one of Canberra's biggest construction projects. The ACT Government is working with the Commonwealth to co-locate our own ACT Aboriginal and Torres Strait Islander Cultural Centre with the National Museum on Acton Peninsula.

There were some other good aspects for the ACT contained in this budget, namely, the Commonwealth commitment to the continued redevelopment of Russell Offices, with an expenditure of \$85m in 1997-98; an additional \$20m over four years for the Commonwealth to refurbish national assets, including a range of restoration works on Old Parliament House, in the parliamentary zone, and the Australian-American War Memorial; a share of the 500 additional places for families accessing personal care and accommodation support for people with a severe or profound disability; and the overdue extension to the Acton headquarters of the National Film and Sound Archive. I also welcome the Commonwealth's further announcement of expenditure in the order of \$4m in 1997-98 as part of the Old Parliament House refurbishment program.

Mr Speaker, one of the critical announcements in the budget relates to the new infrastructure tax rebate program designed to promote private sector investment in new public infrastructure such as the proposed very high speed train between Canberra and Sydney. This initiative will be a significant boost to the parties who have submitted expressions of interest in the proposal. Another initiative was announced in the budget which complements the ACT Government's existing economic strategy for Canberra.

This is the creation of the Small Business Innovation Fund to provide venture capital for small technology-based companies involved in the commercialisation of research and development. In total, some \$130m will be provided from this fund, and Canberra is well placed with a large number of IT companies that may very well be able to take advantage of this fund to help with the commercialisation of their research.

The budget announces a comprehensive program for the sale of 57 Commonwealth properties across Australia, following an independent review by the Commonwealth Property Committee. Properties for sale in the ACT during 1997-98 include the Edmund Barton Building in Barton, the Alexander Building in Woden, the Albemarle Building in Woden, the R.G. Casey Building in Barton, and Discovery House in Woden. In view of the weak property market in Canberra, it is vitally important that the Commonwealth pursue this property sale program in a very responsible manner. To this end, I welcome the establishment of a high-level working party which includes representation from my department. The working party will advise on a long-term strategy for office accommodation in Canberra and ensure significant local input into the sales program.

Mr Speaker, on the downside, the budget contains a number of measures that will adversely affect the ACT community, which we all know is already suffering under Commonwealth restructuring. These include reductions in child-care funding; reductions in funding for the pharmaceutical benefits scheme, built upon the generic pricing policy aimed at ensuring that the Commonwealth does not pay more than necessary for drugs; and the cancellation of the refurbishment of Scarborough House in Woden, which was to cost \$13m. Finally, whilst any reduction in funding for public housing is disappointing, the cutbacks announced last night are in line with recent expectations or, as the Minister said, are even better than recent expectations, and are certainly much less than the cuts that were mooted earlier this year.

In conclusion, Mr Speaker, I suppose you could say that there are few surprises in last night's Commonwealth budget. Nevertheless, the continued reduction of the Australian Public Service will impact on Canberra and is still our major concern. As I said in presenting the ACT budget last week, the challenge for us all is to do everything we can to put Canberra back on the path to sustainable growth, and that path is about making sure that we can stand on our own two feet and head towards developing the private sector in Canberra. It is about making sure that we get businesses to this city and create jobs in the private sector. In other words, not only were the projections we put in our budget proved to be correct last night, but so was the strategy we announced last week. I present the following paper:

1997-98 Federal Budget - Implications for the ACT - ministerial statement,
14 May 1997.

I move:

That the Assembly takes note of the paper.

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MR WHITECROSS (Leader of the Opposition) (3.46): Mr Speaker, I have been puzzling for some time about the Government's approach and how the Government can be so confident in their budget strategy and why it is a good budget strategy for Canberra. It is starting to become clear to me how Mrs Carnell can argue that a budget strategy that involves reductions in ACT public servant numbers, reductions in the capital works programs and cutbacks in services can be good for Canberra. Mrs Carnell described Mr Howard's budget today as being based on getting this economy, that is the ACT economy, moving.

Mrs Carnell: No, I did not say the ACT economy; the Federal economy.

MR WHITECROSS: No, the ACT economy. Mrs Carnell has made it all clear. Mrs Carnell thinks that reducing the Public Service by 4,000 in this financial year alone and about 5,500 in the financial year just ending is a way of getting the ACT economy going.

Mrs Carnell: On a point of order, Mr Speaker: If Mr Whitecross is going to quote me, maybe he would like to say where I said that the ACT economy was helped, because I did not.

MR WHITECROSS: Mr Speaker, would you suggest that she stick to the standing orders?

MR SPEAKER: Order! There is no point of order; but, if you wish to make a personal explanation at the end of it, you are welcome to.

MR WHITECROSS: Mrs Carnell said it. I know she is burning now because she does not like it, but she said it. Mr Speaker, she thinks that 5,500 public servants one year and 4,000 public servants the next year off the books, off the payroll, no longer working in Canberra, is a way of getting the ACT economy moving. She thinks that wiping out whole capital works programs from the ACT economy is a good way of getting the ACT economy moving again. She thinks that cutting back on services, whether it is the after-school care Mr Wood talked about or pharmaceuticals or whatever, is visionary stuff, that this is about getting the ACT economy moving again. That explains why the ACT economy is in such trouble. Mrs Carnell thinks they are the strategies for getting the ACT economy moving again. I forgot that there is another Federal strategy: Cancel all your job creation programs; have no employment programs. The Federal Government thinks that is a good way of getting the economy moving again, and so does Mrs Carnell. It is no wonder we are in such trouble, if Mrs Carnell thinks the Federal budget is a good way of getting the ACT economy moving again.

I am going to have to talk about some of the things in the Federal budget and how I think they may affect the ACT. Before I get into that, however, I have to claim a small victory. Imitation is the sincerest form of flattery, of course, and in Mrs Carnell's speech today she talked about how well the Federal budget was going. We all heard Mr Costello boasting about a \$3.9 billion underlying deficit, moving into surplus next financial year. Good stuff! Mrs Carnell went on:

This turnaround is important for the ACT. Clearly, the return of the Federal budget to underlying surplus in 1998-99 should remove any need for further fiscal contributions from the States and Territories to the Commonwealth's deficit reduction strategy.

What a coincidence! Straight out of my press release. Mr Speaker, I am flattered that Mrs Carnell has picked up this important idea of mine, because it is important. Why are we making deficit reduction strategies for Peter Costello's black hole when he is turning round and boasting about his bottom line? We need the \$6m more than he does, and I am pleased that Mrs Carnell has picked up at least one Labor suggestion. Thank you, Mrs Carnell; I appreciate it.

There are a range of issues raised in this budget which I think deserve closer attention. One of them that Mrs Carnell cannot keep her hands off at the moment is the National Museum of Australia. People from both sides of politics for years and years in the ACT have been advocating for the National Museum of Australia - Federal members, ACT Assembly members. It has been a common refrain because we believe in the ACT and we believe in national institutions being based in Canberra and we believe that the National Museum has an important role to play in that and that it should have been built. Some of us think it should have been built on Yarramundi; nevertheless, we think it is an important project. We noted that the year after next, when the Federation Fund is set up, the funding will be forthcoming to construct this project. Excellent; but it is not enough for the ACT now. The ACT needs jobs now, not the year after next.

Why is it going to be the year after next before construction can commence on this project? Why cannot work commence now? Yes, we know that there is some forward design work, but why cannot construction work start until after the next ACT election? Why cannot the construction start in the coming financial year? We need the work now. In the meantime, a refurbishment of Scarborough House, which was \$13m of work this year, is not going ahead. So, while Mrs Carnell is boasting about \$7m for forward design work on the museum, a project worth \$13m that could have created jobs for Canberrans now has been cancelled. We cannot complain about the museum starting; but we can complain about Mrs Carnell doing the sell job for John Howard in Canberra, saying that this is a good budget for Canberra and that this is going to get the ACT economy moving again. It will not, when you cut \$13m and then boast about putting \$7m back in.

Mrs Carnell talked in her address about the Small Business Innovation Fund. It is a good idea, something that may have some benefits for the ACT that we may be able to take advantage of; but what does Rob Bastian from the Small Business Council have to say about the Federal Government budget? He says that small business was looking for something with more lift. He says that a steady as she goes approach is not good enough, as it will not generate jobs in small business. He says that small business needed more proactive support. He says that we needed a light at the top of the hill but we got a flat earth budget. That is what he says. So, while Mrs Carnell is putting the gloss on, doing the sell job for John Howard, the people out there who have to live with the consequences of this budget are not so enthusiastic.

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Another area Mrs Carnell has not talked about, because she never talks about it, is industry policy. What does the MTIA say about the Federal budget? It says that there is no mention of an industry strategy; that it would like to have seen export incentives, research and development incentives; and that opportunities are passing us by. That is what the MTIA says. It is not surprising. Mrs Carnell thinks a Federal budget with no industry strategy is a way of getting this economy going because she thinks she can get the economy going without an industry strategy too. These are the realities of what is in the Federal budget, what it means for Canberra, and why Mrs Carnell can be so enthusiastic about something that everybody else knows is bad news for Canberra.

Another feature of the Federal budget that has worrying implications for Canberra is the sale of government buildings. The sale of government buildings is fraught with dangers for the ACT. There are, of course, the risks of selling unoccupied buildings onto the market while there are private building owners who are busy trying to get their buildings let. That is the risk - the risk of wiping a lot of value off existing assets in the ACT while the Federal Government rushes to cash up for their own purposes.

But there are other dangers. For example, the sale of a building to a private building owner raises questions about at what standard that building will be maintained in the future. Will that building be maintained as a class A building, or will it be allowed to run down? When it is no longer the Federal Government's building, will they pay the same attention to the standard of the building? When they sell these buildings and when they sign the leases to lease back the buildings, will they ensure that the leases require that they be maintained as category A buildings? We should be insisting that they do, because that has long-term implications, not just for the working conditions of Canberrans, which is an important issue, but also for the construction industry in Canberra, who are responsible for maintaining those buildings to that standard.

It is only a matter of time before we start hearing people say, "Best practice" - we all know about best practice - "elsewhere is for office workers to be in category B buildings, not category A buildings; so let us downgrade a bit". It is vital that this working party ensures that Canberra is not sold short in the sale of these buildings. Personally, I do not think selling these buildings is the best idea; but, if they are going down that path, we have to make sure that Canberra is not sold short, that Canberra workers are not sold short, and that the Canberra construction industry is not sold short.

Another element of this budget that is of concern to Canberrans, although apparently not of concern to Mrs Carnell, is the implications for the standard of living of Canberrans. We know about the big things. We know about the job losses in the public sector and the implications for the lives of Canberrans from losing employment opportunities, from losing their jobs.

Mrs Carnell: I did not ever hear you say that about Paul Keating's reductions.

MR WHITECROSS: Mrs Carnell repeats a lie that she has told dozens of times in this place - I withdraw the word "lie" - that under the Labor Party the number of public servants reduced. It did not.

Mr Kaine: Twenty thousand redundancies. I do not know whether that is a reduction or not.

MR WHITECROSS: Mr Kaine, this is the misrepresentation that is there. Yes, there were redundancies; yes, there were restructurings in the Commonwealth Public Service. But the number of public servants went up, not down. That is the truth. That is the record of the Labor Government. We have nothing to apologise for, Mrs Carnell, because our record is one of a public service which grew. The Labor Party believes in the role of the Public Service. The Labor Party believes that the Public Service can actually contribute constructively to society, and you do not. The reality is that the Liberal Party stands for fewer public servants, fewer jobs in Canberra in the Public Service. The Labor Party grew the Public Service, because we believe in the role of the public sector. We were providing programs, Kate Carnell, that made Australia a better place to live in. The Liberal Party is dismantling those programs. That is the truth.

