



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

17 June 1997

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**Tuesday, 17 June 1997**

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

### **PETITIONS**

**The Clerk:** The following petitions have been lodged for presentation:

By **Mr Moore**, from 419 residents, requesting that the Assembly pass a Bill allowing for a Territory-wide referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

By **Ms Horodny**, from 698 residents, requesting that the Assembly abolish the battery cage system of egg production in the ACT.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

### **Voluntary Euthanasia**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory respectfully draws the attention of the House to the issue of legalising voluntary euthanasia for the terminally ill.

Your petitioners request the Assembly to pass a Bill allowing for a Territory-wide Referendum on the matter of legalising strictly and properly regulated voluntary euthanasia for the terminally ill.

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## **Egg Production - Battery Cage System**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the battery cage system of egg production involves many cruel practices towards hens, including:

1. caging for their entire lives in cages where they cannot exhibit their natural behaviour, for example spreading their wings and scratching in dirt or litter;
2. caging for their entire lives in cages with sloping wire floors, where the only possible position of comfort is to roost on the bodies of other hens.

Your petitioners therefore request the Assembly to: abolish the battery cage system of egg production in the ACT.

Petitions received.

### ***BRINGING THEM HOME REPORT*** **Suspension of Standing Orders**

**Mr Berry:** Mr Speaker, in relation to the daily program, I rise to ask the Chief Minister to seek leave to bring on the motion concerning the *Bringing them home* report forthwith.

**Mr Humphries:** Can you tell us why?

**Mr Berry:** Do you want me to move a motion?

**Mr Humphries:** Mr Speaker, there seems to be a request and I am happy to rise and answer the request. The program that is before the Assembly - - -

**Ms McRae:** On what basis? Under what standing order is he speaking? This is not question time.

**Mr Humphries:** On the same basis that a question has just been asked by Mr Berry.

**Ms McRae:** Mr Speaker, I rise on a point of order. There is no question before the house.

**Mrs Carnell:** Yes, there is. Mr Berry just asked me.

**MR SPEAKER:** Actually, there is no question whatsoever before the house at this point.

**Ms McRae:** That is right; so I am taking a point of order. I ask for your direction as to why we are getting Mr Humphries answering questions when it is not question time.

**MR SPEAKER:** There is no question before the house. Mr Berry has simply invited the Chief Minister to bring it on.

**Mrs Carnell:** Move, so that we can find out why.

**Mr Humphries:** Tell us why you want to do it.

**Mr Berry:** No; you can just jump up - - -

**MR SPEAKER:** Order, Mr Berry! All that the Chief Minister is seeking to know is your reason for doing it.

**MR BERRY (10.33):** Okay. If the Chief Minister does not want to seek leave immediately, I move:

That so much of the standing orders be suspended as would prevent Mrs Carnell (Chief Minister) from moving a motion concerning the *Bringing them home* report forthwith.

I rang Mr Humphries's office this morning and said that we would like to bring this on earlier because we were concerned that this important motion - - -

**Mr Humphries:** Three minutes ago.

**Ms McRae:** So what? It was better than two seconds ago.

**MR SPEAKER:** Order! Mr Berry, continue.

**MR BERRY:** I informed his office that we were concerned that this important motion was buried in the business of the house and we thought it would be better considered as a priority for the Assembly. Mr Humphries then being well informed as to our position, I chose then to request the Chief Minister to seek leave immediately to bring the motion on immediately; but it seems that the Chief Minister would wish rather to resist that proposition.

**Mr Humphries:** No; she wants to know why.

**MR BERRY:** Mr Speaker, if Mrs Carnell wanted to know why, I would have thought that Mr Humphries would have informed her immediately after I called his office, which was about 15 minutes before the commencement of the sitting. I called his office and told them that we were concerned that this motion was not being given the priority

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that it deserves. Mr Speaker, I repeat that I had requested that Mrs Carnell seek leave to bring it on straightaway. I cannot be held responsible for the lack of communication between the manager of Government business and the Chief Minister. Mr Speaker, I therefore, reluctantly, have moved this motion, and I urge members to support it.

**MR HUMPHRIES** (Attorney-General) (10.35): Mr Speaker, I want to put the record straight on a couple of things. Mr Berry rang my office this morning, while the bells were ringing, to say that he wanted to bring this on.

**Mr Berry:** No. That is not true, Gary, and you know it.

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** I did not take the phone call. I was sitting at my desk while the bells were ringing and someone came in and said to me, "Wayne has just rung and said this ...". I was told while the bells were ringing this morning. Mr Speaker, I was not told any reasons in advance. I was simply told that the Labor Party wanted to bring the matter on early. That is the position. There were no reasons advanced for that happening. The matter is on the program today. If the Labor Party wants to bring it forward, I think that is fine; but I think it is more of a courtesy to do it in time to be able to discuss it with other members rather than indicate their intention to do something at very short notice. I was in my office at the time Mr Berry called. Had he asked to speak to me, I would have happily discussed it with him.

The weekly program, Mr Speaker, was agreed before. As I understand it, it was agreed that there would be the presentation of the Estimates Committee report because that is what the Labor Party asked for. The Labor Party said that the first thing they wanted was - - -

**Ms McRae:** I did not. Who asked you?

**MR HUMPHRIES:** You were not at the Government business meeting last Friday.

**Mr Berry:** I made no such request. You were not there either.

**MR HUMPHRIES:** I understand that the request of the Labor Party was that the first thing to be dealt with was the Estimates Committee report.

**Ms McRae:** We did not. You "understand".

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** I think someone has had a very bad weekend, Mr Speaker, and I do not know what has got them on edge. Maybe they have seen a bad survey of some sort that has got them on edge.

**Ms McRae:** No; it is your sweet little face that turns us sour.

**MR HUMPHRIES:** Oh, dear!

**MR SPEAKER:** The Assembly's week has not started all that well either. Continue, Mr Humphries.

**MR HUMPHRIES:** I do not quite know what the problem is, Mr Speaker. I am not opposed to having the matter dealt with straightaway; but it would be, I think, a courtesy to other members to be able to deal with this matter at a time when members can know about it and discuss it, rather than have it sprung on them at very short notice. I might also point out that Mr Moore is out of the chamber for some period yet. I think it would be - - -

**Mr Whitecross:** He did the wrong thing.

**MR HUMPHRIES:** Mr Speaker, if I could be allowed to comment - - -

**MR SPEAKER:** Order!

**MR HUMPHRIES:** I think it would be most unfortunate, on an occasion when the whole Assembly is seeking to make a statement unanimously about its views on the stolen generation report, if the Assembly were to debate this matter - - -

**Mr Whitecross:** He was a member of the Estimates Committee. You are happy to discuss that report.

**MR HUMPHRIES:** If I could be allowed to finish, Mr Whitecross, it would be most unfortunate, I think, if the Assembly as a whole could not put its support to that motion that is to be moved by the Chief Minister. I think it would be unfortunate if one member was outside the chamber and we were unable to do that. Clearly, the Labor Party is more interested in pulling a stunt. So we are happy to go along with that, even though I think it is in rather poor taste.

**MR BERRY** (10.39), in reply: Recorrecting the record again, the fact of the matter is that Mr Humphries's office was called this morning. They were told of our concerns. Mr Humphries was informed. There has been some delay in the information getting to the Chief Minister. I am sorry about that, but I cannot be held responsible for it. Mrs Carnell had the opportunity to seek leave to bring it on forthwith. We want it brought on forthwith. I hope you will support us.

Question resolved in the affirmative, with the concurrence of an absolute majority.

## VISITORS

**MR SPEAKER:** I recognise the presence in the gallery of students from Campbell Primary School whose area of study is local government. We welcome you to your Assembly.

**BRINGING THEM HOME REPORT**  
**Motion**

**MRS CARNELL** (Chief Minister) (10.39): I ask for leave to move a motion relating to the *Bringing them home* report.

Leave granted.

**MRS CARNELL**: Thank you very much. I move:

That this Assembly:

- (1) apologises to the Ngun(n)awal people and other Aboriginal and Torres Strait Islander people in the ACT for the hurt and distress inflicted upon any people as a result of the separation of Aboriginal and Torres Strait Islander children from their families;
- (2) assures the Aboriginal and Torres Strait Islander peoples of this Territory that the Assembly regards the past practices of forced separation as abhorrent and expresses our sincere determination that they will not happen in the ACT;
- (3) affirms its commitment to a just and proper outcome for both the grievances of Aboriginal and Torres Strait Islander people adversely affected by those policies and the recommendations of the *Bringing them home* Report;
- (4) acknowledges that the Government is negotiating a Regional Agreement with the Ngun(n)awal people in relation to the Ngunnawal Native Title claim in the ACT; and
- (5) by this resolution seeks to take an important step in the healing process which is fundamental to reconciliation between Aboriginal and Torres Strait Islander peoples and the non-indigenous members of the ACT community.

Mr Speaker, it is with pleasure that I move the tabled motion, which I understand everyone agrees to, in response to the *Bringing them home* report. As you are aware, *Bringing them home*, the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, was presented to the Commonwealth Government in April 1997 by the Human Rights and Equal Opportunity Commission. The report was tabled in the Federal Parliament on 26 May 1997 and presents a compelling review of past and contemporary separation of indigenous children from their families.



When the first European settlers arrived in the Canberra area in 1824 a number of Aboriginal communities occupied the south-east area of New South Wales, including the land which is now the Australian Capital Territory. These communities included the Ngun(n)awal people who lived on the Limestone Plains, including Canberra, and extending north to Boorowa and Goulburn; the Wiradjuri people who lived to the north and to the west of Canberra; the Ngarigo people who occupied the Monaro tablelands south of Canberra; and the Wandandian people who occupied the area east of Canberra to the coast, including Jervis Bay.

Based on European settlers' recollections, at the time the estimated Aboriginal population within the local region ranged from 400 to 1,000. As was the case throughout most of Australia, European settlement of the Canberra region had a devastating impact on local Aboriginal communities. In 1853 an estimated 200 Aboriginal people remained, and by 1891 the New South Wales census for the Queanbeyan and Canberra district recorded a total of 21 Aboriginal people, mostly living on European pastoral stations. In 1911, following proclamation of the Federal Capital Territory on 1 January, the New South Wales Aboriginal Protection Board compulsorily relocated most of the Aboriginal people remaining in the Territory - estimated by that stage, Mr Speaker, at around 10 - to the Edgerton Mission Station near Yass.

Today, I am pleased to say, the situation is significantly different. Today, only 86 years after proclamation, the Australian Capital Territory is fortunate to have an active and vibrant Aboriginal and Torres Strait Islander population, made up from indigenous communities and people from across Australia. This population is growing at a rate significantly higher than that of any other Australian State or Territory. In 1991 the Australian Bureau of Statistics census recorded approximately 1,700 people in the ACT who identified as being Aboriginal or Torres Strait Islander. This represented an increase of approximately 52 per cent over the 1986 figures. In 1971, when the national census first counted indigenous Australians, there were only 156 identified Aboriginal people within the ACT and Jervis Bay, and no Torres Strait Islanders. Many of these people were thought to have been living in Jervis Bay. Reading the *Bringing them home* report reinforces the need for all members of the ACT community, including members of the ACT Legislative Assembly, to remember the past and to continue to move forward through the reconciliation process. I believe that this motion is a key part of this process.

The inquiry into the separation of Aboriginal and Torres Strait Islander children from their families was established in 1995 in response to increasing concern among key indigenous agencies and communities that the general public's ignorance of the history of forced separation was hindering the recognition of the needs of indigenous Australians and their families. The terms of reference of the inquiry required the commission, amongst other things, to consult widely among the Australian community. Accordingly, the inquiry undertook an extensive program of hearings across Australia, and public evidence was taken from a wide range of government and non-government agencies and individuals. The ACT Government provided an interim submission to the inquiry in June 1996, evidence at hearings in Canberra in July 1996, and follow-up information as requested by commissioners. *Bringing them home* contains 54 recommendations, including a number which cover reparation, acknowledgment and apology to indigenous peoples who have suffered because of forcible removal from their families.

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Prior to the release of the report, on 5 December 1996 the ACT Legislative Assembly reaffirmed its commitment to the goals and processes of reconciliation, and the importance of a genuine approach to reconciliation to the future of the ACT and Australia. The motion I have moved is important, Mr Speaker, and is commensurate with this commitment and the recommendations of the *Bringing them home* report. The motion apologises to the Ngun(n)awal people and other Aboriginal and Torres Strait Islander people in the ACT for the hurt and distress inflicted upon any people as a result of the separation of Aboriginal and Torres Strait Islander children from their families. The motion also assures the indigenous and non-indigenous members of the ACT community that the ACT Legislative Assembly regards the past practices of forced separation as abhorrent, and that the Assembly expresses sincere determination that such practices will not happen in the ACT.

As I have already noted, the *Bringing them home* report presents 54 recommendations which cover a broad range of issues and responsibilities. The motion I have tabled affirms the Government's commitment to a just and proper outcome for both the grievances of Aboriginal and Torres Strait Islander people adversely affected by these policies and the recommendations of the *Bringing them home* report. In doing so, the Government will take account of the special needs of the ACT indigenous communities in developing appropriate and responsive policies, programs and legislation to meet the needs of the ACT community. One such measure, as noted in the motion, is the Government's recent announcement that it is negotiating a regional agreement with the Ngun(n)awal people in relation to the Ngunnawal native title claim in the ACT.

In summary, I am honoured to present this motion to the Assembly, Mr Speaker. I believe that it marks an important and historic step in the healing and reconciliation between indigenous and non-indigenous members of the ACT community, and a step of which I hope all ACT residents will be proud.

**MR WHITECROSS** (Leader of the Opposition) (10.47): Mr Speaker, I rise to support this motion. It is a very important motion that the Assembly is considering and I am pleased that, after a period of public debate, we have got to a point where we can stand together and publicly acknowledge the wrong that has been done to Aboriginal people as reported in the *Bringing them home* report and our commitment to appropriate reparation for that wrong. The policies that are referred to in the report, so-called separation policies, were profoundly wrong policies. People affected by those policies had their families and their family life stolen from them. People affected by those policies had their childhood stolen from them. People affected by those policies had their past stolen from them, their future stolen from them, and their culture stolen from them.

Mr Speaker, the report talks in great detail about the impact on the lives of the people who were subject to these policies. I do not want to go into this in great detail, but I want to highlight some of the elements of the policy that existed at the time. Children were not taken from their families because they were victims of sexual abuse or neglect, or any other failure of their parents; they were taken from their families because white authorities believed that they could do better for them than allowing them to grow up in the care of their own parents. They were taken because we, the white community, made racist assumptions about the ability of Aboriginal parents to bring up their children.

Once the children were taken from their parents, family contact was discouraged. They may even have been told lies, such as that their parents were dead, to discourage that contact. They were taught to reject Aborigines and Aboriginality, to stop identifying themselves as Aboriginal people. They were kept in harsh conditions. They were given only basic education. If they were required to work they often were not paid for the work they were required to do. Excessive physical punishments were common. They were exposed to the risk of sexual abuse. In short, the authorities who took it upon themselves to take these people away, because they claimed they could give them a better life, failed to care for and protect these children.

What were the effects of those policies? These children lost their primary carers in infancy. This led to long-term problems, such as insecurity and lack of self-esteem, feelings of worthlessness, depression and suicide, delinquency and violence, alcohol and drug abuse, and a lack of trust in intimacy. Mr Speaker, they lost those fundamental caring relationships which help us to find our authentic identity as human beings. That is why those policies were wrong and that is why we have to apologise.

People who were forcibly removed were not better off. Their ability to learn parenting skills was undermined because they did not grow up in normal family relationships. They grew up in other kinds of relationships which denied them those parenting skills. They did not have the experience of growing up in their own families, which meant that their suffering was then passed on to the next generation. The next generation also suffered the impact of those policies. They also lost their heritage in many cases, and in many cases they have not been able to rediscover it or reclaim it. That is to say nothing of the effect on the mothers of the children who were taken and the impact on their lives.

Mr Speaker, the *Bringing them home* report talks about the importance of reparation as our response to this. It talks about the components of reparation, acknowledgment and apology, and this motion is part of that process of acknowledgment and apology. It talks about guarantees against repetition. This motion also talks about our determination that these policies will not happen in the future in the ACT, and that is an important element of the reparation process. It talks about measures of restitution to the extent that that is possible. It talks about measures of rehabilitation and it talks about monetary compensation. Those are the challenges that are ahead for us in relation to this. What are we, as a community, going to do to ensure that people receive restitution and appropriate rehabilitation, whether counselling or otherwise? We have to play our role in supporting calls for appropriate compensation too. These are all key elements of the reparation process and they are elements which we have to remember to embrace.

Another thing which is talked about in the report in the context of reparation is ensuring that these stories are told; that the truth is told about what happened in the past. I am not one of those people who believe that we can simply turn our back on the past and say, "Let us not talk about the past. Let us not think about those bad things that happened. Let us worry about just the future". I do not think we should dwell on the past in a morbid way and I do not think we should revel in unhappiness; but I do believe, Mr Speaker, that we have a responsibility to ensure that people understand. Our children should understand what has happened in the past. They should know the truth about our history. Knowing the truth, and being honest about what has gone before, we can truly move ahead together.

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One of the greatest causes of hurt to Aboriginal people and others is the ignorance of others in the community about what has happened to them. If we are to avoid repeating that hurt, we have to meet the challenge of not being ignorant. I believe that that is an important element that we must embrace if we are to be sincere about meeting the call for reparation in the report. Mr Speaker, it needs to be remembered that this is not just something that happened in the past. The people who were the subject of these policies are still alive and are still active members of the community. They are people that you will meet if you bother to mix with Aboriginal people. We have to be conscious of the ongoing impacts of those policies if we are to be sincere about the reparation process.

There is one other thing in this motion which I want to touch on briefly, and that is the reference to the regional agreement with the Ngun(n)awal people in relation to the native title claim in the ACT. The Government is right to say that sensitive and sympathetic treatment of native title claims is an important step in the reconciliation process. Acknowledgment of Aboriginal people's attachment to land and past associations with land is an important element in the ACT. It is also important, Mr Speaker, that that be done in a way which brings communities together, which acknowledges the range of opinion within Aboriginal communities and which involves all elements of the Aboriginal community if it is to be a positive and reconciling thing. If the pursuit of a regional agreement on a native title claim has the effect of dividing the community it will defeat its purpose of reconciliation. So, Mr Speaker, let us all be conscious of the need to progress these matters in a way which is unifying and is reconciling.

There is a tradition in this place, as well as in others, of not using Aboriginal issues as a way of scoring political points. It is important that we deal with Aboriginal issues, indigenous issues, in a way which is, indeed, unifying, affirming and reconciling, not in a way which satisfies public consumption but does not actually enhance our reconciliation with Aboriginal peoples. Mr Speaker, I think that we have to embrace the spirit of this motion. We have to embrace the calls in the *Bringing them home* report to confront our past, and to make appropriate reparation for it as part of the process of moving together in a positive way in the future. I commend the motion and I commend all the recommendations of the report, Mr Speaker.

**MS HORODNY** (11.00): There are those in our community who, without thinking and without compassion, will say, "Why should we apologise? This happened a long time ago. It is not something I was a part of. It is the past. Let us put it behind us". How can we put it behind us, I say, when so many people are still so badly affected by those past policies and practices? These policies and practices were in place for over 80 years and happened in every State and Territory in Australia. In New South Wales and Victoria, laws sanctioning the separation of Aboriginal people were in place as early as 1885, and in some States they were not formally abolished until the early 1970s. The effects of this abhorrent practice are still impacting on Aboriginal people today. Some 43 of the 99 Aboriginal deaths in custody were of people who were separated from their families as children.

Mr Speaker, there is a sad side to the story today when children from Third World countries are adopted to parents from another country and another culture, because those children lose their culture and their country. But that is a trade-off because in their native land they would not fare well in an orphanage. They lose their country but they gain parents. They gain a family, they gain love, they gain closeness and they gain care. For the loss of their birth country, they gain a family that truly wants them. In the case of the Aboriginal babies and the toddlers and the young children, they lost all round. Most of the children lost their families to live in an orphanage. They lost their culture to be left in limbo. Divorced from their natural land and people, they were certainly not accepted into white society. In fact, these Aboriginal children became cheap or free labour in most cases, which suited the economic needs of colonisation and made Aboriginal land available for clearing, farming, mining and settling.

The long-term effects of these policies and practices are still with us. All the social and health problems suffered by Aboriginal people today can be linked to the disruption of their lives through being forcibly taken from their families. There is a study referred to in the report which was conducted in Melbourne in the mid-1980s and which revealed that Aboriginal people who were forcibly removed as children are less likely to have undertaken post-secondary education; much less likely to have stable living conditions and more likely to be geographically mobile; three times more likely to say that they had no-one to call on in a crisis; less likely to be in a stable, confiding relationship with a partner; twice as likely to report having been arrested by police and having been convicted of an offence; three times as likely to report having been in gaol; less likely to have a strong sense of their Aboriginal cultural identity; more likely to have discovered their Aboriginality later in life and less likely to know about their Aboriginal cultural traditions; and twice as likely to report current use of illicit substances, and much more likely to report intravenous use of illicit substances.

Mr Speaker, the reason we are apologising today to the Aboriginal people whose lives have been damaged by forcible removal is that we must acknowledge that a wrong was done, and we must pay public tribute to the survivors and those who have not survived. One recommendation from the report is that ATSIC, in consultation with the Council for Aboriginal Reconciliation, arrange for a national "Sorry Day" to be celebrated each year to commemorate the history of forcible removal and its effects. This would commemorate Aboriginal survival and would have the same recognition as Anzac Day. Commemoration is important, not only for the victims but also for society as a whole.

Another recommendation is that State and Territory governments ensure that primary and secondary school curricula include substantial compulsory modules on the history and continuing effects of forcible removal. This is something that is very close to my own heart as I have been convinced for some time that our school curriculum needs to include the real Australian history, which includes all the atrocities. Indeed, proposals to the inquiry included the rewriting of school textbooks and official histories to include the policies and practices of separation, and education with respect to the issues and effects of separation for those working with Aboriginal people, including the judiciary, solicitors, doctors, social service workers, health workers, teachers and prison workers.

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I believe, too, that every school curriculum should include not only cross-curriculum perspectives on Aboriginal studies but also explicit studies on Aboriginal culture. We are on Aboriginal land. We must respect that fact, and there is no better way to know this land than to understand the ways of the traditional owners.

Mr Speaker, in the calling of a round table meeting yesterday to finalise the wording of an apology motion, I was heartened by the willingness, on at least this one occasion, of all members of this Assembly to work together. To me, it indicated that Aboriginal reconciliation is a high priority for members of this Assembly and that this apology is just the beginning of that process.

**MS REILLY (11.07):** I rise to support this motion. As I started the process on the anniversary of the 1967 referendum which recognised Aboriginal people, I am glad to see finally that we have a motion before the Assembly. The 1967 referendum took place 30 years ago. I am sure that many of the people who were involved in getting that referendum up are amazed that some of the issues surrounding that referendum are still being discussed today as we, as a community, try to work towards full recognition of the rights of Aboriginal people.

I cannot emphasise enough how important it is for us, as Legislative Assembly members, as elected members for the ACT, to apologise to Aboriginal and Torres Strait Islander people. This is more than a symbolic gesture because what we are saying is that we recognise the past and we want to go forward into the future. We need to apologise for the past attitudes and policies that led to the removal of children from their families, that denied them their culture and that alienated them from their land. Any understanding of Aboriginal culture will indicate the importance of land and their connection to the land. Many Aboriginal people in Australia were denied this access. Many of them had to search for years before they could find out where they came from. The stories people have read and discussed are heart-rending. We must ensure that this does not happen again.

What we are really talking about when we look at the issues around the *Bringing them home* report is genocide, because under those policies of the past we refused people access to their culture and to their language. Actions taken at that time cannot be seen as parallels to other actions within our community such as the bringing of young British children to Australia, because they were not denied their language or their culture in the way that Aboriginal people were. As some other members have spelt out today, some of the actions that were taken ensured that Aboriginal people did not know where they came from, did not know their own language, and did not know their own families.

I apologise. I apologise for the past mistakes of governments and various departments and other public organisations in our community. It is important that we confront this truth of our past. Without confronting this truth we cannot go forward into the future to reach a truly integrated society. With the Centenary of Federation coming up at the end of this century, this is a good time to work towards recognising everybody in this community and their right to have a place in this society.

We must discuss the concerns of the past; we must discuss past actions. It is very heartening to see historians now putting onto the public agenda some of the issues that did happen in the past. We must look at the real history of Australia. I think that 1988 gave us the opportunity to recognise that when the British colonists arrived in 1788 they invaded a country that was already inhabited. Now we need to take it one step further and look at our colonial history. We need to have a real history, not some carefully sanitised version that I am sure most of us here were taught in our schools. We also need to recognise that we are not talking about some long-past time. We still had massacres of Aboriginal communities and unexplained murders up until the 1930s. If you look at some of the history of the Northern Territory, a quite large number of deaths happened that have not been fully explained. That was not a long time ago. It was less than 60 years ago.

Now we have the opportunity, and this Assembly has the maturity, to recognise the indigenous culture of Australia as an intrinsic element of our national identity. The process of apologising today is a very important part of that. We are recognising the rights of indigenous people to the same quality of life and opportunities that all Australians have; to have access to services within our community; to have access to health services, to housing, to education and to jobs; to have access to jobs for themselves and to have hopes of jobs for their children in the future.

We are also recognising, through what has been said today, that it is not the end of the road if we apologise today. We must back up our words with actions. We must take further action through the reconciliation process. We must take further action on the native title claim in the ACT, as this Government is doing. It is very heartening that the Government is negotiating with Aboriginal people on the native title claim. We must take action on the stolen generation report. We must take action on those recommendations and look at what is happening to the children within our society.

As I said previously, we are not talking about history in this case. We are talking about the fact that children were still being removed up until the 1970s and beyond. We are talking about people still within our community who suffered from these past actions. We need to take care of those people and listen to what they want. We must listen to what their needs are and provide assistance with counselling. We must provide assistance in linking them up with their own families and their own communities again. This is important action that the Government should be taking to help those people in a way in which they wish to be helped.

That leads us to consider the development of programs to assist or to provide services for Aboriginal and Torres Strait Islander people. We must listen to what they say and negotiate with them to get the best results. So often in the past we have consulted from the top down. We have decided what is the best. In this area there are many good people working on what they think is best, but let us change the system now. Let us listen to and negotiate with Aboriginal and Torres Strait Islander people. We must find out what they want, rather than say that we know best. In the past we decided that our culture was more important and thought we knew better than anyone else. So let us address that as well in any actions we take in the future. This apology must lead to future action.

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I am sure that this motion will be unanimously supported. The round table discussion yesterday indicated that people wished to support this action. I think it is very heartening that we could come to a form of words that we all agreed on. As well as that, I would like to urge further action from all of us individually and from all of the ACT community individually. We have the opportunity as members of the Assembly to apologise in this way, but we also have the opportunity as individuals to personally apologise for past actions. I would urge you all to make this personal apology, either by writing to the Ngunnawal community in the ACT or by writing to the head of the reconciliation process as a personal indication of apology. I would urge all people in the ACT to take this action.

In conclusion, apart from urging support for the motion, I hope we have a future where we listen to Aboriginal and Torres Strait Islander people. I hope that we take account of the recommendations in the *Bringing them home* report and that we have a future that is open, tolerant and fair for all Australians.

**MR WOOD (11.16):** Mr Speaker, it has been just over 200 years - not a really long time - since the life of Aborigines and islanders changed forever. Pauline Hanson says that she should not keep on paying for something that happened over 200 years ago. Some Australians - really, quite a minority - agree with her, but what are they paying? They are paying just a very small part of their taxes. Aborigines and Islanders have been paying for that change, and paying every day since - dispossessed, degraded, punished, ignored, patronised, too little supported. Australians of my background, even in the most recent times, have been ignorant, or uncaring, self-interested or misguided. It is long past the time when we should act.

Four issues have emerged to tell us that this is the time to pursue that reconciliation we must have. Those issues are Mabo, Wik, Pauline Hanson and the stolen children report. These issues present great challenges to Australians which we must successfully face. I wish all Australians would see them not as problems but as opportunities to bring about that long overdue reconciliation.

Our focus today is on the stolen children. I am one of those who knew and did not understand. Thirty or 40 years ago I read the stories in the old *Women's Weekly*, for example, of Aboriginal children being brought up in white families. As a young political activist, I may have looked askance at that, but this concern was not placed on my agenda. I did not recognise the full implications of those stories until later, until I came in close contact with Aborigines and islanders in the late 1960s. Then, as a political candidate in a different part of Queensland, I began to understand the extent of the European impact and the continuing enormous problems that followed.

On Thursday Island I saw the islanders queuing outside the office of the then Native Affairs Department, queuing for access to their bank passbooks and having to justify a withdrawal and even the amount of money they could take out. That was not long ago. At the top of Cape York Peninsula I listened to the Aborigines who only recently had been rounded up and forcibly moved from their homes at Mapoon and relocated further north with other groups who were all located on one site at Bamaga - for their good, they were told. Actually, it was for administrative convenience.



I met those labelled as troublemakers who were dispatched to an island near Townsville, Palm Island, where they could be isolated and better controlled. I met parents who had lost their children and who had either no contact or very little contact with them. And everywhere I found Aborigines who, after years of paternalism and neglect, lived in deprived circumstances. I also found in abundance dignity, determination, hope and energy to change their circumstances and to find justice. Despite efforts, it is still taking too long. Part of that justice is the acknowledgment of the past, of the total dislocation of our Aboriginal communities, and of the fact that Aborigines have been very badly treated. That is the case in this region, as it is across the continent.