Families will be worse off as a result of this Federal budget, due to cuts in pharmaceutical benefits, child-care places, and public housing. There is increased funding for aged and disability services in this budget, but not as much as they cut last year. While they are boasting about their so-called savings initiative, which will give \$450 to someone who has \$60,000 in the bank, in reality that is not going to help low-income people, that is not going to help ordinary families. That is going to help people with lots of wealth already. That is going to help people who have money in the bank already. It is not going to help people who are struggling, and they are going to be struggling even more with fewer child-care places, with less funding for public housing, with changes to pharmaceutical benefits, et cetera.

Mr Speaker, this is not a good budget for Canberra, because of the attacks on jobs, because of the attacks on capital works spending, because of the attacks on the general standard of living of Canberrans. Canberrans, and Australians, have a right to expect more of their Federal government than this Government has delivered, and they have a right to expect more of the ACT Government than a full on, wide-eyed enthusiastic sell job from the Chief Minister.

Mr Berry: Sycophantic, actually.

MR WHITECROSS: Sycophantic, maybe.

MRS CARNELL (Chief Minister and Treasurer) (4.02), in reply: Mr Speaker, I am fascinated with the comments Mr Whitecross made - I suppose fascinated is an overstatement, really. The comments he made that I believed the Federal budget was going to improve the economy in the ACT are simply not right. What I said was that it would improve the economy in Australia, and I believe that that will inevitably flow on to the ACT.

Ms McRae: Yes, yes, yes, like we have seen already.

MR SPEAKER: Order!

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Ms McRae: So you hear interjections only from the left, do you, Mr Speaker? There were interjections going on before, Mr Speaker.

MR SPEAKER: If you continue to interject, I will have to deal with you.

MRS CARNELL: Thank you very much, Mr Speaker.

Ms McRae: Poor Chief Minister.

MR SPEAKER: I warned you, Ms McRae.

Ms McRae: We will see, Mr Speaker.

MRS CARNELL: She is going to go anyway, so that is all right. Mr Speaker, there are a number of things I agree with in Mr Whitecross's statement. You will notice that Mr Whitecross never agrees with anything this side of the house does. I was going to say that I do agree with Mr Whitecross on a number of things. I think the Federal Government should have an industry policy. I think there should have been an industry policy in this budget. I believe very strongly that an industry policy, as I have said regularly, based upon giving companies in our region an opportunity to set up in Australia, particularly in the ACT, and giving them the right sorts of incentives, the right sort of economic situation to relocate to Australia, rather than the other way round, is absolutely essential for the future of this country. Certainly, it would be very beneficial to the ACT.

I do not agree, though, that the sale of properties will necessarily be a bad thing for the ACT. As part of the sale of the buildings in the Federal Government's budget, titles on those buildings will be moved to the ACT, which means that we will be able to charge rates and land tax on those buildings, and stamp duty on the sales as well. That comes with a significant revenue benefit to the ACT.

Mr Whitecross: Stamp duty on the sales?

MRS CARNELL: Stamp duty on the sales, and rates and land tax when they move over to the ACT. On that basis, I believe that that will produce very real benefits for the ACT in the medium to long term. I believe, though, that, if the Federal Government goes about selling buildings that are not tenanted, that could cause some very real trouble, and that is a position we have already put to the relevant Federal Ministers, which is really the basis of the working committee being set up.

We made the representations we did to the Federal Government on untenanted buildings to ensure that the sale of the properties was done in a way that would protect the Canberra property market. We think that is the bottom line, but we did not just talk about it or belly-ache about it. We went to see the relevant Ministers and a working party was set up, with our representation on it and also representation of the Canberra property market. So the private sector and the Federal Government, as well as the ACT Government, are represented on it. That committee, I understand, will report back in September this year to both the ACT Government and the Federal Government, so we are very much in the loop there.

If those opposite had been in power in the ACT at the moment, they would have just belly-ached, there would not have been a working party, and I think Canberra would have been significantly worse placed. Those opposite seem to have missed the point - - -

Mr Berry: Ask everybody out there.

MR SPEAKER: Order! The Chief Minister has the floor.

MRS CARNELL: Thank you, Mr Speaker. I think those opposite might have missed the point with regard to the National Museum. As I said in my speech, the Federal Government's budget says quite categorically that work will start this year, 1997-98, and the Minister's press release says that 200 jobs will be created in 1997-98. If those opposite pooh-pooh 200 jobs, I think that is a bit of a joke, Mr Speaker.

There is no way that my Government will be out there supporting public sector job losses in the ACT. We have been quite categorical about that in the past. There are two approaches you can take. One is just to whinge about it and the other one is to go out and do something about it, as we did in last year's budget, when we brought down a budget based upon business expansion, based on jobs. Since we brought down that budget, there are 5,600 new jobs in our market in the ACT. Since we came to government over two years ago, there have been 3,800 new jobs, even with the Federal Government downsizing of last year. I think that shows that our economy, under enormous difficulties, can produce new jobs, that we can move to stand on our own two feet, that we can end up in a situation where we are not as reliant on the Federal Government as we have been in the past. It seems that those opposite want to be reliant on Federal governments, which from time to time have downsizings, changes of policy, changes of direction over which we have no control.

This side of the house wants to move, and we are moving, to a situation where we will not be reliant on the whims of a Federal government that we do not elect, over whose decision-making we have no control. Let us get to a situation where we do control our own destiny. In the budgets we have brought down for the last two years, we have been putting in place an economy that will stand on its own two feet, an economy that is not as reliant as those opposite want us to be on a Federal government, an economy that has produced 3,800 extra jobs over a two-year period of downsizing by the Federal Government, a situation where we even have fewer people unemployed now than when we came into government. That is a pretty fair effort, not just from the Government but also from the private sector, from the Canberra community. If all they had to do was listen to those opposite, with no ideas, just belly-aching, we would not be anywhere. I do not think the downsizing is acceptable, but my Government is doing something about it.

Question resolved in the affirmative.

TOTALCARE WASTE TREATMENT FACILITY - MITCHELL
Motion

MR OSBORNE (4.09): I move:

That this Assembly calls on the Government to implement the following procedures at its Totalcare waste treatment facility in Mitchell:

- (1) completion of an inventory of all waste material currently being stored on site for incineration;
- (2) the operation of a manifest recording system for all waste materials that come onto the site for incineration and the temperature at which they are burnt;
- (3) disclosure of the non-financial details of contracts currently being considered, or already entered into, regarding the storage and subsequent incineration of pesticides;
- (4) disclosure of the details of all previous pesticide incineration at the facility;
- (5) placement of a moratorium on the incineration of pesticides at the facility;
- (6) monitoring of post-scrubber gas emissions in accordance with world's best practice for a range of compounds to be determined by the Pollution Control Authority;
- (7) permit unannounced random inspections of the facility by the Pollution Control Authority;
- (8) permit the documentation associated with the implementation and maintenance of these procedures to be available and readily accessible to the public.

My involvement in this issue began earlier this year, when various claims were being made about the burning of pesticides in the Totalcare incinerator. I would like to say at the outset that in this case I think we were all wondering exactly what was going on out there. I do not claim to be a scientist or even to have a great deal of scientific knowledge; so, some of the information that we were receiving was quite mind-boggling. What I do know, however, is that the claims being made about the safety of burning pesticides at Totalcare are of great concern to the people of Gungahlin and the other suburbs surrounding Mitchell.

I concede, Mr Speaker, that that area is a long way from my own electorate, and the prevailing winds pose no problem for us down there either. But I decided to get directly involved after being approached by a few Totalcare staff who, at that time, were becoming anxious about their safety on the job. These people felt that, if all the sensational claims that they had recently heard about the incineration of pesticides were true, then they were probably working under an unacceptable risk when handling and being generally around these highly toxic chemicals. Mr Speaker, after a number of meetings with various groups, I decided to put this motion together.

There are as many opinions on the safety of this incinerator as there are scientists and pressure groups; so, it is only sensible that an open and effective monitoring system be established. I have had the suggestion put to me several times that what I really ought to do is demand that the facility be shut down. Mr Speaker, I do not think that that is a sensible option. The facts are that cities produce waste and some of it is extremely hazardous. This waste will not go away on its own, and, for now, the best way for us seems to be to burn most of it. However, we do need to keep a closer eye on what is being burnt. Mr Speaker, in drafting this motion I have kept in mind two overriding principles: Firstly, my belief that the community has the right to know what is being burnt in its backyard; and, secondly, to err on the side of caution.

Mr Speaker, points (1) and (2) of my motion address the operation of a manifest system and the subsequent recording of the temperatures at which the materials are burnt. I understand that, at the time of tabling this motion, Totalcare already voluntarily had a partial manifest system in place, which in itself is highly commendable; but this motion takes it to the next step of accountability. I had a meeting with members of Totalcare management on Monday of this week. They informed me that - much to my surprise - they have not burnt any pesticides for at least six months. They also informed me that they completed an inventory of materials being stored on the site and that they now record everything that comes in their gate for incineration, both of which, Mr Speaker, I think, are well done.

Mr Speaker, points (3), (4) and (5) address the issue of burning pesticides at the facility, which has been the subject of all the recent controversy. As I said, I was informed by Totalcare that they had not burnt any pesticides for over six months and that the amounts they had burnt were very small. This differs greatly from some of the information that I had received from workers on site; but, as I cannot prove what happened at the incinerator - one of the main reasons behind this motion - I am willing to concede the point. What is of greater importance now, though, is that an open system be in place.

Whether or not pesticides are safe to be incinerated at Totalcare has been the subject of much heated debate this year. I am happy for this debate to be continued by those who are far more knowledgeable about these things than I am. However, I do not think it is fair for the people of the northern parts of Canberra to be fearing for their lives because they think they may be being daily showered with cyanide, as has been claimed by certain people earlier this year - not you, Mr Humphries. I see you looking up. I am sure that you will have something to say on that.

Mr Humphries: I certainly will, Mr Osborne.

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MR OSBORNE: While the scientists battle over the safety issues, it is not unreasonable to have in place a moratorium on further pesticide incineration and, consequently, set to rest the minds of people living in the surrounding area. Points (6) and (7) cover the involvement of the Pollution Control Authority in monitoring gas emissions and undertaking random inspections of the facility. I believe that this body would hold Totalcare to the reasonable level of accountability required by the people of Canberra.

Mr Speaker, point (8) provides for all the documentation required by this motion to be readily available to members of the public so that everyone who wants to can find out what has been going on. This, I hope, will prevent people from saying some of the silly things that were said recently about what was going on out there when no-one had any actual documentation to prove it. What I hope, Mr Speaker, is that people will be a little bit more informed. They will be able to know exactly what has been going into the incinerator and the toxicity of emissions, while being safe in the knowledge that its operation is safe and accountable.

Mr Speaker, it is my intention for this motion to act as an interim measure until the long-awaited environmental legislation is passed by the Assembly, as I expect that Bill to eventually supersede all of the points contained in this motion. I think that the new legislation has been in process for about four years now and is due to be tabled sometime later this year. However, I understand that it may not be until next year that we see any type of legislation.

Mr Speaker, I believe that this motion gives us the most transparent and open incineration facility in the country. I am happy that Totalcare has already decided to implement most of the points of this motion. I believe that its provisions are reasonable for both the corporation and the people of Canberra. Mr Speaker, as you will recall, about a month ago in the Assembly I asked Mr Humphries a question in relation to this, and he guaranteed to do a number of things, which I think was commendable. The main reason I did not put the motion up at the time was that there were some concerns about people losing jobs and about pesticides being a core business of Totalcare. But, at my meeting on Monday, as I said earlier, I was informed that they are not a core part of the operation of the incinerator. That being the case, I felt quite comfortable in putting the motion up, given the guarantees that Mr Humphries had already given, and I thank him for that.