I am proud to know some of the Ngunnawal people, those who lived here for generations. It is a troubling message to me that I now occupy and claim to own a small piece of land, with my home at Theodore on it, which was for generations the home of other people. I know some of their descendants. Near me is the evidence of that occupation - rocks where axes were ground, and scarred trees where bark was taken. Do I not owe something to these people - not only the people here but all those across the continent? Some people in the community say that for stolen children and for other injustices there should be no guilt, no apologies. I cannot accept that. I do have a guilt for not knowing and not acting more than I have. I am sorry for the fact of the stolen generations and all the other injustices. All Australians are responsible for what has happened in our country. We should all act together to see that justice, dignity and decent living are finally delivered to our people who were here first.

**MS TUCKER** (11.23): I would like to start with something that Patrick Dodson said about reconciliation. He said that, in order to have a relationship with indigenous people based on understanding, respect and mutual action, all levels and sectors of the Australian society need to be involved, and to be involved requires knowledge. This motion of apology is about reconciliation and it is about having knowledge. Reconciliation is about today and it is also about yesterday. The eight key issues of reconciliation were and are all about knowledge.

The first key issue is understanding the importance of land and sea in Aboriginal and Torres Strait Islander societies. It is about the idea that all Australians care, but some care in a different way. The second key issue is about knowledge of relationships between indigenous people and the wider community. The way it was expressed in the reconciliation statement is that we have a wrong-headed relationship with our indigenous people, racist and ethnocentric attitudes which have led to social policies such as segregation, protectionism and assimilation. Children were taken to "improve their cultural identity" and to make them "better Australians". There is a huge issue, and we need to have knowledge of this, about who are the real indigenous people. Racism and ethnocentricity - I can never say that word; but it means, basically, that we think we are better than the Aboriginal and Torres Strait Islander people - have led to discrimination against these people as distinct peoples as well as against those who are denied that group identity by others. Indigenous status has been denied some indigenous Australians who have cross-cultural relationships, consensual or otherwise, in their family trees. We have to have knowledge of that and the pain that has brought.

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The third issue is knowledge about indigenous culture and recognising it as a valued part of the Australian heritage. The fourth key issue is knowledge about our history; sharing our history; a sense of shared ownership; the fact that Aboriginal peoples have lived in Australia for more than 2,000 generations; knowledge that there was deliberate avoidance by historians of racial violence; avoidance of the role government played in dispossession of Aboriginal peoples and removal of children, relocation to reserves and missions; knowledge that this happened. Another major omission has been the role Aboriginal and Torres Strait Islander people have played in the defence of Australia.

The fifth issue is knowledge about the degree of disadvantage, debunking myths. Ms Hanson, at the moment, has brought us to a time when we indeed do have to debunk myths because she is promoting them. The Royal Commission into Aboriginal Deaths in Custody found that major underlying factors of disadvantage were the legacy of history. This is a living legacy. The sixth key issue is responding to the custody levels, knowledge about what is happening with indigenous people and the law. The seventh key issue is about what sort of document we should have. We need to understand and have knowledge about what would actually address these issues, in the view of Aboriginal and Torres Strait Islander people. Is it a treaty? Is it an apology? The eighth key issue is about controlling destiny and knowledge that the Aboriginal people have not had any control of their destiny. There has been external control, management and direction and manipulation, consistently. These are the issues of now. The process of reconciliation involves recognition of what has happened and is happening now.

We are still removing children from the homes of their families. We have an inquiry here now in this Assembly into services for children at risk, and one of the points that we are looking at specifically is services for people who come from Aboriginal or Torres Strait Islander cultures. We see from the available statistics in the recent report on mental health issues for Aboriginal people that 8.5 per cent of the local indigenous community used ACT mental health services during 1995, compared to approximately 1.5 per cent of the wider community. They are six times more likely to access ACT mental health services than non-Aboriginals. This is a good report and it shows a commitment from this Government to acknowledge these sorts of issues. It is hardly surprising that Aboriginal people are accessing these services more than the wider community. They basically have had their hearts ripped out through the dispossession and removal of their children. I cannot see, as a parent, how there could be anything more painful and any greater abuse than to have a child taken.

Mrs Carnell was concerned that an apology might be hollow; but we do believe that an apology, if deeply felt, is significant in the healing process. However, a deeply felt apology would be followed naturally by efforts to address the problems which have resulted. Mrs Carnell has made statements about addressing land issues, and there are papers and reports such as the mental health paper. So there are obvious efforts coming from this particular Government to address some of the issues. However, we still do not have culturally appropriate services across the health field for Aboriginal people. We do not have culturally appropriate services, in fact, in any area. Reconciliation is about all levels of community reconciling. At the level of government there are obviously policy decisions which will show the sincerity of the reconciliation.

I will close with some more words from Patrick Dodson - a vision that we should all be very happy to support, and I believe that we do:

A united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage, and provides justice and equity for all.

**MS McRAE** (11.30): I would like to take this opportunity to add my name and my voice in support of this motion, which has been wholeheartedly supported by my own party and which is going to be supported by this entire Assembly. I unequivocally apologise. This is a gesture of reconciliation and hope. This is a significant motion which attempts to deal with a disturbing aspect of our shared past and begins a much more difficult challenge - of undoing that harm and making improvements, both for the present and for the future.

**MR CORBELL** (11.30): A lot of words have been said in this debate, but I believe the most simple of phrases is the most important. We apologise. I add my voice today to this most basic step in the reconciliation process. I say that as a young person of a generation of Canberrans who were born in a time after these abhorrent practices ceased. I say that we want to apologise and that we do apologise, and that we want to participate in reconciliation between indigenous and non-indigenous Australians. I say this because the new generation of Australians knows that as a nation we can grow only when we accept and do not deny our past, and that we work for a common future which we must all share.

**MR OSBORNE** (11.31): It seems to have taken a lot of effort over the past couple of weeks to reach this point today, but at long last we do have a motion of apology on the table. I would have to admit, though, that I have been very disappointed, sitting back over the last couple of weeks and reading the numerous press releases that have been coming out. It has been, in my view, quite pathetic watching members of this Assembly attempt to score political points over an issue such as this. Given that Mr Moore and I are the only members represented here to have not put out a press release with a version of an apology, I must say once again that I am disappointed that some people have attempted to gain political points out of this. I am certain that the race to see who was going to be the first to apologise to this country's host people as a whole has not been to our credit, either as politicians or as representatives of white Australia. I have said my piece.

Mr Temporary Deputy Speaker, in supporting this motion today I wish to make a few brief observations on the wider issue of reconciliation. While all of us here agree that we need to have reconciliation, I wonder whether we really know what we mean by that. What would a reconciled Australia look like and how is it to be achieved? What sort of process is involved and how long will that take? I think that a motion like this is well and truly the first step. I have read some of the stolen generation report and I have to say, as a father of young children, that it made me sick to the stomach. I cannot even allow myself to think what it must have been like for some of those families. My wife and

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my children are my life, and not to be able to raise them, care for them, be there for them when they fall, be there when they learn a new skill, and be there when they cry, is for me a nightmare. Unfortunately, too many Australians live this nightmare, so I have no problem in apologising.

Throughout the history of white settlement of this country, right up to the present day, the mind-set has always been that we think we know what is best for the Aboriginal people; we know how they should be educated, we know where and how they should live, and we know what land they should have and what is best for them to do on it. Given this sort of ignorant and patronising mind-set, it is not surprising that many Australians see no need for an apology for the wrongs that have occurred in the past - our own Prime Minister being one of them. To those who see no value in apologising or feel they have no responsibility for making an apology, I simply ask, "When did Aboriginals of this land become human beings?". The answer is obvious. Just like us, they have always been human beings.

White Australia cannot keep turning a blind eye and a deaf ear to the unjust ways this land was inherited and the lack of human dignity afforded to its indigenous people and their culture. Today we enjoy the benefits of the previous generation's wrongdoing, so it is also our responsibility to begin putting right things concerning how those benefits were obtained. This makes the ownership of a portion of guilt valid. Reconciliation has nothing to do with simply forgetting about the past and attempting to start again with a clean slate. The truth about the wrongs of the past must first be stated and acknowledged, and apology must then be made and accepted. I have heard it said that it is not difficult to apologise for a previous government's mistakes, and I think this is true. It is not difficult because none of us know that, having been put in the same situation ourselves, we would have been any different and not made the same mistakes, too.

In discussing reconciliation with people, I have often asked them what they thought a reconciled Australia would look like. Some of the answers I have received, both rightly and wrongly, have been quite startling; but I think the best comment came from a man who, after admitting he had never given this subject any serious thought, simply stated that in his opinion we will know we have achieved reconciliation as a nation when we are as proud of the Aboriginal culture as we are of our own. How profound that thought is.

How does a culture such as our own achieve this sort of shift in its attitude towards the Aboriginal people? Is it even possible? While the people across the Tasman have their problems, I believe there is much we can learn from the Kiwis as both the Maori and the Europeans are beginning to settle their differences in a meaningful way. In New Zealand they have made room for the Maori people to express their culture in everyday life. Some of these expressions are very obvious; others are much more subtle. The national parliament is opened each year in both the European way and the Maori way. Recently, at their International Conference for Indigenous People, the conference was jointly opened by chiefs of the Maori community and a large group of members of parliament. This involved appropriate Maori protocol as the conference was received into the land and onto the soil in order to seek a cultural blessing. This action gave the conference the opportunity to become a real occasion of giving and receiving, and it reflected the true spirit of reconciliation. While as a nation we are far away from this level of reconciliation, I believe that it needs to eventually become part of our Australianness.

A vital part of the reconciliation process is restitution, and any attempt to restore and seek justice for what has been lost or damaged in the Aboriginal culture must, I think, include land. Land is vital to nationhood. The struggles of the Kurds and the Palestinians are modern day examples of this truth. I appreciate the ACT Government's intention to negotiate land settlements in the ACT. I think this is a definite step in the right direction. My only caution to them is that I believe there is no need to rush to be the first in Australia to settle a native title claim. In that rush mistakes are bound to be made which could easily make settlements turn into meaningless gestures.

From my understanding, the Aboriginal culture requires negotiation with tribal elders, not with people elected to bodies established by white governments. I strongly urge the Government to make sure it goes about this process properly, because I am not convinced it is doing so at the moment. I appreciate that the Ngunnawal people are divided into three distinct groups in our region, but surely this is all the more reason to make sure that we get it right. The settlement of local land claims must be meaningful for all three groups. I might also note that, while restitution is so necessary, it is usually painful; but so were the hurts that are being laid to rest, hopefully, today. I do not know the full application of the law in this area; but I believe that land being handed back should also include the ability of self-expression and self-determination regarding that land, and not carrying the baggage of what we want done with it for our benefit.

Mr Temporary Deputy Speaker, this apology today and the growing mood of reconciliation across the country are both encouraging and long overdue. Mr Howard's expression of deep personal sorrow that he gave to the Aboriginal people is the same deep personal sorrow that he would not accept as being good enough from the Japanese for their role in World War II. How unfortunate it is that he has displayed such absolute ignorance and so little integrity in front of his people. I trust, as we begin the process of reconciliation today, that the future of this country is one that gives honour, dignity, placement and participation to all Australians.

**MR KAINÉ** (Minister for Urban Services) (11.41): Mr Temporary Deputy Speaker, it is of great importance to me that I have the opportunity today to participate in this historic and important debate on a motion which I support totally. It is regrettable, I think, that a similar opportunity presents itself to but a few in our community, and that is the few who happen to sit around this table.

The Chief Minister, in her opening speech to the Assembly, commented that the Australian Capital Territory is indeed fortunate to have a growing and vibrant indigenous community as a part of its structure and spirit. I agree wholeheartedly with that sentiment. Although not large, this community contributes in many ways to the quality of this society. A key attribute of this Government is its partnership with the indigenous community to work together cooperatively to improve the economic, social and political conditions of all Aboriginal peoples and Torres Strait Islanders living here in the ACT. I would like to outline briefly to the Assembly a couple of recent noteworthy outcomes resulting from this partnership.

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As you will know, the Government for some time now has been working closely with the ACT Aboriginal and Torres Strait Islander community to provide their cultural centre. That centre is to be on Acton Peninsula with the National Museum and the Australian Institute of Aboriginal and Torres Strait Islander Studies. It is too early yet to predict an opening date for the centre. However, the aim is to have all the facilities on the peninsula and open on 1 January 2001. To assist in achieving this aim, an Aboriginal and Torres Strait Islander design and construction working group has been established. Membership of that group reflects wide representation and expertise from within the ACT indigenous community. The working group, in consultation with the Government, is currently preparing a functional brief and business plan for that cultural centre.

Another major and significant reconciliation initiative developed in cooperation with that indigenous community is the recent announcement by the Government that it has commenced discussions with the Ngun(n)awal people in relation to their native title claim in the ACT. On 29 April 1997 a legal team engaged by the representative body for the Ngun(n)awal people formally presented a claim for native title to the Chief Minister and the Attorney-General. In responding to this claim the Government has clearly stated that it wants negotiations with the Ngun(n)awal people to proceed on a cooperative basis, avoiding expensive, adversarial, lengthy and perhaps even acrimonious court proceedings. Such a process, I believe, will find negotiated and accepted solutions consistent with the Native Title Act and consistent with the spirit of reconciliation. I mention these processes only because they are indicative of the clear commitment on the part of the Government to address issues of reconciliation positively.

Members will recall that 27 May this year was the thirtieth anniversary of the 1967 referendum. That referendum, passed in 1967 with over 90 per cent of the people voting yes, gave the Commonwealth power to make laws for indigenous people, and for the first time allowed indigenous people to be counted in the national census of this country. This historic event was celebrated across Australia recently and a reception commemorating the referendum was held in this building on 27 May this year. At that reception the Chief Minister commented that she was delighted to be able to join all the guests in commemorating such an important occasion, stating that the 1967 referendum was one event that changed the face of Australian politics and demonstrated a commitment to justice and a fair go for all. Similarly, today I feel deeply that it is personally important that I am able to contribute to this important debate.

Some would argue that in the 30 years since that referendum was passed the Commonwealth has not been overactive in exercising its power. Others would argue that the chief response of governments generally to Aboriginal issues has been to throw money at them. But governments alone cannot resolve Aboriginal issues or achieve reconciliation; nor will money alone. The only effective basis for achieving reconciliation is the will of the people that they should live in communities in which colour, creed or any other generic measure have no part in accepting one person's values more than those of another. The most enduring foundations for complete and lasting Aboriginal reconciliation will be built from such things as willingness on all sides to approach the subject with an open mind, readiness in all Australians to confront their prejudices and test them against the standard of fair behaviour, and an acknowledgment by all of us that the colour of a person's skin is utterly irrelevant to that person's worth.

The question of what is reconciliation has been raised; but, of course, reconciliation is hard to define in a practical context. At the core, it is about creating effective relationships between people, between groups, between communities and corporations, between attitudes and social and spiritual values. Most of all, Mr Speaker, it is about giving the same respect to others that we expect from them. Mr Speaker, I believe that the passing of this motion is important in demonstrating the Government's and the Assembly's commitment to justice and a fair go for all. It acts as testimony to our intention, the Assembly's intention, to seek cooperation and reconciliation between the Aboriginal and non-Aboriginal communities of the Australian Capital Territory. It is an essential first step in the process of reconciliation in our community.

**MR BERRY** (11.47): Mr Speaker, I unreservedly apologise. I apologise as a member of this Assembly elected by the people of the Australian Capital Territory and I express the deepest personal regret about what has occurred in the past. I want to draw attention to one thing which elevated my understanding of these issues many years ago. I was reared in an area not far from where an atrocity was committed against the Aboriginal people in the Myall Lakes area, but I knew nothing about it. I apologise for those who kept that a secret from the community because it was a matter of great shame. Mr Speaker, my political party, the Australian Labor Party, has apologised to the Australian Aboriginal and Torres Strait Islander communities for actions of past governments, and in particular the forced removal of Aboriginal children. Political parties have to apologise, as do all aspects of our culture, for those things that have occurred in the past. I repeat, Mr Speaker, that I unreservedly apologise.

Question resolved in the affirmative.

### **ESTIMATES 1997-98 - SELECT COMMITTEE Report on the Appropriation Bill 1997-98**

**MS McRAE** (11.49): Pursuant to order, I present the report of the Select Committee on Estimates 1997-98, together with the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 16 June 1997, pursuant to the resolution of the Assembly of 8 April 1997. I move:

That the report be noted.

This report has 12 recommendations, which came after a quite vigorous process of review by the committee of every aspect of Government activity. Some of the recommendations are fairly predictable. You can almost write them in advance, it seems to me, having followed the history of estimates committees. I think we are advancing slowly to a much better process of both scrutiny and budget paper demonstration of Government intent. We are grappling with a new system, without a year-on-year comparison, this being an early budget compared to the last, which was in September. We recommend, in terms of the papers themselves, that a little more assistance be provided yet again for committee members, although I must commend the officers who were involved, who attempted to reconcile some of the differences and make the differences more apparent to committee members and easier to follow.

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The first recommendation relates to output classes, where they change from one year to the next. We have to anticipate them for next year because, with a change of government - we certainly hope that there will be a change of government - or certainly after an election, there may well be changes to the administrative orders and therefore changes again to the definition of output classes. The recommendation is particularly pertinent for next year. With those changes we recommend that some explanation be given to make it easier for both the Estimates Committee and the general public to find their way through these quite informative and good budget papers that we are now seeing.

The second recommendation relates to Commonwealth funding. It is a major disappointment that, in almost every budget we have ever had, we are never absolutely clear about how much money the Commonwealth is actually providing. So, we are recommending that the Government make available to the Assembly as soon as possible details of the actual specific purpose grants and then make clear what is the impact of those on each of the budget areas. This would require a supplementary paper to be presented to the Assembly. So, whether the budget was late or early, or somewhere in between, the Assembly could always confidently expect some explanation of what was going on.

Recommendation 3 harks back to a recommendation in relation to the previous year's estimates where we wanted very much to see how whole-of-government policy initiatives had or had not been implemented and what was the progress towards their implementation. We are suggesting that all performance targets, whether budget performance indicators or policy implementation indicators, be included in the Budget Overview and other relevant budget papers, so that we can see quite clearly what progress is being made towards the larger whole-of-government objectives, often policy objectives, as opposed to the smaller nuts and bolts finance-related activity.

The superannuation scheme obviously drew a lot of attention. The Government was well prepared for the type of questioning that was presented to it, and so it should have been, because this is an area of major concern. It is something that has dogged every government since self-government. It is something that we are all quite aware of; but it is gradually slipping away from us and, unless the revenue base increases dramatically, we will have an extraordinary level of debt building up. Again, this Assembly needs to know exactly what is happening in terms of those growing liabilities and potential debt and it needs to be better informed on how the Government itself is actually handling the matter, for which there seemed to be very little evidence before the Assembly. Other than the Government knowing exactly what the problem was, it seemed that there was not yet a coherent plan for how to deal with it.

The whole area of the environment caused much anxiety to many committee members, because documents like *The 1997-98 Budget at a Glance* provided an overview of a whole lot of areas, but not the environment area. On close questioning, the committee was told, "The environment is dealt with in a whole range of different areas, and it is not just the Minister for the Environment who does environmentally sound things".



We believe that that is all the more reason for having a summary in *The 1997-98 Budget at a Glance*, so that the Canberra community and the committee can be assured that some significant efforts are being made. It is very much in tune with that whole-of-government policy initiative and progress type of performance indicator. It is again an area of extreme importance and one in which, I must say, most governments from the beginning of self-government have done a great deal towards improving ACT effort. Despite a lot of criticism from some of our fellow travellers, I do actually think that we are moving a long way, and it is a pity that those indicators are not there to better present the type of record that is there to be admired.

In relation to recommendation 6, there was a difference of opinion between the Minister and the committee. The Minister suggested that the work that is currently being done in terms of domestic violence is, in fact, being done by the person who was appointed through VOCAL. The committee has no quarrel with that. We commend that work. But it was quite clear that the Community Law Reform Committee Report No. 9 did recommend that a domestic violence project coordinator position be created, funded and put into place as soon as possible. The Minister responded by saying that there was an overview committee looking at the implementation of all the recommendations and that he wanted to wait until it had done its work. On balance, the committee thought that perhaps this area was too important to wait for that level of consideration, and it is recommending, as a matter of urgency, that the Government get on and appoint this domestic violence project coordinator. There is one issue in society which troubles everyone who is in any way a party to or knowledgeable about what is going on in the domestic violence area. The committee, plus I think every member of the community, would sincerely like every effort to be made to reduce the incidence of domestic violence and violence in general in the community.

The area of the Commonwealth privacy laws is not a new area. It has been debated in this Assembly. It has been debated in the public. It has been debated in many a forum. It is an area of great concern, again, to a great number of members of the community as well as to members of the Assembly. The absence of privacy laws - they will soon be removed by the Commonwealth - means that the private sector is not bound in the same way as the public sector is. This was an area of concern to the Estimates Committee, and I think it should be an area of grave concern to the Government. We look forward to an early response to this recommendation, to see just what steps are being taken to protect people's personal information from abuse in the private sector.

More than anything else, I think the absence of good environmental coordination of the information available led us to recommend that an appropriate performance measure of the environmental impact of tourism events be put in place. We were assured - and the committee had no reason to worry about this - that, for each event that happens in the ACT, very great care is taken of the environmental impact, the monitoring of that and the protection of the environment. However, the budget papers were not sufficiently clear on this. The committee felt that it was important to put that information on the table, to make the information absolutely clear, so that we could not get into the sorts of squabbles that we have seen recently about mountain bike events, about whether Mount Majura was or was not adequately protected, and so on.

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This type of performance indicator would allow a far more open and easier to follow judgment to be made of what is the impact of various tourism events. Tourism being of such intense and central importance to the ACT, it is not an area where we want people dissuaded from activities simply because they fear the environmental lobby or fear that they cannot put anything on because of the type of criticism that they are likely to draw. These environmental performance indicators will actually enhance the tourism industry and make quite clear to all what sorts of rules we are following and how we are, in fact, able and willing to, and do, protect the environment whenever tourism events are held.

The redevelopment of Bruce Stadium is an ongoing issue of concern. On the one hand, I do not think there is anybody in the Assembly who does not want to see an Olympic event in Canberra. I think there is wholehearted support for that. On the other hand, it is becoming clear that this is an expensive project, and is likely to be a very expensive project. We again urge the Government to report back to the Assembly on just what commitments are going to be made, what calls there are going to be on extra public money, whether those early optimistic business plans are holding up and what is the future of the stadium. Millions of dollars have been spent on this stadium already. The ACT does not own it. We have no indication of how the Commonwealth is going to deal with it in the future, and the committee is very anxious to know that money spent on it, although necessary for the Olympics, is not spent unwisely and that we do not open up the possibility for additional expense to the Canberra community.

So, we are asking for a progress report there, for assurance that we are not just blindly heading off on a track of trying to attract Olympic events here, at great cost to the Canberra community. We believe that some expense is necessary, but we want to curtail it to the minimum possible expenditure for the maximum possible gain from the Olympics. We applaud the Government's efforts in that area; but we think that the Assembly and the community deserve a constant and open explanation about what public money is being spent and how it is being protected, so that it does not just grow into a major liability.

Within the ACT Housing area we got a little confused during the inquiry because we were led to believe that ACT Housing's capital works budget was actually available to the P and E Committee. In fact, it was; but not in the same detail as every other capital works program. As has been reported in the Assembly before, the level of detail presented to the P and E Committee this year for the capital works budget was absolutely outstanding. It is the product of years of work on trying to focus on just what the Assembly wants, what is needed in the capital works area and how best to present it. This year, for the first time, we saw some really quite good papers; but we found that there was this gap in the capital works budget papers for ACT Housing, so we are urging ACT Housing, as a matter of priority, to make sure that they put their papers in the same format, for ease of public comment, for ease of comparison with the rest of the budget and to assure the Assembly and the general public that the capital works budget for the extraordinarily large industry of ACT Housing is spent appropriately.

The next recommendation is recommendation 11. We unearthed some very interesting material in relation to Fairbairn Park. We found that there was illegal dumping going on, which is now being dealt with, as we see from the press. Again, we think that, as a matter of urgency, the Government ought to inform the Assembly as to just what is happening

on Fairbairn Park and what is happening to the material from the Acton Peninsula demolition site. Finally, we come to recommendation 12. Clearly, New South Wales is moving into a very interesting green power arrangement. There are many people in the ACT who would like to participate in that. So, we are urging the Government to work with ACTEW to develop a green power scheme in the ACT.

Before I finish, may I thank my fellow committee members. We still have a few tasks ahead of us. We have been working long and hard thus far, and I am sure that we are in for some pretty tough meetings in the months to come. May I also thank the committee's secretary and our assistants, without whose help we could not have gone through this very hasty and complex process, which we have accommodated to the needs of the Assembly's sitting pattern and about which we have yet again made the comment in the Estimates Committee report that really, for the good of all in the ACT, the Estimates Committee must be given more time. Meanwhile, my sincere thanks go to all who worked so hard in the Committee Office to ensure that we had a report ready on time for the Assembly and the Government to consider. I commend the report to the Assembly.

**MR HIRD** (12.04): As deputy chair of the Estimates Committee, I rise at this time to make a brief comment on the dissenting statement circulated with the Estimates Committee report under my signature and that of my colleague Mrs Littlewood. There are many positive aspects to the Estimates Committee's report. In saying that, I commend the committee's chair, Ms McRae, and the secretariat for the manner in which she and they tried to make this exercise as painless as possible for the participants. But, Mr Speaker, as indicated in the dissenting statement, I take issue with the committee's observation that the Government has made no effective effort to fix the Territory's overall financial position. The facts paint a different picture.

**Mr Berry**: Twenty-five per cent of an effort.

**MR HIRD**: Mr Speaker, I would appreciate it if Mr Berry would listen to me in silence.

**MR SPEAKER**: I would appreciate it, too.

**MR HIRD**: This Government came to office at a time when the ACT economy was being stalled by falling government revenue as a result of massive overspending by the former Labor Government. At that time, government revenue was down \$15m for the year, with an estimated budget overspend of \$31m identified by the various departments. The Executive budget alone was overspent by \$257,000 on salaries and expenses. It was impossible to determine the extent of the Labor Government's operating loss because no data were kept by that Government, so to speak.

What this Government did find in its preparation of the 1995-96 budget was an operating loss of \$349m. All we were able to determine was that Labor's operating loss was something more than that and it could not be accounted for. This Government reduced the operating loss to \$232m in its first year and to \$211m in its second year. That could hardly be construed as making no effective effort to fix the ACT's overall financial position. The financial position might not be as healthy as we, as a government, would like it to be; but at the end of the day the Government has to act responsibly.

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This Government came into office in difficult economic times and set a three-year budget to unscramble the financial mess that the Territory had been left in by the previous Labor Government. We tore up the Bankcard that the Follett Government was operating on. On top of that, we had to share the cost of repairing the financial mess that Labor's Federal colleagues had left Australia in - an exercise that is being repeated now in New South Wales by the Carr Labor Government. This is the same New South Wales Government that is holding up a project that is vital to the ACT's economy. We have just had the experience of the rescue helicopter service being stalled by the failure of the New South Wales Government to come to grips with it, putting its head in the sand. Mr Speaker, I know that those on the other side of the house will attempt to lay the blame at the feet of our Government; but let me remind the house that final agreement was announced by the Carnell Government, and definitely by the Minister responsible, back in November last year, as you will recall. We could talk about the very fast train. That is a project which will have significant financial importance not only for the ACT's economy but also for the other 300,000 people that live in the surrounding area, within the region.

Mr Speaker, the Carnell Government is making an effort to fix the ACT's overall financial position, and it is doing something about re-establishing a stable economy with programs like the Canberra Business Development Fund and the Kingston Foreshore Development Authority, by vigorously pursuing the high speed rail project and the airport upgrading to international status, and by establishing the Canberra Tourism and Events Corporation. These are all measures that this Government has undertaken to address the Territory's financial problems that it inherited 2½ years ago. The residents of Canberra can rest assured, Mr Speaker, that the Carnell Government will not be taking up Labor's call for the implementation of an anti-jobs, anti-growth bed tax after the next election, as has been signalled by the Leader of the Opposition, Mr Whitecross, and the ACT Labor Party. Mr Speaker, I commend the report to the house.

**MS TUCKER (12.10):** Let me begin with a general comment. I support Ms McRae's concerns that the estimates process was difficult this year because of the timeframe. I feel that it is an important part of our processes here, and I am not happy with the way it is rushed. I also support concerns about the difficulties in comparing the outputs. I am hoping that that will become less of an issue as this system is used in future years. Many answers to questions were still being returned very late. The answer to a significant question on Landcare expenditure was received by our office only at 4.00 pm yesterday, after the report had been finalised.

The significant changes to the budget that have taken place over the past few years have meant that a reassessment of how the estimates process works is quite appropriate. I am happy to support some kind of a review of how the estimates process should work in light of the administrative changes, accrual accounting and so on. Quite significant changes have occurred. I look forward to that review and I hope that we will be able to come up with constructive suggestions from that. The performance targets, and indeed the whole purchaser-provider model, are issues that have come under scrutiny again in the estimates process. Once again, I think the Government has been shown to be full of rhetoric. A lot of the important detail is still missing. I am especially amused by the whole-of-government approach that we keep hearing about, which appears consistently to mean that the financial managers run everything. They run the whole of government.

It is good that we are now seeing interest from Labor and Liberal in the environmental accounting process, which we raised early in 1996 through amendments to the Financial Management Bill. I look forward with great interest to seeing the status paper and the draft options paper on that issue. There is a recommendation that future ACT budgets include a separately identifiable budget for environment protection, at the least including those elements of the ACT budget that fall directly under the portfolio of the Minister. I am pleased to see that that is in there, and I will talk a bit about that in more detail later.

In respect of the general issues, there were some very serious issues in each portfolio for the committee to consider. Obviously, the decision to return to the Government an extra \$100m from ACTEW and to increase the dividend to \$48m is an issue of great concern, because once again the Government has claimed that it is not borrowing any new money. For the Greens, the irony of this decision is that a government that corporatised ACTEW so that it could manage its own affairs then moves in and takes so much out of its financial base. We find that quite interesting. It is also ironic. While we did not support corporatisation - and I want to make that point clear - it is interesting that there is such inconsistency from the Government. When we have asked the Government to show some influence in terms of ACTEW's environmental performance, we have often heard from Ministers in this place, "It is none of my business. ACTEW will run it and make its own decisions". So, it is rather inconsistent.

Anyway, now that the Government has set a precedent for itself in using its position as a shareholder to make decisions that will have a significant impact on ACTEW's management, we look forward to a very positive response to the recommendation about green power. The Government and ACTEW seem to be looking for excuses to not pursue this issue. Again, this is slightly ironic coming from a government that is supposed to be about maximising consumer choice. It has done no work to ascertain the level of consumer demand for such a scheme in the ACT, despite the fact that there has been strong interest in New South Wales. The Government also claimed during the estimates process that the price would be double, which is very unfortunate. Either they have not done their research or they are choosing the extreme position. In Queanbeyan, Great Southern Energy has established the "earthsaver" scheme, and it is advertising this as costing the average household, with a quarterly bill of \$160, \$3 more for the 100 per cent green power option and as little as \$1.50 more for a 50 per cent option. Every retailer in New South Wales will be offering green power options. If this Government is so keen on a cooperative regional approach, it should make sure that the ACT as well can offer such a scheme to consumers. Electricity from methane gas at landfills will be available soon. That would certainly be a green power source.

The cuts to the ACT Public Service were an issue of interest in the Estimates Committee. We know that at least 700 people took redundancies this year, although there was certainly a discrepancy between what the Government was saying in its purchase agreements and what was said during the estimates process. Another issue that I do not think the Government responded to adequately during the estimates process is the

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question of its announcing this as the biggest single injection of funds into employment programs since self-government; but the Government did not announce that it was only two years ago that this same Government took \$3m from employment programs. It is very convenient to say that this was part of Labor's forward estimates; but this Government made a choice which meant cuts to this area.

In the legal area, there were a number of important issues that the committee examined, including the new custodial facility and whether or not this would be private. Obviously, there will be a need to discuss this further. Privacy legislation was something that I raised. I am very pleased to see a recommendation on that in the committee report. The Commonwealth has pulled back from taking responsibility in this area, even though at one time last year it claimed that it would. We know that the Privacy Commissioner is developing a voluntary code - it is not out yet - which could actually be used as a blueprint for States or Territories to develop legislation. It is, as Ms McRae said, a very important area because Liberal governments, and Labor governments for that matter, are very keen to push public work into the private sector. It is absolutely essential, therefore, that there is appropriate privacy legislation in place to cover the private sector.

Another important issue that came up and that was pursued during the estimates process was the domestic violence project coordinator. I am very pleased that there is a recommendation about this as well, and I hope that the Government will reconsider its position to proceed with the Bill without having the domestic violence project coordinator in place. It is absolutely clear from the Community Law Reform Committee report that, when it designed the domestic violence intervention project, it had in mind two components of that project. One was the council and one was the coordinator. So, it is quite peculiar that it could be decided by government that one of the recommendations was not appropriate, after five years of work by the Community Law Reform Committee. I do not think the committee thought up that idea lightly. There are resource implications in that. Maybe that is why that particular aspect was not taken up. But that is just not good enough if we are going to see a serious commitment to prevention of domestic violence and protection of women in domestic situations - and it is, of course, mostly women who are needing protection.

I was away for the Health day, but I have read some of the transcripts. Other members were dealing with issues there, which I will not go into now. Education and Children's and Youth Services also confirmed for me that we need an inquiry into services for children at risk once again. Funding for substitute care and mandatory reporting, I believe, is not taking into account the need for the support to be available in the community. So, we will be pursuing that further in the Social Policy Committee.

Also, in relation to the alternative education facilities and the new proposals by the Government to replace SWOW with two alternative programs, it is quite clear that there is no additional funding and no recognition that those facilities might actually need to be slightly more resource-intensive than the general school facilities. Considering that we have seen two of the main off-line programs fold because of resource problems and teacher burnout, once again it does not look good for the Government's real commitment to this area of providing choice of educational opportunities for people in the ACT - young people who are often at risk as well.

We had a discussion in the committee about performance indicators. It seems to happen every year. There has been little progress in developing environmental and social indicators. We are happy to see the specific recommendation about tourism and events. Ms McRae thought that we received good answers on that; I cannot say that I did. The *Green Globe* was referenced as the way the Tourism Corporation deals with standards of tourism and their environmental impact. I asked for a copy of that *Green Globe*, or whatever it is, but still have not received it.

I was also very concerned when I was assured that the rally around the lake had been deemed not to have had an environmental impact. (*Extension of time granted*) I was assured that the rally was fine and that it did not have any environmental impact. When I asked, "Who decided that?", I was informed that it was the person who actually organised the rally. We obviously cannot have great confidence in that process. So, I am glad to see that in the budget papers next year there will be indications of how the Tourism Corporation is actually meeting its obligations and what impact any events it organises have on the environment.

We also got up a recommendation about including in the budget other sorts of government targets. For example, we have the target on waste, which received a lot of publicity - no waste by 2010. We want to have those sorts of things included in the budget so that each year we can see how the Government is meeting those targets. Often they receive great publicity when they are announced, but we do not see what is happening each year with regard to meeting those targets.

I would also like to mention that there was a recommendation last year that ACTION develop environmental CSOs, but we did not see that this year. Another recommendation from last year's Estimates Committee report was that the Education Department develop a policy on consultation with regard to significant decisions, including significant policy changes, relating to the management of all schools and colleges, including their possible twinning and closure. We have had an Ombudsman's report that came out and said that the department totally failed in that area of consultation. I am amused to see that there is always 100 per cent given as the score for our executive officers, and I wonder where the Ombudsman's report fitted into that 100 per cent. I do not quite see how that system works either. Maybe it will turn up in next year's budget, but I somehow doubt it.

**MS REILLY (12.22):** I was very pleased to be a member of the Estimates Committee and part of this very important process, because it is the opportunity to scrutinise the workings of government. I think it is an interesting process as well, and it is full of quite ritualised activity. I have seen it from both sides, having been a public servant who has been scrutinised and now having the opportunity to scrutinise back. It was quite fascinating to look at it from both sides. But this does not take away from the importance of the process. For any government, it is important to have transparency of process, because it is giving information to the community about what decisions are being made by government which affect their lives. The budget sets out the revenue-raising measures of the Government and the priorities they have for expenditure, and this affects the whole community. We should look towards encouraging more community involvement in the estimates process so that people understand and have the information about what expenditure is taking place.

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For the estimates process to be successful, it requires that all participants come to this process to share information and that we have true transparency and full information. The papers which provide for us the information on which we base most of the discussion and scrutiny, at times, do not give us the clarity of information that we need. I acknowledge that these papers are written to the standards of best practice in accrual accounting. We should also acknowledge the awards won by the various members of OFM in the last year for the introduction of accrual accounting in the ACT. But I still think that we can work towards more clarity of information within these papers. Without taking away from the fact that there is quite an amount of specialised information and use of definition, we can still place it better. This has been raised in the recommendations of the Estimates Committee.

This is only the second time that this method has been used in the ACT, but we still have many of the same difficulties in getting comparative information. We still had some difficulties in understanding what changes had been made to various statements and output classes, as mentioned in recommendation 1. Next year, no matter which government is in power in the ACT, we need to ensure that we have this clarity so that there is full understanding when various functions are moved between agencies, so that there is no loss of information and so that there is no loss of the targets contained within the output classes.

Also, there are some problems in the different budget papers, with some differences in the amounts shown for various things. For example, some of the changes that were made to the budget can be seen in the Housing financial statements, where the revenue under "User Charges" was put in with its full amount that would be obtained this year if full market rents were introduced and paid by all Housing tenants; but there was no note to explain how what was shown as revenue of \$46m last year suddenly became \$92m in this year's budget figures. This is quite confusing. For this type of information, there should be careful scrutiny and examination before the budget papers are published.

I would just like to raise one further matter within the housing budget. For 1996-97, for the Kick Start deposit gap system, no targets are shown. When questions were raised on this, it was suggested that this program had been introduced so late into the budget discussions last year that it was not possible to put up a target. Since the Treasurer announced in her budget speech in September last year that 500 of these deposit gap grants would be issued in this financial year, surely this is the target for 1996-97 for this scheme. I think there needs to be some clarification of whether the announcement by the Treasurer of what will be achieved this year is the target for the department. Does the person in charge - the chief executive officer of that department - have an obligation to meet this target in 1996-97 if the Treasurer has announced that that is what will be issued this year? The Minister said that, in fact, they were not going to reach this target of 500, or that it was very unlikely. Consequently, there are unspent funds in this sector of the budget for this year. But there is no indication of any rollover or whether



there will be a rollover of unspent moneys into next year's budget. This is really important for this area and for a number of other areas. If there are unspent moneys and the programs are continuing, does this mean that there will be additional moneys available in the coming year, in 1997-98?

In the area of maintenance for housing, I would highlight exactly the same matter. Three-quarters of the way through the financial year, there was an underexpenditure of nearly 50 per cent. If this target is not met by 30 June this year, will this money that was allocated to maintenance, which must have been considered essential for maintenance in ACT Housing, be rolled forward into 1997-98 so that Housing tenants are not further disadvantaged by the slowness with which the maintenance budget has been spent this year? It cannot be claimed that there was no outstanding need for maintenance spending in this area. The Minister said that there is probably about \$1 billion worth of outstanding maintenance. So, there is obviously a need for considerable expenditure in this area.

Ms McRae has already raised the issue of scrutiny of the public works part of ACT Housing. It was extremely unfortunate that no-one seemed to know what had been scrutinised in relation to housing and that, in the presentation, there was a lack of information in this area. I agree that the information provided for other capital works was excellent this year, and it was extremely helpful for the people who looked at it in the Planning and Environment Committee. Also, from reports that I have had back from the community organisations that were involved in this process, it was extremely helpful for them to understand what was being considered for their community. This is very gratifying, and it is an example of more involvement by people in the estimates process and in the development of the budget process. I am quite sure that this recommendation will be taken up next year. What we are talking about is \$34m - a large part of the budget. This is a considerable figure. As well as that, apart from the construction and purchase of houses that will flow from this \$34m, this also creates jobs. Expenditure in this area is very important for the building and construction industry in the ACT. It would be helpful for all concerned to understand where this money is going to be spent in the coming year.

I would like to highlight, too, the fact that, by bringing down the budget a week before the Commonwealth budget, we were uncertain about what Commonwealth moneys we may get this year. In the housing budget there was actually a loss of \$780,000. We need an indication of where this money will be taken out of the budget, which part of the housing budget will be affected by this loss from the Commonwealth Grants Commission process.

We need to continue some of the methods we have used in the estimates process to ensure the greatest scrutiny of the budget process, so that there is more transparency of information and more transparency within the community, and to ensure that people are fully informed about what is going on for their community from government revenue. It is going to be important for the Estimates Committee to be able to draw together the two parts of this process in September-October, when we have the annual reports. I am hoping that the annual reports will provide sufficient information for us to examine the results of the 1996-97 budget.

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**MS HORODNY** (12.31): Mr Speaker, it has been an ongoing concern to the Greens that there is no separate environment budget in the overall ACT budget.

**Mr Wood:** There used to be.

**MS HORODNY:** Yes, there used to be. We have a Minister for the Environment, but the budget gives no clear idea of the appropriation provided for the Environment Minister's portfolio. This is quite an anomaly, relative to the other ministerial portfolios, and needs to be corrected. We are glad that the committee has recommended that there be a separately identifiable provision for those elements of the budget that fall directly under the portfolio of the Environment Minister. The recommendation refers only to the environment budget being included in the *Budget at a Glance* paper, but I hope that the Government will also include it in the detailed budget information in Budget Paper No. 4.

We are glad that the committee has recommended that the Government inform the Assembly about what is happening with the dumping of building rubble at Fairbairn Park. We have said all along that the idea of taking building rubble from Acton Peninsula to build so-called noise mounds at Fairbairn Park was dodgy, and it was the Greens who exposed the fact that building rubble was being dumped there illegally. We hope that the Government will sort out this mess very quickly and ensure that the full legal process is followed in penalising this illegal activity. It was very naughty, Mrs Carnell.

The section in the report on Landcare groups does not reflect the great difficulties we have had in getting out of the Government information about its expenditure on Decade of Landcare projects. Only yesterday did I receive the answers to the questions I asked during the Estimates Committee hearings; so, it was too late to incorporate into the committee's report any comments on the Government's response. Let me say at this point that we are not satisfied with the Government's answers on Landcare funding. We certainly have not reached the bottom of the issue as to whether Landcare money is being spent effectively in the ACT. We will be seeking further information from the Government on its spending priorities for Landcare projects.

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

### **RATES AND LAND TAX (AMENDMENT) BILL 1997**

**MRS CARNELL** (Chief Minister and Treasurer) (12.34): I seek leave to present the Rates and Land Tax (Amendment) Bill 1997.

Leave granted.

**MRS CARNELL:** I present the Rates and Land Tax (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, in the interests of saving time, I seek leave of the Assembly to incorporate my speech in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 1.*

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

#### **UNCLAIMED MONEYS (AMENDMENT) BILL 1997**

**MRS CARNELL** (Chief Minister and Treasurer) (12.35): I seek leave to present the Unclaimed Moneys (Amendment) Bill 1997.

Leave granted.

**MRS CARNELL:** I present the Unclaimed Moneys (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

I seek leave of the Assembly to incorporate my speech in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 2.*

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

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## **TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1997**

**MRS CARNELL** (Chief Minister and Treasurer) (12.35): I seek leave to present the Territory Owned Corporations (Amendment) Bill 1997.

Leave granted.

**MRS CARNELL:** I present the Territory Owned Corporations (Amendment) Bill 1997, together with the explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

I seek leave of the Assembly to incorporate my speech in *Hansard*.

Leave granted.

*Speech incorporated at Appendix 3.*

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

**Sitting suspended from 12.36 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **City Services Group - Executive Director**

**MR WHITECROSS:** My question is to the Minister for Urban Services, Mr Kaine. Minister, can you confirm reports in the media last Friday that yet another senior public servant, namely, Robyn Read, has been forced out of the ACT government service? Is it the case that the Department of Urban Services has sought legal advice in order to terminate her contract?

**MR Kaine:** Mr Speaker, I cannot confirm any of the allegations put forward by the Leader of the Opposition. I know of no moves to force a senior executive out of the Public Service. I am aware that Ms Robyn Read has been on leave for the last couple of weeks. I am not certain whether that is recreation leave or sick leave.

**Mrs Carnell:** I think it is sick leave.

**MR Kaine:** I have not the details of it, but I think the Chief Minister may be right; it is sick leave. There are, of course, changes going on in the Department of Urban Services, as there have been for some time and as, no doubt, there will be for some time in the future until we get the structures right. As a result of that, for example,

there was recently announced the formation of an Environment ACT group, which is more to do with the portfolio of my colleague Mr Humphries than it is to do with me. That part of the Urban Services Department responds to the Deputy Chief Minister.

As a result of the creation of that new body, I understand, there has been some transfer of responsibilities out of the City Services Group into that new organisation. That is merely correcting what has always seemed to me to be an anomaly. Certain people in the City Services organisation respond to me; some of those people have also had a dual responsibility to Mr Humphries. It seemed appropriate to move those responsibilities into the new organisation so that it is clear where the line of responsibility runs. Those changes and responsibilities have not yet been finalised.

I do not know what is happening with Ms Read. I know she is on leave. I come back to the basic premise - - -

**Ms McRae:** It was on the television. Have you asked them why they had it on the TV?

**MR SPEAKER:** Silence!

**Mr Berry:** Just more politicisation of the Public Service. You cannot help yourselves; you have to have people around you that agree with you.

**MR SPEAKER:** Order!

**MR KAINÉ:** Mr Berry talks about politicisation of the Public Service. This Government has not fired a first assistant secretary yet - an absolute and utter firing by a Minister.

Members interjected.

**MR SPEAKER:** Order! Everybody, settle down.

**MR KAINÉ:** In fact, the whole emphasis on the part of this Government has been not to politicise it - - -

**Mr Berry:** You do not know anything about it; so, if you do not know anything, keep your mouth shut.

**MR SPEAKER:** Order! Mr Berry, you will perhaps have a chance to answer a question yourself at some time. I say "perhaps".

**MR KAINÉ:** I doubt it, Mr Speaker.

**MR SPEAKER:** If he keeps interjecting, he will not.

**MR KAINÉ:** Members of the Opposition start talking about politicising the Public Service. The first way to politicise it is for Ministers to get involved in the selection, appointment, promotion and otherwise of public servants.

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**Mrs Carnell:** Or to have on their agenda motions to get rid of all senior public servants.

**MR KAINÉ:** Exactly. As a matter of practice, as a Minister, I have been very careful to avoid doing or saying anything that would infer that I am involved or should be involved in matters that are rightly the problems of the Public Service. If members of the Opposition have any concerns about something that is going on in the Department of Urban Services, let me assure them that it is not political. Of course, they are pretty good at this. They threw this up recently when Mr Flutter was leaving ACTION. Not only did they, in conjunction with the trade unions, embark on a destabilisation campaign against Mr Flutter but also they attempted to do it against Mr Flutter's deputy.

So we have here, Mr Speaker, a bad case of the pot calling the kettle black. I am not involved, nor will I become involved, in matters affecting the career progression of public servants, senior or junior. As I challenged the Opposition to do when they were destabilising John Flutter, if they have any evidence to suggest that something untoward is going on, would they provide it to me and then they can reasonably expect an answer. But they had better be very specific about their accusations as it may just bounce back on them, Mr Speaker, because I do not intend to politicise the Public Service, unlike the noisy Opposition opposite.

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

**MR WHITECROSS:** Thank you, Mr Speaker. Minister, is this not another case, hot on the heels of the forced resignation of the ACTION CEO, John Flutter, of the environment of fear and intimidation that ACT public servants are forced to work in under your Government? Are you not concerned about that, Minister? Are you not concerned that these rumours appear in the media and then, within days sometimes, they turn out to be true?

**MR SPEAKER:** Order! It seeks an expression of opinion.

**MR KAINÉ:** Mr Speaker, there are at least three questions in there. Could you ask the Leader of the Opposition to be specific about which question he wants me to answer? It is a supplementary question, Mr Speaker.

**MR SPEAKER:** No; because they all asked for an expression of opinion.

### **Business Incentive Scheme**

**MR HIRD:** My question is to the Chief Minister. Could the Chief Minister inform the parliament of the guidelines for the ACT Government's business incentive scheme, following the claims of the Leader of the Opposition, Mr Whitecross, on the weekend that the Government is interested only in attracting interstate businesses to Canberra?

**MRS CARNELL:** Thank you very much, Mr Hird. Mr Speaker, I do not know what they put in the coffee - assuming they had coffee - at the Labor Party conference over the weekend, but it must have been pretty good stuff. Maybe Mr Moore could have helped.

I do not know how else you could explain some of the bizarre statements coming out of what was widely regarded as the last bastion of the Labor Party's loony Left; and, boy, it sounded loony over the weekend. It even had the Labor Party leader, whose name I cannot quite recall - and nor can anybody else - unwittingly backing Liberal Government policy. What we heard was the Labor leader unwittingly - and I am sure it was unwittingly - backing Liberal Government policy; but more about that in a moment.

Mr Speaker, I must admit to being a little stunned at reading that Mr Corbell, who clearly wants the new title of Mr Business - Mr Berry had better watch out because the title looks like being sucked away by Mr Corbell - had a road to Damascus experience on the way to the conference. The same Mr Corbell, who, in this place, has railed against the evils of capitalism and denigrated the high-speed rail project, suddenly turns out to be a big fan of a privatised airport and an even bigger fan of the same high-speed rail link to Sydney.

**Mr Corbell:** On a point of order, Mr Speaker - - -

**MR SPEAKER:** You will have a chance to make a personal explanation at the end of question time if you wish to.

**MRS CARNELL:** One wonders whether, on that road to Damascus, he ended up having a little chat to certain CFMEU officials in the Labor Club foyer.

For sheer hypocrisy, nothing could beat the tortured logic of the Labor Party leader. On the one hand, he seemed to have made an assertion that Canberra does not need to attract new businesses or new jobs from interstate. What an amazing statement! There was even a ringing condemnation of the Government for daring to try to lure investment and jobs from interstate to Canberra. What a shocking thing to do! By the way, this Government will continue to do so. But then, in the very next breath, came a promise that a Labor government would look outside the ACT to attract new businesses that complemented existing industries. On the one hand, he says, "No new businesses; this is a fixation of the current Government"; and then, on the other hand, he says, "But, of course, we will do it anyway". As contradictions go, it was a gold medal performance, I have to say.

But, unfortunately, it gets worse for the Labor leader. I have here the guidelines for the ACT business incentive scheme.

**Mr Whitecross:** Yes; I have read it. Have you?

**MRS CARNELL:** Mr Whitecross says he has read it. It is obvious that he has read it, because his speech at the Labor Party conference was based on it. It was a pity that he did not give us a bit of a by-line there, Mr Speaker. The guidelines for the ACT business incentive scheme make it clear that the assessment of applications is based on the suitability of the industry to the ACT - I will say that again; the suitability of the industry to the ACT - the soundness of the business case and the contribution to the ACT economy. That is exactly what Mr Whitecross said the Labor Party policy was; so, I was actually very pleased about that. As Mr Whitecross acknowledges now, he has read it; and it was fairly obvious.

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The scheme is open to local, interstate and international firms. In fact, so far this financial year, of the 17 firms assisted, 13 are local firms, including a major assistance package to a local firm, Coms21, which we announced last week. Interstate firms must demonstrate their suitability to the ACT to win assistance. In other words, when you put aside the rather contradictory political rhetoric that we heard from the Labor leader - nobody can remember his name - over the weekend, their approach is taken word for word from the Government's business policies, policies that are already in place and are working. You have only to look at the employment statistics to see that 7,000 new jobs were created in the last six months. I suppose imitation is the most sincere form of flattery, but in this case I think it is more a reflection of the absolute lack of any new ideas from the Labor Party. It is either that or Mr Whitecross is spending far too much time looking over his shoulder and has not actually had any chance to look to the future. But at least he did have time to read our business incentive scheme policy and reinvent it as his own at the Labor Party conference.

### **Bus Services**

**MR BERRY:** My question is to Mr Kaine in his capacity, or incapacity, as Minister for Urban Services. Minister, do you concede that your decision to allow Deane's buses to pick up and set down passengers constitutes the privatisation of a route service and that your actions contravene a motion passed by this Assembly on 31 May 1995 and reflect the contempt which you and other members of your Government have for this place?

**Mrs Carnell:** It is better for the buses to drive past and not pick people up?

**Ms McRae:** Mr Speaker, I think you usually call for order on interjections.

**MR Kaine:** I wish he would, Ms McRae. I find this a rather fascinating question because the answer to it, in the main, in fact, has already appeared in the *Canberra Times*, in an excellent article by Graham Downie. In fact, I will read it into *Hansard*:

The perfectly reasonable and rational decision to allow Deane's Buslines to serve Canberra people for an eight-weekend trial ...

**Mr Berry:** Mr Speaker, on a point of order: My question was in relation to contempt and contempt of a resolution of this Assembly. I draw your attention to the standing orders - - -

**Mr Humphries:** Which one?

**MR SPEAKER:** Yes. Which one? There are 275 of them.



**Mr Berry:** Mr Speaker, I thought you would understand the ones that relate to question time; but I will, in fact, go a little further and assist you with a bit of guidance.

**MR SPEAKER:** I have them in front of me, and I will be fascinated to hear how you can draw them out.

**Mr Berry:** The standing order relating to questions without notice states that the answer:

... shall be concise and confined to the subject matter of the question.

Guess the number. It is 118(a).

**MR SPEAKER:** Thank you.

**Mr Berry:** The subject matter of the question was contempt of a resolution of this Assembly, and I would ask the Minister to answer the question in the context of the standing orders.

**MR SPEAKER:** The Minister is in the process of answering the question. There is no point of order.

**MR KAINÉ:** I will answer the question, Mr Speaker. My answer will be relevant to the question. If he just waits patiently, I will answer specifically the one bit that he wants to hear answered.

**MR SPEAKER:** Proceed. There is no point of order.

**MR KAINÉ:** I will get to that, Mr Berry.

**Mr Berry:** No; I will not wait patiently, Mr Speaker, because the standing orders require the member to be relevant.

**MR KAINÉ:** Because you do not want to hear the rest of it, do you?

**MR SPEAKER:** I said that there is no point of order.

**MR KAINÉ:** I was quoting from an article by Mr Graham Downie, in which he says:

The perfectly reasonable and rational decision to allow Deane's Buslines to serve Canberra people for an eight-weekend trial has met with a perfectly predictable irrational opposition by the ACT Transport Workers' Union and Opposition Leader ...

At this stage the page gets a bit blank; it is Mr Anonymous. Mr Downie says:

Bus drivers have lost pay because they apparently objected to a few people having the opportunity of catching a bus which happened to be going their way.

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The two routes - Queanbeyan-Civic and Queanbeyan-Woden - have been unchanged for about five years.

The agreement to allow the interstate operator to pick up and set down passengers within the ACT recognised that some people - - -

**Mr Berry:** Mr Speaker, how do you reckon this stands the test of “concise”?

**MR SPEAKER:** It is perfectly in order.

**Mr Berry:** And in relation to the subject matter of the question?

**MR SPEAKER:** You cannot expect a single-word response to every question.

**Mr Berry:** No, I do not. I just want him to stick to the subject.

**MR SPEAKER:** Proceed, Mr Kaine.

**MR Kaine:** Thank you, Mr Speaker. Mr Downie says:

The agreement to allow the interstate operator to pick up and set down passengers within the ACT recognised that some people would prefer to catch a bus instead of waiting - something TWU members and politicians do all too frequently.

Though the TWU was told of the trial at least two weeks ago, it waited until Friday, the day before the trial was due to begin, to call a stop-work meeting.

This took all Action buses off the road with no notice, indicating a general lack of concern for passengers.

Those passengers could now believe some genuine competition might not be a bad thing.

Bus services between Queanbeyan and Canberra began in the early 1920s.

The restriction on the interstate operator began in 1926 when the Federal Capital Commission established a bus service. The federal Parliament then imposed the restriction on the Queanbeyan-based service, though at the time Queanbeyan was the major shopping and social centre for Canberra residents.

Now Mr Whitecross -

I think it is -

says the decision to allow Deane's to serve passengers within the ACT is in contravention of an Assembly decision of May 31, 1995.

I will come to that in a minute. Mr Downie says:

The resolution said the Government must receive the support of the Assembly before giving approval to any other operators for the provision of scheduled public transport services within the ACT.

... ..

The resolution referred to by Mr Whitecross was moved by Greens MLA Lucy Horodny.

In doing so she told the Assembly ...

I quote from the *Hansard* of 31 May 1995; I am digressing slightly from Mr Downie:

This motion is about the corporatisation, privatisation and leasing of the services and structures of ACTION. It is not about limiting the incidental services provided by interstate operators ...

What the Government has agreed to is in no way in contravention of the motion that was put by Ms Horodny or the decision taken by the Assembly on it. Mr Downie says:

Mr Whitecross said if a private operator were prepared to do the run there must be a demand for the service, and Action should provide it.

This fails to recognise the point that Deane's has not introduced a new service and that any Action customers will not be able to use pre-purchased Action tickets on Deane's buses.

Mr Whitecross also accused the Government of renegeing on its enterprise agreement with the TWU, which says there will be no contracting-out of Action services.

No Action service has been contracted-out and, despite claims by Mr Whitecross to the contrary, Action's weekend frequency has remained much the same for many years - hourly on most routes.

The answer is: The TWU's response is irrational and illogical; it is not based on anything of any substance, and neither is Mr Berry's question.

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

**MR BERRY:** Yes, I do have a supplementary question. Minister, is it not the case that the enterprise agreement that your Government has with the employees of ACTION clearly states that there is to be no privatisation, that is, handing over or derestricting of the bus runs, so that there will be no privatisation, corporatisation or contracting out of ACTION services? Clearly, this action of the Government allows access to ACTION routes and is clearly privatisation. Is not this a clear breach of that agreement? Given that your decision to contract out work that could be performed by ACTION is clearly not in the spirit of the agreement, can you inform this Assembly whether you have reneged on the agreement; or is it the case that the agreement has expired?

**MR KAINE:** The answer, Mr Speaker, is no, we have not corporatised; we have not privatised; we have not contracted out; and we have not replaced an ACTION bus timetable with somebody else's.

### **Aboriginal Housing**

**MS TUCKER:** My question is to Mr Stefaniak as Minister for Housing. Mr Stefaniak, housing is a very critical area of concern for Aboriginal and Torres Strait Islander people; so, my question today is directed at finding out exactly what the Government is doing in this area. In 1995 the Chief Minister released a report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and said that an Aboriginal housing policy would be developed. The review of Aboriginal and Torres Strait Islander housing provision in the ACT was released in 1996. That made a number of recommendations, and the Government announced last year that it was considering those recommendations. In recognition of the special needs of Aboriginal people, key recommendations of that report included the establishment of an Aboriginal and Torres Strait Islander housing unit, a program development officer and secretariat for the Government and the development of specific programs to address the special needs of Aboriginal and Torres Strait Islander people in the ACT. I would actually like at a later date an update from the Government in response to this report generally.

**MR SPEAKER:** What is your question, Ms Tucker?

**MS TUCKER:** In particular, I would like to know whether the Aboriginal housing program officer position has been created, and I would like to hear when the Government will be releasing an Aboriginal housing strategy.

**MR STEFANIAK:** I thank the member for the question. It goes back actually to September of last year. Mr Speaker, since then I have been trying to do a number of the things which are done in every other State and Territory which gets funding through special grants from the Commonwealth. Tasmania, Ms Tucker, gets \$686,000 for these programs from the Commonwealth. ACT Housing has estimated that we would be entitled to - and this is a conservative estimate - \$592,000 or thereabouts from the Commonwealth. I have formally asked Jocelyn Newman, the Minister for Social Security,

who has responsibility for housing, for that money. The Commonwealth as yet has not been forthcoming. I do not intend to let this issue rest. I will continue to pursue the Commonwealth for funding which I believe the Territory is entitled to.