Mr Speaker, I understand that Mr Corbell has a number of amendments, which I am quite happy to support. I believe that Mr Humphries has a couple of problems about one of them, but I am quite prepared to listen and be reasonable about it. I look forward to other members supporting this motion, and I commend it to the Assembly.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.18): Mr Speaker, the Government is prepared to support the motion which Mr Osborne has moved today in the Assembly. As I will go on to explain in a moment, it reflects a number of decisions which the Government, at Mr Osborne's urging, has implemented in respect of the incinerator at Totalcare. I begin by reminding members of the undertakings I gave to the Assembly on 9 April in response to a question that Mr Osborne asked me on that occasion. I said, first of all:

I will have prepared an inventory of all waste material currently being stored at Totalcare for incineration ... I will undertake to have Totalcare management establish a similar recording system -

that is, a manifest similar to the one which records all wastes received from interstate for incineration -

for all wastes received for incineration from within the ACT.

I also said:

The temperature at which the incinerator is operating is already monitored. I will have established a system which records which substances are incinerated on each day. We will be able to correlate the temperatures of the incinerator with the things that have been burnt in it at a particular time.

Mr Speaker, I can advise the Assembly that I have adhered to this undertaking. Data for the first month have now been collected; they are being assembled in a readable form; and I will be in a position to table the data in the Assembly tomorrow, in the form which Mr Osborne has sought.

As I indicated at that time, the reporting requirements will be incorporated into the voluntary code of practice to be followed by Totalcare, and that is in anticipation of their seeking an authorisation under the proposed environment protection legislation which I will be presenting to the Assembly tomorrow. In a sense, Mr Speaker, there is much change going on in this area; but I think that, when members see the Environment Protection Bill tomorrow, much of this will be clear, and they will have an opportunity to understand the framework in which the Government proposes henceforth to make decisions about dealing with dangerous materials or materials that could cause pollution or environmental harm.

I want to respond specifically to the eight points of Mr Osborne's motion, to indicate what is already happening in this area as a result of the issues raised by Mr Osborne. In respect of the first paragraph, an inventory of all waste material being stored on site for incineration has been prepared and is included in the report I will table tomorrow. In relation to the second paragraph, records are being kept of all waste material coming onto the site for incineration and of the temperatures at which the incinerator is operating.

In respect of the third paragraph, there are currently no contracts signed or under consideration for the storage and subsequent incineration of pesticides. In respect of the fourth paragraph, the only pesticides incinerated at Totalcare in recent years were one shipment each of Delan and Propoxur in early 1996. These shipments have already been discussed at length in the Assembly and elsewhere. In respect of the fifth paragraph, Totalcare has agreed to a moratorium on the incineration of pesticides pending the implementation of the proposed Environment Protection Bill. Any incineration of pesticides after that time would need to be permitted under the conditions of its authorisation.

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Mr Speaker, it has been suggested to me today that, in fact, Totalcare would be happy for a moratorium, or perhaps a ban outright, to occur on the incineration of pesticides in the incinerator. The position is that they have not burnt any such material since the beginning of last year and they may not be looking to burn any such material for quite some time to come. I am told that, from time to time, containers which previously contained these sorts of chemicals are burnt and, naturally enough, they contain, at the time, some residue of the previous pesticides or chemicals that they had at the time. Madam Deputy Speaker, I am not entirely sure where we leave ourselves if we agree to a permanent ban on the burning of those pesticides or agricultural chemicals. So, I am not entirely sure yet what to do about Ms Horodny's amendment before the house; but I will come back to that perhaps in the further debate on this motion.

In respect of the sixth paragraph of Mr Osborne's motion, the Pollution Control Authority is reviewing current developments in monitoring post-scrubber gas emissions in Australia and overseas to determine monitoring requirements for the incinerator. These will be included as conditions in Totalcare's authorisation under the Environment Protection Bill which I will introduce in the Assembly tomorrow. So, these things will have to be addressed when the authorisation is sought to conduct these activities.

In respect of paragraph (7), under the existing legislation, the officers of the Pollution Control Authority can and do undertake random inspections of the Totalcare incinerator. These powers will be enhanced under the proposed Bill I have referred to. In respect of paragraph (8), as I indicated earlier, in the Assembly tomorrow I will be tabling the first month's data. Subsequent records will be available from the Pollution Control Authority. Public disclosure of this information will be a requirement of Totalcare's authorisation under the proposed Environment Protection Bill.

Madam Deputy Speaker, this debate, as put to us today, is fairly concise and confined to the issues which Mr Osborne has raised in this place. I want to thank Mr Osborne for raising the issues in this way, because it stands in contrast to the way in which the debate has been conducted by some others, particularly outside this place. There are some very serious allegations that have been made about the operation of the incinerator. I want to emphasise that, although it is perfectly legitimate for members of the public and members of this Assembly to place concerns before the Assembly, before the Government and before me as Minister, and to have us address those issues in a calm and appropriate fashion, it is quite another thing to run a public campaign based on information which has the potential, if not the actual effect, of considerably alarming members of the public about the nature of material which is being emitted by the chimneys at Totalcare at Mitchell. So, I hope that in this debate today I will be able to put to rest the campaign of misinformation which has recently been waged against that incinerator, concerning pesticides in particular.

That campaign, obviously, was run by the former director of the Conservation Council. The Toxics Network was also involved. It appeared to be aimed at closing down the Totalcare incinerator. I understand that Mr Darlington, the former director, had either threatened or boasted that this was his aim. Madam Deputy Speaker, I want to make it

perfectly clear that, quite apart from the question of the jobs that are at stake at a place like Mitchell, there are very serious questions about the other very important role that the incinerator plays, particularly in disposing of clinical waste in this Territory, not just for hospitals and other establishments within the ACT that produce such waste, but also for others in our region which are also disposing of their waste at that incinerator.

I have not seen a shred of evidence in this debate to prove, or even raise the serious doubt, that materials being burnt there are actually producing dangerous chemicals for emission into the atmosphere around Mitchell. I have not yet seen any evidence of that. I have heard it alleged that, in theory, it could occur - I propose to go on in a moment to explain why I do not believe that it could occur - but I have seen no evidence whatever to justify the very emotive statements made about this at the time that the allegations were first raised. Totalcare complies voluntarily with the manifest system currently in use in New South Wales, and information about the types and amounts of substances burnt at the incinerator is available to anyone who asks. Indeed, Madam Deputy Speaker, it is the case that much of the information relied upon by Mr Darlington to make his claims a few months ago was, in fact, freely released by the Department of Urban Services, or Totalcare, when asked for that information.

It was claimed that cyanide gas was emitted as a result of the incineration of the fungicide Delan in 1996. I have to say, as I have said before, that this was based on a lack of understanding of basic chemistry and quoting emissions associated with thermal decomposition - an unrelated chemical process. The fact, Madam Deputy Speaker, is that cyanide is not emitted from the high-temperature incineration of Delan. No-one has suggested - at least not publicly - that these chemicals have been burnt at the incinerator at temperatures anything like low enough to produce the dangerous emissions, the cyanide, referred to in that media statement.

There were also claims that dioxins are produced by burning Delan. Chlorine contains dioxins, and Delan does not; so, clearly, the incineration of Delan cannot produce dioxins. The campaign at that point, after these claims were debunked, switched back and claimed that incineration was not an appropriate method for destroying Delan and Propoxur, a flea powder also burnt at the incinerator. The United Nations Environment Program recommends incineration as the appropriate means of destruction of both of these substances. In fact, the New South Wales Environment Protection Agency has already approved both for incineration in New South Wales.

As part of this campaign, it was also claimed that organophosphate pesticides were incinerated at Totalcare. That claim is false. They are not burnt at Totalcare. It was also suggested that Delan and Propoxur were sent to the ACT because other States do not permit the incineration of pesticides. That is also untrue. The New South Wales Environment Protection Agency has already approved the incineration of Propoxur and Delan. I have here a copy of the approval, and I am happy to table it later on. Queensland also permits the incineration of pesticides, and it is a common method of destruction overseas.

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The campaigners then decided to attack the material safety data sheet for Delan - which is prepared by the manufacturer, Bayer - as not being independent. What they overlooked was that these sheets must be prepared by companies in accordance with the Australian standards - if they are not, there are serious consequences - and the sheets must then be approved by Environment Australia and Worksafe before they can be released. Madam Deputy Speaker, it is perfectly clear that it is impossible for that material safety data sheet to be misleading or to not be reliable.

So, in the course of this campaign, we have had false allegations of secret activities; we have had false allegations about pesticide incineration, based on ignorance; we have had the independence of Environment Australia and Worksafe questioned; it has been claimed that the United Nations Environment Program and the New South Wales EPA do not know the appropriate means of disposal of Delan and Propoxur; and we have had the basic laws of chemistry ignored.

I want to put on the record now - putting aside the fantasy about this debate - what has actually been happening at Totalcare. The incinerator has been engineered to enable it to destroy safely a wide range of hazardous materials. The bulk of the wastes destroyed there is medical and pharmaceutical wastes. However, the incinerator is also capable of safely destroying many other hazardous substances; and, accordingly, smaller quantities of other substances, such as Delan and Propoxur, have been accepted from time to time for destruction.

The issue of accepting wastes from interstate has been raised. Wastes are certainly accepted from interstate, Madam Deputy Speaker. Indeed, members should recall that making the incinerator of Totalcare a reasonably profitable enterprise from the Territory's point of view was part of the reason for establishing Totalcare in the first place, back in the early 1990s. The acceptance of wastes from areas outside the ACT was part of that process. Totalcare operates commercially, and will compete for suitable disposal contracts.

The same, of course, applies to wastes generated in the ACT. Some of these are sent interstate. In fact, some must be sent interstate, because there are no appropriate disposal facilities in the ACT. So, there is a range of facilities available for the disposal of certain sorts of materials. Generally speaking, as far as the system is concerned, they go to the place where it is most appropriate for them to be destroyed. Sometimes the most appropriate place is the incinerator at Totalcare.

To refuse to accept interstate waste, as has been suggested by some, would obviously not only put at risk the business that Totalcare runs - and runs safely, I would say - but also put at risk the reciprocal treatment by other States of our waste which is sent away. Often our waste is more dangerous, because it is of a higher order, and needs to be incinerated at places outside the ACT. The ACT would be left with a growing stockpile of hazardous substances which we cannot treat. That is not the type of legacy which this Government wants to leave to our children.

Madam Deputy Speaker, consistent with practice elsewhere in Australia and overseas, operating parameters are monitored continuously during operation of the incinerator, to ensure that it operates according to its design specifications. The parameters monitored include temperature, oxygen, carbon monoxide and carbon dioxide levels, particulate emissions and scrubber water acidity. In February last year, the scrubber water was analysed by ACTEW. I quote from the analysis report:

Absence of other common toxic combustion by-products such as Poly Aromatic Hydrocarbons (PAH's) and extremely toxic substances such as Dioxins or any chlorinated compounds in the sample also indicate that the combustion process is well under control.

In addition, the incinerator is inspected at least once a week by government inspectors.

Madam Deputy Speaker, the future of this facility needs to be cleared up and resolved. When we came to power, the Government recognised that existing environmental legislation was inadequate. In fact, it is inadequate, because it is still on the books. We have speeded up the process of developing new integrated environment protection legislation, which was begun by the former Labor Government. I am pleased to say that tomorrow I will be able to present in this place the Environment Protection Bill, which will revolutionise the way in which we go about protecting our environment in this Territory. (*Extension of time granted*)

One of the requirements of the new legislation will be that incinerators obtain an authorisation. A weakness of the existing legislation is that there are no formal licensing powers. While Totalcare has voluntarily complied with environmental controls, such as the manifest system, it is important that incinerators and other activities that it undertakes there operate under legally binding authorisations. Totalcare and the Government's environmental regulators commenced negotiations some time ago - well before the recent histrionics started - on authorisation requirements. These requirements will cover types of wastes which can be incinerated, emission standards and reporting requirements. Totalcare has agreed to operate under a voluntary code of practice prior to the new legislation coming into force, and this will commence as soon as negotiations on the code are complete.