In the meantime, we have a number of ATSI people in various ACT Housing Trust places throughout the Territory. I think there is one specific community-type-based housing organisation which has been operating, too, for a couple of years now. In terms of specifically addressing some of the concerns you have, if it is good enough for Tasmania to get \$686,000, I certainly think it is good enough for this Territory, which has a growing Aboriginal and Torres Strait Islander population, to be receiving money which I believe is its due from the Commonwealth for specific programs over and above the needs of other Housing Trust tenants. Accordingly, we will pursue that with vigour, Ms Tucker.

**MS TUCKER:** I have a supplementary question, Mr Speaker. I will ask the same question. Minister, could you tell me whether an Aboriginal housing program officer position is going to be created, and when? Will the Government be releasing an Aboriginal housing strategy?

**MR STEFANIAK:** Ms Tucker, in terms of the housing strategy, I will consult with my department in terms of an actual specific strategy. Again, part of that, I would say, is tied up with getting the Commonwealth to come to the party. The Commonwealth is actually after bilaterals at present. I do want to pursue the financial aspect further because I do not think it is appropriate for us just to accept their position that they do not want to give us money for that. Part of your supplementary question goes to that. I will be taking it up further with the Commonwealth. There are, however, a number of other things that we can do in the interim, which Housing is pursuing, and as soon as we have a further - - -

**Ms Tucker:** Would that not be part of the strategy?

**MR STEFANIAK:** Yes. In terms of a strategy, Ms Tucker, there are further things which we are actually progressing. As soon as I am able to release a strategy, or even as much as I can release without settling what the Commonwealth should be paying us, I will get back to you on that and will release it.

### **Bus Services**

**MR CORBELL:** Mr Speaker, my question is to Mr Kaine in his capacity as Minister for Industrial Relations. Minister, can you confirm that the Industrial Relations Commission this morning instructed the Government to consult with the TWU in relation to the dispute caused by your decision to allow Deane's Buslines to expand their operation in the ACT?

**Mrs Carnell:** To pick up passengers rather than go past them?

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**MR CORBELL:** Is it a contraction or an expansion, Chief Minister? Minister, how does this instruction reconcile with the statement that your office and senior officers of your department made in the media recently that you had consulted until you were blue in the face? Minister, why did not the commissioner believe you?

**MR KAINÉ:** Mr Speaker, the fact that the commissioner has come back and suggested that we consult further is, I think, tantamount to rejecting the case put forward by the Transport Workers Union. She has effectively said, "Are you really sure you have a dispute that should be before this commission?". In fact, the Government did consult on this issue. ACTION management advised the TWU as long ago as 26 May of what we were planning in terms of introducing an eight-weekend trial. They knew three weeks before, effectively, that we were going to allow this pilot study to go ahead. They produced no objections whatsoever until the eve of the trial being put in place. The secretary of the TWU, on my advice, in the time between 26 May and last Friday, in fact, met at least once with ACTION management. ACTION management met also with the TWU caucus. My understanding is that on neither of those occasions did anybody even raise the question as a point of contention. It was not until the eve of the trial, last Friday, that the TWU suddenly decided, "Hey, wait a minute" - - -

**Mrs Carnell:** It was on that weekend.

**MR KAINÉ:** Yes; it was Friday night, was it not, and was it not coincidental that the Labor Party conference was to be held on that weekend? I suggest that the action of the TWU in this case was totally irrational and not based on any logic. There is no substance to their claims that we have somehow duded them. I would think that the commissioner suggesting that we go away and think about it for a couple of days is good advice for the TWU. If they really think about it for a couple of days, they will withdraw their proposed action and get on with the business of providing a service to the passengers that want to ride on ACTION buses in this town.

One of the factors that I think will lead to the TWU membership deciding not to go any further is the advice to them that, under Commonwealth law, if they do not collect fares, it would be illegal for ACTION to pay them. I think that there are some real factors which the TWU officials need to think about before they jump in up to their neck. There is an old saying: "It is a bit hard to remember that your objective was to drain the swamp when you are up to your armpits in alligators". I think the TWU is going to find itself in that situation.

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

**MR CORBELL:** Yes, Mr Speaker. I am glad that the Chief Minister is enforcing amongst her Ministers her rule that they will not attack public servants; or does she not believe bus drivers are public servants? My supplementary question is to the Minister. Why does the Government have to be told repeatedly by the Industrial Relations Commission that they have to consult with their work force? Is the concept of consultation so abhorrent to you that after 14 consecutive losses in the Industrial Relations Commission you still have not learnt the lesson? Can you inform this Assembly why workers, public servants in ACTION, should have any faith in a government that is incapable of acting in good faith?

**MR KAINÉ:** The point is, Mr Speaker, that it is not the public servants in ACTION services, if you define bus drivers in ACTION as public servants, that I am criticising; I am criticising union officials who, like the Opposition here, try to find every possible thing that they can to be critical about. If they would get on with the job we would all be a lot better off. Mr Corbell's proposition about going to the Industrial Relations Commission is just as irrational as what the TWU did last Friday. Is he arguing that you should not go to the tribunal and have the case argued on its merits? Is he suggesting that we should never go to the commission because we might lose? What a lot of hogwash! I hope Mr Corbell one day is Industrial Relations Minister - I doubt it; I think he will be too old by the time they get back into government - because I am sure he will take a vastly different view of things than he is pretending to take today.

### **Electoral Legislation - Countback System**

**MRS LITTLEWOOD:** My question is to the Attorney-General. Is the Attorney-General aware of a policy resolution passed by the ACT branch of the Australian Labor Party last weekend which would see the countback system repealed? Can the Attorney-General tell me: Is this possible to repeal? What is the implication of such a decision?

**MR HUMPHRIES:** What was that name? Who was it?

**Ms McRae:** On a point of order, Mr Speaker: Under what aspect of the Minister's portfolio can he answer questions on Labor Party policy?

**MR HUMPHRIES:** Mr Speaker, the question was about whether it was possible to repeal countback.

**Ms McRae:** No, it was not. Mr Speaker, on a point of order: It was: Is the Minister aware of Labor Party policy passed during the conference? It had nothing to do with his responsibility.

**MR HUMPHRIES:** I will read out the question.

**MR SPEAKER:** The other problem I have is that it is, I think, asking for a legal opinion.

**MR HUMPHRIES:** Mr Speaker, it is asking me how it is possible to repeal countback. That is a very simple question about the operation of our electoral legislation. I am the Minister responsible for the Electoral Act and am, therefore, quite capable of answering questions about it.

**Ms McRae:** Everybody knows about it already; it does not need any help from you.

**MR SPEAKER:** Was this in the newspapers?

**MR HUMPHRIES:** Yes, it was, Mr Speaker.

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**MR SPEAKER:** Proceed.

**MR HUMPHRIES:** It was in the newspapers, and I am happy to comment upon it.

**Mr Berry:** Mr Speaker, it was a question that asked for a legal opinion in the context of the Act and is, therefore, out of order.

**Mr Whitecross:** If Gary wants to announce Labor Party policy, that is okay with me.

**MR SPEAKER:** No; this is not Labor Party policy. That is why I asked whether it was in the newspaper. If it was, it is perfectly reasonable that somebody should raise the question.

**MR HUMPHRIES:** I can understand the sensitivity, Mr Speaker; I know what it is like.

**Ms McRae:** The sensitivity is much stronger on your side - 78 per cent recognition, and 21 per cent vote. That is fantastic! No wonder you are jumpy!

**MR SPEAKER:** Would you mind proceeding to answer Mrs Littlewood's question, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, looking at the provisions of the ALP's resolution on the weekend, I was - - -

Members interjected.

**MR SPEAKER:** Would you all like to go outside and have a talk, or would you like to let Mr Humphries answer the question.

**Mrs Littlewood:** Mr Speaker, could I have my question answered.

**MR SPEAKER:** Yes.

**MR HUMPHRIES:** Mr Speaker, I would be very happy to answer Mrs Littlewood's question; to express my surprise at the attack on countback that took place at the Labor Party conference; to indicate that I think the Labor Party would have difficulties in repealing what is an essential element of the Tasmanian Hare-Clark electoral system which we have adopted in the ACT; and to indicate that that kind of attitude is at least perplexing to those who heard the Labor Party declare in 1995 that they supported, and indeed were prepared to help entrench, key features of an electoral system which included countback.

**Mr Moore:** How reluctantly?

**MR HUMPHRIES:** How reluctantly indeed.



**Mr Berry:** The reason Tasmania is in a hole is their stupid electoral system, which is the same as what we have.

**MR HUMPHRIES:** The stupid electoral system? Is this the same electoral system that you voted at the weekend to entrench? Did you vote to support it on the weekend? You and your colleagues, Mr Berry, are now committed to supporting the Hare-Clark electoral system. That is what it says in the newspaper. Have we got it wrong? Are you in favour of Hare-Clark or are you not?

**Mr Whitecross:** Yes, we are in favour of Hare-Clark.

**MR HUMPHRIES:** The fact is that your position remains about as clear as a muddy river. No-one knows what you really think about the electoral system.

**Mr Berry:** Would you like me to get up and tell you?

**MR HUMPHRIES:** I think what you say and what you intend to do are two entirely different things.

**Mr Berry:** I will tell you about all the dunderheads that support it as it is, too.

**MR SPEAKER:** Would you be quiet, Mr Berry.

**MR HUMPHRIES:** I notice that the letter to the Electoral Commissioner in 1995, which was signed by members of this Assembly, authorising the Yes case for the referendum at that election to entrench Hare-Clark, includes phrases like, "Take this opportunity to stop the key features of this electoral system being easily changed. Vote Yes to safeguard these key features". One of those key features, of course, is that casual vacancies will be filled by the countback method. Members signed that letter to the Electoral Commissioner. Ms Follett's signature is there; Mr Lamont's is there; Mr Connolly's is there. What was that other name?

**Mr Moore:** Is there a Mr B?

**MR HUMPHRIES:** Mr Berry seems to have been forgotten. Is that not careless of them? Fancy your colleagues forgetting to put your name, Mr Berry, on that paper and to invite you to sign it. How very careless!

Mr Speaker, I have been looking at the editorial in the *Canberra Times* - not the one today, which was a very interesting media statement - of 17 December 1993 in which there was comment by the *Canberra Times* about the ACT Labor Party's performance on electoral systems. The editorial is headed "Labor's cynical lies on ACT vote system". The article includes statements like:

The vote -

that is, the vote at the referendum in 1992 -

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was a vote against party-machine domination; it was designed to allow the electors themselves to choose which of the candidates put up by the party they would have represent it.

Party machines, of course, do not trust the people to pick people in the right order. The Labor Party in Canberra, for example, is dominated by a hard-Left element which has specialised for years in producing candidates who, however ideologically sound and however many branch meetings they have attended ...

**Mr Kaine:** It is a powder puff hard-Left element.

**MR HUMPHRIES:** Perhaps. The article continues:

have proved themselves electorally unattractive repeatedly, sometimes even in the party itself. Even at the moment, for example, there would always be a risk that almost any old Labor candidate - even, horrors, one from the Right - could win more votes than Wayne Berry, or that Labor candidates without strong factional support, such as Bill Wood, might get a popular vote ahead of candidates anointed by the left.

**Mr Kaine:** Like who?

**MR HUMPHRIES:** Like who, I wonder. Who indeed? Mr Wood might be counting on that leapfrog effect at the next election, due in nine months' time. It goes on to talk about the promises made at the 1992 election to support the outcome of the referendum. Then it says:

One can hardly be held to promises made to people who prove to be liars and cheats.

That is a reference to our colleagues opposite. Mr Speaker, I think the reality is that those opposite have no abiding commitment to the Hare-Clark electoral system; they have demonstrated that repeatedly on occasions such as this by promising to support Hare-Clark. But then to gut one of the most important elements of that system - that is, that the electors choose who take casual seats, not the party - is simply not consistent with that first statement. But, above all, the thing that astonishes me about this position is this: What kind of vote of no-confidence in Mr Corbell and Ms Reilly is the Labor Party's move against countback? They are here because of countback.

**Mr Moore:** And only because of countback.

**MR HUMPHRIES:** And, as Mr Moore says, only because of countback.

**Ms Reilly:** How do you know?

**MR HUMPHRIES:** Let us be realistic about it, Ms Reilly. Would you be here if your party had selected who would get the seat? I think you and I know that you would not be. I can read her face, Mr Speaker. It says, "Thank goodness for Hare-Clark countback".

I can see it written on her face. Fortunately, it is not possible for a Labor government elected at the election next year - talk down that possibility as they may - with, say, seven, eight or nine seats, to repeal the Hare-Clark electoral system countback procedure, because Labor members of this place themselves voted to entrench the electoral system. It can be done only by members of this party, the Liberal Party, whether in government or in opposition, also agreeing to support that arrangement. And, Mr Speaker, it is not going to happen.

### **Acton Peninsula - Demolition of Buildings**

**MS McRAE:** Mr Speaker, my question is to Mr Humphries in his capacity as Minister for Planning. Minister, can you confirm that the contractor responsible for the demolition of the former Royal Canberra Hospital was told that he could not dump the rubble at Fairbairn Park because he did not have a permit; and when your department did issue him with a permit he was then told that he could not dump the rubble because he did not have the right permit? Minister, can you explain why the contractor was not issued with the correct permit, when the dumping of rubble at Fairbairn Park was always part of the demolition of the hospital?

**MR HUMPHRIES:** Mr Speaker, I have to apologise to the Assembly. I was not rostered that day on the shopfront counter at PALM; so, I did not actually see that permit go out. I am very negligent in that report, and I am really very sorry about that. I will make sure I am there the next time the permit is issued. Mr Speaker, that is obviously a question that I will take on notice.

**Mrs Carnell:** How would he know whether the right permit was given?

**MS McRAE:** It has been in the paper every day for the last week. I have a supplementary question, Mr Speaker. Are you aware then - and you can add this to your question on notice, Minister - that the failure of your department to ensure that the contractor is able to dump the fill will result in the demolition work being carried out at the hospital being stopped by Friday of this week? Can you reassure the house that you will start paying attention to what has been in the press for at least a week and that your department will have its act together by then?

**MR HUMPHRIES:** Mr Speaker, I have paid very close attention to what has been in the media. As far as permits are concerned, my department's view has been, very consistently, that the required legal steps need to be taken before dumping of rubble from the Royal Canberra Hospital site occurs.

**Ms McRae:** You are an expert now. Why did you take the other one on notice?

**MR HUMPHRIES:** Because I do not know anything about a permit, Mr Speaker.

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**Ms McRae:** That is what it was all about - permits.

**MR HUMPHRIES:** Is this *Coronation Street* or something? I do not know the answer to the question about the permit. I will find out for you. But I would like to indicate that I have followed this issue very closely. I have indicated to my department that the legislation must be complied with and that they must ensure that any dumping of rubbish or rubble from the hospital site anywhere in the Territory needs to be in conformity with the planning laws. I understand that there was some rubble dumped previously at the Fairbairn Park site - and that appears to have been dumped illegally - but I am instructed that the people concerned have been instructed about the legislation and that further dumping should not occur until the legal requirements have been met.

### **Wanniassa Enclosed Oval**

**MR OSBORNE:** My question is to the Minister for Sport, Mr Stefaniak, and is in regard to the Wanniassa enclosed oval. Minister, as you would be aware, the Tuggeranong Valley Rugby Union and Amateur Sports Club has been interested in purchasing this oval for some time so that they can spend approximately \$4m on the redevelopment of the sports facility. Is it true that the Government at one stage promised to give this oval to the Tuggeranong Valley Vikings Club and then at a later date added a price tag of \$200,000, being the unimproved value of the land - a price that I believe the club was comfortable with? Is it also true that the Government has more recently increased the price even further, up to \$800,000, to include the supposed value of the buildings? You do know the site down there, Minister? Given that any redevelopment of the oval will require these buildings to be bulldozed and they are, therefore, without value to the club, do you really think that it is a fair deal, considering the Vikings are prepared to inject this amount of money into the oval to provide a much needed further enclosed facility in the valley?

**MR STEFANIAK:** I thank the member for the question, and I think it probably is timely. Certainly, I am aware that the Tuggeranong Valley Rugby Union Club had what I considered to be a very good proposal for the redevelopment of that oval. Mr Osborne, I am unaware of exactly what the price tag, if there is a price tag at present, is. I think that is probably more the area of Mr Humphries at present because I understand the matter is now going through the various planning processes. I understand, Mr Osborne, that various public consultations have been undertaken with local residents. I understand those were largely successful. What I am saying is basically hearsay. My colleague could correct me if he has additional information. I understand they were quite effective. I think there was only one local resident who had any concerns. I am unaware as to what progress has occurred further to that, Mr Osborne. The Tuggeranong Australian rules club used that oval also. I think the Tuggeranong Valley rugby union people were quite happy with this. They certainly did not want anything to go ahead until such time as the local Aussie rules club was looked after. It has been, with the establishment of the Greenway oval.

I understand, Mr Osborne, the matter is going through the planning processes now. I am certainly hopeful that there will be a resolution of it as soon as possible, because I think it is a very good project. The club is to be commended for its desire to put in, initially, \$4m. I think they are talking, in stage 2, of up to about \$8m. That would give Canberra another excellent sporting facility. As you are well aware, that club does a hell of a lot for sport in the valley.

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

**Mr Wood:** Where do you go from here? That is the question, Mr Osborne?

**MR OSBORNE:** I am just trying to think, Mr Wood. I do not quite know where to go with my supplementary question, after that answer. I am even confused about what question I asked. Minister, do you know what price you have asked the Vikings to pay for the land? I think that was what I asked you.

**MR STEFANIAK:** That is your supplementary question? Good stuff, Ossie! Mr Osborne, you have given a number of figures there. As I indicated earlier, the matter is now in the lap of my colleague the Land and Planning Minister. I have just had a very quick chat with him, and he certainly is very happy to indicate - and I would fully support him in this - that the Government will look at the price. Certainly, Mr Osborne, I would reiterate that I am well aware of the project. I think it is an excellent project for sport. I would commend the Tuggeranong Valley Rugby Union and Amateur Sports Club for its initiative here. The Government will look at the issue of the price, Mr Osborne.

### **Out-of-school-hours Care Centres**

**MR WOOD:** My question is also to Mr Stefaniak. Minister, the Federal Liberal Government's decision to remove operational subsidies from out-of-school-hours care centres from 1 January next year has been condemned by care providers and parents as a first step towards forcing many parents either to use unlicensed backyard operators or to leave their children at home unattended. The fee increases that will be necessary because of the loss of subsidy will put this basic care beyond the reach of many, and the children of the ACT will be the losers. Mr Stefaniak, what does your Government and what do you intend to do to remedy this situation which has been caused directly by the actions of your Federal mates?

**MR STEFANIAK:** Mr Wood, I will probably largely answer most of your question to start with, and then give you a little bit of other relevant information in relation to this. Hopefully, I have some more coming. This Government, in difficult financial times, cannot be expected to fill the breach whenever the Commonwealth does something which slugs us further. We have lost about 10,000 jobs over the last two years. Newcastle, it is interesting to note, is to lose, over a four-year period, 2,500 jobs and the Federal Government is going to give them a bit of financial assistance. Those 2,500 jobs are a lot less than what we are losing, and the Federal Government is going to do a \$12m help package for them. That is not forthcoming, I note, as yet to the ACT, although I note the Chief Minister is actively pursuing that with the Prime Minister.

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What do we do in these situations, Mr Wood? Obviously, we will do the best we can to assist anyone; but it may not mean that we have the ability to completely take over any funding shortfall from the Commonwealth.

**Mr Wood:** But what is that? What is “the best we can”?

**MR STEFANIAK:** Mr Wood, you might be interested to know, just in relation to this, that the advice I have indicates that some \$77m has been cut from the child-care assistance budget by capping fee assistance for non-work-related purposes in both long-day care and school-age services at 20 hours per week. There will be exceptions for families in crisis, children at risk and services that are the sole providers in their area. Occasional care will also be exempt from this 20-hour ceiling. My bureau advises me that the measure is unlikely to have a major impact on parents in the ACT, as most child-care and long-day care centres are used for work-related purposes.

The Federal Government, I understand also, Mr Wood, is aiming to save some \$38.8m by changing the current method of advance payment of child-care assistance to services to arrears payments from January 1999. This will impact on all long-day care centres in the ACT which have previously had the benefit of advance payments, providing them with some financial security. Outside-school-hours care will lose its operational subsidies from 1 January next year, and vacation care its block grants from 1 February 1998, with this money retargeted directly to families through the new school-age child-care assistance system. This new assistance, based on long-day care parameters, allows for increased payments to parents using these services, with a maximum of \$1.62 per hour payable.

The loss of operational subsidies for outside-school-hours care and block grants for vacation care services will have a considerable impact on many ACT services, which will increase fees to compensate for their lost funding. However, parents who are eligible for child-care assistance will be assisted to meet these higher fees. Parents not eligible for child-care assistance will pay higher fees for outside-school-hours care services. Child-care subsidies will be linked to age appropriate immunisation levels on 1 January 1998. The Bureau of Youth Services is looking at all of this, Mr Wood.

I have been promised some additional information from the Commonwealth which, they say, refutes some of the claims made in the media. I will go through that very carefully and assess what real impact this will have on the ACT. We will do what we can, Mr Wood; but I reiterate that it is impossible to expect this Government or indeed you, if you lot - on your 26 per cent, as opposed to our supposed 21 per cent - find yourselves here next February in a similar financial situation, to top up everything when the Commonwealth makes a decision which financially impacts adversely on the ACT.

**MR WOOD:** I have a supplementary question, Mr Speaker. Here I come; we are coming. The Minister has actually said that he is not going to do anything; he said about three times, “I do not care” and “There is nothing I can do”. Really, my supplementary question comes back to an earlier point he raised. Minister, are you going to vote for your Liberal mates next time?

**MR STEFANIAK:** Of course I am, Mr Wood; I can read opinion polls as well as anyone else. If you lot want to paint yourselves as the underdogs on 26 per cent, you can. I saw that poll which referred to 21 per cent. What you have to worry about, though, is Mr Who over there. That 38 per cent could be a little bit of a concern to you.

Mr Wood, I did not say we would not do anything; I have simply cautioned you in terms of exactly what this Government realistically can do every time the Commonwealth cuts some funding. I indicated that we always look at what we can do to counter that. What I have simply said, Mr Wood, is that we may not be in a position, and nor should we be expected to be, to compensate the same amount of dollars as might be lost as a result of the Commonwealth action.

### **Grevillea Park - Erosion Control**

**MS HORODNY:** My question is directed to the Minister for the Environment, Land and Planning, Mr Humphries. I must thank you, Mr Humphries, for finally providing yesterday answers to my Estimates Committee questions of three weeks ago about the capital works program and the Decade of Landcare. Unfortunately, your answers have just generated more questions. I have a question for you today about the project contained in the 1996-97 Decade of Landcare funding, which was \$30,000 for Grevillea Park erosion control. Grevillea Park is not known as a place which suffers great soil erosion, but I note that this area was used for the FAI car rally last year and the ground was significantly damaged as a result of this rally. Could you tell me whether this \$30,000 is being used to clean up the mess created by the car rally; how car rally rehabilitation fits into the objectives of the Decade of Landcare program; and why the rally organisers are not paying for this work?

**MR HUMPHRIES:** I do not know the answer to your question. I will have to take it on notice.

**Ms McRae:** Here we go again.

**MR HUMPHRIES:** You probably do not know where Grevillea Park is, for goodness sake. The Government administers literally thousands of grant programs. I personally am responsible for literally thousands of individual grants under grant programs. I am sorry; I cannot recall what the \$30,000 spent at Grevillea Park is for. I will have to take that part of it on notice. I am also, on the basis of past experience, expecting a press release from Ms Horodny before that information comes in, saying, "The Government wastes money". If the past indication is anything to go by, Ms Horodny, it is most probably in Brazil by now; it has been salted away in Brazil, Switzerland or somewhere like that, if past practices, according to you, are any indication.

I will take the time to get the information, as requested. The reason you had less than as much speed as you would like in getting your answer to the Landcare question is that they were extremely complex issues. They were very complex issues, necessitating going back and having to re-sort information on a very complex and lengthy basis. I would like,

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at some stage, to table in the Assembly information on the amount of time and money the taxpayer has been put to in answering questions like that. That would be information that the taxpayer, I think, would be interested in having. I will take the body of the question on notice. I hope Ms Horodny will take the issue on notice and not rush to a false and misleading press release.

**MS HORODNY:** I have a supplementary question, Mr Speaker. Mr Humphries, if you had a strategy for your Landcare money, it would not take you so long to get that information together; it should all be at your fingertips. How do you determine the priorities for spending on Decade of Landcare projects? Could you table any policies or guidelines, any at all, used within the Department of Urban Services for determining these priorities - anything you have to clear this matter up.

**MR HUMPHRIES:** Mr Speaker, in fact, I can. Later this week I will be tabling the Territory's draft nature conservation strategy which includes, among other things, ways in which we should be directing priorities towards major projects on a long-term basis. However, I would suggest to Ms Horodny that if she had cared to look a little deeper, or had asked some questions, she would have found that those sorts of issues about grant programs being pursued already have been thoroughly canvassed within my department. Of course, members would be aware - perhaps Ms Horodny is also aware - that the Environment Advisory Committee, as it is now called, plays a role in determining grants, including Landcare grants, and that it has, if you like, practices and protocols for the way in which it goes about its work. I do not know whether or not they are reduced to writing. I can try to find out for Ms Horodny's benefit.

But let me say that your touching faith in a strategy and a document - if we have produced lots of documents, then we are fine; we are doing the work of government - is not a view that I share. A far more important role for the Government is actually delivering on things, actually getting out and doing things. I know that the Greens are obsessed about process; as long as we can agree on the process and get the process right and produce lots of paper about how things are going to work, then everything will fall into place. I do not have the same faith in paper. My view is that governments have to get out there and ultimately deliver on areas that are of concern. I think we are doing that in respect of the environment. I think the evidence of that is very clear.

### **Graffiti Removal Program**

**MS REILLY:** My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, in your Chief Minister's 1996-97 budget, the jobs budget, it was claimed that part of the employment opportunities that were to be made available to young people included the establishment of the graffiti squad. Minister, can you confirm that the Department of Urban Services is no longer going to employ young people to remove graffiti? What will happen to the 43 young people currently employed in the program?



**MR KAINÉ:** No, I cannot confirm that we will not employ young people. We probably will. The fact is, however, that we will not necessarily employ the same 45 or 60 as were employed in this fiscal year. The idea of the graffiti removal program was, first of all, to serve the valuable social purpose of getting rid of some of the graffiti; and, secondly, to introduce some young people to some work practices that they would find - - -

**Mr Berry:** Where are they going to get a graffiti job if you will not employ them?

**MR KAINÉ:** Mr Berry demonstrates, by that sort of question, his total inability to understand what is involved in removing graffiti. What we propose to do in the second phase of the graffiti removal program is use private sector master painters and people of that kind who, in the process of removing graffiti and rectifying the damage done by it, will be imparting to these people some skills in a trade that they can later use. To suggest that we simply put 45 young people on the payroll, indefinitely removing graffiti, is a rather short-sighted view of what the graffiti program is about. It is not an employment program; it is a graffiti removal program. I made the point - if you did not jump in boots and all you would have heard - it is essentially a graffiti removal program. Do you remember? It is about removing graffiti. In the process we give some people, hopefully young people, the people that these folks over here pretend to represent, a job for which they get paid. It is a training process so that at the end of the period of time they have perhaps learnt some skills that will allow them to fit into the broader work force.

Of course, you can see what this lot is on about; you can see what they would be doing. They would simply be pumping people into this program, giving them a few dollars a week to keep them quiet and not teaching them a thing; and, at the end of the time, they would be no better informed and no better qualified to go into the work force than they were before they started. That is not our program; it is not our objective. We will continue to provide some employment for a limited number of people. It is about \$700,000, again this year, which is the same as it was last year, from memory. At the end of the day we will have imparted, hopefully, to some of these people some useful skills that they did not have when they started.

**Mr Berry:** And then we will withdraw the place where they can practise these skills.

**MR KAINÉ:** Have you not ever heard of a painter? Of course, you would not know; you are a fireman. You would not know anything about painting.

**Mr Berry:** I think they have to do an apprenticeship to be a painter.

**MR SPEAKER:** Order! Ms Reilly asked the question.

**MR KAINÉ:** Mr Speaker, the question, as is so often the case, demonstrates a complete lack of understanding on the part of the Opposition of the fact that this Government is trying to actually achieve something and is not just spending some money in the hope of making the problem go away.

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**MR SPEAKER:** Do you have a supplementary question, Ms Reilly?

**MS REILLY:** Mr Speaker, I am now trying to work out whether the graffiti clean-up program is a job or employment program, a training program, a master painters apprenticeship, or what it is.

**MR SPEAKER:** Why do you not sit down and think about it? Otherwise, ask the supplementary question.

**MS REILLY:** Can I ask my supplementary question, please, Mr Speaker? I know of your personal interest in graffiti clean-up, having seen pictures of you doing this job. I hope you were not taking away any job from a young unemployed person. Obviously, it is not really an interest in employment or jobs from this - - -

**Mr Kaine:** How many supplementary questions am I getting, Mr Speaker?

**MR SPEAKER:** I do not know. She is rambling on at this stage. Will you ask the question?

**MS REILLY:** Can you now tell us what your Government's real interest is in long-term unemployed young people?

**MR KAINE:** First of all, Mr Speaker, I am not the Minister for Employment; and this - - -

**MR SPEAKER:** No; I was thinking that.

**MR KAINE:** Well, I am not. If you want the Government's policy on employment, direct your question to the right person.

I will take the opportunity to remind you of what the graffiti program has done for Canberra. Since the program was launched on 15 August 1995, over 1,450 sites have been cleared of graffiti; 400 sites have been coated with a sacrificial coating to prevent further attack; over 1,200 graffiti vandalism sites have been recorded; a database on graffiti sites has been maintained by the graffiti reduction team; over 440 sites have been identified as suitable for legal street art and community murals; the legislation relevant to graffiti vandalism has been changed so that an offender is liable to a fine of up to \$5,000 and/or six months' imprisonment; a draft code of conduct for the display of graffiti material has been developed and released for public comment; an education program to raise the awareness of the social and financial impact of graffiti has been developed; there have been three clean-up days - one in Belconnen on 13 October 1996, one in Woden on 24 December 1996 and one in Tuggeranong on 15 February 1997 - where 219 volunteers attended to assist; and the 1996-97 budget youth employment initiative has commenced, and 60 youths are now painting out graffiti from high-priority areas. That is what the graffiti program is about. It does employ people; it does give them a wage; but it is not intended to be permanent employment. Its objective is to get rid of graffiti. Do you understand that, Ms Reilly? Is that clear?

### **Residential Leases - Renewal**

**MR MOORE:** Mr Speaker, my question is to Mr Humphries as Minister for Planning. Mr Humphries, this will give you a chance to talk about how you deliver, considering your response to Ms Horodny, rather than just being caught up in process. I spoke to you a short time ago about a proposal for renewal of residential leases in a cheap and effective way. Originally, you suggested to me that your legal advice indicated that it was not possible and that you had approached the Minister for Territories on the matter. My understanding is that you had approached the Minister for Territories on a slightly different matter to this specific question of renewal of residential leases in a cheap and effective way, effectively an automatic renewal of residential leases. Have you looked into this proposal, which would remove unnecessary bureaucracy? Are you now prepared to pursue the proposal?

**MR HUMPHRIES:** I am prepared to pursue the proposal. Since the last time that I spoke to Mr Moore on the subject I have written back to the Federal Minister for Territories, Mr Smith, and asked to have a meeting with him to discuss the various proposals. As I understand it, the proposals will all require some degree of Commonwealth intervention, whether it is by regulation or legislation. I think in the last 10 days or so I have written back to him asking for that meeting. I hope that will be an opportunity to sort out, face to face with him, the best option to pursue greater security for leaseholders in the ACT. I will certainly be discussing your suggestion with him in that context.

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

### **ACTTAB - Kaleen Agency**

**MS McRAE:** Mr Speaker, during the last sitting Mr Kaine, on a question from me about the renewal of an agent's licence at Kaleen, said that he would take the question on notice and bring me back further information. I take this opportunity to remind Mr Kaine of that commitment. Perhaps tomorrow he can answer my question.

### **Public Sector Chief Executives - Remuneration Packages**

**MRS CARNELL:** On 8 April 1997 Mr Osborne asked a question on notice relating to the details of executive remuneration. I answered that question on 7 May 1997. The answer appeared in *Hansard* on 8 May 1997. Since then I have been advised that the figure provided by ACTEW for the chief executive of ACTEW was incorrect. I wrote to Mr Osborne on 19 May 1997 advising him of the error. I seek leave to have the letter to Mr Osborne incorporated in *Hansard* for future reference.

Leave granted.

*Document incorporated at Appendix 4.*

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## **PERSONAL EXPLANATION**

**MR CORBELL:** I seek leave to make a personal explanation.

**MR SPEAKER:** Leave is granted.

**MR CORBELL:** In question time today the Chief Minister suggested that I had had a conversion on the road to Damascus regarding the very high speed train. I was grossly misrepresented by the Chief Minister, but that is not unusual. I would like to place on the record, as I have previously, that the Labor Party has never been opposed to the very high speed train project. The Labor Party, unlike this Government, wants to make sure that the ACT is prepared to maximise the benefits and to avoid any pitfalls in the development of a very high speed train. I made those points very clear in my speech regarding the establishment of the Economic Development and Tourism Committee's inquiry into the economic impact of a very high speed train. Unlike the Government, we will not be relying on cargo cult politics alone to get the ACT out of its current financial mess. We will plan for the future, and the inquiry into the very high speed train is part of that process.

## **AUDITOR-GENERAL - REPORT NO. 4 OF 1997**

### **Public Hospitals - Same Day Admissions : Non-Government Organisation - Potential Conflict of Interest**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 4 of 1997 - ACT Public Hospitals - Same Day Admissions : Non-Government Organisation - Audit of Potential Conflict of Interest.

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

That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1997.

## **SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for adoptions and modifications of the Building Code, declarations, determinations, instruments of appointment and a revocation of appointment, and variations to a code of practice and programs. I also present the notices of commencement of the Acts listed.

*The schedule read as follows:*

Administrative Appeals Tribunal Act and Tenancy Tribunal Act - Determination of fees and charges applicable in the Administrative Appeals Tribunal and the Tenancy Tribunal - No. 107 of 1997 (S166, dated 12 June 1996).

Agents Act -

Declaration - No. 99 of 1997 (S162, dated 11 June 1997).

Determination of fees - No. 62 of 1997 (S95, dated 15 April 1997).

Bookmakers Act - Determination of directions for the operation of a sports betting venue - No. 76 of 1997 (S122, dated 14 May 1997).

Building Act -

Adoption of the Building Code of Australia and Preparation and Publication of an ACT Appendix to the Building Code of Australia - No. 80 of 1997 (S139, dated 21 May 1997).

Adoption and Modification of the Building Code of Australia - No. 81 of 1997 (S139, dated 21 May 1997).

ACT Appendix to the Building Code of Australia - No. 82 of 1997 (S139, dated 21 May 1997).

Canberra Institute of Technology (Amendment) Act - Notice of commencement (10 June 1997) of remaining provisions (S157, dated 5 June 1997).

Children's Services Act - Notice of commencement (1 June 1997) of subsection 103(2) (S121, dated 14 May 1997).

Consumer Credit (Administration) Act - Determination in respect of Australian Central Credit Union - No. 78 of 1997 (S124, dated 14 May 1997).

Crimes (Amendment) Act (No. 2) - Notice of commencement (30 May 1997) of remaining provisions (S149, dated 30 May 1997).

Dentists Act - Determination of fees - No. 98 of 1997 (S161, dated 10 June 1997).

Drugs of Dependence Act - Instrument of appointment to the Treatment Assessment Panels - No. 65 of 1997 (S97, dated 15 April 1997).

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Firearms Act - Notice of commencement (17 May 1997) of remaining provisions (S135, dated 16 May 1997).

Health Professions Boards (Procedures) Act and Medical Practitioners Act - Instruments of appointment to the Medical Board of the ACT -

No. 90 of 1997 (S154, dated 4 June 1997).

No. 91 of 1997 (S154, dated 4 June 1997).

No. 92 of 1997 (S154, dated 4 June 1997).

No. 93 of 1997 (S154, dated 4 June 1997).

Housing Assistance Act -

Variation to Homebuyer Housing Assistance Program - No. 73 of 1997 (S119, dated 6 May 1997).

Variation to Rent Relief Program - No. 74 of 1997 (S120, dated 7 May 1997).

Magistrates Court Act and Coroners Act - Determination of fees and charges applicable in the Magistrates Court, the Small Claims Court and the Coroner's Court - No. 106 of 1997 (S166, dated 12 June 1997).

Mental Health (Treatment and Care) Act - Revocation of appointment of a Mental Health Officer - No. 70 of 1997 (S104, dated 18 April 1997).

Motor Traffic (Amendment) Act - Notice of commencement (20 May 1997) of remaining provisions, other than sections 8 and 9 and that part of section 10 that provides for the insertion of sections 13D and 13T (as renumbered by the Act) into the *Motor Traffic Act 1936* (S128, dated 20 May 1997).

Nature Conservation Act -

Declaration of species and an ecological community - No. 89 of 1997 (S152, dated 30 May 1997).

Determinations of criteria to be applied by Conservator when giving directions to -

Occupier of land for protection of native animals, plants and timber - No. 63 of 1997 (S96, dated 15 April 1997).

Owner in relation to treatment of a diseased native animal or plant - No. 64 of 1997 (S96, dated 15 April 1997).

Occupational Health and Safety Act - Variation to approved Code of Practice - ACT First Aid in the Workplace - No. 100 of 1997 (S163, dated 11 June 1997).

Prohibited Weapons Act - Notice of commencement (22 May 1997) of remaining provisions (S140, dated 22 May 1997).

Prostitution Act - Determination of fees payable on commencing to operate a brothel or escort agency and annually thereafter - No. 77 of 1997 (S123, dated 14 May 1997).

Radiation Act - Instruments of appointment to the Radiation Council -

No. 59 of 1997 (S91, dated 10 April 1997).

No. 60 of 1997 (S91, dated 10 April 1997).

No. 61 of 1997 (S91, dated 10 April 1997).

Remuneration Tribunal Act -

Determination to specify that the Offices of Chair and Member of ACT Health and Community Care Service Board are Offices for which the Remuneration Tribunal shall determine remuneration and fees payable - No. 83 of 1997 (S145, dated 27 May 1997).

Interim determination of fees for Members of the ACT Health and Community Care Service Board - No. 84 of 1997 (S146, dated 27 May 1997).

Supreme Court Act - Determination of fees and charges applicable in the Supreme Court - No. 105 of 1997 (S166, dated 12 June 1997).

Tenancy Tribunal Act - Variation of Commercial and Retail Leases Code of Practice - No. 94 of 1997 (S158, dated 4 June 1997).

## **PUBLIC HEALTH LEGISLATION Paper**

**MR HUMPHRIES** (Attorney-General): I present a revised explanatory memorandum for the Public Health Bill 1997. This explanatory memorandum replaces that which was presented to the Assembly on 15 May and was provided to members when the Assembly was not sitting.

## **PURCHASE AGREEMENTS**

### **Papers**

**MR HUMPHRIES** (Attorney-General): I present the 1997-98 Purchasing Contracts between the Department of Health and Community Care and the following organisations: Calvary Hospital ACT Inc., relating to contract reporting bulletin; the Canberra Hospital, for the purchase of hospital services; and ACT Community Care, for the provision of community-based health and disability services.

## **ACTION SERVICES - REVIEW**

### **Paper**

**MR KAINE** (Minister for Urban Services) (3.43): Mr Speaker, for the information of members, I present the Review of ACTION's services and I move:

That the Assembly takes note of the paper.

Mr Speaker, in February I announced a review of ACTION services to be carried out by Roger Graham and Associates. I am pleased to advise that this review is completed, and I now table the report as I promised then to do. In tabling the report, I would like to say that I believe that ACTION has done a good job in the past in delivering services to the ACT community. I would like to put some of these achievements on the record. Between 1991-92 and 1996-97 ACTION has increased the total number of kilometres travelled each year by 1.5 million but with 100 fewer buses. It has reduced operating costs from \$4 a kilometre to \$3 a kilometre. It has reduced its cost to the budget by \$21.5m, or 43 per cent in real terms. It has increased the number of kilometres travelled by each bus from 42,300 to 59,100 and it has increased the number of passenger boardings per employee from 23,400 to 31,200 a year. It is not generally appreciated or known that ACTION carries close to 400,000 passengers each week and its buses travel a total of more than 20 million kilometres a year. That is a lot of people and a lot of kilometres, all accomplished, in my view, with an enviable safety record.

ACTION has also introduced services designed to increase patronage - services such as park and ride, three for free, and cycle and ride, with bicycle lockers at strategic locations - and they are currently trialling a bicycle rack on the front of buses to entice cyclists to use buses. Austouch terminals are also being installed at interchanges, for the convenience of passengers. In the budget the Government announced the special \$1 city ride to apply to those working within three kilometres of Civic. Subject to the results of this new fare, we have plans to introduce similar fares around other town centres in the future. We also pegged ACTION bus fares at the current level.

I turn now to the Graham report. The review found that the bus network and its design are based on a range of engineering and planning policies which do not provide the flexibility to respond to, or reflect the needs of, consumers. The network design has been built around a system of interchanges. Overseas studies have shown that each time passengers change buses patronage is reduced. The Graham report recommends that the network be redesigned to provide more direct and frequent services, with through routing of services wherever possible. The redesigned network would have a number of features.



It would have high-frequency feeder and community-based services and routes that better reflect community needs and travel patterns. It would have reliable connecting services for passengers who have to change buses. It would have innovative routes which would, for example, service the airport and hotels. It would have improved night and weekend services to encourage people to use buses. It would have improved school bus services. It would have a holiday and summer network which follows weekday travel patterns. It would have responsive network and timetable changes to meet the changing requirements of the community and to accommodate patronage increases.

The review recommends that network services should be better marketed. Some suggestions for that are providing user-friendly signage and information at bus stops and interchanges, providing bus timetables and simplified route numbers that are easier to understand, encouraging driver participation in the planning of services and ensuring that customer-friendly service officers are conspicuous at major patronage-generating locations. The review reports that ACTION's current flat fare structure is inequitable and is a substantial constraint to increasing patronage levels, particularly for those who want to travel short distances or through interchanges. On this matter the Government announced in the budget that an independent body would be appointed to review fare prices and structures.

The report indicated that currently there is a significant amount of unproductive driver time in the weekday shifts. This unproductive time is a result of the lack of split shifts, long sign-on and sign-off times, meal breaks having to be taken at the home depot and rostered time that drivers spend waiting while their bus is refuelled and cleaned. I am confident that the Transport Workers Union will take a responsible attitude to reform and will work with ACTION to negotiate and eliminate these more restrictive practices, thereby helping to build a better, more efficient and more responsive bus service for the people of Canberra.

Mr Speaker, the changes recommended in the report are substantially accepted by the Government. Many of these changes can be implemented relatively quickly to improve existing services. During this year the Government will introduce more frequent services on selected routes during the day between the commuter peak services; trial some additional services later at night from night areas such as Civic and Manuka; introduce better timetabling information; provide customer-friendly service staff at interchanges and, progressively, timetable information at major bus stops; ensure that feeder bus services interconnect at interchanges and that services do not depart before connecting services arrive; continue negotiations with the Transport Workers Union on work reform to allow additional services to be implemented and redesign of the network to be introduced; improve the summer network and public holiday services; ensure that the bus purchasing program meets the needs of the improved network, and we are already introducing midi-buses on selected routes as part of that; and carry out community-wide surveys and consultation to provide an up-to-date information base for network redesign. These measures will be implemented within the current budget. They are things that can be done readily.

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However, the more significant changes recommended in the report, such as network redesign and fares, need careful planning. They will require extensive consultation with all stakeholders. Such large changes will, I expect, take about 12 months to introduce. The Government has agreed to proceed with network redesign along the lines recommended in the report, with the aim of implementing the new network and fare structure by May or June of next year. The Transport Workers Union has a clear role and responsibility here to contribute to improvements and reform work practices so that the network can be redesigned and improved services delivered to the community.

The aim of public transport policy in Canberra is to make bus travel attractive and a viable alternative to the car. This will deliver positive benefits to the environment, take pressure off the road system and conserve resources for future generations of Canberrans. Mr Speaker, ACTION has come a long way over the years, and we have a strong foundation on which to reshape bus services in Canberra. The Graham report sets the scene for the further substantial improvements required to meet the needs of Canberra today and into the future. I believe the measures that I have outlined today will provide Canberra with the best and most responsive bus service in Australia at a cost Canberrans can afford. The Government is committed to the implementation of the recommendations of the review because of their eminent logic. I am confident that all members will support the Government in this view and support the implementation of the reforms necessary to make ACTION a better bus service for Canberra.

Mr Speaker, I would also like to take the opportunity, while speaking on this issue, to inform the Assembly of the appointment of a new executive director of ACTION. The appointee, selected through a rigorous process of interview, is Mr Guy Thurston. He is a highly qualified and professional person and is currently the general manager of Sydney Buses. I am confident that Mr Thurston will contribute enormously to the future success of ACTION, beginning with the implementation of the recommendations from the Graham report. He will take up his position on 14 July. Mr Speaker, I commend the Graham report to the Assembly.

**MR WHITECROSS** (Leader of the Opposition) (3.51): Well, well, well! Mr Speaker, here we have the Graham report coming out with a list of criticisms of the way the current Government have been administering the buses over the last three years. It reads like a summary of press releases from the Labor Party. It is an absolutely amazing indictment of the performance of this Government over the last three years and their stubborn refusal to listen to the voice of the community and the voice of members in this place about the mess that this Government has been making of the public transport system in Canberra. Mr Speaker, the recommendations of this report say a lot about the poor performance of this Government. They say a lot about the validity of the criticisms that we have been levelling against this Government consistently since they first embarked on their policy. These are the people who have cut \$12.7m out of ACTION over three years. These are the people who have made repeated changes to routes and reduced the frequency of services. They cut over 10 per cent of services from the ACTION bus network in one revision of the timetable in 1996. In their revision in 1996 they drove 13 per cent of ACTION users off the buses. As early as the beginning of this year, they were implementing further cuts to the network, this time the school buses. These people, after they cut back on school buses, have the gall to say, "The number of concessional passengers on ordinary route buses has increased". What a class act!

Into the bargain,

in between cutting all the services and reducing the frequency of services, they managed to get the fares up by 50 per cent as well. No wonder commuters have been leaving the ACTION bus system in droves in frustration. It will take years to get those passengers back, Mr Kaine, because of your Government's mismanagement. We have to get them back for the sake of the public transport system and the planning of Canberra. The damage that has been done by your Government, Mr Kaine, will be felt for many years into the future.

Let us look at some of the proposals in the Graham report for a redesigned network. The first one is for high-frequency feeder and community-based services and routes that better reflect community needs and travel patterns. Was this not the Government that reduced the frequency of feeder services? Was this not the Government that said that that was a good thing? Now Graham is saying what we said all along - that if you reduce the frequency of the feeder routes you make it less attractive to catch the buses and people stop catching them. The report recommends reliable connecting services for passengers. These are the people who, in successive *Bus Books*, shaved the margins on the changeover of buses at interchanges in a way which made it much harder to rely on catching a connector and much more likely that you would find that your connector was not there and you would have an increased wait.

Mr Kaine referred to innovative routes which would, for example, service the airport and hotels. The Labor Party in government were the ones who produced the innovation of express buses going from outer suburbs directly to areas where people work. The Government have picked up the Labor Party's initiative in that area, but they have not developed it at all. Here is a new way that they could have been developing it, but they have not been interested in improving services. They have been interested only in that magic \$12.7m saving that they promised at the last election. That was one of the few election promises that the Canberra community would have been grateful to the Government for not keeping, but it is one of the few they did keep.

Mr Kaine referred to improved night and weekend services to encourage people to use buses. What can I say? These are the people who reduced after-hours services. There are parts of town where if you do not get to the interchange by 6 o'clock you have an hour-and-a-half to wait to get from the interchange to your home. That encourages people to catch the bus, does it not? If you miss your bus and you have to catch the next one, you wait around at the interchange for an hour-and-a-half. Now they say, "We agree with Graham. We should improve night services". Damn right you should, Minister! It is a pity you cut them in the first place. Improved school bus services are also proposed. These are the people who at the beginning of this year cut school bus services. Mr Kaine did it. He was the Minister. You cannot blame anyone else for this one, Mr Kaine. Now he is saying, "Mr Graham has a good idea. We could improve the school bus service". Damn right you could! But you should not have cut it in the first place.

We heard that the holiday and summer network should follow weekday travel patterns. These are the people who, for three weeks in 1995-96 and again in 1996-97, put on a holiday timetable based on the Saturday service, a service which guaranteed that whole swaths of people who relied on the bus to get to work could not use it because it did not run when they wanted to use it. In spite of all the criticism from the  
community,

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what was their answer? They said, "It does not matter. It will save us \$300,000. We do not care about the users. We care about only saving the money. We care about only the magic \$12.7m". Now they are saying, "We have a new idea. Why do we not base the holiday and summer timetables on weekday travel patterns? What a good idea!". It is a good idea, Mr Kaine. It is a pity you did not do it.

Mr Kaine also mentioned responsive network and timetable changes to meet the changing requirements of the community and to accommodate patronage increases. It would be nice if we could get some patronage increases. If you start doing the kinds of things the Labor Party has been talking about and if you start trying to improve the bus service, maybe you will get some improvements in patronage. But, first of all, you have to have a commitment to it. These people are the people who have destroyed the ACTION bus system in Canberra, and now they want us to trust them to put it all back together.

Perhaps the most significant thing in Mr Kaine's remarks was that most of the hard decisions will take over 12 months to implement. Let me get out my calendar. What happens between now and 12 months' time? Is there not an election in between? Is that not convenient? They are saying, "Trust us. We spent our first three years in government destroying the public transport system; but, if you re-elect us, trust us to fix it again. We will fix it again". I am sorry, Mr Kaine. The Liberals are not going to be able to go to the next election saying, "We know we destroyed the public transport system, but if you re-elect us we promise to fix it". No-one is going to believe you. Your record is there for everybody to see. I am afraid it is far too late for this Government to say to the people of Canberra, the 13 per cent of commuters who walked away from the bus system in 1996 alone, "If you re-elect us in 1998 we will fix the problem". They have done the damage. Their record is there for all to see. They will have to go to the next election with that record in front of people. Nobody is going to trust you, Mr Kaine, to fix this problem, after the mess your Government has made of it.

Mr Speaker, the Government have indicated a couple of things that they think they can do this year. Let me give you a couple of examples. Mr Kaine said that the Government will trial some additional services later at night from night areas such as Civic and Manuka. Does that not sound like the Nightrider service? The first decision of this Government was to break an election promise and cancel the Nightrider service. Why did they cancel it? It cost too much money. Now this Government says that these measures will be implemented within the current budget. Now they are admitting that the cost was negligible, but their excuse for cutting back on this service in the first place was that it cost too much money. It was a valuable service; it was a sensible service; it was a sensible community safety measure. Now they are bringing it back and they want everyone to be grateful. They cancelled it, waited two years and are now bringing it back - and they want applause. They say that we should thank them. What a cheek!

Mr Speaker, another interesting recommendation is for continuing negotiations with the Transport Workers Union on work reform to allow additional services to be implemented and redesign of the network to be introduced. These are the people who have to be taken to the Industrial Relations Commission to tell them to talk to their own work force. Now they are trying to say that they have this wonderful ongoing process of negotiation.

The Government would do better if they lived up to some of this rhetoric; but I am afraid the facts, even the facts of just the last week, demonstrate that there is a big gap between what Mr Kaine is trying to tell us in this statement here and the reality of how they conduct themselves in relations with the union.

Mr Kaine said that the Government will improve the summer network and public holiday services. About time! After two years of running absolutely appalling summer and public holiday services, they have now decided they can do this. Let me remind you that these measures will be implemented within the current budget. The only excuse for doing what they did was to save money. Now they are saying they can improve these services within the current budget.

**Mr Moore:** That was the Dipper.

**MR WHITECROSS:** That was the Government. A thing which they said they could not do before because they did not have the money they now say they can do within the budget. It is amazing what happens when you have your polling back. You have had the call from Dawn Crosby saying, "You had better do something about the public transport system, because the Canberra community hate what you have done. You had better fix it up. You had better start improving it, because they are really mad about the \$12.7m you have cut out of it. They are really mad about how you have cut back the holiday timetable. They are really mad about how you have cut back the school bus services. They are really mad about how you have reduced the frequency of services, hiked the fares by 50 per cent and driven 13 per cent of people off the buses in one year. They are really mad about all these things, so you had better start making some improvements". It is amazing how you can find the money in your budget to make a couple of improvements once the pollsters got on the phone to you and told you the bad news that the community do not like it.

There was already a process for telling the Government that the community did not like it, and that was this Assembly. We have been telling them again and again that the community does not like these services, but they just ignore the Assembly. They just ignore what we have to say to them. They have been arrogantly going about their business. How often have you heard the Minister say, "We are here just to make decisions; we do not bother analysing whether they are good decisions or bad decisions."? That is the standard line from this Government when we ask, "Where is the analysis to support the cuts you have made and how they are going to work in practice?". They just say, "We were elected to make decisions and we will make decisions. We do not care whether they are good ones or bad ones. We just make decisions". That is the approach of this Government again and again.

Who can forget Mr Humphries's analysis of how you tell whether you made the right decision after you have made a decision? You look around and see whether everybody hates your guts for making it. If everybody criticises you, then it was obviously the right decision. Sure as eggs, everyone has been criticising the Government for their treatment

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of ACTION over the last 2½ years. Their treatment of ACTION has been a crystal clear example of their whole approach to government. They make decisions without analysis, cut back on public services, ignore all the criticism and wake up only when they get the polling. This is just like the supermarket trading hours. They got the polling and said, “Quick; we had better do something about it”.

This is not even the original report. The original report landed on the Minister’s desk and then on top of it landed the polling. The Minister read the polling, then he read the report and he said, “We had better change the report. It is not the right one anymore”.

**Mr Kaine:** On a point of order, Mr Speaker: What Mr Whitecross is saying is a total untruth, and he knows it. I think he should be asked to withdraw it. It is a gross misrepresentation of the facts. He should be asked to withdraw it. I would like him to withdraw that allegation, Mr Speaker.

**MR SPEAKER:** Mr Whitecross, would you withdraw the allegation?

**MR WHITECROSS:** It was not an allegation at all.

**Mr Kaine:** It is a gross untruth.

**MR WHITECROSS:** It was not an allegation at all.

**Mr Kaine:** It is a lie.

**MR WHITECROSS:** Mr Speaker, I am sorry that Mr Kaine does not understand the English language. It was a parable to explain the decision-making process of the Government in this matter.

**Mr Kaine:** Mr Speaker, he did not present it as a parable. He presented it as fact - and it is a lie.

**MR SPEAKER:** Withdraw, Mr Whitecross.

**MR WHITECROSS:** Oh, dear! Mr Kaine’s sensitivity speaks for itself, Mr Speaker. I have finished.

**Mr Kaine:** You are a liar, Mr Whitecross, apart from everything else.

**MR SPEAKER:** Order! Will you withdraw!

**MR WHITECROSS:** There is nothing to withdraw.

**MR SPEAKER:** Mr Kaine has taken offence. Would you please consider withdrawing, and let us get on with the business.

**MR WHITECROSS:** Mr Speaker, I am the leader of the Labor Party. It is not my job to ensure that Mr Kaine does not take offence. If I disagree with Mr Kaine's policies, he is welcome to take offence. I have not heard any cogent argument as to why the remarks I made are in breach of the standing orders.

**Mr Kaine:** It is a lie; that is why. I have asked you to withdraw it. I have asked to have it withdrawn.

**MR WHITECROSS:** Mr Speaker, you should be dealing with him.

**Mr Corbell:** I raise a point of order, Mr Speaker. Mr Kaine has referred to Mr Whitecross as a liar. That is highly disorderly, and I would ask him to withdraw.

**Mr Kaine:** Mr Speaker, I am merely stating a fact. I am telling you that what Mr Whitecross just said was untrue and I want it withdrawn. If he is going to persist in telling lies, I will accuse him of doing so.

**MR SPEAKER:** Mr Whitecross, if you withdraw that, Mr Kaine - - -

**Mr Berry:** Mr Speaker, Mr Kaine, in complete and arrogant disregard for the standing orders, again implied that Mr Whitecross was lying. He said, "If he continues lying ..." or words to that effect. That is a clear imputation, Mr Speaker, and I would ask that you order that he withdraw it forthwith.

**MR SPEAKER:** Mr Kaine has also taken offence. We are beginning to behave in a very childish fashion in this place at the moment.

**Mr Berry:** If Mr Kaine has a point of order, it should be considered in the context of standing orders.

**MR SPEAKER:** I would suggest that both gentlemen withdraw so that we can get on with the business of representing the Territory.

**MR WHITECROSS:** Mr Speaker, so far you have failed to explain under what standing order you are asking me to withdraw.

**MR SPEAKER:** Standing order 55 states:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Can I have a little bit of commonsense in this place? There are imputations being made - - -

**MR WHITECROSS:** No, there have not been.

**MR SPEAKER:** Mr Kaine believes so and now you believe so.

**Mr Berry:** No; I believe so, Mr Speaker. I raised that point.

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**MR SPEAKER:** Mr Berry believes so. Can we get on with it, or would you like to adjourn for a while and sort things out?

**MR WHITECROSS:** Mr Speaker, you have made the ruling. You are in charge of this place. You have said that I have imputed an improper motive to Mr Kaine. I would like you to explain what improper motive I have imputed to Mr Kaine. I do not believe that I have.

**MR SPEAKER:** Mr Kaine, you took offence.

**Mr Kaine:** Mr Speaker, let us recap. The Leader of the Opposition, first of all, said that I had a draft report, I then received some polling results and I withdrew the draft report and put another one in its place. That is a lie. Firstly, I did not get a draft report and replace it with another report. Secondly, I am not aware of any polling which would justify my changing my mind on the acceptance of a report. What he said was grossly untrue. It attributes some sort of base conduct to me. I take exception to it, and I want him to withdraw it.

**MR SPEAKER:** There you are, Mr Whitecross. There is the explanation.

**MR WHITECROSS:** Mr Speaker, what Mr Kaine is saying is that he does not think my story is true. I fail to see how he thinks that is imputing an improper motive. For the assistance of the house, I will withdraw, and I would like you, Mr Speaker, to present to this house a written ruling explaining how something that another member believes is not true amounts to an imputation of an improper motive. I simply do not see how you get that interpretation out of the standing orders.

**MR SPEAKER:** I will do that. I will look at that, Mr Whitecross.

**Mr Kaine:** Mr Speaker, since Mr Whitecross has graciously withdrawn his imputation, I withdraw my assertion that he tells lies.