As to what substances Totalcare will be authorised to incinerate, it will be up to Totalcare, in these arrangements, to demonstrate that destruction of the substances will comply with emission standards and that appropriate monitoring is in place to demonstrate this. In developing this list, Totalcare will, of course, make commercial decisions about whether or not it wants a particular substance to be considered for inclusion in the authorisation - subject, of course, to what the Assembly resolves today. There is absolutely no intention on the part of Totalcare to dispose of scheduled wastes in the incinerator. They are the most dangerous sorts of wastes. The Government is committed to a national process to deal with these substances. I should emphasise this point, as it seems to me that the next step in the campaign of disinformation will be that we are about to start incinerating these scheduled wastes. I want to make it very clear that we do not intend to do that. No scheduled wastes - no PCBs, no hexachlorobenzene, no organochlorine pesticides - have been or will be permitted to be incinerated in the Totalcare incinerator.

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Mr Osborne has raised in this place the issue of plasma arc technology. I think that it is important for Totalcare to keep abreast of emerging technologies which might be better able to deal with the Territory's needs to dispose of clinical and hazardous waste. Plasma arc technology is already in use in Australia for destroying gases and liquids which are not suitable for incineration. An example, apparently, is the halon destruction facility in Melbourne, which I think is the end point for many halons collected in the ACT. Plasma treatment for solid wastes is a new technology, and the Government is currently investigating its suitability. Of course, any decision in relation to the plasma technology will depend on its economic viability as well as its environmental performance.

In summary, Madam Deputy Speaker, I am satisfied that the Totalcare incinerator is being operated in an environmentally responsible manner. Clearly, however, our current environmental protection laws have to be upgraded - they are inadequate - and that is what we intend to do tomorrow with the tabling of the Environment Protection Bill. That legislation will put in place a better regulatory framework to deal with both the incinerator at Totalcare and a whole range of environmental issues which the Territory needs to address. We are also considering options to meet the Territory's clinical and hazardous waste disposal needs in the future, and perhaps plasma arc technology will be one of those options.

In response to Mr Osborne's request in the Assembly last month, I have given commitments which have produced full daily records of everything incinerated at Totalcare since last month, or stored for incineration, and full records of the temperature at which the incinerator operated during incineration. As I said, I will table those documents tomorrow. They have been received by the Pollution Control Authority just today, and they are being collated now in a form which can be tabled in this place tomorrow.

Madam Deputy Speaker, I close by saying that it is extremely important that none of us succumb to the temptation to want to buy support - to buy votes, if we are politicians - by running around crying, "Toxic chemicals, dangerous substances in the air, danger to our children". It is a very easy claim to make, in the absence of a full picture of the information available. We have protections in the ACT to deal with these sorts of issues, including such agencies as the Commissioner for the Environment. We will have new and better agencies in the form of the Environment Protection Bill tomorrow and the mechanisms that sets up. We should, as a rule, try to rely on those resources, those mechanisms, those safeguards, before we run to the media with hysterical claims. Regrettably, an agency in this Territory which ought to have known better did not do that; but I hope that the information that I have put before the Assembly today and that I have already put before the public will help to dissuade others from following that very unfortunate path. I commend Mr Osborne's motion to the Assembly.

MR CORBELL (4.41): I seek leave to move together the amendments circulated in my name and to amend my proposed paragraph (5) by omitting the words “containing organochlorines, dioxins and cyanides”.

Leave granted.

MR CORBELL: I move:

(1) Omit paragraph (5), substitute the following new paragraph:

“(5) placement of a moratorium on the incineration of pesticides and agricultural chemicals until a report on the appropriateness of such incineration prepared by the ACT Commissioner for the Environment has been responded to by the Government;”.

(2) Add the following new paragraph:

“(9) request the Commissioner for the Environment to undertake a report on the appropriateness and safety of the incineration of pesticides and agricultural chemicals at the Mitchell Totalcare facility and request the Commissioner to report to government by the end of September 1997.”.

Madam Deputy Speaker, the issue of the incineration of products at the Totalcare incinerator is one which has been about in the community prior to this most recent debate, as Mr Osborne pointed out in his speech today. The concern has been out there for some time, from residents of both Gungahlin and the Inner North, about what is burnt at Mitchell and what impact, if any, that has on human beings' health and the environment. I know for a fact, for instance, that there has been concern from employees at the Australian Archives about product that has appeared to come out of the stack at Mitchell and land in the car park of the Australian Archives building next-door. But I agree with the Minister that it is an issue that must be dealt with sensibly and certainly not in a way which will unnecessarily scare or worry residents in the area or, indeed, all residents of Canberra. But, that aside, I believe that it is important that there be some further investigation and better understanding of what happens at the Totalcare incinerator at Mitchell.

I commend Mr Osborne for moving this motion. It is an issue which I have been following closely and about which I have participated in some meetings with staff of Mr Osborne's and with Ms Horodny herself. We feel that it is appropriate that this sort of motion be supported today. The Labor Party will be supporting Mr Osborne's motion; but I have also moved some amendments. The purpose of my amendments, Madam Deputy Speaker, is to deal with the issue of the moratorium proposed by Mr Osborne by including agricultural chemicals in that moratorium and placing an end point on that moratorium. The end point would be when a report prepared by the ACT Commissioner for the Environment has been presented to and responded to by the Government.

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I believe that this is very important. I think there is widespread community concern - not just in Canberra, but across Australia and, indeed, around the world - about the disposal of chemicals by incineration, particularly the disposal of chemicals and other products by incineration close to residential areas. The Totalcare facility is very close to two very large residential areas. I think, therefore, it is appropriate that an independent party in the ACT - in this instance, I believe that the Commissioner for the Environment is the most appropriate person - undertake an investigation of incineration of pesticides and agricultural chemicals at Totalcare. So, my amendments simply propose an end point to Mr Osborne's moratorium and also establish the process for a report into the appropriateness and safety of the incineration of pesticides and agricultural chemicals at Mitchell.

Madam Deputy Speaker, the whole issue of incineration is one that we need to treat very seriously and very carefully. The Labor Party wants to make sure that residents' concerns are allayed, and allayed in an appropriate manner. I was pleased to hear the Minister's reassurances today on a number of issues. Also, I am grateful for the briefings I have received, courtesy of the Minister, from officers of the Environment Protection Service and other agencies. But I still have some concerns. I would like to raise one now particularly, and that is to do with operators at the incinerator facility itself. I had an opportunity to have a look at the incinerator perhaps a month or so ago - maybe two months ago now. I was shown around the operator area where material is actually tipped into the incinerator. I noticed at that time that all around the operating area, both above the chute where material is deposited into the incinerator and around the walls of the room itself, there was a build-up of quite thick black soot. It appeared to have been there for some time.

I raised this both when I was out there at the facility and later in briefings with officers of the department. They have done me the courtesy - and I am thankful for that - of advising me of what action is being taken to rectify that situation. I understand that there will now be exhaust fans placed above the operator working area so that fugitive emissions, if they do occur, are sucked up. There will be extraction fans placed there also. I am pleased to see that; but I must place on the record the fact that I am concerned that such a build-up of soot was allowed to take place and that that soot can only have come from fugitive emissions coming out of the incinerator when it was opened to place material in it.

That has happened quite openly, right in front of the operators operating the equipment, and it must have been occurring for some time for there to be that build-up of soot. That is a concern, particularly as I understand that operators do not wear any particular sort of safety equipment - breathing equipment, a mask, or anything like that. I may be wrong on that, but that is my understanding. For that reason, I am concerned about this particular issue, and I think it may be worth some further investigation. I note that Totalcare is now taking action to rectify that problem so that no further build-up will take place; but I am concerned about how that build-up was allowed to occur in the first place.

Madam Deputy Speaker, I have outlined very generally the reasons why the Labor Party is moving these amendments. We believe that it is appropriate that some independent party investigate the whole issue of the incineration of pesticides and agricultural chemicals at the Mitchell facility. We believe that it is appropriate to do this to inform residents, through an independent party, as the Commissioner for the Environment is, about the safety or otherwise of the incineration of such materials. We believe that it is important to do that and we hope that other members of the Assembly will support that move. The Labor Party will be supporting Mr Osborne's motion, with these amendments, hopefully.

MS HORODNY (4.49): Madam Deputy Speaker, the Greens are happy to support Mr Osborne's motion about the Totalcare incinerator. The motion basically raises the issue of the public's right to know about the threats to their safety from chemicals and pollutants in the environment. The Totalcare incinerator was established in the 1980s to incinerate medical waste from ACT hospitals. That is what it was established for - to incinerate medical waste from ACT hospitals only. We accept that at that time this was the best available practice for disposing of this type of hazardous waste. What concerns me, however, is that over time, as Totalcare was made into a commercial operator, the incinerator has become a business opportunity for Totalcare to dispose of any waste that a supplier is prepared to pay for.

I would be very interested to find out from Mr Humphries or Mr Kaine how much was paid to Totalcare for the incineration of that waste last year that created the controversy. I would be interested to know whether it was a sum that made it worth all the bother.

Mr Humphries: No, it certainly would not have been. I can guarantee that it would not have been worth all the bother.

MS HORODNY: That is right. The change to Totalcare happened with very little public knowledge, let alone scrutiny, and came to a head only recently with the revelation that Totalcare has been incinerating the fungicide Delan and also pesticide containers.

Mr Humphries mentioned a few times that he thinks it is irresponsible that Mr Darlington has brought this issue to the attention of the ACT community in the way that he has; but I believe that it was actually very responsible, because would we be having this debate here today if he had not? I think we would not. So, I think it is appropriate that people in the community bring these sorts of things to the attention of the Government in order to highlight problems that exist in the community and to ensure that there is some action here in the Assembly on these issues.

Mr Humphries: So, it is all right to tell lies to get attention, is it? You can tell lies to get attention; is that what you are saying?

MS HORODNY: If you think it is lies, Mr Humphries, maybe you need to table some very clear, absolute evidence that proves that what was coming out of the stack was not toxic chemicals. The Delan incident highlighted the fact that there is very little information available to the community about what is actually burnt in the incinerator and whether this waste is safely disposed of without any toxic pollutants being released.

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I am sure that the residents of Gungahlin and North Canberra and the workers in Mitchell would be very interested to know exactly what is coming out of the Totalcare chimney. In fact, I have had a number of phone calls from such residents and workers in Mitchell to find out what exactly is going on with this issue.

This incident brought to light the fact that there is no physical monitoring by the Environment Protection Service of emissions from the incinerator stack. The only ongoing report received by the EPS from Totalcare is of the operating temperature. Totalcare keeps a waste manifest system only on a voluntary basis, and there is no linking of operating temperature at a particular time with the type of waste disposed of at that time. That is a very critical issue.

Mr Humphries: There is now.

MS HORODNY: I am glad that there is now; but there was not at the time. The EPS assumes that the environmental safety of the incinerator is proven on the basis of the design of the unit. We heard over and over again from people at Totalcare that it works because it has been designed to work; therefore, it must work. That is an argument that does not actually wash. This approach is very risky, because it does not take into account the fact that operational difficulties can arise over time with any incinerator and that sometimes the incinerator may not be operating at optimal temperatures. The operating temperature of the incinerator is the critical issue. If the temperature drops too far below 1,000 degrees, then there is incomplete combustion of the waste and the potential to produce such toxic chemicals as dioxin.