**MR SPEAKER:** Thank you. Do you wish to continue, Mr Whitecross?

**MR WHITECROSS:** Yes. (*Extension of time granted*) Let me conclude by reiterating the point that, whatever the process, these changes have a lot more to do with Liberal Party polling than they have to do with any sort of rational or consistent approach by the Liberal Party to the business of operating a public transport system. The recommendations which Mr Kaine wants us to believe they wholeheartedly and earnestly agree with are in direct, 100 per cent contradiction of the policies that have been pursued by this Government over the last three years. They are absolutely taking the community of Canberra for mugs if they believe that Canberrans are going to believe that if they re-elect these people next February they will get an improvement in the public transport system along the lines of this report. They cannot be trusted, because they are the ones who have been the architects of the downgrading of ACTION, and they should not be trusted with the job of trying to put it back together.



**MRS CARNELL** (Chief Minister) (4.12): Mr Speaker, for a side of politics that withdrew from ACTION \$10m over three years to get up and sound holier than thou about this Government's approach to ACTION is simply ridiculous. Those opposite, when in government last, withdrew \$10m over three years.

**Mr Hird:** That is a fact.

**MRS CARNELL:** As Mr Hird says, that is a fact. The thing we on this side of the house are very pleased about is that Mr Whitecross has totally supported this report.

**Mr Whitecross:** I did not say that.

**MRS CARNELL:** Mr Whitecross, do you support this report? Do you support what you referred to as the improvements that this report puts in place?

**Mr Whitecross:** You are speaking.

**MRS CARNELL:** It seems to me that Mr Whitecross does support this report. He said that no-one could believe that this side of the house will implement the improvements that are in this report. I have to say that this side of the house will implement the improvements, to use Mr Whitecross's words, that are in this report. I am very pleased to hear that those opposite do support this very good report put forward by Roger Graham and Associates. We believe that it highlights a number of the problems that exist in the ACTION bus service. The sort of thing that has been highlighted in this report and that this Government will change is the interchange system. The interchange system is something that we inherited from the previous Government, and I think they inherited it from the Government before that, and so on it went. It seems from the work that Roger Graham and Associates have done that the interchange system is not popular. I am very impressed that those opposite support moving away from an interchange system to, wherever possible, a through-service system so that people can get on a bus and stay on it.

I am very pleased also that those opposite support moving to a fare structure that better reflects the actual distance that people travel rather than a fare structure that is the same regardless of how far you travel. Again, the present structure is something that this Government inherited from the previous Government, and I imagine they inherited it from the Alliance and the Alliance inherited it from the initial Labor Government. But is it not good that finally a government has decided to look at ways in which we can change that system to a system that more appropriately reflects the requirements of the community?

Mr Speaker, is it not good that finally we have in front of us a report that shows us categorically that mini-buses are the way to go on a number of routes in the ACT? This has been patently obvious to everybody for a very long time and has been a policy of this Government for a long time, but it was never implemented by those opposite. When they were in government, they removed from ACTION \$10m over three years. They did not fix up the interchange problem, did not fix up the fare structures and did not introduce mini-buses; but they can be enormously holier than thou.

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This Government is very pleased that those opposite support this report. If they do not, they have given the wrong impression today. Certainly, Mr Whitecross is not interjecting now, so I assume categorically that we have 100 per cent support for implementation of this very important report that will improve ACTION bus services.

**MS HORODNY (4.17):** Mr Speaker, on page 12 this report says:

All Australian Governments (including the ACT Government) have determined that, on environmental grounds, it is essential to increase the modal share of public transport; not to decrease the modal share.

It is amazing to me that, after consistently cutting this service for 2½ years, this Government has now called in a consultant, probably at great expense, to tell them what they would have known if they had listened to the public and listened to members in this Assembly. We have been consistently telling you that if you keep degrading the bus service - - -

**Mrs Carnell:** You support it?

**MS HORODNY:** I will have a look at it, Mrs Carnell. I cannot speed read; so I have not read it in five minutes, I am afraid. I will look at it very carefully, I assure you. I have been waiting to receive a copy of this report.

**Mrs Carnell:** How can you speak on it if you have not read it?

**MS HORODNY:** I am speaking about public transport in the ACT.

**Mrs Carnell:** No; you are speaking about this report.

**MS HORODNY:** I am speaking about public transport. This is a review of ACTION. What I have been saying consistently and we have been saying consistently for 2½ years is that you are not going to increase the modal share of public transport in the ACT if you keep decreasing services. People have to be able to rely on a bus service. One of the points made in the first couple of pages is that people can no longer rely on this service. It has been downgraded to such an extent that I have heard from many constituents that they have been forced to buy second cars for their families because the bus service is no longer reliable. If you have an unreliable bus service, it is a downhill spiral from there on.

What you need to do, Mrs Carnell, is to put in place a broad integrated public transport strategy for the ACT with clear goals and clear timelines to look at how you can increase the patronage on our bus service - - -

**Mrs Carnell:** That is what this is.

**MS HORODNY:** I will have a look at it with great interest. You need to increase the patronage. You need to look very closely at what sort of targets you are going to set, what sort of marketing you are going to direct at those figures, and over what period of time. Once again, with the bus service we have had ad hoc decisions with no context

for those decisions. It is simply unacceptable. If you are saying that you are accepting every single thing in this review, then I am very pleased that that is happening. We will certainly be keeping a close eye on when you plan to make these changes and making sure that they do take place.

**MR KAINÉ** (Minister for Urban Services) (4.20), in reply: Despite the rhetoric, I am pleased that both the Greens and the Opposition clearly support the initiatives recommended in this report because they, like us, want to see a better bus service than we have now. I do not know why the debate became so heated when we all have the same objectives, we all think the recommendations are fantastic and we all are going to cooperate to make sure that they are all put in place and that our bus service becomes a better service. I was a little intrigued by the Greens. Ms Horodny admitted that she had not read the report, but she did say that everything in it we could have found out by asking people before. Since she has not read it, how does she know what is in it and how can she be sure that we would have got the answers by asking people? There is an odd bit of Green logic there; but Lucy and I understand each other, so we will sort that out.

There are one or two points I want to make on what has emerged from the debate. Mr Whitecross attacked us on a number of fronts. One is that we have cut the money, cut the money and cut the money that goes into ACTION. In fact, my recollection is that that cutting of the money was a process that started under the Labor Government. The budgeted funding of ACTION has been reduced by \$21.5m since 1991-92. Most of that reduction was made during the five years of Labor Party government. It is a bit rich for them to come in here now and say, "You cut the money so that the buses are no longer effective", when they themselves cut the greater part of that \$21m out of the budget.

Mr Whitecross, as he so often does, misquoted me. He quoted me as saying that most of the hard decisions will take over a year to implement. I did not say that. I did not talk about hard decisions. I said that most of the recommendations would be put in place in this year, but one or two of them, clearly, are going to take longer because they are very complex issues. Revising the network and doing a proper and comprehensive review of the fare structure to come up with an equitable system of fares are not things that you do overnight. The Labor Party might do them overnight in order to get a quick buck, but that is not something that responsible managers do. Most of the recommendations contained in this report, in my view, will have been implemented long before the next election; but there are one or two that cannot be.

Mr Whitecross said, "Patronage is down. You cannot get people on the buses". In fact, patronage is up again. It did dip in November-December, but it is back up again. If Mr Whitecross bothered to keep abreast of what was going on, he would know that the patronage figures have risen again. The bottom line, however, is that one of the five things that were brought out in this report as requiring attention is restrictive work practices. These have certainly been inherited from Labor's day. None of them have been put in place under Liberal governments and none of them would be. I notice that Mr Whitecross supports the workplace reforms that are suggested in the report. I am delighted that we have the unequivocal support of the Labor Party to get rid of those restrictive labour practices from ACTION.

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**Mr Whitecross:** No, you have never had my unequivocal support - no way.

**MR KAINÉ:** You said that we did.

**Mr Whitecross:** It will be a cold day in hell when I give you my unequivocal support, Mr Kaine.

**MR KAINÉ:** It is all in the *Hansard*, so we will be able to draw Mr Whitecross into the debate at some future time.

Mr Whitecross said, "When you get your polling back, then you start doing things". Is it not interesting? Mr Whitecross jumped in today, boots and all, without ever having read the report, because he thought he could win a quick political point by giving us a bit of a kick in the head. If he had taken time to read the report and analyse it, he might have come up with a more reasoned response that might have done him some credit, instead of making him sound like nothing but a whinger. Mr Speaker, if anybody is starting to do something because they got their polling back, it is the Labor Party. They, and Mr Whitecross in particular, really do have the blowtorch on their belly right now. That is why we saw the half-baked, almost panicky response to this report today, instead of a reasoned response after Mr Whitecross had read it carefully.

Mr Speaker, I had no idea that the debate would be concluded today. I thought this place would have considered the report in far more detail over a longer period of time, with a considered debate on what the issues were; but no, the issue has been dealt with in half an hour because Mr Whitecross simply could not restrain himself from trying to make a quick political point. That is where the Labor Party stands on this and other issues. It is absolutely appalling.

**Mrs Carnell:** Mr Speaker, just on a point of clarification: When Mr Whitecross was speaking, it seemed to me that he indicated that he supported this report; but a minute ago he said that he did not support the workplace reform that is inherent in this report. I think it is very important that those opposite clarify their position.

**Mr Whitecross:** On a point of order, Mr Speaker: If you are going to allow these kinds of schoolgirl pranks from the Chief Minister - - -

**MR SPEAKER:** You have a personal explanation under standing order 46?

**Mr Whitecross:** I have to make a personal explanation.

**MR SPEAKER:** Proceed.

**MR WHITECROSS** (Leader of the Opposition): Mr Speaker, I made remarks in response to Mr Kaine's ministerial statement. I have, obviously, only just got the report. I will read the report in detail and I will form a detailed opinion on the report. In the meantime, I was able to make some very telling remarks in relation to the Minister's tabling statement, which I listened to carefully and was able to respond to fully.

Mr Speaker, it is not for the Chief Minister to put words into my mouth, one way or the other, about what I do or do not think about the report. If people want to know, then once I have read it I will tell them.

Question resolved in the affirmative.

### **MEDICINAL USE OF CANNABIS** **Discussion of Matter of Public Importance**

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

The use of cannabis for medicinal purposes.

**MR MOORE (4.28):** Mr Speaker, this is not a debate about the recreational use of cannabis. This is a debate about compassion and it is a debate about exhausted possibilities. In November 1996, at the American elections, in Arizona there was a citizens-initiated referendum, proposition 200, and in California there was a similar proposition, proposition 215. Those propositions, Mr Speaker, dealt with the issue of medicinal use of cannabis. The notion of medicinal use of cannabis was widely supported by the populations of both of those States. It is particularly interesting, Mr Speaker, because California accounts for about 10 per cent of the American population, and Arizona would normally be considered a particularly conservative part of the United States. I think that what it reflects is a changing attitude to the medical profession and medical use of such substances as cannabis.

I was fortunate enough at the beginning of this year to have an intern named Sarah Beech operating in my office, and she prepared a paper on medicinal cannabis for me. I seek leave to table a copy of that paper, which I think members will find particularly interesting. Mr Speaker, I request that the paper be circulated. I understand that it will be circulated for members now.

Leave granted.

**MR MOORE:** Thank you, Mr Speaker, and thank you, members. Ms Beech, in preparing her paper, looked back at the situation in 1994 when I originally proposed an amendment to the Drugs of Dependence Act in order to provide for medicinal cannabis. Members may remember that that was passed, and then a week later the matter was reviewed by the Assembly and the legislation was withdrawn. It was withdrawn primarily on a charge led by the then Minister responsible from Labor's point of view, Mr Terry Connolly, suggesting that medicinal cannabis would be inconsistent with our international treaties. Ms Beech, who is a law student, has reviewed that matter.

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As I said at the time, it was very clear from the monographs of the National Drug Strategy Committee that the proposal was consistent with our international treaties, but that certainly did not stop Labor from whipping up the issue. That cost them somewhat in the election.

**Mr Berry:** Ha, ha!

**MR MOORE:** Nevertheless, Mr Speaker, I do not resile from the mistakes that I made at that time. Mr Berry laughs, probably forgetting that there was something like a 15 per cent swing at the last election, which in any jurisdiction would be considered a massive loss, Mr Speaker. Anybody would presume that by now the Labor Party, having suffered such a massive loss, would have picked up in the polls and be going ahead. There is only so low that you can go before you can start turning things around, one would have thought. For my own part, Mr Speaker, I am willing to concede that I attempted to push the issue through the Assembly and to the community much too quickly. Nevertheless, I think it is important that this issue of medicinal use of cannabis be brought up again. The reason it is important is that it is about compassion.

Mr Temporary Deputy Speaker, in a short while I am going to talk about the uses of medicinal cannabis, about where cannabis can be used. First, I want to point out that there have been papers published in the most eminent of medical journals in the world, including the *Medical Journal of Australia*, the *New England Journal of Medicine* and the *Journal of the American Medical Association*. These are peer review journals that require the highest possible research and review methods. As far as I am concerned, the medicinal use of cannabis should really apply only after somebody has explored conventional medicine. We are talking only of situations where people have explored conventional medicine for their problems, conventional medicine is not working, and they then seek some relief from other forms of herbal medicine, and, particularly in this case, medicinal cannabis. Because cannabis has been the subject of our Drugs of Dependence Act, it is simply not available to people who are suffering. They might be suffering, Mr Temporary Deputy Speaker, from glaucoma. This has been recognised by the most prohibitionist of all nations on this issue, the United States, which actually - - -

**Mr Berry:** Yes, but not smoking it; drops.

**MR MOORE:** The United States actually provides cannabis currently to 10 individuals. At one stage it was 12 individuals. Mr Berry indicates it is in the form of drops. No, that is not correct, Mr Berry. I have met one of these people, who smokes cannabis provided to him by the United States Government for this purpose, for glaucoma. It is not done by drops. He actually smokes the cannabis. He told me that one of the reasons why he smokes the cannabis is that he can feel the difference as he uses it. Mr Berry would be aware that when somebody smokes the delivery of the medicine is reasonably rapid.

Remember, Mr Temporary Deputy Speaker, that I am talking only about people who have tried conventional medicine and it has not been working. It applies for such things as nausea associated with chemotherapy. Fortunately, over the last few years, conventional medicine to deal with nausea associated with chemotherapy has become much better.

So, where there would have been a greater demand, I think, for the use of medicinal cannabis for nausea associated with chemotherapy five or 10 years ago, we would probably see much less demand now. But there are still people who suffer quite severe nausea associated with chemotherapy. These are people who are already in the most awful of circumstances, having been diagnosed with cancer, and who are wrestling with cancer, knowing that they have a limited chance of survival. When conventional medicines do not work, we should have enough compassion to say, "Yes, you can use a small amount of cannabis and we are not going to fine you; we are not going to penalise you for that".

There are powerful drugs used for AIDS, drugs such as AZT, and also for wasting associated with AIDS, and many AIDS sufferers make it very clear that cannabis helps them. It is also used for pain relief in cases such as MS and other problems. Also, it has been found useful for a small number of people who suffer anorexia/bulimia. In those cases it seems to make sense that cannabis creates an appetite. In fact, Mr Temporary Deputy Speaker, I can remember from my university days people using the term "the munchies". I presume it is the same sort of effect.

To illustrate the point, I would like to read from a couple of letters. This letter is from somebody who has been suffering, and it says this:

At four years of age I was injured in a car accident, breaking both feet, among other injuries, so badly that they never set.

21 years after I had a triple bone fusion to my right ankle as I was having difficulties walking. From that operation I ended up with Osteomyelitis, the doctor and hospital involved denied ever treating me and this condition remained untreated for three years ...

The osteo-arthritis I have suffered since childhood only added to the constant pain that I have suffered since that operation in 1978. Pain so dreadful that fifteen Orthopaedic surgeons that I have seen since have said that they themselves could not live with such pain but I will have to. Of all the S8 drugs that I have had prescribed to me, nothing has worked as well as cannabis for pain relief.

I have been smoking on and off for 22 years now purely for pain relief.

I presume this person has been smoking cannabis for that time. The letter continues:

I don't look like a smoker and I kept quiet, never smoking away from home, always careful to disguise the smell of it with incense, one of the last persons to be suspected.

A phonecall to Billy Tait offering support on the 11th February 1997 resulted in my husband and I being served with a search warrant the following day and our subsequent arrest for possession and cultivation.

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The phonecall to Billy was only to offer support, there was no mention of any “illegal substance” but the Search Warrant was issued for “immediate and urgent execution”. We can only assume that this was politically motivated.

This letter is from somebody who lives in Queensland and the issue is about somebody else who was arrested for the medicinal use of cannabis. It goes on to say:

My husband and I have made seven court appearances between us so far and no charges have been read as yet.

Cannabis is the difference between going insane and becoming a “chemical junkie” (which the authorities want) and being a human being.

The letter was written by Pam Roberts, whom I spoke to earlier today, and she gave me permission to use her letter and to share with you that experience. Mr Temporary Deputy Speaker, it is very interesting that somebody else has written a letter to assist her when she has to deal with the courts. It is a shame that people do not have the compassion to allow these people to smoke a small amount of cannabis to help them with their pain. The second letter says this:

I was healed with the help of cannabis.

After suffering a lifetime with problems associated with the eating disorder anorexia bulimia, until 32 years of age, I was subject to hospitals, institutions and psychological assessments.

The eating disorder that took control of my life when I was a child, was a problem that I struggled with as it became a major disease with associated debilitating symptoms.

I was unable to work being constantly in and out of hospital and I found it difficult to bring up my children as I would ideally have liked. I was depressed all of the time and contemplated suicide often because of the situation.

My life continued on its painful course. I suffered severe depression and lethargy and found it difficult to carry out everyday tasks. I endured this state for many years and the gradual decline of my health and well-being over the years, has been documented in several medical files.

I tried everything to overcome this extreme condition. Doctors, specialist, psychologists and many self-help programs were of little help to me. Even after being hospitalised, fed, counselled, monitored and assessed, there were still no answers and no respite.



During the struggle to overcome the endless trips to the doctors and hospitals, hope for health and a positive life had totally diminished. I once said during a time of anguish if I ever overcame this disorder, I would consider it a miracle and I do consider it a miracle, for such a cure has occurred.

At a visit to a clinic in 1985 I found a pamphlet describing certain illnesses and known substances to alleviate the symptoms. I was surprised to see marijuana listed on the pamphlet, for relief from a variety of disorders including anorexia nervosa/bulimia. In desperation and as a last resort, having had no cannabis convictions and a naive respect for the laws against cannabis, I embarked on the illegal antidote and within a few years I had overcome the eating disorder and other associated psychosomatic illnesses.

She goes on about why she considers cannabis a miracle medicine for her.

Of course, Mr Temporary Deputy Speaker, whenever we deal with an issue like cannabis we have to be conscious of the side effects. Indeed, it is a drug, and every drug has side effects. But the critical thing is whether the side effects are as serious as the side effects of conventional medicine. You will find reference to this in the report that I have just distributed. I have in my office copies of the National Drug Strategy Committee's monograph No. 25, "The Health and Psychological Effects of Cannabis Use", pages 185 to 199. I am happy to provide to members copies of what those side effects are, so that they can understand just what they are and how serious they are.

Mr Temporary Deputy Speaker, in her paper Ms Beech suggested, as a conclusion, that the best way to proceed with the issue of medicinal cannabis was to appoint a select committee of the Assembly to look at feasible topical preparations of cannabinoids; research proposals which are specifically geared towards each indication for which marijuana may prove to be of therapeutic utility; the collection and consideration of submissions made by the community; the provision of information on the risks and benefits of medicinal cannabis throughout the community; the supply of marijuana; the development of safe and effective guidelines for the implementation of the prescription use of cannabis; the duties incurred by a doctor participating in the ongoing research for each patient for whom cannabis is prescribed; incorporating patients who could therapeutically benefit from cannabis into the special needs category within the ACT drug strategy; and any other related matter.

It will be my intention to pursue that issue after the next election; but I thought it appropriate to raise it at this point to avoid making the mistake that I made prior to the last election, of dealing with it too hastily. I think that is an appropriate process for this Assembly or the next Assembly to follow. I think it is important for us to realise that this issue really is about compassion. It is about ensuring that there is yet another option available to people who are suffering in one way or another and who may well be helped.

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**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Order! The member's time has expired.

**MR MOORE:** Mr Temporary Deputy Speaker, I notice that there were no bells rung to indicate that to me; so, with your indulgence, I will finish my speech. This matter is really about compassion, and I hope that members will treat it in that way.

**MS HORODNY** (4.45): There are, no doubt, many medicinal benefits from the use of the plant cannabis sativa or hemp. Reports of its use for treating eye diseases, such as glaucoma, and other debilitating illnesses have been around for a while. I would like to talk briefly about broader health benefits for our environment from growing and using hemp for paper and other industrial uses. I do support the use of cannabis for medicinal purposes, and I would like to see hemp used for other industrial purposes as well. It is worth noting that hemp's strength and ability to withstand salt water made it very popular in the maritime industry during the era of sail. In fact, Captain Cook's *Endeavour* would have used hemp for ropes, sails and the sailors' uniforms.

The now defunct Resource Assessment Commission found, in 1992, that 200,000 hectares of native forest are logged each year in Australia. This is equivalent to 400,000 football fields a year. Most of this native forest - at least 80 per cent - is woodchipped to be turned into paper. A similar situation exists around the world, where most logging of native forests and rainforest now occurs to supply the world's vast appetite for paper and paper products. This is not only an environmental but also an economic disaster because native forests of the world provide us with clean air and water and are a source of recreation and inspiration, and even new medicinal drugs. If woodchipping continues at the current rate we will certainly continue to see extinction of forest-dwelling animals around the world. I believe that hemp is the solution to this problem.

An American report by Dewey and Merrill, as far back as 1916, found that to grow hemp for fibre and paper made far more ecological sense than using the same land for wood pulp. Hemp requires a quarter of the land that wood pulp requires to make paper and can be grown without the use of pesticides, as hemp seems to attract no pests. Although Australia has only trial crops of hemp in Tasmania and South Australia, other countries such as Canada, the USA, China, France and Great Britain have a commitment to industrial research in the use of hemp. Indeed, China produces hemp textiles. Hemp clothing that is available in Australia is generally imported from China, and China also produces paper from hemp. In the Ukraine, hemp is grown extensively for fibre for the carpet industry.

Mr Temporary Deputy Speaker, Canberra could certainly lead the way in establishing a trial industrial hemp plantation for paper and other industrial uses, and for medicinal uses. This obviously would create jobs and income for the ACT, would also contribute to saving native forests, and would certainly be an excellent and highly medicinal purpose for the use of cannabis.

**MR BERRY** (4.48): The people of the ACT get from this Government, and from Mr Moore, the wrong message about drugs. What people should be concentrating on in this place is - - -

**Mr Moore:** A drug-free society.

**MR BERRY:** We should be concentrating on how we educate the community about the hazards of drugs. Mr Moore interjects flippantly, "A drug-free society", as if that is what is being promoted by the Labor Party. Of course, it is not. What we propose is a sensible approach to drugs. We do not propose the open slather approach which Mr Moore has proposed in the past. I am sure that one has been put away in the cupboard for a while, after the flogging that Mr Moore got over this issue last time he tried it on. The fact of the matter is that most people out there in the community, the overwhelming majority of the community, do not want their relatives to be involved in unnecessary drug use. I think the Government and Mr Moore and others would be serving the community better if they were promoting caution at all times about the use of drugs. Mrs Carnell has been caught on this issue before. She got a nice little flogging about the issue because she, too, was involved in the ill-received obsession with the open slather on drugs which occurred in the last Assembly.

Mr Temporary Deputy Speaker, we do not support that approach. We support a sensible approach. We support a sensible approach not only in relation to marijuana but also in relation to other drugs. That is our party policy on attempts to change the drug laws of Australia in respect of heroin. We have supported a national approach in respect of that. We do not support the Territory going it alone in relation to these matters, and we do not support the Territory being the trendsetter when it comes to drug law.

It may well be that marijuana has some therapeutic uses in relation to a range of illnesses. That is a matter for experts to decide. I do not think it is something that ought to be decided on the floor of this Assembly. I think we went through some time ago the debate about the issue of who should be deciding these things. Indeed, I think the National Health and Medical Research Council is a body which ought to be considering these issues if these drugs are to be put to therapeutic use. When it approves of these things for therapeutic use, that means that we have a national approach to changes in the way that we prescribe, administer and use drugs generally, and that is something that the Labor Party would support.

Mr Temporary Deputy Speaker, I go back to my original point: The matter of public importance that ought to be before this chamber is the message that is being sent to the ACT community. The message that is being sent to the ACT community, repeatedly, is that this Government and Mr Moore have a slack approach to drugs, and that is the wrong message to be sending to our young people. We know, for example, that in the last couple of weeks there has been consideration of heroin shooting galleries for the ACT, in an environment where the consumption of and trafficking in heroin are strongly opposed and are unlawful. Those are not the sorts of messages that we should be sending to the community. We should be sending a strong message that inappropriate drug use is hazardous. That is the message that the community should be receiving.

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Pain and suffering is always a matter of public importance; but, for Mr Moore to raise this issue, apparently in some attempt to convince this Assembly that we ought to be leading Australia in relation to the issue, I think is irresponsible. It is something that ought to be dealt with at a national level - not by self-appointed experts, but by qualified experts who can consider these things in the national context. That, Mr Temporary Deputy Speaker, is the position of the Labor Party. I trust that level heads will prevail in relation to this issue and that the message to the community out there is not the libertine approach to drug use which has been proposed in the past - - -

**Mrs Carnell:** You are an old conservative.

**MR BERRY:** Mrs Carnell interjects that I am an old conservative. If Mrs Carnell criticises me for not supporting the open slather approach on drugs, I will cop the criticism, because I do not.

I do support drug law reform in the national context, but I do not support some of the mantra which is chanted by other converts to the libertine approach, such as, "Prohibition does not work". For most people prohibition does work. It is the responsibility of government to provide for those for whom it does not work. The safety net is the Government's responsibility. For most of the people in the community, prohibition does work; but, for many, it does not. Governments have a responsibility to deal with the issues to prevent it from happening. That is why I supported, and in fact initiated, the first expansion of the methadone program here in the ACT - because it was about harm minimisation; but it was a sensible approach in the context of a national standard, not one that was being led by the ACT. It was one that was supported by the Federal Government, and in fact funded by the Federal Government. It was agreed to by all the States and Territories, except the Northern Territory. So it was, by and large, except for 150,000 in the Northern Territory, a national program.

That is the difference between me and the Liberals and Mr Moore. I am not obsessed by the sorts of changes that Mr Moore and the Liberals would support. I am about sensible drug law reform which brings about long-term benefits to the community. I will continue to support that approach, as I have always done.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (4.57): Mr Berry, you are an embarrassment. You are an embarrassment to this Assembly. Considering the years that we have all been in this place and the amount of time we have all had to look at this issue, academically, emotionally and personally, for somebody who was Minister for Health for longer than anybody else in this place to hop up and make those comments is an embarrassment. I am absolutely floored, Mr Temporary Deputy Speaker. The sorts of comments that Mr Berry made about this side of the house and Mr Moore somehow having an open slather approach on drugs is simply ridiculous. It was those opposite who played silly politics. Mr Moore, do you remember the car stickers?

**Mr Moore:** I remember them very well.

**MRS CARNELL:** Talking about people who do not play politics on this sort of issue, do you remember - - -

**Mr Berry:** I do.

**MRS CARNELL:** Yes, you do; that is right.

**Mr Berry:** Because you are wrong.

**MRS CARNELL:** There you go; Mr Berry does play politics with this issue, on his own admission, Mr Temporary Deputy Speaker. There were silly car stickers, silly comments about an open slather on drugs. Absolute rubbish! Most of the time, apart from Mr Berry and those opposite, in this Assembly we have managed to have, I think, very rational and very thoughtful debates on this issue - something that lots of other parliaments cannot say. But I have to say I was ashamed of Mr Berry making the comments he made. It sounded like those other parliaments that I have been so negative about when it comes to debates on drug law, on medical usage of cannabis - the loads of simplistic rubbish that you do not expect to come out of this Assembly on these issues. You see Mr Berry come out with loads of simplistic rubbish on other things.

**Mr Berry:** Like the National Health and Medical Research Council? They are a bunch of dummies, are they?

**MRS CARNELL:** It is interesting that Mr Berry makes a comment like that. The Ministerial Council on Drug Strategy - - -

**Mr Berry:** No, the National Health and Medical Research Council. Are they a bunch of dummies?

**MRS CARNELL:** Mr Berry, it is a good idea to actually listen for a moment. The Ministerial Council on Drug Strategy, at its 31 July 1997 meeting, will consider a paper on the scientific, legal and ethical issues relating to the conduct of trials for the therapeutic uses of cannabis.

**Mr Berry:** Good stuff. A good idea. I support that.

**MRS CARNELL:** A good idea, yes. What a good idea, Mr Temporary Deputy Speaker! I would have to say that the Ministerial Council on Drug Strategy is not some sort of way off the planet body.

**Mr Berry:** No. I used to be on it myself.

**MRS CARNELL:** You did. He was. So, what is going to happen? That body is going to look at this particular issue.

Debate interrupted.

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## ADJOURNMENT

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

That the Assembly do now adjourn.

**Mrs Carnell:** I require the question to be put forthwith without debate.

Question resolved in the negative.

## MEDICINAL USE OF CANNABIS Discussion of Matter of Public Importance

Debate resumed.

**MRS CARNELL:** I understand that the paper I was just talking about will make reference to expert opinion which has been sought from such bodies as the Royal Australasian College of Physicians on current accepted medical treatments for conditions for which marijuana is purported to have some value. This includes best practice for the treatment of such things as Mr Moore has spoken about already, such as weight loss and other symptoms associated with AIDS and HIV, movement disorders in multiple sclerosis, nausea associated with chemotherapy, and the list goes on.

I am also advised that, as part of the research for the Ministerial Council on Drug Strategy paper, the South Australian Drug and Alcohol Services Council has conducted a national survey of doctors working in the HIV/AIDS area to ascertain their knowledge and experience of the synthetic cannabinoid derivative dronabinol, which is currently being trialled in Australia as a treatment for HIV/AIDS-related wasting. The Ministerial Council on Drug Strategy will also receive expert advice from the Royal Australasian College of Physicians on current best practice in the treatment of glaucoma - another area for which cannabis can be of some use.