I am very concerned that the Totalcare incinerator could become the hazardous waste disposal centre for south-east Australia. Medical waste from New South Wales and Victoria is regularly being transported to Mitchell for disposal. There is a basic waste management principle, however - that the producer of waste should take responsibility for its disposal. This provides waste producers with an incentive to reduce the amount of waste they generate. Totalcare is willingly providing producers of medical and other hazardous waste in other States with an easy way of disposing of this waste. These producers should work out their own ways of dealing with their own waste, and not send it here. Also, there is no national procedure in place yet for tracking hazardous waste, although some individual States have developed their own waste manifest systems. Unfortunately, the ACT does not have a mandatory hazardous waste manifest system; so, there is no guarantee that we really know what hazardous waste is being generated in the ACT and how it is being disposed of.

There is some confusion within the Government about what Totalcare's interests are in disposing of pesticides. Mr Humphries has maintained that the incineration of pesticides is part of Totalcare's core business, yet the managing director of Totalcare recently told environment groups - in fact, on 30 April - that pesticide incineration is not part of its core business and never has been. He said that no further pesticides or agricultural chemicals will be incinerated. I think the community deserves to know exactly what is the Government's and Totalcare's policy towards the disposal of pesticides at Mitchell.

This issue has also brought to light the currently poor management of hazardous waste that exists around Australia. I am aware that there is a process occurring under the Australian and New Zealand Environment and Conservation Council to decide on appropriate disposal techniques for certain types of hazardous waste, called scheduled wastes; but this deals with a limited range of hazardous wastes such as PCBs, HCBs and organochlorine pesticides. However, there is a whole range of hazardous wastes like Delan and other pesticides and industrial chemicals that are not scheduled but are hazardous nonetheless and need to be disposed of safely - and that is not just into landfills, but using disposal processes that contain and break down the toxic substances in the waste.

There are better ways of disposing of hazardous waste than by incineration. In the early 1990s, the Australian community rejected the idea of building a centralised high-temperature incinerator. I believe that the ACT community, if given the choice, would not want the Totalcare incinerator to become a major disposal facility for hazardous waste. There are a number of new waste disposal technologies that are becoming available and that could safely deal with hazardous waste on a decentralised basis. One example that has had some publicity recently is the plasma arc technology, which uses a plasma field of energy to break apart the chemical bonds in the hazardous material. I believe that Totalcare should be making every effort to examine these technologies. Mr Humphries, you said that they are doing that at the moment. That is very pleasing.

Mr Osborne's motion will go a long way towards allowing the public to find out exactly what is going on now at the incinerator and putting in place a system of public accountability for Totalcare's waste disposal operations. But this issue has highlighted the need for a major overhaul of the ACT's pollution control legislation. We have been waiting for some time for the Government to present its new environment protection legislation. Mr Humphries says that that will happen tomorrow, and that is wonderful. I understand that the Bill will be looking at such issues as the Totalcare incinerator, and we will be looking at it very closely as well.

We will not be supporting Mr Corbell's amendments as they stand, because we believe that they are unnecessary and impractical. Totalcare has already advised environment groups that it has no plans to incinerate any more pesticides in the foreseeable future. If it is not part of their core business, then I do not see why it is necessary for them to do so. That means that there is no need for the moratorium, because there is nothing to have a moratorium about. (*Extension of time granted*) We have been told that there is no stockpile of pesticides or agricultural chemicals at Totalcare.

Mr Berry: Did you believe that?

Mr Osborne: Who told you?

Mr Humphries: Obviously, she does not.

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MS HORODNY: Well, there we go. We believe that there is no need for a moratorium because there is nothing to have a moratorium about, and we have doubts that the Commissioner for the Environment has the capacity to undertake an inquiry of this nature.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

TOTALCARE WASTE TREATMENT FACILITY - MITCHELL Motion

Debate resumed.

MS HORODNY: The commissioner is already undertaking an inquiry into pesticide use in the ACT, which started over 14 months ago and is still not finished; so, we would be waiting a very long time, I believe, for the commissioner to inquire into the incinerator. I have put forward an amendment to Mr Corbell's amendments, which makes clear beyond doubt that no more pesticides and agricultural chemicals would be incinerated at Mitchell.

Just to finish off, Mr Humphries said many times that there have been histrionics on this issue, drama and a lot of hoo-ha in the community; but I think Mr Humphries needs to look back at what was the issue with agent orange. When agent orange was first put out, Mr Humphries, experts said that it was safe. Medical practitioners said that it was safe. National chemical bodies said that it was safe. The Defence Department said that it was safe. The President, I think, said that it was safe. Now, years later, we know that there has been a class action and many hundreds of millions of dollars have been paid out. The lesson from that is that we need to abide by the precautionary principle. We do not know that a chemical is safe until it has been proved absolutely. We do not know about the sorts of chemicals that are coming out of that incinerator. We do not know that they are safe. While ever we do not know that, you, as the Environment Minister, need to apply the precautionary principle.

MADAM DEPUTY SPEAKER: Ms Horodny, are you going to move the amendment that you circulated, or are you just circulating it?

MS HORODNY: I am happy to move my amendment to Mr Corbell's amendments. I move:

Paragraph (5), omit all words after "placement", substitute "of a ban on the incineration of pesticides and agricultural chemicals at the facility".

MR KAINE (Minister for Urban Services) (5.02): Madam Deputy Speaker, I am speaking to the principal motion. As Mr Humphries has said already, the Government in general supports all of the elements of this motion and they are already in place or they soon will be; so to some degree this motion is unnecessary and this debate is unnecessary. Mr Humphries has dealt at great length already with the environmental issues in this debate, and, I should think, to Mr Osborne's complete satisfaction, although I will wait to hear him say so.

I would like to talk briefly about the impact of those issues on Totalcare as a business, and it is a business. It is a government-owned business. Some will remember that Totalcare was established back in 1991. It was the first Territory-owned corporation under the Territory Owned Corporations Act 1990. Before that the business conducted by Totalcare was operated as the Health Services Division of ACT Health. It had an enormous excess capacity when we took it over from the Commonwealth and that excess capacity was costing the ACT taxpayers millions of dollars a year. We turned it into a corporation so that it could become a commercially oriented organisation and take that subsidy off the taxpayers.

Among other things, Totalcare continues to provide a number of key support services to the health industry, including laundering of linen, sterilising and maintenance of surgical instruments, and waste management for disposal of clinical and other wastes. Let me stress that these are essential services and that they are provided to both the private sector and the public sector. For example, Totalcare receives clinical waste not only from hospitals but also from medical and dental surgeries in Canberra. The benefits of these services to the community include the proper disposal of needles and other sharps that have been of major concern to this community over recent years.

Totalcare, as a commercial operation, is also a very significant employer in the ACT. With the recent transfer to that organisation of the public works and commercial services group of the Urban Services Department, employment at Totalcare has risen from just over 200 to around 700. It is also an important business in the Territory, returning a profit to its shareholders - they happen to be the Chief Minister and me - and we receive that profit as trustees for the ACT community.

Mrs Carnell: We are not going to South America with it?

MR KAINE: No. In 1995-96 the turnover of this operation was \$16m and the after-tax profit was \$483,000, of which half was declared as a dividend and paid into Consolidated Revenue.

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I put these statistics before the Assembly because the Greens, and others, often tend to forget important things like jobs and attracting business to the ACT, in their single-minded pursuit of environmental concerns, real or imagined. As I said, Totalcare is a commercial business operation. It does employ people, it does make a profit, and it provides a service in terms of waste disposal - waste which we would otherwise have to ship out of the Territory to be destroyed somewhere else. In their quest for environmental purity, do the Greens really want to see businesses lost or jobs lost? Do they really want to see us have to ship our undesirable waste somewhere else for disposal? That is what would happen if Totalcare were forced to reject safe and legitimate business on the basis of some kind of scare campaign, and we have seen that in the past.

Others, including Mr Osborne, have suggested that we replace the Totalcare incinerator, which is only six years old, with what is known as a plasma electric waste converter, at a price, he suggests, of about \$1m. Both Totalcare and the Government are looking at this technology. It is very early in that process, but I can tell you that there are a lot of high hurdles to jump before we ever go to such a technology. My information is that the all-up cost would be more like \$2m, or even \$3m, rather than the \$1m that Mr Osborne has suggested, because the unit would need to be large enough to take the entire throughput of the current incinerator. Otherwise, you would have two incinerators, both being half used. An expensive facility such as this can be operated successfully only by maximising the volume of waste treated. That is why we turned Totalcare into a commercial operation in the first place; they had a huge facility out there that was not being fully used and was costing the taxpayer heaps.

Plasma electric waste converters are capable of processing all kinds of waste, including highly toxic chemicals such as polychlorinated biphenyls, or PCBs, and chlorinated pesticides that are not, and never have been, handled by Totalcare; so why would we need such a system? While it sounds very nice to advocate installing the latest high-technology waste disposal equipment, to make such a facility viable Totalcare might well have to expand its waste disposal business to include scheduled wastes. I do not think this is anything that this Government or the people of the Territory would want. The alternative would be for the Government to go ahead and spend the money, put it in place and go back to where we were 10 years ago; that is, subsidising a waste disposal unit that is beyond the requirements of the Territory, and again costing the taxpayers a bundle. Neither of these options is attractive. The reasons are perhaps obvious.

While we expect Totalcare to operate on a fully commercial basis, turning Canberra into a centre for disposing of the full range of wastes, including the scheduled wastes that Totalcare has not previously processed, is not the sort of strategic direction that this Government has in mind. We would prefer to see the ACT investment dollar put into high-technology industries that make the most of our intellectual capital. As for subsidising an excess capacity, as I said, this is the sort of thing that the Commonwealth used to do back in the 1960s and 1970s and for which, to some degree, we are still picking up the tab; so why would we want to make that tab even bigger?

Let me conclude by briefly reminding members of Totalcare's environmental record. First, the company has always complied with ACT environmental law and is already working to ensure that it is well placed to comply with the new environmental protection laws the Government is about to introduce. Secondly, the company has cooperated with the Pollution Control Authority and has voluntarily taken steps beyond legal requirements, such as installing a lockout mechanism to prevent loading of the incinerator when it is not at the correct operating temperature. Thirdly, the company regularly rejects material for incineration, despite the opportunity for profit, because it cannot dispose of this material safely and in accordance with environmental standards. In fact, Totalcare rejects more material for incineration than it accepts. Is this, as the Greens pretend, some irresponsible organisation that takes material regardless of the consequences and puts it through its incinerator? I think not.

It may be necessary at some time in the future for Totalcare to take on business that is not core business - Ms Horodny seems to think that taking on business that is not core business is a bad thing - but it will not be taking on business of a kind that would be detrimental to the environment of this Territory. Finally, the company monitors best practice business and environmental standards, and regularly updates and improves its equipment within sensible business parameters. In summary, Madam Deputy Speaker, Totalcare has met, and must continue to meet, appropriate and ever tougher environmental standards. I do not believe that it has acted detrimentally to the interests of this community. I think the Greens would do well to consider seriously the allegations that they make, presumably in error, about the operations of this organisation.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (5.12): Mr Speaker, I rise briefly to make a couple of points in response to Mr Corbell's amendments. The Government will support the amendments as amended. I will make a couple of observations about them. I think it is not inappropriate to ask the Commissioner for the Environment to do this work; but, as Ms Horodny has pointed out, the commissioner is quite busy at the moment. He has the pesticides inquiry he is presently doing at the suggestion of this Assembly, I understand, and he also has the State of the Environment report, which is due later this year, both of which will absorb a great deal of his time and resources. I am not sure that we should expect that the report will be available by the end of September, but I have no problem with the Assembly asking him to undertake a report. If it comes out later than that, I have no particular problem with that. I also want to table the - - -

Mr Berry: You might have to allocate some more resources.

MR HUMPHRIES: It is not just a question of resources. There is only one commissioner, and he generally does the work himself rather than rely on lots of other people to do it. The suggestion is made that we should allocate more resources. I think this question needs to be asked in this case: Where is the case for an urgent and important investigation of these matters? I come back to the observation that no-one has yet shown that there is something wrong at Totalcare that needs to be fixed, or even cast a serious element of doubt about its operations. We have heard about the soot. That is a concern. I am glad that the soot has now been fixed. But I do not think that the build-up of soot at Totalcare is a solid basis for getting the Commissioner for the Environment to do a major and quite resource-intensive report.

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I put the question to Ms Horodny before: Where is the proof that any dangerous substances have ever been emitted by Totalcare's incinerator at any time in its history?

Ms Horodny: You cannot prove it has not been.

MR HUMPHRIES: The comment is that I cannot prove that it has not been emitted. That is true. I cannot prove that there has never been anything emitted. All I can prove is that inspections are done at least once a week by government inspectors; that the monitoring of the temperature of the incinerator is always showing that it is burning at a temperature high enough to destroy dangerous chemicals such as cyanide; that it was built for these sorts of chemicals, it was designed for these sorts of chemicals, and it is operating according to its design parameters. That is what I can prove.

I would have thought, Mr Speaker, that if someone suggests that dangerous chemicals have been emitted by the incinerator - not could be emitted, but have been emitted by the incinerator - it is up to them to prove it. I cannot disprove that chemicals have been emitted, but I have not made the claim that they have been. Surely, the person who has made the claim ought to substantiate it. He, of course, cannot and will not.

Ms Horodny: Oh, come on! You expect people in the community to know what is coming out of the chimney.

MR HUMPHRIES: Well, why say that it has been?

Ms Horodny: It is your chimney. You should be monitoring it.

Mr Corbell: Community members do not have the capacity to test it.

MR HUMPHRIES: To take Mr Corbell's interjection, I accept that it is very hard for Mr Darlington to prove that the chemicals have been emitted, but the Government cannot disprove that they have been emitted.

Ms Horodny: Then you cannot prove that they have not been.

MR HUMPHRIES: We cannot disprove it, but I did not make the claim that they have been. If Mr Darlington had said, "It is possible that it could happen, and here is how", then, yes, there would be a problem. But he said that they had been emitted. Where is the proof of that?

Ms Horodny: You need to prove that he is wrong.

MR HUMPHRIES: Where is the proof of that?

Ms Horodny: Where is your evidence? Where is your monitoring?

MR HUMPHRIES: Mr Speaker, the Government cannot disprove it.

Ms Horodny: Where are your processes? You have no processes, no monitoring.

MR HUMPHRIES: Let me say something: When driving home last night Ms Horodny went through a red light.

Mr Osborne: Shame on you, Lucy!

MR HUMPHRIES: Shame on you, Ms Horodny!

Ms Horodny: I did not drive home last night.

MR HUMPHRIES: Shame on you! I hear you say to me, "Prove it". Well, you drove the car, Ms Horodny; you prove that you did not go through the red light. You prove it. Ah, she cannot prove it. It must be true. She did go through the red light, Mr Speaker. Shame on you, Ms Horodny! Turn yourself in to the police tomorrow. That is precisely the same situation.

One other argument which I find amazing is the argument that we should not accept waste from another jurisdiction; that if waste is produced in New South Wales it must be disposed of in New South Wales. That is a very strange argument indeed. First of all, the implication is that more waste facilities have to be built across Australia to accommodate people burning waste within their own jurisdiction. For example, the organochlorides which we do not destroy in the ACT will have to be destroyed in the ACT if Ms Horodny's maxim is to be accepted, because we should not be transporting them across the border.

Similarly, we also will be transporting wastes much greater distances. If someone produces a low-level waste in, say, Queanbeyan and cannot dispose of it in Canberra because that involves crossing the border, it will have to be sent to Sydney and therefore travel a much greater distance. The more you send dangerous chemicals long distances, the more the risk of an industrial accident and the escape of those chemicals. It makes no sense whatsoever. This is crazy. This is lunacy, Mr Speaker.

Mr Kaine: This is Green logic.

MR HUMPHRIES: This is Green logic. Mr Speaker, I table the authorisations I referred to before that indicate the authorisation for the destruction of those chemicals that were allegedly not authorised for destruction. Here they are. I can only say that some of the claims being made in this debate by the Greens, picking out the points made by Mr Darlington, really are quite bizarre. Members should be very wary of taking this kind of crazy approach towards the destruction of dangerous chemicals.

Amendment (**Ms Horodny's**) to Mr Corbell's amendments negatived.

Amendments (**Mr Corbell's**) agreed to.

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MR OSBORNE (5.19), in reply: Mr Speaker, I must admit that I am a little confused after having heard some speakers today. I thought we had universal support; but, after listening firstly to Ms Horodny and then to Mr Kaine, I am not quite sure whether I should support my own motion.

There are a couple of points I would like to add, Mr Speaker. I heard Mr Humphries and Ms Horodny arguing, saying, "You show me this and I will show you that", and, "You prove this and I will prove that". The main reason I put up this motion was that no-one could prove anything. Mr Darlington made some outrageous comments. I was provided with some information from certain people which was quite distressing, but without having proof I did not think it was prudent of me to come out publicly and make some outrageous claim. That was the main reason behind my putting up this motion in the Assembly. I thank Mr Corbell for his support and the Labor Party's support, and for his sensible amendments. I thank the Government. I thank the Greens too. Ms Horodny says they are going to support it.

I would like to talk about the issue Mr Kaine raised about the plasma converter. Mr Kaine reminded us that the chimney is only seven years old. Mr Speaker, I do not think we should dismiss the new technology of the plasma converter. What it does, allegedly, is break waste down something like 300 to one, with no emissions. Given the urgent need to reduce landfill, I would argue that this in itself warrants looking at. As I said, there are no emissions and it converts energy and breaks down all the different items that go into it something like 300 to one. I do not think we should discount it just because we have an incinerator that is only seven years old. Technology changes year by year. Things are superseded. If some of the claims made by the plasma converter organisation are true, then I would argue that expenditure of \$1m, \$2m or \$3m in the long run is warranted.

I thank members for their support. I must admit that I am a little disappointed that Ms Horodny attempted to generate a bit of ill feeling over this motion, when the Labor Party and the Government were quite sensible in what they had to say. Nevertheless, I thank members for their support.

Motion, as amended, agreed to.

HOSPITAL WAITING LISTS - ADJUSTED FIGURES

Motion

MR BERRY (5.23): I will keep this as brief as I can, given the lateness of the hour. Mr Speaker, I move:

That this Assembly requires the Minister for Health and Community Care to provide within 24 hours:

- (1) a copy of all details which led to the adjustment to ACT Public Hospital waiting lists referred to in the Assembly by the Minister; and

- (2) waiting lists before and after they were varied along with the formula or 'national data set' application which gave rise to adjusted waiting list figures.

Mr Speaker, this motion arose out of the publication of some figures from our hospitals in relation to waiting lists which showed a fairly dramatic increase over the Christmas period. Members will recall that the figures appeared in the *Canberra Times*. The article was responded to by the Health Minister's office and it was claimed that the increase was seasonal. Later on we discovered in question time in this place that there were some other factors involved and that there was some sort of a review, or recount or reassessment of the hospital numbers.

The motion speaks for itself, Mr Speaker. It seeks all of the details which led to the adjustment of the ACT public hospital waiting lists. It also, in paragraph (2), seeks some details of the waiting lists before and after they were varied. Mr Speaker, again for the sake of brevity, I will try to guess what Mrs Carnell is trying to do with her amendment, but I may need to seek leave to speak again if I am wrong.

Mrs Carnell: You will not have to, because you can speak to my amendment after I move it.

MR BERRY: Okay. For the sake of brevity anyway, I will say a couple of words against it. I think the amendment circulated merely restricts the level of information that I would be able to get hold of. I would rather leave the motion as it is, to ensure that all of the details are available rather than just the details that found their way to the Chief Minister. I recall, Mr Speaker, a revelation of changed counting arrangements for waiting lists in the hospital system. I was able to see a register which was filled in in pencil and a loose-leaf folder used in the counting of waiting lists. Rather than exclude access to all details by restricting it to just the information that found its way to the Chief Minister, I think I would err on the side of safety and oppose the amendment. I recommend that members do the same.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.25): Mr Berry obviously does not realise the reason why this recount was done. Mr Speaker, there was an internal review of waiting lists, which I was quite open about when Mr Berry asked the question about this. There is certainly nothing to hide in this area. The review was done in accordance with the requirement of the purchase agreement that exists between the Canberra Hospital and the Department of Health and Community Care. In that purchase agreement there is a requirement. I will quote from that agreement. It says that the current waiting list is to be reviewed to ensure compliance with the definitions. In other words, Mr Speaker, this has to be done as part of the purchase agreement. So there are no horrible undercurrents here; we have to do a review under the purchase agreement.

One of the focuses of this review was to examine compliance with the relevant national health data dictionary definitions, Mr Speaker. These change from time to time; so it is important to do audits every now and again to ensure that you are up to speed or that counting is occurring appropriately. The national health data dictionary waiting list

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definitions are applied to assist with compiling comparative national data. The review found that there were problems with internal reporting in relation to the definitions of “not ready for care” and “reason for removal of patients from waiting lists”. I will table, for the interest of members, those particular national data entries. There they are.

Mr Speaker, “not ready for care” patients are those who are not in a position to accept an offer of hospital admission, for either personal or medical reasons. Prior to January 1997 these patients were not included in the total waiting list numbers but were included in the specialty figures at the Canberra Hospital. This data has now been adjusted to reflect the appropriate definitions.

With regard to the definition of “reason for removal”, the national health data dictionary specifies the criteria for removing patients from the waiting lists. Examples of these criteria are that they have already been admitted; that they could not be contacted; that they have been treated somewhere else; or that the treatment is assessed as no longer being required. Internal reporting systems have now been adjusted to reflect this, Mr Speaker. An example could have been that a patient was admitted but not for the condition that they were on the waiting list for. Such patients were sometimes removed from the waiting list because they had been admitted. Obviously, that is not the approach that we wanted to take and that has now been fixed.

Mr Berry spoke about the surgical bookings procedures manual. Issues were also raised about the existing surgical bookings procedures manual being difficult to follow and that there was a need for it to be rewritten to detail various procedures involved in the maintenance of waiting lists. Mr Speaker, an officer has now been assigned to carry out implementation of these tasks and is working with staff from the relevant areas within the Canberra Hospital to achieve this end. Interestingly, while overall figures were understated due to the problems with the hospital’s internal systems and practices, one problem identified was that some patients who had been treated may not have been removed from the list when they should have been. Things tended to go both ways, Mr Speaker.

While the hospital has recognised internal problems with its system and is dealing with them, we should not let this mask the real improvements that have occurred in the waiting lists over the last two years. Even though the waiting lists were revised upwards in January and February to correct internal problems, the trend subsequently is again going down, Mr Speaker, and I made this point in the house the other day. In March, between the Calvary and Canberra hospitals, there was an overall reduction of 168 from the end of February figure. This represents a 14.2 per cent drop, or a decrease of 645 people waiting for elective surgery since the Government was elected in March 1995. Further, I am advised that at the end of April the waiting list at the Canberra Hospital was reduced by a further 108 from the March 1997 figure.

Interestingly, while the Calvary waiting list increased by more than 100 over January 1997 compared to December 1996, it was not because of a definition or systems problem, but because of the traditional slowdown over the Christmas period. The problem that we had with reporting at Canberra Hospital did not run at Calvary Hospital as well.

Their problem, I am advised, was totally to do with the traditional close-down period. The numbers have subsequently improved at that hospital as well. To the end of April, Calvary has reduced its numbers by more than 100.

Mr Speaker, I am more than happy, as I have said in my amendment, to table all of the data, and that includes the ministerial briefs involved that I have in my office. Normally in this place those opposite have opposed tabling ministerial briefs in their entirety. Mr Speaker, I have no problems in doing that. There is also a PAQ that I was given on this issue as well.