The matter of public importance is not about our accepting this; it is about the use of cannabis. It is about what we are doing as a whole. All that Mr Berry could do was get up and talk about an open slather on drugs, saying that any debate that we have in this place is not worth anything because there has to be a national approach. Mr Berry, as somebody who was a Health Minister, should have known that drug law is actually a State issue. It is not a national issue; it is a State issue. It is something that needs to be debated in this place. It needs to be legislated in this place.

Mr Temporary Deputy Speaker, I understand that the MCDS paper will also make reference to a report that will be released by the United States National Institute of Health on the therapeutic uses of cannabis. That is not exactly a lightweight body. It would be appropriate to consider this issue, I believe, after we have that paper. I think it would be a useful time to have another debate in this place; not wait for any national decision,

but come back to this place when the United States National Institute of Health paper has been produced, and when we have seen the paper that is going to be produced at the MCDS meeting. I do believe that it is very appropriate for debates of this nature to happen in this place, because the responsibility is here in this Assembly. It is extremely important.

**Mr Berry:** No; there are international conventions as well.

**MRS CARNELL:** Mr Berry says that there are international conventions. Yes, but there are trials going on in many parts of the world now on the medical use of cannabis.

**Mr Moore:** Consistent with our international treaties.

**MRS CARNELL:** It is not inconsistent with international treaties, as Mr Moore says. Mr Berry is just wrong on this, Mr Temporary Deputy Speaker. He is just bottom line wrong. He is trying to make a political issue out of the medical use of a product that may or may not be very useful for some people who have very debilitating conditions. That is the whole point of the trial - it may or may not be. I think that having debates of this nature in this Assembly is very important, and it is a subject that we should look at again when we have on the table the information I spoke about.

**MR TEMPORARY DEPUTY SPEAKER:** I understand that the discussion of the matter - - -

**Mr Moore:** Mr Temporary Deputy Speaker, seeing that we have not used the full time for the matter of public importance, I seek leave, consistent with standing orders and convention, to speak again.

Leave not granted.

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

That so much of the standing orders be suspended as would prevent Mr Moore from speaking again.

**MR MOORE (5.06):** I say thank you to those members who supported that motion. Mr Temporary Deputy Speaker, it seems to me that what we have heard today, and also the denial of leave, show that Mr Berry wants to continue in his incredibly conservative way. That is what it is. Mr Berry sat here and interjected throughout my speech and Mrs Carnell's. He is very fearful of leading Australia. "You want to lead Australia", he says. Mr Temporary Deputy Speaker, what we want to do is deliver what is best for our community at any given time and solve some of the problems that other communities face as well and see whether we can provide best practice. Indeed, Mrs Carnell attempts to provide best practice across a range of issues, on some of which I agree with her and believe she has done extremely well, and on some of which she has done extremely badly.

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One of the great failings of the Labor members over the years when they were in government was that they refused to do that. They wanted to run a no-change government, in so many ways. There were some notable exceptions to that. To my mind comes the work of Mr Wood on the Commissioner for the Environment. But in the vast majority of cases their view was, "If we can possibly avoid change, that is what we want to do". The conservative Mr Berry sits there interjecting such nonsense as "open slather". There was never any suggestion of an open slather, other than in the propaganda put out by the Labor Party, when we dealt with this issue last time. It was propaganda and lies, Mr Temporary Deputy Speaker. When the dust had settled over that and people looked at what happened over the medicinal cannabis debate last time, they realised that, in the final conclusion, we had provided for some people hope that they would be able to use medicinal cannabis without penalty, to use it as a medicine for a short while, where other medicines had failed, and at the end of the day we had then denied them.

Mr Berry's definition of "open slather" was provided by a medical practitioner who was involved in research. A medical practitioner, not under research, can provide a prescription for cocaine and morphine - drugs that clearly have far wider implications than a drug like cannabis. We know that from studying the work that Mr Berry talks of, the work of experts. Mr Berry may not understand that it is not experts who are elected to this Assembly. Ordinary people are elected, ordinary members of society who are expected to read the work of experts and then make up their minds about such decisions. That is how we are elected. If experts want to stand they may well be elected, or ordinary people may say, "No, we do not want such narrow expertise in the Assembly", as the case may be, and that applies right across the whole range of issues that we deal with.

Mr Temporary Deputy Speaker, Mr Berry continues to use this notion that prohibition does work. Yes, it does work in certain circumstances. It works when there is a sensible alternative. It worked particularly well even for barbiturates. Barbiturates were a particularly harmful drug. They were prohibited because there was a sensible alternative, and the demand was satisfied by the sensible alternative. Where there are no sensible alternatives in the drugs area, prohibition simply does not work, and it creates so many other problems. Mr Berry wants to take a simple interpretation and see whether he can turn this into a posturing style of debate. Then this same Mr Berry can go on ABC radio and say about the drugs issue that we ought not be posturing on this. The trouble is that too many people are posturing on this issue. What we should do is sit around a table and discuss this, because people should not be posturing.

Having taken this on board just recently, I raised with other members of the Assembly the issue of safe injecting rooms. I went to Mr Berry's office and I invited him to a meeting organised at very short notice to deal with this issue. I said to Mr Berry, "Can you come along yourself? If you cannot, can you send your adviser?". In the morning, as I was going to the meeting, I went into Mr Berry's office and he said, "Oh, no; I have to go down to the Estimates Committee. I cannot come. I cannot send my adviser because I might need her as well". What was before the Estimates Committee at the time?



It was ACTION - not his area at all; but, of course, he has reasons. The next thing is that, having been provided with some information, while we are still discussing the issue, while we are in the middle of two meetings, trying not to posture - this includes Mr Osborne, Ms Tucker and a range of other members, including the Chief Minister - Mr Berry asks questions in the Estimates Committee in order to posture. Of course, that winds up on the front page of the paper and Mr Berry gets his posturing.

Then we have the second meeting and Mr Berry is invited again. In spite of that betrayal - "betrayal" is the correct word - Mr Berry is invited to the second meeting. Does he turn up to that one? He does not bother. This is the man who says, "We should sit around and talk about this sensibly". Ms Tucker could not make it to our second meeting wither; but she, at least, sent along her adviser so we could understand what the issues were. I must say that they were very sensible discussions carried out in a very sensible way. I am dealing with this in this way today because of the way Mr Berry and his former colleague Mr Connolly acted last time because they saw some political advantage and ran with it. I can tell you, Mr Temporary Deputy Speaker, that it has changed my attitude to dealing with Mr Berry. I will always change my attitude in dealing with anybody who does not deal with us in a straight way and engages in these sorts of betrayals.

Mr Berry then goes on to say that we have to be careful we do not send the wrong message. What is the right message we are sending at the moment? That it is okay to run a system whereby we show no compassion for people who may be able to find some relief by using medicinal cannabis? We will still fine them; we will still make them go through the courts. That is the first message we are sending. The second message Mr Berry is sending is that he is quite happy to go along with a system that causes police corruption, and so on. That is the sort of message he is sending when making these thoughtless, broad statements about the issue. You know as well as I do, Mr Berry, that when I have made the broad statement, "Prohibition does not work", I have stated again and again what I consider to be the problems, why it does not work and where it does not work. You know that very well.

Mr Temporary Deputy Speaker, what I have done today is circulate a very sensible and carefully researched paper by somebody who worked in my office as an intern. Some members have been fortunate enough to have the opportunity to have an academic intern in their offices. I would like to offer my thanks to Sarah Beech, who I think prepared an excellent paper. I know that she has been given her mark on it - she received a very good mark - as part of her honours degree in law. I think it provides us with some good insight. Perhaps we can get some sense into this issue, instead of the sort of posturing that Mr Berry talks about. If we can move away from some of the hypocrisy that we have seen from the Labor Party, particularly from Mr Berry, I think we have a chance to move forward.

**MR TEMPORARY DEPUTY SPEAKER:** The matter of public importance - - -

**Mr Berry:** Time has run out, has it? I thought we could all have a second go.

**Mrs Carnell:** No, we all cannot have a second go. It has run out now. I cannot have one and you cannot have one.

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**Mr Berry:** I do not think it has run out. We still have time.

**Mrs Carnell:** Okay; if we have a bit more time, go ahead.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Berry, for you to speak you would need leave.

**Mr Berry:** Would I? I do not know whether I would get that.

**Mrs Carnell:** Yes, you would.

Leave granted.

**MR BERRY (5.15):** I am glad that the Government has given me their time. They were asking for extra time to do their business earlier this morning. I want to clarify a few points. Mr Moore makes all sorts of accusations against me, but he knows that I have the runs on the board when it comes to dealing with the issue of illicit drugs. He knows that I was probably the first Minister to raise the issue of deregulation of drugs and drug trials at the Ministerial Council on Drug Strategy. He also knows that I took the first move to expand the rather conservative methadone program here in the ACT to try to deal with the issue of the use of illicit drugs. But he will never cause me to forget the “grow it down the backyard and treat yourself” marijuana plan. Really, that is what it was. It was something that was criticised. I do not disagree that there may or may not be some good use for marijuana in the treatment of maladies; but at the end of the day it has to be resolved by a body such as that which was mentioned by Mrs Carnell - the Ministerial Council on Drug Strategy - and, ultimately, I expect, the National Health and Medical Research Council when it comes to its medicinal use in the community. That is the course that it should take.

I do not mind the debate, but I certainly will not be getting on board a program which sends the wrong sort of message to the community. We have to be very careful with this issue. I do not think we have been careful enough up to this point in terms of the message that we are sending out to the community - and to the police, for that matter. We can all reflect and have a bit of a giggle about events of the past, in particular the legislation which Mr Moore referred to. We were strenuously opposed to that because we thought the way it was set up was quite wrong.

**Mrs Carnell:** You just used it politically.

**MR BERRY:** Mrs Carnell interjects, “You used it politically”. The fact of the matter is that the legislation that you proposed was so that people who were terminally ill could grow their own marijuana down the backyard and treat themselves whilst they were on a drug program supported by a medical practitioner. It was a dumb, silly idea. How on earth could you expect terminally ill people to grow their own drugs to treat themselves? It was a silly move that was criticised roundly out there in the community, and it should have been. It should not be forgotten either. It should be a good lesson for everybody about the way you deal with drugs out there in the community.

Mr Speaker, this debate will go on. I am sure that in due course there will be changes about the regulation of drugs in this country. I trust that the changes will be on a national front and that we do get some realistic changes. No matter how passionate, even obsessed, some of us might be about drug law reform in this place we cannot afford to think that a small parliament that represents 300,000 people here in the ACT can lead the rest of Australia against its will. It is more important that we travel with the rest of Australia, encourage change - - -

**Mrs Carnell:** Just hang in there at the back.

**MR BERRY:** Mrs Carnell interjects, "Hang in there at the back". She knows that I was the first to raise it in a ministerial drug council and I have argued for change on many occasions. If politicians in this place do silly things about drug law reform, I will criticise them. Silly things have been done in the past. I have criticised them. In fact, I hope that I caused belly laughter about them, because they were so silly. The fact is that we have to behave responsibly on these issues, and I trust that we will.

**MR SPEAKER:** The discussion has concluded.

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

**MR WOOD:** Mr Speaker, I present Report No. 6 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

**MR WOOD:** Mr Speaker, the report comments on a number of Bills, in particular the Public Health Bill. It also deals with erroneous references in various Bills and errors in explanatory memorandums. The EM for the Public Health Bill was at odds in numbering with the Bill itself. There were also some provisions for which there was no explanation, and at least one explanation was given for a provision that does not appear to be in that form in the Bill. The committee wrote to the Health Minister seeking an amended EM. She did not really need to get our letter, as our request was in the mail to her when the new EM arrived. I am grateful for that amended EM. I think it reflects the pressure under which officers work from time to time and is something that we should note.

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## LEGAL PRACTITIONERS (AMENDMENT) BILL 1997

Debate resumed from 15 May 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR WOOD** (5.21): Mr Speaker, the Opposition supports this Bill. This Bill, like others around the country when they emerge, arises out of agreements of the Attorneys-General. It makes the sensible proposal that there should be mutual recognition, in this case, for solicitors across Australia. We will now be giving equal rights to solicitors in New South Wales and the ACT. At the same time, we will be giving them equal responsibilities. They have to pick up certain obligations as well. I hope this provides, perhaps as an unintended consequence, greater competition for solicitors in the ACT. I hope it encourages them to give a better service. I hope it also provides for a more competitive fee structure from solicitors. If that is another benefit of this Bill, so much the better. We will be supporting it.

**MR HUMPHRIES** (Attorney-General) (5.22), in reply: Mr Speaker, I want to thank Mr Wood for the Opposition's support for this Bill. It is, as he correctly says, a step towards better service to clients ultimately. That is what this whole process is meant to be about - making sure that a practitioner who might be qualified to practise, having obtained qualifications in a particular place, should not be prevented unnecessarily from being able to exercise some role as a lawyer or other adviser to a person in another jurisdiction, if that is appropriate, if they are able to demonstrate the necessary skills to do that. I think that the concept of reciprocity in this profession, as indeed in others, is a very important step towards breaking down unnecessary barriers presenting themselves through Australia's federal system.

The reality is that lawyers trained, for example, in this Territory are trained basically to be conversant with the law of the ACT, the law of New South Wales and, to a large extent, the law of Victoria as well. So it makes little sense to imagine that someone trained in and practising in the ACT would not be able to work well in New South Wales. Similarly, lawyers with experience are generally able to pick up the relevant legislation and deal with it in another place, and a lawyer in Sydney might well be able to deal with matters in Canberra. More probably, and more frequently, the situation will be that somebody in Queanbeyan will want to practise in the ACT. In future the necessity to obtain separate qualifications, separate right of practice in the ACT, will be obviated by this process.

I should draw to the attention of members some last minute advice which has been received from New South Wales concerning this legislation. Each jurisdiction is making legislation and then certifying that the legislation in other jurisdictions is reciprocal legislation, the operation of which allows their practitioners to practise in the home jurisdiction and home practitioners to practise in the other reciprocating jurisdiction.

Members will have noticed that the legislation deals only with solicitors. Barristers are not regulated as yet under this regime. The reason is that barristers in the ACT are not subject to registration at all. Their regime is very different from that of solicitors, who are governed by the Law Society. In New South Wales, however, barristers are issued with practising certificates and the New South Wales Bar Association operates, in that sense, differently from the ACT Bar Association.

I am advised that the New South Wales Bar Association has, fairly lately, objected to the making of a declaration that would make the ACT Act a corresponding law for the purposes of the New South Wales Act. They have two concerns about the situation. One is that they object to the fact that ACT barristers do not have practising certificates. They also apparently have a wider concern and do not want to issue practising certificates to barristers in those jurisdictions where barristers do not hold a practising certificate.

My advice, Mr Speaker, is that those grounds of objection are misconceived. The operation of the legislation we are passing today has the effect only of providing that New South Wales barristers should be able to practise in the ACT. It does not, of itself, allow ACT barristers to practise in New South Wales. At the moment most barristers - in fact, all barristers - who would want to practise in New South Wales, I believe, would have obtained right of admission to appear in New South Wales courts. That is an issue outside the scope of this legislation. It may become part of the scope of the legislation when issues to do with the regulation, if any, of the ACT bar are dealt with in the future. Those issues have not been resolved as yet.

I think it is only right to alert members to the fact that the New South Wales Bar Association at this point is not supporting a recommendation to the New South Wales Government that the ACT legislation we are now considering be made a corresponding law. I am confident that we can overcome the concerns that have been raised by the Bar Association in New South Wales. I commend the legislation before the house today and undertake to keep the house informed of any developments in this area that might necessitate amendments to our legislation. At this point I am not convinced that there is any need to amend our legislation in respect at least of solicitors.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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## **WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 1996**

Debate resumed from 21 November 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

**MR BERRY** (5.28): Mr Speaker, the Opposition will be supporting this legislation. Earlier on we did have some reservations about it, principally because of our concern that the consultation process had not been properly completed. I now understand that the matter has been to the Workers Compensation Monitoring Committee and has received the tick. I would make the observation that one other concern about this is the possibility of jurisdiction shopping to find the cheapest and least beneficial workers compensation provisions in relation to employees. That remains an issue of concern which Labor will be watching closely, and I would urge the Government to do so as well, because we would not want to see an employer, for example, move to New South Wales merely to obtain cheaper and less beneficial conditions in respect of workers compensation. I repeat that the Opposition will be supporting this legislation, and I urge the Government to watch its development, after it is implemented, with care.

**MR KAINE** (Minister for Urban Services and Minister for Industrial Relations) (5.30): Mr Speaker, this legislation has been on the table for quite some time. Mr Berry did express some concerns, and I note that at least some of those concerns have now been alleviated. I would have to say that, to some degree, I share his concern about jurisdictional shopping. I would hope that the provisions of the Bill, when it is enacted, would prevent that, because it deals with workers who are essentially ACT workers. If a person is essentially an ACT worker, then the employer has to take out his workers compensation insurance in the ACT. The only reason why they might seek to do otherwise is if the workers compensation premiums in the ACT become grossly inflated relative to those paid in the States or the Northern Territory. I would be concerned if that, in fact, became the case. We would want to be talking with the insurers to make sure that that did not occur; that we did not get so far out of balance with the insurers elsewhere that there would be any need to do that or any advantage in doing that. I appreciate Mr Berry's support for the Bill, and I assure him that we will be watching for the sort of ill effect that he has expressed concerns about.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole

**MR KAINE** (Minister for Urban Services and Minister for Industrial Relations) (5.31): Mr Speaker, I have just one minor amendment. I move:

Schedule 1, page 5, lines 20 and 21, amendment to heading to Part IV, omit the amendment.

When this Bill was put together some time ago there was some discussion within the bureaucracy about the heading of Part IV of Schedule 1, and the Bill was drafted on one basis. Since then the Government has decided that there is no need to make that amendment, so we are withdrawing it.

Amendment agreed to.

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

Bill, as amended, agreed to.

### DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997

Debate resumed from 8 May 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR WOOD** (5.32): Mr Speaker, this Bill, along with other measures, is the result of long consideration of the problematic area of domestic violence. The Bill arises out of a report of the ACT Community Law Reform Committee, a report that was commissioned by a former Attorney, Mr Connolly, back in about 1991. Eventually two reports came down, two very fine reports upon which we should now base our future action. A number of measures have already been brought to this Assembly as a result of these reports and other measures that have been adopted in practice elsewhere. For example, Mr Humphries has said that the design of the new Magistrates Court takes in some of the recommendations of the reports. We have referred before to the anti-stalking legislation that Rosemary Follett took through this Assembly last year. That was another outcome of the reports.

There is still much to be done. There is a very large number of recommendations in those reports. They are being worked through at a steady pace. Sometimes the steps that we would wish were there are not there, and that is the problem today. One of the key recommendations of those reports is not being implemented. This Bill is a very important outcome from all that consideration, and we welcome it. It is good to have, and I would want to promote it and to get it through here as quickly as possible. But associated with that is the position of the domestic violence coordinator. There are many who, with me, believe that that position has been severely compromised by the way it has been included in this Bill.

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The two reports from the Community Law Reform Committee point to a great deal of confusion, lack of coordination, difficulties of accountability and sometimes overall lack of good response to domestic violence that exists in this community despite all the best intentions. Hence the recommendation of the committee for the council that is to be established by this Bill. That council is welcomed. The committee also recommended a coordinator to carry out specific works to ensure the implementation of policy, to ensure among other things the quality of programs, and to make certain of the multisystems approach that is so important in the domestic violence area.

I should add that when I talk about a domestic violence coordinator it is more a role; it is not necessarily one person. It is expected that there will be more than one person to carry out that work. This is where the disappointment of many lies - in the failure to understand the importance of this position. The proposals in the Minister's speech to this Assembly and other comments greatly diminish the quality of this legislation. The Government has taken an existing position, the Victims of Crime Coordinator, and has given us to understand that that person will be the coordinator in respect of domestic violence.

In that way the Government seeks to make its response to the important recommendation of the Community Law Reform Committee, but it is not doing the job. It is not the way that it was intended that it should happen. In fact, I think we are acting against some of the thrust of those reports and against the intended thrust of this Bill. I do not believe it is helping the VOCAL organisation either, because the person who is employed in that area is going to have to be taken away and do work in another area. In fact, the Minister has got two positions for the price of one. I think it is a money issue, and I think that is unfortunate. The key position is being scuttled, and much of the good work is not being carried through to full effect.

The Minister said at the Estimates Committee hearing that he will establish the council and then listen to what the council says. That is good. I cannot argue with that. But the council he is establishing is the result of very specific recommendations in a report. The domestic violence coordinator is a result of very specific recommendations in that same report. I would have thought that, if he is going to establish the council, it is a necessary corollary that he establish this position that I have been talking about. That has not happened.

Another provision that I have been talking about is the provision to make the coordinator for VOCAL, the person who is going to do this work or some part of it, the chair of the Domestic Violence Prevention Council. I find that strange. There will be a very strong connection, of course, between the council, which is to do the overall monitoring and coordination, and the domestic violence coordinator, who will be the one or two or three people in that area who will be doing the groundwork. It seems to me to be strange that, while we would want that as a statutory position, that person should chair the council for which they would be working. That does not seem to me to be the usual way that things would be done.



In welcoming the Bill, for the fourth time in this short speech I express the disappointment I and many others have that the position of domestic violence coordinator has not been incorporated in the way that it was expected to be, in the way that it was needed. I am sure others will talk about the Duluth model, on which so much depends. They need to incorporate that model. I prepared some amendments - I am not convinced that they are appropriate or would stand up to strong scrutiny - to try to rectify this situation; but I understand that the intention is to adjourn debate on the Bill before we get to the clauses. That is the preferred approach for me. Let us have further debate - perhaps we can do it rapidly - and get into this Bill the provisions that will see that the recommendations from the Community Law Reform Committee, which have been long worked for, are put into place in full effect.

**MS TUCKER (5.40):** While the Greens support this Bill in principle, and we are very pleased to see the Government bring forward legislation to establish a Domestic Violence Prevention Council, it is of great concern that they are not establishing a domestic violence project coordinator. This issue was raised earlier because it was a recommendation in the Estimates Committee report that the Government establish an appropriately resourced domestic violence project coordinator. I think the model the Government has put forward is seriously flawed, and I am hoping that, on adjourning this debate today after the in-principle stage, the Government will go away and come up with a model that puts the ACT back on the front foot in terms of domestic violence. As I said earlier, we have a very exciting opportunity to take the lead in Australia in terms of implementing an integrated multisystems approach to preventing domestic violence.

Unfortunately, we still live in a culture where violence against women, if it occurs in relationships, is seen as somehow different from other forms of violence. The costs of domestic violence to our community are enormous. You cannot even begin to quantify the social costs. They alone are the basis for the strongest possible government action. But the financial costs should at least have the economic rationalists jumping to act. Domestic violence is estimated to cost the ACT between \$5m and \$29m each year, and the direct costs to government range from \$2m to \$10m. Those figures are very broad, and that is because one of the other issues here is that we do not really have good data in the ACT.

We cannot expect to reduce domestic violence without spending any money, but the Government seems to think we can. The ACT used to be at the forefront of innovations in the domestic violence area. Now we are lagging behind, particularly in relation to developing a coordinated multisystems response to domestic violence. We have an opportunity to change that now by fully implementing the recommendations of the Community Law Reform Committee reports on domestic violence.

The recommendations centred around implementing a fully coordinated system along the lines of the Duluth model. The Community Law Reform Committee have not just picked a model and thrown it into their report. As Mr Wood said, there have been many years of work and a lot of serious work with the community to come up with these recommendations. The committee has recognised that the Duluth model, which has been very successfully adapted by many cities around the world, must be modified to suit local conditions. The model they came up with is called the domestic violence intervention project. As the name implies, this is all about prevention.

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Central to the model is a body responsible for the development of policy, the council, and a body responsible for the day-to-day coordination and implementation, the domestic violence project coordinator. The ACT is in an excellent position to implement an innovative model such as this. The Government does talk about whole-of-government approaches, so they should like it. We also have a chance to put the ACT back on the front foot and not lagging behind other States. As I said before, we do not have very good statistics on domestic violence to enable us to know the scale of the problem we are tackling.

The Government seems to think that the domestic violence coordinator position is an added extra. It is not. Anyone who has read this report will see that the domestic violence coordinator position is central to implementing a multisystems whole-of-government approach. The breadth of the functions that have been given to the council - all unpaid people with otherwise busy lives - is enormous. The objective of the council is to reduce the incidence of domestic violence offences. The functions of the council are:

- (a) to promote collaboration among government agencies and non-government organisations involved in -
  - (i) law enforcement; or
  - (ii) the provision of health, education or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;
- (b) to assist and encourage the agencies and organisations referred to in paragraph (a) to promote projects and programs aimed at enhancing the safety and security of victims of domestic violence offences, with particular regard to children;
- (c) to advise the Minister on any matter relating to domestic violence;
- (d) to inquire into and provide advice to the Minister on matters relating to domestic violence that have been referred to the Council by the Minister;
- (e) to establish and maintain links with and among government agencies and non-government organisations concerned with domestic violence;
- (f) to assist government agencies and non-government organisations to develop procedures for the collection, standardisation and sharing of statistical information relating to domestic violence offences;

- (g) to collect statistical and other information relating to domestic violence offences;
- (h) to prepare and submit to the Minister a plan for dealing with domestic violence in the community, including recommendations on -
  - (i) any changes in the law or its administration that may be necessary;
  - (ii) improving the effectiveness of the provision of assistance to victims of domestic violence offences;
  - (iii) the prevention of the occurrence of domestic violence offences; and
  - (iv) developing systems for monitoring the effectiveness of any programs recommended in the plan that are implemented; and
- (i) to monitor developments within and outside Australia of legislation, policy and community views on domestic violence and the provision of health and welfare services to victims and perpetrators of domestic violence offences.

Mr Speaker, this council has 12 members. I notice that when we get to the point about meetings of the council the Bill says:

The Chairperson shall convene a meeting of the Council -

- (a) whenever he or she deems it necessary for the effective discharge of the functions of the Council ...

and it gives a number of other reasons. This group would have to work probably every day. They would have to meet every day to effectively do what they are being asked to do in this Bill. The whole point of the domestic violence coordinator was that it be a fully-paid person who did this work. It is not the work of the council. When you look at those functions, it is quite clear why it is not appropriate at all to have this council without the domestic violence coordinator position in place. We are going to end up wasting resources and people's time if we do not get this right, because good policy work that is done will not be able to be properly implemented and monitored. It is not about front-loading the process, as the Minister seems to think. It is about a model of prevention and a bottom-up approach that can actually work.

Mr Speaker, when you look, even in pure economic terms, at the cost of domestic violence in our community, it should be obvious to anyone that the coordinator position, if it reduces the incidence of domestic violence by only a small amount, would be a very good investment. It is very short-sighted to say that we cannot afford a coordinator.

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It is particularly disappointing that the Government has not taken the initiative to approach the Commonwealth for assistance with resourcing this model as a showpiece to Australia of a preventative holistic approach to reducing the incidence of domestic violence. Instead, Mr Humphries came out straightaway and said he wanted to use the national crime prevention money for a trial of surveillance cameras. Although it would be preferable, obviously, to get the prevention council up and running as soon as possible, it is much more important, I believe, to get the model right in the first place.

The Law Reform Committee has done a lot of work. The Government should recognise this work. I hope that we can move forward over the next few weeks and come up with a better model that is more realistic and effective in terms of recognising the huge amount of work that has been done here and setting the ACT up as a leader in Australia in this very important area. I look forward to a positive response from the Government to the recommendation in the Estimates Committee report, and I look forward to working with the Government to come up with a more suitable model.

**MR MOORE (5.49):** Mr Speaker, in rising to speak to the Domestic Violence (Amendment) Bill (No. 2), I do not want to reiterate the matters that have been put by Mr Wood and Ms Tucker, other than to say that I also support the need for a better model than that presented in this legislation. It is important for us to understand that the Community Law Reform Committee is a committee of the Government, or a committee of the Attorney-General, not a committee of this Assembly. When its reports come down, I do not feel particularly committed to them in one way or another but look at them at arm's length. In this case I believe that the Community Law Reform Committee report, like so many of their reports, is particularly good, and we would have to have a very good reason for moving away from the model that they propose. As yet, I have not heard a good reason for that, but I have heard many good reasons why we should stick with the model proposed by that committee.

It is interesting to me that whenever we deal with domestic violence legislation a number of men in this community approach me and tell me how awful it is. I think part of the reason is to do with the power in the relationship that these men have been in. In my assessment, they have invariably been in a relationship where they had the power, and they are particularly concerned that domestic violence legislation gives power to the other person. I think it is a particularly sad situation, because these people understand relationships in terms of power, in terms of one person having the power and somebody else not having the power, instead of understanding that relationships are about shared power.

Unfortunately, we cannot legislate to say to people, "You should share power and you should share decisions if you want a successful relationship, certainly one that does not involve any form of domestic violence". I have given it a great deal of thought and I cannot think of a way, nor do I believe anybody else has come up with a way, of doing that. We are left with the decision as to where we should put the power. We know that those most vulnerable in well over 90 per cent of cases of domestic violence are women and children. The important thing for us is to reverse the situation and to ensure that power is put in their hands through our legislation.

This particular piece of legislation is about establishing a council to try to understand these matters more and perhaps come up with sensible administrative recommendations and even legislative recommendations to improve such situations. It is a sad thing, I believe, that there is such widespread domestic violence in our society. It is a wonderful thing that we have at least recognised it in the last few years and tried to do something about it. I often comment to people who wistfully look back to the supposed good old days of 30 and 40 years ago when such things were suppressed. They probably were the good old days for white middle-class males, but it is important for us to look back and say, "Was it really so good for other people in society?"