The documents that have come to my attention are very clear. I will explain what is here, Mr Speaker. There is the waiting list for elective surgery by specialty. They run over every month from July 1996 through to February 1997 at both hospitals, and all hospitals put together. It also has footnotes to explain the number of patients that were in the categories that I explained. In other words, Mr Speaker, in December 1996, say, it shows that it excludes 50 "not ready for care" patients who cannot be categorised, and so on. It actually outlines the number of people who were excluded in each month, back to July 1996, that we believe now should not have been excluded but should have been included under the national health data dictionary guidelines. All of that information is there. We then give, under this brief, the throughput data for January and February, including categories 1, 2 and 3, and the number of patients in each area, again at Canberra Hospital, at Calvary Hospital, and at all hospitals. This is the information that I have been given in this area.

Mr Speaker, we have tabled monthly data in this place ever since we came to government. We have been absolutely up front about this. We do not have 3,000 phantom operations. Waiting lists have not doubled, Mr Speaker. None of those things have happened. But, as part of an appropriate approach that we have taken, under our purchase agreements there is a requirement to relook at the way we do things in the departments. None of this is subject to anything but an internal approach.

Mr Berry: Well, why do you not give me all the details and agree with it?

MRS CARNELL: Because what are details? What is a detail, Mr Speaker? The reason I am moving this amendment is to make clear what is actually required here. I do not know what a detail is. A detail could be anything, for all I know. Mr Speaker, I think the information that I am tabling does outline the number of people that we believe were taken off inadvertently in the "not ready for care" category. That makes very clear how much our waiting lists were undercounted in that particular category. I assume that is the information Mr Berry wants.

What this information does show is that our hospital area is being very definite about getting the right information, Mr Speaker. Instead of going, literally, months and months - in fact, even longer, potentially years - without actually knowing how many operations they were doing, Mr Speaker, we do regular relooks at these things. These are not things that come to the Minister, necessarily, until the results come forward. It is just good management to have a relook every now and again at how you are counting, to make sure you are doing the right thing. I think that is an appropriate approach.

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I move the amendment that has been circulated in my name, which reads:

Paragraph (1), omit “details”, substitute “documents provided to the Minister”.

I think that makes it much clearer. I do not know that we have a definition anywhere in this place that suggests what a detail is. I think that the people in our hospitals and in our health system are providing very adequate data to this Assembly. In fact, Mr Speaker, they are providing more data than was ever provided before, by a country mile.

Ms McRae: Hiding.

Mr Berry: What are you hiding, Kate?

MRS CARNELL: Here we go. Ms McRae and Mr Berry say we are hiding something. Mr Speaker, how could we hide something when we have put it all on the record? What would those opposite have done, Mr Speaker, when they found out - they probably never would have found out because they never would have checked - that maybe the counting procedures were not right, as they were not with operations? What happened then? They did nothing, Mr Speaker. They just allowed the 3,000 phantom operations to float around the system.

The reality is that, under the accountability requirements that we have now, under the purchase agreements that are in place, all of those requirements, those checking mechanisms, are in place. The moment the department was aware of a problem, Mr Speaker, they presented a brief to me which ran through the issues involved and indicated that there had been counting problems.

Mr Berry: Does it record the screaming match between your office and the department?

MRS CARNELL: No. There has not been one; that is why. Did you scream at your department, Mr Berry? We do not, I have to tell you. Mr Speaker, this shows categorically what happened. This is the information that came to my office. I have no reason whatsoever to disbelieve it. What it shows, Mr Speaker, is that when the department found out that there were problems they corrected them and informed the Minister. Is that not good management, Mr Speaker? I think this is an appropriate approach. I do not believe that internal management documentation, or internal management information, is the sort of thing that should be tabled in an Assembly.

MR BERRY (5.38): Mr Speaker, I had hoped that we would not have taken so long on this; but, now that Mrs Carnell has been seen to be squirming so much, I am even more inquisitive as to what she seems to be squirming about. Mr Moore has raised with me the issue of how some of these details might identify officers. Mr Speaker, I seek leave to amend my motion by inserting after “details” the following words “excluding any information which may lead to the identification of any officer”. Paragraph (1) will then read:

- (1) a copy of all details, excluding any information which may lead to the identification of any officer, which led to the adjustment to ACT Public Hospital waiting lists referred to in the Assembly by the Minister.

I think that covers the issue of identification.

MR SPEAKER: Can we have that in writing, Mr Berry.

Mrs Carnell: Can I ask for a clarification? Can I ask what a detail is?

Ms McRae: You cannot ask for a clarification. You can speak to the amendment.

Mrs Carnell: Mr Speaker just said I - - -

MR SPEAKER: Order! Is leave granted for Mr Berry to make the amendment to his motion?

Leave granted.

MR BERRY: Thank you, Mr Speaker. "Details" means every written detail which has occurred in relation to the matter, without reference to individual officers. Clearly, there are things that Mrs Carnell does not want this Assembly to find out about. I am inquisitive. Because of all the fuss that Mrs Carnell has made over waiting lists in the past, I think we are entitled to know exactly what is going on. This motion would uncover all of those details so that we can look at the issue in detail, if I may say so, Mr Speaker.

MR HUMPHRIES (Attorney-General) (5.40): I have not seen the wording of Mr Berry's amendment to his amendment, and I think it behoves him to produce it.

Mr Moore: No; it is an amendment to his motion.

Ms McRae: Yes, he got leave to include it. You could have said no. You did not.

MR SPEAKER: Just a moment. We are going to get it in writing.

MR HUMPHRIES: It is a quite long amendment. I will say no, but I do not know - - -

Mr Moore: It is too late, Gary. He has leave and he is going to do it.

Mr Berry: I have done it.

MR HUMPHRIES: All right. I am sorry. I do not know what I am debating, but okay; I accept that there is - - -

Ms McRae: You should have been listening instead of being such a pain in the neck.

MR HUMPHRIES: I was listening.

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MR SPEAKER: The Assembly has given Mr Berry leave to amend his motion. Order! It is getting very late. It is typical, of course, that we get into this situation. The Assembly has given Mr Berry leave to amend the motion.

MR HUMPHRIES: Mr Speaker, I accept that. I understand that. But I still would like to see it in writing because I am not sure what the amendment says. I have been given a copy of it here in - - -

Ms McRae: Good. Can you read it now?

MR HUMPHRIES: Unfortunately, it is in Mr Moore's writing, which makes it only barely legible.

Ms McRae: We cannot make up for your deficiencies.

MR HUMPHRIES: You look at this and you see what you think it means. Mr Speaker, let me say a couple of things about this.

Mr Moore: Why don't you sit down, and I will speak first? Then you can have a proper turn when you have got it in writing.

MR HUMPHRIES: This is mine. Get your own. Mr Speaker, there are a couple of things about which - - -

Mr Berry: What are you worried about?

MR SPEAKER: Order! We will get it over a lot faster if you do not interject.

MR HUMPHRIES: Let me say a couple of things about this. Mr Speaker, I think Mrs Carnell has raised a very good question. I do not know what a detail is. Mr Berry has referred to notes or minutes of meetings between the Chief Minister and officers of the Department of Health. That is a detail, is it? Fine. Are minutes of meetings in which the hospital waiting lists were discussed also details, Mr Berry?

Mr Berry: Of course. All details. All written details in relation to the matter.

MR HUMPHRIES: They are. Mr Berry said, "Minutes of meetings in which they were discussed". What if there is no record in the minutes of there having been discussion about those hospital waiting lists at those meetings? Is that included in the motion? Mr Speaker, I am asking legitimate questions and Mr Berry cannot answer those questions. I am trying to find out what details are.

Mr Berry: I can answer the question. You are squirming.

MR HUMPHRIES: Can you tell me? Is that last - - -

Mr Berry: Mr Speaker, may I inform the Minister so that he can finish his inquiries and sit down? "Details" means everything that has been written in relation to the matter, so that this Assembly can see what happened in relation to it. Stop squirming.

MR SPEAKER: Thank you.

MR HUMPHRIES: Mr Speaker, I am sorry; I still do not think he clarified what this all means. What does - - -

Mr Berry: Does anybody else?

MR HUMPHRIES: I am sorry; I am a member of the Assembly and I am entitled to seek to clarify these things. What do you mean by "details"? You say you include minutes of meetings between the Chief Minister and her officers.

Mr Berry: This is not question time of the Opposition; but, just for the assistance of the Minister, everything that is written in relation to the matter.

MR HUMPHRIES: But there could be literally thousands of documents written in relation to this. For example, for argument's sake, a *Hansard* is produced.

Mr Berry: I can get that myself.

MR HUMPHRIES: Maybe you can. Perhaps you can. But *Hansard* has words in it relating to this matter. There are newspaper articles about hospital waiting lists. I have - - -

Mr Berry: Do not worry about them. I can get them.

MR HUMPHRIES: Maybe you can. But the point I am making, Mr Berry, is that there are vast numbers of documents which fall within this category.

Ms McRae: There are not.

MR HUMPHRIES: There are.

Mr Berry: All I want to find out is what is making you squirm. That is what I want to find out.

MR HUMPHRIES: I tell you that there are. I have in my office scrapbooks that go back years and years. Mr Speaker, I seek - - -

Mr Berry: Mr Speaker, what I need to find out is what is making him squirm so.

MR SPEAKER: Order! There is no point of order, Mr Berry.

MR HUMPHRIES: Mr Speaker, there is a vast amount of information - literally, a vast amount of information.

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Ms McRae: You are just talking rubbish.

MR HUMPHRIES: We are not talking rubbish.

Ms McRae: You are so.

Mrs Carnell: But if it is only about the recount and there are no names of people or patients' names or - - -

Ms McRae: That is what the motion says, for heaven's sake. What are you talking about? That is what the motion says.

MR SPEAKER: Proceed, Mr Humphries. We will get this over a lot faster if there are no interjections.

MR HUMPHRIES: It is also possible that information which does not contain a name - that is, where a name has been omitted - may still be information which nonetheless identifies a person by virtue of the person being in charge of the area being discussed.

Mr Moore: But it says "excluding any information which may lead to the identification of any officer". That is a reasonable approach.

MR HUMPHRIES: Mr Speaker, I have real doubts because I think it is extremely vague. I think it is a dangerous precedent to set. I think the Assembly needs to be careful about this. If you sit down and think about this carefully, there is literally an endless amount of information which could be included in it. If Mr Berry is fishing for something, let him say what it is that he wants. If he knows of a meeting or believes there were meetings, let him say what those meetings are and we will table the minutes of those meetings. What he has asked for here is extremely unspecific.

MR MOORE (5.45): Mr Speaker, I rise to speak to both the motion and the amendment. My memory takes me back to a time in a previous Assembly. If a motion like this had been put up and a Labor Minister had moved an amendment of the type Mrs Carnell has moved, she and Mr Humphries certainly would not have accepted it. Maybe, with the wisdom of being in government and realising how many papers there are to deal with and all the other issues, things change. There is no doubt, and Mr Humphries has said this himself, that things change when you are in government. I cannot remember his exact words, but they were something along those lines.

Mr Speaker, it seems to me that the compromise that Mr Berry has come up with is a very effective one. He said "details, excluding any information which may lead to the identification of any officer". I think that is a perfectly reasonable way of going about this process. It is interesting that Mr Humphries is saying, "Why are you asking this question? Tell us what you want. Why are you going on this fishing expedition?". My memory also takes me back to Mr Humphries, Mrs Carnell and Mr De Domenico going on a fishing expedition on a matter associated with VITAB.

Mrs Carnell: We knew exactly what we were after.

Mr Humphries: We were asking for exactly what we wanted.

MR MOORE: From the perspective of where I am sitting now - and I was sitting in exactly the same spot at that time - I am very interested to see what happens with fishing expeditions. Mr Speaker, it seems to me that we have a very sensible motion with a sensible amendment that is appropriate to achieve what Mr Berry wants to achieve. I believe it will be acceptable to the Government as well. What a wonderful compromise!