They are the sorts of reasons why we need to show leadership in this area of domestic violence. We have done so. One of the great contributions that Rosemary Follett made to this Assembly and to this community was in leading Australia in this kind of work. It is important that the model we establish will deliver the best possible results. That is why I am happy to adjourn this debate and discuss with other members the best way to deliver what the Community Law Reform Committee has recommended.

**MR HUMPHRIES** (Attorney-General) (5.54), in reply: I think members are supporting the general thrust of the legislation, the establishment of the Domestic Violence Prevention Council and the other provisions that appear in this legislation. I thank them for that support. Mr Moore is right to say that the incidence of domestic violence in our society is too large, is too great, and that we need to take active steps to wind back the view taken by some people that they can solve problems within domestic relationships by resorting to violence.

I am very willing to acknowledge the work that we picked up from the former Government in the area of domestic violence and very proud to be able to carry that forward and take further steps to implement important measures that will, I hope, change the culture in some relationships, in some families, and change the expectation in the broader community about the way in which such incidents, when they come to public attention, are dealt with in an effective way.

I think it is important to note that this is not a debate about whether we should deal with domestic violence more effectively. It is simply a debate about how we do that. The debate is centred around the position of domestic violence project coordinator which the CLRC has recommended be established and which the Government, in its response to the CLRC report, indicated ought not to be established, at least at this point, pending the establishment of the Domestic Violence Prevention Council and the establishment of a subcommittee of that council to examine the way in which such a position would work in respect of the general tasks that are outlined in the CLRC report.

**Mr Wood:** It is mapped out in the report. The report maps out how the position should work.

**MR HUMPHRIES:** It does so to some extent, but it also leaves a number of issues to the Domestic Violence Prevention Council to determine. In particular, adoption of the Duluth model is an issue which is not fully mapped out in the CLRC report and, in my view, does need to be worked through in a way which leaves as much as possible a clean slate for the Domestic Violence Prevention Council to deal with in its work.

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This is the essence of the difference between some other members who have spoken in this debate and the Government. I believe that the central and driving force in this process should be the Domestic Violence Prevention Council, not the domestic violence project coordinator.

**Mr Wood:** I am happy about that.

**MR HUMPHRIES:** My view is that, if we accept that premise, the best course of action is to establish the council and let it determine the way in which the project coordinator's job is structured, and in turn filled, as the basis on which to proceed to fulfil the tasks that are outlined in the CLRC report. I know that members opposite are laughing about this and think that they know much better about this. I appreciate that you have been lobbied very heavily on the subject, but the fact of the matter is - - -

**Ms Tucker:** I have read the report.

**MR HUMPHRIES:** We all have read the report, I am sure, Ms Tucker, but - - -

**Ms Tucker:** How is the council going to do the work?

**MR HUMPHRIES:** Mr Speaker, the council will consist of people who have an interest and, to some extent, an expertise in this area and the goodwill to be able to sit down and determine how such a position would work. My view is that it is appropriate to establish that council and let it shape the way in which that task is to be performed.

To give an example of what I am talking about, it has been suggested to me that the draft strategy on domestic violence, which has been prepared already by the Women's Consultative Council, should be handed to the Domestic Violence Prevention Council as the final word, as it were, on the way in which domestic violence strategy should be implemented in the ACT. That view has been put to me by the Women's Consultative Council, with which I met a few weeks ago to talk about these issues. I have rejected that suggestion. I have said that the Domestic Violence Prevention Council should receive the document from the Women's Consultative Council but should be free to determine for itself whether that strategy is the basis on which they as a council proceed to implement policy in this area.

There is, in a sense, a question of where the onus lies. My view is that the onus has to be on the council. It has to have the capacity to make a decision about how the strategy works and how the domestic violence project coordinator works. My assessment is that establishing a position simultaneously with, or perhaps even slightly before, the establishment of the council itself leaves the council in the position of inheriting, to some extent, an established position, the terms of reference of which are determined by the prior appointment, not by the decisions of the council. That is the view of the Government.

We can debate this at some length, no doubt; but I notice it is 6 o'clock already, and I am not proposing that we do that tonight. What I am saying to members of this Assembly is that there are different views about the way this should work. It is open to the Assembly, as Mr Wood apparently proposes to do, to amend the legislation before the house to

change the way in which the Government proposes to deal with this issue. Members are free to do that. If members are proposing to establish a position which the Government is not at this stage proposing to establish, I hope that they will indicate where we are to draw the money from to do that.

To turn to the funding which has been proposed for the ACT under the national campaign against violence and crime is not a long-term solution to that issue, because the money we propose for that project is not recurrent. It is fine, as Ms Tucker suggests, for us to take the money proposed for the ACT this year and run with it. We are assuming that the Commonwealth will agree to that. Assuming that they do, to take the money this year and run with it leaves the question of what to do in future years about resourcing that position.

**Ms Tucker:** You are going to have that question with cameras, too, Mr Humphries, if you like them.

**MR HUMPHRIES:** Perhaps so, but the Government has proposed a course of action for dealing with it which does not pre-empt the outcome of that determination. With the greatest of respect to members of this Assembly, I do not believe that we are the best placed people to make a decision on this subject. I think members of a council committed to, if not eradicating, reducing the incidence of domestic violence in this Territory are best placed to make such decisions, or at least recommendations to the government of the day. That is the course of action I propose. If members of this place prefer to amend the legislation, so be it. It is their prerogative to do so. I indicate that they are going to have to suggest to us how we do that and where we will find the money to do that. I think it is an unfortunate course of action.

To be frank, I think the importance of this position being established first has been exaggerated. Ms Tucker said that if we have this particular position, alone of all the recommendations that have been put forward by the CLRC, that will take the ACT from lagging behind the rest of Australia to leading Australia. I think that is something of an exaggeration. I really cannot see how you can impute that to the appointment of a person to one position. My view is that the council is much more important in that respect than is the appointment of a project coordinator. As I have said before, this is a matter in the hands of the Assembly, and the Assembly will make a decision about this when Mr Wood's amendments come forward. I have not seen the amendments yet. I do not know what they say. I hope that we can see them in enough time to look at them carefully and to consider them in some detail.

There was some veiled criticism of the idea of taking the Victims of Crime Coordinator and making her the person who would guide the Domestic Violence Prevention Council in its early stages. I have to say that Ms Robyn Holder, who presently holds that position, has a great deal of expertise in the area of domestic violence, including, interestingly, in multiagency - - -

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**Mr Moore:** You are not talking about individuals; you are talking about positions, are you not? There is a difference.

**MR HUMPHRIES:** No, I am not talking about positions. I am talking about the holder of the present position. The holder of the present position happens to be extremely well placed to advise on the implementation of multiagency aspects - - -

**Mr Whitecross:** You have transferred her to the new coordinator's job.

**MR HUMPHRIES:** Mr Speaker, I did not interrupt anyone when they were speaking on this Bill, and I would be grateful to have the same courtesy extended to me.

**Ms McRae:** Poor Mr Humphries!

**MR HUMPHRIES:** I know Ms McRae cannot restrain herself; but the fact of the matter is that Robyn Holder, in my view, is better placed than any other person I can think of in the ACT at the present time to look at multiagency aspects of strategy and implementation - the sort of issue which I think is central to the success of this process. I could, of course, ask Ms Holder to resign as Victims of Crime Coordinator and suggest that she be the domestic violence project coordinator instead, but I think that we would lose the benefit of another position by her doing that. It is quite deliberate that I have envisaged Ms Holder, as the present occupant of that position, taking a very important role in the early stages of the work of this council as the person who will chair it initially.

That is the position as we, the Government, and I, the Attorney-General, have seen it in bringing this package to the Assembly. As I have said, it is open to the Assembly to impose a different vision of how this will work. I simply ask members to be very careful that they have a clear idea of how that alternative vision will work and that they understand that this other method of pursuing it will be sustainable and affordable. I ask members to exercise some care in that respect. I thank members for their support for the general outline of the Bill as presented to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1

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



## MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1997

[COGNATE BILL:

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1997]

Debate resumed from 15 May 1997, on motion by **Mr Kaine**:

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 the Motor Traffic (Amendment) Bill (No. 2) 1997? There being no objection, that course will be followed. I remind members that in debating order of the day No. 4 they may also address their remarks to order of the day No. 5.

**MR WHITECROSS** (Leader of the Opposition) (6.06): Mr Speaker, the Bill before the house, the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1997, and the other Bill we are debating cognately, the Motor Traffic (Amendment) Bill (No. 2) 1997, are both premised on what seems to be an increasing trend in laws to do with motor traffic offences - the overweening assumption that continually increasing penalties will improve driver safety and will improve the safety of our roads. Nobody can be too light-hearted about the impact of injury and death on our roads on our community as a whole. They are very significant issues. Driving under the influence of alcohol and driving negligently, culpably or dangerously are indeed important issues for our community. They put other drivers at risk. They ought to be taken seriously and, as a community, we ought to be doing all we can to restrict the occurrence of these things, or to get rid of the occurrence of these things from our roads for the safety of all of us - the safety of drivers who engage in these behaviours and other drivers.

My misgiving with these two pieces of legislation relates to the extent to which the process of increasing penalties, specifying minimum penalties and introducing increasingly onerous provisions for special probationary licences will have the desired effect of reducing these behaviours on our roads. I have to say that I have seen scant evidence of that being the case. In recent times we have seen another little fashion creep into the administration of road rules - the idea of doubling the penalties every time you have a holiday weekend. Somehow or other, this is meant to make everybody drive more carefully on the roads. Maybe the publicity incidental to doubling the penalties has an effect. Equally, it may be that it has no effect and all it means is that the impact on people's lives of being caught is more severe and the governments get the benefit of raising a lot more revenue at a time when there are a lot of traffic fines, et cetera, to be handed out. I am not sure that that is necessarily good government, and I am not sure that that is a good basis for policy-making by parliaments or by governments.

I would like to see some further discussion, and I understand that there is to be some, on these proposed amendments in order to consider some of these issues. In particular, I want to draw attention to a couple. The first is the use of mandatory minimum sentences which take away from the courts the discretion to decide what punishment fits the crime. There are two key pillars of our justice system in this country. One is that we are innocent until proven guilty and the other is that the punishment should fit the crime.

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That is why we leave to the courts the discretion to decide what the penalty will be. It is the court that is able to consider all the details of the circumstances of the individual case and decide on an appropriate penalty. It seems to me that we need to think very carefully before we go down the path of imposing mandatory sentences or mandatory minimum sentences in relation to particular offences.

The Motor Traffic (Amendment) Bill (No. 2) contains some other provisions which I am concerned about, apart from the issues of mandatory minimums that I have discussed. One is that if an offence is committed while a person is on a special probationary licence they are denied access to the courts subsequently to seek another special probationary licence. There is a long list of people who are not able to apply to the court for a special probationary licence. I do not know whether in inserting this provision the Government are seeking to reflect on the way the judiciary have exercised their discretion in this area, but it seems to me that magistrates are perfectly capable of taking into account that somebody has committed a further offence while on a special probationary licence and are perfectly capable of deciding whether to issue them with a further special probationary licence. I do not really believe it is appropriate for the parliament to preclude a magistrate from choosing to issue a special probationary licence in those circumstances.

It needs to be remembered that the reasons why magistrates issue special probationary licences are keyed to things like the maintenance of employment by the individual. What we are effectively doing when we say that a magistrate cannot give an offender a special probationary licence is punishing their whole family if that person subsequently loses their job. I cannot see how that is a just thing. That is something which a magistrate ought to be able to take into account and weigh in the balance. It is not something that we can deal with at a hypothetical level in this place. It is something that has to be considered in the context of the individual cases before a magistrate, and that is why our criminal justice system works the way it does.

Another provision in the Motor Traffic (Amendment) Bill (No. 2) which concerns me is the requirement that drivers must carry their licences at all times and cannot have a period to produce them. The Minister's explanation for this is that it will reduce the workload of the police. While I am sure the police have a lot of important things to do, that on its own does not seem to me to justify introducing a new offence with a penalty of a \$145 on-the-spot fine for failing to carry your licence. I am sure that most people carry their licences with them routinely; but it seems to me that in this modern age, when a police officer can confirm that I have a valid drivers licence by radioing back to the station, it is pretty bizarre to suggest that I have to carry a licence with me at all times, or that I should automatically be subject to a \$145 penalty if I fail to do so. I have not heard any real evidence that the existing provisions do not work.

I notice, too, that in respect of this provision and no doubt in respect of many of the other provisions of this Bill the Government will seek to argue that this brings us into line with New South Wales. Of course, uniformity is in many ways a good thing; but in considering uniformity we also have to take account of what is fair for the citizens of the ACT, the citizens we are elected to represent and are accountable to. I simply do not believe that a case has been made out, in respect of either of these Bills, for the degree of increase in the onerousness of the laws in relation to these things.

I should mention one stand-out thing which I do agree with - and there are other things which I will consider more in the context of the round table that has been proposed - and that is the abolition of the provision for the issuing of a traffic infringement notice for someone whose blood alcohol reading is between .05 and .08. I think it is appropriate to replace that with the kind of court provision that is proposed. Apart from that, it seems to me that as a general rule we need to consider these things a lot more carefully. I would like to commend to other members in this place a process of discussion to see whether we can come up with something which is more appropriate to the needs of the ACT, or to challenge the Government to produce the evidence that these kinds of provisions are effective and just.

**MR MOORE (6.16):** From the time I first read these pieces of legislation I had some major concerns. I have been briefed by Mr Kaine's officers on this issue. I must say that they were very good in their briefing, but some of my concerns remain. I worked very closely with Mr Whitecross and his staff and also with Ms Horodny's staff. It seems to me that in these two pieces of legislation there are several very offensive elements which are utterly unacceptable. The problems go to matters of high principle about our justice system. They go to the very basis of the way our society operates in a democracy. They go to the very basis of the separation of powers.

Those problems include the denial of access to the courts. To me, it is simply unacceptable to deny somebody access to the courts. Clause 8 of the Motor Traffic (Amendment) Bill (No. 2) inserts five new sections which deal with obtaining a special probationary licence. These sections I consider deeply unsound, and I am looking forward to the opportunity to discuss them in a round table session, which I must thank Mr Kaine for. I think that is a very sensible way for us to deal with this piece of legislation. Perhaps we should have organised it before the legislation came to the Assembly, but often our final work is not prepared until we are much closer to an Assembly sitting and the heat is on all of us to make sure we have things ready.

**Mr Kaine:** It never happens to the Government. I do not know why it happens to you.

**MR MOORE:** I know it never happens to the Government. Proposed subsection 11A(2) lists the categories of persons who are not entitled to apply to the court for a special probationary licence. In particular, paragraph 11A(2)(n) creates a regulation power to add additional classifications of persons who will be barred from applying for a special probationary licence.

Not only does the legislation exclude a whole series of people from going to the court and putting their case, but if we pass this legislation we will also allow a Minister to make a regulation to exclude other people. Of course, I recognise that such regulations are disallowable instruments, but they do not attract the same level of scrutiny as a piece of legislation. Of course, we are already concerned about the legislative provisions. In addition, the complex terms of proposed section 11B interfere greatly with the court's discretion to weigh up an applicant's suitability for a special probationary licence. I really think this legislation reflects a lack of understanding of the way I believe a court should operate.

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Further, the penalty for breach of conditions of a special probationary licence are very severe indeed. It is lifted to 50 penalty units. It may well be, and I suspect it is the case, that this legislation has been prepared in good faith by officers looking to reflect legislation in other States. I understand that, and I accept those good motives; but I think that we, as legislators, have to say, "Are we looking carefully at these issues? No matter what they do in other States, are we making sure that we are protecting the ordinary rights and the civil liberties of our constituents, and are we protecting our democratic systems at the same time?". Access to the courts, not merely rights once before a judge, should never be ousted without an extraordinarily good cause. Quite simply, I have not heard a good cause.

The second issue that I would like to deal with is one raised by Mr Whitecross - the offence of not carrying a licence. As Mr Whitecross pointed out, there simply has not been a good reason given, other than that there is some administrative benefit to the police. In the meantime, a quite onerous requirement is put upon people to carry their licence. Most of us, when we are driving, normally carry our licence, because we know that if we are pulled over it saves us an awful lot of trouble and bother. Besides, you have it in your wallet or your purse because it provides for identification. Generally, people carry it; but there are plenty of times when perhaps you have been out the back chopping the wood, the axe has broken and you have slipped down to the hardware store in your scungy clothes. Of course, you have not picked up your wallet or licence, because you happen to have \$10 in your pocket. You may have slipped out to use the \$10 to buy something to quench your thirst, something to bring home to drink. That will bring us to the other Bill in a short while. Mum may have jumped in the car to pop up to the school to pick up the kids, and may not have her licence with her.

We are talking about \$145. That is totally out of proportion to the kind of offence that we are talking about. It is too onerous for the small number of people. Most drivers carry their licence. If they do not have it with them and they get pulled over, they have to go to the police station and show the police officer their licence. When a police officer pulls somebody over, he can look at the number plate on the car, phone in and get a report on the car.

**Mr Berry:** He can ask you for your name.

**MR MOORE:** In this situation, as I recall, the police officer can ask you for your name, unlike when he or she pulls you up in the street when you are not driving your car. This is a particularly onerous penalty which we simply do not need.

There is a further problem with clauses 12, 13 and 15, in terms of interference with the discretion of the courts. Paragraph 12(c) removes the court's discretion to decide, of its own initiative, that an applicant is suitable to be granted a probationary licence. Clause 13, proposed new subsection (4), imposes an additional disqualification from holding a special licence where a licence is cancelled for demerit points. That is yet another interference with the discretion of the courts to make suitable orders. In clause 15, proposed section 191H has the effect of a mandatory sentence.

In other words, the court cannot use its discretion. With these mandatory sentences, the court cannot take into account that one person should be able to drive and one person should not be able to drive. It has to do with employment. The punishment might not be just losing your drivers licence but also actually losing your job. You suddenly have a mandatory punishment that is extraordinarily onerous when somebody loses their job in a time when jobs are not easy to come by. I think it is unacceptable.

The court will not be able to take into account the level of fines. For a very wealthy person a \$300 fine is neither here nor there. For somebody in a very lowly paid job, such as an ASO2 in the Public Service, \$300 is a lot of money. For somebody with four or five kids - even somebody with three kids, I can tell you - \$300 is a lot of money. These are things that the court has the discretion to decide. The court can consider the circumstances and draw attention to differences, but we are removing that discretion.

In clause 15, proposed subsection 191K(5) automatically appoints opponents to the making of applications to dissolve the disqualification. The opponents are the police and the registrar. The role of the registrar is thus shifted from that of an impartial administrator to that of an opponent of the applicant driver. I am very concerned about that sort of role for the court. The registrar is an officer of the court. In my approaches to the court on a number of occasions I have always seen the registrar as impartial. Suddenly, the registrar of the court is taking a position. To me, that is completely unacceptable.

In clause 15, proposed section 191M provides that the court registry must supply the opponents of the application with information on the history of an application. All these measures tilt the scales of justice away from applicants seeking access to the courts and in favour of officials who work on a presumption that the applicant is unworthy. I think that this is an extraordinary affront to our concept of the system of justice. I find it very difficult to understand how it got through the Government and how it got through the Scrutiny of Bills Committee. I presume Mr Kaine would have looked at the report of the Scrutiny of Bills Committee and thought, "Yes, we have gone through those". My general response is that the work of the Scrutiny of Bills Committee is thorough and effective. I have been very pleased with the incredible assistance it provides to members, but I will come back to the committee because I do have a concern.

There is also a problem of excessive penalties in clause 8. Proposed section 11E has a maximum penalty for breach of conditions on a special licence of \$5,000 or six months' gaol. In clause 15, the penalty is \$10,000 or 12 months' gaol. These large penalties are disproportionate to the offence and are oppressive. They reflect a kind of bureaucratic paranoia about the level of the problem more than they reflect the social harm. It is the social harm that we are actually dwelling on in these pieces of legislation. I would be quite willing to reject this Bill outright and say, "Mr Kaine, take it away. Go and do it again". But Mr Kaine has suggested a round table. I think that that is a better way for us to move forward. I am pleased that we will be doing that. This Bill carries too many injustices in it. I would have to ask how this Minister let it through. I would have to ask how the Attorney-General, who allowed it through in Cabinet, did not recognise these things.

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I mentioned the Scrutiny of Bills Committee. I looked at the terms of reference for the Scrutiny of Bills Committee to see whether we need to change them to make sure that the committee looks for this sort of issue. Perhaps we need to look at doing that. That might be part of the problem. The terms of reference do give the committee a brief to monitor legislation for provisions which unduly trample on citizens' rights. In a broad sense, that would cover it. The Scrutiny of Bills Committee has fairly tight terms of reference, but I think that this legislation says to us that we really need to go back to the Scrutiny of Bills Committee's terms of reference and ensure that the committee watches for these sorts of things.

**Mr Wood:** Mr Moore, we will look at your comments.

**MR MOORE:** I appreciate the interjection of Mr Wood that the Scrutiny of Bills Committee will look at these comments and see how the matter should be dealt with.

I would also like to address briefly the Motor Traffic (Alcohol and Drugs) (Amendment) Bill. This Bill's new method of dealing with drink-driving offences is excellent. A grid pattern which gives the different levels of offences and different penalties is a system that makes very good sense. However, I do have some concern about the increasing narrowness of the drink-driving restrictions, processes and penalties. It was only in 1991 that we agreed that we would allow a change from .08 to .05. We really did that under blackmail from the Federal Government. If I remember correctly, they said that if we wanted black spot funding we had to change to .05. More importantly, most of us would have said that a national system of .05, instead of some States having .05 and some .08, was a worthwhile exercise. That is why I supported the change at the time.

I agree with Mr Whitecross that we are beginning to push the penalties beyond where they actually assist in reducing social harm. The difference between .05 and .08 is the difference between having two glasses of wine with a meal and having two glasses of wine with a meal where you did not eat very much because you were distracted by a phone call or something. You should not go over .05. It is against the law and you should be penalised; but to what extent you should be penalised is the question.

There are also some significant justice issues to address in relation to this Bill. The most important one - and Mr Whitecross mentioned it - is mandatory sentences. Once again, mandatory sentences are simply an unacceptable interference in the role of courts. Paragraph 7(d) proposes a change to the definition of a disqualifying offence. (*Extension of time granted*) In clause 10, proposed section 34 requires a three-year suspension of a drivers licence and, for repeat offenders, a five-year suspension. It is a very harsh penalty. The section also provides for a mandatory minimum disqualification of six months and, for repeat offenders, 12 months. That mandatory six-month suspension of licence, may mean the loss of somebody's job. Those issues are really important. Should the penalty be such that somebody loses their job?

Perhaps a professional driver should take it much more seriously. Sometimes the court will say that because of recklessness it is appropriate that a person lose their licence, even though it is going to cost them their job. That is a decision for the court. It ought not to be a mandatory penalty. In clause 10, the tables in proposed sections 32 and 33 specify minimum sentences for first and repeat offenders respectively. Once again, that is not acceptable, because it interferes with the court.

This second Bill has a great deal to offer, and I was always prepared to seek to adjourn debate to discuss it or to amend it. I am very pleased that we will have the opportunity to sit around the table and try to work out the best way to deal with these pieces of legislation. The issues are complex, and they are particularly important because they go to the very issues of principle and the way we do our legislation.

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

### ADJOURNMENT

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

That the Assembly do now adjourn.

### Out-of-school-hours Care Centres

**MR WOOD** (6.33): Mr Speaker, last week's *Chronicle* featured a front-page article on child care, specifically out-of-school-hours care, which is an issue that has been raised with me by both parents and child-care workers. I made some contribution to that article because I was stirred, as the Federal Liberal Government will be removing the operational subsidies to out-of-school-hours care centres from 1 January 1998. Many schools in my electorate of Brindabella now offer out-of-school-hours care. In fact, when parents are choosing a school, this is often one of the features they look for. Without the subsidy, some of these centres may no longer be viable. Parents wanting this type of care at their children's school may be forced to change schools or look at other options for their children. We could see our small centres, which are often attached to small schools, close and the school numbers decline as a result, with serious consequences for the community, or we could see our small centres close and some of the children sent to one or two large centres catering for hundreds of children who are all bussed in at more cost to their parents.

In this week's *Chronicle* there was a response from the Federal Family Services Minister, Judi Moylan, but I was bitterly disappointed in the misleading letter that she wrote. The fact is that operational subsidies to out-of-school-hours care centres will end in January 1998. Ms Moylan's claim that this will improve child-care affordability is just not correct. It cannot be substantiated. Some money may be available for parents using out-of-school-hours care, but this will be made available only by using the money which is presently paid to the centre as a whole. The extra subsidy to parents will not be of much use if the centre they use has to close because of loss of overall numbers.

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Parents will have to apply for fee assistance, and this will be subject to a means test. Families with two parents working - they are the sorts of families that use these centres - will not have to have a very high income in order to miss out on any financial assistance. In order to claim fee assistance, parents will have to pay fees up front - a difficult task. I am worried that, if fees increase, some parents may withdraw their children and leave them to fend for themselves. There could be more latchkey children. I do not think that is the sort of society we want our children to live in. Young unsupervised children can quickly get drawn into undesirable situations. As a society, we should not be abandoning our responsibilities towards our children. If centres do manage to contain their fees, the other area in which costs could be reduced is in the quality of care offered. For example, I know of centres that offer nutritious afternoon tea, followed by craft activities. That may not be possible.

As for the claim in Ms Moylan's letter that Jenny Macklin, the shadow Minister, supports the changes, I have contacted Ms Macklin's office and have been assured that she has been carefully quoted out of context. While the Labor Party does support regulation of the number of new child-care places and a reduction in the number of hours of non-work-related care, it does not support the withdrawal of the operational subsidies. At least three of the other organisations named in Ms Moylan's letter have the same position and would also object to being quoted as supporting those changes. Quality child care is under attack from the Federal Liberals. What will the local Liberal Government do to protect it?

### ***Bringing them home Report***

**MR MOORE (6.38):** Mr Speaker, because at the request of members of the Assembly I was not in the chamber this morning, I missed the opportunity to join the Assembly in apologising to the Ngunnawal people and other Aboriginal and Torres Strait Islander people for the hurt and distress inflicted as a result of the separation of Aboriginal and Torres Strait Islander children and their families, and I would like to add my voice to that of other members of the Assembly as expressed in the terms of the motion that was passed by the Assembly this morning.

I remember when I was young, perhaps 12 years old, my family actually discussing the very issue of whether it was to the benefit of Aboriginal children to be taken from their parents and to be in orphanages. Indeed, I remember the conclusion being drawn that it was to the benefit of these children. I can remember it very clearly. I can remember feeling very uncomfortable about it and having my discomfort eased by my parents and other people saying that they would be brought closer to God because they would be in orphanages of the particular religion that was part of my family upbringing.

It is interesting to me that such an awful thing was done for very high motives. When we look back and we take things out of historical context, sometimes we do not understand people's motives. Nevertheless, in spite of the motives, very awful things were done. That is why it is that I am happy to be part of this apology for the abhorrent practice of forced separation. I cannot comprehend how people in my broad family circle were not able to put themselves in the situation of seeing their own children taken from them.



It is simply beyond my capacity to understand how people got into that frame of mind, that type of thinking. The thing that worries me most is what other areas we are now operating in where people might look back on us and say, "How could they have acted in such a way?". I think that we ought to look around in all the areas in which we consider the way we act and the way we behave and ask whether we are being fair to all citizens and socially just to all citizens.

It seems to me that social consciousness is being raised in this environment, but the Aboriginal issue still in front of us at the moment is the Wik and Mabo decisions. I wonder whether in 30 years' time people will look back and say, "We ought to be apologising for what governments have done on those issues". I think that there is still such a serious situation in front of us to do with the Aboriginal people that we must be very careful not to put ourselves in that situation.

I am very pleased about paragraph (4) of the motion, which reads:

- (4) acknowledges that the Government is negotiating a Regional Agreement with the Ngun(n)awal people in relation to the Ngunnawal Native Title Claim in the ACT ...

Although it gives me an underlying sadness, it gives me pleasure to have the opportunity to join in this apology to indigenous people of Australia.

### ***Bringing them home Report***

**MRS LITTLEWOOD** (6.42): This morning time prevented me from talking on the area that Mr Moore just mentioned. I want to place my views on the record as well. I fully support this morning's motion by Mrs Carnell and the spirit in which it was meant.

### **Speech Pathology Course**

**MR BERRY** (6.42): I would like to read onto the record a letter from a constituent to the Chief Minister in relation to speech pathology. The letter states:

I have recently completed a Smooth Speech course with Speech Pathology under the ACT's Department of Education and Training.

To say that the course was great is an understatement. The therapists providing the course are a credit both to their profession and your Government. The therapists, and indeed all the staff with whom I came in contact, displayed a supportive and caring attitude that ensured the course was effective and far easier for all involved.

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It is therefore of deep concern to me to hear that the service is being curtailed and the Smooth Speech course will no longer be available to persons over the age of 18. Does someone within the Department of Education believe that people over the age of 18 do not stutter?

I can only imagine that you believe so strongly in "User Pays" that you have forgotten, or never appreciated, the social and economic cost of stuttering to our community. On the one hand, people may be limited in their social contact as they feel that their speech is a source of embarrassment. On the other hand is the question of unfulfilled potential. A person who is limited, or who self limits, due to speech impediment, may well fail to reach their full potential within the workforce.

Although I fully support the concept of "User Pays", I find it hard to reconcile your Government's decision to curtail Speech Therapy (for those over 18) whilst at the same time seeing fit to spend in excess of \$20 million on upgrading Bruce Stadium; a sports facility primarily for elite professional athletes and therefore of little direct benefit to the community. I wonder if the ballot box has any bearing on such decisions?

In short, I would like to know how the Government can reconcile both their duty of care to the community and the reduction in Speech pathology services to adults. Indeed I am particularly concerned at the obvious discrimination against adult stutterers; is there an Access and Equity issue lurking in here somewhere?

For my part, I find it extremely difficult to reconcile my continued support of your Government with the short-sightedness of this policy.

Question resolved in the affirmative.

**Assembly adjourned at 6.44 pm**