Amendment (**Mrs Carnell's**) negatived.

Motion, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Consultation Protocols : Acton Peninsula

MS McRAE (5.49): Mr Speaker, could I just point out that, although we did not go on to discuss consultation protocols, in the light of the debate we had yesterday about SWOW I do want to bring this motion of mine to the Minister's attention and for it not to be forgotten, particularly in the light of what is now going on at Scrivener Dam.

I take the opportunity of this adjournment debate to read a letter from Canberra Community Action on Acton Inc. I think it is important to put on record the concerns that there were about the Acton Peninsula even though those concerns have been overridden by events. This a very hardworking and well-focused group with the best interests of Canberra in their sights. They may have lost the battle, but I think that their interests and concerns ought to stay on record. Canberra Community Action on Acton Inc. wrote as follows:

Dear Roberta

The commitment to the National Museum/AIATSIS project on Acton Peninsula in the Federal budget is barely lukewarm. Nothing definite will happen for at least a year except for accommodation-briefing and a whole lot of detailed planning, environmental-impact, design, siting, and consultation work that should have been done well before Acton Peninsula was chosen as the site.

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This is work that the National Capital Authority is obliged to do under the ACT (Planning and Land Management) Act, and that some gung-ho bureaucrats and politicians (including our Chief Minister), and business “kickers” have apparently tried to by-pass. From all accounts, the results are likely to show that Acton is not suitable for the project and vice versa.

Right now on Acton Peninsula, a perfectly good new Child Care Centre has been flattened, solid old Bennett House has virtually gone and so have the innards of the three remaining vacant buildings, the Tower Block so suitable for a range of accommodation, commercial and cultural uses in demand, Sylvia Curley House much sought after by the ANU, and the Maternity Block highly suitable for health uses similar to the extremely successful adjoining ACT Hospice.

This demolition work, although highly wasteful, has virtually eliminated the ACT Government’s Acton Peninsula maintenance costs of \$850,000 per annum; and the state of remaining vacant buildings is now ideal for comprehensive refurbishment.

What the ACT Government should now do is pay off the demolition contractors saving the remaining \$6 million or so needed to finish the demolition plus a further \$3 million infrastructure contribution to the National Museum project.

Why should the ACT risk \$9 million of its own money and its highly valuable in situ building fabric on the peninsula, when the National Museum may not even eventuate let alone go there? The Kingston-Acton land swap never was a good deal for the Territory and the condition of it that the peninsula be cleared is even more a total rip-off and completely ridiculous under the current circumstances.

Yours faithfully

President, Canberra Community Action on Acton Inc.

I hope most sincerely, Mr Speaker, that these words of the community action group do not come true for the ACT and that this \$7m is the beginning of a very big project, but I think it is important to have those words on record.

Retail Outlet - Closure

MR BERRY (5.53): I would like to read a letter to Mr Gary Humphries MLA from the proprietor of Shop 2 - Ginninderra Country Crafts is the name of it - at Gold Creek Village. It says:

Mr Gary Humphries MLA

I would like to invite you to open my closing down Sale on 17 May 1997 at 10.00 am.

I would like to thank yourself and the "Current" ACT Liberal Government for the continuing expansion of retail outlets in the ACT.

I think there is a bit of irony, a bit of sarcasm, here. It continues:

People are so fortunate in the ACT that they no longer have to travel very far from their doorsteps to acquire any product their lit'l hearts so desire.

Thank you for allowing me to join the ranks of the unemployed and Canberra's retail vacancy rates and the closed business statistics.

Thank you, I won't have to pay any more tax - I'll recoup what I've previously paid in unemployment benefits.

Thank you, I won't have to employ anyone nor help with the local economy.

Oh! While you're here on 17 May there are 2 other shops you can officially do.

Thank you for allowing me to have more time with my dog and doing some knitting.

My bank manager would like to thank you for the interest they will continue to claim on my business loan.

Thank you, Gary.

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O'Connor and Bruce Ridge Areas

MR CORBELL (5.55): Mr Speaker, I want to speak in the adjournment debate this evening in order to raise an issue that has been reported in the *Gungahlin Chronicle* this week. This article was in response to a press release that I issued earlier this week on behalf of the Labor Party in relation to a position we have chosen to take over the O'Connor and Bruce Ridge areas. We made this very clear statement:

The ALP will not support route proposals for a John Dedman East Parkway which would violate the environmental integrity of the O'Connor and Bruce Ridge areas.

We made the statement very clear because we recognise that several reports, both within the ACT and by the Federal Government, have recommended that this area be given specific legislative protection and that no development, in particular, a John Dedman East road, proceed through it because of its significance, in terms of both the urban area of Canberra, as a background for the Inner North, and also its environmental significance as a regenerated area of dry sclerophyll forest - one of the few remaining areas of dry eucalyptus forest of that type within the Canberra urban area. We made the statement very clear, whilst at the same time recognising that Gungahlin's transport links had to be effective, had to be the best possible, and that all residents should have a chance to contribute in developing that process.

Mr Speaker, I rise this evening because in the article a spokeswoman for the Environment Minister, Mr Humphries, said that I may not be aware of the public consultation that has taken place over John Dedman Parkway and that I was also walking away, she claimed, from Gungahlin residents. I want to put on the record now that I am not walking away from Gungahlin residents.

Mr Berry: You actually live there.

MR CORBELL: In fact, I live there and I drive home there every evening, so I am not going to walk away from a place where I live. What I do want to make sure of is that this Government stops dividing the communities of Gungahlin and the Inner North. At the moment this Government is playing communities off, one against the other. They are playing Gungahlin off against the inner north. They are playing Lyneham, Turner and O'Connor off against Watson, Downer and Hackett. It is a completely unacceptable way to run planning policy, particularly on the very sensitive and very important issue of transport links within the Inner North and transport links to Gungahlin.

I want to make sure that Gungahlin has the best possible transport links. For that reason, my colleague Ms McRae successfully moved a motion in this Assembly which would establish an inquiry by the Assembly's Planning and Environment Committee on the best possible options for John Dedman Parkway and associated transport links in the Inner North, and transport links to Gungahlin. We believe that that is the most appropriate step to take. Instead of playing the game the Government plays, of playing off communities against one another, we want to make sure that all communities have the opportunity to contribute to that debate in a sensible manner, and, more importantly, that all options for John Dedman Parkway and other alternatives are considered.

At the moment this Government has only three options, and it says to the community, "These are the three options we will consult with you about. No others will be entered into. We will not listen to them in any way". That is completely unacceptable.

In my media release I also said that the ALP wants to make sure that all members of the community are genuinely consulted about this proposal - that is, John Dedman Parkway - and that all issues, including the development and maintenance of a strong, viable and responsive public transport system, are considered. We also want to make sure that other alternatives, such as the options for John Dedman Parkway developed by the Lyneham and O'Connor Residents Association, are considered. That is what we are here about. I want to place on the record that it is this Government that is seriously considering building a road through one of the last remaining significant areas of dry sclerophyll forest in Canberra.

Mr Humphries: It is not doing anything of the sort. That is nonsense.

MR CORBELL: The Minister says it is nonsense. It is not nonsense. The Joint Parliamentary Committee on the National Capital recommended that the area be given legislative protection because of its significance environmentally, culturally, and as part of the plan of the ACT. This Government seems to be willing to ignore that. Planning authorities, I must say, from time to time, also appear to be willing to ignore those recommendations, but they have been around for over a decade; I would suggest, closer to two decades. Yet we still maintain this blinkered approach that says that we can build a road through that significant area of bushland in the Inner North. We will not accept those proposals.

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

Community Consultation

MS TUCKER (6.00): I want to make a brief comment about Mr Hird's question to Ms Horodny in question time today. I guess he thought it was funny, but it is actually quite disturbing. Either he has completely missed the point of the censure motion yesterday or, if he has not, he has no respect for the people of the SWOW community who donated thousands of hours of their time to what they thought was a genuine consultation process; to what they thought would lead to results which would be acceptable to the Government and to the SWOW community. That is about deception. It has nothing to do with Ms Horodny's campaign to ban battery hens. That was an election issue. We were voted in on those sorts of issues. For Mr Hird to suggest that there is a similarity between what people get into this place on, or do not get into this place on, and the deceptive farce that occurred with Mr Stefaniak on the consultation process on the School Without Walls was extremely disrespectful and showed a misunderstanding of the issue.

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Mr Humphries: I raise a point of order, Mr Speaker. I think that even in the adjournment debate the standing orders prevent people from reflecting on a vote of the Assembly, and I think that is what Ms Tucker is doing.

MR SPEAKER: I uphold the point of order.

MS TUCKER: I have finished.

**Consultation Protocols : Acton Peninsula : Retail Outlet - Closure :
O'Connor and Bruce Ridge Areas**

MR HUMPHRIES (Attorney-General) (6.01), in reply: I would seek an extension of time, except that I cannot have one, of course.

Ms McRae: No. Thank goodness for that.

MR HUMPHRIES: Yes, I am sure you are grateful for that, Ms McRae. First of all, on the issue Ms McRae raised, I want to table - I would have tabled it if we had had the debate today - a very rough first draft of a consultation protocol. This has been presented to me by my department. I think it needs a lot more work, to be quite frank; but that is what the department has produced, and I table it for members' interest. I am sure we will come back to debate this later. We have to develop the sorts of protocols Ms McRae referred to.

I am not so pessimistic about the National Museum. I think the fact that \$7m is to be spent on work in this financial year is a greater commitment than was ever made before by previous governments, particularly by the Keating Government, which frequently said, "It is just around the corner, mate", and it never turned up. I think at the time of the next Federal election we will all be eating our words, or those over there will be eating their words, about a museum. I certainly think that is going to be the case.

I have noted Mr Berry's reading of Ms Stanley's letter on Gold Creek Village. I have had several dealings with Ms Stanley. Ms Stanley's basic contention is that the Government should not authorise further building work to go on at Gold Creek, at Federation Square, which would have the effect of attracting people to that site. Ms Stanley seems to believe that creating additional facilities, mostly additional non-retail facilities, at that site would be bad for the existing traders there. I have made it clear to her that I will do everything I can to help the traders, but stopping further development there of a kind which will bring people to her site is foolish. It is stupid. Ms Stanley does not seem to believe that that has anything to do with it. She has opposed the very means whereby her business might have been saved. I have to say that I have no sympathy whatsoever for her position.

Ms McRae: So you are not accepting the invitation?

MR HUMPHRIES: No. Mr Speaker, the final point is the John Dedman Parkway. I, like many Canberrans, particularly people in Gungahlin, saw in Mr Corbell's statements in the media the other day about the parkway a very clear indication of wanting to have an each-way bet: "Yes, residents of Gungahlin, we are in favour of your parkway"; but, "No, people of O'Connor and Inner North Canberra, we are not in favour of taking away your bushland". In other words, Mr Speaker, "Vote for us, members of the public, and you will get anything you want; we are the party for everybody".

You cannot have an each-way bet on these sorts of issues. The Gungahlin external travel study - it was an NCDC study - recommended that there be exploration, through public consultation, of all of those options. That is what this Government has undertaken, in accordance with those recommendations. We have no preference for any particular route. If the reference that that incurs finally comes down in favour of a different route, we will accept that. The issues that Mr Corbell has raised may well be instrumental at the end of the day in deciding the issue. To pretend to the people of certain parts of Canberra that Labor is not really in favour of the parkway, which is what Mr Corbell was doing, is a little bit dishonest. I would say to him that he needs to be very clear: If he is in favour of the parkway, say so; if he is not, say so too, and he can see what people in Gungahlin think about that at the next election.

Question resolved in the affirmative.

Assembly adjourned at 6.05 pm